

# Constitution



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Change Control

Version	Date	Updated By	Details
1.0	15 Nov 2005	Leanne Williams	Original Version
2.0	22 Nov 2006	Leanne Williams	Changes made as per members AGM. See notes for details of changed paragraphs. Summary: <ul style="list-style-type: none"> <li>- addition of Little Horse category</li> <li>- extension of executive committee term</li> <li>- removal of editor as committee position</li> <li>- typographical errors</li> </ul>
3.0	30 Dec 2007	Leanne Williams	Changes made as per members SGM. See notes for details of changed paragraphs. Summary: <ul style="list-style-type: none"> <li>- postal voting allowed</li> <li>- extend parentage amnesty for Little Horse</li> <li>- extend parentage amnesty for all horses</li> </ul>
4.0	02 Jan 2009	Leanne Williams	Changes made as per members AGM. See notes for details of changed paragraphs. Summary: <ul style="list-style-type: none"> <li>- New membership type (Joint)</li> <li>- Notice period from 7 to 30 days</li> <li>- Include Little Horse in all areas of rules</li> </ul>
5.0	01 Aug 2010	Leanne Williams	Changes made as per members AGM. See notes for details of changed paragraphs. Summary: <ul style="list-style-type: none"> <li>- Remove requirements for both parents to be IMHR</li> <li>- Stallion returns to be lodged by financial members and stallions must be current and have COS on file</li> <li>- Extend parentage amnesty to 2015</li> <li>- Add Miniature and Small Pony to registry</li> </ul>
6.0	05 Dec 2015	Leanne Gow	Changes made as per AGM. Summary <ul style="list-style-type: none"> <li>- Membership classifications</li> <li>- Measurement of horses and ponies</li> <li>- Qualification as a Miniature, Small, Little Horse</li> <li>- Certificates</li> <li>- Lease/Sale</li> <li>- Record Management</li> <li>- Fraudulent Practices</li> <li>- Parentage on Registration Certificates</li> </ul>

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## Part 1 – Preliminary

### 1. Definitions

(1) In these rules:

**Commissioner** means the Commissioner of the Office of Fair Trading.

**ordinary member** means a member of the committee who is not an office-bearer of the Association, as referred to in rule 16(b).

**secretary** means: (a) the person holding office under these rules as secretary of the association, or (b) if no such person holds that office – the public officer of the association.

**special general meeting** means a general meeting of the association other than an annual general meeting.

**the Act** means the *Associations Incorporation Act 1984*.

**the Regulation** means the *Associations Incorporation Regulation 1999*.

(2) In these rules:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

**Committee** means National Committee unless otherwise stipulated.

## Part 2 - Membership

### 2. Membership qualifications

A person is qualified to be a member of the association if, but only if:

(a) the person is a person referred to in section 15(1)(a), (b) or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act, or

(b) the person is a natural person:

(i) who has been nominated for membership of the association as provided by rule 4, and

(ii) who has been approved for membership of the association by the committee of the association.

(Amended 22/11/06, Effective 01/07)

### 3. Membership Classifications

The following types of membership are available:

(a) single membership entitled to one vote; and

(b) family membership entitled to one vote as a family unit agreed by the Committee; and

(c) derived membership not entitled to vote.

(d) youth membership not entitled to vote.

(e) stud membership entitled to one vote.

(f) school membership – nominated representative to have one vote.

Members may not be financial in more than one classification (i.e Stud and Family) or any other method that would entitle that individual member to more than one vote.

(Amended 06/12/08, Effective 01/08)

(Amended 05/12/15, Effective 01/16)

### 4. Nomination for membership

(1) A nomination of a person or family for membership of the association must be lodged with the secretary of the association.

(2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.

(3) As soon as practicable after the committee makes that determination, the secretary must:

(a) notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and

(b) if the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as entrance fee and annual subscription.

(4) The secretary must, on payment by the nominee of the amounts referred to in clause (3) (b) within the period referred to in that provision, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the association.

#### **5. Cessation of membership**

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association.

