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# AUSTRALIAN WAGYU ASSOCIATION BYLAWS

Version 2019.03

## Amendments

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### 2018.01 – 14<sup>th</sup> February 2018

Part A:

- 1.Regulation 1.4
- 2.Regulation 3
- 3.Regulation 3.1
- 4.Regulations 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8
- 5.Regulation 5.1.2
- 6.Regulation 5.3.1
- 7.Regulation 5.3.2
- 8.Regulation 5.3.5
- 9.Regulation 5.3.6

Part B:

- 1.Regulation 3.

Part C:

- 1.Advertising Code of Conduct
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### 2019.01 – 26<sup>th</sup> February 2019

Part A:

- 1.Regulations 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8
  - 2.Regulation 5.3.7 deleted
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### 2019.02 – 25<sup>th</sup> June 2019

Part A:

- 1.Regulations 3.5, 3.5.1, 3.5.2 added
  - 2.Regulation 5.1.3 added
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### 2019.03 – 26<sup>th</sup> November 2019

Part A:

- 1.Regulations 9.1, 9.2, 9.3, 9.4 deleted
  - 2.Regulation 10.3.1, 10.3.2, 10.3.3 deleted
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# AUSTRALIAN WAGYU ASSOCIATION BYLAWS

Version 2019.03

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## DEFINITIONS

|                  |  |
|------------------|--|
| AWA              | means The Australian Wagyu Association Limited.  |
| AKAUSHI          | means fullblood/purebred red Wagyu which is registered with a recognised Wagyu Association   |
| BY-LAWS          | mean the by-laws of The Australian Wagyu Association Limited as from time to time in force.  |
| BREEDER          | is the owner of the dam at the time of calving except in the case of notified ownership transactions including contract mating, embryo transplants and leasing.  |
| BREEDING YEAR    | means the calendar year from 1 January to 31 December.   |
| BULL             | means a Fullblood/Purebred Wagyu bull which is registered with a recognised Wagyu Association.   |
| BULL OWNER       | means the owner, including multiple owners, of a registered Wagyu bull, or the authorised representative, or nominee, of that owner or those owners.   |
| CALF-DROP NUMBER | means the unique identification, consisting of a maximum of 5 alphabetic letters and/or numbers, allotted by the herd owner to each calf born in his herd for that year. (This excludes the Herd Code, the Grade Code and Year letter) |
| CONSTITUTION     | means the 2017 Constitution of AWA.  |
| FULLBLOOD ANIMAL | means the offspring of a Wagyu sire and a Wagyu dam whose forebears originate from Japan and whose pedigrees show no evidence of any grading up from base animals or outcrossing.  |
| DEHORNED         | means the animal carries two copies of the horn gene and had horns which were removed.   |
| DESCURRED        | means the animal carries one or two copies of the poll gene and had scurs which were removed.  |
| GRADE            | in relation to an animal, denotes the proportion of Wagyu blood in that animal, expressed as a percentage.   |
| GRADE CODE       | means the number or letter denoting the grade of an animal or the section of the register in which the animal is registered.   |

|                     |  |
|---------------------|--|
| HERD CODE           | is a unique identification approved by AWA for each herd for the purposes of registration. It comprises a three character code. The code may be made up of three letters, or three numbers or a combination of letters and numbers. The herd code is part of the identification with which an animal must be identified prior to registration. |
| HORNED              | means the animal carries two copies of the horn gene and has horns.  |
| HORNS               | means the presence of horns that are attached to the skull.  |
| IDENTIFICATION      | in relation to an animal means the unique series of the following information on that animal; its Herd Code, Grade Code, Year Letter and Calf-Drop Number.   |
| MATED BY            | includes natural joining and insemination by artificial breeding.  |
| MEMBER              | means an individual, partnership or body corporate who is a financial full member of the Australian Wagyu Association and who is entitled to enter animals in AWA's Registers.   |
| MISHIMA             | means a fullblood Mishima bloodline animal which is registered with a recognised Wagyu Association.  |
| NAME                | means a word or words recorded in the register to identify an animal that is in addition to the stud prefix. Up to 20 letter spaces may be used.   |
| NOMINEE             | means a person nominated by a non-individual member as being the nominee of that membership.   |
| PARENT VERIFICATION | means use of laboratory testing by DNA to verify the parents of an animal  |
| POLLED              | means the animal carries one or two copies of the poll gene.   |
| PUREBRED ANIMAL     | means any animal registered by AWA as a purebred.  |
| REGISTERED          | in relation to an animal, means that animal is recorded in a register in accordance with these by-laws.  |
| REGISTERED OWNER    | in relation to an animal, denotes the person recorded in the register as the owner of the animal.  |
| SCURRED             | means the animal carries one or two copies of the poll gene and has scurs.   |
| SCURS               | means horn-like tissue that are attached to the skin rather than the skull. Can vary in size from small growths to small hornlike structures.  |
| SEEDSTOCK           | means animals registered with AWA for breeding purposes  |
| SERVED              | includes natural joining and insemination by artificial breeding   |
| SERVICE             | includes natural joining and insemination by artificial breeding.  |
| STUD PREFIX         | means a word or words recorded by AWA to identify any herd. Up to 20 letter spaces may be used.  |
| TRANSFER DATE       | shall be the date on which ownership passes to the transferee.   |
| WAGYU               | means a Fullblood animal whose forebears originate from Wagyu bovine animals in Japan and whose pedigree shows no evidence of any grading up from base animals or outcrossing to other breeds.   |
| WAGYU REGISTER      | means the register of AWA in which records of individual Wagyu animals are kept, whether published or not, contained in computer tapes, micro film or such other information storage systems as approved by AWA from time to time.   |
| YEAR LETTER         | means the letter designated by AWA to denote the year of birth of a registered animal. See Table 1.  |

