

STANDBRED
PLEASURE & PERFORMANCE
HORSE ASSOCIATION
OF WESTERN AUSTRALIA Inc.

RULES OF THE ASSOCIATION

Adopted May 2006

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Standardbred Pleasure & Performance Horse Association of Western Australia Inc.

Rules of the Association

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Rules of the Association

1. Name

The name of the Association is the *Standardbred Pleasure & Performance Horse Association of Western Australia Inc.* (hereinafter referred to as 'the Association'),

2. Definitions

In these rules:

Committee means the Committee of Management of the Association.

General Meeting means a general meeting of members convened in accordance with Rule 17.

Member means a member of the Association.

Ordinary Member of the Committee means a member of the Committee who is not an office bearer.

The Act means the 'Associations Incorporation Act 2015'.

The Regulations means regulations under the Act.

Financial Year means the year commencing 1st July and ending 30 June.

3. Objects of the Association

The objects of the Association are:

- 3.1 To provide a vehicle for Standardbred owners to meet and communicate.
- 3.2 To promote and raise the profile of the Standardbred at equestrian events.
- 3.3 To provide a fair and equal competition for Standardbred competitors of all ages including our junior members.
- 3.4 To provide a Register for Part bred Standardbreds.

4. Membership

- 4.1 The Committee may accept or refuse any application for membership without assigning a reason. A member is not considered financial until the necessary subscriptions have been paid and a membership card issued.
- 4.2 Applications for membership shall only be accepted by completion and submission of the official SPPHAWA membership application form.
- 4.2 Membership of the Association shall comprise of all or any of the following classes:
 - 4.2.1 **Individual Membership** – is eligible to register any number of horses, participate at all SPPHAWA shows at member's rates and entitled to participate and vote at the Annual General Meeting.
 - 4.2.2 **Junior Membership** – this membership is only open to members under the age of 18 at time of application. This membership is eligible to register any number of horses and participate at any SPPHAWA show at member's rates. They are not permitted to vote at an Annual General Meeting.
 - 4.2.3 **Subscriber Membership** – this membership entitles the holder to one year's to all membership correspondence and invitations and no other rights.
 - 4.2.4 **Honorary Life Member** – a person who has accepted an offer made by the Association. They shall be entitled to all the privileges and be subject to all duties and obligations of an Individual Member but shall not be liable for any subscription or levy.
- 4.3 Short term *honorary membership* may be conferred by the Committee to any visiting financial member of any other SPPHA within or outside of Australia.
- 4.4 Financial members, 18 years of age or over, shall be eligible to vote at any meeting.
- 4.5 The committee has the right to levy fines or otherwise penalize breaches of conduct or regulations (as stated herein) by members.
- 4.6 The committee determines all membership fees including entrance fees, subscriptions and other amounts.
- 4.7 Any member with voting capacity may nominate a proxy for voting purposes if the need arises. Such a nomination shall be received, in writing and signed by both the member and their proxy, prior to any vote being undertaken. The life of the proxy voting rights shall be clearly stated on the notification. Any person nominated as a proxy must satisfy 4.4 above.
- 4.8 A right, privilege or obligation of a person by reason of their membership of the Association:
 - 4.8.1 is not capable of being transferred or transmitted to another person.
 - 4.8.2 Terminates upon the cessation of their membership whether by death or resignation or otherwise.

- 4.9 The Association reserves the right to refuse and/or cancel membership to/of any person deemed unsuitable by the standing Committee.
- 4.10 All members must read these rules and provide signed documentation back to the Secretary that they have done so.

5. Registers of Members and Horses

- 5.1 The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member.
- 5.2 The Secretary shall keep and maintain a register of horses in which shall be entered the SPPHAWA registration number; full name; blood lines; freeze brand registration; height; date of birth; colour and sex of each horse.
- 5.3 Registers shall be available for inspection by members at the address of the Secretary.

