



By-Law

Sporting Shooters' Association of Australia (South Australia) Incorporated

NUMBER	1
TITLE	Disciplinary By-Law
VERSION NO.	9 - Approved 10 April 2020

Table of Contents

1. GROUNDS FOR TAKING DISCIPLINARY ACTION.....	3
2. DISCIPLINARY COMMITTEE	3
3. POWERS OF THE DISCIPLINARY COMMITTEE	3
4. NOTICE TO MEMBER.....	4
5. DECISION OF THE DISCIPLINARY COMMITTEE	5
6. APPEAL RIGHTS	6
7. APPEAL OF DECISION TO REPRIMAND, WARN, SUSPEND OR SANCTION under rule 5(b)(ii)(A),(B),(C),(E)	7
8. APPEAL OF RECOMMENDATION TO EXPEL under rule 5(b)(ii)(D).....	7
9. VOTING AT DISCIPLINARY APPEAL MEETING AND SPECIAL GENERAL MEETING	8
FLOWCHART.....	10

SSAA (SA) - DISCIPLINARY BY-LAW

1. GROUNDS FOR TAKING DISCIPLINARY ACTION

- (a) The Association may take disciplinary action against a Member in accordance with clause 33 of the Constitution and this this By-Law if it is determined that the Member:
 - (i) has failed to comply with the Constitution;
 - (ii) refuses to support the objectives of this Association; or
 - (iii) has engaged in misconduct or conduct prejudicial to the Association and/or the sport.

2. DISCIPLINARY COMMITTEE

- (a) Any complaint alleging misconduct of a Member must be in writing addressed to the Secretary within thirty (30) days of the alleged incident. The Complainant must state their full name, address and contact details.
- (b) Where the Executive is satisfied that there are sufficient grounds to investigate the matter, the Executive must sit as the Disciplinary Committee. If the Executive is not satisfied that there are sufficient grounds to investigate the matter, the Executive may dismiss the complaint.
- (c) The Member's of the Disciplinary Committee:
 - (i) must be Member's of the Executive who hold office at the time the complaint is received;
 - (ii) must sit with no less than five (5) Member's in number excluding the President;
 - (iii) must not be biased against, or in favour of, the Member concerned; and
 - (iv) the President must preside over each meeting but not participate in the investigation or vote and must at all times remain neutral and ensure procedural fairness is afforded to all parties and proper documentation is kept confidential. If the President is conflicted, the succession to President procedure at Clause 23 of the Constitution shall succeed the office to preside over the meeting.

3. POWERS OF THE DISCIPLINARY COMMITTEE

- (a) Subject to 2(b), and only once the Executive have determined that the complaint has sufficient grounds and sit as the Disciplinary Committee, the Disciplinary

Committee has the following powers and duties:

- (i) to investigate the subject matter of a complaint in a timely and appropriate manner;
 - (ii) where appropriate, make proper enquiries to ascertain whether the matter is capable of resolution;
 - (iii) summons, inspect and make copies of relevant documents; and
 - (iv) any other reasonable task or preparation of any documents or materials to assist the Disciplinary Committee undertake their investigation. This may include, without limitation, obtaining statutory declarations, written statements, recorded conversations, reports, document or other material as the Disciplinary Committee considers necessary or desirable.
- (b) The Disciplinary Committee may refrain from further investigation if:
- (i) in its opinion, the complaint is vexatious or misconceived, or the subject matter is trivial;
 - (ii) the Complainant has failed, when reasonably requested by the Disciplinary Committee, to provide further particulars or to verify the allegations;
 - (iii) in its opinion, there is insufficient reliable evidence to warrant an investigation or further investigation.

4. NOTICE TO MEMBER

- (a) Before a decision of misconduct can be taken against a Member, the Disciplinary Committee will cause to be provided to the Member written notice or notices:
- (i) providing a summary of the complaint and the substance of the allegations; and
 - (ii) stating that Disciplinary Committee proposes to investigate allegations that could result in disciplinary action against the Member; and
 - (iii) stating that the Disciplinary Committee has formed a view that the conduct may amount to misconduct and the grounds for forming that view and any proposed disciplinary action; and
 - (iv) allow the Member complained of to provide a detailed report to the Disciplinary Committee within the time specified in the notice in relation to any matter relevant to the investigation; and
 - (v) specifying the date, place and time of the meeting at which the Disciplinary Committee intends to consider the disciplinary action (the **disciplinary meeting**); and

- (vi) advising the Member may do one or both of the following:
 - (A) attend the disciplinary meeting and address the Disciplinary Committee at that meeting;
 - (B) give a written statement to the Disciplinary Committee at any time before the disciplinary meeting; and
- (vii) setting out the Member's appeal rights under rule 5 of this By-Law.
- (b) The Disciplinary Committee in its sole discretion shall provide such reasonable notice period of the disciplinary meeting as it deems appropriate in all the circumstances to the Member.
- (c) The Disciplinary Committee may, at any time refrain from further investigation pursuant to sub-rule 3(b) of this By-Law.

