



NZTR CIRCULAR No.19

20 November 2020

NZTR CIRCULAR 2020/21 – No.19

TO EACH TOTALISATOR CLUB AND SECTOR ORGANISATION

CONSULTATION ON THE POTENTIAL CHANGES TO THE WHIP RULE

NZTR has considered the whip rule in New Zealand racing in comparison with overseas jurisdictions, and in light of changing community perceptions which are drivers of future public engagement in racing.

NZTR is interested in the views of racing participants, fans and other interested parties on:

1. the general proposition that the use of the whip be further restricted with effect from mid to late 2021, and that
2. in a further 3-5 years, be again restricted to a point where it can only be carried for the purposes of 'safety and control'.

The appendix to this document provides local context and a review of key overseas racing jurisdictions.

Process of consultation and NZTR consideration:

- Consultation is sought from recognised industry groups, licenced participants, owners, and other interested parties.
- The close of the consultation period will be 12 February 2021.
- NZTR Management will consider feedback and prepare recommendations to meetings of the NZTR Integrity and Welfare Committee and the NZTR Board (March and April 2021).

Matters for consultation:

There are a number of inter-related factors that will be considered, including:

- The general basis, and the specific wording of the Rule, including:
 - The number of times the whip can be used throughout a race;
 - Whether or not they can be made in succession or before the horse has a chance to respond;
 - The general technique of the permitted whip action;
 - Whether or not the rule would differentiate between forehand or backhand whip use behind the saddle;
 - Whether or not the use of the whip down the shoulder with whip hand on rein are additionally permitted;
 - The design of the whip;

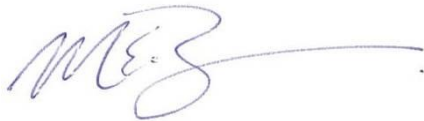
- What amendments would be made to the Rule for jumps races (where whip use is permitted 10 times prior to the 100m rather than 5);
- The Penalty Guidelines (including warnings) that would be applied for breaches of the new Rule;
- The specific wording that would apply to the use of the whip in pre-training, training and trackwork, and Trials;
- Whether whip use restrictions be included in the Rules proper (Rule 638) or remain as a Directive (or 'Guideline'); an
- Any other relevant matters that a group or person may wish to provide to NZTR's consideration.

The current whip guidelines can be found [here](#).

Submissions

Submissions should be provided to myself or to Colin Hall (colin.hall@nztr.co.nz).

The deadline for submissions is 12 February 2021.



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Appendix follows....

Appendix – Context for consultation

Racing’s ongoing social licence to operate is an important aspect of the industry’s future and is a cornerstone of our continuing work in the welfare area. Both in NZ and overseas, the use of the whip in racing is conflated by some animal welfare advocates into a broader contention that the horseracing industry as a whole is cruel.

Informal discussions with participants indicate that there is (with some exception) a general view that use of the whip in racing will be further restricted over time until it might no longer be permitted. There are differing opinions on how long this process will take. It is opportune for NZTR to consult and consider a strategy on the whip rules to determine future direction.

Please note that unless specifically referred, the contextual commentary below relates to Rules applying to flat races.

1.1 New Zealand context

Amendments were made to the directive relating to the acceptable use of the whip which came into effect on 7th October 2019. The [current Directive](#) restricts the use of the whip to no more than 5 times prior to the final 100 metres after which it may be used at the rider’s discretion, and replaced a regime (‘maximum 5 on 5 off’ and discretion from 100m) that had been relatively permissive in comparison with overseas jurisdictions. A high-level summary is provided in the table below.

Flat races	prior to 100m	100m to finish
Pre-Oct 2019	From 600m, 5 times on, 5 off	Rider discretion if in contention
Presently	5 non-consecutive times	Rider discretion if in contention

These changes align to a greater or lesser extent, with changes that have been made in other countries, as commented on below.

1.2 Australian developments

The permitted whip use in Australia is roughly the same as in New Zealand. Given the close relationship between New Zealand and Australian racing markets, it is obvious that alignment and uniformity benefits racing participants and punters. Nevertheless, domestic issues in either country will sometimes dictate justifiably different approaches.

Recent statements by RA Chairman Greg Nichols (20 August 2020, [read link](#)) and Racing Victoria (7 Sept 2020, [read link](#)) indicate a renewed focus on the whip rules in Australia.