#### **6. Membership entitlements not transferable**

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

#### **7. Resignation of membership**

- (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

#### **8. Register of members**

- (1) The public officer of the association must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (3) A member of the association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

#### **9. Fees and subscriptions**

- (1) A member of the association must, on admission to membership, pay a joining fee to the association which is an amount determined by the committee.
- (2) In addition to any amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee which is an amount determined by the committee:
  - (a) except as provided by paragraph (b), before 1 August in each calendar year, or
  - (b) if the member becomes a member on or after 1 August in any calendar year – on becoming a member and before 1 August in each succeeding calendar year.
- (3) A member who does not renew their subscription by 1 August each calendar year is not deemed financial and does not have IMHR registration privileges or showing rights at IMHR run shows.
- (4) A member whose subscription is not paid by 1 November shall be automatically dropped from the Register of Members unless the Committee decides otherwise. A joining fee as determined by clause (1) will need to be paid in addition to membership fee for reinstatement.
- (5) No fee once paid into the Association's account shall be refunded.

#### **10. Members' liabilities**

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 9.

**(Amended 22/11/06, Effective 01/07)**

### **11. Rights of Members**

While in good standing, all members shall have equal rights, interest and responsibilities with respect to the Association and its property; shall obey and be bound by all Articles of Incorporation, Rules and Regulations of the Association, and decisions or actions of the Committee: shall have the right to attend any membership meeting; shall have floor privileges; and shall have the right to hold Committee assignments, except as otherwise limited.

### **12. Resolution of internal disputes**

(1) Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice center for mediation in accordance with the *Community Justice Centres Act 1983*.

(2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

### **13. Disciplining of members**

(1) A complaint may be made to the committee by any person that a member of the association:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- (b) has persistently and willfully acted in a manner prejudicial to the interests of the association.

(2) On receiving such a complaint, the committee:

- (a) must cause notice of the complaint to be served on the member concerned; and
- (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
- (c) must take into consideration any submissions made by the member in connection with the complaint.

(3) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

(4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 14.

(5) The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 14(5), whichever is the later.

**(Amended 22/11/06, Effective 01/07)**

### **14. Right of appeal of disciplined member**

(1) A member may appeal to the association in general meeting against a resolution of the committee under rule 13, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a member under clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

(4) At a general meeting of the association convened under clause (3):

- (a) no business other than the question of the appeal is to be transacted, and
- (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
- (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

If at the general meeting the association passes a special resolution in favor of the confirmation of the resolution, the resolution is confirmed.

**(Amended 22/11/06, Effective 01/07)**

## Part 3 - The committee

### 15. Powers of the committee

The committee is to be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

### 16. Constitution and membership

(1) Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:

- (a) the office-bearers of the association, and
- (b) 3 ordinary members, each of whom is to be elected at the annual general meeting of the association under rule 15.

(2) The office-bearers of the association are to be:

- (a) the president
- (b) the vice-president
- (c) the treasurer, and
- (d) the secretary

(3) Each member of the Executive committee is, subject to these rules, to hold office until the conclusion of the second annual general meeting following the date of the member's election, but is eligible for re-election. Each ordinary committee member is, subject to these rules, hold office until the conclusion of the annual general meeting following the dates of the member's election, but is eligible for re-election.

(4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

**(Amended 22/11/06, Effective 01/07)**

### 17. Election of members

(1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee:

- (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
- (b) must be delivered to the secretary of the association at least 30 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

**(Amended 06/12/08, Effective 01/08)**

### 18. Secretary

(1) The Secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.

(2) It is the duty of the secretary to keep minutes of:

- (a) all appointments of office bearers and members of the committee,
- (b) the names of members of the committee present at a committee meeting or a general meeting, and
- (c) all proceedings at committee meetings and general meetings.



(3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

### 19. *Treasurer*

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

### 20. *Casual vacancies*

For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the association, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 21, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

**(Amended 22/11/06, Effective 01/07)**

### 21. *Removal of member*

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

### 22. *Meetings and quorum*

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
  - (a) the president or, in the president's absence, the vice-president is to preside, or
  - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

### 23. *Delegation by committee to sub-committee*

(1) The committee may, by instrument in writing, delegate to one or more subcommittees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:

(a) this power of delegation, and

(b) a function which is a duty imposed on the committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this rule, the committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.

