

New Zealand Cat Fancy Inc.

Disputes and Discipline

Amendment Summary

04 Nov 2021

Appendix 3 Updating the Complaint Fee to the approved amount (Ref: 21-045)

28 Aug 2021

- 1.1 c. Expanding not taking cases where legal action is involved. (Ref: 21-026.)
 - 1.1 d. Adding the option for no action in where there has been a settlement. (Ref: 21-026.)
 - 2.3 Providing for a conflict of interest involving the National Disputes Co-ordinator. (Ref: 21-026.)
 - 3.1 Expanding the disciplinary powers beyond the items listed. (Ref: 21-026.)
 - 4.3 a. Removed the qualifier of not requiring a mediator (Ref: 21-026.)
 - 4.3 d. Deleted the allowance for non-members to submit complaints without a fee. (Ref: 21-026.)
 - 4.7 & 4.8 Process rearranged slightly; added National Disputes Co-ordinator's decision about mediation. (Ref: 21-026.)
 - 4.9 & 4.10 Deleted. (Ref: 21-026.)
 - 4.11 – 4.26 Renumbered. (Ref: 21-026.)
 - 4.16 [Formerly 4.18.] Removed the option of sending legal representation instead of appearing. Added conditions for legal representatives. (Ref: 21-026.)
 - 4.18 [Formerly 4.18.] Added that support person may not ask questions. (Ref: 21-026.)
 - 5.10 Clarifying the notice of appeals process applies to submissions and meetings. (Ref: 21-026.)
 - 5.11 Adding legal representation and conditions. (Ref: 21-026.)
 - Appendix 2 & 3 Added Appendix 2 (flow chart) and 3 (Complaint Notice) which are also available from the downloads page. (Ref: 21-026.)
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Amendment Process

- 0.1 Suggestions for minor amendments (minor errors or omissions which do not affect the intent) are welcome and may be submitted to the NZCF Secretary. These will usually be incorporated the next time the page is reissued.
- 0.2 Proposals for significant amendments should also be submitted to the NZCF Secretary but will require a process of assessment and approval prior to incorporation.

Contents

1. Introduction	4
2. Conflicts of Interest	4
3. Discipline	5
4. Complaints	5
Process	5
Grounds for Complaints	6
Procedure	6
5. Appeals	8
Process	8
Grounds for Appeal	8
Procedure	9
6. Review	9
Appendix 1: Mediation Agreement	10
Appendix 2: Complaint Flow Chart	12
Appendix 3: Complaint Notice	13

1. Introduction

Note: Complaints and disciplinary action may involve one person (an individual) or a group of people (e.g., joint prefix holders, affiliated clubs, etc). The terms 'person', 'member', 'complainant', and 'defendant' in this document should be assumed to also apply to the applicable plural.

- 1.1 The NZCF:
 - a. shall only hear complaints relating to breaches of NZCF rules and/or codes of conduct,
 - b. shall only deal with complaints concerning members of the NZCF, and
 - c. will not take any action on any complaint where there is a legal dispute, including small claims dispute, or where legal action may be necessary to resolve the complaint or has been indicated as a resolution by either party.
 - d. Where a settlement has been made between the complainant and the defendant (i.e., repayment in full and final settlement), then the NZCF reserve the right not to proceed with a hearing if no rules outlined in this document have been broken or not adhered to.
- 1.2 In the event of a member being convicted in a court of a crime relating to their activities within the club or whilst on club business or representing the club or behaviour in the opinion of the NZCF is discreditable or prejudicial in the interest of the feline world, or serious fraudulent behaviour unrelated to the feline world where it is appropriate that penalties be imposed, the NZCF shall be entitled to terminate the member's membership without invoking any other disciplinary procedures.
- 1.3 At all times the NZCF Codes of Conduct shall apply.
- 1.4 Where a member is charged / convicted of animal neglect or abuse under the Animal Welfare Act 1999, members may have their membership suspended or terminated.

2. Conflicts of Interest

- 2.1 If the NZCF National Disputes Co-ordinator or any member of the Executive Council of the NZCF or of the hearings committees has an interest in any particular complaint or disciplinary matter, they must declare this interest and shall take no part in any of the procedures.
- 2.2 Failure to declare an interest shall leave that person liable for disciplinary procedure.
- 2.3 In the event of the NZCF National Disputes Co-ordinator advising a conflict of interest, the NZCF Executive Council shall appoint another person to act in the position with the same powers as if they were the NZCF National Disputes Co-ordinator.

