

**To the Rural and Regional Affairs and Transport Reference Committee  
Senate Inquiry into the feasibility of a national horse traceability system for all horses**

**Submission by Mrs Juliana Waugh AM**

This submission relates particularly to the benefits of a national register as it can apply to **SAFETY**.

**If a National Horse Identification and Traceability System (or Register) had existed in March 2009, our daughter Sarah Kate Waugh would most probably still be alive and practising as a Rural Vet. Sarah's death was preventable and was due in part to false information being given about the history of a horse and its suitability for a specific purpose in a NSW Government workplace.**

The issues being considered in this Senate Inquiry are very personal to us as the parents of the late Sarah Kate Waugh.

On Tuesday the 24<sup>th</sup> March 2009 at 11:30 AM our daughter Sarah Kate Waugh died after falling from a horse while completing a unit of competency "Ride and Care for Horses" in a riding lesson at Dubbo TAFE. It was a preventable accident - A Coronial Inquest into Sarah's Death was held in 2011 with the coroner finding that the horse Sarah had been thrown from was patently unsuitable for use in a beginner rider course.

The details of the horse's current racing registration and recent racing history, and the concealment of this information were not cross examined during the Inquest so the NSW Coroner had no information about the horse's specific history and hence couldn't make any recommendations with regard to Sarah's death and links to a horse's history/traceability/registration.

The horse disappeared for a period after Sarah's death and the NSW Police had difficulty tracing its whereabouts with no requirement for the new owner to register it.

The TAFE teaching staff (witnesses) stated that had they known the horse had just come from the race track with no spelling time, or time for any retraining etc., they would not have accepted the horse to be used in a beginner riding course.

It later came to light after the accident that the horse's history had been falsified with its very recent (one week earlier) past racing history not being revealed. At the time the horse had not even been de-registered as a racehorse. We investigated the other 5 horses which were used during the riding lessons the month Sarah died and found that 2 other horses also had false histories with regard to their recent racing histories. It continues to be very easy to do this, falsifying information when someone buys a horse and this continued to happen after Sarah's death.

In the weeks immediately after our daughter's death the horse was sold on to a blue-ribbon horse-riding school in NSW. They had advertised the horse in a well know equine magazine in early May following the accident ( in March) 2009 as "a pretty horse with an impeccable temperament .... suitable for Intro eventing .... that is easy in every way". The advertisement made no mention of the horse's recent racing history or time at Dubbo TAFE, no mention of his racing record or name, , no mention of its time at Dubbo TAFE where our daughter Sarah and others used the name 'Dargo' because the horse arrived at TAFE with no name, no history. The new owner had not even bothered to rename the horse and with no registration system there was no way to check any of this information. In fact, the owner of the riding school who purchased the horse in the month after the accident said in her first statement that she had not bought the horse and that she knew nothing about the horse and that it had not passed through her stables at all. While there is no registration system there is nothing to stop this kind of practice happening again.

The rider who purchased the horse around late June 2009 said in her statement that she believed that the person who sold her the horse was the owner as she produced a receipt stating that she was the owner. She also was given the impression that the horse had come straight from the breeders and he hadn't ever been raced.

This buyer's coach, a very accomplished, experienced and well-regarded rider, who helped assess the horse before it was purchased contacted her a few months later to tell her that the horse had been involved in the death of a rider.

When this coach was asked about the incident, they emphatically claimed that nothing had been done wrong by the horse supplier in leasing a horse concealing its recent racing history for use with a beginner riders' course. This coach then refused to explain why the horse supplier continued to not provide the correct information about how long he'd owned the horse and its very recent races even after a death had occurred.

What this incident told us, along with many other interactions with individuals and people in and dealing with the horse industry, including members of the NSW Police Rural Crime Command, is that this practice of lying about a horse's history is and remains commonplace.

We understand that rural crime work is often hampered by a lack of horse identification with the antiquated way the horse industry continues to operate in this area.

The fact remains from multimillion dollar thoroughbreds down to horses given away free as children's ponies there is no legal obligation for documentation or declarations of any kind to be completed by the vendor. The lack of documentation poses difficulties for police in establishing legal and actual ownership of an animal and make identification of a specific animal difficult to prove for prosecution purposes. Perhaps this difficulty suits the unscrupulous few in the horse industry who wish to deceive unwitting buyers to their advantage and so they don't want a register to stop them?

Our family discovered that even after the death of our daughter the supplier for the next 2 years continued to misrepresent horses histories when they were supplied to the TAFE.

A further 24 horses were supplied to fulfil a contract for the same course – most of these horses were untraceable (with regard to their previous owners) and TAFE just had to take the supplier's word as there was/is no general register of horse ownership in Australia. After investigating the Australian Stud Book Records, it was discovered that several of these horses supplied were retired race horses and they continued to have their dates of retirement from racing falsified.

It is still the case that anyone can falsify a horse's past ownership because there is no requirement (outside Racing) to register a horse from birth to death.

While Australia continues to have no system of traceability and no requirement for all horses to be registered somewhere - there will always be some suppliers who will see the chance to make a quick dollar, who see no issue about misinforming unsuspecting (often inexperienced) or trusting buyers (or lessees) giving no consideration that it may contribute to a serious accident or death as was the case for our daughter Sarah.

