

Info Sheet – Change of Manager

When should a Change of Manager form be lodged?

When co-owners with a majority interest (over 50%) in a horse have approved a change of manager.

Completed forms can be lodged with Racing Australia (RA):

- online (from April 2019) at www.myhorseracing.horse; or
- in paper form – by post to The Registrar of Racehorses, Racing Australia, Level 11, 51 Druitt Street, Sydney NSW 2000; or by email to registration@racingaustralia.horse.
- Online forms will be processed more promptly than paper forms.

There is no fee payable to lodge this form.

Lodging online forms

An owner should initiate the change of manager by logging in to www.myhorseracing.horse. Each owner will receive a notification from RA requiring them to confirm their agreement to change the manager. When over 50% of the ownership of the horse has approved the change, it may proceed.

Lodging paper forms

Co-owners with over 50% of the ownership of the horse must sign the Change of Manager form before lodging it with RA.

Appointment of manager

The manager of a horse is the first named person recorded on the Horse Registration form, Named Transfer of Ownership form or Lease Agreement. If the first named owner is a registered syndicate, the syndicate manager is the manager of the horse.

The manager acts for and represents the other co-owners of the horse, as described in the Australian Rules of Racing (http://www.racingaustralia.horse/FreeServices/Australian_Rules_Of_Racing.aspx) and the Racing Australia Co-owner Agreement (COA) (<https://tor.racingaustralia.horse/co-owner-agreement/>).

The COA sets out the manager's rights and obligations for acting on behalf of the co-owners. While the manager may make most day-to-day decisions in their discretion, significant decisions regarding the horse require the approval of co-owners with a certain percentage of ownership or a set process be followed. For example, under the COA, the manager may sell the whole of a horse and seek to process a transfer of ownership on behalf of all co-owners if the manager has given the co-owners reasonable notice of the proposed sale and obtained consent from the co-owners representing a majority interest in the horse.

The manager may sign and/or lodge any future Named Racehorse Transfer of Ownership form and/or Change of Share % form on behalf of the remaining owners if there is no change to their share percentage. The manager must notify all remaining owners of the transfer in advance.

However, the manager may not sign a Named Racehorse Transfer of Ownership form on behalf of the outgoing owners. Generally, a transfer will only be processed if:

- each outgoing owner has signed the form; or
- where the whole horse has been sold, the owners with a majority interest in the horse (or other required level of interest where a written ownership agreement that varies the COA applies) have signed the form.

Change of manager

Following registration, the manager can only be changed by the co-owners representing a majority interest in the horse approving such a change by signing/lodging this Change of Manager form.

If the manager plans to relinquish their interest or the new manager was not previously an owner (and there is no change to the interests of each remaining owner), the following procedure must be followed:

- the co-owners representing a majority interest in the horse must lodge a Change of Manager form with RA;
- the new manager must notify all remaining owners of the change to the ownership composition and structure;
- a Named Horse Transfer of Ownership form must be lodged with the relevant Principal Racing Authority (PRA) or Racing Integrity Body (RIB).

Intellectual property rights

Due to the essential role that RA plays in administering, promoting and reporting on Thoroughbred racing, as well as providing racing materials, RA must be able to freely use all intellectual property rights (including but not limited to copyright) that may subsist in the name, image, jockey silks and other indicia associated with horses registered to race in Australia.

In order to allow RA to use these intellectual property rights without impediment, as a condition of and in consideration for horse registration, owners must agree that RA owns all right, title or interest (including but not limited to copyright, goodwill and reputation) in the name, image, jockey silks or other indicia associated with that horse, whether existing before or after horse registration. Further acknowledgements and obligations follow from such agreement by owners – these are set out in AR 40.

Privacy and personal information

The personal information collected by RA during the change of manager application process includes an owner's name, birth date, address, email, mobile, GST status and bank account details. This information is required to:

- identify owners;
- assess a person's eligibility as an owner;
- facilitate the administration of racing;
- communicate with owners; and
- enable payment of prize money.

Where information is not provided, a change of manager application may be refused or delayed until the required information is provided.

RA may also provide an owner's contact details to the manager to enable the manager to contact owners in relation to matters concerning the horse. For example, to vote on a decision to change the horse's trainer, which requires majority consent under the COA.

An owner's personal information may also be used or disclosed by RA in accordance with RA's Privacy Policy (<https://www.racingaustralia.horse/AboutUs/PrivacyPolicy.aspx>). The Privacy Policy also sets out how owners can access and seek correction of their personal information, as well as how to make complaints regarding RA's handling of their personal information.

Declaring GST status

Owners are required to indicate their GST status in relation to their horse racing activity for tax purposes. If a declaration is not made, withholding tax will be deducted from the total prize money paid to the owner.

When do owners supply an ABN?

If an owner's horse racing activities are conducted as an enterprise and the enterprise is registered for GST the owner can quote the ABN of that enterprise.

If an owner's horse racing activity is conducted as a private recreational pursuit or hobby, an ABN cannot be provided and the owner must declare themselves as a hobbyist. An owner can only quote an ABN if the ABN is for an enterprise that is racing horses as part of that enterprise.

Individual members of a registered syndicate must not provide their own personal or business ABN. The syndicate must be registered for GST and provide an ABN.

What happens if owners provide an ABN for a business that is not involved in horse racing activities?

If an owner provides an ABN for an enterprise whose activities do not include racing horses, the owner will be making a false or misleading statement which is an offence under tax law.

If incorrect ABN information has been provided on a previous horse registration application, an owner should contact the PRA/RIB in their state or territory.

