

Independent Review of the Thoroughbred Racing Act

Discussion Paper

30 September 2025

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Acknowledgement of country

The Department of Creative Industries, Tourism, Hospitality and Sport acknowledges, respects and values Aboriginal peoples as the Traditional Custodians of the lands on which we walk, live and work.

We pay our respects to Elders past and present. We acknowledge the diversity of Aboriginal people and their ongoing connection to their country, waters and seas. We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce

1

How to Make a Submission

1. How to make a submission

You are invited to provide feedback on any aspect within the scope of the *Thoroughbred Racing Act 1996* (NSW) review.

Questions in this discussion paper aim to guide your feedback. You are not required to answer them all in your submission and may also choose to raise other relevant points. If you decide to respond to any questions in the paper, please clearly reference them in your submission.

Submissions close at 5pm on Monday 24 November 2025

You can provide feedback to this review by:

- **making a written submission:**

- to the NSW Government [Have Your Say](#) website
- by email to: racingreviews@racing.nsw.gov.au
- by mail to:

Racing Reviews Team
Hospitality and Racing
Department of Creative Industries, Tourism, Hospitality and Sport
GPO Box 7060
SYDNEY NSW 2001

Your submission must include:

- your name
 - if you are representing an organisation, the name of your organisation
 - your contact details so we know how to contact you if needed
 - whether you wish for all or part of your submission to be confidential.
- **taking a shorter survey** at [Have Your Say](#)

Publication of submissions and confidentiality

Written submissions may be referred to in the review report or made publicly available unless clearly marked as “confidential”. Submissions should not contain material that may be considered defamatory or offensive. If you do not want your personal details or part of your submission published, please state this clearly in writing when making your submission.

Confidentiality will be respected as far as possible but cannot be assured in all circumstances. All submissions may be subject to an information request under the *Government Information (Public Access) Act 2009* (GIPA Act). If such a request is made, a decision on the release of the information will be made in line with the GIPA Act and may include consultation with the submission author. Submissions, and any information or allegations contained within them, are not covered by Parliamentary Privilege. Submissions marked confidential may still be released and therefore possibly be made public if requested by Parliament under Standing Order 52 or other parliamentary processes.

If you require information about the submission process, please contact:
racingreviews@racing.nsw.gov.au.

Conflicts of interest

If you have any personal, professional or financial interest that could be affected by the outcome of the consultation, please ensure you disclose it to the review when making your submission. Any potential conflicts of interest can be declared confidentially through the Have Your Say website, or when emailing or mailing your submission. This information will not be published.

Further Information

Refer to [Appendix A](#) for more information on the review's scope

Refer to [Appendix B](#) for a full list of questions asked throughout this paper.

Next steps

This review will carefully consider all submissions received by the closing date. This feedback, along with other relevant information, will inform the review process and findings. The review team may follow up with you if clarification or additional detail is needed in relation to your feedback.

The review will recommend legislative changes to the *Thoroughbred Racing Act 1996* (TR Act), if necessary, based on its findings. The reviewer is independent of the NSW Government and the Government is not bound to accept any of the recommendations.

Information on the progress of the review will be available from the review website:
www.nsw.gov.au/thoroughbred-racing-act-review.



Source: Destination NSW

2

Purpose of the Review

2. Purpose of the review

This review is to determine whether the TR Act's terms remain appropriate to ensure the integrity and proper regulation of thoroughbred racing in NSW and support the industry's development and sustainability.

The review scope is to assess and make findings about the effectiveness of the TR Act in relation to:

- Governance structures and processes
- Transparency and accountability
- Stakeholder consultation and participation
- Initiatives to ensure the sustainability and viability of the industry, including in regional NSW.

The review provides an opportunity to ensure the legislation effectively addresses these areas, having regard to best practice, relevant research and evidence and the need to:

Ensure the integrity and proper regulation of thoroughbred racing in NSW.

Promote animal and jockey welfare and responsible racing practices.

Support the industry's development and its long-term sustainability throughout NSW, in line with the interests of the public and the industry as a whole.

The review excludes reviewing provisions of the TR Act that:

- establish Racing NSW as a body corporate that is independent of government (Sections 4 and 5)
- relate to thoroughbred racing industry funding arrangements (such as the totalizator distribution arrangements in Division 3 of Part 2A).

Refer to [Appendix A](#) for more information on the review's Terms of Reference.

3

Objects and Purpose of the TR Act

3. Objects and purpose of the TR Act

It has been over ten years since the *Thoroughbred Racing Act 1996* was last reviewed.

Statutory reviews were completed in 2014, 2006 and in 2001. The current TR Act does not specify a timeframe for when it should be reviewed.

The TR Act covers:

- establishment of Racing NSW as an independent statutory body to control, supervise, regulate and promote thoroughbred racing in NSW
- governance and membership structure of Racing NSW
- functions and powers conferred on Racing NSW, including authority to make and enforce rules of racing in NSW and oversee animal welfare, participant safety and insurance schemes
- transparency and accountability obligations for Racing NSW
- requirements for stakeholder and industry participation in decision-making
- establishment of certain processes to appeal racing decisions
- certain other matters.

The TR Act does not contain formal objects that clearly state the legislation's intended goals and guiding principles. Modern drafting practice favours including objectives in legislation to clarify its intent, provide guidance for interpretation, and improve accountability and transparency. This also helps to ensure that regulations and regulatory decisions are consistent with the aims of legislation.

The TR Act includes a regulation-making power (s. 52) that allows regulations to be made for or with respect to any matter that by the TR Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to the TR Act. However, no regulations are currently in place.

Questions

1. Should a requirement for the TR Act to be reviewed after a set period be included in the TR Act?
2. Should formal objects be included in the TR Act? If so, what should they be?
3. Should specific regulations be made? If so, what should they include?