3. Discipline

- 3.1 The NZCF shall have the following disciplinary powers not limited to:
- a. The issue of reprimands.
 - b. The imposition of fines.
 - c. The withdrawal of the member's breeding prefix, or the suspension of the member's prefix for as long as may be deemed to be appropriate.
 - d. The suspension of any member or non-member from taking part in or having any connection with or attending any show.
 - e. The suspension of any person from taking part in the management of any show.
 - f. The suspension of any person from acting as an officer or official of the NZCF.
 - g. The suspension from competition of all cats owned or registered in the name of any member against whom a complaint is proved.
 - h. The disqualification from registration or competition of all or any cats and all or any of the progeny of any such cats owned by any person or owned or registered by them jointly with any other or others or owned or registered in the name of a nominee.
 - i. To add to, delete from, or amend any detail on NZCF pedigree registers.
 - j. Remove or suspend any person who, after a fair and impartial hearing, shall be found guilty of violating any rules of the NZCF or conduct detrimental to the NZCF.
 - k. Communicating the outcome of complaints to other registering bodies.

4. Complaints

Process

- 4.1 The complaint against any member or officer must be made in writing by the person making the charges and directed to the NZCF Secretary.
- 4.2 The written complaint must contain sufficient documentation to determine the validity of the complaint; full details of the place, date and time, the nature of the rule breach and the person involved.
- 4.3 The fees as laid out in the complaint lodgement fees below, must accompany the complaint. All fees are inclusive of GST.
- a. The lodgement of a complaint; as per NZCF Schedule of Fees.

- b. A complaint by the NZCF acting through the Executive Council Chairman; no fee.
 - c. The lodging of an appeal; as per NZCF Schedule of Fees.
- 4.3A Fees will be refunded if a complaint is withdrawn before mediation, or at the direction of the mediator or the Complaints Committee.
- 4.4 The written complaint must contain information on how to contact all relevant witnesses.
- 4.5 The person making the complaint shall be prepared to present facts supporting their allegations.

Grounds for Complaints

- 4.6 A complaint may be laid against any member or affiliated club who:
- a. is in breach of any rule or bylaw or Codes of Conduct of the NZCF;
 - b. acts in a manner which is or which may be discreditable or prejudicial, or calculated to be prejudicial to the interests of the feline world;
 - c. judges at or in any way officiates at an unsanctioned cat show;
 - d. does any improper act connected with the administration or operation of the NZCF; or
 - e. acts as the nominee or agent of a banned person with the intention of avoiding any penalties imposed upon the banned person.

Procedure

- 4.7 On receipt of a complaint against a member the Secretary shall inform the NZCF National Disputes Co-ordinator who shall contact the complainant and defendant within 7 days of receipt and then fully investigate the complaint and may, if he/she requires, appoint up to two more people to assist in the process.
- 4.8 If the NZCF National Disputes Co-ordinator considers mediation is appropriate and if both parties agree to mediation of the complaint they will be required to sign an agreement (refer Appendix 1) that they will be bound by the ruling of the mediator. Once the mediation agreement is signed by both parties the NZCF National Disputes Co-ordinator shall appoint a mediator.
- 4.9 After investigation, if the NZCF National Disputes Co-ordinator believes that there is a case to answer the Executive Council of the NZCF will offer the complainant a hearing. If the NZCF National Disputes Co-ordinator decides that there is no case to answer he/she will dismiss the complaint and all parties will be notified.
- 4.10 The NZCF National Disputes Co-ordinator shall act as secretary in all matters pertaining to the disciplinary process. For continuity and to give guidance on any technicalities previously discussed he/she will sit on all convened hearings committees in a non-voting, advisory capacity.

