

**Associations Incorporation Reform Act 2012**

**RULES**

**of**

**PERCHERON HORSE BREEDERS  
ASSOCIATION AUSTRALIA INCORPORATED**

**ABN 34 065 797 935**

Approved by special resolution

8th December 2018

## TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
<b>Rules for Percheron Horse Breeders Association of Australia Inc.</b>	
<b>PART 1— PRELIMINARY</b>	<b>4</b>
1 Name	4
2 Purposes	4
3 Financial year	5
4 Definitions	5
<b>PART 2—POWERS OF ASSOCIATION</b>	<b>7</b>
5 Powers of Association	7
6 Not for profit organisation	7
<b>PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES</b>	<b>8</b>
<b>Division 1—Membership</b>	<b>8</b>
7 Minimum number of members	8
8 Who is eligible to be a member	8
9 Application for membership	9
10 Consideration of application	9
11 New membership	9
12 Annual subscription and fee on joining	10
13 General rights of members	11
14 Associate members	11
15 Rights not transferable	11
16 Ceasing membership	11
17 Resigning as a member	11
18 Register of members	12
<b>Division 2—Disciplinary action</b>	<b>12</b>
19 Grounds for taking disciplinary action	12
20 Disciplinary subcommittee	13
21 Notice to member	13
22 Decision of subcommittee	13
23 Appeal rights	14
24 Conduct of disciplinary appeal meeting	15
<b>Division 3—Grievance procedure</b>	<b>15</b>
25 Application	15
26 Parties must attempt to resolve the dispute	15
27 Appointment of mediator	16
28 Mediation process	16
29 Failure to resolve dispute by mediation	16
<b>PART 4—GENERAL MEETINGS OF THE ASSOCIATION</b>	<b>17</b>
30 Annual general meetings	17
31 Special general meetings	17
32 Special general meeting held at request of members	18
33 Notice of general meetings	18
34 Proxies	19
35 Use of technology	20
36 Quorum at general meetings	20
37 Adjournment of general meeting	21
38 Voting at general meeting	21
39 Special resolutions	22
40 Determining whether resolution carried	22
41 Minutes of general meeting	23

<b>PART 5—COMMITTEE</b>	<b>23</b>
<b>Division 1—Powers of Committee</b>	<b>23</b>
42 Role and powers	23
43 Delegation	24
<b>Division 2—Composition of Committee and duties of members</b>	<b>24</b>
44 Composition of Committee	24
45 General Duties	24
46 President and Vice-President	25
47 Secretary	25
48 Treasurer	26
<b>Division 3—Election of Committee members and tenure of office</b>	<b>26</b>
49 Who is eligible to be a Committee member	26
50 Positions to be declared vacant	27
51 Nominations	27
52 Election of President etc.	28
53 Election of ordinary members	28
54 Ballot	28
55 Term of office	29
56 Vacation of office	30
57 Filling casual vacancies	30
<b>Division 4—Meetings of Committee</b>	<b>30</b>
58 Meetings of Committee	30
59 Notice of meetings	31
60 Urgent meetings	31
61 Procedure and order of business	31
62 Use of technology	31
63 Quorum	32
64 Voting	32
65 Conflict of interest	32
66 Minutes of meeting	33
67 Leave of absence	33
<b>PART 6—FINANCIAL MATTERS</b>	<b>33</b>
68 Source of funds	33
69 Management of funds	34
70 Financial records	34
71 Financial statements	35
<b>PART 7—GENERAL MATTERS</b>	<b>35</b>
72 Common seal	35
73 Registered address	35
74 Notice requirements	35
75 Custody and inspection of books and records	36
76 Winding up and cancellation	37
77 Alteration of Rules	37
<b>PART 8--ADMINISTRATION OF EQUINE RECORDS</b>	<b>38</b>
78 Stud Book	38
79 Breeders & Purchasers Obligations	38
80 Committee's Responsibilities	44
<b>PART 9 - MANAGEMENT</b>	<b>47</b>
81 By-Laws	47

**RULES FOR PERCHERON HORSE BREEDERS  
ASSOCIATION OF AUSTRALIA INC.**

*Note*

*The persons who from time to time are members of the Association under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.*

**PART 1—PRELIMINARY**

**1 Name**

The name of the incorporated association is “Percheron Horse Breeders Association Australia Incorporated”.

**2 Purposes**

The purposes of the association are —

- (1) To promote the breeding of and maintain the excellence of the Percheron Horse in Australia.
- (2) To promote in any way lawful the interests of breeders of Percheron horses.
- (3) To compile, print and publish at intervals, the pedigrees of Percheron horses and to collect and verify information regarding part-bred Percheron horses.
- (4) To encourage the exhibition of Percheron horses at agricultural and other shows and to promote competitions, award prizes or to make contributions for that purpose and to promote the commercial use.
- (5) To prepare and maintain a list of persons competent to act as judges of Percheron horses at any show or competition.
- (6) To adopt such means of making known the objects and benefits of the Association as may seem expedient and to otherwise further the interest of members by advertising in the press, circulars, publication of books and periodicals, broadcasting, granting prizes, rewards, donations and by other means.
- (7) To establish relations with organizations having similar objects, and to encourage exchange with such organizations and in particular with organizations for the promotion of the welfare of Percheron horses.