Tax invoices

Where an owner or entity is GST registered, the following agreement is given:

- the recipient may issue tax invoices in respect of the specified supplies;
- the supplier will not issue tax invoices in respect of those supplies;
- the supplier acknowledges that it is registered when it enters into the agreement and that it will notify the recipient if it ceases to be registered; and
- the recipient acknowledges that it is registered when it enters into the agreement and that it will notify the supplier if it ceases to be registered.

Where can owners get more information?

For more information about GST in relation to prize money, owners should contact the Stakes Payments Department of the PRA/RIB in their state or territory. For information about whether or not an owner's horse racing activity constitutes an enterprise and should be registered for GST, owners should seek their own tax advice or contact the Australian Taxation Office.

Prize money

How is prize money paid?

Payment of prize money, and GST where applicable, is administered by the PRA/RIB in whose jurisdiction the horse became eligible to receive prize money. Please note EFT payments can only be made to Australian bank accounts.

NSW & ACT

When all owners supply a valid bank account on the form, prize money will be paid via EFT directly into each owner's bank account according to their entitlement. If an owner does not supply bank account details, all prize money will be forwarded to the manager except where an entity is GST registered for racing purposes. Where an entity indicates

they are GST registered for racing purposes and supply a valid ABN and bank account, they will receive prize money together with the GST component directly into their account. Please note a \$16.50 processing fee (incl. GST) will be charged for all cheque payments made.

QLD

Individual entities who supply a valid bank account on the form will receive prizemoney directly into their account via EFT. If no bank account details are provided for any given entity, their prizemoney payment will be forwarded to the manager. QLD only pays via EFT.

VIC & SA

Individual entities who supply a valid bank account on the form will receive prize money directly into their account via EFT, provided the manager has also supplied their bank account on the form. If no bank account is provided for any given entity, their prize money payment will be forwarded to the manager. If the manager has not supplied a valid bank account, payment will be forwarded to them by cheque.

WA

All prize money is paid to the manager via EFT only. If no bank account details are provided for any given owner, their prize money payment will be forwarded to the manager.

TAS

All prize money is forwarded to the manager. Where a bank account is provided on the form, payment will be made via EFT. If a bank account is not provided, a cheque will be forwarded. Individual entities who have elected to have their prize money paid directly to them and who supply a valid bank account on the form will receive prize money directly into their account via EFT.

NT

All prize money is paid to the manager via EFT. If indicated that prize money is to be split and all owners provide their bank account on the form, prize money will be paid via EFT directly into each owner's account according to their entitlement. If no bank account is provided for any given entity, their prize money payment will be forwarded to the manager. Where an entity indicates on the form that they are GST registered for racing purposes and supply a valid ABN and bank account, they will receive prize money together with their GST component directly into their account.

All fields in the relevant parts of the form are required to complete your application. Where information is not provided your application may be refused and or delayed. Please complete all relevant details using BLOCK letters and black or blue pen.

Horse Details

Horse Name

Suffix

Dam Name (if unnamed/not registered)

Unnamed Horse Date of Birth (dd/mm/yyyy)

Current Horse Location

Street Address

Suburb

Postcode

State

***Important:** Under the Australian Rules of Racing, you must provide the location of the horse at the time of the application. This form will not be processed if these fields are left blank.

New Details (When completing this section you are required to provide ALL the information requested below)

Date of Birth (dd/mm/yyyy)

If other, please specify

Mr

Mrs

Miss

Ms

Other

Surname

Given Names

Postal Address

Suburb

Postcode

State

Email

Mobile

Bank Details

Bank Account Holder Name

BSB

Account Number

Tick box if you have previously provided bank details for this horse only and they have not changed

Declare your GST status

When do I supply an ABN?

• If you are registering a horse in the name of a Company, Unincorporated Organisation or Stud, the Company, Unincorporated Organisation or Stud must be registered as a syndicate with a Principal Racing Authority (PRA) or the horse must be leased to an eligible party for racing purposes. Only under these circumstances can an owner, provided their horse racing activities are conducted as an enterprise and the enterprise is registered for GST, quote the ABN of that enterprise.

- If an owner's horse racing activity is conducted as a recreational pursuit or hobby, an ABN cannot be provided and you must declare yourself as a hobbyist. You can only quote an ABN if the ABN is for an enterprise that is racing horses as part of that enterprise.
- Individual members of a syndicate must not provide their own ABN. The syndicate must be registered for GST and provide an ABN.
- If your ABN or GST status change, it is your responsibility to advise Racing Australia by completing the Change of GST Status form.

Is this enterprise GST registered for racing purposes?

No – I am a hobbyist

Yes If yes, please supply ABN

Appointment of New Manager

To appoint a new manager, the owners or lessees holding a combined interest of more than 50% must sign below.

| | Name of Owner or Lessee | Signature | Share% |
|----------|-------------------------|-----------|--------|
| Owner 1 | | | |
| manager | | | |
| Owner 2 | | | |
| Owner 3 | | | |
| Owner 4 | | | |
| Owner 5 | | | |
| Owner 6 | | | |
| Owner 7 | | | |
| Owner 8 | | | |
| Owner 9 | | | |
| Owner 10 | | | |
| Owner 11 | | | |
| Owner 12 | | | |
| Owner 13 | | | |
| Owner 14 | | | |
| Owner 15 | | | |
| Owner 16 | | | |
| Owner 17 | | | |
| Owner 18 | | | |
| Owner 19 | | | |
| Owner 20 | | | |

Total %

Office Use Only

Entered By

Date Entered (dd/mm/yyyy)

Registration Number