



Conditions of SuperVOBIS (Tas) (2010/2011 Nominations – foals born in 2009)

N.B. Various terms used in these conditions are defined. When they are first used they are indicated by quotation marks.

Who receives a bonus?

1. Tasracing Pty Ltd will pay the applicable SuperVOBIS (Tas) Nominator's Bonus to the SuperVOBIS (Tas) Nominator of a horse which is placed 1st, 2nd or 3rd in a SuperVOBIS (Tas) Nominator's Race, unless specified as "winner only", subject to the satisfactory outcome of any Racing Services Tasmania swab or inquiry procedure.
2. Tasracing Pty Ltd will pay the applicable SuperVOBIS (Tas) Owner's Bonus to the SuperVOBIS (Tas) Owner of a horse which is placed 1st, 2nd or 3rd in a SuperVOBIS (Tas) Owner's Race, unless specified as "winner only", subject to the satisfactory outcome of any Racing Services Tasmania swab or inquiry procedure.
3. Tasracing Pty Ltd will pay the applicable SuperVOBIS (Tas) Nominator's Bonus to the SuperVOBIS (Tas) Nominator of a horse which wins a specified 2YO or 3YO Tasmanian Feature Race (staked at \$50,000 or more), subject to the satisfactory outcome of any Racing Services Tasmania swab or inquiry procedure.

How many races will carry SuperVOBIS (Tas) bonuses

4.
 - 1) The decision as to which races will and will not carry a SuperVOBIS (Tas) Bonus will be made by Tasracing, in Tasracing's sole and absolute discretion. Those races that will carry a SuperVOBIS (Tas) bonus will be advertised in the Tasmanian Racing Calendar, published by Tasracing.

Distribution of SuperVOBIS (Tas) Nominator's and Owner's bonuses.

5.
 - 1) Unless specified as "winner only", the total SuperVOBIS (Tas) Nominator's or Owner's Bonus for a SuperVOBIS (Tas) Nominator's or Owner's race is as follows:

Place in Race	Percentage of Bonus
1 st	70%
2 nd	20%
3 rd	10%
 - 2) If there is a dead heat for 1st, 2nd or 3rd in a race which carries a SuperVOBIS (Tas) Nominator's or Owner's bonus, the applicable SuperVOBIS (Tas) Nominator's or Owner's bonus will be the aggregate of the amounts which would have been the applicable SuperVOBIS (Tas) Nominator's or Owner's Bonuses for the SuperVOBIS (Tas) Nominator's or Owner's of the horses which dead-heated had they finished in successive places, divided by the number of horses which dead-heated for that place. If one or more of the horses which dead-heated did not qualify for a SuperVOBIS (Tas) Nominator's or Owner's bonus the SuperVOBIS (Tas) Bonus payable in respect of the horse or horses which dead-heated and were so qualified shall be calculated on the basis that each of the horses which dead-heated qualified for payment of a SuperVOBIS (Tas) Nominator's or Owner's Bonus.
 - 3) These Conditions may be amended by Tasracing, without notice at any time, including but not limited to reducing the number and size of SuperVOBIS (Tas) Bonuses altering the

Nominators fee and altering definitions of the Eligibility Categories. Tasracing shall not be liable in any way if any of these Conditions are amended.

Which horses can be named on a SuperVOBIS (Tas) Form submitted to Tasracing and what is the Nominator's fee?

6.

- 1) A horse within an "Eligibility Category" described below can be named on a SuperVOBIS (Tas) Form submitted to Tasracing.

Eligibility Category A – "Tasmanian Sired"

Open to a 2009 foal conceived in Tasmania and sired by a stallion standing in Tasmania for the Stud Season.

A \$660 Nominator's Fee is payable per 2009 foal by 1 February 2011. (The total price included GST for the supply).

PLEASE COMPLETE NOMINATION FORM – ELIGIBILITY "A"

Eligibility Category B – "Breedback"

A foal sired by non-Tasmanian based stallion provided the dam is "bredback" to a Tasmanian based stallion in the breeding season the foal is born.

A \$1320 Nominator's Fee is payable per 2009 foal by 1 February 2011 (The total price included GST for the supply). The nominator will be required to provide the 2009 covering certificate or the 2010 foaling certificate.

PLEASE COMPLETE NOMINATION FORM – ELIGIBILITY "B"

Eligibility Category C – "Tasmanian Breeder"

A 2009 foal sired by a non-Tasmanian based stallion provided the dam at the time of foaling is owned by a Tasmanian Breeder. A minimum shareholding of 50% ownership in the dam by a Tasmanian Breeder is required. A Tasmanian Breeder as an individual is someone who appears on the Tasmanian Electoral Roll and/or a partnership or company comprising individuals who reside in Tasmania.

