

# WANGARATTA KENNEL & OBEDIENCE DOG CLUB Inc.

INCORPORATION NO. A10106

Affiliated with Dogs Victoria Inc



To be read in conjunction with Wangaratta Kennel & Obedience Dog Club Inc.

“Constitution” and “Rules”

# INDEX

## **PART I - PRELIMINARY**

1 Preamble.....	3
2 Interpretation and Definition .....	3
3 References .....	6
4 Headings and Notes .....	6

## **PART II – MEMBERSHIP**

1 New Member .....	7
2 Membership Renewal .....	7
3 Cost of Membership .....	7
4 Life Membership / Special Award .....	8

## **PART III – CODE OF PRACTICE**

1 Ethics.....	10
2 Grounds .....	10
3 Instructors .....	11

## **PART IV – GRIEVANCE PROCEDURE**

1 Introduction .....	12
2 Dispute Resolution .....	13
3 Grievance Panel .....	13
4 Function of Grievance Panel .....	14
5 Appeals Hearing.....	16
6 Penalty .....	18

## **PART V – DOMESTIC APPOINTMENTS .....19**

## **PART VI – MISCELLANEOUS**

1 Alteration of Regulations .....	19
-----------------------------------	----

## **PART I – PRELIMINARY**

### **1.1 Preamble**

The power for Executive Management Committee to make Regulations and to amend or repeal the same is set down in Rule 5.6.

These Regulations must be read in conjunction with the WKODC Constitution and Rules, which take precedence.

### **1.2 Interpretation and Definition**

These Regulations are subject to the provisions of the Act. In the Constitution, and in the Rules and these Regulations thereto, unless the contrary intention is expressed:

“the Act” means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act and any amendment thereto, or any re-enactment of that Act.

“AGM” means the Annual General Meeting of the WKODC referred to in Rule 6.1.

"Appeal" means the process for an accused to contest the outcome of a Discipline process.

“Application for membership” includes application for readmission to membership.

“Auditor” means the Auditor appointed or reappointed by the members of the WKODC at an Annual General Meeting, or a Special General Meeting, and shall be a person who meets the requirements for an auditor as may be prescribed by the Act.

“Body” means where the context reasonably permits, any Society or Association, Company, Corporation or group of persons.

“Club” for the purpose of these Rules has the same meaning as is assigned to the word Association in the Act.

“Constitution” means the Constitution of the WKODC as amended by Special Resolution of members from time to time.

"Discipline" means penalties imposed by the Disciplinary Sub-Committee in the case of a proven case.

“Dog” includes bitch where the context reasonably admits.

“Executive Management Committee” means the President, Secretary and Treasurer of WKODC.

“Exhibit”

- used as a noun means a dog entered in an exhibition.
- used as a verb includes the verb “to show” and vice versa and “to exhibit” or “to show” includes “to compete”.

“Exhibition/s” includes Conformation, Obedience, Agility, and any other ANKC approved canine activity.

“Exhibitor” means a person in whose name an Exhibit is entered for Exhibition but where the context reasonably permits shall be deemed to include a person by whom such Exhibit is displayed or handled or the person in whose charge the Exhibit is whilst in the precincts of an Exhibition.

“Financial statements” means the annual financial reports prepared in accordance with the Act.

“Financial year” means the period of one calendar year ending at midnight on the 31<sup>st</sup> December each year.

"Grievance" means any written complaint made by a Club member or member of the public against a member of the WKODC, or the WKODC.

“Grievance Panel” means a Sub-Committee appointed by the Executive Management Committee pursuant to Rule 5.8 and to which it delegates its powers under Rule 5.9 to investigate written complaints received against members of the WKODC for alleged misconduct and/or breach of the Rules or Regulations.

“In-Camera Meeting” means a meeting that is closed to anyone other than those elected or appointed members of that committee who have voting rights on that committee, and members of the Executive Management Committee.

“In-Camera Minutes” means separate minutes which shall be kept by the Secretary of that committee which is not for distribution to the membership. A copy of such shall be provided to the Club Secretary.

