



TABLE OF CONTENTS

PART 1 — PRELIMINARY	4
1. <i>The name of Association is Trakehners Australia Inc.</i>	4
2. <i>Definitions and terms used:</i>	4
3. <i>Financial year</i>	5
4. <i>The Objects of Association:</i>	5
PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY	6
5. <i>Not-for-profit body</i>	6
6. <i>Powers of Association</i>	6
PART 3 — MEMBERS	7
DIVISION 1 — MEMBERSHIP.....	7
7. <i>Eligibility for membership</i>	7
8. <i>Classes of membership</i>	7
9. <i>Applying for membership, other than life membership</i>	8
10. <i>Dealing with membership applications</i>	9
11. <i>Becoming a member</i>	9
12. <i>When membership ceases</i>	9
13. <i>Resignation</i>	9
14. <i>Rights not transferable</i>	10
DIVISION 2 — MEMBERSHIP FEES	10
15. <i>Membership fees</i>	10
DIVISION 3 — REGISTER OF MEMBERS.....	10
16. <i>Register of members</i>	10
PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION	11
DIVISION 1 — TERMS USED	11
17. <i>Term used: member</i>	11
DIVISION 2 — DISCIPLINARY ACTION	11
18. <i>Suspension or expulsion</i>	11
19. <i>Consequences of suspension</i>	12
DIVISION 3 — RESOLVING DISPUTES	12
20. <i>Terms used</i>	12
21. <i>Application of Division</i>	12
22. <i>Parties to attempt to resolve dispute</i>	12
23. <i>How grievance procedure is started</i>	12
24. <i>Determination of dispute by committee</i>	13
DIVISION 4 — MEDIATION.....	13
25. <i>Application of Division</i>	13
26. <i>Appointment of mediator</i>	13
27. <i>Mediation process</i>	14
28. <i>If mediation results in decision to suspend or expel being revoked</i>	14
PART 5 — COMMITTEE	15
DIVISION 1 — POWERS OF COMMITTEE.....	15
29. <i>Committee</i>	15
DIVISION 2 — COMPOSITION OF COMMITTEE AND DUTIES OF MEMBERS.....	15
30. <i>Committee members</i>	15
31. <i>President</i>	15
32. <i>Secretary</i>	15
33. <i>Treasurer</i>	16
34. <i>Registrar</i>	16
DIVISION 3 — ELECTION OF COMMITTEE MEMBERS AND TENURE OF OFFICE	17



35. <i>How members become Committee member</i>	17
36. <i>Nomination of committee members</i>	17
37. <i>Election of office holders</i>	18
38. <i>Election of ordinary committee members</i>	18
39. <i>Term of office</i>	18
40. <i>Resignation and removal from office</i>	19
41. <i>When membership of committee ceases</i>	19
42. <i>Filling casual vacancies</i>	19
43. <i>Validity of acts</i>	19
44. <i>Payments to committee members</i>	20
DIVISION 4 — COMMITTEE MEETINGS	20
45. <i>Committee meetings</i>	20
46. <i>Notice of committee meetings</i>	20
47. <i>Procedure and order of business</i>	20
48. <i>Use of technology to be present at committee meetings</i>	21
49. <i>Quorum for committee meetings</i>	21
50. <i>Voting at committee meetings</i>	21
51. <i>Minutes of committee meetings</i>	21
DIVISION 5 — SUBCOMMITTEES AND SUBSIDIARY OFFICES	22
52. <i>Subcommittees and subsidiary offices</i>	22
53. <i>Delegation to subcommittees and holders of subsidiary offices</i>	22
PART 6 — GENERAL MEETINGS OF ASSOCIATION	23
54. <i>Annual general meeting</i>	23
55. <i>Special general meetings</i>	23
56. <i>Notice of general meetings</i>	24
57. <i>Absentee voting</i>	24
58. <i>Use of technology to be present at general meetings</i>	25
59. <i>Presiding member and quorum for general meetings</i>	25
60. <i>Adjournment of general meeting</i>	25
61. <i>Voting at general meeting</i>	25
62. <i>When special resolutions are required</i>	26
63. <i>Determining whether resolution carried</i>	27
64. <i>Minutes of general meeting</i>	27
PART 7 — FINANCIAL MATTERS	28
65. <i>Source of funds</i>	28
66. <i>Control of funds</i>	28
67. <i>Financial statements and financial reports</i>	28
PART 8 — GENERAL MATTERS	29
68. <i>By-laws</i>	29
69. <i>Executing documents and common seal</i>	29
70. <i>Giving notices to members</i>	29
71. <i>Custody of books and securities</i>	30
72. <i>Record of office holders</i>	30
73. <i>Inspection of records and documents</i>	30
74. <i>Publication by committee members of statements about Association business prohibited</i>	31
75. <i>Distribution of surplus property on cancellation of incorporation or winding up</i>	31
76. <i>Alteration of rules</i>	31
PART 9 - BASIC BREEDING RULES	31
DIVISION 1- STUD BOOK AND BREED RECORDS	31
77. <i>Basic breeding management rules:</i>	31
78. <i>Stud book (and part bred register) minimum information</i>	31



79. Stud book: Sections and Classes.....	33
80. Stud book: Entries.....	33
DIVISION 2 - ISSUING OF REGISTRATION PAPERWORK AND CERTIFICATE OF OWNERSHIP	34
81. Registration documents – birth certificate or pedigree.....	34
82. Certificate of Ownership.....	34
83. Handling of the registration paperwork and certificate of ownership	34
84. Duplicates or replacement birth certificate or pedigree and certificate of ownership.....	35
DIVISION 3 – IDENTIFICATION OF THE HORSE	35
85. Identification of horse.....	35
86. Verification of identity and ancestry	35
87. Measures to correct pedigrees.....	35
88. Documentation.....	36
DIVISION 4 - BREED DOCUMENTATION.....	36
89. Breed documentation	36
90. Foaling report:.....	37
91. Changing data relating to breeding and entries into the stud book or partbred register.....	37
DIVISION 5: RECORDING OF GENETIC DEFECTS	37
92. Genetic defects.....	37
DIVISION 6: BASIC RULES FOR THE INSPECTION OF BREEDING STOCK.....	37
93. Inspection of breeding stock.....	37
DIVISION 7: APPROVALS, MARE INSPECTION, FOAL INSPECTION	38
94. Approvals, mare inspection, foal inspection.....	38
DIVISION 8: PREMIUM AWARDS	38
95. Premium awards	38
DIVISION 9: BASIC RULES OF PERFORMANCE TESTING AND BREEDING VALUE ESTIMATION.....	38
96. Performance test definition:.....	38
97. Acceptance of test results.....	39
DIVISION 10: BREEDING VALUE ESTIMATION	39
DIVISION 11: EFFECTIVE DATE.....	39



