



CONSTITUTION

Of

The Miniature Horse Association of Australia Inc.

To take effect from 11th November, 2011 and to replace all previous Constitutions

FOREWORD

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The Miniature Horse Association of Australia Inc. was founded in November 1989 to provide for an Association dedicated wholly and completely to one breed of horse - the MINIATURE HORSE.

The Miniature Horse is a separate and distinct breed, regardless of the existence of other small pony breeds, or other Societies, or country of residence. It is a breed that is worldwide yet, like any breed, is recognized everywhere.

The Miniature Horse is a truly unique and special little horse. It is beautiful and elegant, highly Intelligent and personable, tractable and affectionate. They may be of subtle colour or spectacular, a show horse or companion, a stud horse or performance horse and they may be all these at once.

Any colour or pattern is equally acceptable, as is any eye colour: The breed standard provides "If there were no size reference, the Miniature Horse might give the illusion of being a full sized horse".

The general impression should be one of refinement, symmetry, agility, and an alert intelligence.

There are two height categories;

MINIATURE HORSE - (not exceeding 34" as an adult)

and

SMALL HORSE (not exceeding 38" as an adult) There are also height for age requirements.

Membership in MHAA is a privilege available to all persons who subscribe fully to the aims and the Objects, Rules and Regulations, and decisions and actions of the Association.

Regular and Youth membership is open to persons who own registered Miniature Horses and/or who wish to register Miniature Horses.

Only Full Regular Members have voting rights, the ability to measure horses for Members and hold positions in the Association. All memberships are renewable on 1st August each year. Any time a change in class of membership is needed a new application must be filled out.

The Official Publication is published by MHAA four times each year. This publication is an excellent source of information about the breed, the Studs involved, the care and management of Miniature Horses, and current events and results. A Breeders list is also available on request; this comprises Breeders and Studs who wish to be listed as contacts for prospective purchasers as well as existing Members.

Miniature Horses may be exhibited at many shows throughout Australia. This gives Breeders and Exhibitors opportunities to show their horses, to the general public as well as for competition.

The Constitution, General Rules and Regulations and Show Rules presents all the current Rules and Regulations of the Association. Should there be any queries which are not answered herein, you are welcome to contact the Association.

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The Constitution of The Miniature Horse Association of Australia Inc

NAME OF ASSOCIATION

ARTICLE 1:

1. The name of the Association is:

Miniature Horse Association of Australia Inc.

OBJECTIVES OF THE ASSOCIATION

ARTICLE 2:

1 The objectives of this Association are:

- (a) to promote the identity, popularity and perpetuation of the Miniature Horse Breed;
 - (b) to aid and encourage the breeding, exhibiting, use and purpose of miniature horses; promote and co-ordinate miniature horse show activities; promote and encourage exhibiting of miniature horses in open classes; co-ordinate and co-operate with the Royal Agricultural Society in providing qualified horse Judges for miniature horse shows; and in devising and adopting miniature horse show rules, regulations and standards;
 - (c) formulate publicity and educational programmes and other activities in the interest of miniature horse owners, miniature horse Associations, Clubs and enthusiasts, for the purpose of stimulating popular interest in the miniature horse; and to promote continuing education of Members and the general public in the care, management and use of miniature horses;
 - (d) to co-operate with other Organizations with similar interests in miniature horses;
 - (e) to own, operate and maintain a Registry and Stud Book for miniature horses, either solely or in co-operation with other Organizations;
 - (f) to engage in any manner of business to raise money for the purposes above recited;
 - (g) to engage in any and all forms of business transactions or enterprises a natural person might do, except as limited by law;
 - (h) to publish and distribute an official publication to forward the aims, ideals and news of the Association, its Members and other interested parties;
 - (i) to receive donations, bequests, and devises of property both real and personal;
 - (j) to own, hold, purchase, trade, sell, exchange and deal in, and otherwise dispose of, all kinds of real and personal property;
 - (k) to do any and all things necessary or appropriate to accomplish Objects and purposes as stated herein and as set forth in the Articles of Incorporation.
2. The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Members, except in good faith in the promotion of these Objects.

DEFINITIONS

ARTICLE 3:

In these Articles, unless the contrary intention appears –

Committee Meeting means meeting referred to in Article 16;

Committee Member means person referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) of Article 10 (1);

Financial year has the meaning given by section 3 (1) of the Act, a reference in that section to -

(a) an Incorporated Association or the Association being construed as a reference to the Association; and

(b) the Committee being construed as a reference to the Committee;

General Meeting means meeting convened under Article 17;

Meeting - any National Committee, State Committee, Special General or General meeting may be by Face to Face, Video link or Teleconference, same to be determined by the Committee.