“Insolvent under administration” means a person who:

- under the Bankruptcy Act 1966 or the law of an external Territory, is bankrupt in respect of a bankruptcy from which the person has not been discharged; or
- under the law of a country other than Australia or the law of an external Territory, has the status of an undischarged bankrupt; and includes:
- a person who has executed a Deed of Arrangement under Part X of the Bankruptcy Act 1966 or the corresponding provisions of the law of an external Territory or of the law of a country other than Australia, where the terms of the Deed have not been fully complied with and:
- a person whose creditors have accepted a Composition under Part X of the Bankruptcy Act 1966 or the corresponding provisions of the law of an external Territory or of the law of a country other than Australia where a final payment has not been made under the Composition.

"Investigation" means the process for determining if there is a case to answer for alleged misconduct or breach of the Rules, Regulations or Codes.

“Junior Member” means a member that is under the age of 18 years and as defined in Rule 2.2(d) and shall have privileges as defined in Rule 2.6(b).

“Life Member” has the meaning as defined in Rule 2.2(b) and shall have full privileges as defined in Rule 2.6(a).

“Management Committee” means the elected Committee of WKODC and includes the Executive and other members of such Committee.

"Mediation" means the process for dealing with a complaint advising of a dispute.

“Mediator” means a person appointed in accordance with these Regulations to endeavour to obtain resolution of a complaint (or dispute) lodged in accordance with these Regulations.

“Newsletter” means any publication authorised by the Management Committee of the WKODC.

“Official” means any person who holds a position within the WKODC.

“Ordinary member” means any member over the age of 18 years with full privileges.

“Period of membership” means the period of time terminating at midnight on 31<sup>st</sup> December in each year for which a member has been admitted to membership.

“Person” where the context reasonably permits, includes a natural person, a firm or partnership, a company, corporation or any other legal entity.

“Poll” means a secret ballot at either Special or Annual General Meetings.

“Prescribed form” means a form prescribed by the Management Committee for a particular purpose.

"Presenter of Evidence" means the Chairperson of the referring Investigations Sub-Committee

“Prize” includes any award, whether in the form of a certificate, a card, a ribbon, a rosette, a sash, a monetary payment, a trophy or otherwise.

“Resolution” means an ordinary resolution passed by a simple majority of the number of members of the WKODC who, being entitled to do so under these rules attend and vote on the resolution.

“Regulations” means the Regulations of the WKODC as amended by resolution of the Executive Management Committee from time to time.

“Rules” means the Rules of the WKODC as amended by resolution of the Management Committee from time to time.

“Special General Meeting” means a general meeting of the members of the WKODC other than an Annual General Meeting.

“Special Resolution” means a resolution passed by not less than seventy five percent of the number of members of the WKODC who, being entitled to do so under these rules, attend and vote personally on the resolution at an Annual General Meeting of the WKODC or at a Special General Meeting of the WKODC convened, for the purpose of such resolution and notice of which meeting, specifying the terms of the resolution and the intention to propose and move the resolution as a Special Resolution, was given to all members of the WKODC not less than twenty-one days prior to the date of holding such meeting. Such Special Resolution cannot be amended in any way at the meeting.

“State” means the State of Victoria.

“Sub-Committee” means a Sub-Committee of the Management Committee or of any of the Committees.

“VCA” means the Victorian Canine Association Inc trading as Dogs Victoria.

“WKODC” means Wangaratta Kennel & Obedience Dog Club Inc.

“Writing” includes printing, typing, photocopying, facsimile, e-mail and any other like recognised means of written communication.

### **1.3 References In these Regulations:**

- a) a reference to a function includes a reference to a power, authority and duty; and
- b) a reference to the exercise of a function includes where the function is a duty a reference to the performance of the duty;
- c) the provisions of the Interpretation of Legislation Act 1984 as amended from time to time apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument under that Act;
- d) a reference to the masculine gender shall include the feminine gender and vice versa;
- e) a reference to the singular shall include the plural and vice versa where the context reasonably permits.

### **1.4 Headings and Notes**

No heading to a Rule or series of sub-rules nor any marginal notes or footnotes in these Rules shall be taken to be or form part of the Rules.

