



# Animal Defenders Office

*Using the law to protect animals*

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The Animal Defenders Office is accredited by Community Legal Centres Australia Inc.

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2024 Jumps Racing Review Group  
Racing Victoria Limited

Email: [jumpsreviewsubmission@racingvictoria.net.au](mailto:jumpsreviewsubmission@racingvictoria.net.au)

24 October 2024

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## Submissions to the Jumps Racing Review 2024

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Dear Sir/Madam

Thank you for the opportunity to contribute to the Jumps Racing Review (**the Review**).

The submissions of the Animal Defenders Office (**ADO**) are set out below.

### 1 Overview of the ADO

The ADO is a nationally accredited not-for-profit community legal centre specialising in animal law, with a focus on providing free legal services to the community. The ADO is a member of Community Legal Centres Australia Inc., the national peak body representing community legal centres across Australia. The ADO does not receive government funding and exists on donations from members of the public. Established in 2013, the ADO has been run by volunteers since that time.

### 2 Summary of the ADO's submissions

The ADO submits that jumps racing should be discontinued in Victoria and prohibited under the state's animal welfare laws. This form of racing, which requires horses to clear tall obstacles at high speed, has become increasingly controversial in Australia, highlighted by its cessation (whether by industry or law) in all other Australian jurisdictions. The ADO outlines below the legislative context surrounding jumps racing in Australia and provides reasons why Racing Victoria should discontinue jumps racing for good.

### 3 Applicability of the ADO's submissions to the Terms of Reference

The ADO makes its submissions below with reference to the following Terms of Reference of the Review:

- *x) Analysis of available research or reporting on the level of community acceptance of jumps racing and its impact on the broader appeal of thoroughbred racing; and*
- *xi) Any analysis, research, resources that the JRG considers necessary to complete its report and recommendations.*

### 4 Current legislative landscape across other Australian jurisdictions

The ADO submits that there is a very low level of community acceptance of jumps racing across Australia, as demonstrated by the number of jurisdictions where the activity is either banned or not

practised. This antipathy towards jumps racing is significant given that horse racing is the second most common gambling product that people spend money on in Australia.<sup>1</sup> In other words, horse racing is still popular in the community, but jumps racing is not.

#### 4.1 Queensland

Racing in Queensland is regulated by Racing Queensland, which is the trading name for the Racing Queensland Board (**the Board**). The Board is established under the *Racing Act 2002* (QLD) (**QLD Act**). The Board is the control body for, and therefore regulates, three codes of racing under the QLD Act: thoroughbred racing, harness racing and greyhound racing (s 7). While the QLD Act allows the Minister to approve control bodies for other codes of racing,<sup>2</sup> a control body for jumps racing has not been approved.

Therefore while not banned under the State's animal welfare laws<sup>3</sup>, jumps racing is not an approved code of racing in Queensland.

#### 4.2 Western Australia

Jumps racing does not occur in Western Australia (**WA**). Racing in WA is controlled and regulated by Racing and Wagering Western Australia (**RWWA**) which was established under the *Racing and Wagering Western Australia Act 2003* (WA) (**the WA Act**). Under the WA Act a 'race' is defined to mean 'a thoroughbred race, a harness race or a greyhound race'. A 'race' held for stakes or prizes or betting purposes has to be licensed by RWWA (*Racing Restrictions Act 2003* (WA) (**RR Act**) Part 2). Any other kind of race involving horses (or ponies) must be conducted by an approved racing organisation (**ARO**) (RR Act s 7). There is no record of an organisation that holds jumps racing events being an ARO.

Therefore while not banned in WA under animal welfare laws<sup>4</sup>, jumps racing is currently excluded from the racing industry in WA.

#### 4.3 Australian Capital Territory

Racing in the Australian Capital Territory (**ACT**) is regulated under the *Racing Act 1999* (ACT) (**ACT Act**). The ACT Act defines 'race' as a thoroughbred or harness race, or a race of a kind prescribed by regulation (Dictionary). None is currently prescribed (*Racing Regulation 2010* (ACT)).