5. DECISION OF THE DISCIPLINARY COMMITTEE

- (a) At the disciplinary meeting, the Disciplinary Committee must:
 - (i) conduct the meeting in any manner it deems fit subject to the rules of natural justice and may require written submissions prior to the disciplinary meeting;
 - (ii) give the Member an opportunity to be heard; and
 - (iii) consider any relevant written statement submitted by the Member.
- (b) After complying with sub-rule 5(a) above, the Disciplinary Committee may:
 - (i) take no further action against the Member; or
 - (ii) impose, as applicable, any or all of:
 - (A) reprimand the Member;
 - (B) impose a formal warning with conditions and reporting requirements for a specified period;
 - (C) suspend the Membership rights of the Member in whole or in part for a specified period and or subject to any conditions;
 - (D) recommend expulsion of the Member from the Association in accordance with the Constitution; or
 - (E) in the case of the Member being a Club and the disciplinary action involving one or more Member's of the Clubs committee of management, requiring such other sanction as the Disciplinary

Committee thinks fit in the circumstances.

- (c) The Disciplinary Committee may announce its decision at the disciplinary meeting, or it may adjourn the meeting and produce a written decision in its absolute discretion. The decision must also set out the Member's right to appeal.
- (d) The suspension of Membership rights in whole or part of a Member by the Disciplinary Committee under this sub-rule takes effect immediately after the vote is passed by simple majority unless determined otherwise by the Disciplinary Committee.
- (e) The recommendation to expel the Member must be by unanimous decision of the Disciplinary Committee. This must be referred to the Council for ratification by resolution at a Special General Meeting in accordance with the Constitution.
- (f) All disciplinary meeting proceedings shall be confidential, and shall be conducted with as little formality as necessary for the proper resolution of the matter. Unless otherwise stated in the Disciplinary Committee's decision, the Council in its sole discretion may publicise the outcome of a disciplinary (or appeal) meeting as it sees fit.

6. APPEAL RIGHTS

- (a) A Member who has received a sanction or penalty in accordance with rule 5(b)(ii) above may give notice to the effect that the Member wishes to appeal against the decision of the Disciplinary Committee.
- (b) The notice must be in writing and given to the President (or their delegate) within 30 days after the decision of the Disciplinary Committee on the grounds of:
 - (i) error or omission in process; or
 - (ii) severity of sanction or penalty; or
 - (iii) if the Disciplinary Committee recommended expulsion, a right to be heard at the Special General Meeting.
- (c) No Member may institute or maintain proceedings in any other court or tribunal for any action of defamation, breach of privacy or confidential information or such other cause of action, in circumstances where the Association, in exercising its role under the Constitution and this By-Law, provides details of the matter under appeal to the meeting or during the investigation.
- (d) The Member has a right to pursue any further action in accordance with the Act or otherwise at law once the Member's appeal rights have been exhausted. A Member agrees that prior to taking any further action in relation to a matter that is the subject of a disciplinary procedure, the Member will first exhaust all internal processes.

**7. APPEAL OF DECISION TO REPRIMAND, WARN, SUSPEND OR SANCTION
under rule 5(b)(ii)(A),(B),(C),(E)**

- (a) If a Member has given notice pursuant to a decision to reprimand, warn, suspend or sanction them, a disciplinary appeal meeting must be convened as soon as practicable but in any event at the next practicable Council meeting where Council Member's have at least seven (7) days notice of the matter to be heard.
- (b) Notice of the disciplinary appeal meeting must be given to each Member of the Council who is entitled to vote as soon as practicable and must:
 - (i) specify the date, time and place of the meeting; and
 - (ii) state:
 - (A) the name of the Member against whom the disciplinary action has been taken; and
 - (B) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the Member's present must vote on whether the decision of the Disciplinary Committee should be upheld, revoked or varied.
- (c) At a disciplinary appeal meeting:
 - (i) the President must state the grounds for the disciplinary action the reasons for taking that action; and
 - (ii) the Member subject to the decision must be given an opportunity to be heard. The Member cannot introduce any new evidence unless, in the Council's sole discretion:
 - (C) there is fresh evidence not available at the time of the disciplinary meeting and is relevant to the disciplinary appeal meeting;
 - (D) the Council determines it is in the interests of justice; or
 - (E) there are cogent reasons to do so.