## **PART II – MEMBERSHIP**

### **2.1 New Member**

- a) Upon receipt of an Application for Membership in accordance with Rule 2.3 such persons shall be granted probationary membership, for the period until the application is considered by the Management Committee.
- b) Such members will be issued with a Temporary Badge.
- c) During this probationary period the Member shall only be entitled to privileges of membership provided for in Rule 2.6(a)(vi) and (vii).

### **2.2 Renewal of Membership**

- a) A Member shall be automatically re-considered for admittance by the Management Committee for a further period of membership, provided that the Application for Membership Renewal is made in accordance with Rule 2.4.
- b) Provided that the Member applies for Renewal of Membership within the following 12 month period, the Member shall be automatically re-considered for admittance by the Management Committee for the remainder of that period of membership, provided that the Application for Membership Renewal is made in accordance with Rule 2.4, and the full annual Subscription for that year is paid. The charging of the Joining Fee will be considered by the Executive Management Committee on whether to waive it or impose it.
- c) Those members who had not renewed their membership by the 31st December will not receive the Newsletter until after their Renewal Application has been received.
- d) The member will not have any of the privileges, as detailed in Rule 2.6(a) during the non-renewed period.

### **2.3 Costs of Membership**

- a) The yearly subscription fees are broken down into the following categories:
  - i) Membership Fee:
    - (1) Single Membership - \$30
    - (2) Household Membership - \$50
    - (3) Discounted Membership - \$20
      - (a) This fee is offered to members that provide evidence that they fit into one of the below categories:
        - (i) Over 60's with Seniors Card; or
        - (ii) Defence Force Employee or Veterans Affairs Pension; or
        - (iii) Emergency Services Employee
    - (4) Junior Member – Nil Fee (as incorporated into Household Membership)
  - ii) Insurance Levy - \$10

- (1) This fee does not need to be paid if evidence is provided that the member is also a member of VCA.
- (2) This fee does not apply to the Junior Membership.
- iii) Training Fee - \$60
  - (1) This fee is for each individual member that trains on the grounds.
  - (2) This does not cover any special seminars run throughout the year.
- iv) Joining Fee - \$20
  - (1) This is a one-off fee for the process and administration of membership.
  - (2) This will not be required to be paid upon renewal of membership provided the renewal is in accordance with Regulation 2.2.
- v) Agility Fee - \$40
  - (1) This additional fee is for each individual member that trains in Agility on the grounds.
  - (2) This fee is to assist with the significant cost associated with the additional equipment required to participate in the Agility training.
- vi) Beginners Course - \$130
  - (1) This fee is for those that attend the 5 week Beginners Course.
  - (2) This fee covers the Membership Fee (Single Membership as per Regulation 2.3(a)(i) (1) and Joining Fee.
  - (3) The insurance levy is still required to be paid as per Regulation 2.3(a)(ii).
  - (4) If ongoing training after completion of the Beginners Course is sought then the Training & Agility Fee if applicable will need to be paid.
- b) Upon application by a member for financial hardship the Executive Management Committee may make arrangement for the fees described in Regulation 2.3 to be paid in instalments.

## 2.4 Lifetime Membership / Special Award

The Club will only consider one nomination for Life Membership and one nomination for a Special Award in any given year at the AGM.

- a) Criteria
  - i) The nominee must be a Financial member of the Club at the time of nomination and ratification by the Nominations Sub-Committee.
  - ii) The nominee should have been an active member of WKODC for no less than 10 years.
  - iii) The nominee must embody inspiration to other members to participate in all Club events and activities.
  - iv) The nominee must regularly attend Club meetings and actively assist with event operations when asked to do so.
  - v) The nominee must make self-sacrifice to the Club through time and effort and is committed to improving all aspects of Club operations and membership.
  - vi) The nominee must be held in high esteem by all members.