(6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may meet and adjourn, as it thinks proper.

### 24. *Voting and decisions*

(1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.

(2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a subcommittee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

### 25. *Disrespect of Person*

In the furtherance of their official duties all Association representatives shall be treated with courtesy, co-operation and respect and no person shall direct abusive or threatening conduct toward them.

## Part 4 - General meeting

### 26. *Annual general meetings – holding of*

(1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.

(2) The association must hold its first annual general meeting:

(a) within the period of 18 months after its incorporation under the Act, and

(b) within the period of 6 months after the expiration of the first financial year of the association.

(3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commissioner under section 26(3) of the Act.

### 27. *Annual general meetings – calling of and business at*

(1) The annual general meeting of the association is, subject to the Act and to rule 26, to be convened on such date and at such place and time as the committee thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

(a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,

(b) to receive from the committee reports on the activities of the association during the last preceding financial year,

(c) to elect office-bearers of the association and ordinary members of the committee,

(d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.

(3) An annual general meeting must be specified as such in the notice convening it.  
**(Amended 22/11/06, Effective 01/07)**

### **28. Special general meetings – calling of**

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

### **29. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 27(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.  
**(Amended 22/11/06, Effective 01/07)**

### **30. Procedure**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

### **31. Presiding member**

- (1) The president or, in the president's absence, the vice president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### 32. *Adjournment*

(1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### 33. *Making of decisions*

(1) A question arising at a general meeting of the association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(2) At a general meeting of the association, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.

(3) If a poll is demanded at a general meeting, the poll must be taken;

(a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or

(b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### 34. *Special resolution*

A resolution of the association is a special resolution:

(a) if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person, by postal ballot or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

(b) where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Commissioner.

### 35. *Voting*

(1) On any question arising at a general meeting of the association a member has one vote only.

(2) All votes shall be by postal ballot or given in person or by proxy but no member may hold more than 5 proxies.

(3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

(4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid.

(5) Each regular member having membership approved at least one month prior to the AGM will have one deliberate vote. Each family membership having membership approved at least one month prior to the AGM will have one deliberate vote.

**(Amended 30/12/07, Effective 01/08)**

### 36. *Appointment of proxies*

(1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

(2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

### 37. *Official Rules and Regulations*

(1) There shall be a published rule book which shall be entitled the Official Rule Book Of The Independent Miniature Horse Registry Inc and it shall be made available to every member free of charge.

(2) Once rules are changed or amended, the new rule shall be enforced as of 1<sup>st</sup> January of each year.

(3) In extreme circumstances where the Association, horses or members are at risk, the Committee shall have authority to make, amend, repeal and enforce such rules and regulations, not contrary to law or other governing regulations. All of the foregoing is subject to revision or amendment and approval by the members at any general or special general meeting of the members.

(4) Any changes enacted as per Rule 37 (3) must be communicated to all financial members in the most expedient manner possible including but not limited to: website, email and the next official publication published after said decision.

(Amended 22/11/06, Effective 01/07)

## Part 5 - Miscellaneous

### 38. *Insurance*

The association may effect and maintain insurance.

### 39. *Funds – source*

(1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.

(2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.

(3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### 40. *Funds – management*

(1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

(3) IMHR Inc. Committee is committed to returning a minimum of 50% of registration revenue to the membership by way of sponsorship and provision of open shows and promotion of miniature and small horses.

### 41. *Alteration of objects and rules*

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

### 42. *Common seal*

(1) The common seal of the association must be kept in the custody of the public officer.

(2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

### 43. *Custody of books*

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

### 44. *Inspection of books*

The records, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable hour.

### 45. *Service of notices*

(1) For the purpose of these rules, a notice may be served on or given to a person:

(a) by delivering it to the person personally, or

(b) by sending it by pre-paid post to the address of the person, or

(c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

(2) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

(a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and

(b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and

(c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### **46. Fees - Currency**

All fees required by the Association shall be payable in Australian currency.

#### **47. Non Payment of Obligation**

Any member or non-member may be denied privileges of the Association by the President for failure to pay when due any obligation owing to the Association provided that fifteen (15) days before action by the President written notice of the account due and the intention to withhold privileges of the Association shall be mailed to such member or non-member. Such denial of privileges shall terminate upon full payment of the obligation due to the Association.

