



**COR002**  
**Disciplinary Bylaw**

Version	Date Approved	Approved By	Brief Description
1.01	18 January 2020	Management Committee	Minor Changes – Refer to Resolution from January 2020 Management Committee Meeting.
1.02	17 October 2020	Management Committee	<ol style="list-style-type: none"> <li>1. Addition of wording at section 5.1 for clarity only '(being in the form of an Australia Post Delivery Confirmation)</li> <li>2. Addition of definition G) 'fixture'.</li> <li>3. Changes to Appendix B – Members, to stipulate if the loss of standings points relates to fixture or entire competition season.</li> </ol> Refer to Resolution from October 2020 Management Committee Meeting.
1.03	3 November 2020	Operations Manager	Minor updates to document formatting.



This Disciplinary By Law relates to Disciplinary Matters and is to be read in conjunction with the Constitution Rules (Constitution) of the Australian Campdraft Association Incorporated (ACA). References within the Constitution to the Disciplinary By Law refer directly to this document.

## **1. Definitions**

### **1.1 Incident Review Officer/Committee (IRO/IRC)**

This is a Sub Committee of Management Committee (with the IRO the Chair of that Committee). They receive the complaint, investigate the incident, and receive information from interested parties (including the Member or Judge in question), consider whether sufficient grounds exist to allege a breach has occurred and if so place a Graded Charge according to ACA's Scale Of Offence Grading System.

### **1.2 Tribunal**

This is the panel which conducts the formal hearings to determine guilt, innocence or review the Grading of an offence when requested on a Member or Judge complaint. They are drawn from a group of Management Committee endorsed participants. It includes a designated Tribunal Chair (outlined below) and two (2) other members for a total of three (3). Final composition will be determined by the Operations Manager, Tribunal Chair availability and lack of conflict of interest. Current Members of the Management Committee or staff members of ACA are ineligible to serve on this Tribunal. Management Committee will review endorsed tribunal members from time to time and add or remove Members from the group.

### **1.3 Tribunal Chair**

This is a legally qualified person, endorsed by Management Committee to fill the role. There may be multiple endorsed Tribunal Chairs, however, only one (1) Chair will serve on a Tribunal at any one time. The Operations Manager of ACA will notify which person will execute the role each time in the event that Management Committee has endorsed multiple persons.

### **1.4 ACA Appeals Body**

ACA Appeals Body consists of the entire Management Committee available (a quorum under the Constitution Rules of ACA must be had), excluding those persons who disclose an interest/involvement in the incident over which the Tribunal has been formed and the Members of the IRC. The Member or Judge may elect to appeal to the Appeals Body on the grounds of either the Grading or the finding of guilt. They must elect to do so within twenty (20) business days of the Tribunal's decision. The President of ACA (or their alternate in the event of a conflict of interest) may elect to conduct the hearing at a specially convened meeting or at the next regular meeting of the Management Committee.

### **1.5 Member**

Means a person who is a current financial Member of ACA or a Life Member of ACA, including a Judge where they are acting in their capacity as a Judge at an ACA Affiliated campdraft event.

### **1.6 Disciplinary Log (Log)**

Document containing a record of all correspondence issued and received by ACA and the Member with respect to a Disciplinary Matter, either alleged or proven; the Graded Charge applied and the findings relating to each Graded Charge. It will record the date of the receipt of correspondence, the date a suspension is commenced and finalised.

### **1.7 Fixture**

Is the entire campdraft event, as per the dates listed on the approved program.



## 2. Procedure for Handling Breaches of either Constitution or Competition Rules or associated National Campdraft Council of Australia (NCCA) Policies

- 2.1 All complaints must be addressed to the Operations Manager. The Operations Manager will record receipt of the complaint in the Log and notify the IRO who will then determine whether an investigation is warranted.
- 2.2 The IRO will contact persons related to the complaint (both the Member or Judge in question as well as witnesses or persons affected) in order to obtain further information relating to the matter. To preserve the right to Natural Justice, the Member or Judge who is the subject of the complaint will be provided the complaint and names of the complainants where possible. It is not required to submit to the Member or Judge a full brief of evidence at this stage; this step is, gather information so as to inform the IRC in advance of By Law 2.3 below. Information further to the complaint will then be compiled and the matter submitted to the IRC for consideration.