- vii) The nominee must have given exceptional service to WKODC via ways of improving the club and growing the membership.
    - (1) Exceptional service must be seen to have been achieved:
      - (a) either by, a Single / Multiple act of service that is / are so exceptional it warrants this recognition, or
      - (b) by sustained performance carried out in an exemplary manner in a domestic appointment over a prolonged number of years.
  - viii) The Nominations Sub-Committee may exempt some of these criteria due to special circumstances but may also require additional criteria for special circumstances.
- b) Process for Nomination
- i) The Nominating member must complete all relevant parts of the Nomination Form including a written overview of the members achievement for each of the listed criteria pertaining to the nominated members eligibility for such nomination.
  - ii) The completed Nomination Form must be handed to the Secretary not later than 30<sup>th</sup> September.
- c) Determination of Nominations
- i) Upon receipt of the first Nomination Form for the financial year the Secretary must list the requirement for a Nomination Sub-Committee on the Agenda for the following Management Committee meeting.
  - ii) At the meeting referred to in Regulation 2.3(c)(i) a Nominations Sub-Committee must be established, consisting of no less than the Executive Management Committee (or their proxy) and two other current Life members (or Management Committee members if Life members are unavailable).
  - iii) Any person on this Sub-Committee who is nominated for any Award, will absent themselves from any discussion due to a Conflict of Interest.
  - iv) The Nominations Sub-Committee will consider the nomination/s received and by Special Resolution determine which, if any nomination is recommended for the AGM.
  - v) The recommended nominees for Life Membership / Special Award will be published on the website in November each year and be placed in the Newsletter in December.
  - vi) The Secretary must list the requirement for a consideration of a nomination for Life Membership / Special Award by recommendation of the Nominations Sub-Committee at the following AGM.
  - vii) At the AGM as per regulation 2.3(c)(vi) the membership by Special Resolution (ballot vote) will determine the acceptance or otherwise of the nomination/s put forth by the Nominations Sub-Committee.
- d) Objection to Nomination
- i) Any objection/s to proposed nominees for Life Membership / Special Award posted on the website or in the December Newsletter, must be made in writing to the Management Committee and received before 15<sup>th</sup> January of the following year to the year of publication of the Newsletter.
  - ii) The objection/s will be considered by the Nominations Sub-Committee and Management Committee prior to the application of Regulation 2.3(c)(vi).
  - iii) If the nomination has been determined to be rescinded then this determination will be published on the website immediately and be placed in the Newsletter in February.
  - iv) If the nomination has been determined to be continued then this determination will be relayed to the member listing the objection/s and application of 2.3(c)(vi) will commence.

## **PART III – CODE OF PRACTICE**

### **3.1 Ethics**

- a) A member shall not knowingly or recklessly misrepresent the WKODC.
- b) A member shall not engage in any behaviour that is contrary to the standards accepted by the community.
- c) A member shall display good sportsmanship and conduct at all times so as to reflect credit upon themselves, and the WKODC.
- d) Members shall constantly strive to improve their knowledge of the positive reinforcement training techniques, and their knowledge of the requirements for the care, welfare and betterment of dogs.
- e) Members shall ensure that all dogs under their control are properly controlled, housed, fed, watered, exercised and receive veterinary care as required.
- f) Members shall ensure that they comply with the Victorian Government “Domestic Animal Act” in relation to the care and well-being of any dogs owned by them.
- g) A member shall positively enhance the reputation of dog breeders and owners by ensuring that dogs owned by the member are not a danger or nuisance to the community.
- h) A member shall not participate in nor support any activity that involves cruelty or damage to animals, excluding legal hunting activities.
- i) Members shall abide by all lawful and reasonable directions of the Management Committee or Domestic Appointment holders.