4

Background on the Commercial Operation and Regulation of Racing in NSW

4. Background on the commercial operation and regulation of racing in NSW

Racing NSW is the Principal Racing Authority (PRA) that oversees thoroughbred racing in NSW.

In overseeing the industry and balancing its diverse stakeholder interests and commercial imperatives, Racing NSW operates under a unique statutory governance model. Racing NSW has a dual role and is both the commercial body for and the regulator of the industry.

Established under the TR Act, Racing NSW's functions include, among others:

- controlling, supervising, and regulating thoroughbred racing in NSW (s.13(1)(b))
- promoting the business, economic and strategic development of the NSW thoroughbred racing industry (s.13(1)(b1)), and
- initiating, developing and implementing policies that support the promotion, strategic development and welfare of the industry while protecting the public interest (s.13(1)(c)).

Racing NSW has commercial functions

Under the TR Act, Racing NSW is responsible for important functions relating to the commercial operation of the thoroughbred racing industry. To enable Racing NSW to exercise its commercial functions, it has powers to:

- enter into contracts (s.14(2)(p))
- acquire, hold, and lease land (s.14(2)(q))
- borrow money (s.14(2)(r)).

Racing NSW oversees, on the industry's behalf, key arrangements related to broadcasting, wagering, infrastructure investment and partnerships with sponsors. It also sets, manages and distributes prize pool money for races. In recent years, Racing NSW has reported strong growth in key metrics related to its commercial objectives. There has been large increases in prizemoney, strong wagering returns and the expansion of major race events - for example, the Sydney Spring Carnival showcases new flagship races such as The Everest and the Golden Eagle. In FY2024/25, there were 738 thoroughbred race meetings and 5,417 races, run by 120 race clubs across metropolitan, provincial and country sectors.

Racing NSW has regulatory functions

Racing NSW also has a regulatory and supervisory role in relation to all thoroughbred industry participants in NSW, including race clubs, breeders, trainers, owners, jockeys and on-course bookmakers. Racing NSW has broad related powers (s. 14), including to:

- oversee compliance with the Rules of Racing and welfare standards (s.14)
- license and register participants (s.14(2)(b))
- supervise activities of race clubs, licensed participants and all others engaged in or associated with racing (s.14(2)(c))

- manage horse and stud registrations (s.14(2)(h))
- approve race programs and dates (s.14(2)(e))
- monitor integrity and safety (s.14, s.23(1)).

Racing NSW operates independently, within a wider national framework of racing rules

Racing NSW operates independently of Government (s.5).

Racing NSW is a member of Racing Australia, the national body responsible for the Australian Rules of Racing, the Australian Stud Book, and other national industry functions.

Racing NSW works with Racing Australia and PRAs in other states and territories to maintain a uniform and consistent national framework for thoroughbred racing – the Australian Rules of Racing. These are the nationally adopted rules that govern thoroughbred racing in Australia.

Racing NSW enforces the Australian Rules of Racing in NSW as the relevant PRA and can also make and enforce supplementary local rules that apply only within the State under that framework (s.13A, s.14).

5

Governance Structures and Processes

5. Governance structures and processes

The TR Act establishes the primary governance structures for the NSW thoroughbred racing industry.

Governance in the NSW thoroughbred racing industry refers to the framework of laws, structures and processes that determine:

- how decisions are made
- who holds authority
- how accountability is maintained across the sector.

The TR Act establishes Racing NSW as a body corporate (s.4), that is independent of government (s.5) and confers broad functions (s.13) and powers (s.14) to oversee the industry.

Racing NSW is governed by a Board of members

The Board provides strategic guidance and governance to Racing NSW by setting policies and initiatives and reviews and monitors the achievement of objectives by Racing NSW, as stated in Racing NSW's Code of Conduct (s.11A). It includes seven Racing NSW members appointed by the Minister for Gaming and Racing (Minister), and a Chief Executive employed by the Board (s.6).

The Chief Executive is tasked with implementing Board decisions and managing day to day operations, as required to exercise Racing NSW functions (s. 18), and is not a voting Board member (s.6(5)). All appointed members have a statutory duty to act in the public interest and in the interests of the NSW industry as a whole (s.11).

The Board can delegate functions to the Chief Executive or other members or committees of Racing NSW as well as to clubs or racing associations (s.24). This aims to enable efficient operational management.

The Minister plays a role in the governance of Racing NSW by appointing members to the Board

To fill vacancies in the Board (s.15(1)) and the roles of Chair and Deputy Chair, the Minister is required to establish a Selection Panel (s.7(1)) to develop a list of recommended candidates (s.7(1)(a)) used by the Minister to appoint Racing NSW members (s.6(1A)(a)).

In compiling the recommended members list, the Selection Panel is required to ensure:

- merit-based selection of recommended candidates (s.7(5)).
- probity checks are completed on all recommended candidates by a Minister-appointed probity adviser (s.7(4)).
- recommended candidates do not have a direct or indirect pecuniary interest in any matter that gives rise to (or is likely to give rise to) a conflict of interest of a nature incompatible with Racing NSW membership (s.7(6)).
- recommended candidates have experience in a senior administrative role or experience at a senior level in one or more of the fields of business, finance, law, marketing, technology, commerce, regulatory administration or regulatory enforcement (s.7(3)).

The TR Act includes eligibility requirements for member appointments (s.6(2)) and makes certain persons ineligible, such as licensed industry participants and current or recent employees and members of race clubs and racing associations.

Racing NSW members appointed by the Minister are limited to up to four years per term (s.8(1)), with a maximum tenure for any one member of 12 years irrespective of whether the terms are consecutive (s.6(4)).