The *Animal Welfare Act 1992* (ACT) does not refer specifically to jumps racing but does make greyhound racing an animal welfare offence.<sup>5</sup>

Therefore the only forms of animal racing held in the ACT for the purposes of betting are thoroughbred and harness races.

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<sup>1</sup> Australian Gambling Research Centre, 'Gambling participation and experience of harm in Australia', March 2023, <https://aifs.gov.au/research/research-snapshots/gambling-participation-and-experience-harm-australia>.

<sup>2</sup> Definition of 'code of racing' in the QLD Act includes thoroughbred, harness, and greyhound racing, and 'another code of racing stated in a Minister's approval.' (Schedule 1 Dictionary, par. (d)).

<sup>3</sup> Jumps racing, steeplechasing or hurdle racing are not included as prohibited events or other prohibited conduct under the *Animal Care and Protection Act 2001* (QLD), Parts 3 and 5.

<sup>4</sup> Jumps racing, steeplechasing or hurdle racing are not specified in the 'cruelty to animals' offence or as a prescribed act of cruelty under the *Animal Welfare Act 2002* (WA) s 19, or *Animal Welfare (General) Regulations 2003* (WA) reg 4.

<sup>5</sup> *Animal Welfare Act 1992* (ACT) s 18A.

#### 4.4 Northern Territory

The Northern Territory (**NT**) does not host jumps racing.

The *Racing and Wagering Act 2024* (NT) (**NT Act**) provides a regulatory framework for racing activities in the NT. Under the NT Act a 'race' involves 'horses, horses in harness or greyhounds', but does not include 'a contest, event or contingency in which skills other than speed alone are tested' (s 8). This may exclude jumps racing as a contest that involves jumping in addition to speed.

Therefore while the *Animal Protection Act 2018* (NT) does not specify jumps racing as a prohibited activity (s 32), jumps racing may arguably be excluded from the racing industry under racing laws.

#### 4.5 Tasmania

Jumps racing was discontinued in Tasmania in 2007 by the Tasmanian Thoroughbred Racing Council, ostensibly due to it being 'economically not viable' to continue with 'local support steadily declining'.<sup>6</sup>

While jumps racing is not prohibited under animal welfare legislation in Tasmania<sup>7</sup>, the industry ban has remained in place.

#### 4.6 New South Wales

Jumps racing has been banned in legislation in New South Wales (**NSW**) since 1997, when section 21C was inserted in the *Prevention of Cruelty to Animals Act 1979* (NSW). This provision provides that:

A person who organises or participates in a steeplechase or hurdle race is guilty of an offence.

Maximum penalty—250 penalty units<sup>8</sup> in the case of a corporation or 50 penalty units or imprisonment for 6 months, or both, in the case of an individual.

The proposed ban was passed by the NSW Parliament despite some Members asserting that 'a blanket prohibition' on these types of races would inevitably lead to bans on other types of equestrian events.<sup>9</sup> Over 25 years later, the other equestrian events still occur in NSW, while the ban on jumps racing remains in place. This clearly demonstrates the low level of community acceptance of jumps racing in NSW, and that a ban of jumps racing need not necessarily affect other types of racing.

#### 4.7 South Australia

Jumps racing has been banned under animal welfare laws in South Australia (**SA**) since July 2023. It is banned under section 14AA(1) of the *Animal Welfare Act 1985* (SA) which provides that:

A person must not organise, promote or participate in, or participate in organising or promoting, jumps racing.

Maximum penalty: \$20 000 or imprisonment for 2 years.

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<sup>6</sup> Tony Bourke, 'Tasmania calls end to jumps races', *The Age*, 28 April 2007, <https://www.theage.com.au/sport/racing/tasmania-calls-end-to-jumps-races-20070428-ge4rl1.html>.

<sup>7</sup> Jumps racing, steeplechasing or hurdle racing are not specified as 'cruelty to animals' or as a prescribed act constituting cruelty to animals under the *Animal Welfare Act 1993* (TAS) s 8, or *Animal Welfare (General) Regulations (No. 2) 2023* (TAS) reg 6.

<sup>8</sup> Currently \$110.

<sup>9</sup> Legislative Council Hansard, NSW Parliament, 26 June 1997, <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardFull.aspx#/DateDisplay/HANSARD-1820781676-12994/HANSARD-1820781676-12971>.