- 4.11 Where any member of the NZCF by their own admission admits that they have breached a rule or regulation or is convicted by a court or enters into a police diversion scheme in respect of any of the offences specified in para 1.2, the Executive Council may upon giving 28 days written notice and with the consent of the member concerned impose a penalty upon that member by consent without further process. In such case the Executive Council will order that no report of the matter be published in the official journal of the NZCF unless there is good reason to do so.
- 4.12 The Executive Council of the NZCF shall appoint a Complaints Committee of three people to hear the case.
- 4.13 Notice of a hearing shall be given no less than 28 days in advance of the date set. Both the complainant and defendant shall be invited to attend the hearing. Every attempt shall be made to find a date which is acceptable to all concerned but if the defendant is unable to attend up to three offered dates, the hearing will take place in their absence. At the discretion of the Complaints Committee attendance via a reliable audio link (phone, video calls, etc) may be accepted.
- 4.14 The NZCF may be represented at any hearing by the Executive Council Chairman or any other person appointed by the Executive Council as a non-participating observer.
- 4.15 The deliberations of the Complaints Committee are not open to the public.
- 4.16 If either party wishes to have legal representation, this must be at the party's own expense and must be notified 14 days in advance of the hearing. The legal representative does not however have the right to ask or answer questions on the defendant's behalf nor prevent the Complaints Committee from presenting its case.
- 4.17 The defendant has the statutory right to be accompanied by a support person where the disciplinary meeting could result in:
- a. a formal warning being issued, or
 - b. the taking of some other disciplinary action, e.g., suspension or expulsion.
- 4.18 The support person does **not**, however, have the right to ask or answer questions on the defendant's behalf, nor prevent the Complaints Committee from presenting its case.
- 4.19 Any witness to be called must be given a minimum of 28 days notice of the date of the hearing.
- 4.20 The costs of the hearing which shall be borne by the NZCF may include the hire of a suitable room and the reasonable travel expenses and refreshments of the members of the Complaints Committee. No other costs may be claimed without the prior written agreement of the Executive Council of the NZCF.
- 4.21 Where the Complaints Committee finds a complaint proved it shall recommend to the Executive Council of the NZCF a punishment which it finds appropriate. The Complaints Committee may also recommend that the costs of the hearing are awarded against whichever party is found to be at fault.
- 4.22 The Executive Council of the NZCF shall then consider the recommendations of the

Complaints Committee and the complainant and defendant will be notified of their decision in writing within 7 days of the hearing.

- 4.23 Where the Executive Council was the defendant in the complaint the Complaints Committee shall award punishments and costs and advise the Executive Council of the NZCF of its decision. The Executive Council will notify the complainant of the decision in writing within 7 days of the hearing.
- 4.24 Unless otherwise directed by the Executive Council the imposition of all penalties shall be suspended upon application of a valid appeal until such time as the appeal is heard.

5. Appeals

Process

- 5.1 If a defendant feels that a decision or disciplinary action is wrong or unjust they can appeal against the decision. An appeal must be lodged with the NZCF Secretary within 21 days of the date of the decision.
- 5.2 The Executive Council of the NZCF shall then offer the person an appeal hearing.
- 5.3 The Executive Council of the NZCF shall appoint an Appeals Committee of three people to hear the case. The Appeals Committee must not have sat on the Complaints Committee of the original hearing.
- 5.4 The Appeals Committee may:
- a. determine that no prima facie grounds for an appeal exist and dismiss the appeal, or
 - b. allow the appeal and order a rehearing.
- 5.5 If the matter is referred for a hearing the Appeals Committee may order that the hearing be conducted by way of written submissions only.
- 5.6 Any suspension imposed as a result of a Complaints Committee hearing shall remain in force until such time as the Appeals Committee has made its decision.
- 5.7 The decision by the Appeals Committee shall be final and binding on all parties.

Grounds for Appeal

- 5.8 The hearing of the complaint did not observe these rules or rules of natural justice and the result was a miscarriage of justice prejudicial to the appellant.
- 5.9 New evidence has become available that was not available at the date of the hearing and it, if considered, would have materially affected the outcome of the hearing.

Procedure

- 5.10 If the Appeals Committee has ruled that the hearing will be conducted by way of written submissions, or an Appeal Meeting will be held, all concerned parties will be given no less than 28 days in advance of the meeting date or final receipt of written submissions. If the hearing is to be in person both the complainant and defendant shall be invited to attend the hearing. Every attempt shall be made to find a date which is acceptable to all concerned but if unable to attend up to three offered dates, the hearing will take place in their absence.
- 5.11 The defendant has the statutory right to be accompanied by a support person or legal representative who do not have the right to ask or answer questions on the defendants' behalf.
- 5.12 The deliberations of the Appeals Committee are not open to the public.
- 5.13 Any witness to be called must be given a minimum of 28 days notice of the date of the hearing.
- 5.14 The costs of the Appeals Hearing which will be borne by the NZCF shall include the hire of a suitable room and the reasonable travel expenses and refreshments of the members of the Appeals Committee. No other costs may be claimed without the prior written agreement of the Executive Council of the NZCF. The Appeals Committee may award costs of the hearing against whichever party is found to be at fault.
- 5.15 The Appeals Committee will advise the NZCF Secretary if the original decision has been upheld or of their decision and any punishment which it finds appropriate. The findings of the Appeals Committee will be binding on all parties and no further appeals will be allowed.
- 5.16 The complainant and defendant will be notified of the decision in writing within 7 days of the Appeals Hearing.

