

# **GERMAN SHEPHERD DOG CLUB OF VICTORIA Inc.**

Reg. No. A0018463W  
ABN 78 395 029 707

Member of the German Shepherd Dog Council of Australia Inc.  
and affiliated with the Victorian Canine Association Inc.



## **REGULATIONS, CODES, POLICIES & PROCEDURES**

To be read in conjunction with GSDCV Inc. "Statement of Purposes"  
and "Rules" (Constitution)

(Incorporating changes made up to September 2015)

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# **PART 1 - GENERAL**

## **1.1 PREAMBLE**

- 1.1.1 The power for Management Committee to make Regulations and to amend or repeal the same is set down in Rule 3.1 (a).
- 1.1.2 These Regulations must be read in conjunction with the GSDCV Inc. "Statement of Purposes" and "Rules" (Constitution), which take precedence.

## **1.2 DEFINITIONS**

All definitions in this document shall have the meanings given under this section, or as defined in the GSDCV "Statement of Purposes" and "Rules" (Constitution).

**"Appeal"** means the process for an accused to contest the outcome of a Discipline process.

**"Breed Survey"** means the GSDCA Breed Survey Scheme.

**"Discipline"** means penalties imposed by the Disciplinary Sub-Committee in the case of a proven case.

**"Grievance"** means any written complaint made by a Club member or member of the public against a member of the GSDCV, or the GSDCV.

**"Grievance Panel"** means a group of members from which Investigation, Disciplinary and Appeals Committees are drawn.

**"Inspection Panel"** means the group of persons appointed by the GSDCV Management Committee for the purpose of inspecting Breeders' kennels as may be required in accordance with Regulation 3.1.2.

**"Investigation"** means the process for determining if there is a case to answer for alleged misconduct or breach of the Rules, Regulations or Codes.

**"Mediation"** means the process for dealing with a complaint advising of a dispute.

**"Mediator"** means a person appointed in accordance with these Regulations to endeavor to obtain resolution of a complaint (or dispute) lodged in accordance with these Regulations.

**"Planned Parenthood"** means the facility for GSDCV members to give notice of planned matings and expected whelping date in accordance with clause 3.1.3.1. of the Regulations.

**"Presenter of Evidence"** means the Chairperson of the referring Investigations Sub-Committee – as specified in Regulation 5.6.1

**"Puppy Listings"** means the official GSDCV public record of German Shepherd Dog puppies available for purchase, that comply with the GSDCV Breeding Guidelines.

**"Tattooist"** means a person appointed to place an identifying tattoo in the ear of puppies bred in accordance with the GSDCV and GSDCA schemes and codes.

## **PART 2 - MEMBERSHIP**

### **2.1 NEW MEMBERSHIP APPLICATION**

- 2.1.1 Upon receipt of an Application for Membership in accordance with Rule 2.2 such persons shall be granted probationary membership, for the period until the application is considered by the Management Committee.
- 2.1.2 Such members will be issued with a Temporary Badge, by the Training Branch where they lodged their application.
- 2.1.3 During this probationary period the Member shall only be entitled to privileges of membership provided for in Rule 2.9 (a) (i) and (vii).

### **2.2 PENSIONER DISCOUNT**

- 2.2.1 The GSDCV Management Committee may provide a Membership Fee discount to Pensioners, within the prescribed fees.
- 2.2.2 To be eligible to apply for a Pensioner Discount, a person must be the holder of a current "Aged Pension Card", "Veterans Affairs Pension Card" or a "Disability Pension Card".
- 2.2.3 Application for membership shall be in accordance with Rules 2.2 and subject to Rule 2.3, and must record the Pensioner Number on the Application Form.
- 2.2.4 The Pensioner discount shall apply to the Ordinary Membership categories of Single Membership, and Household Membership, and shall be in accordance with Rules 2.1(a).
- 2.2.5 Members who are eligible for Pensioner Discount shall be entitled to full privileges of membership provided for in Rules 2.9 (a).

### **2.3 RENEWAL OF MEMBERSHIP**

- 2.3.1 Renewal Applications made prior to the last business day of the current financial year of the GSDCV.
  - 2.3.1.1 A Member shall be automatically re-admitted by the Management Committee for a further period of membership, provided that the Application for Membership Renewal is made in accordance with Rule 2.4 and 2.5,
- 2.3.2 Renewal Applications made after the last business day of the current financial year of the GSDCV.
  - 2.3.2.1 Provided that the Member applies for Renewal of Membership within the following 12 month period, the Member shall be automatically re-admitted by the Management Committee for the remainder of that period of membership, provided that the Application for Membership Renewal is made in accordance with Rule 2.4, and the full annual Subscription for that year is paid. There shall be no additional Joining Fee charged,
  - 2.3.2.2 Those members who had not renewed their membership by the 31st December will not receive the February Shepherd News, or subsequent copies or any other magazines until after their Renewal Application has been received.
  - 2.3.2.3 The member will not have any of the privileges, as detailed in Rule 2.9(a) during the non-renewed period.