- (8) To disseminate information collected in relation to diseases, genetics, animal husbandry and feeding of Percheron horses.
- (9) To register brands of all descriptions and copyrights for the use of the Association or of its members.
- (10) To accept any gift or devise of money or of any real or personal property whether subject to any real or special trust or not for any one or more of the objects of the Association.
- (11) To open and maintain a banking account and to operate or allow the same to be operated upon in such a manner as the Association may determine.
- (12) To sell, improve, dispose of or otherwise deal with all or any part of the property and rights of the Association.
- (13) To invest the moneys of the Association not immediately required upon such securities and in such manner as may from time to time be allowed by law and as may be determined by the Association.
- (14) To do all such lawful acts deeds and things as are incidental or conducive to the attainment of the above objects or any of them or any other acts deeds and things that might be conducive to the progress and welfare of the Association. The income and property of the Association wheresoever derived shall be applied solely towards the promotion of the objects of the Association as set forth in these Rules.

### **3 Financial year**

The financial year of the Association is each period of 12 months ending on the last day of the financial year, i.e: 30 June..

### **4 Definitions**

In these Rules —

*absolute majority*, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

*associate member* means a member referred to in rule 14(1);

***Chairman***, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

***Committee*** means the Committee having management of the business of the Association;

***committee meeting*** means a meeting of the Committee held in accordance with these Rules;

***committee member*** means a member of the Committee elected or appointed under Division 3 of Part 5;

***disciplinary appeal meeting*** means a meeting of the members of the Association convened under rule 23(3);

***disciplinary meeting*** means a meeting of the Committee convened for the purposes of rule 22;

***disciplinary subcommittee*** means the subcommittee appointed under rule 20;

***financial year*** means the 12 month period specified in rule 3;

***general meeting*** means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

***member*** means a member of the Association;

***member entitled to vote*** means a member who under rule 13(2) is entitled to vote at a general meeting;

***special resolution*** means a resolution that requires not less than 75% of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

***the Act*** means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

***the Registrar*** means the Registrar of Incorporated Associations.

## **PART 2—POWERS OF ASSOCIATION**

### **5 Powers of Association**

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association may —
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

### **6 Not for profit organisation**

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member —
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member —

if this is done in good faith on terms no more favourable than if the member was not a member.

#### ***Note***

*Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances*

*under which an incorporated association is not taken to secure pecuniary profit for its members.*

## **PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **Division 1 — Membership**

#### **7 Minimum number of members**

The Association must have at least five members.

#### **8 Who is eligible to be a member**

- (1) **Ordinary Members.** Any person may be admitted as an Ordinary Member of the Association providing that the person is over the age of 18 years, has ownership or part ownership that can be demonstrated to the satisfaction of the Committee, in a registered Percheron horse.
- (2) **Junior Member.** Any person under the age of 18 years may apply to become a Junior Member of the Association. A Junior Member is entitled to register horses and may attend all meetings and functions but without the right to vote.
- (3) **Life Member.** The Committee may elect as a Life Member any person who in the opinion of the Committee has by past services to the Association advanced the interests of Percheron horses. A Life Member shall have all the rights and privileges of an Ordinary Member.
- (4) **Associate Member.** The Committee may authorize the introduction of an Associate Member for those persons interested in Percheron horses. An Associate Member may attend all meetings and functions but without the right to vote at such meetings. An Associate Member, other than the Principal Member, can be a member of a Stud, Family, Partnership, Trust Company, Corporation, Society, Body or other entity. An Associate Member can be co-opted to serve on a Sub-Committee or to carry out specific functions, e.g; Registrar, Webmaster.



- (5) **Honorary Member.** A person over 21 years of age whom the Committee has elected for outstanding service, courtesy and assistance to the Association. An Honorary Member shall not be liable for entrance fees or annual subscriptions, have no voting rights, or hold any elected position in the Association.

## **9 Application for membership**

- (1) A person wishing to join the Association, if over 18 years of age must first be introduced as an Associate member. In due course should that person meet the criteria of Rule 8 (1) an invitation to apply for Ordinary Membership may be issued by the Committee.
- (2) To apply to become a member of the Association, a person must submit a written application to the Secretary stating that the person —
- (a) wishes to become a member of the Association; and
  - (b) supports the purposes of the Association; and
  - (c) agrees to comply with these Rules.
- (3) The application —
- (a) must be signed by the applicant; and proposed and seconded by two Ordinary Members
  - (b) may be accompanied by the joining fee if such is required.

