



# JOCKEY CAREER BENEFIT SCHEME

## GOVERNING RULES

EFFECTIVE 1 AUGUST 2008

## BACKGROUND

- A Tasracing, supported by the Tasmanian Jockey's Association (TJA) has established a package of initiatives in order to promote the conditions and welfare of registered Tasmanian jockeys, and indentured Tasmanian apprentices.
- B One of the initiatives is the establishment of this Scheme by Tasracing for the purposes of establishing the Investment Fund to make discretionary payments to Participating Jockeys upon their retirement from racing.

These Governing Rules are made by Tasracing for the purposes of providing for the management and administration of the Scheme and may be cited as the Governing Rules (**Rules**).

### 1. DEFINITIONS

**Approved Superannuation Fund** means the superannuation fund approved by Tasracing from time to time which receives contributions by registered Tasmanian jockeys for the purpose of providing pensions and other benefits to registered Tasmanian jockeys on their retirement in accordance with the rules of such fund;

**Commencement Date** means **1 August 2008**

**Eligible Jockey** means a jockey that is eligible to participate in the Scheme in accordance with clause 2 of these Rules;

**Career Benefit Committee** means the committee established in accordance with clause 3 of these Rules;

**Jockey Career Benefit** means a benefit payable to a Participating Jockey under the Rules;

**Jockey's Contribution** means the \$5 contribution per ride paid by a Participating Jockey to the Approved Superannuation Fund or such other amount as may be approved by the Directors from time to time;

**Investment Fund** means the fund owned and managed by Tasracing into which Tasracing (or its approved manager) will make Tasracing Contributions;

**Participating Jockey** means an Eligible Jockey who elects to participate in the Career Benefit Scheme;

**Tasracing Contributions** means the contribution determined by the Directors from time to time to be made by Tasracing into the Investment Fund, being at the Commencement Date a contribution of \$5 to the nominal account of the Participating Jockey for every Jockey Contribution;

**Scheme** means the Jockey Benefit Scheme established and conducted pursuant to the Rules.

### 2. ELIGIBILITY

- 2.1 A Jockey Career Benefit payment will only be made to an Eligible Jockey who elects to participate in the Scheme.

- 2.2 For the purposes of these Rules, an Eligible Jockey is a jockey who is:
- a) A Tasmanian resident;
  - b) A registered Tasmanian jockey or an apprentice jockey indentured in Tasmania; and
  - c) A mainland registered rider who has undertaken in 100 rides (plus Apprentice)
- 2.3 Notwithstanding the above, Tasracing will have ultimate discretion regarding who is an Eligible Jockey.

### **3. GOVERNANCE ADVISORY COMMITTEE**

#### **3.1 Purpose**

The Career Benefit Committee (CBC) will operate as a consultative group for Tasracing in relation to the Scheme and on behalf of Tasracing will oversee the requirements of the Scheme and will exercise any discretion which may be exercised by the Governance Advisory Committee under these Rules except in relation to matters that are solely at the discretion of Tasracing.

#### **3.2 Composition**

- 3.2.1 The Career Benefit Committee will be comprised of four members appointed by Tasracing. Tasracing will nominate two members and one will be nominated in consultation with the TJA.

Simon Stout - Tasracing – Racing Operations Co-ordinator, Thoroughbreds  
David Manshanden - Tasracing – Racing Manager  
Kevin Ring – General Manager – Tasmanian Jockeys Association

- 3.2.2 Appointment terms will be ongoing unless Tasracing so otherwise decides. Tasracing will review each appointment and in writing confirm such appointments or advise otherwise of change if required.
- 3.2.3 Should a member of the CBC be a Director or an employee of Tasracing or TJA at the time of appointment to the Committee and subsequently cease to be a Director or an employee of either entity, the term will automatically expire unless otherwise advised in writing by Tasracing to the CBC.