*Note: The Member should be warned that adverse comments/actions towards or attempts to influence a Member or witness as a result of their being a signee to the complaint will be treated extremely seriously and as a separate incident to the matter under investigation.*

- 2.3 The IRC will then consider all evidence to ascertain whether a breach has occurred. Should they find no breach, the IRO will direct the Operations Manager to notify in writing the Member or Judge involved and those involved in the originating of the complaint that there will be no further action taken with respect to the matter; subject to further information being discovered that would genuinely warrant the investigation be reopened. The written notification will be entered in the Log as a record of the matter's finalisation.
- 2.4 If the IRC finds sufficient evidence exists that a breach has occurred they then must consider a Grading of the alleged offence. To complete the Grading decision, the Operations Manager will be required to review the Log and notify the IRC of any prior breaches, the Grading and the date of the breach. This is to allow for the provision referred to in the Grading System for multiple breaches, or breaches of a similar nature. The Grading tables appear in Appendix A of this By Law for alleged Judges breaches whilst acting in the capacity as a Judge at an ACA affiliated campdraft, and Appendix B of this By Law for alleged breaches by a Member. No other Grading System or option outside of those described in Appendices A or B may be used. In very extreme cases, the IRC may elect not to Grade an offence and refer it direct to the Tribunal. This will be used only for incidents where the breach is allegedly extreme and/or severe. The breach will henceforth be referred to as a Graded Charge.
- 2.5 When the IRC has a decision regarding the alleged breach and its categorisation, the IRO will notify the Operations Manager to inform the Member or Judge in writing of the Graded Charge as well as all evidence taken or considered with respect to Grading the Charge. Should provision be allowed for a reduction in punitive measures via a plea of guilty (refer to Section 3 of this By Law) then this needs to form a part of the original notice to the Member or Judge. The Member or Judge needs to be informed of the procedure under which the matter will proceed, both if the Member or Judge intends to accept the Graded Charge as presented and plead guilty, or if the Member or Judge wishes to contest either Grading severity or the Charge.
- 2.6 Should the Member or Judge wish to plead guilty, the Member or Judge must notify the Operations Manager in writing of their decision to plead guilty. The period of suspension (if relevant) will commence upon confirmation of receipt of such advice to the Operations Manager, who will Log both the receipt of the advice and the acknowledgement in the Log. The Graded Charge and the punishment will be notified to Members of the Management Committee via email within five (5) business days and the Membership through the publication known as



ACA News. The Member's ability to utilise any online or digital nominations platforms for events occurring within the timeframe relevant to the suspension will also be restricted or suspended.

- 2.7 Should the Member wish to contest either the Charge or the Grading then they must indicate their wish in writing to the Operations Manager within twenty (20) business days from receipt of the written correspondence (being in the form of an Australia Post Delivery Confirmation). Should no notification of contest be received in writing by ACA after twenty (20) business days, it will be deemed that the Member accepts the suspension, and the suspension period will commence immediately (being twenty (20) business days from receipt of the letter by the Member). Receipt of the written indication will be recorded in the Log by the Operations Manager. The Operations Manager must then select a Chair from the endorsed Panel of Tribunal Chairs. Together the Chair and Operations Manager then must establish which Members of the approved Tribunal Members Panel are available to complete the Tribunal (which consists of two (2) Members and the Chair). A time and date for the hearing will then be negotiated with the Member and the IRO. The location and means for the hearing (that is face to face, video link) will be determined as part of the negotiation with the Chair of the Tribunal having the final determination in all regards.
- 2.8 The Hearing will be conducted by the Chair with IRO presenting the evidence and statements as well as the reasoning behind the decision to issue a Charge and the Grading of such Charge. The Tribunal may be required to Grade the Charge in the event that the Charge is referred Ungraded as outlined in Clause 2.4 above.
- 2.9 The Member may wish to give evidence either orally or in writing. The Chair of the Tribunal and other Panel Members may wish to question the Member or Judge regarding their evidence. Both the IRO and the Member or Judge may call witnesses if they are deemed by the Chair as material to either the Charge or the Grading. Cross examination of the witnesses will be moderated by the Chair. The Member may not have legal representation without first having requested the same in writing to the Operations Manager with their indication to proceed the matter to the Tribunal, who will then hand to the Chair for approval. The request will be Logged in the Log. Approval is not an automatic right.
- 2.10 The Tribunal will retire to deliberate in private. It has the capacity to alter the Grading and find either guilty or not guilty. It must however apply the penalty relevant to the Graded Charge level it finds the Member or Judge guilty of.

Should a Member or Judge who has had no complaint upheld against them for a ten (10) year period elect to not contest the Graded Charge and enter an early guilty plea, then that Member or Judge would automatically; in relation to a Grade 1 offence – receive a reduction to a warning letter; in relation to Grade 2 or 3 offences – receive a 50% reduction in the period of suspension; and in relation to a Grade 4 offence – receive a 25% reduction in the period of suspension (if it is such that a suspension was applicable for the Graded offence).

