

Victorian Pinto Society Inc.

Constitution & Rules & Regulations

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CONSUMER AFFAIRS VICTORIA
Associations Incorporation Reform Act 2012

RULES
for
THE VICTORIAN PINTO SOCIETY INCORPORATED

Effective 21st January 2014

Associations Incorporation Reform Regulations 2012

Part 3

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Rules for the Victorian Pinto Society Incorporated

Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is “Victorian Pinto Society Incorporated”.

Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

2 Purposes

The purposes of the association are

To promote the Pinto in all categories of showing, breeding and general horsemanship.

To formulate regulations for the control of the Society

To register all eligible animals as per the rules and regulations of the Society.

To promote shows for the exhibition of registered stock within classifications established by the Society.

To associate with all other breeds or Societies for the betterment of the Society.

To cultivate and promote understanding and courtesy and to develop self-discipline and responsibility in all matters equestrian.

To prevent cruelty to horses and ponies.

3 Financial year

The financial year of the Association is each period of 12 months ending on 31 July

4 Definitions

In these Rules—

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

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

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

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

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

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

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

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

disciplinary subcommittee means the subcommittee appointed under rule 20;

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

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

member means a member of the Association;

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

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

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

the Registrar means the Registrar of Incorporated Associations;

the Registrar of the VPS means the Registrar of the Victorian Pinto Society Inc.

PART 2—POWERS OF ASSOCIATION

5 Powers of Association

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

6 Not for profit organisation

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

(b) for goods or services provided by the member—

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

Note

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

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Association must have at least 5 members.

8 Who is eligible to be a member

Any person who supports the purposes of the Association is eligible for membership.

(1) There are five (5) categories of Membership of the Association

(a) Full Membership –

Full Financial Members will receive all publications issued by the Society,
may register animals in their name,

and are entitled to one vote per Membership at any meeting where a vote is taken.

Persons under the age of 18 yrs shall be eligible to join as Full Members but they shall not be entitled to hold office or vote.

(b) Family Membership –

Consists of no more than two adults and their children 18 years of age and under.

Family Membership entitles the family to one copy of each publication issued by the Society.

Family Membership entitles the family to one vote at any meeting where a vote is taken;

Children listed on the Family Membership Form shall be deemed financial for the purpose of being eligible for youth high point awards.

(c) Associate Membership –

Associate Members will receive all publications issued by the Society,

are not entitled to register any animals in their name,

are not entitled to issue any service certificates,

are not entitled to vote at any meetings where a vote is taken.

(d) Full Joint Membership –

Consists of no more than two persons over the age of 18yrs.

Joint Membership entitles the persons listed to one of each publication issued by the society

Persons listed on a Joint Membership shall only be entitled to one vote at any meeting where a vote is taken

(e) Life Membership –

Life Membership is awarded when appropriate, at the Annual General Meeting. to any Member/person in recognition of outstanding service rendered by them to the Society.

Life Members are not required to pay any Membership Fees,

will receive all publications issued by the Society,

are eligible to stand for election to the Committee

are entitled to vote at any meetings where a vote is taken

9 Application for membership

(1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person—

(a) wishes to become a member of the Association; and

(b) supports the purposes of the Association; and

(c) agrees to comply with these Rules.

(2) The application—

(a) must be signed by the applicant; and

(b) may be accompanied by the joining fee.

Note

The joining fee is the fee (if any) determined by the Association under rule 12(3).

10 Consideration of application

(1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.

(2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.

(3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.

(4) No reason need be given for the rejection of an application.

11 New membership

(1) If an application for membership is approved by the Committee—

(a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and

(b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) the Committee approves the person's membership; or
 - (b) the person pays the joining fee.

12 Annual subscription and fee on joining

- (1) At each annual general meeting, the Association must determine—
 - (a) the amount of the annual subscription (if any) for the following financial year; and
 - (b) the date for payment of the annual subscription.
- (2) The Association may determine that a lower annual subscription is payable by associate members.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

13 General rights of members

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

14 Associate members

- (1) Associate members of the Association include—
 - (a) any members under the age of 18 years; and
 - (b) any other category of member as determined by special resolution at a general meeting.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

15 Rights not transferable

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

16 Ceasing membership

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

17 Resigning as a member

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

Note

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

- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than 12 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

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

Note

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

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

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

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

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

20 Disciplinary subcommittee

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

21 Notice to member

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

22 Decision of subcommittee

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

23 Appeal rights

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

24 Conduct of disciplinary appeal meeting

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

Division 3—Grievance procedure

25 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Association.

- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

26 Parties must attempt to resolve the dispute

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

27 Appointment of mediator

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

28 Mediation process

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

29 Failure to resolve dispute by mediation

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

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.

