



Australian National Cats Incorporated

Disputes and Discipline Policy

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1.	Introduction.....	3
2.	Application.....	3
3.	Conflicts of Interest.....	3
4.	Grounds for Complaints	3
5.	Complaint Notice	3
6.	Complaints Process	4
7.	Discipline	4
8.	Grounds for Appeal	5
9.	Appeals Process	5
10.	Dispute Resolution Process	5

1. Introduction

1.1. All references to:

- a) 'Committee' means the ANCATS Executive Committee;
- b) 'Complaint' means an expression of dissatisfaction made to or about ANCATS, related to its operations or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required; and
- c) 'Co-ordinator' means the ANCATS National Disputes Co-ordinator appointed by the Committee.

1.2. Complaints and disciplinary action may involve one person (an individual) or a group of people (e.g., joint prefix holders). The terms 'person', 'member', 'complainant', and 'defendant' in this document should be assumed to also apply to the applicable plural.

2. Application

2.1. The Committee:

- a) shall only hear complaints relating to breaches of ANCATS rules, bylaws, Codes of Conduct or Breeders Code of Ethics;
- b) shall only deal with complaints concerning members of ANCATS; and
- c) will not take any action on any complaint where there is a legal dispute, including small claims dispute, or where legal action may be necessary to resolve the complaint or has been indicated as a resolution by either party.

2.2. Where a settlement has been made between the complainant and the defendant (i.e., payment in full and final settlement), then ANCATS reserves the right not to proceed with a hearing if no rules outlined in this document have been broken or not adhered to.

3. Conflicts of Interest

3.1. If the Co-ordinator or any Committee member has an interest in any particular complaint or disciplinary matter, they must declare this interest and shall take no part in any of the procedures.

3.2. Failure to declare an interest shall leave that member at risk of disciplinary action.

3.3. In the event of the Co-ordinator advising a conflict of interest, the Committee shall appoint another person to act in the position with the same powers as if they were the Co-ordinator.

4. Grounds for Complaints

4.1. A complaint may be laid against any member who:

- a) is in breach of the constitution or any ANCATS rule, bylaw, Code of Conduct or the Breeders Code of Ethics;
- b) is charged and/or convicted in court of a crime relating to their activities within the Association or whilst on Association business or representing the Association;
- c) is charged and/or convicted of animal neglect or abuse under *the Animal Welfare Act 1999*;
- d) acts in a manner which is, or which may be discreditable or prejudicial, or calculated to be prejudicial to the interests of ANCATS and/or the feline world;
- e) judges at or in any way officiates at an unsanctioned cat show;
- f) does any improper act connected with the administration or operation of ANCATS;
- g) behaves in a fraudulent manner unrelated to the feline world where it is appropriate that penalties be imposed due to an actual or perceived impact on the Association; or
- h) acts as the nominee or agent of a banned person with the intention of avoiding any penalties imposed upon the banned person.

5. Complaint Notice

5.1. The complaint against any member (including Committee members) must be made in writing by the person making the allegations and directed to ANCATS Secretary, or another Committee member where the complaint is made against the ANCATS Secretary.

- 5.2. The written complaint must be in the form of the Complaint Notice annexed to this policy and must contain sufficient detail and/or supporting documentation to determine the validity of the complaint including (without limitation) full details of the place, date and time, the nature of the rule breach and the person involved.

6. Complaints Process

- 6.1. On receipt of a complaint, the Secretary must inform the Co-ordinator who shall serve written notice on the member subject of the complaint (**Breach Notice**). The Breach Notice must include particulars of the complaint including:

- a) nature of the breach (i.e., failure to comply with ANCATS rules, bylaws, Codes of Conduct or Breeders Code of Ethics;
- b) date of the breach; and
- c) evidence of the breach, if any (i.e., advertisement or inspection).

- 6.2. The Co-ordinator must give the member at least 14 days from the date the Breach Notice is served to make submissions to the Co-ordinator about the complaint and to rectify any non-compliance as detailed in the Breach Notice, except where the Co-ordinator reasonably considers the breach to be serious in which case the Co-ordinator may set a reasonable timeframe for the member to make submissions.

- 6.3. If the member:

- a) fails to remedy any breach or non-compliance as detailed in the Breach Notice; or
- b) commits persistent breaches of a similar type or nature (as determined by the Co-ordinator),

the matter will be referred by the Co-ordinator to the Committee for disciplinary action and the Committee may impose any sanction it considers reasonably necessary in the circumstances to protect ANCATS' interests.

- 6.4. The Committee must give the member written notice of its determination within 14 days'.

- 6.5. The deliberations of the Committee are not open to the public.

