

NEW ZEALAND DOG JUDGES ASSOCIATION

DISCIPLINE AND SETTLEMENT OF DISPUTES REGULATION

1. DISCIPLINARY FUNCTIONS OF THE NEW ZEALAND DOG JUDGES ASSN

- (a) Any dispute, complaint or other issue (a "Complaint") arising from or relating to any Rule or Regulation of the New Zealand Dog Judges Association ("NZDJA") or the Dog Judges Code of Conduct (the 'Code') shall be determined in accordance with these Regulations.
- (b) The NZDJA Board shall:
 - (i) Establish a committee (the "Disputes Committee") to investigate and determine any Complaint that may arise in relation to any Rule or Regulation of the NZDJA and/or the Code.
 - (ii) Appoint three members of the NZDJA and three members of the New Zealand Kennel Club ('NZKC') to the Disputes Committee. The members of the Disputes Committee must not be members of the NZDJA Board or NZKC Executive Council.
- (c) The Disputes Committee shall act as it sees fit and with such powers as are necessary to enable it to fully investigate and deal with any Complaint that is referred to it by NZDJA.
- (d) Each Complaint or series of Complaints will be investigated and determined by three members of the Disputes Committee, and at least one of the three members must be a NZDJA appointee.
- (e) The members of the Disputes Committee will appoint one of its members the Chair and another member the Deputy Chair.
- (f) Any Complaints determined by the Disputes Committee can be appealed to the Board of the NZDJA and the Board shall appoint three of its members to a subcommittee (the "Appeal Committee") to consider and determine the appeal. The members of the Disputes Committee are excluded from sitting on the Appeal Committee.

2. GROUNDS FOR COMPLAINTS

- (a) A Complaint may be laid against a member of the NZDJA if it is believed that that member:
 - (i) Is in breach of any Rule or Regulation of the NZDJA or the Code;
 - (ii) Is in breach of any regulation made pursuant to these Regulations;
 - (iii) Acts in a manner which is or may adversely affect or prejudice the interests of the canine world or the NZDJA; and/or
 - (iv) Does any improper act that is connected to or arises from the judging of dogs.
- (b) While the NZDJA and the Disputes Committee cannot pursue a Complaint that occurred prior to the person in question becoming a member of the NZDJA, it will notify that person that a complaint has been received and that the alleged breach or behaviour in question could breach the NZDJA's Rules or Regulations or the Code if it is repeated.

3. LAYING A COMPLAINT

- (a) Any financial member of the NZDJA, the NZKC or any financial member of an overseas authority recognised by the NZKC may lay a complaint with the NZDJA Board about a member of the NZDJA.
- (b) A complaint may be laid by the NZDJA Secretary on behalf the NZDJA Board.
- (c) The Complaint must be in writing, addressed to the Secretary of the NZDJA and include:
 - (i) The full names and addresses of the complainants.
 - (ii) Evidence in support of their eligibility to lay a complaint.
 - (iii) The names and addresses of the NZDJA member(s) complained about.
 - (iv) The full details of the behaviour complained of.
 - (v) The date and location of the incident.
 - (vi) An outline of the alleged breach of the NZDJA Regulations and Rules or Code.
 - (vii) The names and addresses of any witnesses or the persons.
 - (viii) An outline of the relief or remedy (if any) being sought.
 - (ix) A copy of any documents and other evidence in support of the complaint.
- (d) The Complaint must be signed by:
 - (i) The complainant; or
 - (ii) If more than one complainant, by all complainants or at least one of the complainants authorised to sign on behalf of the other Complainants; or
 - (iii) If the Complaint is by a recognised authority a duly authorised officer of that authority.
- (e) The Complaint must be lodged within 30 days from the date when the events giving rise to the Complaint occurred or within 30 days of the consequences of the alleged breach being discovered.
- (f) The Chair (and if the Chair is not available the Deputy Chair) may in exceptional circumstances, upon application by the complainant, rule that the Complaint should be considered notwithstanding that it is lodged out of time.
- (g) Where a Complaint alleges a series of events, incidents, acts or omissions establish a pattern of behaviour that breaches the NZDJA Rules and Regulations or the Code, the time for the laying of the Complaint runs from the date of the last of the alleged events, incidents, acts or omissions. The earlier events, incidents, acts or omissions shall form part of the Complaint for the purpose of establishing the alleged pattern of behaviour and may be taken into account in the imposition of any remedy.
- (g) The time of discovery is deemed to be when the complainant is in full possession of the facts.

