

SECTION 6 - DISCIPLINE

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SECTION 6 – DISCIPLINE

6.1 DISCIPLINARY ACTION

- 6.1.1 Notwithstanding anything herein stated, Council may of its own motion, at any time, call upon a person whom it has reason to suspect of having been guilty of any action or conduct which in the opinion of Council, is discreditable or injurious to those interested in canine affairs or otherwise in contravention, evasion or attempted evasion, direct or indirect of the letter or spirit of the Rules, Resolutions and/or directions of Council to answer a charge respecting such action or conduct.
- 6.1.2 Not less than fourteen (14) days notice by registered (addressee return), or hand-delivered, mail shall be given to those considered by Council to be concerned.
- 6.1.3 Should any person fail to appear in answer to a charge, Council may proceed to enquire into and deal with the charge, notwithstanding his absence.
- 6.1.4 If Council finds the person guilty of the charge, Council shall have the power to:-
- (a) debar the person concerned from judging, taking, part in, or having any connection with, any Exhibition of dogs held under these Rules or being associated with any affiliated body; and (b) impose any other penalty as it deems fit.
 - (b) Such penalty shall be notified by registered (addressee return) mail or hand delivered, within seven (7) days, sent to the address in the Roll of Members.

6.2 INQUIRIES AND INVESTIGATIONS

- 6.2.1 The Council, or a special Panel appointed by Council for such a purpose, shall conduct enquiries and/or investigations into such matters as shall be referred to it from time to time. The Council, or such Panel, shall have the power to require any person to make a statement or a Statutory Declaration concerning the facts of any matter under investigation. Each party involved in any dispute may be represented by a person of their choice only by the leave of the Panel.
- 6.2.2 Upon any enquiry or investigation whether as to the conduct of a Member or otherwise, Council, or Panel, may make such investigation and may accept and act upon such information or evidence as it may, in its discretion, think fit.
- 6.2.3 The determination and/or recommendation of the Panel making such inquiry or investigation, shall be submitted to Council, in

writing, for consideration and will be accompanied by a statement from the Chairman of such Panel, setting out the findings of fact and such evidence as it considered as material.

- 6.2.4 The Council shall consider the determination and/or recommendations so submitted and may adopt such determination or recommendation with or without amendment or It may reject it and make a fresh determination as it, in its absolute discretion, may think fit. The ultimate decision of Council shall be binding upon all Members and upon all persons and bodies affected by such decision.

6.3 SUSPENSIONS

- 6.3.1 Should a person be disqualified, suspended or be declared ineligible to compete by any of the following bodies: -

Victorian Canine Association
Royal New South Wales Canine Council
South Australian Canine Association
Canine Control Council (Queensland)
Tasmanian Canine Association
Canine Association of Western Australia. (Inc)
Australian Capital Territory Canine Association

then such a person shall not be eligible to compete at or take part in any Exhibition held under these Rules.

Provided however, that should such a person be a Member of the NACA, then no penalty shall apply in the Northern Territory until Council investigates.

- 6.3.2 Any persons suspended or disqualified by Council, or otherwise ineligible to take part in exhibitions held under NACA Rules, shall, during the period of such suspension, disqualification, or ineligibility, not be eligible to become or remain a member or to be in anyway associated with any Affiliate of the NACA.

- 6.3.3 Where any member has been charged with an offence, all transactions are to be deferred until the outcome of a hearing is known.

A suspended member may not transfer or register any dog whilst under suspension and litters from a mating or whelping during the time of suspension are not to be registered, not shall the registration be affected after any period of suspension has been lifted.

- 6.3.4 Council shall in any case under these Rules publish the account of any action it takes against any person and/or dog, and the names, description, and addresses of those concerned, and further, to

publish the names of such disqualified or suspended persons and/or dogs which otherwise become ineligible in accordance with the provisions of the Rules.

- 6.3.5 Any person or body who knowingly shall use in any capacity in connection with dogs any person suspended or Disqualified by Council, any Affiliate which permits such a person or one otherwise ineligible to take part in an Exhibition held under these Rules or accepts an entry for a suspended, disqualified, or otherwise ineligible dog shall, if it is proved to the satisfaction of Council that such suspension disqualification, or other state of ineligibility was known of, be liable to be dealt with as an offender within the meaning of these Rules.
- 6.3.6 Any Member suspended or disqualified by Council, or any persons who become ineligible in accordance with the provisions of these Rules, shall not be entitled to the return of any portion of his or her annual subscription or other fees.
- 6.3.7 The Council under these Rules, or any of them, shall have power to inflict a fine on any person or persons or on any Affiliate, if in the opinion of Council a breach of the Rules or Regulations has occurred, or any person who has been found guilty of action or conduct as defined in Rule 6.3.4, and in default of the fine being paid within the period specified by the said Council, to increase the fine or deal otherwise with the person or persons or body by suspending, disqualifying, or otherwise debarring.

6.4 RIGHT AND CONDUCT OF APPEAL

- 6.4.1 Any person/Affiliate penalised by a decision of Council or of an Affiliate may within fourteen (14) days of receipt of the notice of the penalty give Notice of Appeal against such decision. Such notice shall be in writing to the Secretary and state the grounds of Appeal AND be accompanied by the Fee as set out in the Scale of Charges.
- 6.4.2 Any Appellant who loses an Appeal shall be responsible for any and all costs involved in conducting the Appeal 6.4.3 All Appeals received in accordance with Rule 6.4.1 shall be heard by a body to be known as "The NACA Appeals Tribunal".
- 6.4.4 The NACA Appeals Tribunal shall hear every such Appeal made to it as soon as is possible and no longer than thirty (30) days from the date of lodgement of the Notice of Appeal. In its discretion, the Tribunal may allow further evidence to be adduced and may remit the matter for re-hearing by the body concerned. It may uphold or dismiss the appeal, and/or impose a greater or lesser penalty, and make any such order as to the disposal of the deposit.

- 6.4.5 Where an Appeal is lodged against a decision of Council, the President or Panel Chairman, or their Representative will be required to present to the Tribunal all matters and evidence submitted to the original inquiry.
- 6.4.6 Where the Appeal is lodged against a decision of an Affiliate, the President of that affiliate or his representative will likewise be required to present to the Tribunal all matters and evidence submitted to the original inquiry.
- 6.4.7 Each party involved in the dispute may be represented by a person of his choice.
- 6.4.8 The decisions of the NACA Appeals Tribunal and its reasons therefore will be transmitted in writing to the Secretary within seven (7) days of the date of conclusion of the appeal. The Secretary upon receipt of the decision will advise the applicant forthwith.
- 6.4.9 The decision of the NACA Appeals Tribunal will be final and binding.