

THE AUSTRALIAN STOCK HORSE SOCIETY LIMITED

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Australian Stock Horse

Rules and Regulations

Section 6 – Shows and Sales

1. SHOWS AND EVENTS

- 1.1. Refer to Events Rules and Regulations for all Event and Show Regulations in the Events Handbook.

2. CONDITIONS FOR APPROVED ASH SALES

2.1. Application for an Approved Sale

- 2.1.1. The organiser and agent acknowledge all conditions for an Approved Sale when submitting an Application to the Board.
- 2.1.2. A request to hold an Approved Sale must be approved by the Board.
- 2.1.3. Such a request for approval must include - Date, Venue, Nomination Fees, Agent or Agents, plan for advertising and any restrictions on the category of horses accepted in the sale.
- 2.1.4. Booking Fee to be fixed by the organisers and paid to the organisers or Agent.
- 2.1.5. The closing date for entries must be a minimum of 8 weeks prior to the sale.
- 2.1.6. Agent to be selected by the organisers.
- 2.1.7. Date and venue to be selected by the organisers.
- 2.1.8. Catalogue Details to be checked by the Society prior to printing at the prescribed fee.
- 2.1.9. Distribution of the catalogues to be primarily by the agent and assisted by the organisers.
- 2.1.10. Organisers should provide an opportunity for prospective buyers to inspect all horses in good condition, witness reasonable workouts, parades, demonstrations and the like prior to the Sale.

2.2. Eligibility for Entry

- 2.2.1. The vendor must be a financial member of The Australian Stock Horse Society Limited to be eligible to enter horses in the sale.
- 2.2.2. Horses are not acceptable unless all pending applications relating to the registration of that horse or its registration in the name of the Vendor have been fully completed prior to the entry closing for the sale.
- 2.2.3. To be eligible for nomination, all horses must be fully registered with the Society.
- 2.2.4. The name of the vendor must be the same as the name of the owner under which the horse is currently registered with the Society. When a registered horse has changed ownership, the vendor must ensure that all procedures to transfer ownership to their membership have been completed prior to nomination for the sale.
- 2.2.5. Vendors are responsible for checking the information on the horse's Certificate of Registration at time of nomination, i.e., sex, colour, brands, markings, etc. Horses will be rejected from the sale if the information on the Registration Certificate does not correspond with the horse presented for inspection as specified in the Society Regulations – Identification of Horses.
- 2.2.6. The owner is required to sign a declaration on the Nomination Form certifying that they have checked the horse's Certificate of Registration against the horse nominated for sale.



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- 2.2.7. Stallions and Colts, 4 years old and over, at time of sale must be Sire Registered.
- 2.2.8. To be sold as a broodmare, at the time of sale, the mare must be in foal or have a foal at foot less than 12 months of age.
- 2.2.9. At Approved ASH Sales, horses registered for breeding purposes only may only be sold as a Led Broodmare or Led Sire.
- 2.2.10. In relation to the sale of an embryo, eligible for ASH registration, the recipient mare must be registered.

2.3. Vendor Responsibility

- 2.3.1. The Certificate of Registration must be handed to the Organiser prior to the horse being inspected on the day of the sale.
- 2.3.2. Broodmares in foal must be pregnancy tested and a Veterinary Certificate produced, together with the ASH Breeding Certificate with service details duly completed. The Veterinary Certificate must indicate a minimum of 42 days in foal and must be issued within 21 days prior to the sale being held.
- 2.3.3. Broodmares with a foal at foot (foal must be less than 12 months old) must produce either the Foal's Certificate of Registration, Foal Recording Certificate or ASH Breeding Certificate (with details of service and the resultant foal's information duly completed).
- 2.3.4. Foals over twelve months of age must be registered and the Certificate of Registration must be produced for the inspection.
- 2.3.5. Failure to provide the appropriate paperwork prior to the inspection of the horse will result in the horse being REJECTED from the sale and nomination fees will not be refunded.
- 2.3.6. Once a horse has been accepted into the catalogue, there is no refund on the nomination fee.
- 2.3.7. The Vendor is responsible for the completion of the Transfer Application, the transfer application will be provided at the sale and will only require the signature of the Vendor (nominee of the membership or authorised agent). Transfer applications must be signed immediately after the horse has been sold.
- 2.3.8. The Vendor irrevocably appoints the agent the attorney of the Vendor to sign on behalf of the Vendor (or its nominee or authorised agent as the case may be) the transfer application in the event that the Vendor fails to do so as required by the preceding sub-rule.
- 2.3.9. Any person at his or her own expense may arrange a veterinary inspection with the vendor of any lot prior to the horse being offered for sale. Under such circumstances, the vendor must have the horse available at the grounds on the day of the sale, a minimum of 4 hours prior to the commencement of the sale.
- 2.3.10. Whilst exercising due care in the printing of the catalogue for the sale and in reproducing the relevant information contained on the nomination form, the Australian Stock Horse Society Ltd does not warrant that the catalogue will be free of typographical or other error. It is the responsibility of the Vendor to check the accuracy of the details printed in the sale catalogue in respect of the Vendor and/or the horse nominated and bring to the attention of the auctioneer prior to the sale any error or defect. The Australian Stock Horse Society Limited does not accept any responsibility for loss or damage suffered by a Vendor in respect of any such error or defect.