7. Discipline

- 7.1. ANCATS shall have the following disciplinary powers including (without limitation):

- a) the issue of reprimands;
- b) the withdrawal of the member's breeding prefix, or the suspension of the member's prefix for as long as may be deemed to be appropriate;
- c) the suspension of any member or non-member from taking part in or having any connection with or attending any ANCATS show;
- d) the suspension of any member from taking part in the management of any ANCATS show;
- e) the suspension of any member from acting as an officer or official of ANCATS;
- f) the suspension from competition of all cats owned or registered in the name of any member against whom a complaint is proved;
- g) the disqualification from registration or competition of all or any cats and all or any of the progeny of any such cats owned by any member or owned or registered by them jointly with any other or others or owned or registered in the name of a nominee;
- h) to add to, delete from, or amend any detail on ANCATS pedigree registers;
- i) remove or suspend any member who, after a fair and impartial hearing, shall be found guilty of violating any rules of ANCATS or conduct detrimental to ANCATS; or
- j) communicating the outcome of complaints to other registering bodies.

- 7.2. Where a member:

- a) breaches the constitution or any ANCATS rule, bylaw, Code of Conduct or the Breeders Code of Ethics and fails to remedy that breach within 14 days (or such other reasonable period of time identified in the notice for serious

- breaches) of receiving written notice of the breach from the Committee;
- b) persistently breaches the constitution or any ANCATS rule, bylaw, Code of Conduct or the Breeders Code of Ethics;
- c) is charged and/or convicted in court of a crime relating to their activities within the Association or whilst on Association business or representing the Association;
- d) is charged and/or convicted of animal neglect or abuse under the *Animal Welfare Act 1999*;
- e) behaves in a way which in the opinion of ANCATS is discreditable or prejudicial in the interest of the feline world; and
- f) behaves in a fraudulent manner unrelated to the feline world where it is appropriate that penalties be imposed due to an actual or perceived impact on the Association,

ANCATS shall be entitled to suspend or terminate the member's membership in its absolute discretion without invoking any other disciplinary procedures. For the avoidance of doubt, if a member's membership is terminated that member will be subject to a lifetime ban and not eligible to re-apply for membership with the Association.

8. Grounds for Appeal

- 8.1. The following are grounds for appeal against the Committee's decision:
 - c) the Committee failed to abide by this policy and the result was a miscarriage of justice prejudicial to the appellant; or
 - d) new evidence has become available that was not available at the date of the decision and it, if considered, would have materially affected the decision of the Committee.

9. Appeals Process

- 9.1. If a member feels that a decision or disciplinary action is wrong or unjust they can appeal against the decision. An appeal must be lodged with ANCATS Secretary within 21 days of the date of the decision.

- 9.2. The Committee shall then offer the person an opportunity to make resubmissions about the breach.
- 9.3. The Committee shall appoint a separate committee of three people to reconsider the breach (**Appeals Committee**).
- 9.4. The Appeals Committee may:
 - 9.4.1. determine that no *prima facie* grounds for an appeal exist and dismiss the appeal;
 - 9.4.2. uphold the appeal and overturn the initial decision.

10. Dispute Resolution Process

- 10.1. The member may not commence any court or arbitration proceedings relating to a dispute arising under this policy unless it first complies with this clause except where the member seeks urgent interlocutory relief.
- 10.2. In the event a member is not satisfied with the outcome of an appeal, the member must serve written notice on the Committee specifying the nature of the dispute (**Dispute Notice**).
- 10.3. Within 7 days of receipt of the Dispute Notice, the member and the Committee must jointly appoint a mediator to mediate the dispute. If the parties cannot agree on a mediator, the parties must approach the Australian Commercial Disputes Centre to appoint a mediator.
- 10.4. If the dispute is not resolved within 42 days after the issue of the Dispute Notice is served, then any party which has complied with the provisions of this clause may in writing terminate any dispute resolution process and may then refer the dispute to arbitration or commence court proceedings in relation to the dispute.



AUSTRALIAN NATIONAL CATS INCORPORATED

Complaint Notice

Please note: A complaint should be accompanied by sufficient evidence or documents.

Complainant Details

Full Name:	
Residential Address:	
Phone Number:	
Membership Number (if applicable):	
Email Address:	

Defendant(s) Details:

Full Name:	
Residential Address:	

Complaint

Please provide details of the complaint, including:

- The grounds for the complaint (see Disputes & Discipline para 5)
- The alleged rules breached by the defendant
- Conduct or circumstances giving rise to the complaint
- The details of any cats involved
- The date(s) the alleged breach occurred

(if there is insufficient space on this form, please continue on a blank page and enclose it with this complaint form.)

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Outcome

Penalties sought (if any)	
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Declaration

Declaration:	I, _____, declare that all information and evidence provided on or with this complaint notice is, to the best of my knowledge, true and correct
Signed by Complainant(s):	

Send to: The Secretary
Australian National Cats Incorporated
PO Box 2478
Taren Point NSW 2229

complaints@ancats.com.au
Phone: 03 9116 8737