PART 1 — PRELIMINARY

1. The name of Association is Trakehners Australia Inc.

2. Definitions and terms used:

In these rules, unless contrary intention appears –

- **Act** means the Associations Incorporation Act 2015 (Western Australia)
- **Association** means the incorporated association to which these rules apply;
- **books**, of the Association, includes the following —
 - a register;
 - financial records, financial statements or financial reports, however compiled, recorded or stored;
 - a document;
 - any other record of information;
- **by laws** means by-laws made by the Association under rule 68;
- **chairperson** means the committee member holding office as president of the association, or as vice president of the association, or otherwise as determined by Committee to chair a meeting;
- **Commissioner** means the person for the time being designated as the Commissioner under section 153 of the Act;
- **committee** means the management committee of the Association;
- **committee meeting** means a meeting of the committee;
- **committee member** means a member of the committee;
- **financial records** includes —
 - invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
 - documents of prime entry; and
 - working papers and other documents needed to explain —
 - the methods by which financial statements are prepared; and
 - adjustments to be made in preparing financial statements;
- **financial report**, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;
- **financial statements** means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;
- **financial year**, of the Association, has the meaning given in rule 3;
- **general meeting**, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;
- **member** means a person (including a body corporate) who is any class of member referred to in rule 8.
- **ordinary committee member** means a committee member who is not an office holder of the Association under rule 30(2);
- **president** means the Committee member holding office as the president of the Association;
- **register of members** means the register of members referred to in section 53 of the Act;
- **rules** means these rules of the Association, as in force for the time being;
- **secretary** means the committee member holding office as the secretary of the Association;



- **special general meeting** means a general meeting of the Association other than the annual general meeting;
- **special resolution** means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;
- **subcommittee** means a subcommittee appointed by the committee under rule 52(1)(a);
- **tier 1 association** means an incorporated association to which section 64(1) of the Act applies;
- **tier 2 association** means an incorporated association to which section 64(2) of the Act applies;
- **tier 3 association** means an incorporated association to which section 64(3) of the Act applies;
- **treasurer** means the committee member holding office as the treasurer of the Association.

3. Financial year

- (1) The first financial year of the Association is to be the period notified to the Commissioner under section 7(4)(e) of the Act.
- (2) Each Subsequent financial year of the Association is the period of 12 months commencing on 1 July and ending on 30 June in the following year.

4. The Objects of Association:

- (1) To maintain the purity of the Trakehner horse in Australia.
- (2) To adhere as closely as practicable and as Australian laws allow to the principles and breeding standards of the Trakehner Verband e.V.
- (3) To collaborate with and be guided by the Trakehner Verband e.V. in all breeding matters.
- (4) To foster the development of the Trakehner horse and to educate, assist and instruct new breeders and owners.
- (5) To promote in any way whatsoever the interests of breeders of the Trakehner horse in Australia.
- (6) To compile, print or otherwise electronically publish a stud book and/or other appendices or registers of Trakehner horses in Australia.
- (7) To identify Trakehner horses registered in the stud book or registers with the Trakehner brand and/or microchip, and with a DNA profile.
- (8) To act as the national governing body for the Trakehner breed to which other bodies can refer for guidance in all aspects of Association work.
- (9) To promote good fellowship and sportsmanship amongst breeders and owners of Trakehner horses.
- (10) To print, publish or make contributions to any newspaper, periodicals, books or leaflets and to publish whether in print type or broadcast or otherwise any information which the Association may think desirable for the promotion of its objects.
- (11) To adopt such means of making known the objects and benefits of the Association as the Association may deem expedient and practical and to otherwise further the interests of members by advertising in the mass media, by circulars, by publications of books, periodicals and articles, by broadcasting, by granting prizes, rewards and donations and by other means that the Association may deem expedient and practical.



- (12) To establish and maintain relations with other societies formed to promote the welfare and interests of other breeds of horses.
- (13) To support, join in, compete and assist in any Agricultural Show.
- (14) To appoint judges and stewards and to maintain a register of persons competent to judge Trakehner horses.
- (15) To hold and promote shows, exhibitions and demonstrations.
- (16) To hold, promote, assist or join in assisting sales of horses registered in the stud book and or its appendix or registers.
- (17) To register with the Association and with other similar societies brands of all descriptions and to register copyrights for the use of the Association and its members.
- (18) To do all or any thing deemed necessary to promote the furtherance of the Trakehner Horse breed.
- (19) To register and promote horses and ponies with at least 25% pedigree proven Trakehner blood as partbreds.

PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

5. Not-for-profit body

- (1) The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (3).
- (3) A payment to a member out of the funds of the Association is authorised if it is — passed by vote of the Committee and minuted as to amount, purpose of payment and that it is one or more of:
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

6. Powers of Association

- (1) The powers conferred on the association are the same as those conferred by section 14 of The Act.



PART 3 – MEMBERS

Division 1 – Membership

7. Eligibility for membership

- (1) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.
- (2) An individual who has not reached the age of 18 years is not eligible to apply for a class of membership that confers full voting rights

8. Classes of membership

- (1) The Association consists of
 - (a) **breeder members**; and
 - (b) **junior breeder members**; and
 - (c) **owner-rider members**; and
 - (d) **junior owner-rider members**; and
 - (e) any **associate members** provided for under subrule (2).
- (2) The Association may have associate membership classes, including
 - (a) General associate membership for those interested in promoting the Trakehner breed; and
 - (b) Life Membership for members who have made outstanding contribution to the Association; and
 - (c) any other class of associate membership approved by resolution at a general meeting, including, senior membership, honorary membership and life membership.
- (3) A person who has not reached the age of 18 years is only eligible to be an associate member or a junior breeder member or a junior rider-member.
- (4) A person other than a life member can only be one of the membership classes of breeder member, junior breeder member, owner-rider member, junior owner rider-member or belong to one class of associate membership. A life member may also be a breeder member or owner-rider member.
- (5) **A breeder member:**
 - (a) Is a person who owns a mare or stallion registered in either the Trakehners Australia Studbook A or B, or the Trakehner Verband Studbook 1 or 2; or who has a lease on such a mare or stallion that is recorded with the TA or TV; and
 - (b) Who has declared as part of their membership or membership renewal that they are intending to join mare/s or stand their stallion/s at private or public stud in that financial year's breeding season.
 - (c) May hold an executive role on the committee
 - (d) Has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.
 - (e) May also be a rider for purposes of Trakehners Australia awards.
- (6) **A junior breeder member:**
 - (a) is a person under 18 years of age who owns a mare or stallion registered in either the Trakehners Australia Studbook A or B, or the Trakehner Verband



- Studbook 1 or 2; or who has a lease on such a mare or stallion that is recorded with the TA or TV; and
- (b) Who has declared as part of their membership or membership renewal that they are intending to join mare/s or stand their stallion/s at private or public stud in that financial year's breeding season.
 - (c) cannot hold a committee position;
 - (d) may hold a sub-committee role;
 - (e) does not have voting rights.
 - (f) May also be a rider for purposes of Trakehners Australia awards.
- (7) **An owner-rider member:**
- (a) Is a person who owns or leases a mare, stallion or gelding that is registered as a pureblood Trakehner by either Trakehners Australia Inc or the Trakener Verband, or as a partbred with Trakehners Australia Inc.
 - (b) May hold a general committee position.
 - (c) Has voting rights other than a right to vote on change to these rules or any by laws about breeding
 - (d) Has any other rights conferred on members by these rules or approved by resolution at general meeting or determined by the committee.
- (8) **A junior owner-rider member:**
- (a) Is a person under 18 years of age who owns or leases a mare, stallion or gelding that is registered as a pureblood Trakehner by either Trakehners Australia Inc or the Trakener Verband, or as a partbred with Trakehners Australia Inc.
 - (b) cannot hold a committee position;
 - (c) may hold a sub-committee role;
 - (d) does not have voting rights.
- (9) **An associate member:**
- (a) has the rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee;
 - (b) does not have voting rights except for a life member who is also a breeder member or owner-rider member;
 - (c) may not hold a committee position, except for a life member who is also a breeder member or owner-rider member;
 - (d) may hold a sub-committee position.
- (10) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

9. Applying for membership, other than life membership

- (1) A person who wants to become a member must apply in writing to the Association. This may be done electronically by a membership form available on the Trakehners Australia Inc website. This does not apply to Life Membership that is an honorary membership made on nomination of the Committee and approved on passing a special resolution at a general meeting.
- (2) The application must include details of a current member's nomination of the applicant for membership.
- (3) The application must be signed or electronically submitted by the applicant.
- (4) The applicant must specify in the application the class of membership to which the application relates.