### **2.4 CESSATION OF MEMBERSHIP**

- 2.4.1 In accordance with Rule 2.7(f) all members of a Household Membership shall cease to be a member of the GSDCV if any of its constituent members become subject to the provisions of Rule 2.7 (a), (b), (d) or (e).
- 2.4.2 Those constituent members who are not subject to the provisions of Rule 2.7 (b) or (e) may apply to the Management Committee for re-admission to the GSDCV.

## **PART 3 - CODE OF PRACTICE**

### **3.1 CODE OF PRACTICE - ETHICS**

- 3.1.1 A member shall not knowingly or recklessly misrepresent the German Shepherd Dog Club of Victoria Inc.
- 3.1.2 A member shall not engage in any behaviour that is contrary to the standards accepted by the community.
- 3.1.3 A member shall display good sportsmanship and conduct at all times so as to reflect credit upon themselves, and the German Shepherd Dog Club of Victoria Inc.
- 3.1.4 Members shall constantly strive to improve their knowledge of the German Shepherd Dog, and their knowledge of the requirements for the care, welfare and betterment of dogs.
- 3.1.5 Members shall ensure that all dogs under their control are properly controlled, housed, fed, watered, exercised and receive veterinary care as required.
- 3.1.6 Members shall ensure that they comply with the Victorian Government "Domestic Animal Act" in relation to the care and well-being of any dogs owned by them.
- 3.1.7 A member shall positively enhance the reputation of dog breeders and owners by ensuring that dogs owned by the member are not a danger or nuisance to the community.
- 3.1.8 A member shall not participate in nor support any activity that involves cruelty or damage to animals, excluding legal hunting activities.
- 3.1.9 A member shall not dispose of dogs owned or bred by them to a pound or animal refuge.
- 3.1.10 A member shall ensure that all dogs and/or puppies sold or disposed of by that member are in the best possible state of health. Where a dog and/or puppy with a known health issue or disability is disposed of, the member must obtain from the recipient written and signed acknowledgement of the condition of the dog.

### **3.2 CODE OF PRACTICE – BREEDING**

- 3.2.1 All breeders of pure-bred German Shepherd Dogs must be a member of the Victorian Canine Association Inc. (Dogs Victoria), and therefore must comply with the VCA Code of Practice for breeding – which can be found on the VCA website.
- 3.2.2 The GSDCV strongly recommends that all members who are breeders of German Shepherd Dogs support and comply with the "GSDCV Breeding Guidelines" (as listed below). This includes actively supporting the GSDCA Breed Improvement Schemes.
- 3.2.3 **GSDCV Breeding Guidelines**
  - 3.2.3.1 The Stud Dog must have successfully passed the GSDCA Breed Survey Scheme, prior to mating.
  - 3.2.3.2 The Brood Bitch must have successfully passed the GSDCA Breed Survey Scheme, prior to mating.
  - 3.2.3.3 A bitch may not be bred from more than twice in each period of 18 months.
  - 3.2.3.4 Puppies shall be a minimum of 8 weeks of age prior to leaving the breeder, and must be microchipped, and may also be tattooed by a recognised GSDCV Tattooist.
  - 3.2.3.5 Breeders must ensure that all puppies are dewormed and immunised at least 10 days prior to leaving the breeder.
  - 3.2.3.6 Puppies must be in a clean and healthy condition, and kennels should be in a clean condition.
  - 3.2.3.7 Information on general care, diet, worming and immunisation must be given on receipt of payment from the buyer, and where possible the pedigree form, and signed transfer form – or as soon as practicable, which shall be no later than 6 weeks after sale.
  - 3.2.3.8 It is recommended that the following be supplied to the puppy purchaser by the breeder.
    - GSDCV booklets and/or education units,

- GSDCV Puppy Training Vouchers

### **3.3 CODE OF PRACTICE – GENERAL**

- 3.3.1 A member who provides or makes available a dog for use in a film, advertisement, promotion, or any media or public display must ensure that:
- 3.3.1.1 The dog is portrayed in a manner consistent with its breed characteristics and temperament as described in the Standard for that breed; and
- 3.3.1.2 The dog is presented in a manner that is unlikely to create a negative reaction to dogs generally or that breed in particular and that if there is any likelihood of a negative impression, this is at the same time corrected through the development of a story line that presents the dog or breed in a balanced manner.
- 3.3.2 A member shall not indulge in false or misleading advertising relating to the conformation, characteristics or performance of that member's dog.
- 3.3.3 A member shall not misrepresent nor malign the conformation, characteristics or performance of another member's dog.