2.4. Horse Identification

- 2.4.1. Refer to ASHS Rules and Regulations – Identification of Horses.
- 2.4.2. All inspections of horses at Approved ASH Sales must be free of saddlery and tack, other than a bridle or halter.

2.5. Vendors Duty of Disclosure (from 1st April 2019)

- 2.5.1. The Auctioneer will disclose the facts identified under this rule, at the time of sale. The vendor must advise the agent in writing and ensure these facts are disclosed by the agent at time of sale. The Agent, within 7 days of the sale, must advise any such disclosure to the Society, in writing.
- 2.5.2. Any such facts, available prior to printing of the catalogue, must be disclosed in the vendor's remarks and printed in the sale catalogue. In situations whereby these facts are not known at time of printing, the vendor is responsible for ensuring the agent and potential purchasers are aware of any such facts.

- 2.5.3. Horses recording a positive result for Genetic Disorders as a carrier or affected, with the Society or other Associations, this fact must be disclosed.
- 2.5.4. Windsucking, wobblers, roarers – should any horse be addicted to windsucking or show any symptoms of being a wobbler, roarer, then this fact must be disclosed.
- 2.5.5. Cryptorchids and any horse being presented for sale showing a visible deformity of the genitalia must be disclosed.
 - 2.5.5.1. If the vendor fails to make the said disclosure and the lot shall prove to have any of these symptoms within seven (7) days, then subject to the purchaser producing to the Society written evidence, certifying that the said lot has one of these symptoms, then:
 - 2.5.5.2. Subject to the purchaser, at his own expense, returning the said lot to the place of sale or Vendor's residence (whichever being the closest for the Purchaser), the Purchaser may rescind the sale and any purchase monies paid by the Purchaser shall be immediately refunded by the Vendor;
 - 2.5.5.3. The Vendor may, at the discretion of the Board, be liable for suspension of the Vendor's ASHS membership for a period of up to 13 months, and a fine of up to \$500.00.
- 2.5.6. Where the Vendor has retained semen or embryos, then this fact must be disclosed in the Vendor's remarks printed in the sale catalogue. If the vendor fails to make the said disclosure, the vendor's signature will become invalid on any applications for any mating in relation to the said horse which resulted after the sale of the said horse. As part of the disclosure, the vendor must disclose how many embryos or semen straws have been retained and whether the use is for commercial or private use.

2.6. Remarks

- 2.6.1. Comments in the catalogue relating to horses listed for sale are based on information supplied by Vendors.
- 2.6.2. Comments should be restricted to a maximum of forty words. Comments found to be excessive will be shortened.
- 2.6.3. The Australian Stock Horse Society Limited is unable to establish the accuracy or authenticity of such comments and any purchaser should rely on their own enquiries in this regard.
- 2.6.4. At an approved sale, references to other breeds are not permitted during the sale or in the catalogue.
- 2.6.5. Any abbreviated words may be typed in full.
- 2.6.6. Any comments of a detrimental nature to the breed will be deleted from the comments.