### **3.2 Ground Rules**

- a) All dogs must be immunised. An Immunisation Certificate or Titre Test Certificate must be submitted with Membership or Renewal Application.
- b) Dogs under the age of 2 months will not be allowed to train in any class.
- c) Any child under the age of 10 years will not be allowed to train a dog in any class without the express permission of the Obedience or Agility Co-Ordinator in consultation with the instructors. Parents must be in attendance at all times.
- d) No bitch may attend Obedience or Agility training for the full 3 weeks of a season, or while there is any discharge (which in some cases may be more than usual period of 3 weeks). Bitches may enter Conformation (show) training during this time.
- e) All dogs must remain on leash at all times whilst on Club grounds unless working under the supervision of an Instructor.
- f) Any hurdles, jumps or Agility equipment may only be used under the direct supervision of an Instructor. All equipment must be put away after use.
- g) Owners/Handlers are responsible for the actions of their dog(s) at all times. This includes before, during and after training sessions and at break times.
- h) All Handlers must carry 2 plastic bags (poo bags) at all times.
- i) The Handler of any dog which fouls the grounds must immediately remove the droppings.
- j) No dog is to be left unattended unless tied up or confined by some means so that it cannot interfere with other dogs or other members’ belongings.
- k) People and their dogs must stay clear (a minimum of 3m unless impractical) of crated or tethered dogs at all times whilst on the grounds and/or surrounds.

- l) The Obedience or Agility Co-Ordinator may require the muzzling of any dog which displays aggression towards the instructors, handlers or other dogs, or may direct the dog to be taken from Club grounds.
- m) Any person seen to be mistreating any dog will be reported to the Management Committee for action on the matter. The Management Committee will not tolerate mistreatment of a dog or handlers under any circumstances.
- n) Any adult bringing a child/children onto Club grounds is responsible for the actions of that child/children at all times. The responsible adult must supervise the child/children so that they do not inconvenience or distract members and their dogs or compromise the safety any person or dog. Children must respect the Club's property and the property of members at all times.
- o) The Grounds are Non-Smoking.

### **3.3 Instructors**

- a) The Instructors are representatives of the WKODC, and as such anything an instructor says and/or does should reflect the Constitution, Rules and Regulations of the WKODC.
- b) The WKODC Instructors must:
  - i) Be financial members of the WKODC to instruct a class,
  - ii) Abide by the Constitution, Rules and Regulations of the WKODC,
  - iii) Have considerable knowledge of Positive Reinforcement Training Techniques,
  - iv) Conduct themselves in a professional and courteous manner,
  - v) Be ethical and respect other people's opinions.

## **PART IV – GRIEVANCE PROCEDURES**

### **4.1 Introduction**

- a) Any person may make a written complaint against a member of the WKODC, or the WKODC: advising of a dispute, (refer Regulation 4.2) and / or; alleging misconduct or breach of the Rules or Regulations (refer Regulation 4.3).
- b) Any such complaint must only be tabled during an In-Camera session of the Management Committee.
- c) Any complaint advising of a dispute shall be referred for mediation, and any complaint alleging misconduct or breach of the Rules or Regulations shall be referred directly to a Grievance Panel.
- d) When lodging a written complaint, written approval from the complainant to the release of a copy of the complaint to the accused, and appropriate witnesses who may be parties to subsequent hearings, and the members of the Grievance Panel, shall be provided. In the absence of written approval the Secretary shall return the complaint to the complainant and advise of the requirements of this Regulation.
- e) A fee of \$150 shall be required with any complaint lodged. In situations of demonstrable financial hardship the fee may be waived by the Executive Management Committee. Where a fee is required and not received the Secretary shall return the complaint to the complainant and advise of the requirements of this Regulation.
- f) Where the matter is referred to mediation and the complaint is successfully resolved, the fee will be refunded in full to the complainant.
- g) Where the matter is referred to a Grievance Panel and the Grievance Panel determines that the complaint has been proven, the fee will be refunded in full.
- h) If the requirements of Regulations 4.1 are not complied with the matter will not proceed.
- i) The Grievance process must be completed as expeditiously as practicable
- j) No person shall make a frivolous or vexatious complaint.
- k) Any action taken by any person intended to pre-empt or circumvent the outcome of any Mediation, Grievance proceedings or Appeal hearing shall constitute a breach of these regulations and may be the subject of disciplinary proceedings.
- l) Any attempt by any person outside of an official hearing to influence the attitude of any involved witness, member of the Grievance Panel, or Management Committee shall constitute a breach of these regulations and may be the subject of disciplinary proceedings.
- m) In accordance with Rule 5.9 the Management Committee delegates power to the Secretary, the Mediator, and the Grievance Panel to act in accordance with these Regulations.
- n) In the event that the Secretary is unable or unwilling to act, or is a party to the complaint: the President shall be responsible; or in the event the President is also unable or unwilling to act, or also a party to the complaint, the Management Committee shall appoint another member of the Management Committee to coordinate the Grievance Procedure in this instance.
- o) All parties privy to the matter shall keep confidential the names of all parties involved and the details of the matter.