Different arrangements apply to fill “casual vacancies” that arise for reasons other than a Racing NSW member completing their term, such as a member resigning. Casual vacancies are filled for the remainder of the member’s term (s. 8(2)), with Racing NSW responsible for providing a list of recommended candidates for casual appointments to the Minister (s. 6(1A)(b)).

The Minister may remove appointed members from the Board

The Minister may remove appointed members for specified reasons, including:

- a member contravening their obligations to disclose pecuniary interests (s.15(3)), or
- if a direct or indirect pecuniary interest arises that gives rise (or is likely to give rise) to a conflict of interest incompatible with continued membership (s.15(3)), following due process (s.15(4)).

The Minister may also remove appointed members on the recommendation of Racing NSW, for specified reasons (s.15(2)) including:

- incapacity
- incompetence
- misbehaviour, or
- breach of the Code of Conduct.

The Minister may remove the Chair and Deputy Chair at any time (s.16(5)).

Managing potential, perceived, or actual conflicts of interest

Racing NSW has both regulatory and commercial functions (s.13) and it has been argued by some stakeholders that related objectives may compete. Stakeholders argue that it is essential that organisations in this position have robust governance arrangements to manage any potential, perceived, or actual conflicts of interest. There is general agreement that robust governance is important for ensuring the industry maintains public confidence and commercial credibility.

Racing NSW is responsible for implementing appropriate governance arrangements and internal controls to manage risks relating to conflicts of interest.

The TR Act also requires Racing NSW to meet certain standards for transparency and accountability (detailed in the [next chapter](#) of this paper) and to uphold the Rules of Racing (s.13(1)(a)). The Minister provides an additional layer of oversight as detailed above.

Handling of integrity matters in thoroughbred racing

Racing NSW is responsible for ensuring integrity in the NSW thoroughbred racing industry as part of its functions (s.13). This includes oversight of stewarding, drug testing and control, licensing, and handling of integrity complaints, consistent with:

- Rules of Racing
- relevant requirements under the TR Act (such as s.11A, s.14, s.23, s.23B), and
- Racing NSW internal policies and processes (including for integrity complaints to its internal Investigation and Surveillance Unit)

The TR Act requires Racing NSW to establish an Integrity Assurance Committee (IAC) to have primary oversight of aspects of its functions that relate to race stewards, drug testing and control, licensing, handicapping and horse racing appeals (s.23(1)) and investigate complaints about racing officials (s.23A). Racing NSW may also confer other functions to the IAC (s.23(1)).

Questions

4. What governance requirements should be added or removed from the TR Act?
5. Are appointment processes (s.6 and s.7) for Racing NSW members sufficient to ensure the Board has the skills and experience to fulfill its role under the TR Act?
6. Are Racing NSW member term limits (s.8(1)) and maximum tenure (s.6(4)) sufficient to balance continuity, experience, and allow for fresh perspectives? Are they consistent with best practice?
7. Are the Minister's powers under the TR Act to remove Racing NSW members (s.15(2), s.15(3) and s.16(5)) sufficient to ensure the board's suitability to govern the industry?
8. Is the division of responsibilities between minister-appointed Racing NSW members (s.6 and s.16) and the Chief Executive (s.18) effective and consistent with best practice?
9. Are the TR Act's governance mechanisms effective in supporting Racing NSW's commercial objectives while regulating horse racing in the state?
10. What lessons, if any, from governance arrangements in other racing jurisdictions could strengthen or enhance governance in NSW (refer to [Appendix C](#))?

6

Transparency and Accountability

6. Transparency and accountability

The TR Act's measures aim to ensure transparency around Racing NSW's commercial operations and important public interest issues including strategic planning, animal welfare and integrity.

Racing NSW is required to annually report on its work and activities (s.29).

Racing NSW is also required to develop business plans (s.14B(1)), and a strategic plan for the thoroughbred racing industry (s.14B(3)) that is updated every three years in consultation with the industry. As part of its annual reports, Racing NSW is required to include for the relevant financial year:

- independently audited financial statements (s.29(2))
- a progress report on the implementation of the business plan and strategic plan (s.14B(4))

Racing NSW annual reports are available at no cost on its website and the NSW Parliament website.

Racing NSW typically includes updates on other matters of significant interest to the public in its annual reports, including its work and activities relating to animal welfare and integrity. This reporting is important for maintaining the public's confidence.

The TR Act provides accountability mechanisms for Racing NSW

In addition to public reporting obligations, other key accountability mechanisms include:

- a statutory duty for Racing NSW members to act in the public interest and in the interests of the industry as whole in NSW (s.11).
- powers for the Minister to appoint Board members, as well as remove them in specified circumstances (s.15(2)-(4)).
- parliamentary oversight via the mandatory tabling in Parliament of annual reports (s.29).
- requirements for members of Racing NSW and its committees to disclose conflicts of interest (s.21).

The TR Act also requires Racing NSW to establish a Code of Conduct to be observed by its members and staff (s.11A) which, if contravened, can lead to the dismissal of appointed members (s.15(2)).

The independent Racing Appeals Tribunal (established by the *Racing Appeals Tribunal Act 1983*) allows for participants to appeal against significant disciplinary decisions by Racing NSW and the appeal panel under Part 4 of the TR Act.