2.7. Inspectors' Responsibilities

- 2.7.1. The Inspector must collect the ORIGINAL Certificate of Registration, together with any other appropriate paperwork, prior to the inspection of the horse. Failure to provide the appropriate paperwork will result in the horse being REJECTED from the sale.
- 2.7.2. If the Inspector has identified any discrepancies between the horse's Certificate of Registration and the horse presented for inspection (sex, colour, brands, markings and the like), the Inspector must act in accordance with the Society's Regulations – Identification of Horses. These regulations specify situations where the Inspector must REJECT horses from the sale.
- 2.7.3. The Inspector may REJECT a horse from the sale, if the horse does not comply with the following conditions:
 - 2.7.3.1. The horse should be prepared and presented suitably for the sale.
 - 2.7.3.2. The horse should be free of undesirable characteristics and conformation faults.
- 2.7.4. After the completion of the inspection of sale horses, the sale organiser and/or the Society Inspector must report to the agent any lot rejected or not presented for inspection and advise that the horse is not eligible to be offered for sale under any circumstances.

2.8. Organiser's Responsibility

- 2.8.1. The Organiser must complete a Risk Management Assessment, with the agent, prior to the sale being conducted. The assessment may follow the format of a pro-forma assessment

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that can be provided by the Society upon request, and must cover the items outlined in the pro-forma as a minimum requirement.

- 2.8.2. The Organiser must select Society Inspectors to view every horse offered for sale in accordance with the Regulations.
- 2.8.3. After the completion of the inspection of sale horses, the sale organiser and/or the Society Inspector must report to the agent any lot rejected or not presented for inspection and advise that the horse is not eligible to be offered for sale under any circumstances.
- 2.8.4. On the day of the sale, the Organiser is expected to ensure vendors sign the applicable transfer applications for horses sold. When the sale is finalised, the Organiser must ensure that the Transfer Applications and Certificates of Registration are returned to the Society's Head Office within seven days of the sale.
- 2.8.5. A media release with details of the top priced horses and averages should be forwarded to the Society's Head Office after the sale, so that details can be reported in The Australian Stock Horse Journal. Several quality photographs of horses offered for sale should also be forwarded to accompany the media release where possible.

2.9. Agent Responsibility

- 2.9.1. The agent is responsible for the advertising and promotion of the sale, as well as printing of the catalogue from the nomination fees.
- 2.9.2. The nomination form must clearly indicate what horses are eligible for nomination into the sale, i.e. Yearlings, Ridden Horses, etc.
- 2.9.3. The agent is responsible for receiving the sale nomination forms and fees. Any refund is at the discretion of the organiser.
- 2.9.4. Should the sale organiser and/or Society Inspector report that any lot has been rejected or not presented, the agent must refuse to offer the horse for sale under any circumstances.
- 2.9.5. The transfer fee must be paid by the Vendor through the agent as part of the nomination fee or deducted from the sale price.
- 2.9.6. When the transfer fee is included in the Nomination Fee and the horse is passed in or withdrawn, the transfer fee is refundable to the vendor by the collector of the nomination fees.
- 2.9.7. The transfer fee for each horse sold must be forwarded to the Society's Head Office within fourteen days of the sale. Only one transfer fee will apply to each broodmare and foal sold, providing the foal is under 12 months and both the mare and foal are purchased by the same person. Should the foal be over 12 months, or is sold separately, two transfer fees will be required.
- 2.9.8. The agent is responsible for advising the Society's Head Office of the purchaser's details (name, address, and membership number) within fourteen days of the sale.

2.10. Head Office Responsibility

- 2.10.1. The transfer application for the horses catalogued will be supplied by the Society's Head Office, together with membership applications and information on the Society.
- 2.10.2. The Society's Head Office is responsible for checking all horses nominated in the sale, to ensure that horses are eligible for inclusion to the sale under the Society's regulations.
- 2.10.3. The Society's Head Office is responsible for typesetting the details of the horses to be catalogued, at the prescribed fee, payable by the agent from the nomination fees.
- 2.10.4. The catalogue fee includes the cost of loading one photograph of each horse onto the ASHS Online Stud Book prior to the sale.

2.11. Submission of entries

- 2.11.1. The vendor must submit the entries to the agent prior to the closing date for sale nominations.
- 2.11.2. Entries will not be accepted unless accompanied by the entry fee (GST inclusive).
- 2.11.3. Entries submitted without a vendor's signature will not be accepted.
- 2.11.4. Vendors must submit a photocopy of the registration papers with the entries.
- 2.11.5. The height of horses should only be completed on the sale nomination if the horses are 4 years of age or older. The height of younger horses may be included in the sale remarks.

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- 2.11.6. The Sale Committee reserves the right to restrict the number of entries (if excessive).
- 2.11.7. GST – The vendor must declare on the nomination form one of the following: GST Registered – ABN Number, GST Not Registered – ABN Number, Hobbyist.