10. Dealing with membership applications

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the committee must consider applications in the order in which they are received by the Association.
- (3) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application. This may include the need to receive confirmation of nomination by a current member.
- (4) The committee must not accept an application unless the applicant –
 - (a) is eligible under rule 7 (eligibility); and
 - (b) is qualified for the rule 8 class of membership they are applying for; and
 - (c) has applied under rule 9 (applying for membership).
- (5) The committee may reject an application even if the applicant —
 - (a) is eligible under rule 7; and
 - (b) is qualified for the rule 8 class of membership they have applied for; and
 - (c) has applied under rule 9.
- (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision. If rejected, the committee must refund any membership payment submitted with the application to the applicant.
- (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

11. Becoming a member

- (1) An applicant for membership of the Association becomes a member when —
 - (a) the committee accepts the application; and
 - (b) the applicant pays any membership fees payable to the Association under rule 15.

12. When membership ceases

- (1) A person ceases to be a member when any of the following takes place—
 - (a) for a member who is an individual, the individual dies;
 - (b) for a member who is a body corporate, the body corporate is wound up;
 - (c) the person resigns from the Association under rule 13;
 - (d) the person is expelled from the Association under rule 18;
 - (e) the person ceases to be a member under rule 15(5).
- (2) The secretary must keep a record, for at least seven years after a person ceases to be a member, of —
 - (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.

13. Resignation

- (1) A member may resign from membership of the Association by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect —
 - (a) when the secretary receives the notice; or
 - (b) if a later time is stated in the notice, at that later time.



- (3) A person who has resigned from membership of the Association remains liable for any fees that are owed to the Association (the *owed amount*) at the time of resignation and is not entitled to any pro-rata refund of fees already paid.
- (4) The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.

14. Rights not transferable

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

Division 2 — Membership fees

15. Membership fees

- (1) The committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association.
- (2) The fees determined under subrule (1) may be different for different classes of membership.
- (3) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the due date, being the 1st of July in the membership year in which it is sought to be a member.
- (4) A member of a category with any voting right must have paid the annual membership fee before acquiring a right to vote in any meeting in that year of membership.
- (5) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.
- (6) If a person who has ceased to be a member under subrule (5) offers to pay the annual membership fee after the period referred to in that subrule has expired —
 - (a) the committee may, at its discretion, accept that payment; and
 - (b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted

Division 3 — Register of members

16. Register of members

- (1) The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at the secretary's place of residence, or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.
- (5) If —
 - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or



- (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,
- (c) the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association and what that purpose is.

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Terms used

17. Term used: member

In this Part, *member*, in relation to a member who is expelled from the Association, includes former member.

Division 2 — Disciplinary action

18. Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Association
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (a) when and where the committee meeting is to be held and whether to be in person or by electronic means; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;
- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.



- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator under rule 25.
- (8) If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.

19. Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
 - (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
- (2) When a member's membership is suspended, the secretary must record in the register of members —
 - (a) that the member's membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

Division 3 — Resolving disputes

20. Terms used

In this Division —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

21. Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (c) between members; or
- (d) between one or more members and the Association.

22. Parties to attempt to resolve dispute

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

23. How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 22, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.
- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.



- (3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (5) If —
 - (a) the dispute is between one or more members and the Association, other than a dispute in relation to registration of a horse; and
 - (b) any party to the dispute gives written notice to the secretary stating that the party —
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 25,the committee must not determine the dispute.
- (6) If the dispute is in relation to the registration of a horse, then the provisions of rule 80(7) of these rules apply.

24. Determination of dispute by committee

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 25.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

Division 4 — Mediation

25. Application of Division

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator —
 - (a) by a member under rule 18(7); or
 - (b) by a party to a dispute under rule 23(5)(b)(ii) or 24(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 26.

26. Appointment of mediator

- (1) The mediator must be a person chosen —
 - (a) if the appointment of a mediator was requested by a member under rule 18(7) — by agreement between the Member and the committee; or



- (b) if the appointment of a mediator was requested by a party to a dispute under rule 23(5)(b)(ii) or 24(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
 - (a) a member under rule 18(7); or
 - (b) a party to a dispute under rule 23(5)(b)(ii); or
 - (c) a party to a dispute under rule 24(3) and the dispute is between one or more members and the Association.
- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

27. Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

28. If mediation results in decision to suspend or expel being revoked

If —

- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 15(7); and
 - (b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,
- that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.



PART 5 — COMMITTEE

Division 1 — Powers of Committee

29. Committee

- (1) The committee members are the persons who, as the management committee of the Association, have the power to manage the affairs of the Association.
- (2) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.
- (3) The committee must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).

Division 2 — Composition of Committee and duties of members

30. Committee members

- (1) The committee members consist of —
 - (a) the office holders of the Association; and
 - (b) a maximum of two ordinary committee members.
- (2) The following are the office holders of the Association —
 - (a) the president;
 - (b) the vice president;
 - (c) the secretary;
 - (d) the treasurer.
- (3) A person may be a office holder committee member if the person is —
 - (a) an individual who has reached 18 years of age; and
 - (b) a breeder member.
- (4) A person may be an ordinary committee member if the person is –
 - (a) An individual who has reached 18 years of age; and
 - (b) A breeder member or an owner-rider member.
- (5) A person must not hold 2 or more of the offices mentioned in subrule (2) at the same time.
- (6) The Committee must appoint a committee member to hold the role of registrar. A person who holds one of the offices mentioned in subrule (3) may also be appointed as registrar.

31. President

- (1) It is the duty of the president to consult with the secretary regarding the business to be conducted at each committee meeting and general meeting
- (2) The president has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.

32. Secretary

- (1) The Secretary has the following duties —
 - (a) dealing with the Association's correspondence;
 - (b) consulting with the president regarding the business to be conducted at each committee meeting and general meeting;
 - (c) preparing the notices required for meetings and for the business to be conducted at meetings;



- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
- (h) maintaining full and accurate minutes of committee meetings and general meetings;
- (i) carrying out any other duty given to the secretary under these rules or by the committee.

33. Treasurer

- (1) The treasurer has the following duties —
 - (a) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
 - (b) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
 - (c) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting are made on time;
 - (d) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
 - (e) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
 - (f) if the Association is a tier 1 association, coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;
 - (g) if the Association is a tier 2 association or tier 3 association, coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
 - (h) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
 - (i) carrying out any other duty given to the treasurer under these rules or by the committee.