Questions

11. Are reporting requirements under the TR Act (s.11, s.11A, s.15 and s.29) sufficient to:
 - a. provide industry stakeholders and the public with accessible, transparent and accurate information about Racing NSW's commercial work and activities?
 - b. ensure transparency of Racing NSW's decision-making, and accessible information, on key matters of public interest – including strategic planning, animal and jockey welfare and integrity?
12. Are the TR Act's reporting requirements appropriately balanced, to respect Racing NSW's independence (s.5) while helping make sure it is accountable?
13. Are oversight (s.29(1)) and s.29(2)) and auditing rules (s.29(2)) under the TR Act sufficient to provide transparency and accountability to stakeholders and the public?
14. Are ministerial oversight powers (s.15(2) and s.16(5)) (e.g. to remove Racing NSW members) adequate as an accountability mechanism? Do they achieve the right balance between Racing NSW maintaining operational independence and ensuring accountability?
15. Is there a need for additional oversight of integrity issues and if so, what should they include?
16. Is there a need for additional oversight of animal welfare matters? If so, what could this include?
17. What lessons, if any, from regulatory frameworks in other racing jurisdictions could strengthen transparency and accountability arrangements in NSW (refer to [Appendix C](#))?

7

Stakeholder Consultation and Participation

7. Stakeholder consultation and participation

The TR Act includes measures to promote consultation between racing industry stakeholders and Racing NSW.

A strong consultation framework is important to ensure racing industry participants have a meaningful voice in the decisions that affect them. It also helps to build trust, foster transparency and promote informed, inclusive and sustainable outcomes.

The TR Act establishes a Racing Industry Consultation Group (RICG) as a formal mechanism for consultation between industry stakeholders and Racing NSW (Part 3) and requires Racing NSW to consult with clubs on standards for conducting races and race meetings (s.29A).

The RICG represents industry and makes recommendations to Racing NSW

RICG's role is to consult with, and make recommendations to, Racing NSW on matters relating to thoroughbred racing in the State (s.34(1)).

The TR Act sets out the stakeholders that must make up RICG (s.31(1)) with the aim of ensuring there is broad representation from across the industry, including:

- two representatives of the Australian Turf Club, including the Club's Chief Executive.
- Chair of the Provincial Association of NSW.
- Chair of the Country Racing Council Limited (Racing NSW Country).
- nominees (one each) from "eligible industry bodies" representing:
 - racehorse owners (NSW Racehorse Owners Association).
 - breeders (Thoroughbred Breeders NSW).
 - licensed trainers (NSW Trainers Association).
 - licensed jockeys and apprentices (NSW Jockeys Association), and
- an elected official and nominee of Unions NSW.

The Minister determines the "eligible industry bodies" for RICG membership (s.31(2)).

The TR Act requires that RICG's recommendations to Racing NSW must be in writing and tabled at the next Racing NSW Board meeting or presented in person by the RICG Chair (s.34(2)). Racing NSW is required to respond in writing to RICG's recommendations within a reasonable time, providing reasons if it does not support an RICG recommendation (s.34(3)).

Racing NSW formally consults RICG and other industry stakeholders

Racing NSW must consult RICG and other thoroughbred racing industry participants, including:

- formally and regularly in connection with the initiation, development and implementation of policies for the industry's promotion, strategic development and welfare (s.14B(2)).

- when preparing and updating its strategic plan every three years (s.14B(3)).

As part of procedural requirements for the RICG (Part 3), the Racing NSW Chair or Chief Executive are to attend a minimum of 12 meetings with RICG (s.39(1)) unless varied on agreement between RICG and Racing NSW (s.39(1)(2)).

The TR Act also sets out other governance and procedural arrangements for RICG, including:

- for the election of a Chair and, if desired, a Deputy Chair by RICG members (s.36(1)).
- requirements for quorum (a majority of members) (s.38(2)).
- a minimum of 12 meetings per year unless RICG determines otherwise (s.38(3)).

Racing NSW has powers to set minimum standards for the conduct of races and race meetings (s.29A(1)), including in relation to:

- racecourse design and construction
- facilities and amenities
- training facilities
- financial management of race meetings
- race fees and charges
- prize money
- other fees and matters.

Racing NSW must consult race clubs on proposals to set minimum standards and provide reasonable opportunity for them to be heard and make submissions (s.29A(3)).

Questions

- Are consultation requirements in the TR Act (Part 3, s.14B):
 - giving industry stakeholders an appropriate voice in Racing NSW's decision-making – in particular, its strategic planning?
 - giving Racing NSW enough flexibility to make decisions, while ensuring stakeholder input?
 - helping to ensure stakeholder feedback is acted upon and responded to?
- What key issues should Racing NSW have to consult stakeholders about (e.g. strategic planning, animal welfare, participant health and safety, other commercial activities)?
- Is RICG (Part 3) an effective way for Racing NSW to consult industry stakeholders?
- Are the ways RICG (Part 3) gives advice to Racing NSW and gets responses clear and effective?
- Are consultation requirements with race clubs (Part 2A) (including around minimum standards for races and race meetings) sufficient to ensure the clubs are heard in decisions that directly affect their operations?
- What lessons, if any, from regulatory frameworks in other racing jurisdictions could enhance the stakeholder consultation and participation framework in NSW?



Initiatives for Industry Sustainability and Viability

8. Initiatives for industry sustainability and viability

Racing NSW is empowered by the TR Act to promote development of a sustainable and viable thoroughbred racing industry for NSW.

Racing NSW has broad functions (s.13) and powers (s.14) to promote the development of the NSW thoroughbred racing industry.

It is important to consider whether relevant provisions of the TR Act are sufficient and can be effectively applied to support the industry's long-term sustainability and viability, including the financial and operational sustainability of participants.

Strategic plans are developed in consultation with industry

The requirement for Racing NSW to prepare a strategic plan in consultation with industry stakeholders is a key measure for identifying and planning for initiatives to support the industry's sustainability and viability (s.14B). This plan must be reviewed and updated every three years (s.14B(3)).

Strategic planning to support sustainability is especially important for regional and country areas in NSW, where clubs and participants may often face particular financial and operational challenges. Effective planning can help to maintain the economic and social benefits of racing in regional communities and supports ongoing participation in the sport outside metropolitan centres.

