



THIS IS AN EXTRACT FROM THE CURRENT PAINT HORSE ASSOCIATION OF AUSTRALIA RULE BOOK, EFFECTIVE 1ST AUGUST 2009.

THIS EXTRACT PROVIDES NEW MEMBERS WITH INFORMATION ON PHAA MEMBERSHIP RULES AND OBLIGATIONS.

A FULL COPY OF THE PHAA RULE BOOK IS AVAILABLE TO DOWNLOAD FROM THE PHAA WEBSITE:

www.painthorse.com.au

OR

BY CONTACTING THE PHAA OFFICE:

members@painthorse.com.au

3. MEMBERSHIP

Membership in the Association is a privilege not a right, application for which shall be made on forms and by fees and procedures prescribed from time to time by the Association. Membership or application therefore may be terminated or rejected by the Board for cause detrimental to the interest of the Association, policies, objectives and harmonious relationship of its members, as determined by the Board. Termination or application rejection under this paragraph shall be conducted in accordance with the Articles of Association.

ABOUT MEMBERSHIP

The Paint Horse Association of Australia is the National Breed association and registry for Paints in Australia. The Association handles registration of horses, transfers of ownership.

Annual membership is due 1st July of each year. New memberships received from 1st May will include membership for the following year. See schedule of fees.

Anyone suspended from membership or subject to any disciplinary action by the Paint Horse Association of Australia will be automatically removed from the list of approved judges, and in order to be returned to this list, after reinstatement to full membership privileges, must apply for approval under the current procedure for new applicants for admission on to the approved judges list.

Membership number is to be stated on all papers and forms.

- (a) The name of a female member may be changed in the membership records of the Association to reflect her current marital status.
- (b) Any member whose membership becomes delinquent can be reinstated by paying the current year's dues.
- (c) All members, while in good standing, shall have equal rights, interests and responsibilities with respect to the Association and its property; shall have the right to vote in all general meetings and to hold office and committee assignments except as otherwise limited.
- (d) No person, after the date he has been denied the privileges of the Association, shall be allowed to register any horse with the Association and no horse shall be registered which is either sired by a stallion or out of a mare owned by him on the breeding date where the breeding date is shown to be subsequent to the denial of such privileges.
- (e) The name of an individual applying for registration of a horse shall be the same as that appearing on the membership card. In the event that the name appearing on the application form differs from the name appearing on the membership card, then an additional membership will be required. The applicant should clearly indicate under what name the membership is to be recorded. If registrations are applied for by an individual, the membership should be applied for in the full name of the individual; if by a partnership, the exact name of the partnership; if by a corporation, in the corporate name and the signature of the authorised agent signing the applications for registration.

Life member: For individual persons being full members who are interested in the promotion of the Paint Horse in Australia, and who have been admitted to life membership by the Board Of Directors. Life membership does not include the provision for a journal

Full member: For individual persons who are owners of Paints or who are interested in the promotion of Paints in Australia.

Constituent members: Constituent members are entitled to two nominees, details of which must be shown on the application form (2 votes). The nominee/s do all the bookwork, signatures and voting on behalf of the Constituent membership. Only the two nominees may show horses under that membership.

Family Members - to be those members residing in the same household. A maximum of 2 adults and 3 youth will be allowed per family membership. Family memberships shall be entitled to a maximum of 2 adults voting.

Junior Youth Membership: For persons under the age of 14 years as at 1st August. Membership does not include voting privileges in the Association except as pertains to youth organisation matters.

Senior Youth Membership: Membership is available to youths 14 to 18 years. Membership does not include voting privileges in the Association except as pertains to youth organisation matters.

Being a member of a Regional Club does not make one a member of the PHAA. Membership in regional clubs varies from one club to another, so you would have to check with your regional club for information on regional membership.

Colleges or Universities may hold a Constituent membership. Students of the college / university may show as nominees within the membership, provided no more than two students exhibit in any one show and the names of the exhibiting students are advised to the PHAA in writing prior to commencement of the show. Evidence that the student is enrolled in the college / university must be provided to the PHAA. Refer also rule 237 (i)

4. MEMBERS RESPONSIBILITY:

No person shall refuse a reasonable request to assist the Association, its officers, committees or agents in locating, identifying and inspecting or to answer promptly and truthfully any inquiry concerning a horse or ancestor thereof in his ownership or control which has been registered or listed or for which application to register or list has been made.