**8. APPEAL OF RECOMMENDATION TO EXPEL
under rule 5(b)(ii)(D)**

- (a) If the Member does not seek to contest the recommendation for expulsion, a Special General Meeting must be convened in accordance with the Constitution to confirm and ratify the decision.
 - (b) If a Member does seek to contest the recommendation for expulsion, and has given notice pursuant to a decision under sub-rule 5(b)(ii)(D), a Special General
-

Meeting (the **disciplinary appeal general meeting**) must be convened by the Association as soon as practicable and in accordance with the Constitution.

- (c) Notice of the Special General Meeting must be given to each Member of the Association who is entitled to vote as soon as practicable and must:
 - (i) specify the date, time and place of the meeting; and
 - (ii) state:
 - (F) the name of the Member against whom the disciplinary recommendation has been taken; and
 - (G) the grounds for taking that action; and
 - (iii) that at the Special General Meeting the Member's present must vote on whether the decision to expel the Member should be ratified.
- (d) At a Special General Meeting:
 - (i) no business other than the question of the expulsion may be conducted; and
 - (ii) the President must state the grounds for expelling the Member and the reasons for taking that action; and
 - (iii) the Member subject to the decision must be given an opportunity to be heard. The Member cannot introduce any new evidence unless, in the Council's sole discretion:
 - (H) there is fresh evidence not available at the time of the disciplinary meeting and is relevant to the disciplinary appeal meeting;
 - (I) the Council determines it is in the interests of justice; or
 - (J) there are cogent reasons to do so.

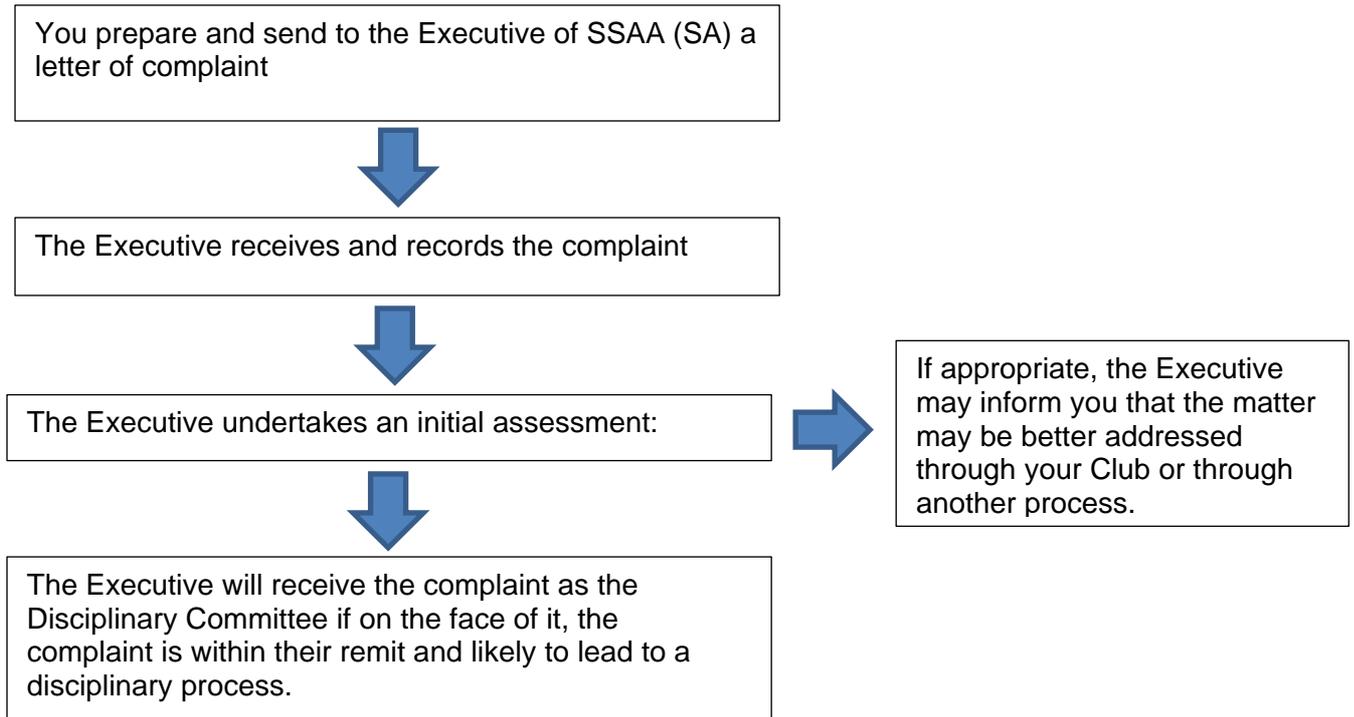
9. VOTING AT DISCIPLINARY APPEAL MEETING AND SPECIAL GENERAL MEETING

- (a) The Council or Member's present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision:
 - (i) to apply conditions and or reporting requirements should be upheld, varied or revoked;
 - (ii) to suspend the Member should be upheld, varied or revoked;
 - (iii) any combination of the sub-rule 9(a)(i) and (ii) above;
 - (iv) to expel the Member should be ratified or not.
- (b) The decision of the Disciplinary Committee is upheld by ordinary resolution except in the case of expulsion where the decision is upheld by special resolution. Clubs will

