

The Australian Association of Stud Merino Breeders Limited (ACN 003 352 930)

Flock Book Rules

(Version dated 19 July 2021)

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Notes & Examples

Throughout these Flock Book Rules there are text boxes like this one which include:

Note: These are notes to the reader which refer to related information, such as other relevant sections of the Flock Book Rules.

Useful examples: Show how the Flock Book Rules apply in real-world examples.

1. Purpose of the Flock Book

The purpose of the Flock Book is to:

- (a) maintain a record of Australian Merino and Australian Poll Merino Stud flocks; and
- (b) enhance the recording of and accessibility to information about Australian Stud Merino flocks.

Note: The AASMB registers flocks of sheep on the Flock Book, not individual sheep.

2. Management and Administration of the Rules**2.1 Role of AASMB**

The AASMB will:

- (a) manage and administer the affairs of the AASMB Flock Book;
- (b) receive all applications for registration of flocks of Australian Merino and Australian Poll Merino Stud sheep;
- (c) collect and receive information and data, as required by these Rules, or as required by the AASMB from time to time, from Owners in relation to Registered Flocks, including collection of Annual Returns and Vendor & Purchaser Certificates (VP Certificates);
- (d) publish information regarding Registered Flocks for the purpose of promoting the Australian Merino;
- (e) delegate as it sees fit, the management and administration of all affairs of the Flock Book, including the application and collection of information and all related activities;
- (f) ensure that the management and administration of the Flock Book and related activities of the AASMB is done with due observance of the Rules and any related regulations and by-laws, in a timely and accurate manner; and
- (g) amend or waive any requirement of these Rules in respect of any specific matter, at its sole discretion of the AASMB

2.2 Role of State Associations

Each State Association will:

- (a) ensure that the State Association rules, management, administration and record keeping with regards to Registered Flocks and Applicant Flocks are consistent with these Flock Book Rules

2.3 Role of Owners

Each Owner:

- (a) agrees to comply with, and be bound by, the Flock Book Rules (in addition to any associated rules, regulations or by-laws of the AASMB applicable to Owners;
- (b) acknowledges that these Flock Book Rules may be varied from time to time at the sole discretion of the AASMB

3. New Applications Overview

3.1 Applications

To apply to become a Registered Flock the Applicant must:

- (a) **(By Applicant)** submit a fully completed Application in the Prescribed Format;
- (b) **(Requirements & Eligibility)** provide evidence in the Prescribed Format to show that both the Flock Owner and the Flock, including all sheep and genetic material are eligible for registration by meeting the requirements of these Rules.
- (c) **(Flock Name)** include proposed Flock Names for the Applicant Flock;
- (d) **(Payment)** make payment of any application or registration fees; and
- (e) **(Acceptance)** be accepted by:
 - (i) the Relevant State Association; and
 - (ii) the AASMB,

each in their sole discretion, without having to provide reasons for their decision to the Applicant.

3.2 Acceptance of an Application will mean that:

- (a) the Applicant Flock will be assigned a Flock Number by the AASMB; and
- (b) the Applicant Flock will become a Registered Flock in the Flock Book
- (c) details of the Flock will be published in the Flock Book Stud Directory or any other place the AASMB Board sees fit.

4. Registered Flock Requirements

4.1 Applicant Flocks and Registered Flocks

A flock of Australian Merino sheep will be eligible to become Registered, and maintain the status of a Registered Flock, only if the following criteria are met:

- (a) **(Member of State Association)** the Owner of the flock is a member of the State Association in the state or territory in which that flock is located (which must be in Australia) Some exceptions may be permitted from time to time by the AASMB Board.
- (b) **(Flock Location)** refer rule 4.1 (a) above;

- (c) **(Flock Type)** the flock must be designated as either a Merino (Horned) or Poll Merino, as determined by the Foundation Ram(s) and/or Foundation semen. Ewes can be either Type for both Merino and Poll Merino Flocks;
- (d) **(Owners of multiple flocks)** where an Owner or Applicant owns more than one eligible flock, the Owner must apply for each flock to be registered in the Flock Book separately according to:
 - (i) Flock Type (ie Merino/Poll Merino) of the Foundation Ram(s)/semen for that flock; and
 - (ii) the state or territory in which that flock is located,and pay separate fees accordingly, as required by the Relevant State Association
- (e) **(Sheep and Genetic Material)** all sheep and genetic material must conform to the Eligible Sheep & Genetic Material criteria. Refer rule 5 (*Eligible Sheep and Genetic Material*)
- (f) **(Minimum Number of Sheep)** the flock must comprise, at a minimum:
 - (i) Eligible ewes – the minimum number is set by the Relevant State Association from time to time and approved by the AASMB Board; and
 - (ii) at least one Eligible Ram or Eligible Doses of Genetic Material; and
 - (iii) any additional number of Eligible Sheep and Eligible Genetic Material as the Relevant State Association may require.
- (g) **(Ownership)** each Eligible sheep and Eligible batch of Genetic Material within a Registered Flock is owned (fully or jointly) by the Owner of that Registered Flock or by the Applicant for that Applicant Flock (as applicable)
- (h) **(Permitted Vendors)** each Eligible sheep or Eligible Genetic Material Transferred to the Owner or Applicant must be from a Permitted Vendor as per rule 7.1 (*Permitted Vendors*)
- (i) **(Verification)** any Eligible sheep or Eligible Genetic Material Transferred to the Owner or Applicant, is to be verified in the Prescribed Format in accordance with rule 7.2 (*Verifying Transfers*) or as required by the AASMB Board in its sole discretion.