This includes but is not limited to additional bank fees incurred by the Association caused by presentation of dishonored cheques.

#### **48. Official Publication**

(1) The name of the official publications of the Independent Miniature Horse Registry Inc shall be decided by the Committee.

(2) The editorial policies shall be set by the Committee.

(3) Subscriptions and advertising rates shall be set by the Committee.

**(Amended 22/11/06, Effective 01/07)**

#### **49. Association Not Liable**

The Association, its Committee and other Officers, employees, representatives and agents, will attempt to obtain true and complete information relating to registrations, appeals, hearings and all other matters pertaining to Associations activities and business. Except for proven intentional wrong doings, neither the Association or any of the above will be liable in any way whether in damages or otherwise, for the issuance of any certificate of registration, for the transfer of any certificate of registration, for the refusal to issue a certificate, for the issuances of any pedigree statements, for the refusal to transfer any certificates of registration, for any disciplinary proceedings brought against or penalties imposed on any member or non-member by or on behalf of the Association.

#### **50. Show Rules**

The Committee shall approve show rules. These may be published with the Official Rule Book of the Independent Miniature Horse Registry Inc.

## **Part 6 – Registry and Studbook**

#### **51. Establishment**

The Committee shall be responsible for the registry and stud book of the IMHR Inc. and both shall be under the supervision of the Registrar or Secretary, or as dictated by the Committee.

#### **52. Open Registry**

(1) The registry and stud book of the Independent Miniature Horse Registry Inc. shall be open to miniature horses, small horses, little horses, miniature ponies and small ponies in the following categories:-

(a) Temporary Registration: aged from 0 to 60 months.

(b) Permanent Registration: have attained the age of 60 months.



(2) For the purpose of these rules an eligible horse or pony is one which meets the requirements of the IMHR Inc. standard of excellence and meets the height requirements set out in Rule 55 measured at the highest point of the wither while standing squarely on a level surface.

(3) Height Limitations: At no time shall a horse or pony remain registered with this association if its height exceeds such the maximum height requirements.

**(Amended 01/08/10, Effective 01/10)**

### **53. Identification**

All miniature and small horses registered with the Association and aged 1 year and over must be micro-chipped or branded to comply with the regulations of the Stock (Brands and Movement) Act current in relevant State or Territory.

### **54. Measurement of Horses**

(1) For registration purposes, measurement of miniature and small horses may be performed by the registered owner or another member.

(2) In the event that the Committee receives a complaint in writing from another member against the height of a registered horse or pony, the Committee may direct the registered owner to present the horse or pony to a Committee member or person appointed by the Committee to be measured. Horse or pony must be presented for measurement within thirty (30) days of receiving such notification. If complaint is lodged at an event where said horse or pony is present, measurement shall be taken as per the Show Rules applicable for that event. Horses may return one (1) more time for re-measurement for the same occasion for which they were originally being measured. No height allowance is made for excessive hoof. Once measured, that measurement shall be recorded as final and said horse or pony shall not be subject to this rule for a minimum period of 12 months from date of measurement.

(3) All horses shall be measured by a member of the Committee or a person appointed by the Committee for that purpose, at IMHR Inc feature shows or as otherwise directed by the Committee.

**(Amended 05/12/15, Effective 01/16)**

### **55. Qualification as a Miniature, Small Horse or Little Horse**

(1) For the purposes of these rules for registration purposes with the IMHR Inc. is: a horse or pony which complies with the height requirements detailed below, measured in the manner laid out in Rule 54 and which conforms to the Standard of Excellence for the breed. A horse or pony may be refused registration or disqualified from registration for any of the following:

- (a) Not meeting height requirements;
- (b) Dwarfism;
- (c) Overshot mouth (3mm maximum allowable);
- (d) Undershot or parrot mouth (3mm maximum allowable);
- (e) Monorchids or cryptorchids in stallions;
- (f) Lock stifle, congenital cataract, nasal disease, navicular disease or malformation of the genitals;
- (g) Any other determinable genetic fault.