6. Registration of Horses

6.1 Validity for registration purposes.

- 6.1.1 *Purebred* --shall have a traditional freeze brand if foaled before 2021, otherwise must be microchipped and be able to produce foal recording/registration documentation from Harness Racing Australia or, for interstate and/or imported horses, the similar governing body.
- 6.1.2 *Partbred* -
- (a) Shall carry a minimum of 25% Standardbred blood, and
 - (b) Have one parent registered as a pure or partbred Standardbred with a Standardbred Board or Association approved by the Association.
- 6.2 The Association may accept or refuse any application for Registration without assigning a reason. A horse is not considered registered until necessary fees have been paid, a number allocated and a horses' Certificate of Registration issued.
- 6.3 To have a horse registered with the Association, the owner of the horse must be a financial member of the Association.
- 6.4 For its initial registration with the SPPHAWA, a horse must have an owner who is a paid up member of the Association.
- 6.5 Registration of horses is payable, once only, by completion and submission of the official SPPHAWA registration form.
- 6.6 There shall be no reduction in registration fees for members wishing to register more than one horse.
- 6.7 Registration of Colts - at the time of registration colts, under 4 years of age, will be registered at the current rate for Geldings. If a registered colt is not gelded by 4 years of age the balance between the current Gelding and Stallion registration fees will be due and payable. Stallions remaining registered as geldings will not be eligible to compete in SPPHAWA classes or shows.
- 6.8 In the event of a transfer of ownership of a SPPHAWA registered horse, a transfer fee will apply. Rule 6.4 must be satisfied before such transfers can take place.
- 6.9 Horses registered with an interstate SPPHA, whose owners have moved to Western Australia and wish to join the SPPHAWA, will be registered, with submission of authentic proof, on payment of the current horse transfer fee.
- 6.10 **Registering a Partbred**
- 6.10.1 Rule 6.1 to 6.9 must be satisfied along with the following:
- 6.10.2 Every horse submitted for registration must either be branded with a stud or stock brand along with a number and date brand or microchipped. Stud and Stock brands must be registered with the appropriate State Government Brands Register or Authority and must be used in accordance with the regulation laid down by such Register or Authority. Details of registered brands owned by members must be submitted to the SPPHAWA for recording purposes. It is not permissible for a registered brand to be used on other than the owners stock. If microchipped, registration with an appropriate body is required.

7. Breeding Documents

- 7.1 Any member who is an owner of a Purebred Standardbred stallion who intends to cover Purebred Standardbred mares such stallion must be registered as a sire under Racing & Wagering of Western Australia regulations as such progeny can not be registered with SPPHAWA. Failure to do so will result in any progeny being ineligible for registration.
- 7.2 Any member who is the owner of a Purebred or Partbred stallion registered in the Register with the Association who intends to cover all other breeds (excluding those stated in rule 7.1) during the breeding season shall lodge with the Association immediately prior to the commencement of covering mares each season a Notice of Intention To Use in respect of such stallion on the form prescribed together with the fee prescribed by the board from time to time.
- 7.3 Any member who is the owner of a Purebred or Partbred Standardbred mare in the Register with SPPHAWA who intends to have that mare covered by a stallion who is not in the said Register (other breeds) must request from the Association relevant Breeding Documents.
- 7.4 On satisfactory lodgement of the Notice of Intention to Use the owner of such stallion shall be supplied with Service Certificates in accordance with the details requested by him upon payment of any required fee.
- 7.5 Such issued sets of Service Certificates are not transferable to any other person.
- 7.6 For breeding services commencing on or after 1st August 2006 in respect of any horse registered in the Register of the SPPHAWA, duly completed Breeding Documents shall be the minimum evidence required by the Association to support all applications to register resulting progeny conceived by natural or artificial insemination using un-transported and/or stored semen. Failure to lodge Breeding Documents and prescribed fees in accordance with the instructions prescribed from time to time and/or specified on the documents may result in payment of penalty fees or in such resulting progeny being ineligible for registration.

8. Stud Prefixes

It is not essential to use a prefix when naming a horse. However, if a prefix is used it must be registered with the SPPHAWA by completion of the appropriate application from and payment of the fee prescribed by the Association from time.

- 8.1 Names of celebrated horses or of established studs in Australia or elsewhere will not be accepted as a prefix unless the applicant for the prefix is the owner of such horse or stud.
- 8.2 A prefix becomes part of the horses' registered name and must be included in all references to that horse.
- 8.3 Persons who are not members may register a prefix.
- 8.4 Where a Stud Prefix is no longer in use and the owner of the prefix is willing to authorize another party to register the prefix, the prefix may be eligible for re-registration to another party.
- 8.5 Registration of a Stud Prefix may be refused if the spelling or pronunciation of the name is in the opinion of the SPPHAWA so like the Stud Prefix of another party as to be likely to mislead.

9. Naming of Partbred Standardbreds

- 9.1 No horse shall be named with a similar name to that of an existing horse except for imported horses, whose names shall be suffixed with *The, Our* or *My* ect.
- 9.2 Registration of a horse under a particular name may be refused if the spelling of the name is in the opinion of the Association so like the name of another registered horse as to be likely to mislead.
- 9.3 Except for imported horses, no horse can be named and registered using the Stud Prefix of any person, other than the first owner except that where proof of contractual agreement is received by the SPPHAWA the stud prefix of the breeder may be permitted to be used.
- 9.4 The name of a registered horse shall not be changed if it has been accepted for registration into the Register of the SPPHAWA.
- 9.5 Numerals will not be approved for use in a horses' name.