5. Eligible Sheep and Genetic Material

5.1 Registered Flock Sheep

A sheep may be Eligible if it is bred from:

- (a) an Australian Merino or Australian Poll Merino ram (or its semen), from any Registered Flock; and
- (b) an Australian Merino or Australian Poll Merino ewe (or its eggs) from any Registered Flock;
- (c) in an Applicant Flock, the Foundation Ram(s) or Foundation semen must be the same Type, either Merino (Horned) or Poll Merino, as the flock's designated Type set out in the Application and meet any relevant standards set by the AASMB for that Type:

- (i) In addition, in an Applicant Flock, Foundation Rams (and semen) must be the same Type as the Flock Type they were bred in, or the Owner of the flock they were bred in must have both a registered Poll and a registered Merino Flock.

Useful example: Ewes can be either Type (Horned/Poll) regardless of the flock's designated Type and regardless of being an Applicant Flock or a Registered Flock. **Rams and semen** in an Applicant Flock must be the same Type (Horned/Poll) as the designated Flock Type.

- (d) Registered Flocks (but not Applicant Flocks) are permitted to include either Type of Eligible ram (or semen)
 - (i) however if a ram (or semen or embryo) is to be recorded in the Flock Book History "Additions to Flock", one of the following criteria must be met:
 - (I) the ram (or semen or semen used in the embryo) are the same Type as the Flock in which it was bred; or
 - (II) the Owner of the Flock in which it was bred has both a Registered Merino Flock and a Registered Poll Merino Flock at the time of the sale/transfer. Eg: For a Poll ram bred in a Merino (Horned) Flock, the Vendor must have a registered Poll Flock for the Purchaser to be able to record the genetics in the Flock History
 - (ii) also refer rule 12 (*Exhibitions and Multi-Vendor Sales*)

Important Note: When purchasing or transferring sheep and genetics it is highly recommend Purchasers check

- 1) that the flock is Registered at the time of the purchase.
- 2) that the Type of sheep and genetics being purchased are bred from the same Type of Flock (Poll or Horned)

5.2 Registered Flock Genetic Material

Genetic Material may be Eligible if it is:

- (a) taken from a single Australian Merino or Australian Poll Merino sheep (eg semen or eggs) from a Registered Flock; or
- (b) derived from more than one Australian Merino or Australian Poll Merino sheep (eg embryos) which are each from a Registered Flock.

Useful Example: (Eligible Embryo) an embryo is Eligible to be Transferred to a Registered Flock or Applicant Flock if it is sired by a ram, and dammed by a ewe, which are both from Registered Flocks.

5.3 Outcrosses

In respect of Applicant Flocks and Registered Flocks, Merino Outcrosses cannot be included in a Registered Flock, however the progeny of Outcrosses may be included in a Registered Flock, provided:

- (a) the Relevant State Association has been notified of the Outcross;
- (b) the Owner or Applicant can show, to the satisfaction of the Relevant State Association and the AASMB, the lineage of those sheep/progeny as being at least four (4) backcrosses, in each case involving Eligible sheep and/or Eligible Genetic Material from Registered Flocks; and

- (c) those progeny pass an Official Inspection by the Relevant State Association as per rule 6.

Useful Example: (Outcross Types) For the purpose of these Rules, Outcrosses can be any sheep breed including an Australian Merino or Poll Merino sheep from an unregistered flock.

5.4 Sheep Eligible via Inspection for Upgrade

- (a) **(Applicant Flocks)** In respect of an Applicant Flock, only if permitted by the Relevant State Association's rules, an Australian Merino ewe or Australian Poll Merino ewe, may be Eligible for inclusion in a Registered Flock, provided:
- (i) the Applicant provides evidence, to the satisfaction of the Relevant State Association and the AASMB in the Prescribed Format, that the sheep were bred from Registered Flocks and the purity of the breed has been maintained; and
 - (ii) those sheep pass an Official Inspection in accordance with rule 6;
 - (iii) rams in Applicant Flocks are not eligible via Inspection for Upgrade
- (b) **(Registered Flocks)** In respect of a Registered Flock, only if permitted by the Relevant State Association rules, rams and ewes may be Eligible for Transfer from the Owner's own unregistered Australian Merino or Australian Poll Merino flock into their Registered Flock, provided
- (i) the Owner provides evidence to the satisfaction of the Relevant State Association and the AASMB in the Prescribed Format, that the sheep and/or Genetic Material were bred from Registered Flocks and the purity of the breed has been maintained, and
 - (ii) those sheep pass an Official Inspection in accordance with rule 6

5.5 Overseas Sheep and Genetic Material

Any sheep or Genetic Material that have been imported from outside Australia may be Eligible to be included in a Registered Flock, provided:

- (a) the criteria for rule 5.3 (*Outcrosses*) are met to the satisfaction of AASMB and the progeny pass an Official Inspection as per rule 6 (*Official Inspection*); or
- (b) at the discretion of the Relevant State Association and AASMB Board, provided the Transfer has met the requirements set out in rule 7.1(c) (*Transferring Sheep and Genetic Material from Overseas Vendors*)

5.6 Eligible Sheep and Genetic Material from Non-Registered Vendors

For Registered Flocks only (not Applicant Flocks) it may be permitted to include a sheep, or Genetic Material from a donor sheep, Transferred from Non Registered Vendors, provided the sheep/donor sheep

- (a) **(Registered Stud of Origin)** was bred in a Registered Flock; and
- (b) was Transferred in accordance with rule 7.1(b) (*Non-Registered Vendors*)

5.7 Syndicates

Refer rule 7.1(b) (*Non-Registered Vendors*)

6. Official Inspections

In order for a sheep to pass an Official Inspection and be upgraded to 'Stud Flock' status for inclusion in a Registered Flock the following must occur:

- (a) physical inspection of the Sheep must be carried out by two official inspectors from the Relevant State Association's Inspection Committee;
 - (i) with exception of the inspection of the progeny of Overseas sheep, where at least one inspector must be a member of AASMB Council or have been nominated by AASMB Board;
- (b) the two Inspectors must consider the sheep to be of an acceptable quality for stud breeding purposes and inclusion in a Registered Flock; and
- (c) the Inspection Report must be submitted to and accepted by AASMB following the Inspection

7. Transferring Sheep and Genetic Material

Note: *For the purpose of these Rules:*

(Vendor) means the person or entity Transferring/providing the Sheep/Genetic Material to the Purchaser by way of sale, lease, or other legal means

(Purchaser) means the Registered Owner or Applicant (as applicable) acquiring the Sheep/Genetic Material from the Vendor by way of sale, lease or other legal means.

(Stud of Origin) is a Registered Flock from which Sheep or Genetic Material were bred.

Important Note: Once sheep or Genetic Material are transferred out of a Registered Flock to a non-registered owner, they are no longer considered Registered Flock sheep/genetic material. Some Sheep or Genetic Material may be eligible under rule 7.1(b) (Non-Registered Vendors)

7.1 Permitted Vendors

A Purchaser may only Transfer Eligible sheep and Eligible Genetic Material:

- (a) **(Registered Vendor)** into their Registered Flock or Applicant Flock if the Vendor of the sheep/genetic material is the Owner of a Registered Flock; or
- (b) **(Non-registered Vendors - such as AI Centres, Syndicates, Commercial Flocks)** into their Registered Flock; but not into an Applicant Flock:
 - (i) only if permitted by the relevant State Association; and
 - (ii) only if that Non-Registered Vendor acquired the sheep or Genetic Material directly from the Owner of a Registered Stud of Origin (which may mean more than one Stud of Origin in the case of some Genetic Material such as embryos) subject to meeting the requirements set out below:
 - (l) **(Stud of Origin Evidence)** Owners Transferring Stud of Origin sheep/Genetic Material from Non-registered Vendors into their Registered Flock must have evidence as follows:
 - a) **(Evidence of Transfer by Non-Registered Vendor to Owner)** Confirmation in the Prescribed Format from the Non-Registered Vendor that they have Transferred the Stud of Origin sheep/Genetic Material to the Owner; and
 - b) **(Evidence from Stud of Origin)** Confirmation in writing, in the Prescribed Format (such as a VP Certificate which must be

signed by the Stud of Origin) from the Registered Stud of Origin that the Transferring sheep/Genetic Material was in fact:

- i) bred in their Registered Flock; and
 - ii) Transferred by them to the Non-Registered Vendor; and
 - iii) the Stud of Origin must be Registered both at the time the Transfer occurred to the Non-registered Vendor; and at the time the Evidence is signed by the Stud of Origin.
- (II) in the event evidence of the transfers from Non-registered Vendors is not provided to the satisfaction of AASMB, including due to the refusal of confirmation from the Stud of Origin, the Sheep or Genetic Material is not eligible for inclusion into a Registered Flock;
- (III) if a sheep/or Genetic Material from a Registered Stud of Origin is transferred or on-sold from the Non Registered Vendor to another Non Registered Vendor, the Sheep or Genetic Material are no longer Eligible

Important Note: If Purchasing from a Non Registered Vendor, Purchasers need to be aware that the Stud of Origin Owner is under no obligation to provide confirmation of Transfer, if requested by a Purchaser. This is because the sheep/donor sheep has been on-sold to a Non Registered Vendor.

Stud of Origin Owners should only provide the confirmation of Transfer if totally confident that the sheep/Genetic Material sold by the Non Registered Vendor to the Purchaser was in fact bred in the Registered Stud of Origin Flock

Useful Examples:

Syndicates with Registered Flock Owners: If a syndicate consists of at least one Registered Flock Owner, then the Transfer is permitted in the same way as purchasing directly from a Registered Flock Owner.

Syndicates with no Registered Flock Owners If there are no Registered Flock Owners within the syndicate, the requirements under rules 7.1(b) will need to be met for Non Registered Vendors

- (c) **(Overseas Vendors)** into their Registered Flock, but not into an Applicant Flock, subject to meeting the requirements set out below:
- (i) Sheep and Genetic Material from Overseas must be imported in accordance with all applicable Australian biosecurity, animal health and import laws, regulations and standards; and
 - (ii) **(Outcrosses)** the criteria for rule 5.3 (*Outcrosses*) are met to the satisfaction of AASMB and the progeny pass an Official Inspection as per rule 6 (*Official Inspection*) or
 - (iii) **(Registered Overseas Stud)** if that sheep or Genetic Material is from a flock registered with the official Merino breed association or equivalent body in the Country of Origin, that is a member of the World Federation of Merino Breeders; and
- (l) a pedigree certificate, or equivalent, is signed by the Country of Origin's official Merino breed association representative; and

- (II) the pedigree, or equivalent document, shows that both the sire and the dam have Australian Merino or Australian Poll Merino genetics each derived from an AASMB Registered Flock within the most recent four generations listed on the pedigree; and
- (III) confirmation of the transfer of ownership of the sheep or genetics is provided in the Prescribed Format (such as a VP Certificate) verified by the Country of Origin's Merino breed association; and
- (IV) both the pedigree and confirmation of transfer of ownerships documentation is submitted to the relevant State Association; and
- (V) any other additional information as required by AASMB is supplied by the Owner upon request; and
- (VI) the progeny resulting from overseas sheep or Genetic Material, which are to be included in the Registered Flock, must have an Official Inspection between the age of 12 months or older; and
- (VII) the Inspectors must consider the sheep to be of an acceptable quality for stud breeding purposes and inclusion in a Registered Flock.
- (VIII) when the inspection of progeny, from Registered Overseas Stud sheep or Genetic Material, is carried out, at least one of the two Inspectors must be either a member of the AASMB Council or have been nominated by the AASMB, as well as being a member of a State Association Official Inspection Committee.
- (XI) if any of the criteria for this rule 7.1 (c) (iii) (*Registered Overseas Stud*) is not to the satisfaction of the AASMB in its sole discretion, then members are required to use rule 5.3 (*Outcrosses*) to introduce overseas genetics to a Registered Flock.