- (2) Despite subrule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to elect the members of the Committee;
 - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

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

Note

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

32 Special general meeting held at request of members

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

- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

33 Notice of general meetings

- (1) The Executive Officer (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
 - (d) comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

Note

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

34 Proxies

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If the Committee has not approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must—
 - (a) state that the member may appoint another member as a proxy for the meeting; and
 - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

35 Use of technology

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

36 Quorum at general meetings

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

Note

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

- (b) in any other case—
 - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

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

Example

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

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
- (a) subject to subrule (3), each member who is entitled to vote has one vote; and
 - (b) members may vote personally or by proxy; and
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

39 Special resolutions

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

Note

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

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

40 Determining whether resolution carried

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

41 Minutes of general meeting

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

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

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

43 Delegation

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

Division 2—Composition of Committee and duties of members

44 Composition of Committee

The Committee consists of—

- (a) a President; and

- (b) a Vice-President; and
- (c) a Secretary; and
- (d) an Executive Officer, and
- (e) a Membership Secretary/Registrar of the VPS and
- (f) a Treasurer; and
- (g) six (6) ordinary members elected under rule 53.

45 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—
 so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

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

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

46 President and Vice-President

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

47 Secretary and Executive Officer and Membership Secretary/ Registrar of the VPS

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

Example

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

- (2) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.
- (3) The Executive Officer must perform any duty or function required by the Committee of the Association in order to ensure the smooth running and success of the Association,
 - (a) subject to the Act and these Rules, provide members with access to the minutes of general meetings and other books and documents
- (4) The Membership Secretary/ Registrar of the VPS must—
 - (a) maintain the register of members in accordance with rule 18; and
 - (b) keep custody of the common seal (if any) of the Association.
 - (c) subject to the Act and these Rules, provide members with access to the register of members; and
 - (d) perform any other duty or function imposed by these Rules.

48 Treasurer

- (1) The Treasurer must—
 - (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer must—
 - (a) ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3—Election of Committee members and tenure of office

49 Who is eligible to be a Committee member

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

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

50 Positions to be declared vacant

The term of office for a Committee Member of the Society shall be 2 years.

(In order to ensure continuity of experience on the Committee, at the first annual general meeting of the Association after its incorporation, a committee of 6 was elected for a two year term of office. At the

second annual general meeting of the Association a further 6 people were elected to the committee for a two year term of office. At the third annual general meeting of the Association, the positions held by the 6 committee members elected at the first annual general meeting of the Association were declared vacant and elections were held for these 6 positions for a two-year term.

- (1) This rule applies to—
 - (a) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received
- (2) The Chairperson of the meeting must declare the 6 positions on the Committee vacant that are held by those who have completed a 2 year term and hold elections for these 6 Committee positions in accordance with rules 51 to 54.

51 Nominations

- (1) Prior to the election of the 6 Committee positions, the Chairperson of the meeting must call for nominations to fill those positions.
- (2) An eligible member of the Association may—
 - (a) nominate himself or herself; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

52 Election of President etc.

- (1) At the first meeting of the Committee following the annual general meeting, the Committee must appoint from amongst themselves, a Chairperson to conduct separate elections for each of the following positions—
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Executive Officer;
 - (e) Membership Secretary/VPS Registrar
 - (f) Treasurer;
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 54.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

53 Election of ordinary members

- (1) A single election may be held to fill all vacant committee positions.
- (2) If the number of members nominated for the position of committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (3) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

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

55 Term of office

- (1) Subject to subrule (3) and rules 50 and 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.

- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - (a) ceases to be a member of the Association; or
 - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
 - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

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

57 Filling casual vacancies

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

Division 4—Meetings of Committee

58 Meetings of Committee

- (1) The Committee must meet at least 8 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

59 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.

- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

60 Urgent meetings

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

61 Procedure and order of business

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

62 Use of technology

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

63 Quorum

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

64 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.

- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

65 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

Note

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

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

66 Minutes of meeting

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

67 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

68 Source of funds

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

69 Management of funds

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

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

70 Financial records

- (1) The Association must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

71 Financial statements

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

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
 - (a) the name of the Association must appear in legible characters on the common seal;
 - (b) a document may only be sealed with the common seal by the authority of the Committee;

- (c) the common seal must be kept in the custody of the Membership Secretary/Registrar of the VPS

73 Registered address

The registered address of the Association is—

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

74 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be given—
 - (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address.

75 Custody and inspection of books and records

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

Note

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

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

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

- (a) its membership records;

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

76 Winding up and cancellation

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

77 Alteration of Rules

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

Note

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





VICTORIAN PINTO SOCIETY INC

PROXY FORM

This is to certify that the undersigned, a voting member of The Victorian Pinto Society Inc., has designated

..... as his or her representative to cast all votes and express all approvals or disapprovals that said member may be entitled to cast or express at the General Meeting of The Victorian Pinto Society Inc, to be held on / / , and any lawfully adjourned meetings thereof.