### **4. CONTRIBUTIONS**

- 4.1 Notwithstanding anything to the contrary in these Rules, Tasracing retains the absolute discretion to determine the level of contributions made by Tasracing for the benefit of each Participating Jockey under the Scheme.
- 4.2 Tasracing will pay to the Investment Fund the Tasracing Contribution for every Jockey Contribution.
- 4.3 Tasracing Contributions will be allocated to the Participating Jockey's notional account.
- 4.4 Tasracing Contributions will only apply to Tasmanian rides in TAB and non-TAB meetings.
- 4.5 Participating Jockeys cannot make their own contributions to the Investment Fund.
- 4.6 Eligible Jockeys who agree to participate in the Jockeys Career Benefit Scheme will be required to complete an authorisation form. This will then authorise Tasracing to deduct the Jockeys Contribution of \$5 per ride to the Approved Superannuation Fund. At the

same time, Tasracing will make the Tasracing Contribution for Participating Jockeys of \$5 per ride.

- 4.7 On at least a six monthly basis, Tasracing will arrange in conjunction with the registrar of the notional accounts (currently proposed to be Super Partners) to reconcile and prepare a statement relating to Tasracing Contributions made in respect to each Jockey's Contribution.

## **5. TASRACING CAREER BENEFITS INVESTMENT FUND**

### **5.1 Statement of Purpose**

- 5.1.1 Tasracing will purchase units in an Investment Fund(s). The primary purpose of the Investment Fund(s) will be to support the funding of Jockey Career Benefit payment obligations determined under these Rules.
- 5.1.2 The ownership in the Investment Fund(s) will not be used for any purpose other than those determined under these Rules.
- 5.1.3 The Investment Fund will be professionally managed and operated investment fund, the governance of which is outside these Rules.

### **5.2 Ownership**

- 5.2.1 Tasracing is the owner of the Investment Fund with full entitlement to capital and income and has ultimate discretion of the use and application of any balance within.

### **5.3 Investment Aims**

The investment aims of the Investment Fund will be determined from Tasracing from time to time having regard to the principal aims of providing an accumulation fund to provide Jockey Career Benefits to Participating Jockeys.

- 5.3.1 It is Tasracing's intention that in formulating an appropriate level of notional Jockey Career Benefits for Participating Jockeys that the investment aims of the Investment Fund(s) consider:
- a) the general length of career for a typical jockey in Tasmania;
  - b) the average retirement age;
  - c) liquidity requirements (i.e. the need to make payments out from time to time); and
  - d) the general desire to maximise returns commensurate with a pattern of relatively stable and reliable growth.

### **5.4 Choice of Investment Fund**

- 5.4.1 Subject to the invest aims noted within these Rules, the choice of Investment Fund(s) used is at the total discretion of Tasracing. Participating Jockeys will not be provided with any discretion as to the nature of this investment fund or investment choices available within any such investment fund.

## **6. PAYMENT GUIDELINES**

### **6.1 Notional Value**

- 6.1.1 At any point in time the "notional value" available for discretionary payment to a Participating Jockey will be calculated by reference to:

- a) the amount standing in their notional account within any Investment Fund(s); plus
- b) any contributions due to their notional account within any Investment Fund(s), based on the contributions clause above.

## **6.2 Notional Account**

- 6.2.1 A "notional account" will be established for each Participating Jockey at the time of the first Tasracing Contribution.
- 6.2.2 The notional account designated for that Participating Jockey will be maintained separately from all other notional accounts however will be represented by units in the Investment Fund. Tasracing will have legal and beneficial title of those units.
- 6.2.3 Units in the notional account will be set aside upon:
  - a) the payment of Tasracing Contributions; and
  - b) the crediting of investment returns within the Investment Fund.
- 6.2.4 Units will be released from the notional account upon:
  - a) the payment of any amount to Tasracing;
  - b) the debiting of investment losses from within the Investment Fund;
  - c) the payment of any fees and charges levied to the Investment Fund; and
  - d) the payment of any taxes or other government charges as may be required.

## **6.3 Notional Accounts less than \$500**

- 6.3.1 Should the notional account be less than \$500 and there have been no Tasracing Contributions for 12 months, Tasracing, upon identification of that notional account, will close that account and redeem all units relating to that account.