### **3.4 CODE OF PRACTICE - GSDCV INSTRUCTORS**

The Instructors are representatives of the GSDCV, and as such anything an instructor says and/or does should reflect the policies of the GSDCV.

The GSDCV Instructors must:

- Be financial members of the GSDCV to instruct a class,
  - Abide by the Rules and Regulations of the GSDCV,
  - Have considerable knowledge of the German Shepherd Dog,
  - Conduct themselves in a professional and courteous manner,
  - Be ethical and respect other people's opinions.
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## **PART 4 REGULATIONS – GRIEVANCE PROCEDURES**

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### **4.1 INTRODUCTION**

- 4.1.1 These Regulations are made pursuant to Rules 2.13 to 2.23 of the Rules of the GSDCV.
- 4.1.2 Any person may make a written complaint against a member of the GSDCV, or the GSDCV:
  - 4.1.2.1 advising of a dispute, (refer Regulation 4.4) and / or;
  - 4.1.2.2 alleging misconduct or breach of the Rules, Regulations or Codes (refer Regulation 4.5).
- 4.1.3 Any such complaint must only be tabled during an In-Camera session of the Management Committee.
- 4.1.4 Any complaint advising of a dispute shall be referred for mediation, and any complaint alleging misconduct or breach of the Rules, Regulations or Codes shall be referred directly to an Investigations Sub-Committee.
- 4.1.5 When lodging a written complaint, written approval from the complainant to the release of a copy of the complaint to the accused, and appropriate witnesses who may be parties to subsequent hearings, and the members of the relevant Sub-Committees, shall be provided. In the absence of written approval the Secretary shall return the complaint to the complainant and advise of the requirements of this Regulation.
- 4.1.6 A fee of \$250 shall be required with any complaint lodged. In situations of demonstrable financial hardship the fee may be waived by the majority decision of the President, Vice President and Secretary. Where a fee is required and not received the Secretary shall return the complaint to the complainant and advise of the requirements of this Regulation.
- 4.1.7 Where the matter is referred to mediation and the complaint is successfully resolved, the fee will be refunded in full to the complainant. Where the matter is referred to an Investigation Sub-Committee and the Investigation Sub-Committee determines that a prima facie case has been established, the fee will be refunded in full.
- 4.1.8 If the requirements of Regulations 4.1.5 and 4.1.6 are not complied with the matter will not proceed.
- 4.1.9 The Grievance process must be completed as expeditiously as practicable.

### **4.2 GENERAL**

- 4.2.1 Any action taken by any person intended to pre-empt or circumvent the outcome of any Mediation, Investigation, Discipline or Appeal hearing shall constitute a breach of these regulations and may be the subject of disciplinary action.
- 4.2.2 Any attempt by any person outside of an official hearing to influence the attitude of any involved witness, member of the relevant Sub-Committee, or Management Committee shall constitute a breach of these regulations and may be the subject of disciplinary proceedings.
- 4.2.3 In accordance with Rule 5.13(g) the Management Committee delegates power to the Vice President, the Mediator, the Investigation Sub-Committee, Disciplinary Sub-Committee and Appeals Sub-Committee to act in accordance with these Regulations.
- 4.2.4 All parties privy to the matter shall keep confidential the names of all parties involved and the details of the matter. Any correspondence relating to the matter can only be listed, tabled, and discussed:
  - 4.2.4.1 at Management Committee during an In-Camera session, and/or
  - 4.2.4.2 at any Investigation, Disciplinary and/or Appeal proceedings if deemed appropriate.
- 4.2.5 Material relating to written complaints shall only be provided or shown to the people directly involved, members of the relevant Sub-Committee, and the President, Vice President, and Secretary.
- 4.2.6 It shall be the responsibility of the Vice President to coordinate all aspects of the Grievance Procedure and report to the Management Committee on the current status of all outstanding complaints. Such report must only be presented during an In-Camera session of the Management Committee.

