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Dear Mr Grapsas,

Consultation Paper 242: ASIC Class Order in relation to horse racing syndicates [CO 02/319]

I refer to the above Consultation Paper and attached draft Instrument.

Background

Harness Racing Victoria (HRV) is established under s.39 of the Racing Act 1958 and its function is to administer, develop and promote the sport of harness racing in Victoria.

An important preliminary point is that the harness racing code and the thoroughbred racing code are mutually exclusive - harness racing is contested by standardbred horses, whereas thoroughbred racing is contested by thoroughbred horses.

In Victoria, the harness racing code is administered by HRV, whereas the thoroughbred racing code is administered by Racing Victoria Limited (RVL).

The 'key terms' on page 23 of the Consultation Paper accurately state that Racing Australia Limited is the national industry body of thoroughbred racing in Australia (which includes RVL, but not HRV).

Conversely, Harness Racing Australia is the national industry body of harness racing in Australia (which includes HRV, but not RVL).

Under CO 02/319 dated 15 February 2002, HRV is defined as one of the bodies that is a Lead Regulator. This is also reflected in para RG 91.32 of Regulatory Guide 91. Relevantly to Victoria, RVL is also a Lead Regulator in its own right.

HRV's Comments

HRV's primary comment concerns its ongoing status as a Lead Regulator. Given that HRV is responsible for the administration of harness racing in Victoria, it is appropriate that HRV continue to be the relevant lead regulator for the harness racing code in Victoria.

It appears from definitions, of “horse racing” and “lead regulator” in the draft Instrument attached to the Consultation Paper that HRV would be eligible to continue as a Lead Regulator.

However, I note that para 21 of the Consultation Paper states that Racing Australia [represents] “all of the lead regulators”.

As explained above, Racing Australia’s role is confined to the thoroughbred code, and does not extend to the harness code.

This could be read to imply that only thoroughbred code bodies may be lead regulators. If so, HRV is opposed to any such suggestion for the self evident reason that HRV is responsible for the administration of harness racing in Victoria, which is not within the scope of RVL’s administration of thoroughbred racing in Victoria.

In other respects, HRV is generally supportive of the proposed changes contained in the Consultation Paper.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'CL' with a flourish.

Craig Launder
Legal Counsel