In no event shall this proxy be valid for a period longer than 2 days after the first meeting for which it is given. This proxy shall be revocable, at any time, at the request of the under signed voting member.

.....Name (Printed)

.....Signature

..... Membership No

.....Date

VICTORIAN PINTO SOCIETY INCORPORATED
RULES AND REGULATIONS
Pinto Characteristics and Requirements



Conformation

1. Pintos are basically a riding type.
2. There is no restriction in height.
3. Breeding stock with hereditary faults will not be eligible for registration. Geldings will only be excluded if conformation defects are seriously affecting the health and/or performance of the horse.

Breeding

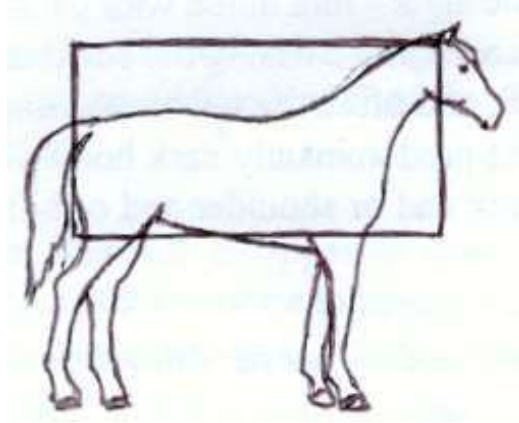
4. Horses with Appaloosa, Spotted, Palouse or Pintaloosa characteristics are ineligible for registration and horses developing such characteristics after registration or breeding stock consistently bearing progeny with Appaloosa, Spotted, Palouse or Pintaloosa characteristics will be de-registered. Horses with known Appaloosa, Spotted, Palouse or Pintaloosa breeding within three generations (ie: a parent or a grandparent) are ineligible for registration with the exception of Geldings which will be eligible for registration providing they meet the societies minimum colour requirements and do not exhibit any Appaloosa, Spotted, Palouse or Pintaloosa characteristics. Genetic verification to confirm the absence of the gene responsible for those colourations can be provided at the owners expense if the markings on the animal are in doubt. If a stallion, colt, mare or filly is known to have Appaloosa, Spotted, Palouse or Pintaloosa further back than three generations, Genetic Verification will be required to confirm the absence of the gene responsible for those colourations.
5. Horses with Draught Breeding shall be eligible for registration.
6. Point 6. Removed at A.G.M. 3-11-03

Colour

7. The ideal Pinto possesses a 50 – 50 distribution of colour and white markings, however, acceptable patterns range from the predominantly white to the predominantly dark horse.
8. The Pinto must have noticeable markings on the body not including the face, the head, or below the level of the elbow or stifle.
9. The depth of colour of the darker markings must be clearly distinct as darker areas than the white markings. Only colour visible from an eye height of 5ft (1.5m) at a distance of 10ft (3m) shall be considered. The area of the lesser of the two colours must meet or exceed one of the following minimum measurement requirements:- (wording altered at AGM November 2012 to allow for abstract markings)
 - (i) For ponies 12.2hh & under; 225sq cm ie: 15cm x 15cm (approx. 6” x 6”) OR 25.5cm x 10cm (10” x 4”) allowing for ponies with abstract type markings to be considered for registration.
 - (ii) For ponies over 12.2hh & not over 14hh; 625sq cm ie: 25cm x 25cm (approx 10” x 10”) OR 63cm x 10cm (approx 25” x 4”) allowing for ponies with abstract type markings to be considered for registration.
 - (iii) For horses over 14hh; 900sq cm ie: 30cm x 30cm (approx 12” x 12”) OR 60cm x 15cm (approx 24” x 6”) allowing for horses with abstract type markings to be considered for registration.

A maximum of one coloured area to be considered in assessing the minimum colour requirements.

Markings that are considered in assessing the minimum colour requirements must not be outside the area as depicted by the square below.



10. No discretion will be made against the colour of the eyes.
11. Light or dark skin will only be taken into account in the case of a grey and white or palomino and white Pinto whose markings have faded.
12. In borderline cases, ie where the Committee considers that the colour present on the body of the horse meets the minimum requirements but cannot verify by measurement or pedigree, hair testing may be required. The presence of two or more typical Pinto characteristics may also influence the Committee.
 - i. The presence of the lesser colour on the legs above knees and hocks.
 - ii. Glass, blue or watch eyes.
 - iii. Apron Face.
 - iv. White on jaws.
 - v. Pink skin under white hairs and/or a blue zone between white hair and other present colour.
 - vi. Two coloured mar or tail (not flaxen).
 - vii. White under belly
13. A Pinto may be white and any other colour such as bay, black, brown, chestnut, grey, palomino etc.
14. Breeding filly foals with less than the required colour markings but with authenticated Pinto ancestry may apply for recording with the appendix to the register. Solid coloured animals with authenticated Overo ancestry producing Overo progeny may apply for recording in the Appendix to the Register.