## **10 Consideration of application**

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) No reason need be given for the rejection of an application.

## **11 New membership**

- (1) If an application for membership is approved by the Committee —
- (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and

- (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members and advise the new member of this and request payment of the subscription owing.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which —
- (a) the Committee approves the person's membership; or
  - (b) the person pays the joining fee.

## **12 Annual subscription and fee on joining**

- (1) All annual subscriptions shall become due and payable in advance on the first day of July each year. The amount of the subscription must be met by the member personally. Payment of a member's subscription by another member is not permitted and is not acceptable to the Association.
- (2) At each annual general meeting, the Association must determine —
- (a) the amount of the annual subscription for the following financial year; and
  - (b) the date for payment of the annual subscription.
- (3) The Committee may determine that a lower annual subscription is payable by associate members.
- (4) The Committee may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to —
- (a) the full annual subscription; or
  - (b) a pro-rata annual subscription based on the remaining part of the financial year; or
  - (c) a fixed amount determined from time to time by the Association.
- (5) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

### **13 General rights of members**

- (1) A member of the Association who is entitled to vote has the right —
  - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - (b) to submit items of business for consideration at a general meeting; and
  - (c) to attend and be heard at general meetings; and
  - (d) to vote at a general meeting; and
  - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
  - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
  - (a) the member is a member other than an associate, junior or Honorary member; and
  - (b) more than 10 business days have passed since he or she became a member of the Association; and
  - (c) the member's membership rights are not suspended for any reason.

### **14 Associate members**

An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

### **15 Rights not transferable**

The rights of a member are not transferable and end when membership ceases.

### **16 Ceasing membership**

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the Register of Members.

### **17 Resigning as a member**

- (1) A member may resign by notice in writing given to the Association.

**Note**

*Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.*

- (2) A member is taken to have resigned if —
  - (a) the member's annual subscription is more than 12 months in arrears.

**18 Register of Members**

- (1) The Secretary must keep and maintain a Register of Members that includes —
  - (a) for each current member —
    - (i) the member's name;
    - (ii) the address for notice last given by the member;
    - (iii) the date of becoming a member;
    - (iv) if the member is an associate member, a note to that effect;
    - (v) any other information determined by the Committee; and
  - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and 14 days notice and free of charge, inspect the Register of Members.

**Note**

*Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.*

**Division 2 — Disciplinary action**

**19 Grounds for taking disciplinary action**

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member —

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or

- (c) has engaged in conduct prejudicial to the Association.

## **20 Disciplinary subcommittee**

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee —
  - (a) may be Committee members, members of the Association or anyone else; but
  - (b) must not be biased against, or in favour of, the member concerned.

## **21 Notice to member**

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member —
  - (a) stating that the Association proposes to take disciplinary action against the member; and
  - (b) stating the grounds for the proposed disciplinary action; and
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
  - (d) advising the member that he or she may do one or both of the following —
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **22 Decision of subcommittee**

- (1) At the disciplinary meeting, the disciplinary subcommittee must —

- (a) give the member an opportunity to be heard; and
  - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may —
- (a) take no further action against the member; or
  - (b) subject to subrule (3) —
    - (i) reprimand the member; or
    - (ii) suspend the membership rights of the member for a specified period; or
    - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

### **23 Appeal rights**

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given —
- (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
  - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must —
- (a) specify the date, time and place of the meeting; and
  - (b) state —

- (i) the name of the person against whom the disciplinary action has been taken; and
- (ii) the grounds for taking that action; and
- (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

## **24 Conduct of disciplinary appeal meeting**

- (1) At a disciplinary appeal meeting —
  - (a) no business other than the question of the appeal may be conducted; and
  - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
  - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than 75% of the members voting at the meeting vote in favour of the decision.

## **Division 3 — Grievance procedure**

### **25 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between —
  - (a) a member and another member;
  - (b) a member and the Committee;
  - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

### **26 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

## **27 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days —
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be —
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement —
    - (i) if the dispute is between a member and another member — a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Association — a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who —
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

## **28 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must —
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

## **29 Failure to resolve dispute by mediation**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.



## **PART 4 — GENERAL MEETINGS OF THE ASSOCIATION**

### **30 Annual general meetings**

- (1) The Committee must convene an annual general meeting of the Association to be held within five months after the end of each financial year.
- (2) The Committee may determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows —
  - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
  - (b) to receive and consider —
    - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
    - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
  - (c) to elect the members of the Committee;
  - (d) to confirm or vary the amounts (if any) of the annual subscription, joining fee and charges for services.
- (4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

### **31 Special general meetings**

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

#### ***Note***

*General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.*

### **32 Special general meeting held at request of members**

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members entitled to vote.
- (2) A request for a special general meeting must —
  - (a) be in writing; and
  - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3) —
  - (a) must be held within three months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

### **33 Notice of general meetings**

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association —
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must —
  - (a) specify the date, time and place of the meeting; and

- (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if a special resolution is to be proposed —
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution; and
  - (d) comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

**Note**

*Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.*

### **34 Proxies**

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting. A member may only exercise one proxy.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must —
  - (a) state that the member may appoint another member as a proxy for the meeting; and
  - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairman of the meeting before or at the commencement of the meeting.

- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Secretary no later than 24 hours before the commencement of the meeting.

### **35 Use of technology**

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **36 Quorum at general meetings**

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
  - (a) in the case of a meeting convened by, or at the request of, members under rule 32 — the meeting must be dissolved;

#### ***Note***

*If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.*

- (b) in any other case —
  - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
  - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by

written notice given to all members as soon as practicable after the meeting.

- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than three) may proceed with the business of the meeting as if a quorum were present.

### **37 Adjournment of general meeting**

- (1) The Chairman of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned —
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.

#### ***Example***

*The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.*

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

### **38 Voting at general meeting**

- (1) On any question arising at a general meeting —
  - (a) subject to subrule (3), each member who is entitled to vote has one vote; and
  - (b) members may vote personally or by proxy; and
  - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairman of the meeting has a second or casting vote.

- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

### **39 Special resolutions**

A special resolution is passed if not less than 75% of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

#### ***Note***

*In addition to certain matters specified in the Act, a special resolution is required—*

- (a) *to remove a committee member from office*
- (b) *to alter these Rules, including changing the name or any of the purposes of the Association.*

### **40 Determining whether resolution carried**

- (1) Subject to subsection (2), the Chairman of a general meeting may, on the basis of a show of hands, declare that a resolution has been —
    - (a) carried; or
    - (b) carried unanimously; or
    - (c) carried by a particular majority; or
    - (d) lost — and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
  - (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question —
    - (a) the poll must be taken at the meeting in the manner determined by the Chairman of the meeting; and
    - (b) the Chairman must declare the result of the resolution on the basis of the poll.
  - (3) A poll demanded on the election of the Chairman or on a question of an adjournment must be taken immediately.
  - (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairman.
-

- (5) Proceedings of meetings are to be electronically recorded.

#### **41 Minutes of general meeting**

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include —
  - (a) the names of the members attending the meeting; and
  - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
  - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
  - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
  - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

### **PART 5 — COMMITTEE**

#### **Division 1 — Powers of Committee**

#### **42 Role and powers**

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Committee may —
  - (a) appoint and remove staff;
  - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

### **43 Delegation**

- (1) The Committee may delegate to a member of the Committee, a subcommittee or member, any of its powers and functions other than —
  - (a) this power of delegation; or
  - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

## **Division 2 — Composition of Committee and duties of members**

### **44 Composition of Committee**

The Committee consists of —

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) ordinary members (if any) elected under rule 53.

### **45 General Duties**

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
  - (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
  - (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
  - (4) Committee members must exercise their powers and discharge their duties —
    - (a) in good faith in the best interests of the Association; and
    - (b) for a proper purpose.
-



- (5) Committee members and former committee members must not make improper use of —
  - (a) their position; or
  - (b) information acquired by virtue of holding their position —

so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

**Note**

*See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.*

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

**46 President and Vice-President**

- (1) Subject to sub-rule (2), the President or, in the President's absence, the Vice-President is the Chairman for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairman of the meeting must be —
  - (a) in the case of a general meeting — a member elected by the other members present; or
  - (b) in the case of a committee meeting — a committee member elected by the other committee members present.

**47 Secretary**

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

**Example**

*Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.*

- (2) The Secretary must —
  - (a) maintain the Register of Members in accordance with rule 18; and
  - (b) keep custody of the common seal of the Association and, except for the financial records referred to in rule 70(3), all books,

- documents and securities of the Association in accordance with rules 72 and 75; and
- (c) subject to the Act and these Rules, provide members with access to the Register of Members, the minutes of general meetings and other books and documents; and
  - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

#### **48 Treasurer**

- (1) The Treasurer must —
- (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
  - (b) ensure that all moneys received are paid into the account of the Association within five working days after receipt; and
  - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
  - (d) ensure cheques are signed by at least two committee members.
- (2) The Treasurer must —
- (a) ensure that the financial records of the Association are kept in accordance with the Act; and
  - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

### **Division 3 — Election of Committee members and tenure of office**

#### **49 Who is eligible to be a Committee member**

A member is eligible to be elected or appointed as a committee member if the member —

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting.

