

RULES AND CONDITIONS

1. INTRODUCTION

Racing Rewards SA Payments (including any applicable GST) will be paid by Racing SA to the Owner and Nominator of a horse (as the case may be) that participate in Racing Rewards SA under these Rules and Conditions if the conditions are met.

Racing Rewards SA Payments are not part of the stake-money payable under the Rules of Racing for a race. Racing Rewards SA Payments are not taken into account when deciding the eligibility of a horse in the balloting conditions applicable to a race under the Rules of Racing.

These Rules and Conditions are to be governed and construed in accordance with the laws of South Australia.

2. ADMINISTRATION

2.1 Racing SA will administer Racing Rewards SA.

2.2 Racing SA reserves the right at any time to:

- (a) Terminate or change Racing Rewards SA;
- (b) Add or amend any of these Rules and Conditions; and
- (c) Without limitation, amend the level of any Racing Rewards SA Payments on any race or generally.

2.3 Racing SA may, in its absolute discretion (but is not obliged to), consult with and consider the views of the Racing Rewards SA Working Party as to any changes to these Rules and Conditions or Racing Rewards SA, but Racing SA has absolute discretion to make any changes.

2.4 No refund, in full or in part, of the Nomination Fee is payable by Racing SA except as otherwise set out in these Rules and Conditions.

2.5 Notice of termination of Racing Rewards SA and changes to Racing Rewards SA or these Rules and Conditions shall be published and shall take effect on being published. Such a publication, in the discretion of Racing SA may be in either "The Races", the official publication of Racing SA, or on the industry website, www.theracessa.com.au, or both.

2.6 If any participant in Racing Rewards SA disputes the application or interpretation of these Rules and Conditions or the payment of any Racing Rewards SA Payments or if any other issue arises which is not apparently covered by these Rules and Conditions, Racing SA's adjudication about, and/or decision on, the dispute or issue (as the case may be) will be final and binding on all participants in Racing Rewards SA, including any future participants.

2.7 Neither Racing SA, nor its officers, employees, servants or agents are liable for any loss or damage of any kind whether arising from or in connection with:

- (a) Racing SA terminating Racing Rewards SA;
- (b) Racing SA changing Racing Rewards SA or any of these Rules and Conditions; or
- (c) any acts or omissions of Racing SA in the administration of Racing Rewards SA or otherwise, including negligent acts or omissions.

3. ELIGIBILITY

3.1 A horse, to be eligible to participate in Racing Rewards SA, must qualify under one of the following categories:

- (a) **Category 1** – South Australian Sired – Horse by a stallion which stood at stud in South Australia during the Season when the horse was conceived; or
- (b) **Category 2** – South Australian Breed Back – Horse from a mare that was served by a stallion which does not stand at stud in South Australia provided that the dam is bred back to a stallion which stood at stud in South Australia in the Season when the horse was born; or
- (c) **Category 3** – South Australian Breeder - Horse by stallions that do not stand at stud in South Australia provided the horse is owned, at birth, by a South Australian Breeder or the dam is bought by a South Australian Breeder with the horse, as a weanling or foal at foot of that mare; or
- (d) **Category 4**
 - i. Yearlings - Horse purchased at any sale in Australia in 2021 and is by a stallion which does not stand at stud in South Australia, provided the horse is at least 50% owned by natural persons who ordinarily live in South Australia, or a South Australian Company, or a combination of both.
 - ii. Weanlings – Horse which is purchased and is by a stallion who does not stand at stud in South Australia, provided the horse is at least 50% owned by natural persons who ordinarily live in South Australia, or a South Australian Company, or a combination of both, and will reside in South Australia from the time of purchase.

3.2 If a mare was not able to be served by a stallion which stood at stud in South Australia in the Season when the horse was born because of veterinary problems, the horse is deemed to come under Category 2, if the Nominator provides with the Nomination Form written evidence to the satisfaction of Racing SA of:

- (a) the mare being resident in South Australia for a continuous period of 4 months during the Season in which the horse was born; and
- (b) a booking to a South Australian based sire; and
- (c) a veterinary certificate confirming the veterinary problem for the mare not able to be served.