- (a) Information furnished to the Association or any of its officers as a basis for any action by the Association with respect to any horse must be true and correct.
- (b) All exhibits in PHAA approved shows and contests will be conducted under the rules and regulations set out in this publication and the Horse Show Association of Australia Rule Book, but this Association will in no case be responsible for any loss, damage or injury to horses exhibited or persons present for any article of any kind or nature that may be lost, stolen, destroyed or in any way injured. Each exhibitor will be solely responsible for any consequential or other loss, injury or damage done to or occasioned by or arising from any horse or article owned by him and shall indemnify the Association against all legal or other proceedings, claims or demands of any kind or nature in regard thereto or that may arise from the participation or other actions of such exhibitor or the person in charge of the exhibitor's horse or article.
- (c) The Paint Horse Association of Australia will not assume the responsibility of settling civil disputes, concerning financial settlements, ownership, health, fertility or other such problems concerning buying or selling.
- (d) All Association representatives and members shall be treated with courtesy, cooperation and respect and no person shall direct abusive, threatening or discriminatory conduct towards them. When an exhibitor is guilty of unsportsmanlike behaviour or conduct which is seen to be discriminatory in any way, the Paint Horse Association of Australia may suspend such exhibitor's rights to participate in future approved shows for such a period as judged appropriate under Rule 5 (b). Any Competitor who is exhibiting with an Exemption Card is not required to discuss, and should not be approached to discuss, the basis of their exemption with/by any other competitor.
- (e) The secretary, staff and designated official/director shall have sole authority to investigate possible or alleged violations of any by-laws, rule or regulation of the Association.
- (f) In order for a complaint to be considered for investigation, it must be in writing, signed and dated. The individual(s) filing the complaint must be prepared to appear at a hearing if it is deemed necessary at their own expense.

5. VIOLATIONS:

- (a) Any member may be suspended and denied privileges of the Association, and any non-member may be denied the privileges of the Association by the Secretary of the Association, provided that however, twenty-one (21) days before action by the Secretary, written notice of the account due and the intention to suspend or withhold privileges of the Association shall be delivered to such member or non-member. Any suspension and denial of privileges of the Association under this section shall terminate upon full payment of the obligation due to the Association. (Refer also Rule 9(k))

- (b) When any exhibitor or Show Official is guilty of the following:
Unsportsmanlike or improper conduct; failure to pay due any obligation owing to the Association; giving worthless cheque for entry fees, stall fees, office charges connected with the exhibition or show official of horses. Such exhibitor, whether member or non-member, will be subject to disciplinary procedures insofar as practical.
- (c) Every member and every non-member:
 - (i) Who violates in any manner the Constitution, By-laws or Rules and Regulations of the Association, or
 - (ii) Whose conduct has endangered or may endanger the good order, welfare or credit of the Association by practices in the breeding of Paint Horses or in supplying information for the Association's records, may be censured, suspended, or, in the case of a member, expelled from membership in the Association including; without limitation of the generality of the foregoing, the privilege of registration or change in ownership of horses registered with the PHAA on the records of the Association, by the Board of Directors.
- (d) Upon refusal to promptly file a completely corrected stallion report after being so requested by the PHAA, such stallion owner or lessee may be suspended and/or denied all privileges. Privileges may be re-instated upon filing of the required report and payment of the late fee(s).
- (e) Any member who fraudulently claims a PHAA title or award or points prior to the title award or points being officially awarded or recorded by the PHAA, or who uses a title other than the official title of any PHAA award may face disciplinary action in the form of suspension of all membership rights, by the Board of Directors until such time as the claim is retracted by the member.

6. DISCIPLINARY PROCEDURE

Any member may be disciplined, suspended, expelled from the Association, and any member or non-member may be denied any or all privileges of the Association or any false registration certificate may be cancelled by the Board Of Directors, whenever it shall have been established by satisfactory evidence by the Board Of Directors, that such member or non-member has knowingly and wilfully violated any pertinent rule of the Association.

- (a) After a member has been notified that the Board Of Directors will consider taking disciplinary action, such member may require that the Board Of Directors give him an opportunity to appear before that Board and make known his reasons for not being disciplined. The member's demand must be made in writing to the Company Secretary within twenty-one (21) days from the date of the notification of such contemplated disciplinary action.
- (b) Any member making such a request shall have been given not less than twenty-one (21) days notice for an impartial hearing of such accusation by the Board Of Directors or by an appropriate committee appointed by the president. At which time he shall have an opportunity, in person or by counsel, to be heard and to present evidence on his own behalf and to hear and receive evidence offered against him.
- (c) If mailed, such notice shall be deemed to be delivered when deposited in the Australia Post mail, addressed to the member or non-member as it appears on the records of the Association, with postage thereon prepaid.
- (d) The decision and action of such Board shall be final and binding on all parties.
- (e) No person, after the date he has been denied the privileges of the Association, shall be allowed to register any horse in the Association nor transfer registered horses into his name.
- (f) No horse shall be registered which is either sired by a stallion or out of a mare owned by a person denied Association privileges on the breeding date(s), where the breeding date(s) is shown to be subsequent to the denial of such privileges.
- (g) On and after such time as any member has been suspended, expelled or denied further Association privileges, the Association shall not accept the signature of such suspended member on registration applications or breeder's certificates evidencing breeding taking place after date of his suspension or expulsion. However, such signatures on transfer reports and bills of sale will be honoured for purpose of allowing such suspended member to transfer horses he owns at the time of his expulsion or suspension.
- (h) That person shall not participate, and shall be ineligible to participate in any PHAA approved events, nor shall such person be eligible to hold approved judges credentials or any other Association accreditation.
- (i) Written leases filed with the Executive Secretary, covering horses owned by the suspended member shall be valid, and the signature of the lessee shall be accepted during the time of such lease but for no renewal thereof.