## **50 Positions to be declared vacant**

At the annual general meeting of the Association, after the annual report and financial statements of the Association have been received. Chairman of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

## **51 Nominations**

- (1) Nominations of candidates for election as Officers of the Association or as Ordinary Members of the Committee:-
    - (a) shall be made in writing, signed by an Ordinary member of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
    - (b) shall be delivered to the Secretary of the Association not less than seven days before the date fixed for the holding of the Annual General Meeting.
  - (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting to satisfy vacancies.
  - (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
  - (4) If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held.
  - (5) The ballot for the election of Officers and Ordinary Members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
  - (6) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.
-

## **52 Election of President etc.**

- (1) At the annual general meeting, separate elections must be held for each of the following positions —
  - (a) President;
  - (b) Vice-President;
  - (c) Secretary;
  - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairman of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a secret ballot must be held in accordance with rule 54.
- (4) On his or her election, the new President may take over as Chairman of the meeting.

## **53 Reserved**

## **54 Ballot**

- (1) If a ballot is required for the election for a position, the Chairman of the meeting must appoint a member to act as returning officer to conduct the ballot.
  - (2) The returning officer must not be a member nominated for the position.
  - (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
  - (4) The election must be by secret ballot.
  - (5) The returning officer must give a blank piece of paper to —
    - (a) each member present in person; and
    - (b) each proxy appointed by a member.
  - (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
  - (7) If the ballot is for more than one position —
    - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
    - (b) the voter must not write the names of more candidates than the number to be elected.
-

- (8) Ballot papers that do not comply with sub-rule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because two or more candidates received the same number of votes, the returning officer must —
  - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
  - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

***Examples***

*The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.*

**55 Term of office**

- (1) Subject to sub-rule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
  - (2) A committee member may be re-elected.
  - (3) A general meeting of the Association may —
    - (a) by special resolution remove a committee member from office; and
    - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
  - (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
  - (5) The Secretary or the President may give a copy of the representations to each member of the
-

Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

#### **56 Vacation of office**

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she —
  - (a) ceases to be a member of the Association; or
  - (b) fails to attend three consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
  - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

#### ***Note***

*A Committee member may not hold the office of secretary if they do not reside in Australia.*

#### **57 Filling casual vacancies**

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that —
  - (a) has become vacant under rule 56; or
  - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

### **Division 4 — Meetings of Committee**

#### **58 Meetings of Committee**

- (1) The Committee must meet at least four times in each year at the dates, times and places determined by the Committee.

- (2) The first Committee meeting is to be conducted immediately following the AGM.
- (3) Special committee meetings may be convened by the President or by any four members of the Committee.

#### **59 Notice of meetings**

- (1) Notice of each committee meeting must be given to each committee member no later than seven days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

#### **60 Urgent meetings**

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

#### **61 Procedure and order of business**

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

#### **62 Use of technology**

- (1) Committee Meetings may be conducted by use of technology and is to be recorded.
- (2) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee

members present at the meeting to clearly and simultaneously communicate with each other.

- (3) For the purposes of this Part, a committee member participating in a committee meeting as permitted under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **63 Quorum**

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting —
  - (a) in the case of a special meeting—the meeting lapses;
  - (b) in any other case — the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

### **64 Voting**

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairman of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

### **65 Conflict of interest**

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member —



- (a) must not be present while the matter is being considered at the meeting; and
- (b) must not vote on the matter.

**Note**

*Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.*

- (3) This rule does not apply to a material personal interest —
  - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
  - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

**66 Minutes of meeting**

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following —
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under rule 65.

**67 Leave of absence**

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding three months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

**PART 6—FINANCIAL MATTERS**

**68 Source of funds**

The funds of the Association may be derived from joining fees, annual subscriptions, donations,

fund-raising activities, grants, interest and any other sources approved by the Committee.

## **69 Management of funds**

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two committee members.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than five working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

## **70 Financial records**

- (1) The Association must keep financial records that —
  - (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for seven years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control —
  - (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

## **71 Financial statements**

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting sub-rule (1), those requirements include —
  - (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the annual general meeting of the Association;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

## **PART 7 — GENERAL MATTERS**

### **72 Common seal**

- (1) If the Association has a common seal —
  - (a) the name of the Association must appear in legible characters on the common seal;
  - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
  - (c) the common seal must be kept in the custody of the Secretary.

### **73 Registered address**

The registered address of the Association is —

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address — the postal address of the Secretary.

### **74 Notice requirements**

- (1) Any notice required to be given to a member or a committee member under these Rules may be given —

- (a) by handing the notice to the member personally; or
  - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
  - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be given —
- (a) by handing the notice to the Secretary; or
  - (b) by sending the notice by post to the registered address; or
  - (c) by leaving the notice at the registered address; or
  - (d) if the Committee determines that it is appropriate in the circumstances —
    - (i) by email to the email address of the Association or the Secretary; or
    - (ii) by facsimile transmission to the facsimile number of the Association.

## **75 Custody and inspection of books and records**

- (1) Members may on request inspect free of charge —
- (a) the register of members;
  - (b) the minutes of general meetings;
  - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

### ***Note***

*See note following rule 18 for details of access to the register of members.*

- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to sub-rule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may

charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule —

*relevant documents* means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following —

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

## **76 Winding up and cancellation**

- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

## **77 Alteration of Rules**

These Rules may only be altered by special resolution of a general meeting of the Association.