The TR Act does not specify what Racing NSW is to include in its strategic plan

Some jurisdictions have legislative requirements that seek to ensure the PRAs maintain a regional focus in preparing and executing strategic plans for the racing industry. For example, in Western Australia, the equivalent PRA is required to:

- consider regional development and the allocation of funds to non-metropolitan race clubs in developing a strategic plan for its racing industry, and
- have at least one Board member with knowledge of, and experience in, regional development.

Currently, there is no requirement in the TR Act for Racing NSW to give regard to regional development and relevant industry initiatives in its strategic plan.

Racing NSW publishes information about its initiatives relating to industry sustainability

Racing NSW is required to report on progress in implementing its strategic plan in its annual report ((s.14B(4)) and typically includes information in the report about initiatives relating to the industry's sustainability and viability. For example, this includes initiatives relating to prize money and returns to owners and participants, animal welfare, infrastructure investment, training and professionalising the industry and funding strategies.

While not a statutory requirement, Racing NSW has published strategic plans on its website.

Questions

24. Does the TR Act provide Racing NSW with an appropriate framework to support the long-term sustainability and viability of metropolitan, provincial and country thoroughbred racing?
25. Are Racing NSW's functions (s.13) and powers (s.14) sufficient to keep the industry financial and operational sustainable, while ensuring integrity, welfare and public trust?
26. Should the TR Act more clearly define the objectives or scope of Racing NSW's strategic planning (s 14B) to support the industry's sustainability and viability?
27. Should there be measures in the TR Act to help address challenges affecting the sustainability and viability of thoroughbred racing in regional NSW?
28. Are processes under the TR Act (Part 3) adequate to allow for review, assessment and stakeholder input on the effectiveness of Racing NSW's initiatives to support the industry's sustainability and viability?
29. What lessons, if any, from regulatory frameworks in other racing jurisdictions could enhance the industry's sustainability and viability in NSW?

9

Animal Welfare and Participant Health and Safety

9. Animal welfare and participant health and safety

The TR Act works together with other frameworks to ensure Racing NSW can oversee animal welfare and participant health and safety in the thoroughbred racing industry.

The TR Act confers functions (s.13) and powers (s.14) that enable Racing NSW to oversee animal welfare and participant health and safety for the thoroughbred racing industry.

Oversight of these matters is an inherent part of Racing NSW's role, including as PRA for NSW (s.13(1)), in controlling, supervising and regulating the industry (s.13(b)) and initiating, developing and implementing policies considered conducive to its promotion, strategic development and welfare and protection of the public interest (s.13(1)(c)). The TR Act also establishes Racing NSW as the industry's insurer, providing coverage for participants (s.13(1)(d)).

Animal welfare and participant health and safety are important considerations for Racing NSW in exercising its powers under the TR Act, such as licensing participants (s.14(2)(b)), supervising race club activities (s.14(2)(c)) and setting minimum standards for races and race meetings (s.29A).

The TR Act does not contain objectives relating to animal welfare and participant health and safety.

Racing NSW operates within broader national and State regulatory frameworks

Rules relating to animal welfare and participant safety in the thoroughbred racing industry are set nationally under the Australian Rules of Racing. In NSW, Racing NSW administers and enforces these rules and can make extra local rules to suit NSW conditions, using its powers under the Australian Rules and the TR Act (s.14).

In exercising its functions, Racing NSW must comply with broader regulatory frameworks, including:

- the *Prevention of Cruelty to Animals Act 1979 (POCTA Act)*, as the main animal welfare law in NSW, setting minimum legal standards for how animals are to be treated. Racing NSW and other participants must comply.
- relevant frameworks for workplace health and safety and the insurance industry.

This review invites feedback animal welfare and participant safety matters that fall within the scope of the TR Act and this review (refer to [Appendix A](#)).

Questions

30. If objectives were to be inserted in the TR Act, should there be an objective relating to animal welfare and/or participant safety? If so, what should it look like?
31. Should there be greater recognition of the need to promote animal welfare and/or participant safety in the governance arrangements under the TR Act, such as relevant qualifications and experience for Racing NSW members (s.7(5))?
32. Does the TR Act need stronger transparency requirements relating to animal welfare and/or participant safety – for example, as part of mandatory reporting (s.29)?
33. Should strategic planning under the TR Act (s.14B) be required to specifically address measures undertaken to protect animal welfare and/or participant safety?
34. Are the functions (s.13) and powers (s.14) conferred on Racing NSW under the TR Act sufficient to support animal welfare and participant safety, or is there any other support the TR Act could provide beyond matters covered by other frameworks (e.g. POCTA Act)?

10

Other Matters

10. Other matters

This review will consider a broad range of issues facing the thoroughbred racing industry and consider the best ways to support it into the future.

Should you wish to provide feedback on aspects of the TR Act that are not raised in this discussion paper, please feel free to do so, noting that certain matters are outside the scope of this review, as set out in [Appendix A](#).

Questions

35. Are there any other matters that require comment that are not mentioned in the above chapters of the discussion paper. If so, what are these issues?
36. Are there any additional elements that are not mentioned in this paper that should be introduced into the racing industry legislative framework? If so, what are those elements?