10. Transfers

- 10.1 The Association may accept or refuse any application for transfer without assigning a reason. A horse will not be considered transferred until all fees have been paid, the transfer has been recorded with the Association, and the transfer is recorded on the horses' Certificate.
- 10.2 Upon sale, exchange, gift or other disposition other than the lease of a Partbred Standardbred registered with the register of the SPPHAWA there shall be a Transfer Application lodged by the transferor with the Association within sixty (60) days of the transfer, duly completed and executed by the transferee and transferor to be recorded in the records of the SPPHAWA.
- 10.3 The vendor of a female Partbred Standardbred registered with the Register of the SPPHAWA shall, if the horse is sold as being in foal or as having been served by a sire, state such fact on the Transfer Application and provide any appropriate Service Certificate to the purchaser.
- 10.4 The prescribed fee and the Certificate of Registration of the horse to be transferred to enable endorsement of the details of transfer on such Certificate shall accompany each application for transfer lodged with the SPPHAWA.

11. Resignation and Expulsion of Members

Members of the Association shall cease if:

- 11.1 Any member may retire from the Association at any time by giving written notification to the Secretary who shall note the resignation and date thereof in the Association's membership register;
- 11.2 A member shall die;
- 11.3 A member shall be declared insane;
- 11.4 If it shall appear that any member may have been guilty of any breach of the provisions of the Association, its Constitution or Regulations, or being guilty of misconduct, the Secretary shall, if directed to do so by the Committee, call upon the member to appear before the Committee which may make such inquiry as it considers appropriate in the circumstances and may, in the exercising of its judgment, either reprimand the member or inflict upon the member such a fine as the Committee may think proper in the circumstances or may require the member to tender the resignation from the Association provided always that upon such inquiry the member shall be informed of the breach and shall be given a reasonable time to answer any charge that may be laid against them and to provide any explanation or evidence that they may consider desirable and an opportunity shall be afforded to the member of appearing before the Committee in order to answer the charge and to furnish such evidence or explanation as the circumstances warrant. If after due consideration a member is found to be in serious breach of these rules and pursuant to a resolution passed by two thirds majority of the members present and voting at a duly constituted General Meeting Committee Meeting, a member be requested in writing to resign and if the member shall not do so within 30 days they shall, at the expiration of the said 30 days, cease to be a member of the Association.

12. Risk Management

- 12.1 The Association shall develop and distribute to all members, a Risk Management Policy.
- 12.2 The Committee of the Association will Review the Risk Management Policy, on a regular basis to ensure it is up to date at all times.
- 12.3 All members will be immediately provided with any changes to the Risk Management Policy.
- 12.4 All members are required to make themselves aware of and follow the current Risk Management Policy.
- 12.5 Any member found to be not following the current Risk Management Policy will be subject to Rule 13.1 - Conduct of Members.
- 12.6 Any horse found to be in breach of the current Risk Management Policy will be immediately withdrawn from competition or activity, it is engaged in, until it is proven to conform to the Policy.

13. Conduct of Members

13.1 Conduct of Members

13.1.1 No member shall conduct themselves in a manner as to discredit the Association, the breed or the member.

13.1.2 Any member deemed, by the Committee, to be not acting in strict accordance with these rules and regulations may be called upon by the Committee to resign their membership. In these circumstances fees shall not be refunded.

13.2 Conduct of Horses

13.2.1 Any horse, either in or around the show arena, that is deemed uncontrollable by a judge and/one or more show officials shall be withdrawn from the competition without refund of entry fee.

13.2.2 Any horse found to be continually uncontrollable shall be suspended from competition until appropriate schooling proves the behavioral pattern is under control.

13.2.3 The Committee reserves the right to inspect all vehicles and harness prior to competition and to withdraw the horse and vehicle from competition if the equipment proves defective or unsafe.

13.3 Prohibited Substances

13.3.1 All horses must be competed free of any prohibited substances.

13.3.2 All protests must be in writing and accompanied by the protest fee set by the Committee and received within one hour of the event.

13.3.3 Any expenses relating to the swabbing of a horse will be met by the protester or the registered owner.

14. The Committee

14.1 There shall be a Committee of the Association, which shall consist of the office bearers of the Association and up to four other ordinary or honorary members.