|      |   |      |   |      |   |      |   |
|------|---|------|---|------|---|------|---|
| 1987 | G | 1996 | R | 2005 | A | 2014 | K |
| 1988 | H | 1997 | S | 2006 | B | 2015 | L |
| 1989 | J | 1998 | T | 2007 | C | 2016 | M |
| 1990 | K | 1999 | U | 2008 | D | 2017 | N |
| 1991 | L | 2000 | V | 2009 | E | 2018 | P |
| 1992 | M | 2001 | W | 2010 | F | 2019 | Q |
| 1993 | N | 2002 | X | 2011 | G | 2020 | R |
| 1994 | P | 2003 | Y | 2012 | H | 2021 | S |
| 1995 | Q | 2004 | Z | 2013 | J | 2022 | T |

Letters "I and O" are not used as these letters can look like numerals on tags, pedigrees and reports.

Table 1: Year Letter table.

## PART A - WAGYU REGULATIONS

### 1. MEMBERSHIP AND HERD ENROLMENT

- 1.1 Every full member who is fully financial may within three months of admission to such membership apply for herd enrolment. The member may with such application provide the information required in relation to the herd and tender the fees payable upon herd enrolment.
- 1.2 Each full member may apply for the approval of a herd prefix which consists of not more than 20 letter spacings which shall be exclusive to the member.
- 1.3 In addition to the herd prefix, the full member may nominate an exclusive 3 character code. This herd code forms part of the permanent identification system.
- 1.4 Members warrant to use their best endeavours to comply with the requirements of the Constitution and each part of the Bylaws namely Part A – Wagyu Regulations, Part B – Members Code of Conduct and Part C – AWA Advertising code of conduct, as may be determined by AWA from time to time.
- 1.5 Members indemnify AWA and its agents and representatives for any loss, damage or other liabilities arising from members' mistakes, negligence or deliberate misleading conduct arising from the members' obligations under the Constitution and the Bylaws.

### 2. WAGYU REGISTERS

The Wagyu Register shall contain the following sections:

HERDBOOK:

FULLBLOODS

PUREBREDS

CONTENT

SLAUGHTER

**Herdbook Register (HBR):** The breeding register for all Wagyu Fullblood 100% and Purebred Wagyu F4 93+% males and females which are DNA parent verified to their sire and dam.

Black, Red and Composite (the result of combined breeding of black and red Wagyu) animals are registered in the Herdbook Register with the colour field differentiating these groups of animals.

Composite registered animals have a "CC" in brackets [CC] on their registration certificate immediately after the animal's registered name. Progeny of Composite registered animals are only eligible for registration in the Composite Register.

**Content Register:** The breeding register for Wagyu influenced animals not eligible for registration in the Herdbook.

**Slaughter Register:** The non-breeding register for slaughter animals only which are, Crossbred Wagyu F1 50%, Crossbred Wagyu F2 75%, and Crossbred Wagyu F3 87+%, Purebred Wagyu F4 93+% and Wagyu Fullblood 100% males and females. DNA parent verification is not required. A DNA sample (hair or tissue) must be submitted to AWA to enable quality assurance of parentage at AWA's discretion. No progeny from any Slaughter Registered animals are eligible to be registered with the AWA.

**Grading Up:** This system allows the recording of Crossbred Wagyu F1 50+%, Crossbred Wagyu F2 75+%, and Crossbred Wagyu F3 87+% animals where the objective is to produce a Purebred Wagyu F4 93+%. DNA sire verification is required for F1 animals. DNA parent verification is required for both the sire and dam for F2, F3 and F4 animals.