## **6.4 Payment**

- 6.4.1 The CBC will consider payments to Participating Jockeys under the Scheme using these Rules as a guide.
- 6.4.2 In particular, Tasracing will consider calculating a payment under the Scheme ("In Principle Payments") in accordance with the following:
  - a) As In Principle Payment be generated when a jockey (or their estate, legal ward or guardian in the case of death or insanity) who has been a Participating Jockey at some time and who has a notional account designated to them makes an application to the CBC for a payment from the Scheme and any of the following has occurred:
    - i) The Participating Jockey has reached 35 years of age (average retirement age); or
    - ii) The Participating Jockey has made application for and has been deemed eligible for a financial hardship or compassionate grounds payment; or
    - iii) The Participating Jockey has died.
  - b) Where a Participating Jockey has a notional account designated to them attains 35 years of age or over, or is no longer participating Jockey an In Principle Payment will be deemed payable and considered by the CBC
  - c) A Participating Jockey who is over 35 years of age who has not received an In Principle Payment may also make application for full or partial payment from the Jockey Career Benefit Scheme.

## **6.5 Payment Value**

Should the CBC approve any payment application made in accordance with the above, the value of the payment will be at the discretion of Tasracing. This discretion may be exercised by the CBC. Such payment will however have regard to calculating the amount based on the notional value.

## **7. FINANCIAL HARDSHIP OR COMPASSIONATE GROUNDS**

A payment from Jockey Career Benefit Scheme on the grounds of financial hardship or compassionate ground may be applied for in accordance with the payment conditions above.

In such circumstances, the CBC is to give consideration as to whether any of the following conditions are present prior to making such a payment:

### **7.1 Financial Hardship**

The applicant should:

- a) be in receipt of a Commonwealth income support payment, and have been so, continuously, for the last 26 weeks; and
- b) satisfy the CBC that they are unable to meet reasonable and immediate family living expenses.

### **7.2 Compassionate Grounds**

7.2.1 The applicant should display that the payment is required as there are no other readily available means to meet payments for:

- a) medical treatment for the applicant or his/her dependant where the treatment is necessary to treat life threatening illness or injury, or to alleviate acute or chronic pain or acute or chronic mental disturbance, and where such treatment is not readily available through the public health system;
- b) medical transport for the applicant or his/her dependant to access treatment necessary to treat a life threatening illness or injury, or to alleviate acute or chronic pain or acute or chronic mental disturbance;
- c) modification to the family home an/or vehicle to meet the special needs of a disabled applicant or his/her disabled dependant; or
- d) palliative care or death, funeral, or burial expenses for an applicant to his/her dependant.
- e) The prevention of the foreclosure of a mortgage, or exercise of a power of sale over the applicant's principal place of residence.

(for information: if required from time to time, the CBC could obtain further guidance in relation to making such decisions from APRA's Guide to the Early Release of Superannuation Benefits – Refer [www.apra.gov.au](http://www.apra.gov.au))

## **8. REPORTING TO JOCKEYS**

- 8.1 Tasracing will report to each Participating Jockey, the notional value of their notional accounts. The effective dates of reporting will be 30 June and 31 December each year. The reports will be delivered within 3 months of the effective date.

**9. FEES AND CHARGES**

- 9.1 Any costs and charges arising from the Scheme may be recouped by Tasracing from the Scheme via direct levying to the Scheme by the person(s) levying the charge, invoicing by Tasracing to the Scheme or reduction in contributions by Tasracing.
- 9.2 These costs and charges will however be separately identified and either passed for payments in advance or ratified subsequent to payment by the CBC

**10. SUSPENSION OR TERMINATION OF THE SCHEME**

- 10.1 Tasracing may in its absolute discretion:
- a) suspend or terminate the operation of the Scheme; or
  - b) suspend or cease making Tasracing Contributions for periods of times as determined by Tasracing.
- 10.2 Upon termination or closure of the Scheme, Tasracing may in its absolute discretion:
- a) wind up the Scheme and distribute the surplus assets of the Investment Fund to the participating Jockeys as determined by Tasracing; or
  - b) close the Scheme but continue to manage and administer the Investment Fund for the purposes of making payments to Participating Jockeys in accordance with the Scheme Rules to participants in the Scheme immediately prior to its closure.