11

Appendices

Appendix A: Review process and scope

The review process



Scope of the review

The review <i>will</i> assess and make findings about the effectiveness of	The review will <i>not</i> consider
<ul style="list-style-type: none">✓ Governance structures and processes, including appointment requirements and tenure limits for Racing NSW members.	<ul style="list-style-type: none">× Provisions of the TR Act that establish Racing NSW as a body corporate that is independent of government (Sections 4 and 5).
<ul style="list-style-type: none">✓ Transparency mechanisms, specifically the accessibility and transparency of information concerning Racing NSW's commercial work and activities, as well as its accountability and reporting on key public interest issues in relation to strategic planning, animal welfare and integrity	<ul style="list-style-type: none">× Provisions of the TR Act that relate to thoroughbred racing industry funding arrangements (such as the totalizator distribution arrangements in Division 3 of Part 2A). Note: Racing industry funding arrangements are governed by various legislation, commercial agreements and regulatory frameworks, which extend well beyond the scope of a legislative review of the TR Act.
<ul style="list-style-type: none">✓ Stakeholder consultation and participation mechanisms, including their effectiveness in ensuring industry engagement in decision-making, for example, the Racing Industry Consultation Group	
<ul style="list-style-type: none">✓ Initiatives to ensure the sustainability and viability of the industry, including in relation to regional NSW.	

Terms of reference of the review

The full terms of reference for this review are available from the review website:
www.nsw.gov.au/thoroughbred-racing-act-review.

Appendix B: Consolidated questions

Table 1: List of consolidated questions

Chapter	Questions
1. Objects and Purpose of TR Act	1. Should a requirement for the TR Act to be reviewed after a set period be included in the TR Act?
	2. Should formal objects be included in the TR Act? If so, what should they be?
	3. Should specific regulations be made? If so, what should they include?
2. Governance structures and processes	4. What governance requirements should be added or removed from the TR Act?
	5. Are appointment processes (s.6 and s.7) for Racing NSW members sufficient to ensure the Board has the skills and experience to fulfill its role under the TR Act?
	6. Are Racing NSW member term limits (s.8(1)) and maximum tenure (s.6(4)) sufficient to balance continuity, experience, and allow for fresh perspectives? Are they consistent with best practice?
	7. Are the Minister's powers under the TR Act to remove Racing NSW members (s.15(2), s.15(3) and s.16(5)) sufficient to ensure the board's suitability to govern the industry?
	8. Is the division of responsibilities between minister-appointed Racing NSW members (s.6 and s.16) and the Chief Executive (s.18) effective and consistent with best practice?
	9. Are the TR Act's governance mechanisms effective in supporting Racing NSW's commercial objectives while regulating horse racing in the state?
	10. What lessons, if any, from governance arrangements in other racing jurisdictions could strengthen or enhance governance in NSW (refer to Appendix C)?
3. Transparency and accountability	11. Are reporting requirements under the TR Act (s.11, s.11A, S.15 and s.29) sufficient to: <ol style="list-style-type: none"> provide industry stakeholders and the public with accessible, transparent and accurate information about Racing NSW's work and activities?

Chapter	Questions
	b. ensure transparency of Racing NSW's decision-making, and accessible information, on key matters of public interest – including strategic planning, animal and jockey welfare and integrity?
	12. Are the TR Act's reporting requirements appropriately balanced, to respect Racing NSW's independence (s.5) while helping make sure it is accountable?
	13. Are oversight (s.29(1)) and s.29(2)) and auditing rules (s.29(2)) under the TR Act sufficient to provide transparency and accountability to stakeholders and the public?
	14. Are ministerial oversight powers (s.15(2) and s.16(5)) (e.g. to remove Racing NSW members) adequate as an accountability mechanism? Do they achieve the right balance between Racing NSW maintaining operational independence and ensuring accountability?
	15. Is there a need for additional oversight of integrity issues and if so, what should they include?
	16. Is there a need for additional oversight of animal welfare matters? If so, what could this include?
	17. What lessons, if any, from regulatory frameworks in other racing jurisdictions could strengthen transparency and accountability arrangements in NSW (refer to Appendix C)?
4. Stakeholder consultation and participation	18. Are consultation requirements in the TR Act (Part 3, s.14B): <ul style="list-style-type: none"> a. giving industry stakeholders an appropriate voice in Racing NSW's decision-making – in particular, its strategic planning? b. giving Racing NSW enough flexibility to make decisions, while ensuring stakeholders' input? c. helping to ensure stakeholder feedback is acted upon and responded to?
	19. What key issues should Racing NSW have to consult stakeholders about (e.g. strategic planning, animal welfare, participant health and safety, other commercial activities)?
	20. Is RICG (Part 3) an effective way for Racing NSW to consult industry stakeholders?
	21. Are the ways RICG (Part 3) gives advice to Racing NSW and gets responses clear and effective
	22. Are consultation requirements with race clubs (Part 2A) (including around minimum standards for races and race meetings) sufficient to ensure the clubs are heard in decisions that directly affect their operations
	23. What lessons, if any, from regulatory frameworks in other racing jurisdictions could enhance the stakeholder consultation and participation framework in NSW

Chapter	Questions
5. Initiatives for industry sustainability and viability	24. Does the TR Act provide Racing NSW with an appropriate framework to support the long-term sustainability and viability of metropolitan, provincial and country thoroughbred racing?
	25. Are Racing NSW's functions (s.13) and powers (s.14) sufficient to keep the industry financial and operational sustainable, while ensuring integrity, welfare and public trust?
	26. Should the TR Act more clearly define the objectives or scope of Racing NSW's strategic planning (s 14B) to support the industry's sustainability and viability?
	27. Should there be measures in the TR Act to help address challenges affecting the sustainability and viability of thoroughbred racing in regional NSW?
	28. Are processes under the TR Act (Part 3) adequate to allow for review, assessment and stakeholder input on the effectiveness of Racing NSW's initiatives to support the industry's sustainability and viability?
	29. What lessons, if any, from regulatory frameworks in other racing jurisdictions could enhance the industry's sustainability and viability in NSW?
6. Animal welfare and participant safety	30. If objectives were to be inserted in the TR Act, should there be an objective relating to animal welfare and/or participant safety? If so, what should it look like?
	31. Should there be greater recognition of the need to promote animal welfare and/or participant safety in the governance arrangements under the TR Act, such as relevant qualifications and experience for Racing NSW members (s.7(5)).?
	32. Does the TR Act need stronger transparency requirements relating to animal welfare and/or participant safety – for example, as part of mandatory reporting (s.29)?
	33. Should strategic planning under the TR Act (s.14B) be required to specifically address measures undertaken to protect animal welfare and/or participant safety
	34. Are the functions (s.13) and powers (s.14) conferred on Racing NSW under the TR Act sufficient to support animal welfare and participant safety, or is there any other support the TR Act could provide beyond matters covered by other frameworks (e.g. POCTA Act)?
7. Other matters	35. Are there any other matters that require comment that are not mentioned in the above chapters of the discussion paper. If so, what are these issues?
	36. Are there any additional elements that are not mentioned in this paper that should be introduced into the racing industry legislative framework? If so, what are those elements?