7.2 Verifying Transfers (VP Certificates)

(Transfers from Registered Flocks) Vendor & Purchaser Certificates (VP Certificates) in the Prescribed Format are the official means of verification for Transfers of Eligible Sheep and Genetic Material between Registered Flocks and from Registered Flocks to Applicant Flocks.

- (a) The Relevant State Association and the AASMB has the right to reject VP Certificates or any other form of verification for the Transfer of Sheep and Genetic Material to be recorded in the Flock Book;
- (b) **(Applicant Flock transfer verification)** for Applicant Flocks, all Transfers of sheep and/or Genetic Material must be verified in the Prescribed Format in accordance with these Rules;
- (c) **(Registered Flock transfer verification)** Owners agree to ensuring that all sheep and genetic material transferred into their Registered Flock, are Eligible under these Rules;
 - (i) For entry into a Registered Flock's "History" section of the Flock Book, Transfers must be verified in the Prescribed Format in accordance with these Rules
 - (ii) It is permissible for Transfers to occur unverified provided the number of rams/semen purchased and used is recorded in the Annual Returns. Unverified transfers will not be recorded in the Flock Book History

- (d) in extenuating circumstances, such as the death of a Vendor, or other circumstances that, in the opinion of the AASMB are considered reasonable circumstances, where obtaining verification from the Vendor via a VP Certificate is difficult, the AASMB may permit the Purchaser to provide some other form of documented proof of purchase, as it sees fit, such as receipts of sale and a statutory declaration.
- (e) **(Non Registered Vendors transfer verification)** refer to the relevant rules relating to Non Registered Vendors (rule 7.1 (b)) and Overseas Vendors (rule 7.1 (c)).

7.3 Purchaser obligations

- (a) Purchasers are responsible for obtaining verification of Transfers into their Registered Flock or Applicant Flock;
- (b) Purchasers must submit each VP Certificate and any other verification required within these Rules or as required from time to time by the AASMB within the timeframes specified by the AASMB and in the Prescribed Format;
- (c) VP Certificates for transfers into Registered Flocks are to be submitted to the AASMB by 31 March of the year following the Transfer

7.4 Vendor obligations

- (a) **(Verification of Transfers)** Registered Flock Owners must use reasonable endeavours to respond in the Prescribed Format and within the required time frame to a verification request from the Owner of an Applicant Flock or Registered Flock in respect of any Transferred sheep or Genetic Material (With the exception of the verification of sale via a Non-registered vendor - refer 7.1(b) *(Non-registered vendors and the Important note in the box that sits under 7.1(b))*)

Note: For Transfers between Registered Flocks, VP Certificates are to be submitted in digital format using the AASMB Breeder Portal where possible.

VP Certificates generated in the AASMB Breeder Portal by the Purchaser will be displayed in the relevant Vendor's Breeder Portal for verification plus an email is generated at the same time to obtain the Vendor's verification of transfers.

Owners without access to internet or email agree to make arrangements with their Relevant State Association to enable verification of Transfers

- (b) **(Deemed Verification–Automated Acceptance of a VP)** only applies to transfer verification using the AASMB Breeder Portal.

Subject to rule 7.4(c)(*Reversing deemed verification*), the AASMB may deem a Transfer to be verified if:

- (i) the Purchaser has contacted or sought to contact the Registered Vendor to verify the Transfer via the AASMB Breeder Portal; and
- (ii) a reasonable amount of time (as determined by AASMB from time to time) has expired without the Registered Vendor notifying the AASMB of their refusal to verify the Transfer,

Deemed Verification-Automated Acceptance of a VP is not permitted for Non Registered Vendor Transfers or Applicant Flocks

- (c) **(Reversing Deemed Verification)** any Deemed Verification-Automated Acceptance of a Transfer under rule 7.4(b) (*Deemed Verification*) above may be

reversed by the AASMB Board. In this event, the relevant sheep, Genetic Material and progeny will cease to be Eligible, if:

- (i) at any time after the Deemed Verification, the Registered Vendor notifies the AASMB Board in writing that they did not make the Transfer in accordance with details in the VP Certificate; and
- (ii) the AASMB Board is satisfied in its sole discretion that the notification of refusal to verify the Transfer has not been given in circumstances that would make reversal of the deemed verification unreasonable or otherwise inappropriate.