Member means Member of the Association;

Ordinary Resolution means resolution other than a special resolution;

Special Resolution has the meaning given by section 24 of the Act;

The Act means the Associations Incorporation's Act 1987;

The Association means the Association referred to in Article 1;

The Committee means the Committee of Management of the Association referred to in Article 10 (1);

The President means -

(a) in relation to the proceedings at a Committee Meeting or a General Meeting, the person presiding at the Committee Meeting or General meeting in accordance with Article 11;

or

(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in Article 10 (1) (a) or, if that person is unable to perform his or her functions, the Vice President;

The Secretary means the Secretary referred to in Article 10 (1) (c);

The Treasurer means the Treasurer referred to in Article 10 (1) (d);

The Vice President means the Vice-President referred to in Article 10 (1) (b),

The Registrar means the Registrar referred to in Article 10 (1) f.

MEMBERSHIP OF ASSOCIATION
ARTICLE 4:

1. Membership shall be open to all persons who subscribe to the Objects of the Miniature Horse Association of Australia Inc., agree to abide by its Constitution, General Rules and Regulations and Show Rules and who apply for membership. Members of the Association shall be admitted, retained, reprimanded, fined, suspended or expelled in accordance with the Constitution, General Rules and Regulations and Show Rules, as the membership may from time to time adopt. In all matters of elections governed by a vote of the Members, each Regular Member in good standing who has attained the age of eighteen (18) years shall be entitled to one vote.

2. Classes of Membership are as follows:

(a) Regular Members – are those persons who have applied for and been accepted to membership in the Association by the Committee, and who are not in arrears in payment of their annual dues.

(b) Deleted as per voting 2011.

(c) Youth Members - are those persons up to and including the age of seventeen (17) years as of 31 July in that year of Membership, who are interested in the Objects and purposes of the Association; who may or may not own a miniature horse at the time of application for membership; who have applied for and been accepted to membership in the Association by the Committee, and who are not in arrears in payment of their annual dues. Membership applications and any subsequent registration applications/transfers/leases submitted by a Youth Member must carry the signature of a parent or guardian nominated at the time of joining the Association.

(d) Deleted by Member resolution.

(e) Family Membership - is a combination of the rules as outlined in Sections (a) (b) and (c) covers the nominated Member, his or her Life Partner and their children. Children are defined as up to and including the age of seventeen (17) years as of 31st July of that year of Membership. Grandchildren of the nominated Member are not included.

(f) Syndicates/Partnerships - The MHAA recognize syndicates and partnerships in the ownership/lease of registered horses. (As these are derived memberships and have no voting rights) National Committee has affirmed that all Members of those syndicates and partnerships MUST individually be Members of MHAA. (a once only prefix registration fee is payable if that is required by the Members of these syndicates and partnerships to formally register and record their joint interest in the horses.

(g) Deleted by Member resolution.

(h) School membership is a combination of the same rules as in section (a) and (b). The nominated School Representative is covered by this section. All participating school students must take Youth Membership as per (c)

(i) Joint Members – two Adult people (18 years and over), not necessarily from the same family but may be, who may or may not own horses. The horses will be registered in both names, the membership will be entitled to one vote.

(j) Handler Members – are those persons who are interested in the Objects and purposes of the Association but who do not own a miniature horse but wish to show for another Member and who have applied for and been accepted to membership in the Association by the Committee, and who are not in arrears in payment for their annual dues.

(k) Membership shall be non transferable.

3. Application for Membership - Membership in the Association is a privilege, not a right, and all applications for membership must be made to the Committee in writing -

(a) Signed by the person wishing to become a Member, and by both the Members referred to in paragraph (c); and

(b) In such form as the Committee from time to time directs; and

(c) Using the correct Application Form, together with the prescribed joining fees.

4. The Secretary and Treasurer shall process each new membership received without prior approval from the Committee unless deemed necessary.

5. Change in class of membership - Should a change in class of membership be required, one must file a new application for that class, and be approved for that class.

REGISTER OF MEMBERS OF ASSOCIATION

ARTICLE 5:

1. The Registered Office of the Association shall keep and maintain the Register of Members in accordance with Section 27 of the Act..

2. The Registered Office shall cause the name of a person who ceases to be a Member under Article 6 (4), Article 8 (1) or Article 9, to be deleted from the register of Members referred to in sub rule 1.

3. Once instructed by the appropriate authority the Registered Office shall cause the name of a person who dies to be deleted from the register of Members referred to in sub rule 1.

SUBSCRIPTIONS OF MEMBERS OF ASSOCIATION

ARTICLE 6:

1. The Committee shall from time to time at a Committee Meeting, determine the amount of subscription to be paid by each Member.

2. Every Member shall pay to the Treasurer, annually on 1st August, or within 3 months thereafter the amount of subscription determined in sub rule 1.

3. A Member is a Financial Member for the purposes of these rules if his or her subscription is paid on or before 1st August each year.

4. Subject to sub rule 3, a Member whose subscription is not paid by 1st August, shall automatically lose all membership privileges, further a Member whose subscription is not paid by 1st November shall automatically be dropped from membership in the Association.