### ***Note***

*An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.*

## **PART 8 – ADMINISTRATION OF EQUINE RECORDS.**

### **78 Stud Book**

#### *Note*

*Registration means Stud Book entry.*

*Classifications based on percentage of Percheron content not inspection of animal*

- (1) The Association is to keep a record of all animals in such a manner that the pedigrees of the animals may be traced to foundation or appendix classified animals and shall allocate each animal a number.
  - (a) The Committee will keep a Stud Book and will annually appoint a member as Keeper of the Stud Book and a Registrar.
  - (b) The records shall be kept by an appointed Registrar, under the direction of the Keeper of the Stud Book.
  - (c) All appointments may be terminated by a resolution of the Committee.

Entries for the Stud Book will be received by the Association on the condition that the applicant agrees to inspection if required and after receiving an authorized inspector's report to accept the decision of the Committee.

- (2) Application for the registration/ classification of a horse will only be accepted from members of the Association. The application must contain the name, date of birth, colour and an accurate description of any brands, the microchip number and the name and address of the breeder and present owner, in addition the pedigree for four generations, together with photographs; in profile near and offside and one face on.

### **79 Breeders and Purchasers Obligations.**

#### **(1) Stud Records.**

Each member is required to keep proper records of the studs breeding activities and all such records shall be open for inspection to any persons authorized by the Committee to inspect the same and any such persons shall be at liberty to take such copies thereof or extracts that that person may think fit. The Secretary shall give

seven days notice to the Member or Stud of an intended inspection.

(2) **DNA Printing Direction.**

Owners may also assign the right to the Association for a veterinarian to take hair follicles from their horse as required by the Association. The Owner acknowledges that the ownership of DNA samples dispatched to the approved laboratory, rests with the Percheron Horse Breeders Association Australia Inc. The purpose of such hair follicles will be for DNA Typing. The Association may use these DNA samples for identification and parent verification purposes.

(3) **Stud Prefix Application.**

Each member breeding horses is to register with the Association a stud prefix of not more than two words, for use exclusively as a prefix to the name of animals bred by that member. The final decision on the granting of any application for the registration of a stud name shall rest with the Committee provided it is within the Law, which will as far as possible, safeguard stud names registered with any overseas Percheron organization in accordance with Australian Law.

- (a) Such prefix shall precede the name and the number of each animal in respect to which application for registration/classification is made by the owner. A member entering an animal, of which he is not the breeder, in the stud book shall not use his own prefix in registering/classifying the said animal.

(4) **Stallion Service Certificates.**

Each breeder, on receipt of the agreed service fee, is to issue a Stallion Service Certificate for every mare served in the season.

(5) **Overseas Prefix.**

Any purchaser or importer of animals is not permitted to add a prefix in connection with these entries. They are to be registered in the stud book with the original names appearing in the stud book of the overseas society with the suffix (imp.) following the animal's name.

(6) **Branding and Microchipping.**

Each member breeding shall either

- (a) register with the Association a registered brand to be applied to each foal submitted for registration / classification. In addition to the registered brand it is advisable that each foal shall be branded with a year/foal number brand and such numbers shall not be duplicated by any one breeder. **OR**
  - (b) Each foal is to be microchipped. Before Registration/ classification can occur
- (7) **Registration / Classification Time Limit.**  
All animals, both male and female, must be registered/ classified within 24 months of birth.
- (8) **Registration of a studbook Stallion/Colt**  
All stallions submitted for studbook registration are to be Veterinary Surgeon certified sound and must be DNA typed prior to registration of progeny. This rule is effective from 28Jul2002 and is not retrospective ie: progeny foaled before this date are not at detriment. Colts must be DNA parent verified prior to registration. The prefix used for registration must be the same as the nominated registered brand at marking.
- (9) **Late Registration / Classification.**  
A late application for registration/classification will be accepted by the Association, subject to the payment of any such penalty fee decided by the Committee.
- (10) **Accuracy of Detail.**  
The onus shall rest on the applicant in all cases to satisfy the Committee of the correctness of the information relating to the breeding of all animals submitted for registration/classification . The Committee may refuse to permit any alteration to be made to any pedigree submitted for inclusion in the stud book and may cancel the entry of the particulars originally supplied if proven incorrect.
- (11) **Transfer.** Notification of transfer by the vendor or purchaser within 30 days from the date of sale of any animal registered , classified or Non Stud Entry recorded in the stud book or appendices is compulsory. When a female is being transferred it must be definitely stated whether or not she has been served and if served, the stallion service certificates must be handed to the purchaser. On transfer of an animal the registration / classification certificate must be returned to the
-



Registrar together with the name and address of the new owner, date of transfer of ownership and the prescribed transfer fee. The Registrar will then effect transfer and forward the certificate to the new owner.

