



Racing Queensland Board (Racing Queensland) ABN 80 730 390  
733

QTIS terms and conditions for 2015 foals for the Racing Season  
2017/2018

# Agreed terms

## 1 Definitions and interpretation

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### 1.1 Definitions

In this document:

<b>Term</b>	<b>Definition</b>
<b>Black Type Races</b>	any race that is run at Group or Listed level as defined by the Australian Rules of Racing.
<b>Breeder</b>	means the person named as the Breeder in the studbook.
<b>Breeder's Bonus</b>	means the payments outlined in Schedule 1 payable to the Breeder.
<b>Business Day</b>	means a day that is not a Saturday, Sunday or public holiday in Brisbane.
<b>Eligibility A Horse</b>	has the meaning outlined in clause 2.1.
<b>Eligibility A Final Payment</b>	a payment of \$550 (GST inclusive) to Racing Queensland made on or before 5pm on 30 June 2017.
<b>Eligibility A First Payment</b>	means a payment of \$385 (GST inclusive) to Racing Queensland made on or before 31 October 2016.
<b>Eligibility A Late First Payment</b>	means a payment of \$990 (GST inclusive) to Racing Queensland made after 1 November 2016 and required if the Eligibility A First Payment was not made.
<b>Eligibility B Horse</b>	has the meaning outlined in clause 2.2.
<b>Eligibility B Final Payment</b>	a payment of \$1,100 (GST inclusive) to Racing Queensland made on or before 30 June 2017.
<b>Eligibility B First Payment</b>	means a payment of \$770 (GST inclusive) to Racing Queensland made on or before 31 October 2016.
<b>Eligibility B Late First Payment</b>	means a payment of \$1,980 (GST inclusive) to Racing Queensland made after 1 November 2016 and required if the Eligibility B First Payment was not made.
<b>Free Racing</b>	means no starters fee, nomination fee, acceptance fee or riding fee is payable to Racing Queensland, <u>regardless of the finishing position</u> .
<b>Late Entry Payment</b>	a payment of \$5,000 (GST inclusive) to Racing Queensland made on or before 5pm on 31 July 2017 where no other payments have been made in relation to the relevant horse.
<b>Owner</b>	means the lawful owner of the horse who may also be the Breeder.
<b>QTIS</b>	means the Queensland Thoroughbred Incentive Scheme.

<b>Term</b>	<b>Definition</b>
<b>QTIS Bonus</b>	means the payments outlined in Schedule 1 payable to the Owner.
<b>QTIS Horse</b>	means a horse less than 6 years of age that is either an Eligibility A Horse in accordance with clause 2.1 or an Eligibility B Horse in accordance with clause 2.2.
<b>QTIS Race</b>	means one of the QTIS Races
<b>QTIS Races</b>	means: <ul style="list-style-type: none"> <li>(a) all of the 2-year-old or 3-year-old races sanctioned by RQ and conducted in Queensland during the Racing Season except for Black Type Races; and</li> <li>(b) any other race which is selected by RQ to be a QTIS Race and is conducted in Queensland during the Racing Season.</li> </ul>
<b>Racing Season</b>	means the season of racing in Queensland that commences on 1 August 2017 and concludes on 31 July 2018.
<b>RQ</b>	means the Racing Queensland Board ABN 80 730 390 733 (trading as Racing Queensland) and, where relevant, includes RQ's managers, employees, contractors, invitees, and any person authorised by RQ.