A \$1980 Nominator's Fee is payable per 2009 foal by 1 February 2011 (The total price included GST for the supply).

Who is the SuperVOBIS (Tas) Nominator of a horse?

7. The SuperVOBIS (Tas) Nominator of a horse means the person (if any) who:

- 1) Is named as SuperVOBIS (Tas) Nominator on a duly completed SuperVOBIS (Tas) Form which relates to that horse, being a horse within an Eligibility Category.
- 2) At the time the SuperVOBIS (Tas) Form referred to in paragraph 1 was submitted to Tasracing, being some time on or after the date the horse was born and on or before 1 February of the Racing Year in which the horse becomes a yearling:
 - a) Also submitted the evidence reasonably required by Tasracing to demonstrate that the horse falls within Eligibility Category A, Eligibility Category B or Eligibility Category C; and
 - b) Was:
 - i. The lessee of that horse (or if there was more than one lessee, one of the lessees duly authorised in writing by the other lessees to be named as the SuperVOBIS (Tas) Nominator; or
 - ii. The owner of that horse (or there was more than one owner, one of the owners duly authorised in writing by the other owners to be named as the SuperVOBIS (Tas) Nominator)
(an "Eligible Nominator"); and
 - c) Paid the Nominator's Fee applicable to the Eligibility Category for which the evidence referred to in sub-paragraph (a) above was provided; and
- 3) Is the first Eligible Nominator to submit a SuperVOBIS (Tas) Form in respect of that horse who's SuperVOBIS (Tas) Form is not rejected.

Who is the SuperVOBIS (Tas) Owner of a horse?

8. For the purpose of the payment of a SuperVOBIS (Tas) Owner's Bonus, the SuperVOBIS (Tas) Owner of a horse is the person who is the Nominator of that horse, as defined in the Tasracing Rules of Racing for a race, but if that horse does not have a SuperVOBIS (Tas) Nominator it does not have a SuperVOBIS (Tas) owner.

Payment of Bonuses

9. A SuperVOBIS (Tas) Bonus is not payable until after the payment of stake monies by the racing club which conducts the race in respect of which that SuperVOBIS (Tas) Bonus is payable. A SuperVOBIS (Tas) Bonus will be paid by single cheque or direct deposit and will, in the case of SuperVOBIS (Tas) Nominator's Bonus be drawn in favour of and sent to the SuperVOBIS (Tas) Nominator at the address that the SuperVOBIS (Tas) Nominator last advised to Tasracing and will in the case of a SuperVOBIS (Tas) Owner's Bonus, be sent to the SuperVOBIS (Tas) Owner at the address advised to the racing club conducting the relevant SuperVOBIS (Tas) Owner's Race at the time of the horses entry to that race. Tasracing is authorised to make any deductions from SuperVOBIS (Tas) Bonuses required by the Rules of Racing and pay them as required (eg. Trainer and Jockey's percentages). A SuperVOBIS (Tas) Nominator may request in writing that another person be the payee of a SuperVOBIS (Tas) Bonus and Tasracing may (but need not) agree to that request and may specify conditions upon which it will agree to that request.
10. No interest will be payable by Tasracing in relation to the payment of a SuperVOBIS (Tas) Bonus.

Forms

11. Each SuperVOBIS (Tas) Form must be signed by the person named as the SuperVOBIS (Tas) Nominator on that form or by person's duly authorised attorney. If a person signing the form is not the person named as a SuperVOBIS (Tas) Nominator, the person signing declared to Tasracing that he or she is duly authorised to sign the form as the attorney of the person for whom he or she is signing and has received no notice or revocation of the Power of Attorney.
12. Tasracing is not obliged to enquire into the right of a person to be named as a SuperVOBIS (Tas) Nominator on a SuperVOBIS (Tas) Form or to sign as attorney of the SuperVOBIS (Tas) Nominator.
13. A person named as SuperVOBIS (Tas) Nominator on a SuperVOBIS (Tas) Form and each person who represents himself or herself as attorney of that person fully indemnifies and hold harmless that Tasracing against all claims, actions, demands, proceedings, liabilities, damages, amounts, costs and expenses (including legal costs and dismemberments on a solicitor and client basis) whatsoever and howsoever arising paid suffered or incurred directly or indirectly as a result or connection with the person so named as Nominator not being the Eligible Nominator, any horse named on that form not falling within an Eligibility Category, and of the fact or statements inserted or made in any SuperVOBIS (Tas) Form or in any request made in relation to that form being incorrect in any way, or the attorney not being authorised to complete or sign that form or request in the form which it is provided to Tasracing.
14. Each SuperVOBIS (Tas) Nominator named on the SuperVOBIS (Tas) Form with his or her knowledge and each person who signs a SuperVOBIS (Tas) Form represents and warrants that each horse named on that form falls within an Eligibility Category specified on that form. If that representation and warranty is false then whether or not the SuperVOBIS (Tas) Nominator signatory shall jointly and severally be liable to pay Tasracing that sum of \$2,000 (or such smaller sum as determined by Tasracing) and to refund all SuperVOBIS (Tas) Bonuses which have been paid in relation to the horse named on that form, and no further SuperVOBIS (Tas) Bonuses shall be paid in relation to that horse.
15. Tasracing is entitled to use each SuperVOBIS (Tas) Form and the information contained in it for any purpose and to provide any form or disclose any of the information contained in it to any person.