34. Registrar

- (1) The registrar has the following duties –
 - (a) Is the keeper of the stud book, appendices and registers of Trakehner horses in Australia;
 - (b) Receives and processes all applications for registration, transfer of registration, uplift of registration from foal book to stud book;
 - (c) Pedigree checks all horses subject to applications for registration;



- (d) Maintaining on behalf of the Association an up to date copy of the electronic studbook and appendices and registers, including primary responsibility for collecting and entering the information required for registrations, as set out in the Part 8 – Basic Breeding Rules.
- (e) Making and keeping electronic back ups of the electronic studbook at least each month and providing a copy of each back up to one or two other committee members as determined by the committee from time to time.
- (f) Recording all changes in registrations in the studbook, appendices or registers.
- (g) Issues hard copy registration papers, certificates of ownership and service certificates on behalf of the Association.
- (h) Corresponds with the Trakehner Verband e.V. in relation to registrations of horses with the Trakehner Verband, and carries out such tasks as agreed between the Trakehner Verband and Trakehners Australia Inc committee to effect such registrations;
- (i) Carrying out any other duty given to the registrar under these rules or by the committee.
- (j) Render to the President and Committee any disputes and requests of inspection if irregularities are suspected.

Division 3 — Election of committee members and tenure of office

35. How members become Committee member

A member becomes a committee member if the member

- (k) Is elected to the committee at a general meeting; or
- (l) is appointed to the committee by the committee to fill a casual vacancy under rule 42.

36. Nomination of committee members

- (1) At least 28 days before an annual general meeting, the secretary must send written notice to all the members —
 - (a) calling for nominations for election to the committee; and
 - (b) stating the date by which nominations must be received by the secretary to comply with subrule (2).
- (2) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending written notice of the nomination to the secretary at least 14 days before the annual general meeting. The written notice must be submitted on a form published on the TA Inc website, or if none, then by email to the Secretary.
- (3) The written notice must include a statement by another member in support of the nomination or provide the name of the member who is supporting the nomination.
- (4) A member may nominate for one or more specified position of office holder of the Association and/or to be an ordinary committee member.
- (5) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 37(2) or 38(1)(b).



37. Election of office holders

- (1) At the annual general meeting, a separate election must be held for each position of office holder of the Association.
- (2) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the ordinary members at the meeting.
- (3) If only one member has nominated for a position, the chairperson of the meeting must declare the Member elected to the position.
- (4) If more than one member has nominated for a position, the breeder members and the owner-rider members at the meeting must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (5) Each breeder member and owner-rider member present at the meeting may vote for one member who has nominated for the position.
- (6) A member who has nominated for the position may vote for himself or herself.
- (7) On the member's election, the new chairperson of the Association may take over as the chairperson of the meeting.
- (8) A member who has nominated for more than one office holder position and/or ordinary committee member position may only be elected to one of those. If election to a nominated position is unopposed under rule 37 (3), then the nominee is elected to the first nominated role in order of President, Vice president, Secretary, and Treasurer. The member's other nominations for other committee office holder or ordinary committee member positions are then withdrawn.

38. Election of ordinary committee members

- (1) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting —
 - (a) must declare each of those members to be elected to the position; and
 - (b) may call for further nominations from the breeder members and owner-rider members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (2) If —
 - (a) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or
 - (b) the number of members nominating under subrule (1)(b) is greater than the number of positions remaining unfilled,
- (3) the breeder members and owner-rider members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.
- (4) A member who has nominated for the position of ordinary committee member may vote in accordance with that nomination.

39. Term of office

- (1) The term of office of a committee member begins when the member —
 - (a) is elected at an annual general meeting or under rules 37 or 38; or
 - (b) is appointed to fill a casual vacancy under rule 42.
- (2) Subject to rule 41, a committee member holds office until the positions on the committee are declared vacant at the next annual general meeting.
- (3) A committee member may be re-elected.



40. Resignation and removal from office

- (1) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.
- (2) The resignation takes effect —
 - (a) when the notice is received by the secretary or chairperson; or
 - (b) if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Association may by resolution —
 - (a) remove a committee member from office; and
 - (b) elect a member who is eligible under subrules 30(3) or 30(4) to fill the vacant position.
- (4) A committee member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.
- (5) The secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

41. When membership of committee ceases

- (1) A person ceases to be a committee member if the person —
- (2) dies or otherwise ceases to be a member; or
- (3) resigns from the committee or is removed from office under rule 40; or
- (4) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (5) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (6) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

42. Filling casual vacancies

- (1) The committee may appoint a member who is eligible under rule 30(3) or 30(4) to fill a position on the committee that —
 - (a) has become vacant under rule 40; or
 - (b) was not filled by election at the most recent annual general meeting or under rule 40(3)(b).
- (2) If the position of secretary becomes vacant, the committee must appoint a member who is eligible under rule 30(3) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 49, the committee may continue to act despite any vacancy in its membership.
- (4) If there are fewer committee members than required for a quorum under rule 49, the committee may act only for the purpose of —
 - (a) appointing committee members under this rule; or
 - (b) convening a general meeting.

43. Validity of acts

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the



election, appointment or qualification of a committee member or member of a subcommittee.

44. Payments to committee members

- (1) In this rule —
 - (a) **committee member** includes a member of a subcommittee;
 - (b) **committee meeting** includes a meeting of a subcommittee.
- (2) A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred —
 - (a) in attending a committee meeting or
 - (b) in attending a general meeting; or
 - (c) otherwise in connection with the Association's business.

Division 4 — Committee meetings

45. Committee meetings

- (1) The committee must meet at least 3 times in each year on the dates and at the times and places determined by the committee.
- (2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
- (3) Special committee meetings may be convened by the chairperson or any 2 committee members.

46. Notice of committee meetings

- (1) Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless subrule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.

47. Procedure and order of business

- (1) The president or, in the president's absence, the vice-president must preside as chairperson of each committee meeting.
- (2) If the president and vice-president are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- (4) The order of business at a committee meeting may be determined by the committee members at the meeting.
- (5) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.
- (6) A person invited under subrule (5) to attend a committee meeting —



- (a) has no right to any agenda, minutes or other document circulated at the meeting; and
- (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
- (c) cannot vote on any matter that is to be decided at the meeting.

48. Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A committee member who participates in a committee meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the committee member is taken to have voted in person.

49. Quorum for committee meetings

- (1) Subject to rule 49(4) no business is to be conducted at a committee meeting unless a quorum is present.
- (2) A quorum is 4 committee members including at least 2 office holders.
- (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; or
 - (b) otherwise, the meeting is adjourned to the same time, day and place in the following week.
- (4) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of a committee meeting held under subrule (3)(b); and
 - (b) at least 2 committee members are present at the meeting,
 - (c) those members present are taken to constitute a quorum.

50. Voting at committee meetings

- (1) Each committee member present at a committee meeting has one vote on any question arising at the meeting, except in the case of questions in relation to change to these rules or any by laws about breeding that may only be voted on by breeder members under rule 8(5).
- (2) A motion is carried if a majority of the committee members eligible to vote and present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

51. Minutes of committee meetings

- (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 committee members present at the meeting;
 - (b) the name of any person attending the meeting under rule 47(5);
 - (c) the business considered at the meeting;
 - (d) any motion on which a vote is taken at the meeting and the result of the vote.
- (3) The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (4) The chairperson must ensure that the minutes of a committee meeting are reviewed and signed (or electronically authorised) as correct by —
- (a) the chairperson of the meeting; or
 - (b) the chairperson of the next committee meeting.
- (5) When the minutes of a committee meeting have been signed or electronically authorised as correct they are, until the contrary is proved, evidence that —
- (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made at the meeting was validly made.