- 2.11 The Chair of the Tribunal may choose to inform the Member verbally of the findings. The Chair may also choose to ask the Member or Judge to retire and inform via the Operations Manager. All findings must be transmitted to the Member or Judge in writing, (regardless whether the Tribunal chooses to verbally advise the Member) with the correspondence having been initiated in not more than five (5) business days. Receipt of the correspondence must be acknowledged and entered into the Log. Suspension periods commence immediately on the first Monday after the Tribunal has communicated its findings to the Operations Manager for transmittal to the Member and with no regard as to whether events have been entered into by a Member (or their horses) or not. The Member's ability to utilise any online or digital nominations platforms for



events occurring within the timeframe relevant to the suspension will also be restricted or suspended.

- 2.12 The Member or Judge may elect to appeal the finding. This procedure is outlined in Clause 5 of this By Law. The finding of the Tribunal and any relevant suspension will stand until such time as the ACA Appeals Body considers the matter.
- 2.13 The Statute of limitations that applies to any offence is twelve (12) months (with the exception of monies owed to ACA or Affiliated Committee), or the commencement of the previous competition year (whichever is the greatest amount of time). This is with the exception of complaints against a person, committee or Judge, which must be submitted according to the timeframes and rules found in the 'General Information Competition Rules and Guidelines'.

### **3. Guilty Pleas**

- 3.1 Should a Member plead guilty to a Grade 1-4 Offence and have not been found guilty of an offence over the preceding ten (10) years, the punishment will be automatically reduced as per 2.11 of this By Law. The Operations Manager shall then notify the Member or Judge and the Management Committee according to instructions outlined in Clause 2.6 of this By Law. Should the provision exist for an early guilty plea (by either Grading or lack of prior disciplinary matters over the preceding ten (10) years) the Member or Judge must be advised of this when they are advised that a Graded Charge has been raised by the IRC.

### **4. Appointment of Tribunal Members and Tribunal Chairs**

- 4.1 Tribunal Members will be appointed to a Panel from which the Operations Manager will select two (2) Members to serve on each Tribunal.
- 4.2 Management Committee will appoint the Members of the Panel. They will be nominated and voted on with 75% of Management Committee present (either by proxy or present) being required for approval.
- 4.3 Appointments to the Panel will be ratified every 12 months; Members can be removed by resolution of the Management Committee.
- 4.4 Tribunal Chairs will be legally qualified persons, licensed to operate in a state or territory of Australia. The Management Committee may elect to approve more than one (1) Chair in the event one (1) may not be available or to accommodate for a potential conflict of interest. They will be nominated and voted on with 75% of Management Committee present (either by proxy or present) being required for approval.

### **5 Appeals**

- 5.1 If a Member elects to appeal the finding of the Tribunal they must notify the Operations Manager in writing within twenty (20) business days of the acknowledgment of receipt of the notice (being in the form of an Australia Post Delivery Confirmation) issued under clause 2.12 of this By Law.
- 5.2 The Operations Manager will notify the President who will then call an Management Committee Meeting to hear the matter. The President of ACA (or their alternate in the event of a conflict of interest) may elect to conduct the hearing at a specially convened meeting or at the next regular meeting of the Management Committee.



- 5.3 Members of the IRC will be ineligible to participate in this process.
- 5.4 The ACA Appeals Body will receive the evidence and the Tribunal's findings. The Member or Judge will be afforded the right to attend and give evidence in person or in writing. Permission must be sought in writing from ACA President for the Member or Judge to be represented by legally qualified person/s. Permission is not an automatic right.
- 5.5 The ACA Appeals Body has the powers to dismiss the appeal, down Grade the Charge (and thereby the penalty) or uphold the findings of the Tribunal. It cannot alter the Grading to give effect to a greater punishment (that is the Grading can only be moved lower, not higher on ACA's Scale Of Offence Grading System).
- 5.6 The Chair of the ACA Appeals Body may choose to inform the Member or Judge verbally of the findings. The Chair may also choose to ask the Member or Judge to retire and inform via the Operations Manager. All findings must be transmitted to the Member or Judge in writing, (regardless of whether the Tribunal chooses to verbally advise the Member) with the correspondence having been initiated in no more than five (5) business days. Receipt of the correspondence must be acknowledged and entered into the Log.
- 5.7 The decision of the ACA Appeals Body is final, with no further right to appeal or review.