The transfer is the responsibility of the Vendor and the original registration certificate should be forwarded to the Registrar to process the transfer. Once processed and records taken of the date and transfer are placed into the stud book, the original registration/classification certificate has the transfer details printed onto the back of the document and it is then forwarded to the purchaser.

**(12) Prefix Transfer.**

The purchaser of a stud shall have no right to the previous owner's prefix, except with the written sanction of the previous owner and the approval of the Committee.

**(13) Culled Horse.**

Details of any animal culled by its breeder but sold on must be advised to the Registrar and any subsequent registration/classification application is to be rejected. Detail of any registered/classified animal subsequently culled is also to be advised to the Registrar and the registration/classification certificate is to be endorsed to this effect.

**(14) Stud Book Categories**

**Stud Book Registered.**

Purebred	A	Pure Bred = 100%	
Stud Book	G	63/64 = 98.44% up to 100%	
		(Sixth Cross)	Males & Females
Stud Book	F	31/32 = 96.875% up to 98.44%	
		(Fifth Cross)	Males & Females
Stud Book	E	15/16 = 93.75% up to 96.875%	
		(Fourth Cross)	Males & Females
Stud Book	D	7/8 = 87.5% up to 93.75%	
		(Third Cross)	Females

## Chestnut Register  
 (## precedes Registration Letter e.g. ##A.204 (F))

## (15) **Appendix Classifications.**

**Note;** Classifications based on percentage of Percheron content not inspection of animal.

Appendix +D (M)  $7/8 = 87.5\%$  up to 93.75%  
(Third Cross) Geldings  
Eligible to show in the Purebred classes

Appendix D (M)  $7/8 = 87.5\%$  up to 93.75%  
(Third Cross) Colts & Stallions

Appendix C  $3/4 = 75\%$  up to 87.5%  
(Second Cross) Males & Females

Appendix B  $1/2 = 50\%$  up to 75%  
(First Cross) Males & Females

NSE (Non Stud Book Entry)

Recorded Males & Females of less than 50% but more than 25% Percheron content and base females.

### **Note**

*NSE animals not eligible for appendix specific show classes*

### **Percheron Warmblood Register**

Horses that meet the following criteria may be eligible for entry into a Warmblood Register. A male or female containing 25% or more Percheron content and 25% or more proven warmblood content. Warmblood registration must be proven with a registered Warmblood Association or Society. The Committee reserved the right to refuse registration if the selection criteria is not met.

### **Percheron Performance Horse Register.**

Horses that meet the following criteria be may considered for entry in the Performance Horse Register. A Percheron cross with a light horse to produce a modern sports horse capable of competing in Olympic disciplines. Application for entry into Register requires a submission of:

Proof of Percheron content, a minimum of 25%.

Photo of the horse submitted to the Committee.

Photos of both parents.

**(16) Grading up.**

- (a) Offspring eligible for grading up must be derived from one purebred (A) parent to be considered a first cross (B) classification.  
To advance further in grading up, at least one parent must be purebred (A).  
At least one purebred (A) parent is obligatory for registration/ classification.  
B, C and D entire males are not eligible to take further part in grading up.
- (b) Only Progeny of a Grade F mated to a Purebred A, of good breeding, of heavy draught horse type and which meet the breed standards outlined in these rules, may be considered by application to the Committee for grading up to Purebred. Any such request should be made to the Committee in writing along with any other evidence which the Committee deems to be required to consider the application.
- (c) Upon receiving Purebred status ;
- (i) it shall be noted with the words 'Recognised as Purebred', along with the date, on the animal's original registration certificate and in the master copy of the StudBook.
  - (ii) the animal has all rights and privileges of a purebred animal.
  - (iii) progeny resulting from mating to a Purebred A animal shall not be notated as graded up but as purebred.

The Committee of Management reserves the right to classify any Percheron and this animal is to be recorded in the Stud Book in whichever section it may deem fit.

***Note***

*There is no intent in this mechanism to accelerate horses between grades (ie jump grades)*

**(17) DNA Fingerprinting.**

DNA testing is the responsibility of the owner and must be done:

- (a) Stallions - Before progeny can be registered/certified.

- (b) Mares - Before progeny can be registered/certified
- (c) All Stud Book eligible colts and fillies (geldings excluded) - at weaning and/or upon application for registration must be DNA fingerprinted, together with the dam and sire if not previously fingerprinted.
- (d) This must be completed before certificate can be issued.

**(18) Artificial Insemination (AI).**

A breeder is required to present, with the application for the registration of any foal the product of AI, a veterinarians AI certificate detailing the semen used and the registration number of the mare inseminated. This applies to both Australian and imported semen.

**80 Committee's Responsibilities**

**(1) Registration/Classification Rejection.**

The Committee may reject an application for registration/classification or the transfer of registration.