Division 5 — Subcommittees and subsidiary offices

52. Subcommittees and subsidiary offices

- (1) To help the committee in the conduct of the Association's business, the committee may, in writing, do either or both of the following —
- (a) appoint one or more subcommittees;
 - (b) create one or more subsidiary offices and appoint people to those offices.
- (2) A subcommittee may consist of the number of people, whether or not members, that the committee considers appropriate.
- (3) A person may be appointed to a subsidiary office whether or not the person is a member.
- (4) Subject to any directions given by the committee —
- (a) a subcommittee may meet and conduct business as it considers appropriate; and
 - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

53. Delegation to subcommittees and holders of subsidiary offices

- (1) In this rule — ***non-delegable duty*** means a duty imposed on the committee by the Act or another written law.
- (2) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than —
- (a) the power to delegate; and
 - (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.



- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

PART 6 — GENERAL MEETINGS OF ASSOCIATION

54. Annual general meeting

- (1) The committee must determine the date, time and place of the annual general meeting.
- (2) If it is proposed to hold the annual general meeting more than 6 months after the end of the Association's financial year, the secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.
- (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 if the minutes of that meeting have not yet been confirmed;
 - (b) to receive and consider —
 - (c) the committee's annual report on the Association's activities during the preceding financial year; and
 - (i) if the Association is a tier 1 association, the financial statements of the Association for the preceding financial year presented under Part 5 of the Act; and
 - (d) if the Association is a tier 2 association or a tier 3 association, the financial report of the Association for the preceding financial year presented under Part 5 of the Act;
 - (e) if required to be presented for consideration under Part 5 of the Act, a copy of the report of the review or auditor's report on the financial statements or financial report;
 - (f) to elect the office holders of the Association and other committee members;
 - (g) if applicable, to appoint or remove a reviewer or auditor of the Association in accordance with the Act;
 - (h) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.

55. Special general meetings

- (1) The committee may convene a special general meeting.
- (2) The committee must convene a special general meeting if at least 20% of the members who are entitled to vote require a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened must —
 - (a) make the requirement by written notice given to the secretary; and



- (b) state in the notice the business to be considered at the meeting; and
- (c) each sign the notice either in hard copy or electronically.
- (4) The special general meeting must be convened within 28 days after notice is given under subrule (3)(a).
- (5) If the committee does not convene a special general meeting within that 28 day period, the members making the requirement (or any of them) may convene the special general meeting.
- (6) A special general meeting convened by members under subrule (5) —
 - (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) The Association must reimburse any reasonable expenses incurred by the members convening a special general meeting under subrule (5).

56. Notice of general meetings

- (1) The secretary or, in the case of a special general meeting convened under rule 55(5), the members convening the meeting, must give to each member —
 - (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 the meeting is the annual general meeting, include the names of the members who have nominated for election to the committee under rule 32(2); and
 - (d) if a special resolution is proposed —
 - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution; and
 - (iii) comply with rule 57(3).

57. Absentee voting

- (1) A member who is not able to attend a meeting in person or electronically in order to vote may vote on any published proposed resolution in advance of the meeting by:
 - (a) providing written notice, including:
 - (i) the proposed resolution, and
 - (ii) whether their vote is the vote in favour or against the resolution,
- (2) The written notice must be provided to the Secretary no later than 24 hours before the commencement of the meeting.
- (3) Notice of a general meeting given to a member under rule 52 must —
 - (a) state that the member may vote as a absentee, and
 - (b) include a form for absentee voting on each proposed resolution or a link to an electronic version of same, and
 - (c) provide the instructions for returning to the Secretary.



58. Use of technology to be present at general meetings

- (1) The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a general meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

59. Presiding member and quorum for general meetings

- (1) The president or, in the president's absence, the vice-president must preside as chairperson of each general meeting.
- (2) If the president and vice-president are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (4) A quorum at a general meeting is 4 breeder members if changes to the rules or breeding rules are on the agenda, or 4 breeder members or owner-breeder members for any other proposals are on the agenda.
- (5) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
 - (a) in the case of a special general meeting — the meeting lapses; or
 - (b) in the case of the annual general meeting — the meeting is adjourned to —
 - (i) the same time and day in the following week; and
 - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (6) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under subrule (5)(b); and
 - (b) at least 2 breeder members or owner-rider members are present at the meeting, those members present are taken to constitute a quorum.

60. Adjournment of general meeting

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the ordinary 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.
- (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 56.

61. Voting at general meeting

- (1) On any question arising at a general meeting —



- (a) In relation to any amendment of these rules or amendment to the breeding by-laws, subject to subrule (6), each breeder member has one vote unless the member may also vote on behalf of a body corporate under subrule (2); and
 - (b) In relation to any matter other than amendment to these rules or breeding by-laws, each owner-rider member has one vote unless the member may also vote on behalf of a body corporate under subrule (2); and
 - (c) members may vote personally or by absentee vote.
- (2) An breeder member or a rider-owner member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.
- (3) A copy of the document by which the appointment is made must be given to the secretary before any general meeting to which the appointment applies.
- (4) The appointment has effect until —
- (a) the end of any general meeting to which the appointment applies; or
 - (b) the appointment is revoked by the body corporate and written notice of the revocation is given to the secretary.
- (5) Except in the case of a special resolution, a motion is carried if a majority of the ordinary members present at a general meeting vote in favour of the motion.
- (6) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (7) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- (8) For a person to be eligible to vote at a general meeting as a breeder member or an owner-rider member, or on behalf of a breeder member or owner-rider member that is a body corporate under subrule (2), the breeder member or owner-rider member —
- (a) must have been a breeder member or owner-rider member at the time notice of the meeting was given under rule 56; and
 - (b) must have paid any fee or other money payable to the Association by the member.

62. When special resolutions are required

- (1) A special resolution is required if it is proposed at a general meeting —
- (a) to affiliate the Association with another body; or
 - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
 - (c) To do any of the matters requiring special resolution under the Act, including:
 - (i) to alter its rules, including changing the name of the association (section 30(1));
 - (ii) to decide to apply for registration or incorporation as a prescribed body corporate (section 93(1));
 - (iii) to approve the terms of an amalgamation with one or more other incorporated associations (section 102(4));
 - (iv) to be wound up voluntarily (section 121(2)) or by the Supreme Court (section 124(a) and Schedule 4 item 9);
 - (v) to cancel its incorporation (section 129).



- (2) Subrule (1) does not limit the matters in relation to which a special resolution may be proposed.

63. Determining whether resolution carried

- (1) In this rule —*poll* means the process of voting in relation to a matter that is conducted in writing.
- (2) Subject to subrule (4), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by 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.
- (3) If the resolution is a special resolution, the declaration under subrule (2) must identify the resolution as a special resolution.
- (4) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other ordinary members present in person or by absentee vote —
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (7) A declaration under subrule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

64. Minutes of general meeting

- (1) The secretary, or a person authorised by the committee from time to time, must take and keep minutes 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 record —
 - (a) the names of the ordinary members attending the meeting; and
 - (b) any absentee vote forms given to the chairperson of the meeting under rule 53(8); and
 - (c) the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(ii) or (iii); and
 - (d) any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(iv).
- (4) The minutes of a general meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (5) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next general meeting.



- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any election or appointment purportedly made at the meeting was validly made.

PART 7 — FINANCIAL MATTERS

65. Source of funds

The funds of the Association may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the committee.

66. Control of funds

- (1) The Association must open an account in the name of the Association with a financial institution from which all expenditure of the Association is made and into which all funds received by the Association are deposited.
- (2) Subject to any restrictions imposed at a general meeting, 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 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 of the Association must be signed by, or in the case of electronically authorised drafts, be authorised by —
 - (a) 2 committee members; or
 - (b) one committee member and a person authorised by the committee.
- (5) All funds of the Association must be deposited into the Association's account within 5 working days after their receipt.

67. Financial statements and financial reports

- (1) For each financial year, the committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial statements or financial report of the Association are met.
- (2) Without limiting subrule (1), those requirements include —
 - (a) if the Association is a tier 1 association, the preparation of the financial statements; and
 - (b) if the Association is a tier 2 association or tier 3 association, the preparation of the financial report; and
 - (c) if required, the review or auditing of the financial statements or financial report, as applicable; and
 - (d) the presentation to the annual general meeting of the financial statements or financial report, as applicable; and
 - (e) if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.



PART 8 — GENERAL MATTERS

68. By-laws

- (1) The Association may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may —
 - (a) provide for the rights and obligations that apply to any classes of associate membership approved under rule 8(2); and
 - (b) impose restrictions on the committee's powers, including the power to dispose of the association's assets; and
 - (c) impose requirements relating to the financial reporting and financial accountability of the association and the auditing of the association's accounts; and
 - (d) provide for details of any matter in relation to the registration and grading procedures for categories of registration for Trakehner horses in Australia, and for part bred Trakehner horses in Australia.
 - (e) provide for any other matter the association considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting subrule (3), a by-law made for the purposes of subrule (2)(c) may only impose requirements on the Association that are additional to, and do not restrict, a requirement imposed on the Association under Part 5 of the Act.
- (5) At the request of a member, the Association must make a copy of the by-laws available for inspection by the member.

69. Executing documents and common seal

- (1) The Association may execute a document without using a common seal if the document is signed by —
 - (a) 2 committee members; or
 - (b) one committee member and a person authorised by the committee.
- (2) If the Association has a common seal —
 - (a) the name of the Association must appear in legible characters on the common seal; and
 - (b) a document may only be sealed with the common seal by the authority of the committee and in the presence of —
 - (i) 2 committee members; or
 - (ii) one committee member and a person authorised by the committee; or
 - (iii) for issuing of registration papers, the committee member who holds the role of registrar.
 - (iv) and each of them is to sign the document to attest that the document was sealed in their presence.
- (3) The secretary, or registrar in the case of registration papers, must make a written record of each use of the common seal.
- (4) The common seal must be kept in the custody of the registrar or another committee member authorised by the committee.

70. Giving notices to members

- (1) In this rule — ***recorded*** means recorded in the register of members.



- (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —
 - (a) delivered by hand to the recorded address of the member; or
 - (b) sent by prepaid post to the recorded postal address of the member; or
 - (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

71. Custody of books and securities

- (1) Subject to subrules (2) and (3), the books and any securities of the Association must be kept in the secretary's custody or under the secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the treasurer's custody or under the treasurer's control.
- (3) The studbook, appendices and registers of horses must be kept in the registrar's custody or under the registrar's control.
- (4) Subrules (1) and (2) and (3) have effect except as otherwise decided by the committee.
- (5) The books of the Association must be retained for at least 7 years, except for the studbook, appendices and registers of horses that must be kept indefinitely and on winding up of the Association must be passed to another breed organisation in Australia as resolved by the Committee prior to winding up.

72. Record of office holders

The record of committee members and other persons authorised to act on behalf of the Association that is required to be maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.

73. Inspection of records and documents

- (1) Subrule (2) applies to a member who wants to inspect —
 - (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Association, under section 58(3) of the Act; or
 - (c) any other record or document of the association.
- (2) The member must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) Use and disclosure of records referred to in subrules (1)(a) and (b) are subject to restrictions imposed by section 57(1) and 58(5) of the Act.
- (6) The member may make a copy of or take an extract from a record or document referred to in subrule (1)(c) but does not have a right to remove the record or document for that purpose.
- (7) The member must not use or disclose information in a record or document referred to in subrule (1)(c) except for a purpose —
 - (a) that is directly connected with the affairs of the Association; or



- (b) that is related to complying with a requirement of the Act.

74. Publication by committee members of statements about Association business prohibited

- (1) A committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or committee meeting unless —
- (a) the committee member has been authorised to do so at a committee meeting; and
 - (b) the authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.

75. Distribution of surplus property on cancellation of incorporation or winding up

- (1) In this rule — *surplus property*, in relation to the Association, means property remaining after satisfaction of —
- (a) the debts and liabilities of the Association; and
 - (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association,
- but does not include books relating to the management of the Association.
- (2) On the cancellation of the incorporation or the winding up of the Association, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

76. Alteration of rules

If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

Part 9 - BASIC BREEDING RULES

Division 1- Stud book and Breed Records

77. Basic breeding management rules:

- (1) The breed records are kept by the Registrar who reports to and is and overseen by the Committee.
- (2) The TA uses an electronic data base for the breed records, based on data and information provided by each breeder including during performance tests and inspections/gradings.
- (3) The breeder of a horse is the owner or registered lessee of the dam at the time of it's cover/insemination.
- (4) For resigned or excluded members, stud book maintenance is suspended.

78. Stud book (and part bred register) minimum information

- (1) For purebred Trakehners, a dedicated stud book is maintained, that contains all relevant data for each individual horse.



- (2) For partbreds, a register is maintained that contains all relevant data about each individual horse.
- (3) All changes made to the studbook or register that pertain to pedigree or performance information have to be documented. Changes shall be made only on the basis of verifiable documentation.
- (4) The minimum information is:
 - (a) Name and postal address as well as if available email address of the member and owner
 - (b) Date its dam was inseminated/bred
 - (c) Date of birth as far as known, breed, gender, coat colour, markings and possibly other special attributes.
 - (d) Registration number
 - (e) Microchip number and any brands
 - (f) Stud book category (division/class) in which the horse is included in the stud book, or in the partbred registry.
 - (g) Name of sire and dam, and their coat colour, registration number and stud book category.
 - (h) All ancestor generations known to the TV with UELN and/or registration numbers.
 - (i) Date of issuance of registration certificate and ownership certificate and the date, purpose and reason for issuing duplicates or copies.
 - (j) Grading results of phenotype with the date of all known performance tests, as well as newest breeding value index, if known.
 - (k) Exhibition results and premiums awarded (insofar as significant to the breeding program)
 - (l) Date and reason (if known) for retirement/death
 - (m) Results of DNA analyses, (DNA analysis number with date and laboratory name)
 - (n) Information about birth of twins
 - (o) For breeding stock that result from embryo transfer, the genetic parents as well as their DNA profile and blood types as they are required for verification of identity, also information about the recipient/carrier mare.
 - (p) For breeding stock whose semen is used for artificial insemination, the DNA profile and blood type as they are required for the verification of identity of their progeny.
 - (q) Results from genetic testing as outlined in the breeding program.
 - (r) Decisions regarding entries and changes in the stud book (breeding records) with date.
 - (s) If allowed by the breeding program, breeding stock resulting from cloning, information about genetic parents and recipient/carrier mare, as well as results that verify identification of their progeny.
 - (t) All progeny:
 - 1. For stallions: approved sons and stud book registered daughters (including UELN or registration numbers)
 - 2. For mares: all her direct foals (including UELN or registration numbers).