#### 2.1 HERDBOOK REGISTER (HBR)

- 2.1.1 As red and black Wagyu are regarded as two distinct breeds, they (and progeny from red with black matings) shall be recorded in separate sections of the register as separate lines of cattle.
- 2.1.2 Progeny from black animals mated to red animals or vice versa are to be recorded as Composite animals.
- 2.1.3 Composite animals have a "CC" in brackets [CC] on their registration certificate immediately after the animal's registered name.
- 2.1.4 The coat colour of all animals on the registers shall be either red or black. This shall be determined by the member on visual colouration.

## **2.2 FULLBLOOD GRADE**

- 2.2.1 An animal will be regarded as a fullblood whose forebears originate from Japan and whose pedigrees show no evidence of any grading up from base animals or outcrossing to other breeds.
- 2.2.2 An animal will be regarded as a fullblood if in a register of recognised overseas Wagyu breed organisations, provided that the regulations governing the entry of such animals as fullbloods comply with these by-laws governing registration and are approved by AWA.
- 2.2.3 If the animal is registered with the American Wagyu Association or any other Wagyu registry organisation, evidence of parentage verification must be provided.
- 2.2.4 DNA parent verification is required to sire and dam.
- 2.2.5 Animals registered in this section shall be given a grade code of "F".

## **2.3 PUREBRED GRADE (WAGYU F4 93+%)**

- 2.3.1 An animal will be regarded as a purebred if in a register of recognised overseas Wagyu breed organisations, provided that the regulations governing the entry of such animals as purebreds comply with these by-laws governing registration and are approved by AWA.
- 2.3.2 If the animal is registered with any other Wagyu registry organisation, evidence of parentage verification must be provided.
- 2.3.3 Animals produced as a result of a 4th cross in the Grading-Up Section, that are 15/16th (minimum 93% Wagyu breed content) Wagyu and DNA parent verified to sire and dam are eligible for classification as purebred.
- 2.3.4 Animals identified by the Crossbred Wagyu Test with minimum 93% Wagyu breed content and parent verified to a fullblood or purebred sire and parent verified to an F4 (minimum 93% Wagyu breed content) or F3 (minimum 87% Wagyu breed content) dam are eligible for classification as purebred.
- 2.3.5 Purebred animals may be subject to inspection and may be downgraded if, in the opinion of AWA, they do not conform to the current breed standard of excellence.
- 2.3.6 Animals registered in this section shall be given a grade code of "P".

## **2.4 CONTENT REGISTER**

- 2.4.1 The Content Register makes provision for the registration of Wagyu influenced animals not eligible for registration in the fullblood or purebred registers.
- 2.4.2 It shall be a requirement for the registration of a Content Register calf that its sire has a DNA profile recorded with AWA at a minimum level to be specified by AWA.
- 2.4.3 Prior to registration a hair sample of the animal will be provided to AWA.
- 2.4.4 Parent verification of calves will not be required.
- 2.4.5 Random parent verification of calves will be conducted at a frequency determined by the board at no cost to the animal owners. Animals found to have an incorrect sire will be deregistered if the correct sire is not identified by the owner at the owner's cost.
- 2.4.6 If no Wagyu content is claimed for a base animal, the breed (or breed combination) of the base animal shall be recorded.
- 2.4.7 If Wagyu content is claimed for a base animal, a breed content test will be required for the animal.
- 2.4.8 Animals registered in the content register shall be assigned a percentage breed content calculated from the percentage Wagyu of the sire and dam or results from the Crossbred Wagyu Test.

## **2.5 SLAUGHTER REGISTER (SR)**

The Slaughter Register is to allow breeders and marketers access to a professionally prepared pedigree certificate for animals destined for slaughter and to facilitate the capture of performance data on these animals.

To meet with slaughter registration eligibility:

- 2.5.1 Entry into the SR is available to commercial cattle under 12 months of age sired by registered Wagyu bulls and destined for slaughter. They must have minimum Wagyu breed content of Crossbred Wagyu F1 50%.
- 2.5.2 An electronic Slaughter Register certificate will be generated for the slaughter animal.

- 2.5.3 AWA Registered sires of SR cattle can be either natural mating, Artificial insemination (AI) or Embryo transfer (ET).
- 2.5.4 Up to 10 AWA registered Multiple sires per calf are permitted.
- 2.5.5 DNA typing for parent verification is not mandatory. However AWA will undertake random audits of hair samples for DNA typing and parent verification of animals in the SR. Hair or tissue samples from each animal must be provided to the AWA in order to allow validation of parentage from time to time.
- 2.5.6 If animals being the progeny of embryos are candidates for SR, then proof of ownership is required.
- 2.5.7 Female animals registered in the SR are to be kept for slaughter purposes only. No progeny of Slaughter registered females are eligible for registration. All SR certificates are to state "This animal is for slaughter only and is not to be used for breeding purposes".
- 2.5.8 Animals must be permanently identified to meet Australian statutory requirements for the National Livestock Identification Scheme (NLIS) and the NLIS identifier will be recorded with the Slaughter registration.