(2) There shall be miniature (horse and pony), small horse (and pony) and little horses as per the following height requirements:

(a) Miniature Horse and Miniature Pony

- Weanlings must not exceed 30.5"
- Yearlings must not exceed 32.5"
- Two Year Old must not exceed 33.5"
- Mature horses must not exceed 34.5"

(b) Small Horse and Small Pony

- Weanlings must not exceed 34.5"
- Yearlings must not exceed 36.5"
- Two Year Olds must not exceed 37.5"
- Mature horses must not exceed 38.5"

(c) Little Horse

- Weanlings must not exceed 38.5"
- Yearlings must not exceed 40.5"
- Two Year Olds must not exceed 41.5"
- Mature horses must not exceed 42.5"

~~(3) An allowance of one half inch (0.5") will be made for mature horses exceeding the miniature height of 34" and~~

~~small horse height of 38" for registration and showing purposes. There are no height allowances made for Little Horse.~~

(4) Any measurement that results in a registry change to a smaller category shall be performed by a member other than the registered owner.

**(Amended 22/11/06, Effective 01/07)**

**(Amended 01/08/10, Effective 01/10)**

**(Amended 05/12/15, Effective 01/16)**

### **56. Parentage on Registration Certificates**

(1) For the amnesty period to 1 August 2015, parentage as specified by the registered owner will be recorded on the Association stud book and registration certificates. After this date, proof of parentage must be provided via stallion return, DNA or dual registration with another society recognized by the Committee. At that time, horses or ponies without confirmed parentage shall be listed with parentage 'not on file' until parentage is confirmed.

(2) Commencing 1 August 2009, all members will be required to submit horse returns and stallion breeding reports before resultant progeny may be registered.

~~(3) Commencing 1 August 2009, both parents must be registered IMHR Inc. before resultant foal shall be registered.~~

(4) IMHR Inc. registration certificates will contain up to 3 generations of pedigree as provided by the registered owner or via stud books accessible by IMHR Inc.

(5) The fee for horses or ponies registered with unknown parentage as per Rule 56 (1) shall be double the cost of the normal fee. Horses or ponies must be micro-chipped or branded for identification purposes as per Rule 53. Stallions aged 2 years and over must have a Certificate of Soundness with application.

(6) Other society studbooks may be recognised if they meet the requirements of IMHR in relation to parentage. Recognised societies for the purposes of registration are:

- Miniature Horse Association of Australia (MHAA) Inc.
- Australian Miniature Pony Society (AMPS) Inc.
- New Zealand Miniature Horse Association (NZMHA) Inc.
- American Miniature Horse Association (AMHA) Inc.
- American Shetland Pony Club (ASPC)
- Australian Pony Stud Book (APSB)

Other studbooks may be reviewed for recognition purposes on request.

**(Amended 22/11/06, Effective 01/07)**

**(Amended 30/12/07, Effective 01/08)**

**(Amended 01/08/10, Effective 01/10)**

**(Amended 05/12/15, Effective 01/16)**

### **57. Changes to Registration Certificates**

(1) Only IMHR Committee or persons appointed by the Committee for that purpose are permitted to make alterations to IMHR registration certificates.

(2) Members may request updates to certificates including height, parentage and photos. New certificates shall be issued upon payment of an administration fee as determined by the Committee.

(3) In the interest of ensure a true and correct stud book; correction of errors to paperwork submitted by a member shall be made without charge to the member. Reasonable requests for further information shall me made without charge. Repeated requests for information may incur an administration fee.

### **58. Registration Procedure**

(1) Applicants must complete, sign and submit proper registration application forms with two photographs of the horse taken in such manner as required by the Committee.

(2) The owner of the dam at time of foaling is responsible for registration of the foal. If the foal is to be listed in another party's name at time of registration, a transfer shall be required.

(3) The owner of the dam at time of foaling has the right to name the offspring. The name of the horse cannot be a duplication of any other name recorded by the Association and must be distinguished by a stud prefix which has not been used by another breeder. The Committee may refuse to allow any name which it considers to be misleading, misapplied or contrary to the interest of the Independent Miniature Horse Registry Inc.