LIABILITY OF MEMBERS

ARTICLE 7:

The liability of a Member of the Association to contribute towards the payments of the debts and liabilities of the Association, or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of membership of the Association as required by Article 6, or as provided by law.

RESIGNATION OF MEMBERS OF ASSOCIATION
ARTICLE 8:

1. A Member who delivers notice in writing of his or her resignation from the Association to the Secretary or another Committee Member, ceases on that delivery to be a Member.
2. A person who ceases to be a Member under sub rule 1, remains liable to pay to the Association the amount of any subscription due and payable by the person to the Association but unpaid at the date of that cessation.
3. That any National Committee Member, State Committee Member or State Representative that resigns his/her position before completing his/her elected term of Office is not allowed to stand for any position on a National or State Body at the next election.

EXPULSION OF MEMBERS OF ASSOCIATION
ARTICLE 9:

1. If the Committee considers that a Member should be expelled from membership of the Association because of his or her conduct is detrimental to the interests of the Association, the Committee shall communicate, either orally or in writing, to the Member -
 - (a) Notice of the proposed expulsion and of the time, date and place of the Committee Meeting at which the question of that expulsion will be decided: and
 - (b) Particulars of that conduct, not less than 30 days before the date of the Committee Meeting referred to in paragraph (a).
2. At the Committee Meeting referred to in a notice communicated under sub rule 1, the Committee may, having afforded the Member concerned a reasonable opportunity to be heard by, or to make representation in writing to expel or decline to expel that Member from membership of the Association and shall, forthwith after deciding whether or not so to expel that Member, communicate that decision in writing to that Member.
3. Subject to sub rule 5, a Member who is expelled under sub rule 2 from membership of the Association ceases to be a Member fourteen (14) days after the day on which the decision so to expel him or her is communicated to him or her under sub rule 2.
4. A Member who is expelled under sub rule 2 from membership of the Association shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub rule 3.
5. When notice is given under sub rule 4 -
 - (a) The Association in a General Meeting may, after having afforded the Member who gave that notice a reasonable opportunity to be heard by, or to make representation in writing to, the Association in the General Meeting, confirm or set aside the decision of the Committee to expel that Member; and
 - (b) The Member who gave that notice does not cease to be a Member unless and until the decision of the Committee to expel him or her is confirmed under this sub rule.

COMMITTEE OF MANAGEMENT
ARTICLE 10:

1. The affairs of the Association shall be managed exclusively by a Committee of Management consisting of:

(a) a President

(b) a Vice-President

(c) a Secretary

(d) a Treasurer

(e) Deleted by Member Resolution.

(f) a Registrar, and

(g) Other Committee Members including the position of the Editor/Publicity Officer, to a maximum of nine (9) Committee Members including Office Bearers all of whom shall be Members of the Association elected to the membership of that Committee at an Annual General Meeting or appointed under sub rule 9.

(h) At no time can any person elected to Committee hold any more than one position apart from the position of State Representative unless there are no other candidates and they are in a caretaker role. The Committee of Management shall never include two Members from the one family, Stud, training establishment or other single entity.

(i) Committee and Office Bearer positions are available to current Members of no less than one (1) year membership and in good standing with the Association. Positions of President and Vice President can only be held by a Member who has had one year or more experience on National Committee, unless extreme circumstances occur and Committee deem this unnecessary. As the Association grows larger and becomes more professional, this would ensure that we always had Members with known expertise in these areas.

All Committee Members and Office Bearers agree to abide by a code of ethics and confidentiality of the Miniature Horse Association of Australia Inc whilst serving in such position wherein all Committee business is confidential until such time as those matters have been resolved and minutes of the meeting have been confirmed and made public to all Members. Having been elected by Members of the Association all business will be treated fairly without prejudice or discussion outside Committee. Any Office Bearer or Committee Member who is found to have disregarded this article may be required to resign his or her position at the discretion of the balance of Committee.

(j) In the event that an elected Executive Officer, is unable to complete the duties of that office, but still able to contribute to the Committee of Management, may, with the endorsement of the Committee of Management, stand down from that position and take up a vacant position on Committee of Management provided one is available. A current Committee Member may then with the Committee of Management endorsement take on the roll of that Executive position in a caretaker roll until the next election and will also be eligible to apply for that position at the next election. The vacating Member will be ineligible to stand for that position at the next election.

2. At the commencement of the first Annual General Meeting to be held after the incorporation the Association under the Act –

(a) If the Committee consists of an even number of Members, half of that number,
or

(b) If the Committee consists of an odd number of Members, the integral number of Members nearest to, and exceeding half of that odd number, the Members comprised in which integral number, shall be chosen by ballot, shall cease to be Committee Members, but shall be eligible for re-election to membership of the Committee.