## 2.6 GRADING-UP SECTION

- 2.6.1 Males and Females may be admitted to the grading up section if they are the progeny of a Fullblood or Purebred sire and out of a base female of any breed (or cross of any breed) or if they meet the minimum level of percentage Wagyu content as determined by the Crossbred Wagyu Test and specified in Table 2 for the relevant grade.
- 2.6.2 Animals registered in this section shall be given a grade code applicable to the Minimum % Wagyu Content classification or relevant generation as specified in Table 2.
- 2.6.3 The progeny of a Grade 0 (Base) animal requires a DNA parent verification to its sire to qualify for registration as Grade 1 (F1). The progeny of a Grade 1, 2 or 3 (F1, F2 or F3) animal requires a DNA parent verification to its sire and dam to qualify for registration.
- 2.6.4 Animals eligible for registration in this section may be subject to inspection and may be downgraded if, in the opinion of AWA, they do not conform to breed standards.
- 2.6.5 If an animal has white markings other than on the pizzle, scrotum or the underbelly posterior to the navel and rising onto the flank, it cannot be registered higher than 7/8<sup>th</sup> (minimum 87% Wagyu breed content) on the register. If an animal of grading of 15/16<sup>th</sup> (minimum 93% Wagyu breed content) or higher, does not comply with the colour markings it is downgraded to 7/8<sup>th</sup> (minimum 87% Wagyu breed content).

**Table 2 - Grade Code assignment based on Generation or Minimum % Wagyu Content**

| <b>Grade Code</b> | <b>Generation</b>      | <b>Minimum % Wagyu Content</b>                     |
|-------------------|------------------------|--|
| 0                 | 0 = Base Animal        | Less than 50%                                      |
| 1                 | 1 = Crossbred Wagyu F1 | 50+%   |
| 2                 | 2 = Crossbred Wagyu F2 | 75+%   |
| 3                 | 3 = Crossbred Wagyu F3 | 87+%   |
| 4 or PB           | 4 = Crossbred Wagyu F4 | 93+% (PUREBRED if parent verified to sire and dam) |

## 2.7 BASE ANIMALS

- 2.7.1 Base animals shall be identified with a number by branding, tattooing or ear tagging.
- 2.7.2 The grade code of base animals is "0".
- 2.7.3 The breed (or the apparent crossbreeds) of the base animal shall be recorded.
- 2.7.4 No registration or transfer fees are payable for base animals, however, if a base animal is sold inseminated to a registered sire, the normal transfer procedures apply and any applicable fees shall be paid.

### **3 ELIGIBILITY FOR SEEDSTOCK REGISTRATION**

To meet with Seedstock registration eligibility and in registering animals with AWA:

**3.1** All animals registered after July 1998 must be DNA typed at any AWA approved Australian or international laboratory where AWA has a current genetic testing services agreement to enable parent verification by DNA for future progeny. (Note: a list of approved Australian and international laboratories is available on AWA's website.)

#### **3.2 PARENT VERIFICATION - DNA genotyping**

3.2.1 AWA requires a DNA profile and parentage verification of all animals registered in the Herdbook or the Grading Up section supplied by an AWA approved DNA testing laboratory.

3.2.2 All calves submitted for MiP testing and parent verification after February 2017 on MiPs must be parent verified using 21 MiP markers. Parent verification using MiP markers must report verification results on all markers available.

3.2.3 For animals not already registered in the Herdbook, where parent verification is based on ISAG standardised MiP markers, a 50K SNP genotype must be provided for the animal in addition to the MiP profile used for registration. All progeny from these animals must be parent verified using 21 MiP markers or 50K SNP genotyping supplied by an AWA approved DNA testing laboratory.

3.2.4 AWA will undertake SNP PV analysis based on testing results provided to it by AWA approved DNA testing laboratories.

3.2.5 AWA will not accept SNP PV analysis provided by DNA testing laboratories.

3.2.6 AWA requires, and each member grants to AWA a perpetual, royalty free right of access to the sample (where available) and to DNA profiles from this sample for the purposes of maintaining the integrity of the Wagyu Herdbook, Breedplan analyses and EBVs, tests and products derived from these for the benefit of AWA and its members as a group.

3.2.7 AWA requires pedigree, DNA profile and performance data submitted from members to be held on the AWA database and members grant to AWA a perpetual, royalty free right of access to all such data.

3.2.8 The genotype generated data from each registered animal will be used in WAGYU BREEDPLAN analyses and will be used by AWA for research and/or publication or dissemination of EBVs on individual animals.