- p) Any correspondence relating to the matter can only be listed, tabled, and discussed: at Management Committee during an In-Camera session, and/or at any Grievance and/or Appeal proceedings if deemed appropriate.
- q) Material relating to written complaints shall only be provided or shown to the people directly involved, members of the Grievance Panel, and the Secretary.
- r) It shall be the responsibility of the Chairperson of the appointed Grievance Panel to coordinate all aspects of the Grievance procedure and report to the Management Committee on the current status of all outstanding complaints. Such report must only be presented during an In-Camera session of the Management Committee.
- s) In the event that the Chairperson is unable or unwilling to act, the Grievance Panel shall elect a replacement Chair.
- t) Where a member the subject of a Grievance Panel proceeding fails, without reasonable excuse, to attend an inquiry, investigation or hearing authorised by the Rules or Regulations, the matter may proceed in their absence.

#### **4.2 Dispute Resolution**

- a) Any dispute shall be handled by mediation pursuant to Rule 2.12.
- b) The Secretary shall, after receiving written approval in accordance with Regulation 4.1 (d) forward a copy of the complaint and any relevant documentation to the accused and advise that the matter will be dealt with by mediation in accordance with Rule 2.12.
- c) If required a Mediator shall be appointed in accordance with Rule 2.12.
- d) If the mediation process is successful, the Mediator shall within 7 days of the mediation forward the terms of settlement in writing to the Secretary so that the parties can be officially notified, and the mediation process will end there.
- e) If the mediation is unsuccessful, the Mediator shall within 7 days of the mediation advise the Secretary to that effect, who will confirm in writing the outcome of the mediation to each party within 7 days of receiving the results. Either party, or the Executive Management Committee may refer the matter to the Management Committee requesting the establishment of a formal Grievance Panel. If no such request is received by the Secretary within 7 days of the letter as per Regulation 4.2, the matter shall lapse.
- f) The Secretary shall keep a file on all complaints that have been referred for mediation. Such file shall contain a complete record of all proceedings.

#### **4.3 Grievance Panel**

- a) Following receipt of a written complaint, the Management Committee will conduct an In-Camera Session to appoint a Grievance Panel from the members of the Management Committee.
- b) Where possible a minimum of five (5) Panel members be appointed, being a minimum of 2 Executive members and the relevant holder of the Domestic Appointment if applicable.

- c) The minimum credentials for members of the Grievance Panel (aside from the Domestic Appointment holder) shall be that they:
  - i) must be a current member of the WKODC Management Committee,
  - ii) must not have been found guilty of an offence under the disciplinary proceedings in the last 5 years.
- d) The Grievance Panel shall elect their own Chairperson.
- e) If any member of the Grievance Panel believes their involvement may be prejudicial to the outcome they must immediately declare themselves ineligible.
- f) In the event that one member of the Grievance Panel becomes unavailable after the commencement of proceedings, the remaining members may continue the investigation or may request the appointment of another member by the Management Committee, which shall be done at a subsequent In-camera session.

#### 4.4 Functions of the Grievance Panel

- a) The purpose of the Grievance Panel shall be to determine whether or not the complaint is proven, what if any penalties to apply on proven charges and whether or not the matter is frivolous and/or vexatious.
- b) The Grievance panel shall provide a determination within 90 days of the panel being formed.
- c) The Grievance Panel shall receive from the Secretary a file, which shall contain copies of:
  - i) the letter of complaint,
  - ii) the Incident Report (if available),
  - iii) the response from the accused,
  - iv) any correspondence from witnesses and/or other relevant parties,
  - v) but shall not contain any material or references from the mediation process.
- d) The Secretary shall forward a copy of the complaint and any relevant documentation to the accused, and advise that the matter will be dealt with by a Grievance Panel in accordance with Regulation 4.3.
- e) The Grievance Panel shall then:
  - i) Carry out a detailed investigation which may include interviews/correspondence with the complainant, the alleged offender and any potential witnesses;
  - ii) Where appropriate direct members to attend at a specified time and place for the purposes of interview.
  - iii) The member/s under investigation must be provided the opportunity to present a defence and to explain their conduct
  - iv) Determine whether a charge or charges should be laid against the member/s under investigation,