3. At the commencement of each successive Annual General Meeting, after the Annual General Meeting referred to in sub rule 2, those four (4) Committee Members who have served for longer periods than the other Committee Members shall cease to be Committee Members, but shall be eligible for re-election to membership of the Committee.

4. Subject to sub Rule 5, a person is not eligible for election to membership of the Committee unless a Member has nominated him or her for election by delivering notice in writing of that nomination, signed by

(a) The nominator; and

(b) The nominee to signify his or her willingness to stand for election, to the Secretary not less than 28 days before the day on which the Annual General Meeting concerned is to be held.

5. Sub Rules 4 and 7 do not apply to or in relation to a person who is eligible for re-election under sub rule 2 or 3.

6. A person who is eligible for election or re-election under this rule may at the Annual General Meeting concerned –

(a) Propose or second himself or herself for election or re-election; and

(b) Vote for himself or herself.

7. The Secretary shall ensure that notice of all persons seeking election to membership of the Committee is given to all Members when notice is given to those Members of the calling of the Annual General Meeting at which that election is to be held. Under no circumstances shall a Nomination for National Committee of Management, State Representative or Committee Position be forwarded to the Members for consideration or to be voted upon without the proposer's and or proposer and seconder's names attached to that Nomination.

8. If the number of persons nominated for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled –

(a) The Secretary shall report accordingly to; and

(b) The President shall declare those persons to be duly elected as Members of the Committee at the Annual General Meeting concerned.

9. When a casual vacancy within the meaning of Article 15 occurs in the membership of the Committee –

(a) The Committee may appoint a Member to fill that vacancy; and

(b) A Member appointed under this sub rule shall –

(i) Hold office until the commencement of; and

- (ii) Be eligible for election to membership of the Committee at the following General Meeting.

DUTIES OF THE PRESIDENT

ARTICLE 11:

1. Subject to this rule, the President shall preside at all General Meetings and Committee Meetings.
2. In the event of the absence from –
 - (a) A General Meeting of
 - (i) the President, the Vice-President; or
 - (ii) both the President and the Vice President, a Member elected by the other Members present at the General Meeting; or
 - (b) A Committee Meeting of –
 - (i) the President, the Vice-President; or
 - (ii) both the President and the Vice-President, a Committee Member elected by the other Committee Members present, shall preside at the General Meeting or Committee Meeting, as the case requires.
3. The President shall be Chief Officer of the Association and shall enforce the Constitution, General Rules and Regulations and Show Rules of the Association, and perform the duties incident to the position and Office, and which are required by law, and shall perform all other duties that may be prescribed from time to time by the Committee.
4. The President shall be an ex-officio Member of all Sub-committees.

DUTIES OF THE SECRETARY

ARTICLE 12:

The Secretary shall –

1. Co-ordinate the correspondence of the Association;
2. Keep full and correct minutes of the proceedings of the Committee and of the Association;
3. Comply on behalf of the Association with –
 - (a) Section 27 of the Act in respect of the Register of Members of the Association;
 - (b) Section 28 of the Act in respect of the Rules of Association; and
 - (c) Section 29 of the Act in respect of the Record of Office Holders, and any trustees, of the Association;
4. Have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (3), other than those required by Article 13 to be kept and maintained by, or in the custody of, the Treasurer and
5. Perform such other duties as are imposed by these rules on the Secretary.
6. Provide to each State Representative a full and up to date Membership list of their State.

DUTIES OF THE TREASURER
ARTICLE 13:

The Treasurer shall –

1. Comply on behalf of the Association with Sections 25 and 26 of the Act in respect of the accounting records of the Association.

Section 25:

An incorporated Association shall:-

- (a) Keep such accounting records as correctly record and explain the financial transactions and financial position of the Association;
- (b) Keep its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time; and
- (c) Keep its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited.

Section 26:

Requires that accounts showing the financial position of the Association be submitted to Members at the Annual General Meeting.

2. Make payments from the funds of the Association with the authority of the National Committee and in so doing, ensure there are sufficient funds available in the Association bank account.

3. Ensure that at least one (1) other authorized signatory from the National Committee counter signs all cheques.

NOTE: Three (3) National Committee Members must be appointed as signatories by the National Committee, with any two (2) to sign, one being the current Treasurer.

4. A full Financial Statement of Income, Expenditure and Balance Sheet be tabled to every Committee Meeting and published in each edition of the official publication.

5. That a full independent Audit be carried out on the finances of the Association every year in time to be presented at every AGM for approval by the Members of the Association at the AGM and published in the next edition of the official publication.

6. Perform such other duties as are imposed by these rules on the Treasurer.

DUTIES OF THE STATE REPRESENTATIVE
ARTICLE 14

Apart from the Office Bearers and Committee there shall in addition be a State Representative for each State or Territory (who may also be elected as an Office Bearer or Committee Member).