3.2.9 AWA will notify members where it seeks to access the member's sample or the DNA for conducting testing.

#### **3.3 IDENTIFICATION (including recipient cows)**

3.3.1 Every animal born in a registered herd and eligible for stud registration shall be permanently identified with two of the following:

DNA typing

NLIS

Tattoo

Brand

3.3.2 Every registered animal shall have a unique identifier that includes the Herd Code, Grade Code, Year Letter and Calf-Drop Number. The Year Letter will denote the year in which the calf was born, and the Calf-Drop Number shall so far as is practicable, normally indicate the order in which the calf was born in relation to other calves born in the same herd in that year.

eg. ABCFM5 where Herd Code = ABC, Grade Code = F (fullblood), Year Letter = M (2016), Calf-Drop Number = 5 (5th calf born in the herd in 2016).

3.3.3 Animals must be permanently identified to meet Australian statutory requirements for the National Livestock Identification Scheme (NLIS) and the NLIS identifier will be recorded with seedstock registration.

#### **3.4 LATE APPLICATIONS**

Application for stud registration of an animal shall be made on a form approved by AWA before the animal is 36 months old. Application for registration made after 36 months from the date of birth of the animal will be charged at the prescribed late fee.

### **3.5 REGISTRATION OF SOLD ANIMALS**

- 3.5.1 Where a live animal is sold by the breeder of the animal to a new owner prior to registration, permission for registration of the animal must be granted by the breeder of the animal. Upon meeting the requirements for registration, the animal will be registered within the herd of the breeder, including carrying the herd prefix of the breeder of the animal within its name. The animal will then be transferred from the breeder to the new owner of the animal.
- 3.5.2 Where an embryo is sold by the breeder of the animal to a new owner, the breeder of embryo will provide access to the relevant DNA typing information for the purposes of registration of the resultant live animal. Upon meeting the requirements for registration, the animal will be registered within the herd of the new owner, including carrying the herd prefix of the new owner of the animal within its name

## **4 PERFORMANCE RECORDING**

- 4.1 Wagyu BREEDPLAN participants must be a full member of AWA.
- 4.2 Members are encouraged to join BREEDPLAN and supply the following additional data for performance recording, for example -
  - 4.2.1 Birth weight
  - 4.2.2 200 day weight (taken between 80 and 300 days of age)
  - 4.2.3 400 day weight (taken between 301 and 500 days of age)
  - 4.2.4 600 day weight (taken between 501 and 900 days of age)
  - 4.2.5 Scanning data
  - 4.2.6 Carcase performance data
- 4.3 Animals must be registered to enable access to BREEDPLAN services.

## **5 GENERAL REGULATIONS**

### **5.1 BREEDER'S RECORDS**

- 5.1.1 It shall be the duty of members, being the owners of registered animals, to keep proper records of the breeding activities of their herds. All such records so kept, shall be open for examination by a person authorised by AWA to examine the same. Any such authorised persons shall be at liberty to take such extracts of records as they think fit and shall take all reasonable steps to preserve the confidentiality of any part of the member's records about which such restraint should reasonably be requested by the member.
- 5.1.2 AWA may investigate any registered animal it considers demonstrates anomalous and/or atypical traits to that expected; and/or breakdowns in registration processes resulting in claims contrary to the animal's registration status. Members must co-operate in all respects with any investigation including but not limited to providing tissue and DNA samples for testing for any animal being investigated and any other information that AWA may reasonably request.
- 5.1.3 It shall be the duty of members, being the breeder or owner of a registered animal, to provide notice to the AWA where the pedigree of an animal as recorded by the AWA is known to be incorrect for an animal they have bred or they own.

### **5.2 HORNED, DEHORNED, POLLED OR SCURRED STATUS**

- 5.2.1 The written registration application must contain information indicating if an animal is Horned, Dehorned, Polled or Scurred.
- 5.2.2 Any animal registered as Polled or Scurred must be DNA tested to determine if it is Homozygous polled or Heterozygous polled using a test to be specified by AWA.
- 5.2.3 Dehorning may be performed and is at the discretion of the breeder. Dehorning is encouraged as early as possible in the interest of animal welfare.

### **5.3 DEREGISTRATION**

- 5.3.1 Any animal may upon the written application of its registered owner be deregistered. However for pedigree integrity, reporting of Breedplan analysis, EBVs and maintenance of datasets underpinning genetic predictions used by AWA, animals with progeny will be maintained in AWA registers to allow complete records.