3.3 In this Rule 3:

- (a) A "South Australian Breeder" means:

- i. A natural person who ordinarily lives in South Australia; or
 - ii. A South Australian Company; or
 - iii. A South Australian Partnership; or
 - iv. A South Australian Syndicate.
- (b) A “South Australian Company” means a company whose members ordinarily live in South Australia and who beneficially own shares in the company which carry the right to:
- i. exercise at least 50% of the voting power in the company; and
 - ii. receive at least 50% of dividends that the company may pay; and
 - iii. receive at least 50% of any distribution of capital of the company.
- (c) A “South Australian Partnership” means a partnership in which at least 50% of the partnership capital is beneficially owned by natural persons who ordinarily live in South Australia, or South Australian Companies, or a combination of both.
- (d) A “South Australian Syndicate” means a syndicate in which at least 50% of the syndicate is beneficially owned by natural persons who ordinarily live in South Australia or South Australian Companies, or a combination of both.

4 NOMINATIONS

- 4.1 The Nominator must complete and deliver to Racing SA the Nomination Form together with the Nomination Fee by the date specified in Rule 5. A horse will become a participant in Racing Rewards SA upon the payment of the Nomination Fee in accordance with these Rules and Conditions.
- 4.2 The Nominator, by signing the Nomination Form, agrees to indemnify, keep indemnified and hold harmless Racing SA against all damages, losses, liabilities, costs, charges and expenses (including legal fees on a full indemnity basis) howsoever arising from any incorrect statement or any statement that is incomplete or misleading (including by omission) in the Nomination Form.
- 4.3 If a Nomination Form contains any incorrect statement or any statement that is incomplete or misleading (including by omission) in relation to a horse’s eligibility for Racing Rewards SA as provided for under these Rules and Conditions, the horse will automatically cease to participate in Racing Rewards SA upon Racing SA becoming aware of such statement and Racing SA may recover all Racing Rewards SA Payments paid to the Owner and/or the Nominator of the horse before Racing SA became aware of such statement.
- 4.4 Only one nomination for a horse will be accepted.
- 4.5 If the Nominator is not the Breeder of the horse, the Nominator must be the Owner.

5. NOMINATION FEE

- 5.1 The Nomination Fee must be paid in full by the Nominator within the times specified in these Rules and Conditions. A horse will be a “Fully Qualified Horse” if the Nomination Fee has been paid in full in accordance with these Rules and Conditions.
- 5.2 In the event that:
- (a) the Nominator is the Breeder of the horse, the Breeder will be entitled to the Racing Rewards SA Payments specified in Rule 6 as payable to the Nominator and, as long as the Breeder is also the Owner of the Fully Qualified Horse, the Breeder will also be entitled to the Racing Rewards SA Payments specified in Rule 6 as payable to the Owner. Upon the Breeder selling the Fully Qualified Horse, the Owner of the Fully Qualified Horse will be entitled to the Racing Rewards SA Payments specified in Rule 6 as payable to the Owner; and
 - (b) the Nominator is the Owner of the horse, the Owner of the Fully Qualified Horse will be entitled to the Racing Rewards SA Payments specified in Rule 6 as payable to the Owner and the Nominator.
- 5.3 The Nomination Fees (GST inclusive) for the Season commencing August 2021 for the categories of qualification are:
- (a) For eligible horses born in 2019 that have been nominated before 31 January 2021, the following fees must be paid by 31 January 2021:
 - i. No Fee for a horse in Category 1;
 - ii. \$550 for a horse in Category 2; and
 - iii. \$825 for a horse in Category 3.
 - (b) For eligible horses born in 2019 that have not been nominated by 31 January 2021, the following fee must be paid by 30 June 2021 unless Rules 5.4 applies:
 - i. No Fee for a horse in Category 1;
 - ii. \$1,100 for a horse in Category 2; and
 - iii. \$1,650 for a horse in Category 3.
 - (c) For eligible horses that qualify under Category 4 and are nominated after 31 January 2021, the following fees must be paid by 30 June 2021:
 - i. \$3,300 for Yearlings; and
 - ii. \$2,200 for Weanlings.
- 5.4 A horse that has been nominated pursuant to Rule 5.3(b) and has also been catalogued for sale at an auction sale held by Magic Millions Sales Pty Ltd or William Inglis and Son Limited between 1 May 2021 and 30 June 2021, or any other sale as agreed by Racing SA in its absolute discretion, will be deemed to be a Fully Qualified Horse if the Nomination Fee as prescribed in Rule 5.3(b) has been paid in full within 28 days of the sale date or 30 June 2021, whichever occurs first.
- 5.5 If a horse is eligible to participate in Racing Rewards SA and is eligible in more than one category of qualification, the Nomination Fee payable shall be the lowest fee payable for the categories under which the horse is eligible.