Definition of Coat Patterns

There are two basic coat patterns:-

15. **Tobiano** (pronounced toe-bee-ah-no)
The Tobiano Pinto is basically a white horse with patches of colour. It generally has white legs and white crossing the backbone (vertebrae). The head, chest, flank, buttock and often the tail are the usual dark areas. A variation of the Tobiano is the predominantly dark horse with white socks and white markings on the neck and or should and or buttock.
16. **Overo** (pronounced oh-vair-o)
The Overo Pinto appears as a dark horse with white markings. These markings are of irregular shape with jagged edges and normally originate on the horses side or belly, often spreading towards the neck, legs and back. Colour appears to frame the white areas. An Overo usually has a dark mane, tail, legs and backbone (vertebrae). Bald or white faces often accompanies the Overo pattern. Some Overos show white legs along with splashy white markings, seemingly made up of round, lacy white spots. The location of white on these horses is generally the same as the Overo description above. Another variation is a dark horse with a belly marking and little or no white markings, or the predominantly white horse with dark hair along the backbone.
17. Horses which show definite characteristics of the two markings patterns described above are referred to as Tobero.
18. Where the committee cannot positively identify the pattern of a horse by inspection and by known ancestry, the inspection report is to be endorsed accordingly. Such animals will be identified by their progeny.

Registration

19. Registration fees will be charged.
20. All horses admitted to the Register will be issued with a Certificate as evidence of such admission.

Classification Decisions

21. Classifiers may refuse to inspect any horse if:-
 - i. They consider the horse to be in starvation condition or in such a poor state of health that it would be difficult to reach a correct decision.
 - ii. They consider the horse to have a contagious disease.
 - iii. The horse has been insufficiently trained for them to be able to carry out a proper inspection.

22. The verdict of a Classifier may be appealed against on payment of the prescribed fees. Such appeal must be lodged with the Registrar of the Society within 14 days of the Classifiers giving their verdict. The Society will appoint different Classifiers to inspect the horse.

Veterinary Certificate

23. A Veterinary Certificate certifying the horse to be sound for breeding and free from hereditary faults must accompany the application for registration of a Stallion. On request a Veterinary soundness Certificate for a Mare may also be requested by the Committee if it suspects hereditary or reproductive system faults. The Society reserves the right to nominate a Veterinarian to carry out these examinations if deemed necessary.

Naming The Horse.

24. Members with breeding stock must record a name prefix or suffix and all horses bred by such member are to have the members's recorded name prefix or suffix included in their registered name. All breeding stock purchased "un-named" are to have the Members recorded name prefix or suffix included in the horses registered name.
All horses registered with another Society coming into the Registry should be registered with that name where no duplication occurs. If duplication does occur the name will be suffixed by the registering owners prefix or prefixed by the registering owners suffix.
25. Names including name prefix / suffix must not exceed 30 (thirty) letters (including spaces and punctuation).
26. The Registrar may refuse to allow any name which is considered to be misleading, misapplied or contrary to the interest of the Society.
27. The Registrar reserves the right to select a name.

Change of Horse's Name

28. The name of a registered Pinto shall not be changed unless the Society subsequently finds that an error was made in recording the name and upon any change being made in accordance with this regulation, a proper record shall be made by the Registrar in the Stud Book and elsewhere as may be required in order to avoid confusion.

29. The name of an identified foal may only be changed if the breeder and/or first recorded owner of the foal is in agreement with the change. Upon any change being made in accordance with this regulation, a proper record shall be made by the Registrar as may be required in order to avoid confusion.

Photographs

30. Photographs are required for registration. The number required will be stated on the application for registration form.
31. Photograph's taken from each side of the horse showing the greatest distribution of colour with the head turned towards the camera is required for the Pinto Society Registration files. Prints of the same photograph may be required as may prints from the other side.
32. The Registration Certificate will carry a print of the same photograph held in the Victorian Pinto Society registration files.
33. All photographs submitted for registration must contain a complete image of the horse in an 8 x 8 centimetre area.
34. Conventional prints are preferred.
35. The entire horse must be visible on all photographs and must be without saddlery, harness or rider.
36. Photographs must have been taken within three months of applying for registration.
37. All photographs submitted to the Victorian Pinto Society for registration purposes shall become the property of the Victorian Pinto Society.

