



Lease of a Racehorse

(For up to 10 Lessee)

400 Epsom Road Flemington VIC 3031

Telephone: 1800 870 799 deputyregistrar@racingaustralia.horse

What is a Racing Lease?

A racing lease is a contractual agreement between a lessor(s) and the lessee(s), whereby the lessee pays the lessor a rental fee for the use of a racehorse. Given that a racing lease is a legally binding contract, it is strongly advised that parties seek independent legal advice when entering into a lease.

For simplicity within this 'Lease of a Racehorse' form, the lessor will be referred to as the owner.

Are there different types of Racing Leases?

Yes, there is an Option A Lease and an Option B Lease.

1. OPTION A LEASE

An Option A Lease is one in which the lessee pays the owner a rental percentage. Furthermore, Racing Victoria will distribute all prizemoney won by the horse to the managing lessee only, <u>regardless</u> of whether a lessee includes his or her bank account details within this application. It is then the responsibility of the managing lessee to distribute the owner's rental percentage to the owner, and prizemoney to the members of the lessee group.

2. OPTION B LEASE

An Option <u>B</u> Lease is one in which an owner is included as a member of the lessee group in order to enable that owner to receive his or her rental percentage directly from Racing Victoria. Furthermore, *each lessee will receive his or her portion of prizemoney directly from Racing Victoria.* There can only be a maximum of twenty (20) lessees within the lessee group, including any owners that elect to be lessees for prizemoney purposes. Generally, an owner who places themselves within the lessee group for prizemoney purposes will *not* be the *managing* lessee.

Please note: If a lessees fails to provide his or her bank account details for prizemoney purposes, this application form will be considered incomplete. In this instance, the application form will be returned to lessee for completion.

Ensuring an Option B Lease is legally binding without the declaration of a rental percentage?

Should the parties elect to enter into an Option \underline{B} lease, a **nominal rental fee** (otherwise known as a small or insignificant fee) of one dollar (\$1.00) per annum will automatically apply. This nominal rental fee represents the consideration payable by the lessee to the owner. In the event that the parties agree to enter into a lease that provides for another form of consideration, the parties may request that the nominal rental fee not automatically apply. Given that consideration is required for a lease to be considered legally binding, parties should seek independent legal advice as to the terms of any lease to be entered into.

What if a Dispute arises?

A lease is a private agreement between owner(s) and lessee(s) which creates proprietary interests between the parties to the lease. Racing Victoria is not a party to the lease, its only role is to manage its ownership registration system, ensure compliance with the Rules of Racing and determine the eligibility of horses to race.

In the event of a dispute, Racing Victoria is able to offer a mediation service in order to assist the parties to resolve any dispute. However, Racing Victoria does not have the jurisdiction to determine the private rights of parties in a lease dispute. Accordingly, if any dispute arises concerning a lease it is a matter for the parties and it is advisable that the parties seek independent legal advice in the case of a dispute.

Review Process

If any information requested within this document is not submitted, this application may be considered incomplete. In this instance, *incomplete application forms will be returned via email or post to the managing lessee*. Please allow ten (10) working days for this application to be reviewed.

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Lease of a Racehorse Details

Horse Name:									
Lease commencement da	ate (below):	Lease expir	y date (below):		Today's d	ate (below):		
Declare any special claus	ses agreed hy	the owner a	and lesses (be	ow).					
(For example, "the owner to ref									
	Sele	ect the type of	lease you wish	to estab	lish (tick o	ne box only)			
]		
OPTION <u>A</u> LE	ASE	(Tick here)	OR		ОРТ	ION <u>B</u> L	EASE	(Tick here	∌)
(If selecting the Option <u>A</u> Lea	ase, declare re	ental below)	J	(If se	lecting the	Option <u>B</u> Le	ease, progres	ss to GST sec	tion) —
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Owner's rental percentage:	(Declare	e here) %			wner's rer ercentage			a nominal ra 0 pa (Ex GST)	
(This is the percentage of prize from the managing le					(This is the		s outlined on pation form)	page one of this	
(Once rental has been decl	ared, progress	s to GST secti	ion)						
			<u> </u>						
Is the owner GST registered purposes?	ed for racing		YES	(Tick	YES here)		NO	(Tick NO	here)
If the owner of this horse is GS the owner <i>in addition</i> to the odistribute GST to the owner <i>in</i> the owner and lessee:	wner's rental po	ercentage decla	ared above. In t	he instand	e of an Op	tion B Lease,	Racing Victor	ria is required b	y Law to
Example 1 (10% rental & owner Horse wins prizemoney of \$10, Owner's portion is a total of \$1.	.000:	•	GST)		Horse wi	ns prizemoney	of \$10,000;	ot registered for \$1,000 rental on	
	(0	nce GST has	been declared	progress	s to payme	ent section)			
	`			. 0	, ,	,			
Payment - \$66.00	(Alternatively	, enclose a Che	eque or Money (Order paya	able to Rac	ing Victoria)			
Credit Card Type (Please circle):		Credit Card Nur	mber:			I I			
MASTERCARD / VISA / AMEX	(/ DINERS								
Cardholder's Name (Please print):			Credit Card Expir	y Date (MM/Y	Y):	Credit	Card Verification (CVV)		
						American			
Cardholder's Signature:						Express Only		Date (DD/MM/YY):	