- 5.6 If a Nominator elects to pay the Nomination Fee by a deduction from sale proceeds due after the sale of the horse at an auction held by Magic Millions Sales Pty Ltd or William Inglis and Son Limited, the Nominator must sign the "Authority to Deduct Fee from Yearling Sale Proceeds" on the Nomination Form and lodge that form with Racing SA prior to the date of the sale or 31 January 2021, whichever occurs first.
- 5.7 The signing of the "Authority to Deduct Fee from Yearling Sale Proceeds" by the Nominator does not release the Nominator from its liability to pay Racing SA the Nomination Fee in full. If Racing SA is unable to deduct the Nomination Fee from the sale proceeds for whatever reason, the Nominator must pay the Nomination Fee in full to Racing SA immediately upon demand.

6. BONUSES

- 6.1 The following Racing Rewards SA Bonus payments will be made to horses that participate in Racing Rewards SA for races programmed by Racing SA and designated, at Racing SA's discretion, as carrying a Racing Rewards SA Bonus payment.
- 6.2 For programmed Racing Rewards SA non Black Type two or three year old horses placing in races run at South Australian metropolitan racecourses at Saturday and Public Holiday race meetings, for which the advertised prizemoney for the race is at least \$25,000:
- (a) to the Owner of a Fully Qualified Horse:
 - i. the winning horse, \$13,500;
 - ii. the second placed horse, \$4,300; and
 - iii. the third placed horse, \$2,100;
 - (b) to the Nominator of a Fully Qualified Horse:
 - i. the winning horse, \$5,700;
 - ii. the second placed horse, \$1,950; and
 - iii. the third placed horse, \$950.
- 6.3 For two or three year old horses placing in programmed Racing Rewards SA races at the Midweek Metropolitan Races and the South Australian Provincial and Country TAB race meetings:
- (a) to the Owner of a Fully Qualified Horse:
 - i. the winning horse, \$5,400;
 - ii. the second placed horse, \$1,700; and
 - iii. the third placed horse, \$900;
 - (b) to the Nominator of a Fully Qualified Horse:
 - i. the winning horse, \$2,200;
 - ii. the second placed horse, \$900; and
 - iii. the third placed horse, \$400.
- 6.4 For a four year old horse winning a programmed Racing Rewards SA Maiden race at the Midweek Metropolitan Races and the South Australian Provincial and Country TAB race meetings, which, for the avoidance of doubt, is only payable to a four year old horse that wins its first race and not thereafter:
- (a) to the Owner of a Fully Qualified Horse, \$5,300; and
 - (b) to the Nominator of a Fully Qualified Horse, \$2,200.
- 6.5 For two or three year old horses placing in programmed Racing Rewards SA races at South Australia race meetings at which the off-course totalisator is not authorised to conduct betting:
- (a) to the Owner of a Fully Qualified Horse:
 - i. the winning horse, \$1,800;
 - ii. the second placed horse, \$650; and
 - iii. the third placed horse, \$420;
 - (b) to the Nominator of a Fully Qualified Horse:
 - i. the winning horse, \$900;
 - ii. the second placed horse, \$350; and
 - iii. the third placed horse, \$180.
- 6.6 For a four year old horse winning a programmed Racing Rewards SA Maiden race at a South Australian race meeting at which the off-course totalisator is not authorised to conduct betting:
- (a) to the Owner of a Fully Qualified Horse, \$1,900; and
 - (b) to the Nominator of a Fully Qualified Horse, \$900.
- 6.7 For two or three year old horses placing in selected Group One, Group Two or Group Three races run in South Australia, to the Nominator of a Fully Qualified Horse:
- (a) the winning horse, \$7,000;
 - (b) the second placed horse, \$2,000; and
 - (c) the third placed horse, \$1,000.
- 6.8 For two or three year old horses placing in selected Listed races run in South Australia, to the Nominator of a Fully Qualified Horse:
- (a) the winning horse, \$3,500;
 - (b) the second placed horse, \$1,000; and
 - (c) the third placed horse, \$500.
- 6.9 For Racing Rewards SA Plus Bonus races, the following Racing Rewards SA Plus Bonus will be made for races programmed by Racing SA and designated, at Racing SA's discretion, as carrying a Racing Rewards SA Plus Bonus:
- (a) to the Owner of a Fully Qualified Horse:
 - i. the winning horse, \$4,500;