- (d) Each State Representative is required to act as a chairperson to a compulsory State Committee with the Members of the Committee elected by the votes of all State Members.
- (b) Each State Representative shall represent the majority or consensus view of the State Committee in all matters dealt with by the Committee of Management.
- (c) The State Representative in each State is required to:
 - (1) Be a contact point for all Members in their respective State and be able to answer questions relating to registrations, issue forms and general information.
 - (2) Organize and co-ordinate shows, display days and general fundraising.

- (3) Periodically submit to the Committee of Management a report on the organization and co-ordination of shows, displays etc.
 - (4) Manage all funds allocated by the Committee of Management to each State each year.
 - (5) Arrange for books to be kept for management of the State funds and provide a financial statement quarterly to the State Committee and annually to the Committee of Management.
 - (6) On a timely basis provide the necessary invoices and other documentation to enable the completion of returns required by the Australian Taxation Office such information to be provided in a format determined by the Treasurer of the Association.
- (d) Manage all State affairs in conjunction with a State Committee in accordance with the following requirements:
- (7) The Committee shall comprise of no more than six Regular Members plus the State Representative who shall be Chairperson.
 - (8) Elections for State Representative and State Committee shall be held following the end of the show season in each State so that (subject to show seasons) elections in all States except Queensland shall take place in May, and in Queensland September.
 - (9) Voting for election shall be postal vote, following in general the Rules for postal voting at an AGM of the Association, but the Returning Officers shall be Office Bearers or Committee Members of the Association.
 - (10) Any casual vacancy shall be filled by the Member who receives the highest votes of any unsuccessful candidate at the last election and is willing to still accept nomination, but if there is no such Member, then the State Committee shall fill the vacancy by vote.
 - (11) Each State Committee Member including the State Representative shall have a deliberative vote, which shall be made in person, but in the case of an equality of votes the State Representative shall in addition have a casting vote.
 - (12) Questions shall be decided by simple majority vote.
 - (13) The quorum for a meeting shall be half the number of the Members elected plus one.
 - (14) The State Representative and State Committee shall maintain close co-ordination with the Secretary of the Association on all matters.
- (e) In the event that an elected State Representative is unable to complete the duties of that Office, but is still able to contribute to the Committee that they represent, may, with the endorsement of the said Committee, stand down from that position and take up a vacant position on the said Committee provided one is available. A current Committee Member may then with the said Committee's endorsement take on the roll of State Representative in a caretaker roll until the next election and will also be eligible to apply for that position at the next election. The vacating Member will be ineligible to stand for that specific position at the next election.

CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE ARTICLE 15

A casual vacancy occurs in the office of a Committee Member and that Office becomes vacant if the Committee Member –

- (a) Dies;

- (b) Resigns by notice in writing delivered to the President or, if the Committee Member is the President, to the Vice President;
- (c) Is convicted of an offense under the Act;
- (d) Is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than –
 - (i) three (3) consecutive Committee Meetings; or
 - (ii) three (3) Committee Meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of those Committee Meetings; or
- (f) Ceases to be a Member of the Association.

PROCEEDINGS OF COMMITTEE

ARTICLE 16

1. The Committee shall meet together for the dispatch of business not less than two (2) times in each calendar year and the President may at any time convene a meeting of the Committee.
2. The Committee is at all times responsible for handling the affairs of the Association, except where otherwise dictated by law.
3. Each Committee Member has a deliberative vote, which may be presented in person, by proxy in writing given to another Committee Member present at the meeting, or by postal, fax or email vote delivered to the Secretary.
4. A question arising at a Committee Meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Committee Meeting shall have a casting vote in addition to his or her deliberative vote.
5. At a Committee Meeting five (5) Committee Members present either in person or by teleconference constitutes a quorum.
6. Subject to these rules, the procedure and order of business to be followed at a Committee Meeting shall be determined by the Committee Members present at the Committee Meeting.
7. A Committee Member having any direct or indirect pecuniary interest referred to in Section 21 or 22 of the Act shall comply with that section.
8. Any Financial Member of MHAA may attend a Committee Meeting as an observer but may not take part in the discussions unless invited to do so by the Chairperson.
9. Where there is serious complaint against a Member, or where the reputation or integrity of a Member is challenged or questioned, any hearing or discussion by Committee at any meeting shall be held in 'camera'.

GENERAL MEETINGS

ARTICLE 17

1. The Committee-
 - (a) May at any time convene a Special General Meeting;

(b) Shall convene Annual General Meetings within the time limits provided for the holding of Annual General Meetings by section 23 of the Act; and

(c) Shall, within 30 days of –

(i) Receiving a request in writing signed by not less than five percent (5%) of the membership, convene a Special General Meeting for the purpose specified in that request; or

(ii) The Secretary receiving a notice under Article 9: 4, convene a Special General Meeting for the purpose of dealing with the appeal to which that notice relates.