3 Confirmation of Owner(s)

Horse Name:		

If you are signing on behalf of another owner, you must also lodge (with this application) an **Authority to Sign** form. This form is available at www.racing.com (Click on 'Owner Link' and 'Resources – Ownership Forms');

Important: Regardless of the type of lease that is selected on page 2 of this application form, **all owners** of the racehorse must complete this page:

Owner 1 (Print Name):	Signature:	
Owner 2 (Print Name):	Signature:	
Owner 3 (Print Name):	Signature:	
Owner 4 (Print Name):	Signature:	
Owner 5 (Print Name):	Signature:	
Owner 6 (Print Name):	Signature:	
Owner 7 (Print Name):	Signature:	
Owner 8 (Print Name):	Signature:	
Owner 9 (Print Name):	Signature:	
Owner 10 (Print Name):	Signature:	

Confirmation of Lessee (Manager)

Horse Name:		

The total lessee share percentage **must equal 100%** otherwise this form will be considered incomplete;

1st Lessee (Manager):

The following member of the lessees will be deemed to be the Manager. For clarification of the rights and responsibilities of a Manager of a racehorse, please refer to Australian Rule of Racing 57. A copy of the Rules of Racing can be found at the Racing Victoria Website; www.rv.racing.com (Click 'Racing and Integrity');

Syndicate (<u>Only</u> applie	Name cable if you are representing a registered Syndicat	e):		
Title:	Manager First Name:	Manager Surname:		Date of Birth:
Manager	Postal Address:		State:	Post Code:
Manager (Business I	Phone No. Hours):	Manager Email Address (Any incomplete forms will be returned via the	nis Email Address):	
	ount Name ution of prizemoney):			
(Mandato Account N	ry) Number below:	(Mandat BSB Nu	tory) mber (6 Digits) below:	
	ber: I <u>only</u> be provided under the following circumstanction for "racing purposes"; or (b) If you – as an individual		syndicate <u>and</u> the Syndicate – as	s an entity – is GST
(Note; this i	Share Percentage (%) is the percentage you individually hold within the lepercentage for the lessee group must equal 100%		ge – therefore the	%
Signature > By sig	: ning, you acknowledge that you have read and un	derstood and agree to be bound by the Rules o	of Racing and the Terms & Cond	SIGN HERE
	oplication form.	<u> </u>	3 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	



Horse Name:

Syndicate (<u>Only</u> applic		are repres	enting a reç	gistered Synd	licate):								
Title:	First Na	ame:			Sur	name:		Date of Birth:					
Postal Add	dress:									Sta	ate:		Post Code:
Phone No (Business H					Em	ail Address	S:						
(Mandatory, when actioning an Option B Lease) Bank Account Name (For distribution of prizemoney): Account Number below: BSB Number (6 Digits) below:										These bank account details will only be applicable when activating an			
ABN Num This should	ber: only be pr - as an enti	ovided und		ving circumst for "racing pu		If you are th	e manager o	of a registe	red Syndic		}		Option B Lease. Furthermore, following the selection of an Option B Lease, it is mandatory for each lessee to provide bank account details.
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			e that you h	ave read and	d understoo	od and agree	e to be boun	d by the R	ules of Rad	cing and the	e Terms & Co		GN HERE



Horse Name:	
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By signing this document, you acknowledge that lessee number one (1) is considered to be the Manager of the racehorse. For clarification of the rights and responsibilities of a manager of a racehorse, please refer to Australian Rule of Racing 57. A copy of the Rules of Racing can be found at the Racing Victoria Website; www.rv.racing.com (Click 'Racing and Integrity');

Syndicat (<u>Only</u> appl			e repres	enting a	registere	ed Syndi	cate):										
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Postal A	ddress:	:												State:		Pos	t Code:
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Account Number below: BSB Number (6 Digits) below:								w:		account details wi only be applicable when activating ar Option <u>B</u> Lease.		v be applicable en activating an					
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Racing Victoria – Lease of a Racehorse (up to 10 Lessee)

4	Confirmation of Lessee	
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Horse Name:	

4th Lessee:

•	Syndicate Name (Only applicable if you are representing a registered Syndicate):													
Title:	First Na	ame:			Suri	Surname: Da								
Postal Add	dress:									State:		Post Code:		
Phone No. (Business Hours): Email Address:														
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Horse Name:			

4 Confirmation of Lessee

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Horse Name:	

4 Confirmation of Lessee

Syndicate Name (Only applicable if you are representing a registered Syndicate):																
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Confirma	ation of Lessee			
Horse Name:				