- ii. the second placed horse, \$1,500; and
- iii. the third placed horse, \$750;
- (b) to the Nominator of a Fully Qualified Horse:
 - i. the winning horse, \$2,200;
 - ii. the second placed horse, \$700; and
 - iii. the third placed horse, \$350.

6.10 For a horse to be eligible for a Racing Rewards SA Plus Bonus it must have qualified for Racing Rewards SA in the Season in which the horse was a yearling based on the qualification criteria in Rule 3 and the Nominator must have complied with Rules 4 and 5.

6.11 GST will be added to Racing Rewards SA Payments made to the Owner and/or Nominator registered for GST who have submitted the appropriate details and declarations as required by Racing SA and the Registrar of Racehorses, Racing NSW.

7. BONUS PAYMENTS

7.1 Racing SA may withhold any Racing Rewards SA Payments until it is satisfied that:

- (a) inquiry procedures under the Rules of Racing have been completed; and
- (b) the Rules of Racing have otherwise been complied with; and
- (c) the horse has tested negative to a swab taken; and
- (d) these Rules and Conditions have been complied with.

7.2 Subject to Rule 7.1, Racing Rewards SA Payments are payable according to the placings when correct weight is declared for the race.

7.3 Should there be a dead-heat for any placing, the Owner and Nominator of the horse(s) that participate in Racing Rewards SA will be paid the total of the Racing Rewards SA Payments available for the horses had they finished in successive places and not dead-heated, divided by the number of horses that dead-heated.

7.4 Racing Rewards SA Payments are subject to the same deductions for the trainer and jockey as applies to prizemoney under the Rules of Racing.

7.5 Racing SA may deduct 46.5% withholding tax from Racing Rewards SA Payments if it has not received:

- (a) a declaration of GST registration and ABN; or
- (b) a hobbyist declaration.

8. ACCIDENTAL DEATH OF YEARLING REFUND POLICY

8.1 Where a yearling nominated for Racing Rewards SA dies as a result of an accident as a yearling on or before June 30, the Nomination Fee will be refunded in full, provided:-

- (a) The horse is aged one as determined by Australian Rule of Racing AR.46; and
- (b) The Nominator has provided to Racing SA a veterinary certificate noting the time, date and cause of death and the opinion of the veterinarian as to whether the death was caused by or contributed to by the wilful or negligent act of any person; and
- (c) The horse has not been exported from Australia; and
- (d) The application for refund is received by Racing SA on or before June 30 in the year that the horse is a yearling; and
- (e) The Nomination Fee for the horse was paid in full on or before January 31 in the year that the horse is a yearling; or
- (f) If the Nomination Fee was late, it was paid in full on or before June 30 in the year that the horse is a yearling.

8.2 Where a yearling dies after June 30, Racing SA may, at its absolute discretion, refund the Nomination Fee if an application for refund is made to Racing SA.

8.3 For the purposes of this Rule 8, accidental death does not include the death of a horse that has been caused by the wilful or negligent act of any person involved in the ownership, care or management of the horse or to which such person has contributed by their actions.