- f) In the event of a case not being proven the Grievance Panel shall prepare a report for the Secretary detailing:
  - i) The investigation process,
  - ii) the conclusions and reasons therefore.
    - (1) The Secretary shall table the report at the next Management Committee in-camera meeting.
    - (2) After which the Secretary shall give written advice to the parties that no further action will be taken.
- g) If the Grievance Panel finds there is a case to answer from the complaint the Grievance Panel shall:
  - i) Pass separate determinations for each charge, and
  - ii) may impose one or more of the penalties provided for in the Regulations or Act, and
  - iii) determine whether the penalties run concurrently, having regard to previous offences or penalties and
  - iv) any other matter which they deem relevant in order to determine the appropriate penalty for that charge.
  - v) Prepare a report for the Secretary, detailing:
    - (1) Full particulars of the charge/s;
    - (2) The alleged incident(s), including date, time and place at which the incident is alleged to have taken place, and
    - (3) The findings of the Grievance Panel;
    - (4) Full particulars of the charge/s proven, and
    - (5) The relevant Rule/s or Regulation/s that have been breached, and also state how each of these Rule/s or Regulation/s have been breached.
    - (6) The penalties imposed and the consequences of those penalties.
      - (a) The Secretary will table the report at the next in-camera Management Committee meeting.
      - (b) The Secretary shall give the accused written confirmation of the findings of the Grievance Panel within 14 days of that in-camera meeting of the Management Committee. This advice shall include:
        - (i) The findings of the Grievance Panel;
        - (ii) Full particulars of the charge/s proven, and
        - (iii) The relevant Rule/s or Regulation/s that have been breached, and also state how each of these Rule/s or Regulation/s have been breached.
        - (iv) penalties imposed and the consequences of those penalties; and
        - (v) the person's right of appeal, and the grounds of appeal (Regulations 4.5)

- vi) Where no appeal is lodged the penalty will take effect 10 days from the date of emailing of the written confirmation of the findings of the Grievance Panel.
- vii) Where an appeal is lodged the appellant will be granted a deferment of penalty until such appeal is heard.

#### 4.5 Appeals Hearing

- a) Any member found guilty of a charge by a decision of a Grievance Panel may, within 7 days of receiving notice of such finding, give notice of appeal against such finding and/or penalty imposed, or part thereof.
- b) An appeal may only be made citing: incorrect procedure by the Grievance Panel, and/or new evidence, and/or the penalty or penalties imposed.
- c) Such notice of appeal shall be in writing to the Secretary of the WKODC and shall state the precise grounds of appeal.
- d) If the Secretary receives a notice in accordance with Regulation 4.5, he or she must notify the members of the Management Committee and they must convene a Special General Meeting of the members of the WKODC within 120 days from the date on which the Secretary received the notice of appeal.
- e) The Secretary shall acknowledge receipt of the appeal and forward a copy of the Appeal procedure to the appellant.
- f) A Special General Meeting shall be called for the purpose of hearing an appeal against the findings of the Grievance Panel on the grounds as specified in Regulation 4.5.
- g) The Notice of meeting shall contain:
  - i) the particulars of the charge/s proven,
  - ii) the penalty imposed,
  - iii) the fact that an appeal has been lodged, and
  - iv) the precise grounds of appeal,
  - v) that the Special General Meeting shall be held in accordance with Rule 2.12.
- h) At a Special General Meeting of the WKODC convened under Regulation 4.5:
  - i) The President of the WKODC shall preside at the meeting, however:
    - (1) In the event that the President is unable or unwilling to act, was a member of the Grievance Panel or is a party to the complaint, the Vice President shall be responsible to preside at the meeting; or in the event the Vice President is also unable or unwilling to act, or also a party to the complaint, the Management Committee shall appoint another member of the WKODC Management Committee who did not sit on the Grievance Panel to preside at the meeting in this instance. no business other than the question of the appeal may be conducted.
  - i) The Chairperson shall outline the procedures to be followed.
  - j) The Chairperson shall advise the appellant that all evidence to be presented must be directly relevant to the basis upon which the appeal was sought.