## Appendix One (1)

### ACA's Scale Of Offence Grading System Definitions - Judges

Code	Grade	Penalty
GS.J1	Grade 1	Warning letter.
GS.J2	Grade 2	Demotion from Panel until seminar attended and then reinstatement to existing Panel.
GS.J3	Grade 3	Demotion from all Panels until seminar attended and then reinstatement to Panel at the discretion of the Management Committee.
GS.J4	Grade 4	Demotion from Panel indefinitely.
GS.J5	Grade 5	Permanent judging ban.

#### Grade 1

This Grade describes offences which are low range and which have not intentionally been caused.

Should a Judge:

- A. Judge a horse they own, train or exhibit, Grade 1 would describe the first offence in this field.
- B. Err occasionally in consistent application of the out of bounds or other disqualifications, Grade 1 would describe the first instance of a complaint in this field.
- C. Use foul language accidentally or without intent to cause malice, or occasionally conduct themselves in a manner not becoming of an ACA Judge, Grade 1 would describe the first offence in this field.

#### Grade 2

This Grade describes offences which are typically low range but may reflect on a pattern of inconsistent behavior, either through prior disciplinary actions or through discovery of the first reported incident.

Should a Judge:

- A. Be reported for any offence defined as Grade 1 for the second time in a 2 year period, it would be considered a Grade 2 offence.
- B. Display a lack of knowledge of a particular rule/s and that this has adversely affected the outcome of an event or the scores given, this would be considered a Grade 2 offence in the first instance.
- C. Speak or conduct themselves in a manner designed to cause offence to a committee, volunteer, official, spectator or other Member, it would be considered a Grade 2 offence in the first instance, including the use of foul language intentionally.

#### Grade 3

This Grade describes offences which are typically mid range, reflect a pattern of inconsistent behavior or conduct unbecoming of a Judge of ACA.

Should a Judge:

- A. Be reported for any offence defined as Grade 2 for the second time in a 3 year period, it would be considered a Grade 3 offence.





- B. Display constant and obvious lack of application of ACA and NCCA rules then this would be considered a Grade 3 offence.
- C. Not take suitable steps to enforce Animal Welfare Policies or fail to demonstrate knowledge and awareness of animal welfare conditions then this would be considered a Grade 3 offence.
- D. Should a Judge threaten (either verbally or physically or by implied actions) or seek to exert influence over a person who is either a witness or signee to a formal complaint against the Member, then this would be viewed as Grade 3 offence in the first instance and separate offence to any which may be outstanding against the Judge.

#### **Grade 4**

This Grade describes offences which are typically high range and extremely serious, likely to bring ACA into disrepute, demonstrate unsportsmanlike conduct, demonstrate severe deficiency in concentration and application of the rules, or demonstrate bias towards/against individual/s or horses.

Should a Judge:

- A. Be reported for any offence defined as Grade 3 for second time in a 3 year period. It would be considered a Grade 4 offence.
- B. Show flagrant disregard for the rules applying to the sport of campdrafting, then it would be considered a Grade 4 offence.
- C. Judges concentration be demonstrated to be severely lacking and causing a negative impact on either scoring, Member safety, volunteer or spectator safety then it would be considered a Level 4 offence.
- D. Demonstrate consistent bias towards or against a Member/s or horse/s then it would be considered a Grade 4 offence.
- E. Show flagrant disregard for animal welfare then it would be considered a Grade 4 offence.

#### **Grade 5**

This Grade describes offences which are the most severe, demonstrate a pattern of extremely inconsistent judging behavior, intentionally cheating, offences which reflect that the Judge has repeatedly allowed incidents to occur that threaten the safety of volunteers, Members, spectators and/or livestock, the Judge has displayed a consistent disregard for the ethos and spirit of the sport or intentionally or without regard brought ACA into disrepute.

Should a Judge:

- A. Be reported for a Grade 4 offence for a second time.
- B. Score so as to intentionally influence the result of the competition with a bias towards or against Members or horses then this be considered a Grade 5 offence.
- C. Make or not make decision that's impact may have a negative and/or dangerous impact on livestock, spectators, volunteers or Members than this would be considered a Grade 5 offence.