Syndicate (<u>Only</u> applic		are represe	enting a re	egistered Syn	dicate):							
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Horse Name:		

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			e that you h	nave read and	understoo	d and agree	to be bound	d by the Rul	les of Racing	and the Te		GN HERE

Horse Name:			

Confirmation of Lessee

Syndicate Name (Only applicable if you are representing a registered Syndicate):															
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Postal Address:							State:							Post Code:	
Phone No. (Business Hours):							Email Address:								
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Account Number below:						BSB Number (6 Digits) below:								when activating	
														Furthermore, following the selection of an Option <u>B</u> Lease	
ABN Number: This should only be provided under the following circumstances: (a) If you are the manager of a registered Syndicate and the Syndicate – as an entity – is GST registered for "racing purposes"; or (b) If you – as an individual – are GST registered for "racing purposes": is mandatory for each lessee to provide bank account details.															
Individual Share Percentage (%) (Note; this is the percentage you individually hold within the lessee group, and excludes any rental percentage – therefore the total share percentage for the lessee group must equal 100%):															
Signature: SIGN HERE															
	ning, you a		e that you	have rea	ad and und	derstood	d and agree	to be boun	d by the Ru	les of Ra	acing an	d the Ter	ms & Condi	itions as outlined wi	thin



Returning the Completed Forms

Once completed, please return this application form to Racing Victoria's Owner Services via the following methods:

Email: deputyregistrar@racingaustralia.horse;

Post: Racing Victoria Owner Services, 400 Epsom Road, Flemington VIC 3031.

Please allow ten (10) working days for the processing of this application. If you have any queries, please contact the Customer First Contact Centre on 1800 870 799 or alternatively via email deputyregistrar@racingaustralia.horse.



Terms and Conditions

GENERAL INFORMATION:

Racing Victoria registers leases for racing purposes. Racing Victoria is not a party to the leases it registers. Racing Victoria's "Register a Lease" form does not itself create any proprietary rights. A lease is a private agreement between owner and lessee which creates proprietary interests between the parties to the lease.

If any dispute arises concerning a lease it is a matter for the parties to settle themselves either in the courts or through mediation. Racing Victoria does not have the jurisdiction to determine the private rights of parties in a lease dispute. Racing Victoria's only role is to manage its ownership registration system, ensure compliance with the Rules of Racing and determine the eligibility of horses to race. Independent legal advice should be sought in the case of a dispute. Independent legal advice should also be sought relating to the courts jurisdiction with respect to forfeiture before entering a lease. Insurance of the horse is the responsibility of the owner.

PERSONAL INFORMATION:

To assist in making ownership determinations, the Deputy Registrar of Racehorses (Registrar) must assess the fitness and propriety of each applicant. This assessment requires the collection of sensitive information. In order to protect each individual's privacy, certain necessary information has not been requested on the application form; however, all applicants must read the following questions:

- 1. In the past 10 years, have you been convicted of, or is there a pending charge against you, for any offence involving; (a) Violence against a person? or (b) Dishonest or criminal activity?
- 2. Have you ever been convicted under the Australian Rules of Racing or rules of any racing authority?

If any applicant should answer "yes" to any of these questions, the applicant must notify the Registrar in writing prior to the lodgement of this application. Such notification must include full details of the conduct in question. The Registrar will advise in writing within seven (7) days of having received such notification. That advice should be retained by the applicant as evidence that the appropriate notification has been made. You are advised that should it be established that an individual has neglected or failed to truthfully respond to questions 1(a), 1(b) or 2, this application and any other application concerning the individual may be refused or cancelled at any time. If the notification has previously been advised to the Registrar, there is no need to do so again.

The Committee of any Club or the Stewards may punish any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing under AR175(gg). Inaccuracies or omissions may also lead to penalties and refusal or cancellation of the registration of this horse (AR17).

PRIVACY:

The Registrar of Racehorses (Registrar) collects information about you when you submit this application to register a racehorse. The Registrar will use that information to assess your application and if approved, your ongoing status as an owner. To do that, the Registrar may disclose your information to other racing bodies. On occasion, the Registrar may disclose names and contact details to racing organizations including race clubs and owners or breeders associations.

However, this information will only be disclosed when the Registrar is of the opinion that such communication may be of interest or benefit to you. You can gain access to, and request changes to, your personal information held by the Registrar at any time. You do not have to supply the information requested, but if the information is not provided, the Registrar may refuse to accept your application.

OWNER GST / EFT DECLARATION:

If your horse interests are registered under GST Legislation, you are required to provide the applicable ABN so that prize money payments can be grossed up with the GST portion. Each person or entity that is GST registered should nominate the applicable ABN.

In the case of Syndicate members who are GST registered, GST details cannot be specified – the Syndicate must be registered for GST. If the first named owner/entity (manager) provides bank account details, prize money payments can be made direct to the nominated bank account.