2. The Members making a request referred to in sub rule 1 (c)(i) shall -

(a) State in that request the purpose for which the Special General Meeting concerned is required;

and

(b) Sign that request

3. If a Special General Meeting is not convened within the relevant period of 30 days referred to:

(a) In sub rule 1 (c)(i) the Members who made the request concerned may themselves convene a Special General Meeting as if they were the Committee: or

(b) In sub rule 1 (c)(ii), the Member who gave the notice concerned may himself or herself convene a Special General Meeting as if he or she were the Committee.

4. When a Special General Meeting is convened under sub rule 3(a) or (b)

(a) The Committee shall ensure that Members or the Member convening the Special General Meeting are supplied free of charge with particulars of all Members; and

(b) The Association shall pay the reasonable expenses of convening and holding the Special General Meeting, unless the meeting is called as a result of a Member requesting under Article 9:4. In which case the Member lodging the appeal must provide in advance, the funds required, at the amount determined by the National Committee to meet the expenses of convening and holding the Special General Meeting. In the event the appeal is upheld in favour of the appealing Member, then all of the funds provided by the appealing Member are to be refunded in full within thirty days of the date of the meeting.

5. Subject to sub rule 8, the Secretary shall give to all Members not less than 14 days notice of a General Meeting and of any motions to be moved at the General Meeting.

6. A notice given under sub rule 5 shall specify –

(a) When and where the General Meeting concerned is to be held; and

(b) Particulars of the business to be transacted at the General Meeting concerned and of the order in which that business is to be transacted.

7. In the case of an Annual General Meeting, the order in which business is to be transacted is

(a) First, the consideration of the accounts and reports of the Committee;

(b) Second, the election of Committee Members to replace outgoing Committee Members; and

(c) Third, any other business requiring consideration by the Association in a General Meeting.

8. The Secretary shall give to all Members not less than 21 days notice of a General Meeting at which a Special Resolution is to be proposed and of any other motions to be moved at that General Meeting.

9. The Secretary may give a notice under sub rule 5 or 8 by –

(a) Serving it on a Member personally; or

(b) Sending it by post to a Member at the address of the Member appearing in the Register of Members kept and maintained under section 27 of the Act.

10. When a notice is sent by post under sub rule 9(b), sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the Member concerned by ordinary prepaid.

QUORUM IN PROCEEDINGS AT GENERAL MEETINGS ARTICLE 18

1. At a General Meeting half ($1/2$) the Committee plus one, present in person, by teleconference, or by proxy constitutes a quorum.

2. If within 30 minutes after the time specified for the holding of a General Meeting in a notice given under Article 17: 5 or 8 -

(a) As a result of a request or notice referred to in Article 17:1(c) or as a result of action taken under Article 17: 3, a quorum is not present, then the General Meeting lapses; or

(b) Otherwise than as a result of a request, notice of action referred to in paragraph (a), the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.

3. If within 30 minutes of the time appointed by sub rule 2(b) for the resumption of an adjourned General Meeting a quorum is not present, the Members who are present in person, by teleconference, or by proxy may nevertheless proceed with the business of that General Meeting as if a quorum were present.

4. The President may, with the consent of a General Meeting at which a quorum is present, and shall, if so directed by such a General Meeting, adjourn that General Meeting from time to time and from place to place.

5. There shall not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.

6. When a General Meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under Article 17 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting.

7. At a General Meeting –

(a) An Ordinary Resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and

(b) A Special Resolution put to the vote shall be decided in accordance with section 24 of the Act.

8. A declaration by the President at a General Meeting that a resolution has been passed as an Ordinary Resolution shall be evidence of that fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with sub rule 9.

9. At a General Meeting, a poll may be demanded by the President at the General Meeting or by three (3) or more Members present in person, by teleconference, or by proxy and if so demanded, shall be taken in such manner as the President directs.

10. If a poll is demanded and taken under sub rule 9 in respect of an Ordinary Resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.

11. A poll demanded under sub rule 9 on the election of a person to preside over a General Meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

MINUTES OF MEETINGS OF ASSOCIATION ARTICLE 19:

1. The Secretary shall cause proper minutes of all proceedings of all General Meetings and Committee Meetings to be taken and then entered within 30 days after the holding of each General Meeting or Committee Meeting, as the case requires, in a minute book kept for that purpose.

2. The President shall ensure that the minutes taken of a General Meeting or a Committee Meeting under sub rule 1 are checked and signed as correct by the President of the General Meeting or Committee Meeting to which these minutes relate or of the next succeeding General Meeting or Committee Meeting as the case requires.

3. When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved be evidence that -

(a) The General Meeting or Committee Meeting to which they relate (in this sub rule called the Meeting) was duly convened and held;

(b) All proceedings recorded as having taken place at the meeting did in fact take place there at; and

(c) All appointments or elections purporting to have been made at the meeting have been validly made.