AWA may:

- 5.3.1 Decline to register or deregister any animal or to record the transfer of any animal if the person applying for such registration or recording shall fail to pay upon demand any money due to AWA prescribed in these By-laws;
- 5.3.2 Cancel or defer any registration of any animal if the person for the time being recorded as the owner of such animal shall fail to pay within 90 days after demand any monies to be payable to AWA on any account whatsoever;
- 5.3.3 Cancel or defer the entry in the register of any animal sold, exchanged, leased or otherwise disposed of if no application for transfer of such animal be lodged with AWA within the time prescribed and if the prescribed fee be not paid within four months of such disposition;
- 5.3.4 Cancel or defer any entry in the register of any animal where right of access to the sample, DNA or DNA profile is withheld or refused by the member.
- 5.3.5 Cancel any animal registration where AWA is reasonably satisfied that an animal does not meet the registration standards as set out in these Bylaws.

#### **5.4 GENETIC CONDITIONS**

- 5.4.1 Members are required to report to AWA any animals showing clinical symptoms that may have a genetic basis. AWA has a reportable list of lethal recessive conditions in Australian Wagyu that are attached to this document See appendix B – “AWA Lethal recessive conditions of Wagyu” panel.
- 5.4.2 As carriers of a single copy of lethal recessive conditions are clinically normal, all animals tested to the “AWA Lethal recessive conditions of Wagyu” panel must have their status identified on their individual registration.
- 5.4.3 Testing for other recessive conditions may be required if any genetic material is destined for an export market in which the importing country and/or breed association requests such information.
- 5.4.4 AWA shall calculate the probability of each registered animal being a carrier of genetic conditions and shall publish the results of tests conducted for these conditions and the probabilities of non-tested registered animals being carriers.

### **6 TRANSFERS**

- 6.1 Upon sale, exchange, gift, lease or other settlement of a registered animal, or any interest therein registered with AWA, notification of such shall be lodged by the animal’s registered owner with a completed, signed transfer application for the registered animal to be transferred on the back of the original pedigree registration certificate.
- 6.2 Every animal shall be registered and the registration fees paid by its breeder/owner before it is transferred. The vendor shall pay transfer fees.
- 6.3 Transfer within 60 days  
Transfer applications must be forwarded to AWA together with the prescribed transfer fee within 60 days of the date of transfer/sale. A late fee to be accepted must accompany transfer applications received after 60 days.
- 6.4 A calf must be registered by the breeder prior to transfer with/without the dam.
- 6.5 Base dams: The above regulations also apply to registered Base dams.
- 6.6 Full mating details must be entered on the transfer certificate.
- 6.7 Transfer of registered animals from approved overseas societies must conform to AWA’s requirements in force from time to time.
- 6.8 In the event that members purchase unregistered animals and apply to have them registered, all transfer and registration fees will be payable, and all requirements for registration shall be met.
- 6.9 With the transfer of genetic material, the vendor is obliged to supply relevant DNA information.

### **7 CATTLE LEASING**

- 7.1 AWA recognises the existence of cattle-leasing arrangements and lessees are deemed to be owners for all purposes of these By-laws for the period of the lease.
- 7.2 Both lessors and lessees are required to be full members, except in the case of leasing finance arrangements, in which circumstances the lessee only is required to be such a member.

7.3 It will be a requirement of the Lessor to inform AWA at the beginning of the term of the lease the details of both term and lessees rights to progeny produced by the herd in question.

## **8 MATINGS - ARTIFICIAL INSEMINATION (AI) OR NATURAL SERVICE**

8.1 A member may use AI or natural service by registered Fullblood or Purebred bulls in a registered herd with progeny eligible for registration as per section 3.

### **8.2 MULTIPLE OWNERSHIP OF SIRES & DAMS**

8.2.1 Only four (4) shareholdings in a bull or female will be registered with AWA at any one time. When a sire or dam becomes the subject of multiple ownership, AWA must be notified in writing, before the animal is used by the new owners.

8.2.2 One of the four member owners shall become the nominated owner as AWA contact.

## **9 IMPORTATIONS**

### **9.1 REGISTERED CATTLE IMPORTS**

9.1.1 Animals registered in any other country approved by AWA will be considered for registration on AWA's Registers on receipt of the following (which must be forwarded to AWA within 2 months of import):

9.1.1.1 A certified copy of a four-generation registration certificate from the approved overseas society.

9.1.1.2 A certified copy of a transfer certificate.

9.1.1.3 A certified copy of an export certificate

9.1.1.4 In the case of all progeny bred by embryo transfer, a certified copy of the parent verification certificate.

9.1.1.5 Where an animal or pending progeny is by a sire or dam which is not on AWA's Register, the sire or dam's registration certificate, ISAG format DNA profile and the prescribed fee must also be provided.

9.1.1.6 Payment of the prescribed fee.

9.1.2 Animals registered as Fullbloods or Purebreds in registers of recognised overseas Wagyu breed organisations shall be eligible for registration in AWA's Registers, provided that the regulations governing the entry of such animals comply with these By-laws governing registration and evidence of DNA parent verification to sire and dam is provided.

