

Product Disclosure Statement – Statutory Declaration

State of Victoria
Statutory Declaration

Sire Name:

Dam Name:

[Redacted Sire Name]

[Redacted Dam Name]

I, [Full name of Promoter]

of, [Postal Address]

[occupation, e.g. CPA or CA], do solemnly and sincerely declare that -

I have prepared this Product Disclosure Statement (PDS) in accordance with ASIC Corporations (Horse Schemes) Instrument 2016/790 and Regulatory Guide 91 and the Rules of Racing for the purposes of offering to the public interests in a scheme to race the horse(s) described in the PDS on the terms and conditions described in the PDS.

I declare that the contents of the PDS are true and correct and that there are no misleading or deceptive statements or omissions. I know of no fact or occurrence which renders any statement contained in the PDS, including the Valuation or Veterinary Certificate, to be materially inaccurate.

I further declare:

- (a) All moneys received by me for the purchase price of shares or interests in the Horse Racing Scheme from investors will be held in a separate bank account by me until the Horse Racing Scheme is fully subscribed in accordance with the PDS.
(b) I will, within 45 days after:
(i) applications for the minimum number of interests in the Horse Racing Scheme are received; or
(ii) the minimum amount for the Horse Racing Scheme has been raised, register the Horse Racing Scheme with the Lead Regulator under the Australian Harness Racing Rules.
(c) Prior to the registration of the Horse Racing Scheme as a partnership or syndicate with the Lead Regulator, I will ensure that the participants in the Horse Racing Scheme either have unencumbered title to the whole of the Horse Racing Scheme horse(s) or lease the whole of the Horse Racing Scheme horse(s) under a finance lease agreement in a standard form.
(d) I have included in the PDS a copy of the letter (vendor release statement) from the vendor or auction house confirming that the horse has been devolved to the investors or participants in the Horse Racing Scheme with unencumbered title. or
I confirm that the vendor release statement will be provided to the Lead Regulator before or on registration of the Horse Racing Scheme with the Lead Regulator.
(e) I have legally enforceable right to possession of the horse. or I will, before or on registration of the Horse Racing Scheme with the Lead Regulator, have a legally enforceable right to possession of the horse.
(f) I will, before or on registration of the Horse Racing Scheme with the Lead Regulator, ensure that the participants in the Horse Racing Scheme will have unencumbered title to the horse.
(g) Any personal property security interest registered against the title to the horse has been released or will be released and that I will, before or on registration of the Horse Racing Scheme with the Lead Regulator, confirm to the Lead Regulator that the personal property security interest has been released.
(h) If the participants in the Horse Racing Scheme lease the whole of the horse under a finance lease agreement in a standard form:
(i) a copy of the standard form of finance lease agreement has been included in the PDS; and
(ii) I will, before or on registration of the Horse Racing Scheme with the Lead Regulator, ensure that participants in the Horse Racing Scheme lease the horse under a finance lease agreement in that standard form.
(i) If the Horse Racing Scheme is not fully subscribed within six months after the date on which the PDS is approved by the Lead Regulator or if the Lead Regulator refuses to register the partnership or syndicate formed under the Horse Racing Scheme pursuant to the Rules of Racing, I will repay all moneys received from investors with interest (if any) within 10 business days after expiry of that six month period.
(j) The PDS contains all information which potential investors and their advisers would require and reasonably expect to find in the PDS for the purpose of making an informed assessment of the financial merits and prospects of an investment in the Horse Racing Scheme.
(k) Yes/No - this is a largely new format PDS and should be reviewed in its entirety

OR

Yes/No The contents of the PDS/Partnership/Syndicate Agreement are unchanged from standard PDS lodged by the applicant and the template approved by the Lead Regulator [Insert Relevant PRA name] on/...../..... except standard non generic information such as horse and cost details etc which is inserted in highlighted font and

Yes/No : a non-standard variation is applied for in section in red highlighted font;
reason for request: (please provide details)

(l) The terms of any syndicate agreement comply with the requirements set out in the ASIC Corporations (Horse Scheme) Instrument 2016/790.

Declaration is liable to the penalties of perjury.

Declared at [Redacted]

This [Redacted] day of [Redacted] 20 [Redacted]

Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me, [Redacted]

Signature of Authorised Witness