4 An abridged summary of the minutes of all MHAA National Committee Meetings, Special and or Annual General Meetings, be published in the Official Publication immediately following such meeting.

VOTING RIGHTS OF MEMBERS OF ASSOCIATION ARTICLE 20:

1. Subject to these rules, each Regular Member (having membership approved at least one month prior to AGM) is entitled to present a deliberative vote at a General Meeting, either in person, by postal vote or by proxy.

2. A Member which is a Body Corporate may appoint in writing a natural person, whether or not he or she is a Member, to represent it at a particular General Meeting or at all General Meetings.

3. An appointment made under sub rule 2 shall be so made by a resolution of the Board or other Governing Body of the Body Corporate concerned

(a) Which resolution is authenticated under the common seal of that Body Corporate; and

(b) A copy of which resolution is lodged with the Secretary.

4. A person appointed under sub rule 2 to represent a Member which is a Body Corporate shall be deemed for all purposes to be a Member until that appointment is revoked by the Body Corporate or in the case of an appointment in respect of a particular General Meeting, which appointment is not so revoked, the conclusion of that General Meeting.

5. Postal voting papers, envelopes and how to vote online shall be sent to all Members with agenda prior to the meeting. Envelopes (which are to include the name, address and signature of the Member on the reverse side) and online votes shall be returned to an independent Returning Officer/s. The Returning Officer/s means a person or persons outside the Society who has been appointed by the Committee to receive and count all postal votes and online votes for General, Special General and Annual General Meetings and report the results of such ballot to the relevant meetings..

PROXIES OF MEMBERS OF ASSOCIATION

ARTICLE 21

A Member (in this rule called the Appointing Member) may appoint in writing another Member who is a natural person to be the proxy of the Appointing Member and to attend, and vote on behalf of the Appointing Member at, any General Meeting.

RULES OF ASSOCIATION

ARTICLE 22:

1. The Association may alter or rescind these Rules, or make Rules additional to these Rules, in accordance with the procedure set out in sections 17,18 and 19 of the Act.

2. These Rules bind every Member and the Association to the same extent as if every Member and the Association has signed and sealed these Rules and agreed to be bound by all their provisions.

COMMON SEAL OF THE ASSOCIATION

ARTICLE 23:

1. The Association shall have a common seal on which its Corporate name shall appear in legible characters.

2. The common seal of the Association shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book referred to in Article 19.

3. The affixing of the common seal of the Association shall be witnessed by any two of the President, the Secretary and the Treasurer.

4. The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

INSPECTION OF RECORDS ETC. OF ASSOCIATION
ARTICLE 24

A Member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION
ARTICLE 25

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the Members, or former Members. The surplus property must be given or transferred to another Association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual Members, and which Association shall be determined by resolution of the Members.

REGISTRY AND STUD BOOK
ARTICLE 26

1. Establishment: The Committee shall be responsible for the Registry and Stud Book of the Miniature Horse Association of Australia Inc., and both shall be under the supervision of the Registrar or Secretary, or as dictated by the Committee.

2. Open Registry: The Registry and Stud Book of the Miniature Horse Association of Australia Inc. shall be open to the Miniature & Small Horse in the following categories:

(a) Temporary registration: for Horses aged from 0 to under 24 months, and having both parents currently registered with MHAA.

(b) Temporary Adult registration: for Horses aged from 24 to under 48 months; and

(c) Permanent Registration: for all qualified Miniature Horses who have attained the age of 48 months.

For the purpose of these Rules, a Miniature Horse is one which meets the requirements of the Association's standard, and meets the height requirements set out in Rule 21.2(e) of the General Rules and Regulations and Rule III of the Show Rules measured at the base of the last hairs of the mane while standing squarely on a level surface.

3. Height Limitations: at no time shall a Miniature Horse remain registered with this Association if its height exceeds such height requirements.

4. Temporary and Permanent Registration: Qualified Miniature Horses shall be issued temporary certificates of registration from birth until they attain the age of four years, either as a foal recording or temporary certificate as per paragraph 2(a) or as a temporary adult certificate as per paragraph 2(b); or when the miniature horse attains permanent status at age 48 months and complies with all Association standards, a permanent registration certificate will be issued.

5. The Committee shall recommend a schedule of fees to the Annual General Meeting, and the Committee shall determine, from time to time, the fees and charges for registration, issuance of certificates of registration, and the furnishing of any other instruments or documents of the Association pertaining to the structure for Members and Non-members.

