



# THE GOVERNING COUNCIL OF THE CAT FANCY OF SOUTH AUSTRALIA INC.

Established 30<sup>th</sup> June, 1962

*Affiliated to The Australian Cat Federation (Inc)*

## **RULES GOVERNING THE HEARING AND DETERMINATION OF DISPUTES, PROTESTS OR COMPLAINTS BY OR AGAINST MEMBERS OR PARTICIPANTS**

### **AND ANY OTHER MATTER INVOLVING THE ENFORCEMENT OF THE CONSTITUTION OR THE RULES AGAINST MEMBERS OR PARTICIPANTS.**

In these Rules, the Definitions and Interpretations are those contained in the Constitution of the Governing Council of the Cat Fancy of South Australia.

#### **1 Grounds for taking action**

The Association may take action as contemplated by clause 9 of the Constitution against a Member or Participant in accordance with this Rule if it is determined by the Association that the Member or Participant —

- a) has failed to comply with the Constitution, the By-Laws or these Rules or
- b) refuses to support the Objects of the Association or
- c) has engaged in conduct prejudicial to the Association or the Objects of the Association.

#### **2 Judiciary Committee or Tribunal**

(1) If the Association is satisfied that there are sufficient grounds for taking action under Rule 1 against a Member or Participant, the Association may appoint a judiciary committee or tribunal to hear the matter and determine what action, if any, to take against the Member or Participant.

(2) The Members of the judiciary committee or tribunal —

- a) may be Association Members or anyone else but
- b) must not be biased against, or in favour of, the Member or Participant concerned.

#### **3 Notice to Member or Participant**

(1) Before action is taken against a Member or Participant, the Secretary must give written notice to the Member or Participant —

- a) stating that the Association proposes to take action against the Member or Participant and
- b) stating the grounds for the proposed action and
- c) specifying the date, place and time of the meeting at which the judiciary committee or tribunal intends to consider the action (the disciplinary meeting) and
- d) advising the Member or Participant that he or she may do one or both of the following —
  - (i) attend the disciplinary meeting and address the judiciary committee or tribunal at that meeting
  - (ii) give a written statement to the judiciary committee or tribunal at any time before the disciplinary meeting and

- e) setting out the Member or Participant's appeal rights under Rule 6.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

#### **4 Right to Representation**

Those called before a judiciary committee or tribunal do not have the right to be represented by a lawyer. A disciplinary meeting shall be conducted in a fair way by people who have a good knowledge of the issues to be considered and the rules concerned, therefore it is appropriate that there be no right to legal representation.

#### **5 Decision of Judiciary Committee or Tribunal**

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

#### **6 Appeal rights**

- (1) A person whose membership rights have been suspended or who has been expelled from the Association or Shows under Rule 5 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given —
  - a) to the judiciary committee or tribunal immediately after the vote to suspend or expel the person is taken or
  - b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Association as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each Member of the Association who is entitled to vote as soon as practicable and must —
  - a) specify the date, time and place of the meeting and
  - b) state —
    - (i) the name of the person against whom the disciplinary action has been taken and
    - (ii) the grounds for taking that action and
    - (iii) that at the disciplinary appeal meeting the Members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

## **7 Conduct of disciplinary appeal meeting**

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

*Last update: March 2018*