14.2 The Committee of the Association shall be elected at the Annual General Meeting of the Association and shall hold office for a period of two years.

14.3 The Officers of the Association will be elected by and between the members of the Committee attending the first General Committee Meeting proceeding the Annual General Meeting and shall be the President, Vice President, Secretary and Treasurer who shall hold office for a period of two years.

14.4 Any casual vacancy occurring in the Committee during the year shall be filled by a person appointed by the Committee to hold the position until the next Annual General Meeting.

14.5 The Committee shall manage the affairs of the Association in accordance with these rules.

15. Meeting Procedures

15.1 General Committee Meeting

15.1.1 The Committee shall meet at least one calendar month but this requirement may be waived when it is not practical or expedient to do so. Meetings may be conducted via Video Call, Phone Call or In Person.

15.1.2 The Secretary will provide notice of such General Committee Meeting of the Association to each Committee member. Such notice shall be forwarded by post or via email to members at least two days prior to the date of the meeting.

15.1.3 Any four members of the Association including at least two office bearers and two ordinary members shall be a quorum for General Committee Meetings.

15.2 Annual General Meeting

An Annual General Meeting of members shall be held within 45 days of the conclusion of the financial year each year at a time, date and place as determined by the Committee. The Annual General Meeting shall be in addition to any other General Committee Meeting that may be held in the same month (and year). Meeting may be conducted via Video Call, Phone Call or In Person.

15.2 (Cont.) The secretary shall provide written notice of each Annual General Meeting of the Association to each member. Such notice shall be forwarded by mail or via email addressed to members in accordance with the current Incorporations Act, prior to the date of the meeting.

The business to be transacted at the Annual General Meeting shall be:

15.2.1 To confirm the minutes from the last preceding Annual General Meeting of the Association.

15.2.2 To receive and if so resolved, adopt the Balance Sheet and Statement of income and expenditure for the year which shall end on the 30th day of June preceding the date of the Annual General Meeting. Such Balance Sheet and Statement of Income and Expenditure shall be prepared and drawn in accordance with the Act.

15.2.3 To receive from the Committee reports upon the activities of the Association during the last preceding Financial year.

15.2.4 To elect the committee of the Association and General Committee for the next year.

15.2.6 To confirm all/any honorary life members.

15.2.7 To transact any other business for which notice has been given to the Secretary at least fourteen days prior to the Annual General Meeting.

15.3 *Special General Meeting*

All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

15.3.1 The Secretary shall call a Special General Meeting whenever directed to do so by the President.

15.3.2 The Secretary shall, on the requisition of at least 20% of the ordinary or honorary members stating the business for which it is required, convene a Special General Meeting of the Association for any specific purpose or purposes.

15.3.3 Any five members of the Association including at least two office bearers and two ordinary members shall be a quorum for Special General Meetings.

15.3.4 The President shall preside at all Special General Meetings but, if they are not present the Vice President shall do so. If neither is present the members shall appoint one of their number to President.

15.3.5 Each question at a Special General Meeting shall be decided by a majority of votes of the members present, excluding the President. In the case of the equality of votes, the President of the meeting shall take the casting vote.

15.3.6 Voting by proxy shall be subject to conformity with Membership Rule 4.7.

16. Nominations and Elections

16.1 Any ordinary or honorary member may nominate for election to the office of President, Vice President, Secretary, and Treasurer or to the Committee subject to the consent of the candidate. To nominate for an Office Bearer position the ordinary or honorary member must have held a position on the Committee for a minimum of two years.

16.2 Nominations shall be in writing and reach the Secretary in accordance with the current Incorporations Act. Only ordinary members who were financial members on the 30th day of June preceding the date of the Annual General Meeting and honorary members are eligible to nominate for election to the Committee.

16.3 If more eligible candidates than there are vacancies have been nominated a ballot shall be held and the result of such ballot shall be announced by the President of the meeting at which the ballot is taken.

16.4 If the number of candidate nominations is insufficient to fill the vacancies the president shall declare the positions nominated duly elected to the positions appropriate to their nomination. The President shall then call for nominations to fill the remaining vacancies and the meeting may then proceed to elect eligible persons so nominated to fill those vacancies.

16.5 Notwithstanding that the number of members elected is less than the full composition of the Committee as prescribed above. Such insufficiency shall not operate to prevent the Committee from acting provided that the requisite quorum is present at every meeting.

