

# WP&CS of Australia Inc.

## STANDARD COMPLAINTS AND DISCIPLINARY PROCEDURES FOR BREACHES OF CODES OF CONDUCT

### Purpose

To propose a set of standard complaints procedures to apply to alleged breaches of the Society's Codes of Conduct, which need referral to the Committee of Management

To suggest how these complaints procedures can be incorporated into the disciplinary procedures set out in the Society's Rules and Regulations

To recommend that we seek legal advice as to whether any agreed complaints handling procedures need to be incorporated into the Society's Rules and Regulations.

### Background

The Society's Incorporated Rules and Regulations set out disciplinary procedures under Rules 16 – 26. Rule 16.1 states the COM (Committee) may take disciplinary action against a member in accordance with this Division if it is determined that the member:

- a. Has failed to comply with the rules; or
- b. Refuses to support the purposes of the Society; or
- c. Has engaged in conduct prejudicial to the Society.

The Welsh Pony & Cob Society of Australia (the Society) and its members are expected to conduct themselves to the highest standards.

Since the disciplinary Rules and Regulations were promulgated, the Society has introduced a number of Codes of Conduct which apply to all members and which set out the Society's expectations of members in terms of conduct and behaviour.

These Codes are:

- General Code of Conduct
- Code of Conduct for Competitors and Exhibitors
- Members & Breeders Code of Ethics

In addition, there are 2 Codes which apply to some members. These are:

- Committee of Management Member Code of Conduct which applies to Committee of Management (COM) members
- Judges Code of Conduct which applies to judges

These Codes apply jointly with the Rules and Regulations of the Society.

It is the responsibility of all members to understand the repercussions for them if they breach any of these Codes. For example, some behaviours, such as bullying, intimidation, and threatening may be subject to Criminal Law proceedings. Some behaviours such as misleading, deceptive or false advertising and other unethical trade practices are not permitted under Australian Consumer laws.

## **Disciplinary Procedures**

As things stand, there are no explicit disciplinary procedures in the Society's Rules and Regulations for managing Breaches of a Code of Conduct. It seems counterproductive, not to mention confusing, to have two sets of disciplinary procedures apply to Society conduct matters: One set for breaches of Codes of Conduct, and one set under our Rules for any other matters. I suggest that the Society retains just the one set of disciplinary procedures.

I consider that breaching the Society's Codes of Conduct, prima facie, constitutes engaging in conduct prejudicial to the Society so should be covered in Rule 16.c as it currently stands.

It may, however, be necessary on legal advice to amend Rule 16.1 c to:

Has engaged in conduct prejudicial to the Society, *including breaching the Codes of Conduct issued by the Society* (changes in italics).

## **Complaint Procedures**

The Society does not have a clear process for addressing handling of complaints alleging breaches of Codes of Conduct. We need to have a clearly understood set of procedures in place to determine whether, in case of complaints, a breach has or has not occurred. If, under these procedures, a breach is determined to have occurred, this may ultimately lead to disciplinary measures being considered.

This document sets out standard procedures for dealing with complaints made against members of the Society in relation to possible breaches of any of its Codes. If upheld, the COM's response to such complaints may then be addressed ultimately under the Society's Incorporated Rules 16 to 26 of the disciplinary procedures.

Any complaints against a member for Code breaches will be addressed in a way which is unbiased, fair and without prejudice. The procedures for handling complaints should be clearly understood by all parties, as should the potential outcomes.

If a person has a complaint against a Society member that they have breached a Society Code of Conduct, the complaint will only be considered by COM if it is in writing, either sent by post or by email to the Office Manager National Office PO Box 762 Pakenham 3810 or email [office@wpcs.com.au](mailto:office@wpcs.com.au) Evidence to support the complaint should be provided at the same time. This could include a separate letter or email from an independent witness confirming the facts and basis of the complaint.

The complaint must be accompanied by the complaint handling fee of \$100, which will be forfeited if not upheld. The complaint will not be considered if the fee is not paid.

The letter/ email of complaint must be received within 14 days of the alleged breach of code. Any complaints received after that timeframe will only be considered at the discretion of the COM Chairman.

The Society must send a letter of acknowledgement within 5 working days of receipt of the complaint. If necessary, the letter of acknowledgement should ask for further details. Any further details should be provided by the complainant within 10 working days, otherwise the complaint will not be processed any further and the fee shall be returned.

The complaint and supporting details will then be referred to COM for consideration at the next available meeting. At that meeting, COM can determine how the complaint should be handled. If there appear to be grounds for further action, COM may appoint a sub committee to investigate further.

COM will also seek a response from the member who is the subject of the complaint. This will usually involve sharing the full details of the complaint with that member, which in certain circumstances may include the identity of the complainant.

The member who is the subject of the complaint will be given 10 working days in which to respond to put their case. This could include a separate letter or email from a witness.

If necessary one or both parties will be invited to discuss the matter further, either by teleconference or videoconference, or in person.

COM will make a decision on the basis of the findings of the investigation. Once the investigation has been concluded, the complainant and the member being complained against will be advised in writing of the decision. The member being complained against will be advised of the reasons for the decision and any action that may be taken.

If the COM is satisfied that there are sufficient grounds for taking disciplinary action, the disciplinary procedures in Clauses 16 – 26 of the Society's Incorporated Rules may be activated.

In the event that the complaint is upheld in full by the Society, the complainant will be repaid the complaint fee. If the complaint is not upheld, this sum will be retained by the Society.

Any complaints against a member made mischievously may result in disciplinary procedures being taken against that member.

Michele Baker and Janet Murphy

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