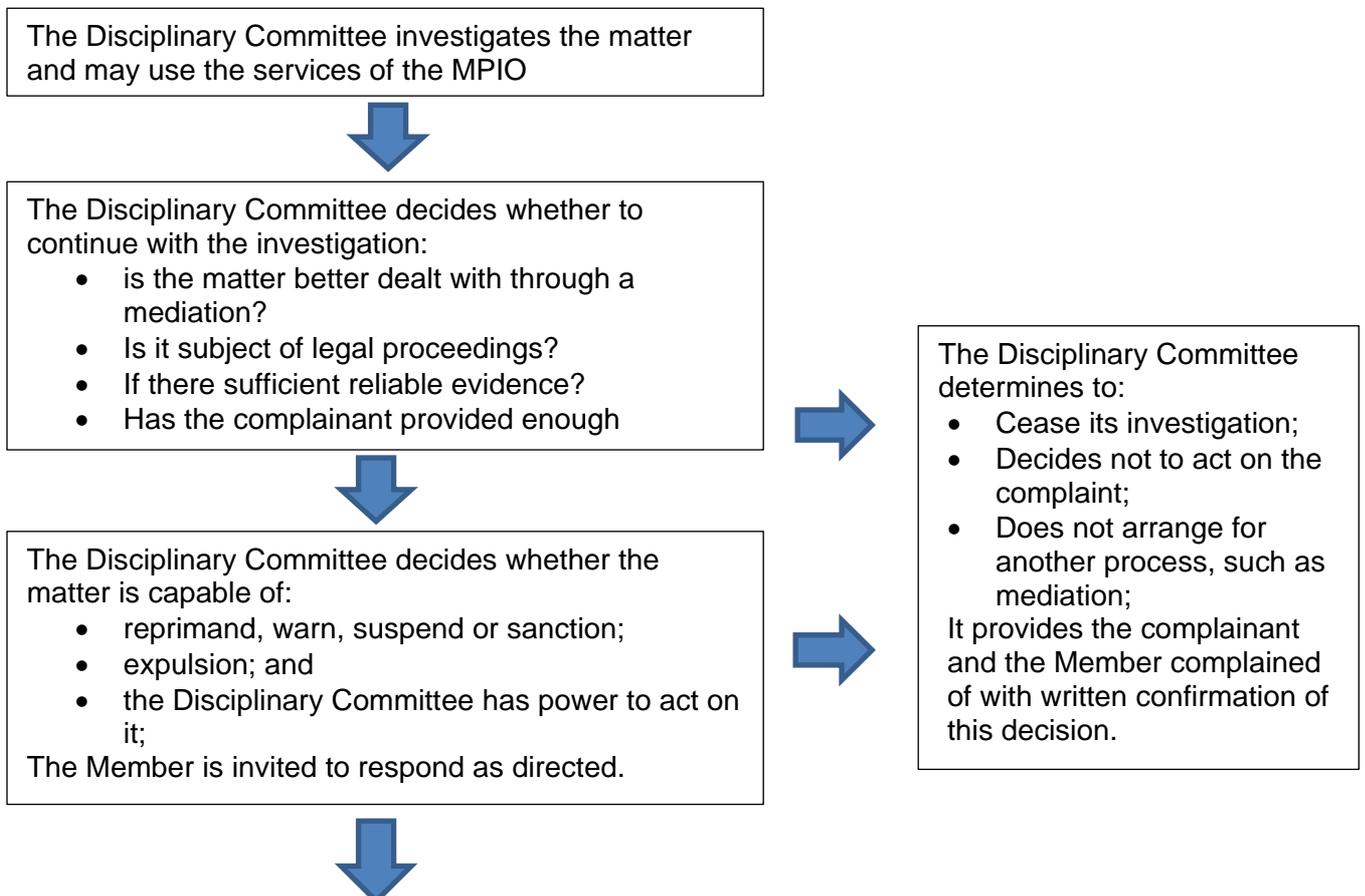
only be entitled to one vote each which is to be submitted by its Senior Delegate.

- (c) The decision of the Council is final and the Member's submit unconditionally to the decision.

LOGDMENT AND ASSESSMENT



INVESTIGATION OF COMPLAINT



DETERMINATION OF THE MATTER