Appendix C: Interjurisdictional racing governance summary

Table 2: Interjurisdictional racing governance summary

Jurisdiction	Governance arrangements	
NSW	Racing NSW	
	<ul style="list-style-type: none"> Established by the <i>Thoroughbred Racing Act 1996</i> as a body corporate to control, supervise and regulate the NSW thoroughbred racing industry 	<ul style="list-style-type: none"> Does not represent the Crown Is not subject to direction or control by or on behalf of the Government
	Racing Appeals Tribunal	
	<ul style="list-style-type: none"> Established by the <i>Racing Appeals Tribunal Act 1983</i> to hear appeals from certain decisions of the Appeal Panel under the three racing codes 	<ul style="list-style-type: none"> The decision of the Tribunal is final and is taken to be the decision of the Appeal Panel
Victoria	Integrity Assurance Committee	
	<ul style="list-style-type: none"> Established by the <i>Thoroughbred Racing Act 1996</i> as a committee of Racing NSW 	<ul style="list-style-type: none"> Has primary oversight of Racing NSW functions relating to race stewards, drug testing and control, licensing, handicapping and appeals Advises Racing NSW on matters for which it has primary oversight
	Racing Victoria	
	<ul style="list-style-type: none"> Established by the <i>Racing Act 1958</i> as a public company to provide independent governance of the Victorian thoroughbred racing industry. Is limited by guarantee under the <i>Corporations Act 2001 (Cth)</i> 	<ul style="list-style-type: none"> Operates according to a constitution and published in the Gazette Does not represent the Crown Is not a public entity under the <i>Public Administration Act 2004</i>, or a public body under the <i>Financial Management Act 1994</i>
	Victorian Racing Tribunal	
	<ul style="list-style-type: none"> Established by the <i>Racing Act 1958</i> to hear all matters involving serious offences under the rules of racing of the three racing controlling bodies Also hears appeals from decisions of stewards in relation to other offences 	<ul style="list-style-type: none"> Appeals in relation to the penalty imposed by the Tribunal is through the Victorian Civil and Administrative Tribunal Appeals in relation to the entirety of a decision by the Tribunal is through the Supreme Court
Victoria	Victorian Racing Integrity Board	
	<ul style="list-style-type: none"> Established by the <i>Racing Act 1958</i> as an independent cross-code integrity Board to oversee the delivery of integrity functions of the three racing controlling bodies 	<ul style="list-style-type: none"> The powers and functions of the Board complement those of the controlling bodies, racing stewards and the Racing Integrity Commissioner
Racing Integrity Commissioner		

	<ul style="list-style-type: none"> Appointed under the <i>Racing Act 1958</i> as an independent statutory officer to provide assurance about the integrity systems and processes of the three racing controlling bodies, including animal welfare to the extent that it relates to integrity in racing 	<ul style="list-style-type: none"> Can conduct audits, investigate and refer complaints, conduct own motion enquiries, make recommendations, take evidence, and direct the Victorian Racing Tribunal
Tasmania	Tasracing <ul style="list-style-type: none"> Established by the <i>Racing (Tasracing Pty Ltd) Act 2009</i> with responsibility for the development and promotion of Tasmania's three racing controlling bodies Is a State-owned company operating under a constitution Is limited by guarantee under the <i>Corporations Act 2001 (Cth)</i> 	<ul style="list-style-type: none"> The Treasurer and Minister for Racing hold shares in trust for the people of Tasmania Tasracing must seek and consider the advice of the Racing Integrity Committee before making any policies, procedures and guidelines in relation to integrity in racing and animal welfare
	Tasmanian Racing Appeal Board <ul style="list-style-type: none"> Established by the <i>Racing Regulation and Integrity Act 2024</i> as an independent body to handle appeals related to decisions made by the three racing controlling bodies 	<ul style="list-style-type: none"> A determination of the Board in relation to an appeal is final
	Tasmanian Racing Integrity Committee <ul style="list-style-type: none"> Established under the <i>Racing Regulation and Integrity Act 2024</i> to provide oversight, advice and recommendations to the relevant racing authority in relation to integrity and welfare matters and the overall fairness of racing 	<ul style="list-style-type: none"> Gives advice and make recommendations to Tasracing and the Tasracing Integrity Unit
	Tasmanian Racing Integrity Commissioner <ul style="list-style-type: none"> Appointed under the <i>Racing Regulation and Integrity Act 2024</i> as an independent statutory officer to oversee integrity and animal welfare issues for the racing industry across all three codes as well as the operations of Tasracing Reports to Parliament through the Minister for Racing Has broad power to conduct own-motion investigations and inquiries, including into integrity, animal welfare, and systemic issues in racing 	<ul style="list-style-type: none"> Can acquire information to assist with the conduct of investigations and inquiries May choose to disclose that information or refer matters for investigation to the Commissioner of Police, the Director of Public Prosecutions, and other appropriate authorities
South Australia	Racing SA <ul style="list-style-type: none"> Is a public company limited by guarantee under the <i>Corporations Act 2001 (Cth)</i> to control, represent, promote and support the SA's racing industry 	<ul style="list-style-type: none"> Operates according to a constitution Is not subject to State legislation
	Racing SA Stewards <ul style="list-style-type: none"> Oversees Racing SA's integrity functions 	<ul style="list-style-type: none"> Monitors activities both on and off the racecourse to ensure compliance with established animal welfare protocols
	South Australian Racing Appeals Tribunal <ul style="list-style-type: none"> Established by a joint agreement between Greyhound Racing SA, Harness Racing SA and Thoroughbred Racing SA to hear and determine appeals from all three racing codes against a decision made under the rules of the relevant controlling authority 	<ul style="list-style-type: none"> Is not part of the administration of any racing code
QLD	Racing Queensland <ul style="list-style-type: none"> Established by the <i>Racing Act 2002</i> as the control body for Queensland thoroughbred, harness and greyhound racing. The objective of the <i>Racing Act 2002</i> is to provide for control bodies to manage, operate, develop and promote codes of racing in a way that ensures public confidence in the racing industry in Queensland. 	<ul style="list-style-type: none"> Is not a body corporate and does not represent the State Is a public company limited by guarantee under the <i>Corporations Act 2001 (Cth)</i> Operates according to a constitution