General

16. Tasracing in its sole and absolute discretion may waive or modify a requirement of one or more Conditions in a particular instance or instances and may require as a condition of doing so that additional requirements are met.
17. Notwithstanding anything contained in these Conditions, Tasracing has the power to determine in its sole and absolute discretion entitlement to be named as SuperVOBIS (Tas) Nominator on a SuperVOBIS (Tas) Form and entitlement to any SuperVOBIS (Tas) Bonus.

18. (1) Tasracing
 - a) Takes no responsibility for determining and has no obligation to enquire into or advise as to whether, and
 - b) Is not liable in any way if it incorrectly states that, a horse is or is not within an Eligibility Category.
 - (2) Tasracing
 - a) Has no obligation to notify any person (other than a SuperVOBIS (Tas) Nominator or a SuperVOBIS (Tas) Owner upon request) that a horse has been nominated for SuperVOBIS (Tas) or is SuperVOBIS (Tas) qualified; and
 - b) is not liable to any person (including the SuperVOBIS (Tas) Nominator) in any way for failure to make this notification.
 - (3) These Conditions may be amended by Tasracing, without notice at any time, including but not limited to reducing the number and size of SuperVOBIS (Tas) Bonuses altering the Nominators fee and altering definitions of the Eligibility Categories. Tasracing shall not be liable in any way if any of these Conditions are amended.
 - (4) All persons named as SuperVOBIS (Tas) Nominators agree by submitting a SuperVOBIS (Tas) Form themselves and on behalf of persons whose claims arise through them to be bound by these Conditions (as amended from time to time) and release Tasracing from claims in relation to the matters dealt with by the preceding paragraphs 19 (1), 19 (2), 19 (3) and Condition 21.
19. Tasracing may delegate to a sub-committee, appoint or employ any person to undertake, or assign its role or any aspect of its role in relation to SuperVOBIS (Tas).
 20. Tasracing may terminate SuperVOBIS (Tas) at any time. Neither Tasracing nor any person shall be liable to any person in any ways if SuperVOBIS (Tas) is terminated.
 21. No refund, in full or in part, of a Nominator's Fee is payable except as follows:
 - 1) If Tasracing terminates SuperVOBIS (Tas), Tasracing shall determine and refund the proportion (if any) of the balance of the fees paid to it in respect of SuperVOBIS (Tas), after deducting expenses incurred in respect of SuperVOBIS (Tas), liabilities (contingent or otherwise) incurred in respect of SuperVOBIS (Tas) and SuperVOBIS (Tas) Bonuses paid or liable to be paid by it which it in its sole and utter discretion thinks it appropriate;
 - 2) If any SuperVOBIS (Tas) Form is rejected by Tasracing (which it may determine to do in its sole and utter discretionary any time on or before the commencement of the 2011/2012 Racing Year without having or giving any reason thereof), any fee paid in respect of a horse named in that Form shall be refunded in full;
 - 3) If Tasracing determines in its sole and absolute discretion, that a refund should be made to a person who has paid a Nominator's Fee;
 - 4) If the horse dies prior to 1 February 2011 (the year in which it becomes a yearling)
 22. All references to Tasracing shall be construed as including references to the Board of Tasracing Pty Ltd and its members, Tasracing officers and agents, and every person, committee, board and organisation to whom or which any aspect of Tasracing's role has been directly or indirectly delegated or assigned or by whom any aspect of Tasracing's role has been undertaken.