- 4.2.6.1 In the event that the Vice President is unable or unwilling to act, or is a party to the complaint:
- a) the President shall be responsible to coordinate the Grievance Procedure; or
  - b) in the event the President is also unable or unwilling to act, or also a party to the complaint, the Management Committee shall appoint another member of the GSDCV to coordinate the Grievance Procedure in this instance.
- 4.2.7 Where a member the subject of a disciplinary proceeding fails, without reasonable excuse, to attend an inquiry, investigation or hearing authorised by the Rules or Regulations, the matter may proceed in their absence.

### **4.3 GRIEVANCE PANEL**

- 4.3.1 Prior to the AGM each year, Management Committee will call for expressions of interest from members wishing to serve on a panel for the resolution of grievances (The Grievance Panel).
- 4.3.2 At the first meeting of Management Committee after the AGM there shall be an In-Camera Session during which the credentials of such members will be considered and appointments made to the Grievance Panel. Management Committee can appoint or exclude without giving a reason. Where possible a minimum of 6 Panel members be appointed.
- 4.3.3 The minimum credentials for members of the Grievance Panel shall be that they:
- 4.3.3.1 must be a current ordinary member of the GSDCV,
  - 4.3.3.2 must not have been found guilty of an offence under the disciplinary proceedings in the last 5 years.
- 4.3.4 The Management Committee may expand the Grievance Panel at any time in subsequent In-Camera Sessions.
- 4.3.5 Members of Management Committee are expressly excluded from being members of this Grievance Panel.

### **4.4 DISPUTE RESOLUTION**

- 4.4.1 Any dispute shall be handled by mediation pursuant to Rule 2.13.

#### **Procedure for Mediation**

- 4.4.2 The Secretary shall, after receiving written approval in accordance with Regulation 4.1.5 forward a copy of the complaint and any relevant documentation to the accused, and advise that the matter will be dealt with by mediation.
- 4.4.3 The Mediator shall be appointed in accordance with Rule 2.13 b)
- 4.4.4 If the mediation process is successful, the Mediator shall within 7 days of the mediation forward the terms of settlement in writing to the Vice President so that the parties can be officially notified, and the mediation process will end there.
- 4.4.5 If the mediation is unsuccessful, the Mediator shall within 7 days of the mediation advise the Vice President to that effect, and either party; or a majority decision of the President, Vice President and Secretary; may request the establishment of a formal Investigation Sub-Committee. If no such request is made the matter shall lapse.
- 4.4.6 The Vice President shall instruct the Secretary to confirm in writing the outcome of the mediation to each party within 7 days of receiving the results.
- 4.4.7 The Secretary shall keep a file on all complaints that have been referred for mediation. Such file shall contain a complete record of all proceedings.

### **4.5 INVESTIGATION**

- 4.5.1 The purpose of the Investigation Sub-Committee shall be to determine whether or not there is a prima facie case to answer, and whether or not the matter is frivolous and/or vexatious.

#### **Appointment of Investigation Sub-Committee**

- 4.5.2 The Vice President will select an Investigation Sub-Committee of three (3), from the Grievance Panel, who shall elect their own Chairperson.
- 4.5.3 If any member of the Investigation Sub-Committee upon notice of their appointment believes their involvement may be prejudicial to the outcome they must immediately declare themselves ineligible.



- 4.5.4 If one or more members of the Investigation Sub-Committee are unable or unwilling to act, an alternate will be appointed by the Vice President from the Grievance Panel.
- 4.5.5 In the event that one member of the Investigation Sub-Committee becomes unavailable after the commencement of proceedings, the remaining two (2) members may continue the investigation, or may request the appointment of another member by the Vice President.

#### **Functions of Investigation Sub-Committee**

4.5.6 The Investigation Sub-Committee shall receive from the Secretary a file, which shall contain copies of:

- 4.5.6.1 the letter of complaint,
- 4.5.6.2 the Incident Report (if available),
- 4.5.6.3 the response from the accused,
- 4.5.6.4 any correspondence from witnesses and/or other relevant parties, but shall not contain any material or references from the mediation process.

4.5.7 The Investigation Sub-Committee shall then:

- 4.5.7.1 Carry out a detailed investigation which may include interviews/correspondence with the complainant, the alleged offender and any potential witnesses;
- 4.5.7.2 Where appropriate direct members to attend at a specified time and place for the purposes of interview.
- 4.5.7.3 Determine whether a charge or charges should be laid against the member/s under investigation.

4.5.8 In the event of a prima facie case being established, submit a report to the Vice President, detailing:

- 4.5.8.1 Full particulars of the charge/s;
- 4.5.8.2 The alleged incident(s), including date, time and place at which the incident is alleged to have taken place, and
- 4.5.8.3 The relevant Rule(s), Regulation(s), Codes of Ethics and/or Codes of Practice that are alleged to have been breached, and also state how each of these Rule(s)/Regulation(s)/Codes are alleged to have been breached.