8. Flock Names

8.1 Flock Name eligibility

- (a) A proposed Flock Name will only become a Registered Flock Name if:
 - (i) the Relevant State Association and the AASMB, each in their sole discretion, approve an application for the proposed Flock Name in the Prescribed Format.
- (b) By way of guidance on how AASMB Board will exercise its discretion in approving a Flock Name, it is unlikely a name will be approved if:
 - (i) **(Identical or similar name)** a name that is substantially identical to, or so closely resembles as to be likely to mislead or deceive, the Flock Name of a current or former Registered Flock (Existing Name) unless:
 - (I) **(Same Owner)** it is a Registered Flock of the same Owner and the proposed name includes some point of differentiation to the Existing Name, other than the Flock Number to enable a distinction between the Registered Flocks; or
 - (II) **(Previous Owner Permission)** the last recorded Owner of the Registered Flock with the Existing Name, has given their written consent. (Note: refer to rule 8.2 (*Transfers of Flock Name and Flock Number*) if at least 75% of a Registered Flock acquired, or less in some circumstances)
 - (ii) **(Deregistered Existing Name)** the name relates to an Existing Name of a former Registered Flock (now de-registered), and the deregistration occurred within 10 years from the date of application of the proposed name. That is, the Existing Name must have been de-registered for at least 10 years; unless:
 - (I) AASMB determines enough time has lapsed within the 10 years of the Existing Name being deregistered and the proposed name is not identical to the Existing Name
 - (iii) **(Historically Significant)** the AASMB considers the Existing Name to be historically significant to the Industry. Historically significant names will not be permitted even after 10 years.
 - (iv) **(Industry term)** it is similar to a name or word generally recognised and used throughout the pastoral industry; or
 - (v) **(Otherwise unacceptable)** by reason of association or otherwise, the AASMB considers the proposed Flock Name, if approved, might be misleading, offensive, inappropriate, contrary to the general interests of the AASMB, its members or the Australian Stud Merino industry, or otherwise unacceptable for any other reason.

Useful Examples

(Acceptable name) It would be acceptable to have a proposed Flock Name of 'White Star Poll Merinos' where the same Owner had another Registered Flock named 'White Star Merinos'

(Unacceptable name) It would not be acceptable for a proposed Flock Name to be 'Low Micron Merinos'

Acronyms and numbers such as 'ABC Poll' and 'White Star No. 23' are not acceptable

8.2 Transfers of Flock Name and Flock Number

A Flock Name or Flock Name with Flock Number may be transferred from the Owner of a Registered Flock (Former Owner) to another Owner or Applicant (New Owner) only if:

- (a) the Former Owner transferring the Flock has given their written consent in the Prescribed Format for the Relevant State Association and AASMB Board to approve the proposed transfer of Flock Name, or Flock Name and Flock Number (as applicable)
- (b) the New Owner has acquired, or otherwise owns, either:
 - (i) 75% or more of the Former Owner's Registered Flock; or
 - (ii) less than 75% of the Former Owner's Registered Flock, but has provided sufficient evidence to satisfy the Relevant State Association and AASMB Board that the New Owner is entitled to the goodwill associated with the Flock Name of the Transferring Flock (*for example, if the remainder of the Former Owner's Registered Flock were sent to commercial growers or to slaughter*),

in each case, as determined by the AASMB Board in its sole discretion; and
- (c) the AASMB Board has approved the transfer of Flock Name or Flock Name and Flock Number

Note: If the Former Owner consists of more than one person or entity, such as a partnership, all parties (eg partners) of the Former Owner (except in extenuating circumstances, at the sole discretion of AASMB) will be required to confirm their approval of the Flock Name transfer in the Prescribed Format. This also includes confirmation of changes to a Registered Flock's ownership where the current Owner is changing their business structure eg from a partnership to a company

8.3 Application for change of Flock Name

An application for the change of a Flock Name:

- (a) must be made by the Owner of the relevant Registered Flock in the Prescribed Format;
- (b) must include the proposed new Flock Name - refer rule 8.1 (*Flock Name eligibility*);
- (c) in order to be approved, must first be accepted by:
 - (i) the Relevant State Association; and
 - (ii) the AASMB,

in each case in their sole discretion, without having to provide reasons for their decision.

9. Flock Records

9.1 Registered Flock Records

Each Owner of a Registered Flock will:

- (a) keep accurate and proper records of Flock breeding activities and the Transfers of sheep and Genetic Material in and out of their Registered Flock(s);
- (b) make any and all Registered Flock Records available for inspection by any person authorised by the Relevant State Association or AASMB Board and any such person shall be at liberty to take copies or extracts therefrom as they may think fit;
- (c) ensure their Registered Flock ownership and contact details, as well as any details relating to these are kept up to date and accurate in the Flock Book. Any changes to these details are to be notified to the Relevant State Association in the Prescribed Format within either 30 days of the details becoming outdated/incorrect or at the time the Annual Returns for that same year are due, whichever is earlier; and
- (d) ensure they have access to a working email address and the AASMB Breeder Portal to check for the delivery of requests to verify transfers (ie VP certificates) and any other information from the AASMB or Relevant State Association;
 - (i) where Owners have no reasonable means of accessing email or the Breeder Portal, they are responsible for contacting the Relevant State Association to make arrangements to be kept informed of transfers, verifications and other information

9.2 Flock Activities Reporting (Annual Returns)

- (a) Each Owner of a Registered Flock will:
 - (i) **(Annual Return)** submit details of each Registered Flock in respect of each calendar year (1 January to 31 December) in the Prescribed Format for an Annual Return, which must include all the required information, including a declaration from the Owner confirming they abide by the Flock Book Rules and that the information submitted is true and correct to the best of their knowledge;
 - (ii) submit an Annual Return in respect of each Registered Flock no later than the date succeeding the close of the year that applies to the Annual Return, as prescribed by the AASMB; and
 - (iii) pay any fine determined by the Relevant State Association to the Relevant State Association in circumstances where the Owner has failed to provide an Annual Return in accordance with this rule 9.2 (*Flock Activities Reporting (Annual Returns)*)
- (b) Each Owner who is not otherwise in breach of these Flock Book Rules and has paid all outstanding fees to the Relevant State Association, may, at the sole discretion of the Relevant State Association, be permitted to not submit an Annual Return and have their Registered Flock remain in the Flock Book but with figures removed or marked as zero.