That announcement has provided impetus and the creation of a public expectation for Australian PRAs to resolve a process and timeframe for future restriction on the use of the whip. Racing Australia has formed a working group to consider the matter.

1.3 *International comparatives*

Other countries are already racing under whip rules that differ from NZ and Australia, for example, Ireland and the UK only allow the whip to be used 8 and 7 times respectively during the entire race whilst France limits the use of the whip to 5 times.

In June 2020, the California Horse Racing Board [announced](#) that Jockeys competing in California won't be allowed to use the whip more than six times during a race. Under the rule, jockeys would be allowed to show or wave the whip without touching the horse or tap the horse on the shoulder with the whip in the down position. On 23 September 2020 a further [announcement](#) confirmed that effective 1 October 2020, riders in California would be prohibited from using the whip more than six times in a race, and from using it more than twice in succession without letting the horse respond. The whip must be used only with the underhand grip and cannot be used in training unless needed for the safety of the horse or rider. The 'Mid-Atlantic' racing states are moving to adopt a similar rule.

On 17 September 2020, the New Jersey Racing Commission [announced](#) that it had adopted a Rule (effective mid-2021) that will prohibit a jockey from using a whip on horses "except for reasons of safety" . Under the rule, stewards at New Jersey racetracks will be responsible for determining whether a jockey used the whip "to control the horse to avoid injury to the horse or rider," rather than encouraging a horse to run faster. The article in which this was reported notes that this new rule is an outlier to recent whip-use regulations passed in other states across the U.S., which generally limit riders to using the whip two or three times in the home stretch until giving the horse a chance to respond.

Notable and more relevant than the USA in a racing context are Asian racing jurisdictions. In contrast to abovementioned jurisdictions where increasing restriction is evident, the following prevails:

- Hong Kong. No apparent limitation on technique nor usage. Relevant Rules:
 - Rule 99(2) The jockey of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given a full opportunity to win or to obtain the best possible placing in the field.
 - Instruction 22(3) The Stewards may punish a jockey if in their opinion he has used his whip in an excessive, improper, unnecessary or inappropriate manner.
- Singapore.
 - Rule 6 (b) No person in a race or trial, or in trackwork, or elsewhere shall use a whip in an excessive, unnecessary or improper manner. The Stipendiary Stewards may determine, at their discretion, what constitutes misuse or abuse of any gear used on any horse at any time.
 - Rule 6 (c) Without prejudice to the generality of the foregoing no person shall in a race or trial use a whip:
 - forward of his horse's shoulder or in the vicinity of its head; or
 - when his horse is out of contention; or
 - when his horse is showing no response; or
 - after passing the winning post; or
 - causing injury to his horse; or
 - when his horse is clearly winning.

The Rules in Hong Kong and Singapore are clearly more permissive, and at this stage there is no signals of restriction.

Whilst there is not a uniform international position, there seems to be an increasing likelihood of an announcement from Racing Australia. If such an announcement emerges it would have a bearing on NZ considerations.

1.4 NZ relevant context

In November 2018, the NZ Veterinary Association published the following policy statement on the use of whips in racing and other equestrian events:

Policy

Excessive or inappropriate use of a whip on any horse, either in competition or training, is not acceptable practice.

Explanation

- The NZVA recognises the need, in certain circumstances, for a rider or driver to use a whip to control or guide a horse.
- The NZVA recognises that the whip is used to make horses perform more competitively, however it is also aware of ongoing research questioning whether whip use will result in improving a horse's performance (Evans and McGreevy 2011).
- The NZVA supports racing authorities and other equestrian bodies in their efforts to eliminate excessive or inappropriate use of the whip.

On 21 August 2020, HRNZ announced an amendment to their Whip and Rein Regulation to align with Australian harness racing. Effective 1 October 2020, HRNZ has determined that a driver may only apply the whip in a wrist only flicking motion whilst holding a rein in each hand with the tip of the whip pointed forward in an action which does not engage the shoulder.

1.5 Research

There have been numerous studies on the use and effect of the whip, that have ranged from practical measurement of forces involved, societal viewpoints, theories of levels of pain likely experienced, or racing outcomes.

Such research is often quoted by media and is therefore influential for the public.

Two recently published studies are summarised in an article written by researchers that was [published online](#) by Stuff.

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