BRANDING AND MICRO-CHIPPING

ARTICLE 27

1. All miniature horses registered with the Association must be branded or micro-chipped to comply with the regulations of the Association and with the Stock (Brands and Movement) Act current in this country. For Branding, this is as follows -

- (a) Near-side shoulder should bear the registered brand of the Breeder or Stud owning the horse at the time of birth.
- (b) Off-side shoulder should bear two numerals, one above the other as follows -
 - (1) The number on top represents the order in which the foal was born, in comparison to other foals born to the same Breeder or Stud, in the same breeding season, (e.g.: 1 for first foal of season etc); and
 - (2) The number beneath represents the breeding season, (e.g.: a 9 would represent the 1989 breeding season, a period from 1st August 1989 to 31st July 1990). In this instance it is assumed that it would be quite possible to recognize two horses born ten years apart, (e.g.: 1979 and 1989) both bearing the breeding season number of 9, and to distinguish the difference between them.

2. The requirements of Article 27 (branding) shall be satisfied by either traditional branding or by an optional microchip implant inserted in accordance with approved veterinary practice, provided the microchip does not contravene any legislative requirement for branding.

OFFICIAL PUBLICATION

ARTICLE 28

1. The name of the official publication of the Miniature Horse Association of Australia Inc shall be decided by the Committee.
2. The Editor of the official publication shall be selected as per Article 10 (g).
3. The editorial policies and the policies of the official publication shall be set by Committee.
4. Subscriptions and advertising rates shall be recommended by the Treasurer and the Editor, and shall be approved by the Committee.
5. That our stallion issue of the Official Publication be called the Miniature Horse Association of Australia's Yearbook & Stallion Directory and be marketed across Australia and in all News-agents when a distributor can be found and at a reasonable cost to the Association.
6. That the Official Publication in future be run by a Sub-committee in conjunction with the elected Editor, to deal with administration, promotions, co-ordinations, development (4 issues) and budget, of the magazine. The elected Editor, have the voting rights on National Committee. The Sub-committee Members, to be selected on a volunteer basis.

OFFICIAL RULES AND REGULATIONS

ARTICLE 29

The Official Rules and Regulations of the Miniature Horse Association of Australia Inc, namely the Constitution, General Rules and Regulations and Show Rules, shall be printed and made available free of charge to every Member of the Association either on joining or when re-printed and will be available at all time, electronically, on the MHAA Web Site.

MINIATURE HORSE SHOWS
ARTICLE 30

The National Committee of Management shall approve Show Rules and Members will be notified accordingly.

POWERS OF ASSOCIATION
ARTICLE 31

1. The Corporate powers of the Miniature Horse Association of Australia Inc, shall be those provided by law and the Articles of Incorporation and shall be administered as proved in this Article.

2. The powers of the Members are as follows:

(a) The Regular Members at any Annual General Meeting or Special General Meeting provided for in Article 17 hereof, shall have exclusive powers to enact, repeal and amend the Articles of Incorporation, By-Laws, General Rules and Regulations and to dissolve the Association..

(b) The Regular Members at any Annual General Meeting or Special Meeting provided for in Article 17 hereof, may by resolution take any other action not inconsistent with law, with these Articles of Incorporation and these By-Laws.

3. The Committee shall have the power and authority to make, amend, repeal, and enforce such General Rules and Regulations, not contrary to law, the Articles of Incorporation, By-Laws, Constitution and General Rules and Regulations, as they may deem expedient and necessary concerning the conduct, management and activities of the Association, including but not limited to the collection of dues and fees, Regulations regarding Stud Book, registration, the expenditure of money, the auditing of books and records, the awarding of championships, the conducting of shows, contests, exhibitions, sales, social functions and other details relating to the general purposes of the Association. All of the foregoing are subject to revision or amendment and approval by the Members at any General or Special General Meeting of the Members.

GENERAL RULES AND REGULATIONS
ARTICLE 32

The Annual Meeting shall approve General Rules and Regulations, which shall govern the Members and the Association on all matters not already contained in the Articles and By Laws. Members will be notified accordingly of any amendments. When deemed necessary, the Committee shall exercise their power upon any of the above General Rules and Regulations, as per Article 31.3.

FEES
ARTICLE 33:

The Committee shall determine the fees and charges for all items not expressly stated in these Articles and By-Laws.

AMENDMENT OF CONSTITUTION AND GENERAL RULES AND REGULATIONS
ARTICLE 34:

(a) These Articles of Incorporation, By-Laws and Constitution, can be amended at any Annual or General or Special Meeting of the Association as per these Articles. Under no circumstance shall a Special Resolution, other than National Committee Resolutions, be forwarded to the Members to be voted on without the proposer's and seconder's names attached to that resolution.

(b) These Articles of Incorporation passed by the Members by way of Special Resolution or Annual General Meeting to be enforced immediately all statutory regulations are met.

(c) All resolutions passed to be published in the official publication of the Association and website updated.

(d) The Constitution be printed every 5 years and forwarded to all Members of the Association free of charge.

INSURANCE
ARTICLE 35:

The Association shall effect and maintain insurance pursuant to the appropriate section of the Act, and in addition, the Association may effect and maintain other insurance.

ASSOCIATION NOT LIABLE
Article 36:

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