10. Fees

Each Owner agrees to pay all registration fees and any other fees to the Relevant State Association in full by the due date.

11. Shearing Tags

Each Owner must permit the fitting of AASMB approved regulation shearing tags by the Relevant State Association's Official Inspection Committee

12. Exhibition and Multi-Vendor Sales

Note: In these Flock Book Rules, '**Multi-Vendor Sales**' include public auctions such as Bendigo Sheep & Wool Show, Dubbo Ram Sale and Adelaide Ram Sale or other sales involving the public exhibition of sheep, but does not include other types of private sales.

In addition to rules 12.1 and 12.2 below, AASMB recommends that all sheep exhibited or offered for sale at Multi-Vendor Sales and events are only from Registered Flocks and meet the Eligibility requirements set out in these Rules.

- (a) In the event a sheep does not meet the requirements of these Rules, the State Association running the exhibition or Multi-Vendor Sale has the authority to remove the sheep from the event, provided it was clearly stated in the pre-event registration information that only sheep from Registered Flocks in accordance with AASMB Flock Book Rules are permitted to enter.

12.1 Poll Merino Exhibition and Multi-Vendor Sales

Any Owner who proposes to publicly exhibit, or offer for sale at a multi-vendor sale, a sheep as a Poll Merino sheep from their Registered Flock must ensure:

- (a) that sheep is Eligible to be included in their Registered Flock;
- (b) the Owner has a Registered Poll Merino Flock;
- (c) (for exhibition only, not multi-vendor sale) in respect of a ram, it must:
 - (i) have a concavity in the bone of the skull on the horn site. Subject to rule 12.1(c)(ii) below, it is acceptable for a bone knob or small scur to be set in the concavity of the skull;
 - (ii) not have a scur or bone knob either of which measures more than 25 mm in diameter across the widest part of its base;
- (d) (for exhibition only, not multi-vendor sale) in respect of a ewe, it must:
 - (i) have a concavity in the bone of the skull on the horn site; and
 - (ii) have no sign of any horn growth or bone knob set in the concavity;
- (e) it complies with any other standards or guidelines published by the AASMB for the sale or exhibition of Poll Merino sheep from Registered Flocks.

12.2 Merino (Horned) Exhibition and Multi-Vendor Sales

Any Owner who proposes to publicly exhibit, or offer for sale at a multi-vendor sale, a sheep as a Merino (Horned) sheep from their Registered Flock must ensure:

- (a) that sheep is Eligible to be included in their Registered Flock;
- (b) the Owner has a Registered Merino (Horned) Flock;
- (c) (for exhibition only, not multi-vendor sale) in respect of a ram, it must have a 'full' set of horns;

- (d) it complies with any other standards or guidelines published by the AASMB for the sale or exhibition of Merino (Horned) sheep from Registered Flocks.

13. Exporting of Stud Flock Sheep

Note: This rule applies only if exporting sheep or Genetic Material as being from a Registered Flock and an official AASMB Pedigree Certificate needs to be completed to satisfy the requirements of an authority, such as Customs in the country of import, or the purchaser wants to register the sheep with their country's breed association

Any Owner that is a Vendor proposing to Transfer sheep or Genetic Material, to a person or entity located outside of Australia, as being from a Registered Flock:

- (a) must ensure they have read and understood AASMB's current Stud Export guidelines prior to making a transaction;
- (b) must ensure that each sheep/donor sheep has been inspected by members of a State Association's Official Inspection committee, and
- (c) has been fitted with an AASMB approved shearing ear tag by a member of an Official Inspection committee before completing the AASMB Pedigree certificate, unless
 - (i) **(Bulk Exports)** 10 or more sheep are being exported at the same time from the one Vendor, to a person or entity located outside Australia, then AASMB may permit the use of the Exporter's ear tags; and the sheep must pass an Official Inspection before completing the Pedigree certificate
- (d) must complete an approved AASMB Pedigree certificate in the Prescribed Format for the purposes of demonstrating that the sheep or Genetic Material are from a Registered Flock; and
- (e) pay any fees for the AASMB Pedigree certificate and any fees associated with the Official Inspection (if applicable) to the Relevant State Associations.

14. Publication of details

By agreeing to these Flock Book Rules, each Owner and Applicant consents and agrees:

- (a) to the publication or dissemination of information about them or their Registered Flock or Applicant Flock (as applicable) provided to the AASMB or the Relevant State Association, such as through Applications, Annual Returns and VP Certificates, for the purposes of promoting the Australian Merino;
- (b) to the disclosure and sharing of all information about them or their Registered Flock or Applicant Flock (as applicable) between the AASMB and the Relevant State Association; and
- (c) that AASMB may accept or reject in whole or part or may include additional details or edit any description or information supplied for or on behalf of that Owner or Applicant for publication in the Flock Book or any other publication produced by AASMB.

15. Liability

By agreeing to these Flock Book Rules, each Owner and Applicant acknowledges and agrees:

- (a) that the AASMB relies on the details provided to it by Owners and Applicants in order to maintain the accuracy of the Flock Book, and whilst the AASMB will adhere

to its obligations in rule 2.1 (*Role of AASMB*) primarily for the purposes of maintaining the accuracy of the Flock Book, no Owner or Applicant will hold the AASMB or any State Association liable or responsible for any Published Materials, including in respect of any published errors or omissions;

- (b) that no Owner or Applicant may hold the AASMB or any State Association liable or responsible for any action taken to monitor or enforce compliance with these Flock Book Rules;
- (c) to release and discharge the AASMB and each State Association from any and all current or future actions, liabilities, proceedings, allegations or claims they may have against the AASMB or a State Association arising in connection with any Published Materials or any monitoring or enforcement of these Flock Book Rules; and
- (d) to indemnify the AASMB and the Relevant State Association for any and all loss, expense, damage or injury (including reasonable legal costs) suffered by the AASMB or the Relevant State Association in connection with:
 - (i) any inaccuracy or omission contained in the Published Materials provided by or on behalf of that Owner or Applicant to the AASMB or the Relevant State Association; and
 - (ii) any non-compliance with these Flock Book Rules by that Owner or Applicant.