Jumps racing is defined to mean 'a steeplechase or hurdle race involving the racing of horses' (s 14AA(3)).

In supporting the proposed ban when it was introduced, the SA Government stated that:

While jumps races were once an intrinsic part of the racing industry, it has fallen out of favour with the public who find the number of falls and deaths unacceptable.<sup>10</sup>

By prioritising horse welfare through this legislation, SA has set a precedent for other jurisdictions, and demonstrates that legislative action can align racing regulations with community values.

## 5 Current position in Victoria

Jumps racing still occurs in Victoria and is regulated under the *Racing Act 1958* (VIC), which provides a framework for all forms of horse racing. However, significant concerns persist in the community regarding the safety of horses used in jumps racing and the treatment of racehorses in general.<sup>11</sup> Given that all other jurisdictions in Australia have now banned or discontinued jumps racing, the ADO submits it is imperative that Victoria follows suit and takes decisive action to end jumps racing.

## 6 Reasons to end jumps racing in Victoria

### 6.1 Alignment with community expectations and legislative trends

Other Australian jurisdictions, such as South Australia and New South Wales, have enacted explicit bans on jumps racing through legislation, showing that a legislative ban is viable and effective. By following suit, the ADO submits that Victoria would align itself with these legislative trends.

The ADO also submits that discontinuing jumps racing would enhance compliance with existing animal welfare laws and demonstrate a proactive approach to regulatory responsibility on the part of the Victorian Racing Industry. There is a growing expectation from the community and stakeholders for racing laws to reflect contemporary views on animal welfare. As public sentiment increasingly favours the humane treatment of animals,<sup>12</sup> a legislative ban on jumps racing in Victoria could address these concerns and align with community values.

## 7 Conclusion

In light of the legislative and industry landscapes across Australia, the ADO strongly advocates for the discontinuation of jumps racing in Victoria. The trend towards discontinuing or legislatively banning jumps racing in all other Australian jurisdictions demonstrates a significant shift in community expectations and regulatory responsibility, prioritising the welfare of racing animals.

The review provides an opportunity for Victoria to lead in positive racing reform by discontinuing jumps

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<sup>10</sup> Susan Close, Minister for Climate, Environment and Water (SA), 'Government to support end to jumps racing in South Australia', <https://www.premier.sa.gov.au/media-releases/news-archive/government-to-support-end-to-jumps-racing-in-south-australia>.

<sup>11</sup> Coalition for the Protection of Racehorses, <https://horseracingkills.com/>; RSPCA Victoria, 'Audit of jumps racing horse falls, fatalities and injuries in Victoria', September 2024, <https://rspcavic.org/wp-content/uploads/2024/10/Audit-of-jumps-racing-horse-falls-fatalities-and-injuries-in-Victoria.pdf>.

<sup>12</sup> Ruse, K, A Davison, and K Bridle. 2015. 'Jump Horse Safety: Reconciling Public Debate and Australian Thoroughbred Jump Racing Data, 2012-2014.' *Animals* 5 (4): 1072-1091; Futureye 2018, 'Australia's Shifting Mindset on Farm Animal Welfare', Victoria; Paul McGreevy et al, 'Not just activists, 9 out of 10 people are concerned about animal welfare in Australian farming', *The Conversation*, 15 May 2019, <https://theconversation.com/not-just-activists-9-out-of-10-people-are-concerned-about-animal-welfare-in-australian-farming-117077>;

racing which would not only enhance compliance with existing animal welfare provisions but also improve the integrity of Victoria's racing regulatory framework. The ADO submits that by ending jumps racing, Victoria can set a precedent for responsible governance, enhance its reputation as a leader in animal welfare, and respond effectively to community concerns.

The ADO therefore urges the Jumps Review Group (**JRG**) to consider these submissions and to recommend the discontinuation of jumps racing, ensuring that the welfare of racehorses is at the forefront of Victoria's racing industry.

The ADO thanks Racing Victoria and the JRG for the opportunity to contribute to the Review.

Sincerely

**Charlie Yeates and Tara Ward**

**Solicitors**

**Animal Defenders Office**