8.4 All persons making an application for a refund in accordance with this Rule 8 shall supply Racing SA with such information as may be requested by Racing SA to assist it in its determination of the application.

8.5 All decisions by Racing SA in relation to an application for a refund under this Rule 8 shall be final and binding on the Owner, Breeder and Nominator of that horse and shall not be the subject of any challenge however so arising.

9. NOMINATION CREDITS

A Nominator can apply to Racing SA for a credit of the applicable Nomination Fee paid to Racing SA if a horse that it entered for Racing Rewards SA has not had a start at any race meeting in South Australia and remains a Maiden as a 5 year old. This credit can be applied to the Nomination Fee for any future foal crop. A Nominator will not be eligible for such credits if the horse has been exported from Australia at any time.

10. DEFINITIONS

In these Rules and Conditions:

10.1 "Breeder" means a natural person, company or partnership with a financial interest in the horse at the time of birth, which is named as 'Breeder' in the Nomination Form;

10.2 "Fully Qualified Horse" has the meaning given in Rule 5.1.

10.3 "Group" and "Listed Races" have the same meaning as they have in the Rules of Racing.

10.4 "GST" means a tax, duty, levy, charge or deduction imposed by the A New Tax System (Goods & Services Tax) Act 1999 (Cth) and any related interest, penalties, fines or other charges.

10.5 "Midweek Metropolitan Race" is a race run at a metropolitan racecourse for which the prizemoney of the race does not exceed \$25,000.

10.6 "Nomination Fee" is the fee determined under Rule 5.3.

10.7 "Nomination Form" is the form published by Racing SA from time to time that is to be completed to enter an eligible horse into Racing Rewards SA.

10.8 "Nominator" means a natural person, company or partnership with a financial interest in the horse at the time of nomination, which is named as the 'Nominator' in the Nomination Form.

10.9 "Owner" is the person, syndicate or company registered with Racing SA as the owner of a horse and if the horse is leased, the owner is the registered lessee.

10.10 "Racing Rewards SA" is the South Australian Breeders' and Owners' Incentive Scheme established under these Rules and Conditions.

10.11 "Racing Rewards SA Bonus payment" is the additional payment on races nominated by Racing SA as carrying a Racing Rewards SA Bonus made to eligible horses entered into Racing Rewards SA.

10.12 "Racing Rewards SA Payments" means, where the context permits, the Racing Rewards SA Bonus payment and/or Racing Rewards SA Plus Bonus.

- 10.13 "Racing Rewards SA Plus Bonus" is the additional payment on races of distances of 1800m or further in which horses entered may be four years old or over, and are nominated by Racing SA as carrying a Racing Rewards SA Plus Bonus made to eligible horses entered into Racing Rewards SA.
- 10.14 "Racing Rewards SA Working Party" is a group established by Racing SA comprising representatives from Racing SA, the South Australian Jockey Club, the South Australian Racing Clubs Council, the South Australian Thoroughbred Breeders Inc. and the Australian Trainers' Association (South Australian Branch).
- 10.15 "Racing SA" is Racing SA Ltd.
- 10.16 "Rules of Racing" are the Australian Rules of Racing and the Local Rules of Racing adopted by Racing SA.
- 10.17 "Season" is the thoroughbred racing season between 1 August and 31 July in a particular year.
- 10.18 "South Australian Breeder" has the meaning given in Rule 3.3(a).
- 10.19 "South Australian Company" has the meaning given in Rule 3.3(b).
- 10.20 "South Australian Partnership" has the meaning given in Rule 3.3(c).
- 10.21 "South Australian Syndicate" has the meaning given in Rule 3.3(d).

11. INTERPRETATION

In these Rules and Conditions:

- 11.1 Headings are for ease of reference only and do not affect the interpretation of these Rules and Conditions.
- 11.2 References to a person, where the context permits, include a corporation, joint venture, a syndicate, association, government body, firm and any other entity.
- 11.3 References to a person include that person's executors, administrators, and successors and permitted assigns.
- 11.4 The singular includes the plural and the plural the singular.
- 11.5 Words of one gender may include both or other genders.