16. Deregistration

16.1 Cancellation of Registration by Owner

An Owner can cancel the registration of their Registered Flock at any time in accordance with the Prescribed Format (if any)

- (a) any fees paid to AASMB or the Relevant State Association are not refundable unless the Relevant State Association has a returns policy for its members (which only applies to fees paid to that State Association).

16.2 Deregistration and Non-Compliance

The AASMB may deregister a Registered Flock and remove it from the published Flock Book details if any of the following circumstances apply:

- (a) **(Not Following Rules)** the Owner has not complied with these Flock Book Rules and the AASMB has formed the view in its sole discretion that such non-compliance is sufficiently serious to warrant deregistration of the Registered Flock;
- (b) **(Non Payment)** the Owner of that Registered Flock fails to pay membership, registration fees or other money payable within sixty (60) days of written notice from either the Relevant State Association or the AASMB;
- (c) **(Not Providing Documentation)** the Owner of that Registered Flock fails to provide information or documentation required to be provided in accordance with these Rules;
- (d) **(False Information)** any information or documentation provided in accordance with these Rules, by a Registered Owner, or those in the Owner's charge, are determined by the AASMB in its sole discretion to be false or intentionally misleading;
- (e) **(Use of Ineligible Sheep/Genetic Material)** the Registered Flock is found to have included non-Eligible sheep or Genetic Material from non-registered flocks pursuant to these Flock Book Rules;

- (f) **(False Advertising)** in the opinion of the AASMB (determined in its sole discretion), an Owner, or those representing an Owner, are found to have engaged in false, misleading or unethical practice in relation to the promotion, sale or showing of sheep or Genetic Material; or
- (g) **(Poor Animal Husbandry)** if in the opinion of the AASMB (determined in its sole discretion), an Owner, or those representing an Owner, are found to have engaged in poor or inhumane animal husbandry.
- (h) Any fees paid to AASMB or the Relevant State Association are not refundable.

16.3 Notice of deregistration

Before the AASMB deregisters a Registered Flock pursuant to rule 16.2 (*Deregistration and non-compliance*):

- (a) the AASMB will inform the Relevant State Association of all relevant information relating to the proposed deregistration;
- (b) the Relevant State Association will, within 2 weeks of being informed by the AASMB, notify the Owner of that Registered Flock of the proposed deregistration; and
- (c) the Owner of that Registered Flock will be given 30 days from being notified by the Relevant State Association to provide the Relevant State Association with any information or reasons as that Owner thinks appropriate to avoid the proposed deregistration which must be provided in the form of a Statutory Declaration by one or more of the relevant Owners as required by the AASMB

16.4 Registration Status

During an investigation into, or consideration of, a proposed deregistration, the AASMB may in its sole discretion, whether before or after the relevant Owner has been notified under rule 16.3 (*Notice of deregistration*)

- (a) alter the status of the Registered Flock to “Pending” in the Flock Book; and
- (b) remove that Registered Flock from the published Flock Book until such time as the investigation issue is resolved or the Flock is de-registered.

17. Re-registration of a Flock (Reinstatement)

17.1 Flocks De-registered Less than Five (5) Years

(Reinstatement) The AASMB may, by the Prescribed Format, re-register any Australian Merino flock that ceased to be a Registered Flock for less than five years provided the owner of the flock:

- (a) is the same Owner from the time the Flock was De-registered;
- (b) has paid any Reinstatement administration fees as required by the relevant State Association;
- (c) has paid all fees and charges owing to the AASMB and Relevant State Association (as determined in their sole discretion) including any previous years’ annual subscriptions if required by the State Association;
- (d) remedied any other cause of the deregistration (if any);

- (e) where required by the AASMB or the Relevant State Association, submitted in accordance with these Flock Book Rules any outstanding Annual Returns since the last Annual Return received in respect of that flock; and
- (f) where required by the AASMB or State Association
 - (i) provided in the Prescribed Format confirmation as to the maintenance of purity of the stud flock since it's deregistration; or
 - (ii) has passed Official Inspection as per rule 6 (*Official Inspections*);

17.2 Flocks De-registered for Five (5) to Ten (10) Years

Flocks de-registered for five years or more will require a new Flock Application

17.3 Flocks De-registered for More than Ten Years

Flocks de-registered for more than ten years will be considered lapsed/discontinued and the Flock Name becomes available for use by other Registered studs or Applicants, subject to rule 8 (*Flock Names*)

18. Definitions and Interpretation

18.1 Definitions

For the purposes of these Flock Book Rules, unless the context otherwise requires:

AASMB means The Australian Association of Stud Merino Breeders Limited

Annual Return has the meaning given in rule 9.2 (*Registered Flock Records*) Records of Flock activities submitted on an annual basis

Applicant means the legal owner of an Applicant Flock

Applicant Flock has the meaning given in rule 3.1(*Applications*) ie a flock that is seeking to become registered in the AASMB Flock Book

Australian Merino has the meaning given to that term in the "AASMB Australian Stud Merino Definition, and Standards" and means both Merino (Horned) and Poll Merino, unless otherwise specified within a particular rule

Breed Type for the purposes of these Rules refers to Australian Merino sheep being either horned (Merino) or poll (Poll Merino)

Breeder Portal AASMB's online Flock Book Portal for Registered Owners to record and verify Transfers, submit Annual Returns, view details of Registered Flocks etc.