## **1.2 Interpretation**

In this document:

- (a) a singular word includes the plural and vice versa;
- (b) a word which suggests one gender includes the other gender;
- (c) a reference to a clause, schedule, annexure or party is a reference to a clause of, and a schedule, annexure or party to, this document and references to this document include any schedules or annexures;
- (d) a reference to a party to this document or any other document or agreement includes the party's successors, permitted substitutes and permitted assigns;
- (e) a reference to a document or agreement (including a reference to this document) is to that document or agreement as amended, supplemented, varied or replaced;
- (f) a reference to this document includes the agreement recorded by this document;
- (g) a reference to legislation or to a provision of legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
- (h) if any day on or by which a person must do something under this document is not a Business Day, then the person must do it on or by the next Business Day;

- (i) a reference to a person includes a corporation, trust, partnership, unincorporated body, government and local authority or agency, or other entity whether or not it comprises a separate legal entity;
- (j) a reference to 'month' means calendar month;
- (k) in the interpretation of this document, headings are to be disregarded;
- (l) references to '\$A', 'dollar', '\$' and to any amount not otherwise designated is to be construed as a reference to Australian currency;
- (m) a reference to 'writing' includes typewriting, printing, lithography, photography and any other mode of representing or reproducing words in a permanent and visible form; and
- (n) if any day appointed or specified by this document for the payment of any money or the doing of any act, matter or thing falls on a day which is not a Business Day in Brisbane, then the day so appointed or specified is deemed to be the next day which is a Business Day.

## **2 Eligibility**

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### **2.1 Eligibility A – Queensland Sired**

- (a) A horse is an Eligibility A Horse if:
  - (i) it was the progeny of a stallion that was standing in Queensland at the time of conception; and
  - (ii) the horse has been nominated with QTIS in the prescribed form; and
  - (iii) either 2.1(b)(i), 2.1(b)(ii) or 2.1(b)(iii) has been satisfied.
- (b) The following payments have been made in respect of the relevant horse:
  - (i) the Eligibility A First Payment was made on or before 5pm on 31 October 2016 and the Eligibility A Final Payment was made on or before 5pm on 30 June 2017; or
  - (ii) the Eligibility A Late First Payment was made after 1 November 2016 but on or before 5pm on 30 June 2017, and the Eligibility A Final Payment was made on or before 5pm on 30 June 2017; or
  - (iii) the Late Entry Payment was made on or before 5pm on 31 July 2017.

### **2.2 Eligibility B – Breedback**

- (a) A horse is an Eligibility B Horse if:
  - (i) it is the foal of a dam that has been covered by a Queensland domiciled stallion at any time in the year the foal was born;
  - (ii) the horse has been nominated with QTIS in the prescribed form; and
  - (iii) either 2.2(b)(i), 2.2(b)(ii) or 2.2(b)(iii) has been satisfied.

- (b) The following payments have been made in respect of the relevant horse:
  - (i) the Eligibility B First Payment was made on or before 5pm on 31 October 2016 and the Eligibility B Final Payment was made on or before 5pm on 30 June 2017; or
  - (ii) the Eligibility B Late First Payment was made after 1 November 2016 but on or before 5pm on 30 June 2017, and the Eligibility B Final Payment was made on or before 5pm on 30 June 2017; or
  - (iii) the Late Entry Payment was made on or before 5pm on 31 July 2017.

### **2.3 Eligibility ceases**

A horse's eligibility for all QTIS Bonuses and Breeder's Bonuses when it turns 6 years of age.

## **3 Breeder's Bonus**

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### **3.1 Eligibility A Horses Breeder's Bonus**

The Breeder's Bonus will be paid in accordance with clause 3.2 below if an Eligibility A Horse wins a QTIS Race.

### **3.2 Eligibility A Horse Bonus**

- (a) Subject to 3.2(b) and (c), if an Eligibility A Horse wins a QTIS Race the Breeder's Bonus is payable to the Breeder or the Owner if the eligibility requirements outlined in clause 2.1 are satisfied.
- (b) If a Breeder or Owner sells a horse without having made all of the required payments referred to in clause 2.1(b) respectively then the first subsequent Owner of the horse who completes all of the required payments referred to in clause 2.1(b) will be eligible to receive the Breeder's Bonus for that horse, so long as the first subsequent Owner:
  - (i) makes the payments required within the required timeframe/s; and
  - (ii) nominates the horse with QTIS in the prescribed form.

### **3.3 No Breeder's Bonus for Eligibility B Horses**

The Breeder's Bonus is not payable if an Eligibility B Horse wins a QTIS Race.