- (j) At the discretion of the Executive Committee, every person who is suspended or otherwise disciplined by any recognised Breed or Performance Horse Association, for unsportsmanlike conduct at a show or contest may be considered as suspended or disciplined by the PHAA upon official notice to this Association, from the organisation concerned, of such disciplinary action.
- (k) No person on suspension may advertise in the Paint Horse Journal during the period of his/her suspension.

GENERAL NOTICE PROCEDURE

Notice required by these rules and regulations may be served by delivering a copy of the notice to the person to be served, or his attorney, either in person or by mail, postage pre-paid, to his/her last known address, as it appears on the Association records, and upon mailing such notice shall be deemed received by such person when it is deposited in Australia Post (mail).

The Association has adopted the following provision for the mutual benefit of members and with the intention of reducing the Association's litigation expenses, which expenses would ultimately be borne by members and non-members participation in Association activities. Every member, by joining the Association, or non-member, by purchasing Paint Horses, filing registrations application or other documents with the Association, or participating in Association - approved events, does hereby agree.

- (a) If unsuccessful in an attempt to overturn Association decisions, actions, rules or regulations to reimburse the Association for its reasonable attorney's fees, court costs and other expenses in defence of such suit; and
- (b) That he/she will not commence any action, whether in law or equity, against the Association in any courts other than those in federal and state of courts located in the state where the Paint Horse of Australia office is located.

7. LIABILITY

The PHAA, its officers, directors, members of committees, inspectors, employees, representatives and agents will attempt to obtain true and complete information in connection with registration of Paint Horses, transfer of registration certificates, hearing, and all other matters relating to PHAA activities. Except for proven intentional wrongdoing, neither the PHAA nor its officers, directors, members of committees, inspectors, employees, representatives nor agents will be liable in any way, whether in damages or otherwise, for the issuance of any pedigree certificate, for the transfer of any pedigree certificate, for the refusal to issue a pedigree certificate, for the issuance of any pedigree statements, for the refusal to transfer any pedigree certificate, for the cancellation of any pedigree certificate, for any disciplinary procedure brought against or penalties imposed on any member or any person or for any other activities engaged in, by, or on behalf of the Paint Horse Association of Australia.

RELEASE OF LIABILITY

The PHAA and co-sponsoring organisations, if any, shall not be responsible for any personal injury or loss or damage to property occurring at any PHAA activity. Each owner, exhibitor, handler or consignor shall indemnify and hold harmless the PHAA, its officers, directors and employees from and against all claims, demands, causes of actions and expenses of every kind, including legal fees, arising out of or related in any manner to the acts or omissions of an owner, exhibitor, handler or consignor, or the actions of any horse under the care, custody or control of the owner, exhibitor, handler or consignor. Presentation of a signed entry or consignment form shall be deemed acceptance of the conditions of this rule. In the event an entry or consignment form is not signed or presented, appearance on the ground or at the sale ring of any PHAA activity as an exhibitor, handler, owner or consignor shall be deemed to be acceptance of the conditions of this rule.

The Association has adopted the following provision for the mutual benefit of members and with the intention of reducing the Association's litigation expenses, which expenses would ultimately be borne by members and non-members participating in Association activities.

Every member, by joining the Association, or non-member, by purchasing a Paint Horse, filing a registration application, or other horse registered by the PHAA, or other documents with the Association or participating in Association approved events, does thereby agree as follows:

- (a) If unsuccessful in an attempt to overturn Association decisions, actions, rules or regulations, to reimburse the Association for its reasonable legal fees, court costs and other expenses in defence of such suit; and
- (b) That he will not commence any action, whether in law or equity, against the Association in any courts other than those federal and state courts.

8. DISCIPLINARY ACTION:

The Board of Directors may take action to reprimand, fine, suspend or expel any member or deregister any horse of which the member is the registered owner in the records of the Association if it considers such member to be guilty of fraudulent practices or for any breach of these regulations or whose conduct in any respect as determined by the Board of Directors shall be deemed discriminatory, derogatory or prejudicial to the interests of the Association.