- k) The Chairperson shall invite the appellant to present their case.
- l) The appellant shall present evidence relevant to the appeal.
- m) The Chairperson of the meeting shall invite the Chairperson of the Grievance Panel to place before the meeting details of the Grievance Panel findings relevant to the appeal, and may be questioned by the appellant.
- n) At the conclusion of all evidence, the Chairperson shall call for appointment of a returning officer and a scrutineer representing the appellant and shall then implement a secret ballot, which shall then determine the appeal, in accordance with Rule 2.12
- o) In the event of an appeal on the grounds of incorrect procedure,
  - i) if the appeal is upheld by a resolution the decision shall be set aside and referred to a newly formed Grievance Panel, made up of those who did not sit on the Grievance Panel, for re-hearing;
  - ii) if the appeal is not upheld the decision of the Grievance Panel shall stand.
- p) In the event of an appeal against penalty or penalties imposed, the members may confirm or vary the penalty/s imposed and ballot papers shall be designed so as to enable members to clearly express their views.
- q) In the event of an appeal on the grounds of new evidence,
  - i) if the appeal is upheld and the new evidence is sufficient in the opinion of the members, following the conduct of a secret ballot, to warrant the charge/s being withdrawn, the Chairperson shall declare the charge/s withdrawn.
  - ii) if the appeal is not upheld the decision of the Grievance Panel shall stand.
- r) After the result of the ballot has been determined the Chairperson shall advise the appellant, and the meeting, of the result.
- s) The Secretary shall formally convey the result of the appeal in writing to the Appellant within 14 days of the appeal hearing.
- t) The decision of the Special General Meeting shall be final and binding on all parties.

#### 4.6 Penalties

- a) The Grievance Panel or the members present at the Special General Meeting called to hear the Appeal in acting under these Regulations has power to impose any one or more of the following penalties as appropriate to the offence:
  - i) To restrict all or any membership privileges.
  - ii) To impose a fine payable within a time fixed by the Grievance Panel or Special General Meeting as prescribed in the Associations Incorporation Regulations, and any subsequent amendments or re-enactments.
  - iii) To suspend or expel from membership.
  - iv) To suspend or expel any official from their position held within the WKODC.
  - v) To disqualify or suspend from exhibition at any WKODC run event any dogs registered in the name of or owned or part owned or leased or part leased by that member.
  - vi) Management Committee may advise other member bodies of the VCA of any action taken against a member under these Regulations.
  - vii) Any member of the WKODC suspended or disqualified, or any person who becomes ineligible in accordance with the provisions of the Rules and Regulations of the WKODC, shall not be entitled to the return of any portion of that member's annual subscription or any other fees.

## **PART V – DOMESTIC APPOINTMENTS**

- a) The Management Committee shall ensure the following Domestic Appointments are filled:
  - i) Obedience Co-Ordinator (Process #6003)
  - ii) Agility Co-Ordinator (Process #6001)
  - iii) Show Co-Ordinator (Process #6005)
  - iv) Canteen Manager (Process #6002)
  - v) Promotion and Sponsorship Manager (Process #6006)
  - vi) Property and Liaison Manager (Process #6004)
  - vii) Information and Technology Manager (Process #6007)
  - viii) Maintenance Co-Ordinator (Process #6008)
- b) All domestic appointments are vacated on the night of the first Management Committee Meeting for the new year.
- c) The nominations are to be provided to the Secretary 28 days prior to the above meeting and will be voted on by resolution at said meeting.
- d) The appointments are held from midnight the night of above meeting until they are required to be vacated.

## **PART VI – MISCELLANEOUS**

### **6.1 Alteration of Regulations**

The Regulations shall not be altered or rescinded or added to except by a Resolution of the Executive Management Committee of the WKODC.