**(2) Genetic Defects.**

The Committee reserves the right to reject any animal with known genetic defects.

**(3) Forms.**

All entries must be made on the Association's official forms and must be forwarded to the Registrar. No alteration or addition may be made to the Registration/Classification Certificate except by the Registrar or if appointed, Keeper of the Stud Book, who must initial the said change. Any Registration/Classification Certificate, except by the above, as stated will be null and void.

**(4) Integrity of the Stud Book.**

The Keeper of the Stud Book/Registrar must take all necessary steps to certify the correctness of the entries. Before the publication of any volume of the Stud Book all entries are to be finally examined by an Editing Sub-Committee appointed by the Committee. It's recommendation is subject to Committee review and confirmation or rejection. The Committee's decision shall be final.

**(5) Entry Refusal.**

The Committee reserves the right to refuse any entry, if deemed necessary in the interests of the Association without assigning a reason and also reserves the right to cancel the registration/classification of any animal, the pedigree of which has already appeared in a published volume, if it is proven to Committee satisfaction that the information published is incorrect.

**(6) Indemnity against Loss.**

The Association will not be responsible for any loss or damage that may be sustained by anyone through inaccuracy, omission, alteration or cancellation of entry.

**(7) The application for the registration of a horse in the stud book.**

Must contain the name, date of foaling, colour, markings and an accurate description of any brands and the name and address of the breeder and present owner, in addition the pedigree for four generations, together with a profile photograph. And;

- (a) All horses, excluding geldings, submitted for studbook registration must be DNA typed and parentage verified prior to registration.
- (b) Any horse presented for studbook registration not meeting these requirements will be referred to the committee for consideration on a case by case basis.

**(8) Foaling Notification.**

Notification by breeders of the birth of foals within six months from the date of birth is compulsory.

**(9) Horse Names.**

Animals must be adult registered before their progeny can be accepted for registration/classification. An animal's name shall not exceed two words, in addition to the breeder's prefix, which must be used and no stud prefix other than the breeder's will be permitted as any portion of the name. Names once registered, cannot afterwards be changed.

(10) **Registration of Foal.**

The breeder or lessee of an animal is the owner of its dam at the date of foaling.

(11) **Imported Animals.**

The Association will accept pedigrees of overseas animals for registration in the stud book subject to satisfactory documentation and approval by the Committee. An imported animal must be entered in the stud book of the Association before any progeny can be accepted for registration/classification.

(12) **Stud Book Registration.**

All horses designated (A) will be assigned (F) or (M) after the animal's name (and registered number) on the certificate of registration and on all pedigrees.

Stallions accepted for registration in the stud book as (E) must contain at least 93.75% Percheron blood. In colour they must be either grey or black, the skin pigment should be dark and the hooves black and their legs free of long hair. Minimum of white e.g: one white sock and/or a white star. Minimum height for mares is 15.2hh, for stallions 16hh. They must also conform in other respects to the standards of excellence laid down by the Association. The Committee may decline the registration or deregister any horse that in its opinion does not meet the Association's breed standards.

Females accepted for registration in the stud book must contain at least (D) 87.5% Percheron blood. In colour they should be either grey or black, their skin pigment should be dark and their hooves black and their legs free of long hair. Minimum of white, e.g: one white sock and/or a white star. They must also conform in other respects to the standards of excellence laid down by the Association.

- (a) Females of less than the above Percheron content may be accepted for appendix classification so that grading up is possible, commencing with a "Base Female".
- (b) Records of part-bred Percheron horses which have not been dealt with in previous clauses will be accepted and recorded in Appendices to the Stud Book.

**Note**

*Registration means Stud Book entry.*

*Classifications based on percentage of Percheron content not inspection of animal*

*NSE "Non Stud Book Entry" means; not eligible for entry into the Stud Book.*

**APPENDICES:-**

Appendix (B) Males and females accepted for classification in Appendix B shall contain 50% Percheron blood Appendix (C) males and females accepted for classification in Appendix C shall contain 75% Percheron blood. Appendix (D) males accepted for classification in Appendix D shall contain 87.5% Percheron blood.

The Committee of Management reserves the right to classify any Percheron and this animal is to be recorded in the Stud Book in whichever section as it may deem fit.

**PART 9 - MANAGEMENT**

**81 By-Laws**

Committee may from time to time raise:

- (1) By-Laws to compliment the Rules and to provide for the effective management and administration of the Percheron Horse Breeders Association of Australia Inc. (PHBAA Inc.). The process for the creation of an item for inclusion as a By-Law firstly requires the mater to be approved as provisional by the Committee and as such included in the By-Laws. The provisional By-Law is then to be placed before the next Annual General Meeting (AGM) for either approval or rejection.
- (2) By-Law (Provisional) is marked as such in the By-Laws until such time that approval by the voting Members is given at AGM.