2.12. ONLINE ASH SALES

- 2.12.1. The horse must have No Prohibited Substance present when being demonstrated, offered for sale and on delivery to the purchaser. The Society or purchaser may request a blood or urine sample to be collected by a licenced veterinarian within 48 hours of the sale ending for the purpose of drug testing (at their cost). The sale agent must be notified of testing and the agent may withhold payment. Results must be available within 14 days of purchase to enable delivery to be completed within 14 days of sale. If the horse returns a positive test, a sale may be rescinded and penalties may apply, in accordance with the Society's rules for No Prohibited Substances.
- 2.12.2. Youth under 18 years of age must wear an equestrian helmet approved by the current Australian Standards Association or International equivalent, which MUST be securely fastened under the chin when riding or handling a horse for purpose of demonstrating or offering the horse for sale.
- 2.12.3. Inspections of horses will be submitted by video footage to the sale organiser or agent for a Society Inspector to review. Under exceptional circumstances and by negotiation with the sale organiser or agent, horses may be inspected by a Society Inspector at an agreed location. The horse will be inspected in accordance with the Approved ASH Sale rules for identification purposes and may be rejected if the registration and horse being offered are not consistent, or suitably prepared or presented for the sale.
- 2.12.4. All required documentation, including a completed and signed Transfer Application, the horse's Original Certificate of Registration and any other relevant documentation must be in the hands of the sale agent a minimum of 10 days prior to the sale commencing. Transfer Applications will only be valid where the agent has declared the horse as sold.
- 2.12.5. Potential purchasers wishing to have a pre-sale veterinary inspection must make the necessary arrangements with the vendor and the inspection must be completed prior to the sale commencing, at the purchasers expense. Potential purchasers are advised to make all necessary enquiries and assessments prior to the sale commencing.
- 2.12.6. The Society's Rules & Regulations for Approved ASH sales will remain valid, where deemed appropriate, for an online sale. The terms and conditions for sale and delivery of the horse will be provided by the sale agent.

2.13. Substitute Horse – Late Nomination

- 2.13.1. Substitute horses are at the Agent's discretion.
- 2.13.2. A substitute horse must be approved by the ASHS Head Office.
- 2.13.3. The sale organizer under exceptional circumstances may consider a late nomination after cataloguing. Late nominations must be approved by ASHS Head Office, sale organizer and the agent.

2.14. Drugs Policy

- 2.14.1. Refer to ASHS Rules and Regulations – Drugs Policy.

2.15. Other

- 2.15.1. An equestrian helmet approved by the Australian Standards of Australia with a chin strap securely fastened MUST be worn by all riders/competitors under 18 years of age when riding in the perimeter of the grounds, not just in the ring.
- 2.15.2. Any person involved with handling the horse within the perimeter of the grounds; ie, strapper, handler, trainer, rider and the like must be a financial member of the Society.

2.16. Purchaser's Responsibility

- 2.16.1. The Society strongly recommends that if a bid card system is used, the bid card be obtained in the name of the purchaser (member or non-member), NOT in the name of an agent acting on behalf of the purchaser.
- 2.16.2. The purchaser must complete the Purchaser's Instructions in the back of the catalogue, indicating the correct membership name and number for the horse to be transferred and hand it into the agents before leaving the sale.

- 2.16.3. The purchaser must be a financial member of the Society to receive the horse's registration papers.
- 2.16.4. If the purchaser is a non-member, the horse's registration papers will be retained by the Society until such times as the new owner becomes a member of the Society. The horse's registration will be suspended until such times as the new owner joins the Society.
- 2.16.5. If the purchaser of a horse at an approved sale is a non-member, the purchaser is entitled to a **half price Full or Youth membership** for the remainder of the current membership year, provided the purchaser has never had a previous membership with the Society. Such a purchaser must complete a Membership Application indicating: ASH Approved Sale – Lot ## (**Half Price** Membership Incentive).