6. Review

- 6.1 This process will be reviewed at the last Executive Council meeting of 2018.

Appendix 1: Mediation Agreement



New Zealand Cat Fancy Inc. ("NZCF")

**Mediation Agreement
to
Enter Mediation
&
Abide by Rulings of Mediator**

The Parties: **Complainant**

and

Defendant

Reference:
NZCF Disputes and Discipline ("D&D"), para 4.8

Parties to the Agreement:
Complainant and Defendant.

Rationale for the Mediation Agreement:
To give both parties an opportunity to choose a process that will be led by a Mediator appointed by the NZCF National Disputes Co-ordinator ("NDC") that will aim to reach an amicable resolution through reducing time, cost, and energy for the parties. If both parties are not prepared to sign this Agreement then the process for the handling the Complaint will revert to D&D, para 4.9.

Signing of Agreement:

We agree to refer the matters in difference between us to mediation in accordance with the NZCF's Disputes and Discipline document and will be bound by the rulings of the Mediator.

We understand that the Mediator may conduct the mediation in such manner as the Mediator thinks fit, having regard to the nature and circumstances of the matters in difference.

We agree to co-operate in good faith with the Mediator in attempting to settle the matters in difference and in reaching an amicable resolution.

We understand that the Mediator does not provide technical or legal advice.

We understand that this mediation is held without prejudice to any other common law rights or remedies.

We understand that the mediation process is private and agree to maintain the confidentiality of the process and refrain from discussing the matters in difference with others who are not involved or the media.

We understand that any agreed terms of settlement and all matters exchanged via the Mediator to the parties involved shall remain confidential to the Mediator and the parties with the exception of final reporting to the Executive Council of the NZCF by the Mediator, which will essentially be a record of the final outcome and the major aspects surrounding the Complaint.

We understand that the Mediator may suspend or terminate the mediation at any time if the Mediator feels unable to assist the parties to achieve resolution of the Complaint in which case the NZCF's NDC shall investigate the complaint (refer to D&D para 4.9 and the following procedures).

We understand that if agreement is reached on any or all matters of the Complaint, such agreement will be recorded in writing to both parties and that such agreement will be legally binding upon the parties and that any party may enforce the terms of the agreement by issuing court proceedings.

SIGNED:

SIGNED:

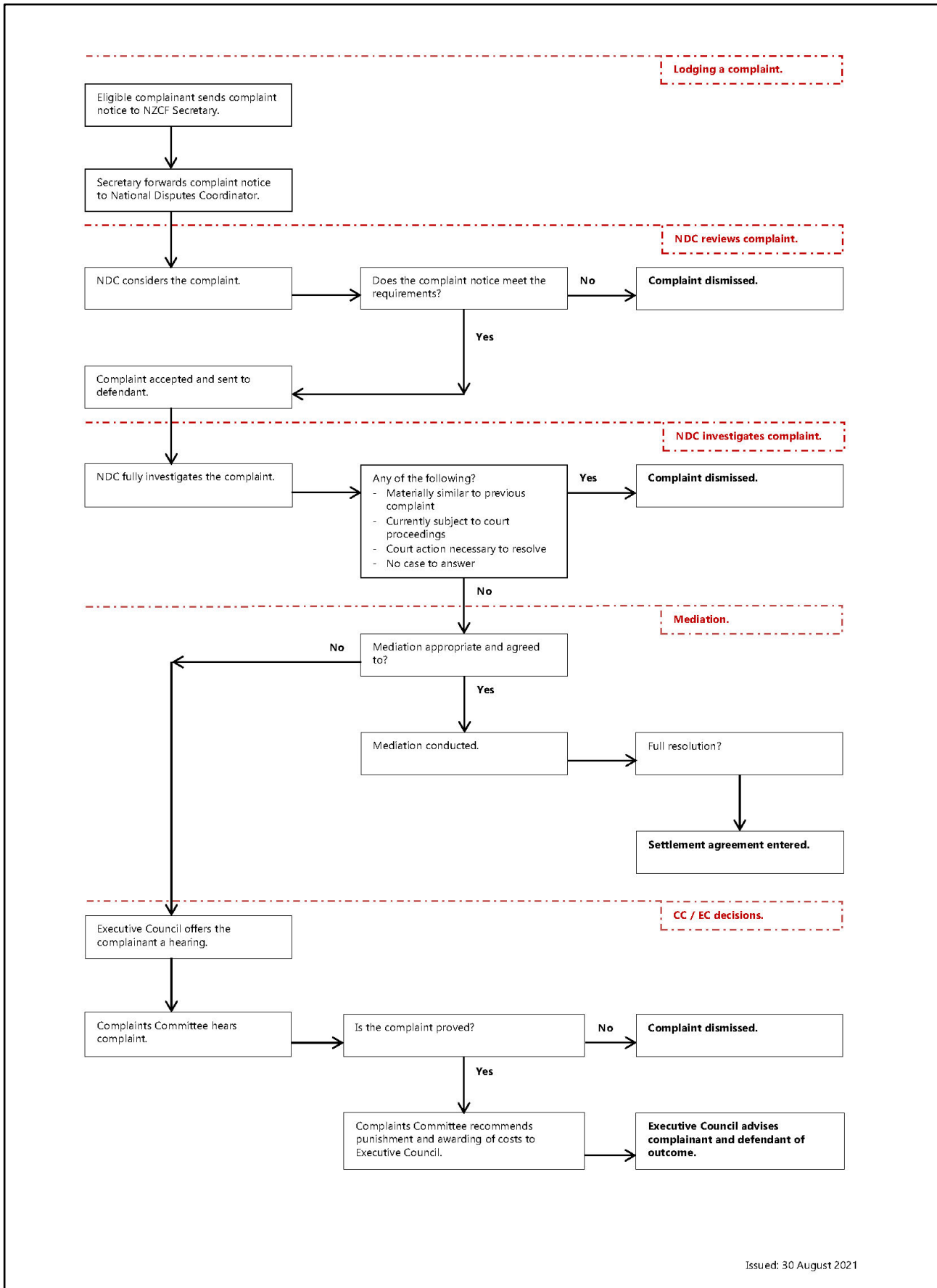
Name of Complainant

Name of Defendant

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Appendix 2: Complaint Flow Chart



Appendix 3: Complaint Notice



NEW ZEALAND CAT FANCY INC.

Complaint Notice

Please note: A complaint notice should be accompanied by sufficient evidence or documents, and the \$250 complaint fee, paid according to the instructions overleaf.

Complainant Details

Full Name:	
Residential Address:	
Phone Number:	
Membership number <i>(if applicable):</i>	
Email:	

Defendant(s) Details

Full Name:	
Contact Information Known:	

Complaint

Please provide detail of the complaint, including:

- The ground for complaint *(see Disputes & Discipline para 4.6).*
- The alleged rules breached by defendant.
- Conduct or circumstances giving rise to the complaint.
- The details of any cats involved.
- The date(s) the alleged breach occurred.

(If there is insufficient space on this form, please continue on a blank page and enclose it with this complaint form.)

Mediation Decision

Do you consent to mediation (undertaken by the NDC)?	Yes / No <i>(delete as applicable)</i>
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Issued: 02 November 2021

Legal Proceedings

Have you commenced legal proceedings (e.g., in the Disputes Tribunal, District Court, or High Court) in relation to the defendant(s)?	Yes / No <i>(delete as applicable)</i>
If yes, please provide details:	

Outcome

Penalties Sought <i>(if any)</i>	
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Declaration

Declaration:	I, _____, declare that all information and evidence provided on or with this complaint notice is, to the best of my knowledge, true and correct.
Signed by Complainant(s):	

Payment Details

The complaint fee is \$250.

For payment by **direct credit** please deposit into the following account and use 'Cmplnt' as a reference so it is apparent what the payment is for.

New Zealand Cat Fancy Inc
15-3945-0265474-00
TSB Bank Ltd, Waitara

For payment by **credit card**, please fill in the details below.

Note: We cannot accept American Express or Diners Club credit cards.

Type of credit card (e.g. Visa, Mastercard, etc):	Name of card holder on card:
Card number:	Expiry date:

Send to: Sharon José
NZCF Secretary
34 Second Ave,
RD 3
Te Aroha 3393

email: secretary@nzcf.com
ph: 07 884 9358

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