Constitution means the constitution of the AASMB

Country of Origin means the country (other than Australia) from which any sheep or Genetic Material is Transferred

Deemed Verification-Automated Acceptance of a VP applies only to transfer verifications using the electronic/digital VP certificates in the AASMB Breeder Portal. In the event the Vendor has not responded to requests to verify a VP Certificate (to either accept or reject the transfer of sheep or genetics from their Registered Flock) the AASMB may deem it to be verified after a period of time (as set by the AASMB from time to time) via an automated process

Eligible has the meaning given to that term in rule 5 (*Eligible Sheep and Genetic Material*)

Exports means sheep being transferred from Australia to an Overseas destination

Flock Book means the register maintained by the AASMB as a directory and information repository of all Registered Flocks. Any reference to the **Flock Register**, **Stud Register**, **Flock Book Register**, **Flock Registry** or the **Australian Stud Merino Flock Register** will be deemed to be a reference to the Flock Book

Flock Book Rules means these rules which are used to administer the Flock Book and related matters

Flock Book Stud Directory means a directory of Registered Flocks published for public viewing on the AASMB website

Flock Name means the name of a Registered Flock or proposed name of an Applicant Flock

Flock Number means a unique number designated to a Registered Flock by the AASMB and used to identify that Registered Flock

Foundation Ram means the ram(s) and/or semen (which must be from Registered Flocks) forming part of an Applicant Flock

Foundation Sheep means the sheep or Genetic Material forming an Applicant Flock

Genetic Material means genetic material derived from a sheep and used to breed sheep (including cloning) for example, semen, eggs and embryos

Inspection Committee means the group of persons appointed by the Relevant State Association to carry out an Official Inspection of sheep

Merino means either Australian Merino or Australian Poll Merino unless otherwise stated within each rule

Merino (Horned) or Horned Merino Refer to the *Australian Stud Merino Definition and Standards – a guide from the Australian Association of Stud Merino Breeders Limited*

Merino (Poll) refer to “Poll Merino” below

Non-registered Vendor has the meaning given to that term in rule 7.1(b) ie a Vendor that is not the Owner of a Registered Flock

Official Inspection means an inspection of sheep or flocks of sheep conducted in accordance with rule 6

Overseas Vendor means the vendor’s flock, sheep and genetics are not situated in Australia and/or those sheep and genetics were not bred in Australia

Owner means the legal owner of a Registered Flock

Pedigree Certificate a certificate verifying the lineage of a particular sheep for at least four generations

Poll Merino Refer to the *Australian Stud Merino Definition and Standards – a guide from the Australian Association of Stud Merino Breeders Limited*

Prescribed Format means the form or document required by AASMB or as otherwise notified to you as being required by an officer or representative of AASMB;

Published Materials means any details relating to an Owner or a Registered Flock being published in connection with the Flock Book or any other publication or communication of the AASMB

Purchaser means an Owner or Applicant that proposes to Transfer or has Transferred sheep or Genetic Material into their Registered Flock or Applicant Flock (as applicable)

Registered Flock means an Australian Stud Merino flock that is registered in the Australian Association of Stud Merino Breeders Limited Flock Book (and **Registered Stud Flock** has a corresponding meaning)

Registered Flock Records has the meaning given in clause 9.1

Registered Vendor an Owner that is transferring or has transferred sheep or Genetic Material out of their Registered Flock by way of sale, lease, or other legal means as per rule 7 (*Transferring Sheep or Genetic Material*)

Relevant State Association means in respect of an Owner, the State Association(s) of which that Owner is a member

Rules means AASMB Flock Book Rules (unless otherwise stated eg State Association rules)

State Association means the State Stud Merino Organisations (SSMO) that are members of the AASMB, as set out in Schedule 2 of the AASMB Constitution

State Member(s) means Owners that are members of the Relevant State Associations

Stud of Origin means, in respect of any sheep or Genetic Material, the Owner of the Registered Flock from which that sheep or Genetic Material originated (ie was bred in)

Transfer means the sale, lease or other transfer of possession or ownership of any sheep or Genetic Material (and **Transferred** and **Transferring** have a corresponding meaning)

Vendor means the person or entity that is Transferring sheep or Genetic Material

VP Certificate means a **Vendors and Purchasers Certificate**, also referred to as **V&P**, in the Prescribed Format are the official means of verification for Transfers of Eligible Sheep and Genetic Material between Registered Flocks and from Registered Flocks to Applicant Flocks

18.2 Interpretation of Flock Book Rules

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply. A reference to:

- (a) a document, policy, regulations, guidelines or agreement, or a provision such document, policy, regulations, guidelines or agreement, is to that document, policy, regulations, guidelines or agreement or provision as amended, supplemented, replaced or novated;
- (b) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person;
- (c) anything (including a right, obligation or concept) includes each part of it;
- (d) a singular word includes the plural, and vice versa;

- (e) a word which suggests one gender includes the other genders, unless otherwise stated within each rule; and with the exception of Rams and Semen being male and Ewes and Eggs being female;
- (f) if a word is defined, another part of speech has a corresponding meaning;
- (g) if an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing;
- (h) the word agreement includes an undertaking or other binding arrangement or understanding whether or not in writing;
- (i) a reference to something being written or in writing includes that thing being represented or reproduced in any mode in a visible form;
- (j) words (other than those defined in rule 18.1 (*Definitions*)) which are defined by the AASMB Constitution have the same meaning in these Flock Book Rules; and
- (k) reference to a rule is a reference to a rule contained in these Flock Book Rules, unless otherwise stated