79. Stud book: Sections and Classes

- (1) Stallions and mares will be listed separately from each other in distinct sections and classes. The sections are based on pedigree, classes are based on individual characteristics.
- (2) Part bred of any sex with a minimum of 25% Trakehner blood will be entered into the part bred register.

80. Stud book: Entries

- (1) The entry of a horse into the appropriate class of stud book (or register) will occur only after the horse has been identified with out a doubt by TA Inc, and the owner is a member of TA Inc. At time of registration, all requirements regarding pedigree and selection criteria for an individual class have to be fulfilled.
- (2) In special cases, and after the identity of a horse has been verified, registration is possible without full evaluation. These special cases can be sickness or acute injury of the horse, which is do not allow for objective evaluation.
- (3) Deceased mares (after death) can also be entered. This posthumous registration only serves the purpose of issuing birth certificate or pedigree for an offspring.
- (4) Breeding stock from their populations or registries can be included after application. Their pedigree data will be copied. Depending on individual performance data, these horses will then be entered into the appropriate class of the stud book (or part bred register).
- (5) A registration in the stud book (or register) can be revoked or refused if at least one of the requirements for entry was not fulfilled.
- (6) A registration in the stud book (or part bred register) has to be nullified by the TA Inc if at least one of the requirements for entry is subsequently found to have been omitted or is false, or if entry was granted on grounds of a condition that was not fulfilled in due time.
- (7) The owner of a horse can appeal registration decisions, within one month of the decision, by writing (or email) to both the Secretary and Registrar of the TA Inc. Appeals will be dealt with according to rules 23 and subrules 24 (1) and (2) of these rules. In addition, the details of the appeal proceedings are to be minuted separately form other minutes of meetings and are not to be published or provided other than to the Committee and to the appealing member. The decision of the Committee is final and cannot be further contested nor appealed.
- (8) A horse registered with the Trakehner Verband Ev and that is owned or leased by an currently financial TA Inc member will be entered into the TA inc studbook category most closely corresponding to the TV studbook they are registered into. This is a complementary registration, and can either be effected by the TA Inc of its own motion or on request of the horse owner. A separate registration paper will not be issued, but a document sealed with the common seal of TA inc and signed by the Registrar will be issued including the horse's pedigree and breeding details and stating that it is recognised in the relevant TA inc studbook.



Division 2 - Issuing of registration paperwork and certificate of ownership

81. Registration documents – birth certificate or pedigree

- (1) On foal registration being approved the breeder will be issued with the following documents:
 - (a) Birth Certificate or Pedigree
 - (b) Certificate of ownership.
- (2) On registration of an older horse, where the horse is not registered with another breed society, but pedigree can still be verified under rule 87 or by production of breeding documents under rule 90, a birth certificate or pedigree and a certificate of ownership will be issued to the breeder, or the owner on production of verifiable transfer of ownership documents.

82. Certificate of Ownership

- (1) The certificate of Ownership is provided in addition to the registration document. It is held by the owner.
- (2) The certificate of ownership contains the following minimum information:
 - (a) TA Inc Registration number and UELN of the horse (if any)
 - (b) Name of horse, as registered
 - (c) Breed
 - (d) Gender
 - (e) Coat colour
 - (f) Date of birth
 - (g) Name and address of the breeder
 - (h) Microchip number
 - (i) Brand details (if any)
 - (j) Three generation pedigree (if available)
 - (k) Name and seal of Trakehners Australia Inc
 - (l) Date of issue and signature of registrar, that may be digital.

83. Handling of the registration paperwork and certificate of ownership

- (1) Only the horse owner registered with TA Inc has the right to request the issuing or re-issue of registration documents including certificate of ownership.
- (2) The birth certificate or pedigree belong to the horse, and remain the property of TA Inc, and can be retracted by TA Inc for reasons including incomplete or incorrect information.
- (3) The Certificate of Ownership belongs to the person who is the owner of the horse.
- (4) Transfer of ownership requires that the birth certificate or pedigree and the certificate of owner is passed to the new owner, and that TA inc is advised by application for transfer, the form for which is on the TA Inc website.
- (5) In case of death, euthanasia, theft, loss or slaughter of the horse in an epidemic control, TA Inc must be notified of the date of loss and reason in writing which may be by email.



84. Duplicates or replacement birth certificate or pedigree and certificate of ownership

- (1) Replacement birth certificate, pedigree or certificate of ownership may be issued on request of the registered owner. Request for re-issue must be accompanied by an affidavit setting out circumstances of the loss of the original. Duplicates will be identified as such.

DIVISION 3 – Identification of the horse

85. Identification of horse

- (1) All horses registered with TA Inc, pure or partbred, must be identified with the following minimum data:
 - (a) microchip
 - (b) gender
 - (c) date of birth
 - (d) genetic parents pedigrees with registration numbers and (and UELN if available)
 - (e) coat colour and markings
 - (f) completion of markings diagram
 - (g) name and address and email of the breeder and owner.
 - (h) For purebreds only: DNA parentage test result
- (2) Identification of the foal is part of the evaluation process when the foal is still nursing. If foal identification cannot be made at the dam's side then additional DNA or veterinary verification of identity may be required.

86. Verification of identity and ancestry

- (1) TA Inc uses the following methods to verify ancestry:
 - (a) DNA typing of the horse
 - (b) Pedigree appraisal of the horse's sire and dam's DNA by a genetic testing laboratory
 - (c) DNA profile comparison
- (2) Before initial issuing of a pedigree or birth certificate for a purebred, a horse's parentage shall be examined by means of the methods in rules 85 and 86. The costs of DNA testing is the responsibility of the owner of the horse.
- (3) TA Inc is authorised to request parentage verification by means of DNA test for any horse already registered with TA Inc that is presented for inspection if the TA Inc Committee believe there may be a doubt as to parentage. TA Inc bears the cost of that DNA test, however, should the DNA test not confirm the horse's stated pedigree, then the breeder becomes liable for the resulting cost.

87. Measures to correct pedigrees

- (1) In case of errors in the documented pedigree, action to verify actual parentage will be taken. The breeder is responsible for acting on this at the direction of TA Inc and for all costs associated with the pedigree verification if the pedigree is determined to be false.
- (2) If and when the actual pedigree is verified, appropriate changes will be made in the TA studbook or partbred register, and also made on the birth certificate or pedigree and certificate of ownership.



- (3) If the actual pedigree cannot be determined, the pedigree with will marked as nullified. Horses already entered in the stud book or register will be marked as removed.

88. Documentation

- (1) A DNA type certificate and results from other tests in order to determine pedigree will be stored by TA Inc. Copies will be provided to the breeder.