## Appendix Two (2)

### ACA's Scale Of Offence Grading System Definitions - Members

Code	Grade	Penalty
GS.M1	Grade 1	3 month suspension. If the breach relates to an illegal entry, return of prizemoney & trophies and loss of standings points for the relevant entry in the event where the offence occurred.
GS.M2	Grade 2	6 month suspension. If the breach relates to an illegal entry, return of prizemoney & trophies and loss of standings points for the relevant event where the offence occurred.
GS.M3	Grade 3	12 month suspension. If the breach relates to an illegal entry, horse & rider loss of standings points for the entire competition season and return of prizemoney & trophies for the fixture at which the incident occurred. If guilty of illegal entry (2 x Grade 1/2), horse suspended for 12 months.
GS.M4	Grade 4	24 month suspension. If the breach relates to an illegal entry, horse & rider loss of standings points for the entire competition season and return of prizemoney & trophies for the fixture at which the incident occurred. If guilty of illegal entry, horse suspended for 12 months.
GS.M5	Grade 5	Lifetime ban.

#### Grade 1

This Grade describes offences which are low range and which have not intentionally been caused.

Should a Member:

- A. Speak or conduct themselves in a manner to cause offence to a committee, volunteer, official, spectator or other Member either by accident or in a low key manner, it would be a Grade 1 offence in the first instance.
- B. By accident breach the animal welfare guidelines for care of livestock at campdraft events, it would be a Grade 1 offence in the first instance.
- C. Who is aged under 17 years enter in and compete in an event they are ineligible to, either by age or rider status, it would be a Grade 1 offence in the first instance.
- D. Should a Member compete on a horse in a second round or final in the incorrect order by accident or mistake or unknowingly, it would be a Grade 1 offence.

#### Grade 2

This Grade describes offences which are typically low to mid-range but may reflect on a pattern of inconsistent behaviour, either through prior disciplinary actions or through discovery of the first reported incident.

Should a Member:

- A. Be reported for any offence defined as Grade 1 for the second time in a two (2) year period, it would be considered a Grade 2 offence.
- B. Speak or conduct themselves in a manner designed to cause offence to a committee, volunteer, official, spectator or other Member, it would be considered a Grade 2 offence in the first instance.
- C. Refuse to pay money owing to ACA or an ACA Affiliated Committee in the first instance it would be considered a Grade 2 offence.



- D. Should a Member nominate and compete in an incorrect class (either horse or rider) or exceed the allowed number of runs by accident or mistake or unknowingly, then this would be a Grade 2 offence in the first instance.

### Grade 3

This Grade describes offences which are typically mid range, reflect a pattern of inconsistent behavior or conduct unbecoming of a Member of ACA.

Should a Member:

- A. Be reported for any offence defined as Grade 1 or 2 for the second time in a three (3) year period, it would be considered a Grade 3 offence.
- B. Breach the Animal Welfare Policies for care of livestock at campdraft events either carelessly or in a public location without awareness of their actions, it would be considered a Grade 3 offence in the first instance.
- C. Should a Member threaten (either verbally or physically or by implied actions) or seek to exert influence over a person who is either a witness or signee to a formal complaint against the Member, it would be considered a Grade 3 offence in the first instance, and separate offence to any which may be outstanding against the Member.

### Grade 4

This Grade describes offences which are typically high range and extremely serious, likely to bring ACA into disrepute or demonstrate unsportsman like conduct.

Should a Member:

- A. Be reported for any offence defined as Grade 3 for second time in a five (5) year period, it would be considered a Grade 4 offence.
- B. Compete on a horse in an incorrect class of draft intentionally or intentionally exceeded the allowed number of runs, it would be considered a Grade 4 offence.
- C. Speak or conduct themselves in an abusive manner to a committee, volunteer, official, spectator or other Member, it would be considered a Grade 4 offence in the first instance.
- D. Conduct themselves in such a manner as to bring ACA into disrepute and cause ACA harm, it would be considered a Grade 4 offence.
- E. Breach the Animal Welfare Policies for care of livestock at campdraft events either intentionally or in a public location whilst fully aware of actions, it would be considered a Grade 4 offence.

### Grade 5

This Grade describes offences which are the most severe, demonstrate a pattern of extremely inconsistent conduct, intentionally cheating, offences which reflect that the Member has repeatedly caused incidents to occur that threaten the safety of or is extremely abusive or threatening to volunteers, Members, officials, spectators and/or livestock, the Member has displayed a consistent disregard for the ethos and spirit of the sport or intentionally or without regard brought ACA into disrepute.

Should a Member:

- A. Be reported for a Grade 4 offence for a second time, it would be considered a Grade 5 offence in the first instance.
- B. Strike or make physical contact with the intent to cause injury or discomfort or distress to an official or volunteer in the course of that person executing their role or as a result of a decision



made by them in their capacity as an official or volunteer, it would be considered a Grade 4 offence in the first instance.