(4) All breeders must register a prefix with the Association. Foals may not be registered until the prefix has been recorded. Animals of any age applying for registration must carry the original breeders prefix and registered name





if registered with another Association or Registry.

(5) Any horse registered temporarily shall be eligible for permanent status at age of 60 months. Any horse must be brought to permanent status within six (6) months of becoming eligible or papers will be revoked.

(6) The Association shall issue registration numbers in consecutive order based upon the order in which the applications are processed by the Association.

(7) Stallions aged 2 years and over for which a breeding report will be submitted and/or progeny by this stallion is to be registered, must have a Certificate of Soundness on file.

(8) All stallions aged 3 years and over entering the show ring must have a Certificate of Soundness on file. This may have been submitted prior to age 3 if used for breeding purposes.

(9) The requirement for a Certificate of Soundness is waived provided the stallion is registered with another recognized society where a Certificate of Soundness is a requirement for registration.

(10) The Certificate of Soundness may be on IMHR supplied forms, Veterinary Surgeon's letterhead or another societies paperwork. In all cases, the standard of excellence must be checked and confirmed in writing and signed by a licensed Veterinarian.

(11) Stallion returns may only be submitted by financial members. Stallions must hold current registrations and Certificate of Soundness on file.

**(Amended 22/11/06, Effective 01/07)**

**(Amended 01/08/10, Effective 01/10)**

### **59. Certificates**

(1) The Association shall issue a Certificate of Registration based upon information submitted on proper form attesting to the qualification for registration. All certificates of registration are the property of IMHR Inc.

(2) Cancellation of Registration – A breeder who is also the current owner may choose to have a registration cancelled. The original certificate must be returned to IMHR Inc. There is no fee for the cancellation unless it is not received by IMHR Inc within 30 days of sale. For the purposes of the studbook, the horse or pony is classed as unregistered. Any future progeny of cancelled horses and ponies may not be registered IMHR Inc.

(3) Sold Without Papers – Any horse or pony that is sold without papers, must have the registration certificate returned to IMHR with application for cancellation of registration as per Rule 59 (2). Application for cancellation must be made within 30 days of sale or late transfer fee shall be payable.

(4) Sold To Non-Member – if a registered horse is sold to a person or persons who is not currently, and does not intend to be, a financial member of IMHR Inc., the certificate must be surrendered by the recorded owner to the Association for update of the studbook. Should the current (or subsequent) owner(s) wish to have horse transferred to their name(s), this shall be done on production of adequate evidence of ownership as agreed by the Committee and does not require the endorsement of the recorded owner.

**(Amended 01/12/15, Effective 01/16)**

### **60. Lease / Sale**

(1) Upon the lease or sale of a horse, written notice must be lodged with the Association on the appropriate application form. There shall be a fee to process the lease or sale. Application must be submitted within 30 days of sale or a late fee shall be payable.

(2) For the duration of the lease, the lessee shall be authorised to sign service certificates, stallion breeding reports and registration upgrades on the breeder's behalf. They shall not be authorised to sign sale transfers.

(3) The onus is on the purchaser to ensure they are purchasing from the recorded owner, or to see evidence of ownership by other means. In the event that the current owner is not the recorded owner in the IMHR studbook, the transfer shall be processed if the Committee is satisfied that there is evidence via paper trail that the recorded owner did forgo ownership of horse or pony and there is evidence to support that the current owner is the legal owner. If the recorded owner has not been a financial member of IMHR for more than one full membership year, the Committee may consider that the recorded owner no longer has an interest in the said horse or pony and may take this into consideration when reviewing evidence to support the forgo of ownership.

### **61. Breeding Requirements**

(1) After a mare has been exposed or bred, either hand or pasture breeding to one stallion at least forty two (42) days must elapse before exposing the mare to a different stallion.

(2) Only one colt or stallion over the age of six months may run with a mare or group of mares in a pasture and they must be enclosed by permanent fencing maintained in such a manner that no other stallion can cover a mare.