Division 4 - Breed Documentation

89. Breed documentation

In order to ensure compliance with the breeding rules and breeding program of TA Inc, each breeder member is required to participate in the documentation of all breeding undertaken, including the following.

(1) Documentation at the breeding farm

- (a) The breeder/owner is required to and is responsible for ensuring that only correct information is entered on;
1. the breeding/service/insemination certificate; and
 2. the foaling report; and
 3. any other document the member is required to complete and maintain.
- (b) The breeder is required to check the accuracy of all paperwork (such as pedigree certificates) that are received from TA Inc. Mistakes are to be reported to TA Inc immediately. Incorrect documents must be returned to TA Inc for correction, as corrections or changes may only be made by TA Inc.
- (c) TA Inc has to be notified of any changes of ownership or lease of breeding stock and those changes will be entered into the stud book. Forms for changes of ownership or lease are available on the TA Inc website.

(2) Notification of insemination: service certificate

- (a) The service certificate is a form provided by TA Inc to the stallion owner. For imported frozen semen the form is obtained from the stallion owner or their Australian agent.
- (b) The stallion owner or their agent provides the form to the mare owner who is to retain it until the resulting foal is to be registered. The obligation to hold and retain the service certificate is to transfer to the buyer if the mare is sold.
- (c) The part of the service certificate intended for the TA Inc records shall be submitted to the TA Inc no later than 30 May after insemination. The form may be submitted by email to TA Inc.
- (d) Service certificates issued by other registries are acceptable if they contain the following minimum data:
1. Name, UELN (or registration number if no UELN), coat colour and marking on the mare
 2. Name, UELN (or registration number if not UELN) of the stallion
 3. Date/s of all acts of breeding/insemination
 4. Type of breeding (live cover, AI, embryo transfer)
 5. Name and address of the mare owner
 6. Signature of stallion owner, or of veterinarian or studmaster or AI technician.



90. Foaling report:

- (1) As soon as the foal has been born, the mare owner shall enter the applicable data into the foaling report and send it TA Inc within 28 days.
- (2) The date of receipt of foaling report will be documented. If a mare owner does not meet this requirement, a late fee may be due.
- (3) The foaling report is also required in the case of embryos slipped prior to viable birth date, stillborn foals, foals that die shortly after birth and for barren mares.
- (4) Submitting of the foaling report may be by email to TA Inc.
- (5) The foaling report must include the following minimum information:
 - (a) Name and registration of the dam and sire,
 - (b) Address and name of owner of the mare and foal
 - (c) Date and place of birth
 - (d) Gender
 - (e) Coat colour of the foal at time of birth
 - (f) If necessary, information about stillborn foals, twin foaling, death shortly after birth
 - (g) Signature or electronic signature of the mare owner.

91. Changing data relating to breeding and entries into the stud book or partbred register

The TA Inc Registrar must be notified in writing or electronically by email of all changes or amendments sought by the owner to breeding data, coat colour and markings, results of performance tests and other relevant information, as well as loss of microchip. The onus is on the owner to do this immediately and without request from TA Inc. Any change has to be documented by TA Inc in the stud book or register. TA will issue amended birth certificate/pedigree and certificate of ownership documents arising from the amendments, on payment of any re-issue fee applicable.

DIVISION 5: Recording of genetic defects

92. Genetic defects

Genetic defects that can lead to suffering and genetic anomalies are considered in the breeding program of TA Inc. TA Inc is entitled to have DNA tests carried out for genetic defects or genetic peculiarities. These DNA tests may form part of the mandatory registration requirements.

In addition, a stallion owner must inform the breeder, without request of the breeder, about any known genetic features in terms of known and relevant genetic defects.

Identified genetic defects and genetic peculiarities are to be listed in the stud book or register as outlined in the Breeding Program By Laws and will be published in the TA Inc Stallion book.

DIVISION 6: Basic rules for the inspection of breeding stock

93. Inspection of breeding stock

Breeding horses are evaluated on the selection criteria outlined in the Breeding Program By Laws. Evaluations are conducted at various locations, either central published locations or



at private stud stops (approvals, mare shows, performance testing). The TA Inc committee at the time may make decisions as to the locations or such evaluations, within these rules and the Breeding Program By Laws. The minimum age for inspection is regulated in the Breeding Program By Laws.

If not stated otherwise in the breeding program, the evaluation is based on the following system in full and half marks:

10= excellent	5= sufficient
9 = very good	4= insufficient
8= good	3= rather poor
7 = fairly good	2= poor
6 = satisfactory	1= very poor
	0= not evaluated

If the final calculation of the evaluation is a score this is the arithmetic median of all single scores. It will be rounded. Deviations from this rule are outlined in the breeding program. In addition, a written commentary or description may be provided.

DIVISION 7: Approvals, mare inspection, foal inspection

94. Approvals, mare inspection, foal inspection

To apply the selection criteria, TA Inc conducts approvals for stallions, inspections for mares and inspections for foals according to the Breeding Program By Laws. Each evaluation is based on the basic rules as outlined in Division 6 above, and is conducted by evaluators approved by TA Inc and by the Trakehner Verband.

DIVISION 8: Premium Awards

95. Premium awards

TA Inc may award premium status to any horse during its evaluation process. The details are set out in the Breeding Program By Laws.

DIVISION 9: Basic rules of Performance testing and breeding value estimation

96. Performance test definition:

- (1) Stallions, mares and geldings can be subjected to performance tests, that are either conducted by TA Inc, or by other organisations or test stations approved for that purpose by TA Inc. TA Inc will contract with any such other organisations or test stations that have been engaged to perform such tests. These contracts are the basis for the execution of performance tests. The TA Inc checks the compliance with the contract content as well as the execution of all performance tests.
- (2) Performance tests are stallion performance test and brood mare performance tests. The test conditions result from the TA Inc Breeding program Bylaws.
- (3) Performance tests include stallion approval, mare inspections and equestrian competition tests. TA Inc may conduct such tests as competitive sport events and



according to the Breeding Program By Laws. Competition results for performance test purposes must arise from official Equestrian Australia tests or FEI tests.

97. Acceptance of test results

- (1) The only performance test results recognised are those that have been conducted according to the Breeding Program By Laws.
- (2) For Thoroughbred and Arabian stallions. Success in racing or in Australian Endurance Riders Association (“AERA”) official endurance events may be used for evaluation of performance. In order to improve breeding progress, results from other breed associations or offices may be used in addition to results from performance tests within Australia.
- (3) Results from performance tests in foreign countries at regular equestrian competitions may be accepted on application of the horse owner to TA Inc, as long as they can be considered equivalent. This is so in relation to the duration of the test as well as the characteristics of the test. A requirement for acceptance of foreign test results is to provide credible proof that the results were obtained by the horse and that the test is equivalent to Equestrian Australia tests or are FEI tests.
- (4) The owners of performance tested stallions and mares shall make their breed registration papers available to TA Inc so that the results of the performance tests may be entered.

DIVISION 10: Breeding value estimation

98. All data from performance tests conducted according to the Breeding Program By Laws are provided to TA Inc. After analysis and being satisfied of the veracity of the data, the results may form the basis of breeding value estimation.

DIVISION 11: Effective date

99. These rules have been accepted in their final form at a general meeting of TA Inc on 31 October 2021 and come into effect from that date.