4.5.9 On receipt of this report the Vice President will instigate disciplinary action in accordance with the Rules and Regulations of the GSDCV.

4.5.10 The Vice President will instruct the Secretary to provide the accused, in writing, with the following:

- 4.5.10.1 Full particulars of the charge/s, and
- 4.5.10.2 Details of the alleged incident/s, including date, time and place at which the incident is alleged to have taken place, and
- 4.5.10.3 The relevant Rule/s, Regulation/s, Codes of Ethics and/or Codes of Practice that are alleged to have been breached, and also state how each of these Rule/s, Regulation/s, Codes are alleged to have been breached, and
- 4.5.10.4 Include a copy of the Constitution and full copies of relevant Rule/s, Regulation/s, Codes of Ethics, Codes of Practice, etc. together with the Regulations relating to the Grievance Procedure.
- 4.5.10.5 Any other information necessary to enable the accused to conduct a defence.

4.5.11 In the event of a prima facie case not being established a report shall be submitted to the Vice President detailing the investigation process, the conclusions and reasons therefore. The Vice President will instruct the Secretary to give written advice to the parties that no further action will be taken.

4.5.12 No person shall make a frivolous or vexatious complaint. If the Investigation Sub-Committee believes that this regulation may have been breached it shall refer the matter to the Vice President who shall select a new Investigations Sub-Committee to determine whether there is a prima facie case for disciplinary proceedings.

## **4.6 DISCIPLINE**

- 4.6.1 There shall be a Presenter of Evidence, who shall be the Chairperson of the referring Investigations Sub-Committee, who shall represent the GSDCV and prosecute the case.
- 4.6.2 In the event of the Chairperson of the referring Sub-Committee being unavailable and/or unwilling to act, another member of the referring Sub-Committee shall act as the Presenter of Evidence.

#### **Appointment of Disciplinary Sub-Committee**

- 4.6.3 The Vice President will select a Disciplinary Sub-Committee of three (3) from the Grievance Panel, who shall elect their own Chairperson.
- 4.6.4 If any member of the Disciplinary Sub-Committee upon notice of their appointment believes their involvement may be prejudicial to the outcome they must immediately declare themselves ineligible.
- 4.6.5 If one or more members of the Disciplinary Sub-Committee are unable or unwilling to act, an alternate will be appointed by the Vice President from the Grievance Panel.
- 4.6.6 In the event that one member of the Disciplinary Sub-Committee becomes unavailable after the commencement of the hearing, the remaining two (2) members shall continue the hearing without the appointment of a replacement.
- 4.6.7 In the event that two (2) or more members of the Disciplinary Sub-Committee become unavailable during the course of the hearing:
  - 4.6.7.1 the hearing may be adjourned for a period not exceeding four (4) weeks, to enable a minimum of two (2) members to reconvene, or if this is not possible;
  - 4.6.7.2 the Vice President will select a new Disciplinary Sub-Committee of three (3) new members from the Grievance Panel who shall elect their own Chairperson, and the Disciplinary process shall recommence.  
Any material obtained during the course of the initial Disciplinary process shall not be made available to this new Disciplinary Sub-Committee, but shall be destroyed by the Vice President.

#### **Functions of Disciplinary Sub-Committee**

- 4.6.8 The Chairperson of the Disciplinary Sub-Committee shall coordinate the proceedings.
- 4.6.9 After consultation with the other members of the Sub-Committee, the Chairperson will set a time, date, and place for the hearing.
- 4.6.10 The Chairperson shall instruct the Secretary to write to the person charged directing them to appear before the Disciplinary Sub-Committee to be heard in answer to the charge/s, advising that they may bring to the hearing any witnesses or material in support of their defence. At least thirty (30) days must be allowed for the person charged to prepare their defence and obtain witnesses. The member shall also be advised that they may elect to plead guilty and not attend the hearing. Where the accused pleads guilty and elects not to attend the hearing, or fails, without reasonable excuse, to attend the hearing as directed, the hearing may proceed in their absence.