### **3.4 Free racing**

Except for Black Type Races, all QTIS Horses are subject to Free Racing throughout the Racing Season.

## **4 QTIS Bonus**

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### **4.1 QTIS Bonuses**

QTIS Bonuses will be paid to the Owners of QTIS Horses which place first, second and third in QTIS Races in accordance with Schedule 1.

## 4.2 **Fillies and Mares Bonus**

- (a) If a QTIS Horse:
  - (i) is a 2-year-old or 3-year-old filly, or a 4-year-old mare; and
  - (ii) places first, second or third in a QTIS Race,

a 50% increase will be applied to any QTIS Bonus applicable under Schedule 1 for that QTIS Horse.

## 5 **Other**

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### 5.1 **Entire Agreement**

- (a) These terms and conditions supersede all previous agreements about its subject matter and embodies the entire agreement between the parties.
- (b) To the extent permitted by law, any statement, representation or promise made in any negotiation, advertisement or discussion, has no effect except to the extent expressly set out or incorporated by reference in this document.

### 5.2 **Terms and conditions**

RQ may change any part of these terms and conditions at any time and at RQ's absolute discretion.

### 5.3 **Ineligible nomination**

If RQ determines in its absolute discretion that a nomination does not comply with these terms and conditions or is not otherwise eligible, it may reject the nomination and refund any payments made with the nomination less an administration fee of \$350 (plus GST).

### 5.4 **Goods and Services Tax**

- (a) In this clause, a reference to "Recipient" is reference to a Breeder entitled to be paid a Breeder's Bonus and/or an Owner entitled to be paid a QTIS Bonus.
- (b) If the Recipient is GST registered, the Recipient agrees to the terms below in respect of GST on any amount payable:
  - (i) The Recipient (the Supplier) acknowledges that the Recipient is registered for GST purposes and will promptly notify RQ in writing if they cease to be registered for GST purposes;
  - (ii) The Recipient, (the Supplier) warrants that the ABN provided to RQ is correct and acknowledges that RQ relies on this ABN being correct;
  - (iii) The Recipient (the Supplier) will not issue tax invoices in relation to any amount payable to the Recipient by RQ;
  - (iv) RQ (the Recipient) may issue tax invoices in respect of amounts (supplies) that it has to pay me;
  - (v) I understand that RQ is registered for GST purposes and that it will notify the Recipient in writing immediately if it ceases to be GST registered or it is

otherwise unable to satisfy the requirements allowing RQ to issue Recipient Created Tax Invoices (RCTI);

- (vi) The Recipient (the Supplier) indemnifies RQ for any liability in respect of tax, over claimed credits, penalties or interest as a result of RQ issuing a RCTI in circumstances where the Recipient has failed to promptly notify RQ that the Recipient is no longer registered for GST; and
- (vii) The Recipient understands and agrees that RQ may set off the value of any liability, obligation or other amounts that the Recipient owes to RQ against any amounts due and owing or directed to the Recipient, including amounts payable through the Central Prize Money System administered by RQ.

## Schedule 1

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### QTIS and Breeder's Bonuses

	Metropolitan Racing									
	Saturday & Public Holidays		Mid Week		Provincial Racing			Country Racing		
	Owner	Breeder	Owner	Breeder		Owner	Breeder		Owner	Breeder
1st	\$24,500	\$1,470	\$7,000	\$420	1st	\$8,500	\$510	1st	\$3,500	\$210
2nd	\$7,000	N/A	\$2,000	N/A	2nd	\$2,300	N/A	2nd	\$1,000	N/A
3rd	\$3,500	N/A	\$1,000	N/A	3rd	\$1,200	N/A	3rd	\$5,000	N/A
<b>Total</b>	<b>\$35,000</b>	<b>\$1,470</b>	<b>\$10,000</b>	<b>\$420</b>	<b>Total</b>	<b>\$12,000</b>	<b>\$510</b>	<b>Total</b>	<b>\$5,000</b>	<b>\$210</b>