## 62. *Record Management*

(1) Stallion breeding reports (stallion returns) shall be submitted to IMHR Inc. in the manner specified by the Committee by 1st August each year. If a breeding stallion dies during any breeding year, his stallion report is due within 30 days of his death. Late stallion returns may be permitted and must be submitted prior to the birth of progeny. A fee shall be payable for all late stallion returns as set by the Committee.

(2) A properly completed Service Certificate must be issued by the Stallion owner (or lessee) to the owner of any mare covered by the stallion before 31st July of the breeding season in which the mare was served. The failure of any member to provide a service certificate or to include relevant details on an annual stallion return may result in disciplinary action by the Committee.

(3) Complete and accurate records of breeding and progeny must be kept in permanent form by the owner of horses and ponies and these records must be made available to IMHR Inc upon request from the Committee.

**(Amended 01/12/15, Effective 01/16)**

## 63. *Fraudulent Practices*

(1) False Endorsements - No person shall represent, by advertisement, claim, or otherwise, that a horse or pony has earned or is entitled to any official Association designation, honors, or titles, prior to actual recording of such designation, honor, or title in the records of the Association.

(2) False Representations - No person shall represent any horse or pony owned or managed by him or her to be registered with the Association unless the same is registered in the official records of the Association.

(3) False statements - All information furnished to the Association as a basis for any action by the Association or any of its Officers with respect to any horse or pony, must be true and correct.

(4) False certificates - No person, Firm, or Corporation shall issue, sell, exchange, give away, or receive, or offer to do any thereof, any false or fraudulent certificate, representing the same to be a genuine official certificate issued by the Association.

(5) False identification - No person, Firm, or Corporation shall sell, give away, exchange, or receive any registration certificates of the Association without the transfer of the same and correct horse.

(6) Name of Horse or Pony - No person shall advertise, or enter in any event or competition, any horse or pony registered with the Association by any other name than its complete registered name.

(7) Ringers and Look-a-likes - No person shall represent as a registered Miniature Horse, any horse or pony other than the horse or pony for which the certificate was issued.

(8) Alteration of Certificate - No change in or alteration of a certificate of registration or identification required by the Association shall be made except by the Association upon proper evidence of the necessity for such change or alteration, by reason of change in colour or markings; change in height, mistake or the like; nor shall any person display or advertise or have in his or her possession any such certificate that has been changed or altered otherwise than by the Association or on its authority.

(9) Alteration of markings - No person shall alter, in any way change, or attempt to hide or alter the natural markings of a horse or pony, by surgery, dye, or any other manner.

**(Amended 01/12/15, Effective 01/16)**



## Standard of Excellence - Horses

### General Impression

A small, sound, well balanced horse possessing the conformation characteristics desirable of most breeds.

In fact, if there were no size reference, the miniature and small horse might give the illusion of being a full sized horse. A miniature and small horse should show refinement and femininity in the mare and boldness and masculinity in the stallion at the same time displaying an impeccable temperament.

The general impression should be one of refinement, symmetry, agility and an alert intelligence. Since the breed objective is the smallest possible perfect horse, preference in judging shall be given to the small horse for its age when other characteristics are approximately equal.

### Size

There shall be miniature, small and little horse categories:

#### Miniature

- Weanlings must not exceed 30.5"
- Yearlings must not exceed 32.5"
- Two Year Old must not exceed 33.5"
- Mature horses must not exceed 34.5"

#### Small Horse

- Weanlings must not exceed 34.5"
- Yearlings must not exceed 36.5"
- Two Year Olds must not exceed 37.5"
- Mature horses must not exceed 38.5"

#### Little Horse

- Weanlings must not exceed 38.5"
- Yearlings must not exceed 40.5"
- Two Year Olds must not exceed 41.5"
- Mature horses must not exceed 42.5"

### Head

In proportion to length of neck and body, broad forehead with large expressive eyes set well part, comparatively short distance between eyes and muzzle, profile straight or slightly concave below eyes, large nostrils, and clean refined muzzle.

### Teeth

An even bit is necessary with no more than 3mm out. Overshot or parrot mouth a disqualification.

### Ears

Medium sized, pointed and alert, tips curving slightly inwards.

### Throat-Latch

Clean and well defined allowing ample flexion at the poll.

### Neck

Flexible and lengthy in proportion to body and style, blending smoothly into withers.