#### **The Disciplinary process**

- 4.6.11 The only material that the Disciplinary Sub-Committee members shall receive will be that as supplied to the accused by the Secretary pursuant to Regulation 4.5.10, and the Disciplinary Sub-Committee shall acquaint themselves with full particulars of the charge before commencing the hearing.
- 4.6.12 The Disciplinary Sub-Committee shall then meet at the appointed time and place to hear the charge/s against the member.
- 4.6.13 At the beginning of the hearing, the Chair of the Disciplinary Sub-Committee shall read out the charge/s.
- 4.6.14 After the charge/s have been read out the Chair of the Disciplinary Sub-Committee shall ask the accused to admit or deny the charge/s.
  - 4.6.14.1 If the accused admits the charge/s, the hearing will proceed to enable the Sub-Committee to assess the gravity of the member's conduct and to determine the appropriate penalty.
  - 4.6.14.2 If the accused denies the charge/s, the hearing shall proceed to the presentation of arguments by the Presenter of Evidence and the accused.
- 4.6.15 The Chair of the Disciplinary Sub-Committee shall explain the procedures for the conduct of the hearing to the accused, complainant and witnesses.
- 4.6.16 All evidence submitted during the proceedings must be directly relevant to:

- 4.6.16.1 the allegations made and proving whether or not the accused member is guilty of the charge/s laid, and/or;
- 4.6.16.2 the credibility of witnesses called, and/or
- 4.6.16.3 determining the appropriate penalty, once;
  - 4.6.16.3.1 the accused admits the charge/s, or;
  - 4.6.16.3.2 the charge/s have been proven;
- 4.6.17 The Disciplinary Sub-Committee shall have the power to determine:
  - 4.6.17.1 the admissibility of particular evidence, and/or
  - 4.6.17.2 that evidence will not be considered by them in their decision based on matters such as unreliability or irrelevance, and/or;
  - 4.6.17.3 that particular evidence will be admissible, but that they will determine the weight which is to be attached to that evidence. Such weighting shall become part of the reasons for their decision.
- 4.6.18 Other than the accused and the complainant, witnesses shall not be in the hearing room until called to give evidence.
- 4.6.19 After giving evidence, witnesses shall leave the room, but remain available for recall if necessary.
- 4.6.20 The Presenter of Evidence and the accused may call witnesses to give evidence.
- 4.6.21 The oral evidence of witnesses shall not be taken under oath.  
If a witness is unable to attend, the Disciplinary Hearing may accept an affidavit or statutory declaration.
- 4.6.22 If the Presenter of Evidence and/or the accused require persons to appear to answer questions or produce evidence, they shall in writing no less than fourteen (14) days prior to the hearing, make such request of the Chairperson. On the instructions of the Chairperson the Secretary shall write to these witnesses instructing them to attend the Hearing at the appointed time and place. The Chairperson shall provide a list of all witnesses to the Presenter of Evidence and the accused.
- 4.6.23 The Disciplinary Sub-Committee of its own volition, or by request, shall be free to call any witness or obtain any other evidence not called or presented by the Presenter of Evidence or the accused which it considers relevant to the hearing provided that the accused has been given 7 days notice in writing of the nature of the evidence to be presented.
- 4.6.24 It shall constitute a breach of these regulations if a member, including the accused, without reasonable excuse, refuses or fails to respond or give evidence or produce material before a Disciplinary Sub-Committee as required.
- 4.6.25 Prior to evidence being called the Chairperson shall:
  - 4.6.25.1 state that any evidence relating to prior offences shall not be admissible and members of the Disciplinary Sub-Committee must disregard any knowledge of previous offences or penalties in relation to the accused, for the purpose of determining whether or not the charge is proven.
  - 4.6.25.2 ask the Presenter of Evidence to present the Investigation Sub-Committee's report of the matter and identify the witnesses supporting these charge/s; and
  - 4.6.25.3 ask the accused to briefly summarise the defence and to identify his or her witnesses.
- 4.6.26 Witnesses shall be called individually and taken through their evidence:
  - 4.6.26.1 firstly by the Presenter of Evidence, if the witness appears for the GSDCV; and
  - 4.6.26.2 followed by the accused if the witness appears for the accused.
- 4.6.27 After each witness has presented evidence the Presenter of Evidence and the accused may ask each other's witnesses questions in relation to their evidence to assist in obtaining a full and accurate account of the matter. The accused may give evidence and can be questioned after that evidence by the Presenter of Evidence.  
The members of the Disciplinary Sub-Committee may ask questions of the complainant, accused and witnesses during proceedings.
- 4.6.28 After a witness has been questioned by the opposing party the person calling the witness may question the witness again in relation to any matter raised in the questioning by the opposing party.