	<ul style="list-style-type: none"> Is a statutory body under the <i>Financial Accountability Act 2009</i>, <i>Statutory Bodies Financial Arrangements Act 1982</i>; and a unit of public administration under the <i>Crime and Corruption Act 2001</i> 	<ul style="list-style-type: none"> Works collaboratively with the Queensland Racing Integrity Commission to ensure the integrity of the racing industry
	Queensland Racing Integrity Commission	
	<ul style="list-style-type: none"> Established by the <i>Racing Integrity Act 2016</i> as an independent statutory body to oversee animal welfare standards and the integrity of racing industry participants across the three codes. The objective of the <i>Racing Integrity Act 2016</i> is to maintain public confidence in the racing of animals in Queensland, ensure the integrity of all persons involved with racing and safeguard the welfare of all animals that are or have been involved in racing. Safeguards animal welfare, ensures the integrity of persons involved in the industry, and manages betting and sporting contingencies Reports to the Minister for Racing 	<ul style="list-style-type: none"> Accountable to the Government under the <i>Crime and Corruption Act 2001</i>, and is a statutory body under the <i>Financial Accountability Act 2009</i> and the <i>Statutory Bodies Financial Arrangements Act 1982</i> The Minister may give the Queensland Racing Integrity Commission a direction about the performance of its functions or the exercise of its powers if satisfied it is in the best interests of the racing industry
	Racing and Wagering Western Australia (RWWA)	
	<ul style="list-style-type: none"> Established by the <i>Racing and Wagering Western Australia Act 2003</i> as a body corporate with perpetual succession to be the principal club and controlling authority for the WA Turf Club, the WA Trotting Association and the WA Greyhound Racing Authority. At least one person on the Board of RWWA is to have knowledge of, and experience in, regional development. In the development of its Strategic Plan, RWWA is to give regard to regional development, including the allocation of funds to non-metro race clubs. 	<ul style="list-style-type: none"> Is not, and is not to become, a public sector body under the <i>Public Sector Management Act 1994</i> Is not subject to government direction Is responsible for the off-course wagering functions trading as the TAB
Western Australia	Integrity Assurance Committee	
	<ul style="list-style-type: none"> Established by the <i>Racing and Wagering Western Australia Act 2003</i> as a committee of RWWA 	<ul style="list-style-type: none"> Has primary oversight of RWWA functions relating to stewards, drug testing and control, licensing and registration, handicapping; and appeals Advises RWWA on the matters for which it has primary oversight
	Gaming and Wagering Commission	
	<ul style="list-style-type: none"> Established by the <i>Gaming and Wagering Commission Act 1987</i> and has functions including the regulation of RWWA's commercial wagering operations, such as the payment of the racing bets levy and bookmakers' betting levy 	<ul style="list-style-type: none"> Is a corporate body with perpetual succession The Minister may give directions to the Commission of a general character
ACT	Canberra Racing Club	
	<ul style="list-style-type: none"> Established as a corporation under the <i>Associations Incorporation Act 1991</i> as the controlling body for thoroughbred racing in Canberra to promote, develop, encourage and conduct racing Operates according to a constitution 	<ul style="list-style-type: none"> Hears appeals in relation to rulings or decisions made in relation to thoroughbred racing or betting. Has a Memorandum of Understanding with the ACT Government which outlines funding and includes a performance framework
	Thoroughbred Racing NT	
Northern Territory	<ul style="list-style-type: none"> Established under the <i>Racing and Wagering Act 2024</i> to control, supervise, regulate and develop the NT thoroughbred racing industry Is a body corporate with jurisdiction over thoroughbred racing 	<ul style="list-style-type: none"> The Racing and Wagering Commission may direct Thoroughbred Racing NT in the exercise of its powers and the performance of its functions Thoroughbred Racing NT must comply with any direction given by the Commission

Racing Appeals Tribunal

- Established under the *Racing and Wagering Act 2024* to hear appeals and make determinations in relation to those appeals across the three racing codes
- Is a body corporate with perpetual succession
- A determination of the Tribunal, including a panel of the Tribunal is final

Racing and Wagering Commission

- Established under the *Racing and Wagering Act 2024* as a body corporate with perpetual succession to control, supervise and regulate the NT racing and wagering industry, and monitor compliance and take disciplinary action
- The Minister may direct the Director and the Commission in the exercise of their powers and the performance of their functions
- The Commission must comply with any direction given by the Minister

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