17. Removal of Member of Committee

- 17.1 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member:
- 17.1.1 Dies;
 - 17.1.2 Resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice President and that resignation is accepted by resolution of the Committee;
 - 17.1.3 Is convicted of an offence under the Act;
 - 17.1.4 is permanently incapacitated by mental or physical ill-health;
 - 17.1.5 is absent for more than-
 - a) 3 consecutive Committee meetings for all Office Bearers; or
 - b) all other ordinary Committee members failing to attend one meeting per quarter; of which meetings the member received notice, and the Committee has resolved to declare the office vacant;
 - 17.1.6 ceases to be a member of the Association;
 - 17.1.7 is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

18. Disputes and Mediation

- 18.1 The grievance procedure set out in this rule applies under these rules between –
- (a) a member and another member; or
 - (b) a member and the Association.
- 18.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve within 14 days after the dispute comes to the attention of all of the parties.
- 18.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 18.4 The mediator must be –
- (a) a person chosen by agreement between the parties:
or
 - (b) in the absence of agreement –
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association, or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Department of Justice.
- 18.5 A member of the Association can be a mediator.
- 18.6 The mediator cannot be a member who is a party of the dispute.
- 18.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 18.8 The mediator, in conduction the mediation, must –
- (a) Give the parties to the mediation process every opportunity to be heard; and
 - (b) Allow due consideration by all parties of any written statement submitted by any party; and
 - (c) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 18.9 The mediator must not determine the dispute.
- 18.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

19. Notices of Meetings

- 19.1 *General Committee Meeting*
The Secretary will provide written notice of each General Committee Meeting of the Association to each Committee member. Such notice shall be forwarded by pre-paid post or via email addressed to members at least two days prior to the date of the meeting.
- 19.2 *Annual General Meeting*
The Secretary will provide written notice of each Annual General Meeting of the Association to each member. Such notice shall be forwarded by pre-paid post or via email addressed to members, in accordance with the current Incorporations' Act, prior to the date of the meeting.

19.3 *Special General Meeting*

The Secretary shall at least 14 days (twenty one days if any special resolution is to be voted upon matters referred to in sections 13, 22, 31, 32 and 35 of the Act) before any Special General Meeting send to every member at his/her last address or via email as shown in the Register of Members a notice of such meeting, stating the time, hour and place where it will be held and the business that will be brought before the meeting. (A copy of the Act is held by the Secretary)

No business other than the business of the formal nature shall be brought forward at any Special General Meeting unless notice thereof shall have been given to the Secretary at least twenty one days prior to the date of the meeting.

20. Secretary

The Secretary shall:

- Take and keep minutes of the proceedings of all meetings and shall be responsible for the general secretarial work of the Association.
- Keep and maintain all books securities and documents of the Association including those required by the Act, a Register of Members and a Register of Horses. Upon reasonable notice both Registers shall be available for inspection to any financial or honorary member.
- Issue all notices of meetings and shall pay to the Treasurer at the earliest possible time all Association monies received by them (the Secretary). The Secretary shall perform such other duties as the Committee may from time to time direct.

21. Treasurer

The Treasurer shall:

- Collect all monies due to the Association and make all payments authorized by the Association.
- Keep correct books of accounts showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- Deliver to the Secretary of the Committee – whenever required to do so – a full statement of all receipts and monies received.

All payments can be made by: cheque, electronic funds transfer or BPAY.

22. Payments

22.1 All cheques, electronic funds transfers, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

22.2 All payments made to a committee member must only occur if the payment has been authorized by a resolution of the association.

23. Seal

23.1 The Common Seal of the Association shall be kept in the custody of the Secretary.

23.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Committee or of one member of the Committee and the Public Officer of the Association.

24. Alterations to Rules and Statement of Objectives

These rules and the Statement of Objectives of the Association shall not be altered except in accordance with the Incorporations' Act.

25. Notices

25.1 A notice may be served by or on behalf of the Association upon any member either personally by sending it by post or via email to the member at their address as shown on the Register of Members.

25.2 Where a document is properly addressed, prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

26. Non-Profit Clarification

26.1 *Non-Profit Clause*

The assets and income of the Association shall be applied solely in furtherance of the above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the Association except as bona fine compensation for services rendered or expenses incurred on behalf of the organization.

26.2 *Dissolution of the Association*

In the event of the Association being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities and property whatsoever, the same must not be paid to or distributed among the members or former members. The surplus property must be given or transferred to other organizations which are incorporated under the Act and are not carried on for the profit or gain of its individual members.

27. Custody of Records

Except as otherwise provided in these Rules, the Secretary shall keep in their custody or under their control all books, documents and securities of the Association.

28. Funds

The funds of the Association shall be derived from annual membership subscriptions, registration of horses, donations and such other sources as the Committee determines.