- 4.6.29 At the conclusion of evidence the Chairperson shall invite the Presenter of Evidence and the accused to summarise the evidence and make a final submission to the Disciplinary Sub-Committee.
- 4.6.30 The Chairperson of the Disciplinary Sub-Committee may:
- 4.6.30.1 call brief recesses in proceedings; and / or
  - 4.6.30.2 adjourn proceedings.
- 4.6.31 At the conclusion of the proceedings, the Chairperson shall inform the accused:
- 4.6.31.1 that the Disciplinary Sub-Committee will consider only the evidence as presented at the hearing to decide whether or not the charge has been proven; and that
  - 4.6.31.2 whether the Disciplinary Sub-Committee expects to return a finding on the day of the hearing, or anticipates a result at a later date in which event the accused shall be given written notice of the date when the finding will be handed down;
  - 4.6.31.3 that if the charge is proven, both the accused and the Presenter of Evidence may address the Disciplinary Sub-Committee on the question of penalty and the accused may call character witnesses or present written references, prior to the Disciplinary Sub-Committee determining a penalty.
- 4.6.32 The Disciplinary Sub-Committee may determine based on the evidence presented:
- 4.6.32.1 That the charge/s are not proven, or
  - 4.6.32.2 In the event that the vote in relation to a charge is tied, the Chairperson shall declare the charge "not proven".
- 4.6.33 Where the charge/s have been determined to be not proven the Chairperson shall advise the Vice President in writing, who shall instruct the Secretary to advise the accused in writing of the "not proven" decision, and inform the Management Committee of the Disciplinary Sub-Committee's determination.
- 4.6.34 If the Disciplinary Sub-Committee finds the charge/s proven the Disciplinary Sub-Committee shall pass separate determinations for each charge, and may impose one or more of the penalties provided for in the Regulations, and may determine that the penalties run concurrently.
- 4.6.35 If a charge has been proven the Disciplinary Sub-Committee shall have regard to previous offences or penalties and any other matter which they deem relevant in order to determine the appropriate penalty for that charge.
- 4.6.36 The Disciplinary Sub-Committee shall give the Vice President and the Secretary a written report detailing:
- 4.6.36.1 The findings of the Disciplinary Sub-Committee;
  - 4.6.36.2 Full particulars of the charge/s proven, and
  - 4.6.36.3 The relevant Rule/s, Regulation/s, Codes of Ethics and/or Codes of Practice that have been breached, and also state how each of these Rule/s, Regulation/s, Codes have been breached.
  - 4.6.36.4 The penalties imposed and the consequences of those penalties.
- 4.6.37 The Secretary shall give the accused written confirmation within 14 days of the findings of the Disciplinary Sub-Committee of:
- 4.6.37.1 the findings of the Disciplinary Sub-Committee;
  - 4.6.37.2 Full particulars of the charge/s proven, and
  - 4.6.37.3 The relevant Rule/s, Regulation/s, Codes of Ethics and/or Codes of Practice that have been breached, and also state how each of these Rule/s, Regulation/s, Codes have been breached.
  - 4.6.37.4 penalties imposed and the consequences of those penalties; and
  - 4.6.37.5 the person's right of appeal, and the grounds of appeal (Regulations 4.7.1 to 4.7.3)
- 4.6.38 Where no appeal is lodged the penalty will take effect 10 days from the date of mailing of the written confirmation of the findings of the Disciplinary Sub-Committee.
- 4.6.39 Where an appeal is lodged the appellant will be granted a deferment of penalty until such appeal is heard.

## **4.7 APPEALS HEARING**

### **Grounds of Appeal**

- 4.7.1 Any member found guilty of a charge by a decision of a Disciplinary Sub-Committee may, within 7 days of receiving notice of such finding, give notice of appeal against such finding and/or penalty imposed, or part thereof.
- 4.7.2 An appeal may only be made citing:
  - 4.7.2.1 incorrect procedure during the Disciplinary Hearing, and/or
  - 4.7.2.2 new evidence, and/or
  - 4.7.2.3 the penalty or penalties imposed.
- 4.7.3 Such notice of appeal shall be in writing to the Secretary of the GSDCV, and shall state the precise grounds of appeal.