2.17. Purchaser's Notice

- 2.17.1. The Australian Stock Horse Society has established that the information in the catalogue (except brands and remarks) is in accordance with the said lot's registration at time of nomination. A Society Inspector on the day of the sale will inspect each lot for identification in accordance with the regulations by evaluating the description of the registered horse against the horse to be presented for sale. Horses may be rejected from the sale if the identification of the horse is not verified against the registration.
- 2.17.2. The information contained in this catalogue is based on details provided to The Australian Stock Horse Society Limited by Members for the purpose of the Society's record keeping. Whilst exercising due care, the Society is unable to guarantee the accuracy or authenticity of such information and cannot accept any responsibility. Registration does not constitute proof of legal or beneficial ownership of any horse.
- 2.17.3. The Australian Stock Horse Society, its members, Branches or related corporations, officers, agents and employees, for themselves and for those for whom they act, while exercising due care have provided all information without responsibility and give no guarantee whatsoever as to its accuracy.
- 2.17.4. The Society is unable to provide any guarantees as to the suitability of any horse and purchasers must rely on their own enquiries in this regard. Persons making enquiries in relation to suitability should include: health, soundness, temperament, performance, ability, fertility and the like.
- 2.17.5. The purchaser is responsible for inspection of any lot prior to sale and such inspection should include advice by any qualified person, if deemed necessary. Each lot is offered with all faults, if any, except those conditions stated under the Vendor's Duty of Disclosure, unless disclosed by the agent at time of sale. The purchase of any lot with such a condition (windsucking, wobblers, roarers, cryptorchids, visible deformity of the genitalia) must be reported to the Society in accordance with the regulations within seven days of purchase.
- 2.17.6. Any person at his or her own expense may arrange a veterinary inspection with the vendor of any lot prior to the horse being offered for sale. Under such circumstances, the vendor must have the horse available at the grounds on the day of the sale, a minimum of 4 hours prior to the commencement of the sale.
- 2.17.7. The vendor has the right to allow or decline any request to ride or handle any lot prior to the sale. Any person who rides or handles a lot at the sale does so entirely at their own risk and the Society, its members or Branches do not assume or accept any responsibility or liability for any accident, damage, injury to horses, riders or handlers, beasts, ground, spectators, or any other person or property whatsoever. Any person requesting to ride or handle any lot must be a member of the Society and suitably attired for riding a horse.
- 2.17.8. Comments in the catalogue relating to horses listed for sale are based on information supplied by Vendors. The Australian Stock Horse Society Limited is unable to establish the accuracy or authenticity of such comments and any purchaser should rely on their own enquiries in this regard.
- 2.17.9. Under the Society's Regulations, all horses being offered for sale at Approved ASH Sales are subject to a No Prohibited Substance rule. Although the Society conducts random drug testing at Approved ASH Sales, the Society is unable to guarantee that any specific lot will be tested. Any purchaser at the fall of the Auctioneer's hammer may request a swab or sample be taken from the subject horse at the expense of the purchaser. If the purchaser so elects, the sale of the swabbed horse may be rendered null and void if the horse returns a positive swab to any prohibited substance.

- 2.17.10. Further advice on purchasing an Australian Stock Horse is available on the Society's website www.ashs.com.au - Horses for Sale page, Buyer's Guide. The Society recommends any persons wishing to purchase an Australian Stock Horse avail themselves of the information provided and seek advice from qualified persons if deemed necessary.
- 2.17.11. A person bidding on any lot acknowledges that should the lot be knocked down to the person as highest bidder at the fall of the Auctioneer's hammer and "sale" or "sold" is declared, the person is responsible for payment of the nominated price to the agent and transfer of ownership will be notified to the Society as recorded by the sale clerk at time of purchase.
- 2.17.12. Any dispute in relation to any statements, guarantees or warranties offered by the vendor shall be against the vendor only. Any dispute of this nature will be for the vendor and purchaser to resolve and is not the responsibility of The Australian Stock Horse Society.

3. CONDITIONS FOR SUPPORTED ASH SALES

- 3.1. In relation to horse sales for Registered Horses, the Society negotiates with the Agent for the sale to be sanctioned as a Supported ASH Sale. Conditions for a Supported ASH Sale includes the following:
 - 3.1.1. Transfer fees for every horse sold must be paid by the vendor, deducted by the agent from sale price and paid to the Society.
 - 3.1.2. Any horse nominated as an Australian Stock Horse must be fully registered with The Australian Stock Horse Society. The vendor must be a financial member of The Australian Stock Horse Society to enter the horse in the sale. The name of the vendor must be the same as the owner under which the horse is registered with The Australian Stock Horse Society.
 - 3.1.3. Society Inspectors be employed to inspect horses for correct identification prior to sale (Agent expense) and horses must pass the identification inspection to be offered for sale.