Recognition of Ancestry

38. The Registrar will only recognise ancestry if it is authenticated by copies of service certificate stud slip, registration certificate of a breed Society or Statutory Declaration. Such documents must accompany the application for registration and foal recording.

Time Limit of Application for Registration

39. Any application for registration which has not been processed within three months of application for registration of the horse, because of default on the part of the applicant to pay any fee or fulfil any one of the above conditions as required by the Registrar may incur a penalty.
40. If the penalty conditions are not met, the application for registration will be considered void and any monies previously paid by the applicant will be forfeited.

Replacement Of Registration Certificates

41. Application for replacement of registration certificates may be made by the registered owner only and must be accompanied by a statutory declaration.
42. A fee will be charged for replacement of a Registration Certificate.

Registration Records Changes & Additions

43. Any unofficial alteration, addition, deletion or endorsement to a registration certificate or certificate of foal identification may render the registration invalid.
44. Any alteration or addition to registration certificates must be requested in writing and will be made by the Registrar.

De-Registration

45. The Registrar may cancel or amend the registration of any Pinto if:-
 - i. Any error is found to exist in the registration application.
 - ii. Hereditary defects are found
 - iii. It is a Stallion which becomes infertile
 - iv. It develops Appaloosa, Spotted, Palouse or Pintaloosa characteristics or consistently leaves progeny with Appaloosa, Spotted, Palouse or Pintaloosa characteristics.
 - v. [Point removed at A.G.M. 3-11-03]
 - vi. [Point removed at A.G.M. 3-11-03]
 - vii. At the owners request.
46. The committee may cancel the registration or make such correction to the records as becomes necessary.
47. De-Registration shall not constitute disqualification for re-registration except in the cases where the Pinto develops characteristics disqualifying it from registration.

Transfer Of Ownership

48. If the present owner is not the first owner, the application for registration must be accompanied by proof of ownership, with bill of sale, statutory declaration, or accompanied by copies of any other breed registration certificates pertaining to the said animal stating ownership.
49. The Registrar may at his/her discretion refer any applications unaccompanied by such proof of ownership to the Committee.
50. Where the transferor is not a financial member and/or is not available to sign an application for transfer, at the discretion of the committee, the purchaser may submit an application for transfer to his or her name provided that it is accompanied by a Statutory Declaration that he or she is the owner of the horse.
51. Within sixty (60) days of the sale or change in ownership of a registered Pinto the transferee must forward to the Registrar, an application for transfer signed by him/herself and the transferor and accompanied by the prescribed fee together with the registration certificate.
52. The transfer fee is payable by the transferee.
53. Where the registered owner sells, gives or leases a mare in foal, he must provide the new owner or lessee with the appropriate service certificate or signed declaration by the Stallion owner as evidence of such service.
54. If any of the above conditions are not met, a penalty may be imposed. If the penalty is not met then the member is deemed unfinancial until the penalty is paid in full.
55. If application for transfer is not made before a Pinto is exported from Australia to another country, the registration will be rendered inoperable.

Leasing

56. For a lease of a horse to be recognised by the Victorian Pinto Society whether for breeding, racing, showing or performance purposes, written notification of its existence must be filed with the registrar on the form provided.
57. The form must be signed by both the Lessor and Lessee or their nominee. If either lessee or lessor are under eighteen years of age then the signature of a parent or gaurdian will be required.
58. The notice shall provide the effective date of lease and may provide a termination date signed by both lessor and lessee.
59. A fee will be charged to record a lease. No additional fee shall be charged for termination whether automatic or by subsequent notice thereof.

Breeding Documents and Returns

60. Any person owning or leasing a registered Pinto Stallion shall issue a service certificate for every mare covered.
61. Service certificates will be in triplicate and distributed as follows:-
Original – Forwarded to the Registrar.
Duplicate – Forwarded to the mare owner upon payment of service fee.
Triplicate – Retained by the Stallion owner.
62. The service certificate must be signed by the registered owner of the stallion or his/her authorised nominee.
63. Service certificates completed in all details and signed must be forwarded to the Registrar upon application for registration with the Victorian Pinto Society Inc.
64. Service certificates are available from the Victorian Pinto Society Inc. and will only be supplied to full financial members.
65. [Point removed at Committee Meeting 9.7.14]
66. [Point removed at Committee Meeting 9.7.14]

Artificial Insemination

67. Artificial Insemination is only permitted where the semen is collected and the mare is inseminated by a Veterinary Surgeon or a Technician approved by the Society and a Statutory Declaration as to the authenticity of the semen donor is supplied to the Society.
68. The Victorian Pinto Society Inc. will recognise the particulars of the Sire of any foal begotten by Artificial Insemination only if the conditions of Clause 67 have been complied with and the application is accompanied by a Veterinary Certificate stating that the artificial insemination was carried out in accordance with that clause.
69. After the 1st August 1982, no foal or horse is eligible for registration if it has been bred by artificial insemination in any other way than in compliance with clause 67.