### **9.2 IMPORTATION OF RECIPIENT DAMS**

9.2.1 In the case of recipient cows being imported, a prescribed fee per donor cow shall be paid. The following documents must be forwarded to AWA:

9.2.1.1 Donor cow's registration certificate.

9.2.1.2 Donor cow's DNA or blood typing certificate.

9.2.1.3 Where the donor cow has been inseminated by a sire, which is not on AWA's Registers, the sire's registration certificate, DNA/blood typing certificate and the prescribed fee must also be provided.

9.2.1.4 Export certificate covering the import of the recipient cows.

## **10 CLONING**

No embryos, semen or progeny from sires and or dams that are a result of cloning are to be registered with AWA. AWA will not register any animal or genetic material imported into Australia that is derived from cloning anywhere in its pedigree.

## **11 AWA FEES**

Fees for services provided by AWA can be found on the AWA website at:

<https://www.wagyu.org.au/for-members/forms-and-guides>

## **PART B- Australian Wagyu Association**

### **Members Code of Conduct**

1. Members should note that AWA expects members to observe the highest standards in all dealings with their animals and, in particular considers any form of misrepresentation to be detrimental to the interest of AWA.
2. Any breeder holding a dispersal sale shall be ineligible to register cattle for a period of three years from the date of sale and transfers out of his herd cannot be made during that time.
3. Attention is therefore drawn to the the Constitution which provides at the following clauses:

28.1 If any member:

- (1) wilfully refuses or neglects to comply with the provisions of this Constitution and any of the by-laws of the Company; or
- (2) is guilty of any conduct that, in the opinion of the directors, is unbecoming of a member or prejudicial to the interest of the Company;

the directors may resolve to censure, direct a member to rectify a breach of their compliance with the provisions of the constitution and any of the by-laws of the Company, fine, suspend or expel the member from the Company and, in the case of expulsion, to remove the member's name from the register of members.

28.3 At least 1 week before the meeting of the directors that a resolution of the nature referred to in rule 28.1 is passed, the directors must give to the member notice of:

- (1) the meeting;
- (2) what is alleged against the member; and
- (3) the intended resolution.

28.4 At the meeting and before the passing of the resolution, the member must have an opportunity of giving orally or in writing, any explanation or defence the member sees fit.

28.5 A member may, by notice in writing lodged with the secretary at least 24 hours before the time for holding the meeting that the resolution is to be considered by the directors, elect to have the question dealt with by the Company in general meeting and in that event, a general meeting of the Company must be called for that purpose.

28.6 If at the meeting a resolution to the same effect as the resolution that was to be considered by the directors is passed by a majority of 2/3 of those present and voting (and the vote must be taken by secret ballot), the member concerned must be punished in the manner resolved and in the case of a resolution for expulsion the member is expelled and the member's name must be removed from the register of members.

28.7 If any member ceases to be a member under rule 28.6, the directors may reinstate the member and restore the name of that member to the register of members upon and subject to any terms and conditions they see fit.

4. Any AWA member expelled under these clauses shall forfeit all subscription previously paid by him, also all rights in any claim upon AWA.
5. A member suspended under these clauses shall not during the period of suspension be in or upon the premises of AWA or hold himself out as representing AWA elsewhere.
6. The term "elite" shall not be used to describe any animals offered for sale without the prior consent of AWA.
7. When selling animals, members have an obligation to disclose whether a female has undergone embryo transplant. Similarly the member is to disclose semen interests of bulls where less than 100% is offered for sale.

## PART C- AWA

### Advertising Code of Conduct

#### OBJECTIVES

This Code has been adopted by AWA as part of advertising and marketing self regulation. Its object is to ensure that advertisements by and to AWA Members and other forms of marketing communications are legal, decent, honest, truthful, complete in all descriptions of differing grades of Wagyu livestock, and that they have been prepared with a sense of obligation to potential purchasers and a sense of fairness and responsibility to competitors.

This Code comes into effect on 1 March 2018.

#### DEFINITIONS AND INTERPRETATION

In this Code, unless the context otherwise requires:

**Advertising or Marketing Communications** means any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and

- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly any livestock, a product, service, person, organisation or line of conduct,

#### **AWA-Owned Advertising or Marketing Communications**

Means media directly owned and controlled by AWA, including but not limited to the AWA website, Update Newsletter, all online newsletters, AWA events programs and sales catalogues.

**The Board** means the AWA Board of Directors, which has the power to administer By Laws supporting a review and complaints system in relation to Advertising or Marketing Communications covering the Wagyu industry, Wagyu livestock marketing, and in particular AWA –owned Advertising and Marketing Communications.