4. COMPLAINT LODGEMENT FEES

- (a) The following fees (made payable to the NZJDA) shall be lodged with the Complaint or appeal:
 - (i) A Complaint by a member of the NZJDA, NZKC or registered authority – \$150
 - (ii) A Complaint by the NZDJA or the NZKC acting through its Secretary - Nil.
 - (iii) The lodging of an appeal or application for review - \$150.
- (b) The NZDJA's Board is entitled to waive or refund (in its absolute discretion) any fees that may have been paid or are payable.

5. PROCEDURE UPON RECEIPT OF COMPLAINT

- (a) The Secretary of the NZDJA shall refer any Complaints that are received to the Chair or Deputy Chair of the Disputes Committee.
- (b) The Chair (and if the Chair is not available the Deputy Chair) will appoint a member (the "Investigator") of that Disputes Committee to investigate the Complaint.
- (c) The Investigator will review the Complaint to ensure that it relates to a breach or potential breach of the NZDJA Rules, Regulations and/or the Code, if it does then they will investigate the matter further:
 - (i) If after a preliminary investigation, the Investigator concludes that the nature of the incident, if proven, would not constitute a breach or prejudicial conduct, they shall dismiss the complaint and advise all of the parties accordingly. Written reason(s) for the dismissal must be given to the complainant and a copy of the report shall be submitted to the Disputes Committee and the NZDJA Board.
 - (ii) If it is concluded that there is a preliminary case to answer the Investigator will refer the matter to the Chair of the Disputes Committee (or if the Chair is not available the Deputy Chair) who will appoint three members (excluding the Investigator) to consider and determine the matter.

6. THE HEARING OF THE COMPLAINT

- (a) The three member Disputes Committee shall determine, in its absolute discretion, whether it should hear evidence or whether it should determine the Complaint by written submissions only.
- (b) None of the parties to a Complaint will be entitled to legal representation at the hearing of the Complaint but they may be accompanied by a lay spokesperson and they can engage legal counsel to assist with the preparations for the hearing of the Complaint.
- (c) Where a Complaint is to be determined by written submissions only, the Complaint shall be sent to the respondent and they shall have 28 days in which to respond in writing. The complainant will then have 14 days in which to respond in writing to the respondent's response and the respondent will have a further 14 days to consider the complainants subsequent comments.
- (d) The three member Disputes Committee shall be entitled to ask questions of the complainant and the respondent and they shall respond to those questions in writing within 14 days or such other period of time as determined by the Disputes Committee.

- (e) Any submissions relating to the procedural or legal aspects of the Complaint or the hearing must be made in writing to the Chair (and in the Chair's absence the Deputy Chair) of the Disputes Committee, and served on the other parties 7 days prior to the date set down for a hearing.
- (f) If any legal or procedural issue arises during the hearing of the Complaint, that issue will be determined following the hearing of the evidence in respect of the Complaint/s, but prior to the Disputes Committee reaching its determination of the Complaint.
- (g) After hearing or reading the complainants and respondents submissions the Disputes Committee may determine the matter by:
 - (i) Dismissing the Complaint if it believes that it is trivial, malicious or the evidence fails to establish that there has been a breach of the Regulations, Rules or Code.
 - (ii) May uphold the Complaint and impose one or more of the remedies outlined in Regulation 7 below.
- (h) Any complainant who abandons a Complaint after it has been set down for hearing or does not appear at a Disputes Committee Hearing or fails to respond to the Disputes Committee's request without just cause could be liable to one or more of the remedies outlined in Regulation 7 below.
- (i) The Dispute Committee's decision must be made in writing and must be issued and sent to all parties, the Secretary of the NZDJA, and the NZKC within 28 days of the conclusion of the hearing. The written decision will include:
 - (i) A summary of the Complaint.
 - (ii) A summary of the evidence.
 - (iii) An outline of the Rules or Regulations or Code that have been breached.
 - (iv) A summary of the Disputes Committee's findings and/or the conclusions that were reached.
 - (v) An outline of the remedies that were imposed and why.
 - (vi) Any recommendations to the NZDJA.
 - (vii) Any other relevant comments.
 - (viii) Information on rights of appeal and/or review.
- (j) The Disputes Committee also has the option (in its absolute discretion) to see, if the parties are prepared to negotiate and agree what the outcome of the process should be. The parties shall sign a note of any agreed determination and that shall be binding on them when it is signed by the Disputes Committee.
- (k) The Disputes Committee may request the NZDJA to waive or refund any lodgement fee especially on compassionate or hardship grounds.