Blood Typing

70. The Committee reserves the right to have Blood Typed at the owners expense, any animal should the authentication of breeding be in dispute.

Castration of Stallions

71. When a registered Stallion or Foal Recorded Colt is castrated the registered owner must notify the Registrar within sixty (60) days and return the registration form. The Pinto will be transferred into the Gelding Division and a new certificate issued.
72. Failure to comply with the conditions of Clause 71 will render the registration inoperative and the Gelding will not attract the facilities of the Victorian Pinto Society.

Death Of Registered Stock

73. The registered owner must notify the Registrar on the death of any Pinto and return the Registration Certificate for endorsement.
74. The Registration Certificate will be returned when the office of records have been altered.

Branding

75. Branding is recommended. Appendix S mares must be branded.
76. If desired the horse may be branded with the breeding number over the last number of the year of foaling providing such brand is positioned on the off shoulder.
77. If desired the horse may be branded with a breeding brand on the near shoulder.
78. The Society will recognise/accept freeze branding if carried out in accordance with the Victorian Horse Council recommendations

Age Of Horse

79. The age of the horse shall be computed on the basis of a Calendar year starting on August 1st of the year foaled. It is a weanling during the calendar year in which foaled and a yearling in the first calendar year following its foaling date, regardless of the time of year foaled.

Classifications

80. [Point removed at Committee Meeting 9.7.14]
81. [Point removed at Committee Meeting 9.7.14]
82. Deleted.
83. [Point removed at Committee Meeting 9.7.14]
84. [Point removed at Committee Meeting 9.7.14]
85. [Point removed at Committee Meeting 9.7.14]

Appeals

- 86.i. If a horse is rejected the owner may request a second inspection by three independent inspectors all on the same day who have not previously inspected the horse. The owner must pay a second inspection fee, plus expenses. This fee will not be refunded. Two (2) rejections shall be considered final.
- ii. No animal that has been rejected by three (3) independent inspectors on the one day shall be reinspected until a maximum period of 90 days has elapsed from the date of the last inspection.
- iii. Registration decisions of the Executive Committee shall be considered final. These cases may not be resubmitted either by the same owner or under new ownership.
- iv. All Certificates are issued with the right to cancel or revoke.

Powers Of The Committee

88. Powers of the Committee to accept or refuse identifications and/or registrations in certain cases:-
 - i. Notwithstanding anything in these Regulations, the Committee may refuse any particular application for identification or registration where the Committee so resolves.
 - ii. Notwithstanding anything in these Regulations, a Member may request that the Committee identify or register an animal which does not conform to the requirements of these regulations. The member shall submit the request to the Committee with any and all relevant information supporting the application. The Registrar/Secretary shall compile a report of all circumstances; the Committee may appoint three (3) or more inspectors to inspect the animal. The committee upon receipt of the Secretary/Registrar's report and inspectors report will then determine the application. Such application must be accompanied by a non refundable fee of \$100.00.
 - iii. Inserted 2.9.08. The Committee has the power to suspend any registration for any period of time that they see fit. Those animals whose registrations are suspended cannot be shown or compete at any competition for registered Pintos whilst their registrations are suspended. Those animals whose registrations are suspended cannot breed a registered Pinto while under suspension. Any progeny begot from any mating of an animal while under suspension will not be eligible for registration with this Society. Any animals whose registration is suspended cannot have any transfer of ownership made through this Society whilst under suspension.

Registration Procedure

89. Application.

- i. Application for Registration must be made on the current official form.
- ii. Application for Registration will only be accepted from full financial members.
- iii. All information required on the application form must be clearly set out in ink, ballpoint pen or typewriting and the application must be signed by the applicant. In the case of the applicant being under 18 years of age the applicant's parent or guardian must also sign.
- iv. If the applicant is a Company or Partnership then the application must be in the same name as that appearing in the Membership records and must be signed by the authorised name.
- v. Application for Registration will be accepted for animals residing in the state of Victoria, with the current owner / member also residing in the state of Victoria.

90. Eligibility.

- i. For the purpose of these regulations a Pinto is a horse or pony that meets the requirements of rule 1 to 13 inclusive and which falls within the following categories as from the 1st day of February 1984.
 - (a) Pinto Stallion or Colt (S)
 - (b) Pinto Mare or Filly (M)
 - (c) Pinto Gelding (G)
 - (d) Hardship Stallion (HS)
 - (e) Foal Recorded Colt (FRC)
 - (f) Foal Recorded Filly (FRF)
 - (g) Foal Recorded Gelding (FRG)
 - (h) Foundation Pinto Mare 11. (F1)
 - (i) Foundation Pinto Mare 1 (FM)
 - (j) An Appendix Pinto Mare (RAM)
 - (k) An Appendix S Mare (AS)
- ii. A "Pinto Stallion" is defined as:-
 - (a) Stallions Classified & registered by the Victorian Pinto Society Inc. prior to the 1st November 1997.
 - (b) The Registered coloured progeny of a Stallion registered in this Society's Stud Book or a registered Stallion of an approved breed and a "Pinto Mare" registered in this Society's Stud Book (excluding foundation or appendix mares) or a registered mare of an approved breed.
 - (c) A registered coloured Stallion that is also a registered Stallion or an approved breed.