**AWA Management** means the AWA Chief Executive Officer

**Member** means a member of AWA.

**Advertiser** means any party, being a Member or otherwise, who purchases advertising space in AWA-owned or other media; or provides promotional copy describing Wagyu livestock or related products for such media.

**Medium** means any medium whatsoever including without limitation cinema, internet, outdoor media, print, email, radio, telecommunications, television or other direct-to-consumer media including new and emerging technologies.

#### **General Advertising & Marketing Communications Standards**

- 1.1 AWA takes no responsibility for and will have no involvement in complaints and disputes regarding advertising or marketing representations made by advertisers. These shall be dealt with under Australian Consumer law Section 29 False and Misleading representations within the appropriate jurisdiction and under the law of the relevant State or Territory.
- 1.2 Advertising or Marketing Communications shall not be misleading or deceptive or be likely to mislead or deceive.
- 1.3 Advertising or Marketing Communications shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.

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- 1.4 Advertising or Marketing Communications shall not exploit Member concerns in relation to animal welfare issues, or regard to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment or welfare of an animal which the product or services do not have.
  - 1.5 Advertising or Marketing Communications shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.
  - 1.6 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.
  - 1.7 Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.
  - 1.8 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
  - 1.9 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
  - 1.10 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
  - 1.11 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

### **Specific Australian Wagyu Industry Advertising and Marketing Communications Standards**

The following standards apply to all Advertising & Marketing Communications in AWA-Owned Advertising and Marketing Communications media. Advertising that does not comply to these standards may be refused publication in AWA-Owned Media at the discretion of the AWA Board or AWA Management. Advertising by Members in non-AWA-Owned media that is not compliant with these standards may place the Member in breach of the AWA Member Code Of Conduct.

- 2.1 Advertising and Marketing Communications material shall describe all registered Herdbook livestock in accordance with the animal AWA registration grade, being Fullblood or Purebred, and provide the full AWA registration identification for each animal.
- 2.2 Advertising and Marketing Communications for cross bred or any other non-Herdbook animal (s) shall describe the livestock by the correct AWA grade; and include specific advice on the AWA registration status of all animals. EG: unregistered animals must be identified as 'unregistered'
- 2.3 Only AWA registration certificates are proof of 'fullblood' or 'purebred' status of an animal.
- 2.4 Advertising and Marketing Communications that describes polled or scurred animals must be consistent in this description with the 'horn status' recorded in the AWA registration certificate of the animals
- 2.5 Advertising and Marketing Communications descriptions of animals in AWA – Owned sales catalogues must provide a vendor certification of the disease testing and vaccination status of each individual animals, as defined in the catalogue entry forms, or catalogue and sale entry may be refused at the discretion of the AWA Board, Board Committee or AWA management.
- 2.6 In accordance with the AWA Advertising Code of Conduct, Advertising and Marketing Communications descriptions of animals in non AWA –Owned sales catalogues or online listings should provide a vendor certification of the disease testing and vaccination status of each individual animals, as defined in the catalogue entry forms.
- 2.7 In publishing the disease status certifications of vendors in AWA-Owned media, AWA relies on the testing and vaccination status certification of vendors, and takes no responsibility for any misrepresentation.
- 2.8 Advertising and Marketing Communications which describes semen lots for sale, shall meet all conditions of clauses 2.1, 2.2, 2.3 and 2.4; plus the vendor shall certify each lot as 'Farm' or 'Centre' collected, and clearly define any eligible international markets for the semen. In publishing the semen-related certifications of vendors in AWA-Owned media, AWA relies on the certification of vendors, and takes no responsibility for any misrepresentation.

- 2.9** Advertising and Marketing Communications which describes embryo lots for sale, shall meet all conditions of clauses 2.1, 2.2, 2.3 and 2.4; and vendor certification shall clearly define any eligible international markets for the embryos. In publishing the embryo-related certifications of vendors in AWA-Owned media, AWA relies on the certification of vendors, and takes no responsibility for any misrepresentation.
- 2.10** Where a Member is a web advertiser on the AWA website, with links to the Member's own website, all Wagyu animal descriptions should conform with the general standards of the AWA Advertising Code of Conduct, and specifically, animals described as fullblood or purebred must have AWA registrations consistent with each such claim. Member advertising on the AWA website may be cancelled for a breach of this clause, at the discretion of AWA Management or the Board.
- 2.11** AWA members are permitted to use the AWA member logo in-full and without fragmentation in promotion of their business and in signage for corporate use such as in letter heads, signage, business cards or website. In using the AWA member logo, members agree to all aspects of the AWA Advertisers Code of Conduct. Members agree to not use the AWA member logo in promotion of product including sale of livestock, gentic material, meat, meat by-products, non-Wagyu products, meals or edible products and are solely responsible for all representations made.