7. REMEDIES

- (a) The remedies that may be imposed under these Regulations include one or more of the following:
 - (i) The imposition of a financial penalty of up to \$ 500 payable to the NZDJA.
 - (ii) The issue of a severe reprimand, censure or warning.
 - (iii) The requirement of an apology in the format and manner as directed by the Disputes Committee.
 - (iv) Suspension from judging a specified show or shows for a specified period.
 - (v) An order that the complainant or respondent pays the costs of the NZDJA and/or any party up to the amount determined by the Disputes Committee.
 - (vi) Suspension of the person's membership of the NZDJA.
 - (vii) Expulsion from the NZDJA.
- (b) Any remedy that is imposed can be suspended for all or part of the term of imposition subject to the observation of such conditions as may be imposed by the Disputes Committee. If the conditions of a suspended remedy are not observed then the full remedy will take effect upon notice without any further hearings or determination of the matter.
- (c) Any person who fails to pay any financial penalty or cost or fails to comply with any order within 48 days of the Disputes Committees' determination shall automatically have their membership of the NZDJA terminated and that fact shall be reported to the NZKC.
- (d) If any person is suspended under these Regulations and they breach that suspension, the Disputes Committee may increase the period of suspension or terminate their membership of the NZDJA.
- (e) The NZDJA will publish on the Association's website a summary of any disputes proceedings.

8. COMMENCEMENT OF PENALTY

- (a) All remedies imposed by the Disputes Committee shall commence on the date set by the Disputes Committee.
- (b) Unless otherwise directed by the Board of the NZDJA, the imposition of any remedies shall be suspended upon receipt of a valid appeal until such time as the appeal is heard.

9. IMPOSITION OF PENALTY BY CONSENT

Where any member of the NZDJA has:

- (i) By their own admission admitted that they have breached a Rule or Regulation and/or the Code; or
- (ii) Been suspended from membership of the NZKC;

the NZDJA Board may upon giving 28 days written notice and with the consent of the member concerned impose one or more of the remedies outlined in Regulation 7 above by consent and without any further process.

10. RIGHTS OF AND GROUNDS FOR APPEALS

- (a) Any party that is subject to the procedures outlined in these Regulations has a right of appeal to the Secretary of the NZDJA.
- (b) The appeal must be lodged within 28 days of receipt of the Dispute Committee's determination.
- (c) An appeal must establish one of the following grounds:
 - (i) The hearing of the Complaint was not in accordance with these Regulations or that the determination amounted to a miscarriage of justice or amounted to a breach of natural justice.
 - (ii) New evidence has come to light that was not available when the matter was considered by the Disputes Committee and it if considered would have materially affected the outcome of the hearing.
 - (iii) The facts as established did not result in a breach of Rules or Regulations.
 - (iv) The remedy imposed by the Disputes Committee is not appropriate in the circumstances.

11. PROCEDURE ON APPEALS

- (a) Upon receipt of an appeal the Secretary of the NZDJA shall refer it to the Chair and Deputy Chair of the NZDJA who:
 - (i) Determine that no prima facie grounds for an appeal exist and dismiss the appeal.
 - (ii) Determine that prima facie grounds for an appeal exist and refer the matter for a hearing before the three members of the NZDJA (the "Appeal Committee")
- (b) If the matter is referred for a hearing, the Appeal Committee may order that the hearing be conducted by way of written submissions only.
- (c) The hearing of any appeal shall include an automatic review of any remedy that was imposed by the Disputes Committee.
- (d) Upon hearing an appeal the Appeal Committee may:
 - (i) Dismiss the appeal and uphold the existing determination of the Disputes Committee,
 - (ii) Allow the appeal and make such orders as are deemed appropriate,
 - (iii) Allow the appeal and order a rehearing by:
 - (1) The original Disputes Committee;
 - (2) A different committee made up of the Disputes Committee; or

- (3) The Board of the NZDJA.
- (iii) Amend, substitute or add to any remedy or costs that may have been imposed.

12. DISPUTES REGULATIONS

- (a) Any questions, issues or dispute in relation to the interpretation or application of these Regulations shall be determined by the NZJDA's Board (in its absolute discretion) and they may seek advice from the person that drafted the Regulations. The Board's decision in relation the question, issue or dispute shall be final.
- (b) The NZDJA's Board may amend these Regulations and issue guidelines which deal with such procedural matters as may be necessary for the administration of this section of these Regulations.