- iii. A "Pinto Mare" is defined as:-
- (a) Mares registered as "A" and "B" Grade Pinto Mares by the Victorian Pinto Society Inc. prior to the 1st November 1997.
 - (b) The coloured progeny of a Stallion registered in this Society's Stud Book or a registered Stallion of an approved breed and a dam registered in this Society's Stud Book as a "Pinto Mare" or as a Foundation Pinto Mare 11 or a dam that is a registered Mare of an approved breed.
 - (c) A coloured mare that is a registered mare of an approved breed.
- iv. A Foundation Pinto Mare 11 is defined as:-
Mares that are the female progeny of a Mare registered as "Foundation Pinto Mare 1" in this Society's Stud Book and a sire registered in this Society's Stud Book or a registered Stallion of an approved breed.
- v. A Foundation Mare 1 is defined as:-
The female progeny (coloured) of a mare recorded as an Appendix Pinto Mare in this Society's Stud Book and a sire registered in this Society's Stud Book or a registered Stallion of an approved breed.
- vi. Appendix Pinto Mare is a mare that meets rules 1-14 but is of unknown breeding.
- vii. An Appendix S Mare is a solid coloured mare or a mare that fails the colour requirements of rules 8-12 and that is the progeny of a mare registered in any of the above categories and a sire registered in this Society's Stud Book or that is a registered Stallion or an approved breed or a progeny of a registered mare of an approved breed and a stallion registered in this Society.
- viii. A Pinto Gelding is defined as:-
- (a) A coloured Gelding of an approved breed.
 - (b) A coloured Gelding that previously met rules 90ii (a) or 90ii (b)
 - (c) A coloured Gelding the result of any mating indicated above.
- ix. Those mares photo recorded by the Victorian Pinto Society prior to the 1st February 1984 will be reviewed by the existing Committee and placed according to breeding in their appropriate categories.

- x. A Pinto may be submitted for registration as:-
 - (a) A Pinto Stallion provided that they meet rules 1-13 and ii (b) or ii (c) and the application is accompanied by a Veterinary Certificate as per regulation 23.
 - (b) A Pinto Mare provided that they meet rules 1-13 and rules 90iii (b) or (c).
 - (c) A Foundation Pinto Mare 11 provided they meet rules 1-13 and 90iv.
 - (d) A Foundation Pinto Mare 1 provided they meet rules 1-13 and 90v.
 - (e) An Appendix Mare provided they meet rules 1-6.
 - (f) An Appendix S Mare if they meet the requirements of 90 x (b), (c) or (d) and rules 1 and 2.

- ix. The Application for Registration shall be:_
 - (a) Lodged by a full financial member of the Society.
 - (b) Submitted in the prescribed form containing all information as Committee may from time to time require.
 - (c) Accompanied by the fee prescribed in the regulations.
 - (d) Accompanied by photographs as stated on the application form.
 - (e) [Point removed at Committee Meeting 9.7.14]
 - (f) Animals registered in an approved Stud Book may be exempted for any penalty as in (e) above.
 - (g) Should the Registrar or Committee insist upon inspection for colour requirements before accepting the application and for the purpose appoint an Inspector the expenses of such Inspector which shall be held at a time and place determined by the committee shall be borne by the applicant for registration.

- xii. The committee may arrange for classifications of Stallions and Mares submitted for registration.

91. Foal Recording.

Unless otherwise determined by the committee in relation to any particular application the following regulations shall apply for foal recording.

- xiii. A foal may be recorded in the Society's foal recording as:-
 - (a) A Pinto Colt provided such Colts are bred as under regulation 90ii (b) or (c) and meet the colour requirements.
 - (b) A Pinto Filly provided such Fillies are bred as under regulation 90ii (b) or (c) or iv or v.
 - (c) An Appendix Filly provided such Fillies meet rules 1-vi and vii-xiii.
 - (d) An Appendix S Filly provided such Fillies meet the requirements of 90x (b) or (c) or (d) and rules 1 & 2. These Fillies cards will be transferred to the Adult Appendix S Records when they reach age. (These Fillies can not be shown)
 - (e) A Pinto Gelding provided they meet the requirements of 90viii (b) or (c).