Interpretation

23.1 In these Conditions;

- 1) "GST" means tax that is payable or imposed as goods and services tax under the GST law as defined in the GST Act.
- 2) The "GST Act" is the Act of Parliament titles a New Tax System (Goods and Services Tax) Act 1999.
- 3) "Group and Listed Races" has the same meaning as it has in Tasracing Rules of Racing.
- 4) "Non-TAB races" are races on which the off-course Totalizer is not authorised to conduct betting.
- 5) "Prize Money" means money only (excluding bonuses) and does not include cups, trophies or any material gain or benefit of being valued in money earned by a horse from whatever the source or person.
- 6) "Racing Year" means 1 August to 31 July in the next year.
- 7) "Tasmanian Breeder" is person:
 - a) Who or which breeds a thoroughbred and in the absolute opinion of Tasracing;
 - i. Being an individual, is ordinarily resident in Tasmania;

- ii. Being a partnership comprises individuals ordinarily resident in Tasmania and/or companies (as described in Sub-paragraph (iv) of this condition) who or which beneficially own at least 50% of the capital of the partnership.
- iii. Being a joint venture comprises individuals ordinarily resident in Tasmania and/or companies (as described in Sub-paragraph (iv) of this condition) who or which beneficially own at least 50% in the joint venture.
- iv. Being a company, has members ordinarily resident in Tasmania who beneficially own shares in the company carrying the right to;
 - A) Exercise at least 50% of the voting power in the company.
 - B) Receive at least 50% of any dividends that may be paid by the company; and
 - C) Receive at least 50% of any distribution of capital of the company.

If more than one category of the Tasmanian Breeder referred to in this Condition 23.1(7)(a) owns the beneficial interest in the dam the Tasmanian residents must in the opinion of Tasracing directly or indirectly beneficially own at least 50% of that dam; or

- b) Although not within a sub-paragraph (a), (i), (ii), (iii) or (iv) is in the sole and absolute discretion of Tasracing determined by Tasracing to be a Tasmanian Breeder of thoroughbred horses (including without limitation a person who has substantial investment in breeding thoroughbred horses in Tasmania).

Unless Tasracing decided otherwise an opinion formed or determination made by it in relation to a person being a Tasmanian Breeder shall be deemed to have been formed or made at the commencement of the 2008 Stud Season and that person shall be deemed to have been a Tasmanian Breeder at the commencement of that Stud Season.

- 8) "Stud Season" means 1 August to 31 January in the next year.
- 9) "SuperVOBIS (Tas) Bonus" means the scheme governed by these Conditions as amended from time to time.
- 10) "SuperVOBIS (Tas) Bonus" included an applicable SuperVOBIS (Tas) Nominator's Bonus and an applicable SuperVOBIS (Tas) Owner's Bonus.
- 11) "SuperVOBIS (Tas) Form" means a form approved by Tasracing for applying to Tasracing to be eligible to a SuperVOBIS (Tas) Nominator's Bonus.
- 12) "TAB Races" are races on which the off-course Totalizer is authorised to conduct betting.
- 13) "VOBIS" means Victorian Owners and Breeders Incentive Scheme, as amended from time to time.
- 14) "Tasracing" means Tasracing Pty Ltd.
- 15) Headings are for ease of reference and do not form part of or affect the construction of these conditions.
- 16) Other parts of speech of defined terms have corresponding meanings.
- 17) The singular includes the plural and vice versa and words importing gender includes other genders.

23.2 Taracing may in its sole and absolute discretion determine that for the purpose of qualifying as a Tasmanian Breeder under 'Category C' a lessee under a lease of a Dam is or was the beneficial owner of that Dam.

23.3 These Conditions are subject to the Rules of Racing of Tasracing.

**GST Implications
Fees**

Nominations Fees include goods and service tax (GST), which generally applies to the supply of goods or services made from 1st July 2000. Nominators who are registered for GST purposes will be entitled to an input tax credit equal to 1/11th of the Nomination Fee.

Business or Hobby (Thoroughbred-racing specific)

For SuperVOBIS (Tas) to make payments inclusive of GST to Nominators who are in business and have registered for GST, we require your Australian Business Number (ABN) and a statement that you are also registered for GST. IF you DO NOT have an ABN and you are not registered for GST then we require that you sign a declaration stating that your activities are a hobby. It is important that we receive this information otherwise we are required by law to withhold 48.5% of any bonus payments where we have not been provided with an ABN or a declaration indication hobby status.

A form for Nominator's to provide these details are available on request. By filling out this form and returning it to SuperVOBIS (Tas) we will be able to update our records and make bonus payments accordingly.

Contact Information:

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