### Shoulder

Long, sloping and well angulated allowing a free swinging stride and alert head/neck carriage, well muscled forearm.

### Body

Well muscled with ample bone and substance, without being heavy, balanced and well proportioned, short back



and loins in relating to length of underline, smooth and general level top line, proportionate depth of girth and flank, trim barrel.

### Hindquarters

Long, well muscled hip, thigh and gaskin, highest point of croup of be same height as withers, tail set neither excessively high nor low but smoothly rounding off rump.

### Legs

Lengthy and slender in proportion to the rest of the body, set straight and parallel when viewed from front and back, straight true and squarely set when viewed from the side with hooves pointing directly ahead, pasterns sloping approximately 45 degrees and blending smoothly with no change of angle from hooves to the ground, hooves to be round and compact, trimmed suitable but not excessively for an unshod horse.

### Gait

Smooth and fluid gait in motion, naturally free moving.

### Colour

Any colour or marking pattern is acceptable, any eye colour is allowed, the coat should be lustrous and silky.

### Temperament

Good temperament is of the utmost importance - curious, alert, intelligent and friendly, poor or vicious temperament is considered a fault.

(Amended 05/12/15, Effective 01/16)



## Standard of Excellence – Pony

### General Impression

A small, sound, well balanced pony possessing the conformation characteristics desirable of most pony breeds.

A miniature or small pony should show refinement and femininity in the mare and boldness and masculinity in the stallion at the same time displaying an impeccable temperament.

The general impression should be one of refinement, symmetry, agility and an alert intelligence. Since the breed objective is the smallest possible perfect pony, preference in judging shall be given to the smallest pony for its age when other characteristics are approximately equal.

### Size

There shall be miniature and small pony categories:

#### Miniature Pony

- Weanlings must not exceed 30.5"
- Yearlings must not exceed 32.5"
- Two Year Old must not exceed 33.5"
- Mature ponies must not exceed 34.5"

#### Small Pony

- Weanlings must not exceed 34.5"
- Yearlings must not exceed 36.5"
- Two Year Olds must not exceed 37.5"
- Mature ponies must not exceed 38.5"

### Head

In proportion to length of neck and body, broad forehead with large expressive eyes set well part, comparatively short distance between eyes and muzzle, profile straight or slightly concave below eyes, large nostrils, and clean refined muzzle.

### Teeth

An even bit is necessary with no more than 3mm out. Overshot or parrot mouth a disqualification.

### Ears

Small to medium sized.

### Neck

Lightly crested on mares and moderately crested on stallions. Should not show ewe neck or fallen crest.

### Body

Well muscled with ample bone and substance, well sprung ribs with a slight natural curve on the topline. Should be well balanced in proportion to height.

### Legs

Moderate length, set straight and parallel when viewed from front and back, straight true and squarely set when viewed from the side with hooves pointing directly ahead, pasterns sloping approximately 45 degrees and blending smoothly with no change of angle from hooves to the ground, hooves to be round and compact, trimmed suitable but not excessively for an unshod horse.

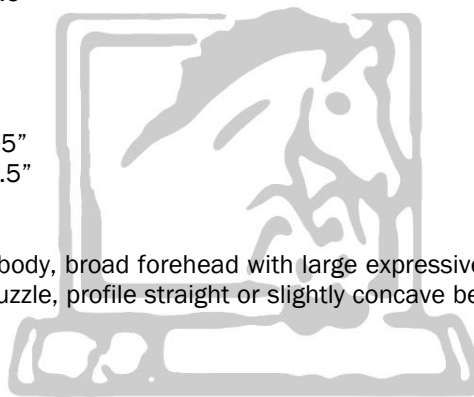
### Gait

Smooth and fluid gait in motion, naturally free moving.

### Colour

Any colour or marking pattern is acceptable, any eye colour is allowed, the coat should be lustrous and silky.

### Temperament



Independent  
Miniature Horse Registry Inc



Good temperament is of the utmost importance – curious, alert, intelligent and friendly, poor or vicious temperament is considered a fault.

(Amended 01/08/10, Effective 01/10)

(Amended 05/12/15, Effective 01/16)