There will always be some people generally considered to be of good character, even with notable equine achievements, at an elite level, who will without hesitation falsify a horse's history - about how long they have owned a horse or disclosing if it has ever raced when supplying it to an unsuspecting buyer. While we can never stop every instance of this happening, we can reduce this practice by requiring every horse owner to register their details when they take ownership of any

horse and that every subsequent owner registers their ownership details when the horse changes hands. It would make it more difficult to tell lies about the history of ownership of any horse because it can be checked on a verifiable register.

Many horse owners see as their right, their heritage, to be able to own, train and jump on a horse and ride away as the last frontier, so no need to have any legal connection to their animal. **Australia needs a compulsory national horse traceability (registration) system to help bring about a cultural change in this industry in the interests of better communication for so many reasons – knowledge is power.**

**We license/register all other animals, why not horses?**

In our society we do not question that we must licence things like our cars, have a licence to operate a drone, have a passport to be able to travel overseas.

We must register dogs and cats, cows, sheep, pigs and goats. Every animal it seems but NOT horses? WHY?

A small number of horse owners would be against a national register because they believe governments just want data to spy on them or to take more of their hard-earned cash for an already expensive- to- own animal. This is a very narrow and short-sighted view held by a few!

We have national registers because we are a civilised society where some levels of regulation help keep us all safer and more accountable for our actions which might unbeknown to us adversely affect others (including the animals). The single person who owns one or 100 horses in this country may not be able to think outside the paddock their animals are kept in so they perhaps don't always understand how something overarching and regulated like a national traceability scheme for horses in Australia could benefit so many – people like our daughter Sarah they have never met. Someone whose life could have been saved by a national traceability register.

Analysis of horse injuries completed by Safework NSW in 2016 (copy attached) clearly demonstrates that Sarah's death isn't a rarity, at least one person is admitted to hospital every day somewhere in Australia due to an injury from an incident involving a horse. Around 20 people die every year in Australia due to horse accidents.

A national horse register would enable people to have access to verifiable more reliable horse histories as one more tool for a coach or rider to use when assessing and interacting with a horse. This is particularly important for any changes in ownership / custodianship of a horse and the uses that same horse is applied to. Knowing the true ownership history of a horse alone won't make a horse safer but it gives the purchaser the opportunity to investigate any previous sales and review what experiences and education the horse may have had all useful information to bring the assessment of a new horse. Why would someone want to hide any racing history from a prospective buyer? Currently when a horse retires from racing it is required by Racing Australia to be registered against the first new owner post racing – after that the horse's ID can be concealed or misrepresented with no way to ensure the racing history will be passed on. In the case of the horse our daughter was riding at Dubbo TAFE in 2009 both before and after the fatal accident his recent racing history was not passed on and there was no known register to check ( not everyone (like Dubbo TAFE) knew to check a race horse history with the Australian Stud Book )

### **What price do we place on injury, on life itself?**

Every serious injury or death costs Government, the community, families, individuals, not only immeasurable grief and trauma, but also hard currency in emergency and medical/health resources.

We believe **a national horse traceability system can contribute to minimising such trauma and loss.**

### **How a national horse traceability system could improve application of the NSW Code of Practice *Managing risks when new or inexperienced riders or handlers interact with horses in the workplace***

The NSW Code of Practice *“Managing risks when new or inexperienced riders or handlers interact with horses in the workplace”* (the Code) was gazetted on the 27 January 2017 and came into effect on 1 February 2017.

It is a direct response by the NSW Government to the cause and manner of Sarah Waugh’s death.

The Code *“provides practical guidance to a person conducting a business or undertaking (PCBU) on how to manage the risks likely to be faced by new or inexperienced riders or handlers when interacting with horses in the workplace.”*

The Code outlines explicitly a 4 step process to be followed in managing risks:

#### STEP 1 – IDENTIFY HAZARDS

The FIRST example of a hazard is noted as **“Not knowing background of horse”**

#### **A NHITS would definitely assist in providing knowledge of the background of a horse**

#### STEP 2 – ASSESS RISKS

The example given in the code – *“In normal circumstances a horse might be calm and not pose a serious risk to an experienced rider. However, when ridden by an inexperienced rider on a windy day, the horse’s behaviour may change and increase the risk to the rider.”*

#### **AGAIN a NHITS would definitely assist in providing knowledge of the background of a horse**

#### STEP 3 – CONTROL RISKS

An example is given of *“eliminating a risk could be removing a horse that is behaving dangerously around people from the workplace.”*

#### **AGAIN a NHITS would definitely assist in providing knowledge of the background of a horse leading to its exclusion as not suitable (or confirmation as suitable)**

#### STEP 4 – REVIEW CONTROL MEASURES

The Code requires a review of control measures when there is a change at the workplace. Calling for assessment as to whether the changes will create a new risk that existing controls will not manage. If so, identify a new or more appropriate control.

The Code provides *“EXAMPLES OF WHEN CONTROL MEASURES MAY NEED TO BE REASSESSED:*

- *a new worker commences*
- *a new horse is introduced to the stable or herd*
- *a horse is moved to a different work environment.”*

#### **Knowledge of the history and background of a horse from a NHITS will aid in assessing changes to the environment in which it is being / to be used.**

## **CONCLUSION**

The Code outlines how *“Managing risks when new or inexperienced riders or handlers interact with horses in the workplace”* can be achieved. A NHITS has the potential to be a 21<sup>st</sup> century IT based tool to provide the necessary **“knowledge of the background of a horse”** to satisfy the requirement of the Code.

## **References**

1. Code of Practice *“Managing risks when new or inexperienced riders or handlers interact with horses in the workplace”* (the Code), gazetted 27 Jan 2017. Came into effect on 1 Feb 2017.
- 2.