- xiv. Each Application for recording shall be:-
- (a) Submitted on the prescribed form containing all information as Committee may from time to time require and be accompanied by a certificate of service (except for appendix fillies) and such other evidence of breeding such as requires the appropriate registration.
 - (b) Lodged by a full financial member of the Society
 - (c) Accompanied by the coloured photographs as required on the application form.
 - (d) Accompanied by the prescribed fee.
 - (e) Should be lodged before the animal reaches 12 months of age.
 - (f) If recorded/identified in an approved Stud Book be accepted until they reach the age of 2 years of age.
- xv. Should the Registrar or committee insist upon inspection of colour requirements before accepting the application and for the purpose appoint an Inspector, the expenses of such classification, which shall be held at a time and place determined by the Committee, shall be borne by the applicant for identification.
- xvi. A foal recorded Filly or Gelding cannot be shown in classes for registered Pintos upon reaching the age of 2 years.
- xvi (a) A Foal recorded Stallion or Colt cannot be shown in classes for registered Pintos upon reaching the age of 4yrs.
- xvii. Appendix S identified Fillies can not be shown.

92. Showing.

- i Full financial members that are owners of any Pintos adult registered or foal recorded with this Society may purchase a current performance card each season for identification purposes to be eligible to compete for end of season awards. A current side photo of the Pinto for whom the performance card pertains to must be sent in with the official application form and fee. Only those shows attended after the purchase of the performance card will be counted toward end of season awards.
- ii. Pintos may only be shown in one led pinto class per programme. Exhibitors must choose between height and age classes and enter one Pinto per programme.

- iii. Only those Pintos two (2) years of age and older that are adult registered with this Society will be eligible for any end of season awards given by this Society, those foal identified & under 2yrs may accumulate merit points.

Interstate Showing

- 92A. Pintos that are adult registered or foal identified with this Society may count Interstate performances on their performance cards toward end of season awards so long as the number of Victorian shows is greater than the number of Interstate shows.

Classified

- 93. For the purpose of these Rules and Regulations the word classified means to have satisfactorily passed the standard as set down from time to time by the Society.

Fading Pintos

- 94. The showing privileges for Pinto classes will be withdrawn from any animal which in the opinion of the committee, has faded to the extent that they are not visibly recognised as a Pinto. All grey and white, dilute, double dilute, perlino, cremello & palomino Pintos entering shows held by this Society, will be required to present on the morning of the show prior to commencement of judging, for colour inspection, to the Society Registrar, before their entries will be considered accepted.

Advertising

- 95. The advertising and/or promotion of solid coloured animals, be they sired by, out of, or not related to any registered Pinto, and either owned by a member of this Society or not, may be printed in either the Society's newsletter or yearbook for the purpose of advertising a stallion at stud.

List Of Fee (1-8-06)

- 95. As per the Victorian Pinto Society Inc. website.
The fee schedule may be waived at the discretion of the Committee.
[Point 93 updated at Committee Meeting 9.7.14]

Eligibility To Stand For Committee

96. (Inserted 6-7-04)

Any person wishing to nominate for Committee must have been an individual full financial member of this Society for at least one complete financial year, prior to, and leading up to the year in which they are nominating.

Hair Testing Requirements

97. (Inserted 30-03-11)

Owners of any animal that the committee deem necessary to undergo hair testing shall bear all associated costs. A society hair testing form shall be provided by the Registrar at no cost. The society hair testing form shall require a veterinarian to identify the animal, collect the hair and submit both the form and the sample to the society.

Extreme Weather & Cancellation Policy

98. (Inserted 30-03-11)

In accordance with the extreme weather & cancellation policy, if cancellation of an event is required due to existing or predicted severe and dangerous conditions such as Code Red Fire Warning, Flood or Travel Warnings or Disease Outbreaks, competitors will be advised 24hrs prior to the event.

Refund Policy

99. (Inserted 30-03-11)

- i. If an event has commenced there shall be no refunds.
- ii. If an event is cancelled prior to the commencement of the event, all event costs incurred by the Society prior to the event will be paid and the remaining funds will be reimbursed to the exhibitor if the amount per exhibitor is \$2.00 or more.
- iii. If an event is postponed, entry fees will not be refunded without written request from the exhibitor within seven (7) days of the notification of postponement.

Whip Length Limitations

100. (Inserted 9-8-17)

All members must not use or carry any whips, canes, crops or hacking canes exceeding 75 centimetres in its entirety (including the tassel) when leading, riding or holding a horse or pony.

This rule applies to all Pinto classes and events (excluding dressage and harness)

EG. All VPS conducted events and all Pinto classes at Agricultural, Breed Show, Royal Events, Open Horse Shows and Horse of The Year Events.