### **Appeals Procedure**

- 4.7.4 If the Secretary receives a notice in accordance with Regulation 4.7.3, he or she must notify the Office Bearers of the Management Committee and they must convene a Special General Meeting of the members of the GSDCV within 90 days from the date on which the Secretary received the notice of appeal.
- 4.7.5 The Secretary shall acknowledge receipt of the appeal and forward a copy of the Appeal procedure to the appellant.
- 4.7.6 A Special General Meeting shall be called for the purpose of hearing an appeal against the findings of the Disciplinary Sub-Committee on the grounds as specified in Regulation 4.7.2. The Notice of meeting shall contain:
  - 4.7.6.1 the particulars of the charge/s proven,
  - 4.7.6.2 the penalty imposed,
  - 4.7.6.3 the fact that an appeal has been lodged, and the precise grounds of appeal,
  - 4.7.6.4 that the Special General Meeting shall be held in accordance with Rule 2.15.
- 4.7.7 At a Special General Meeting of the GSDCV convened under Regulation 4.7.4:
  - 4.7.7.1 The President of the GSDCV shall preside at the meeting, however:
    - 4.7.7.1.1 In the event that the President is unable or unwilling to act, or is a party to the complaint,
    - 4.7.7.1.2 the Vice President shall be responsible to preside at the meeting; or
    - 4.7.7.1.3 in the event the Vice President is also unable or unwilling to act, or also a party to the complaint, the Management Committee shall appoint another member of the GSDCV to preside at the meeting in this instance.
  - 4.7.7.2 no business other than the question of the appeal may be conducted.
- 4.7.8 The Chairperson shall outline the procedures to be followed.
- 4.7.9 The Chairperson shall advise the appellant that all evidence to be presented must be directly relevant to the basis upon which the appeal was sought.
- 4.7.10 The Chairperson shall invite the appellant to present their case.
- 4.7.11 The appellant shall present evidence and may be questioned by members.
- 4.7.12 The appellant may call witnesses, who may be cross-examined by members, and re-examined by the appellant.
- 4.7.13 The Chairperson of the meeting shall invite the Chairperson of the Disciplinary Sub-Committee to place before the meeting details of the Disciplinary hearing relevant to the appeal, and may be questioned by the appellant, and the members.
- 4.7.14 After all witnesses have been heard the appellant shall be invited to summarise their appeal, followed by a summary of the basis of the Disciplinary Sub-Committee findings from the Chairperson of the Disciplinary Sub-Committee.

- 4.7.15 The Chairperson shall call for appointment of a returning officer and a scrutineer representing the appellant and shall then implement a secret ballot, which shall then determine the appeal, in accordance with Rule 2.15.
- 4.7.16 In the event of an appeal on the grounds of incorrect procedure,
- 4.7.16.1 if the appeal is upheld by a majority vote the decision shall be set aside and referred to a new Disciplinary Sub-Committee for re-hearing;
  - 4.7.16.2 if the appeal is not upheld the decision of the Disciplinary Sub-Committee shall stand.
- 4.7.17 In the event of an appeal against penalty or penalties imposed, the members may confirm or vary the penalty/s imposed and ballot papers shall be designed so as to enable members to clearly express their views.
- 4.7.18 In the event of an appeal on the grounds of new evidence,
- 4.7.18.1 if the appeal is upheld and the new evidence is sufficient in the opinion of the members, following the conduct of a secret ballot, to warrant the charge/s being withdrawn, the Chairperson shall declare the charge/s withdrawn.
  - 4.7.18.2 if the appeal is not upheld the decision of the Disciplinary Sub-Committee shall stand.
- 4.7.19 After the result of the ballot has been determined the Chairperson shall advise the appellant, and the meeting, of the result.
- 4.7.20 The Secretary shall formally convey the result of the appeal in writing to the Appellant within 14 days of the appeal hearing.
- 4.7.21 The decision of the Special General Meeting shall be final and binding on all parties.

## **4.8 PENALTIES**

- 4.8.1 The Disciplinary Sub-Committee or the members present at the Special General Meeting called to hear the Appeal in acting under these Regulations has power to impose any one or more of the following penalties as appropriate to the offence:
- 4.8.1.1 To restrict all or any membership privileges.
  - 4.8.1.2 To impose a fine payable within a time fixed by the Sub-Committee or Special General Meeting as prescribed in the Associations Incorporation Regulations, and any subsequent amendments or re-enactments.
  - 4.8.1.3 To suspend or expel from membership.
  - 4.8.1.4 To suspend or expel any official from their position held within the GSDCV.
  - 4.8.1.5 To disqualify or suspend from exhibition at any GSDCV run event any dogs registered in the name of or owned or part owned or leased or part leased by that member.
- 4.8.2 Management Committee may advise other member bodies of the GSDCA, and/or the VCA of any action taken against a member under these Regulations.
- 4.8.3 Any member of the GSDCV suspended or disqualified, or any person who becomes ineligible in accordance with the provisions of the Rules and Regulations of the GSDCV, shall not be entitled to the return of any portion of that member's annual subscription or any other fees.
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## **PART 5 GSDCV POLICIES**

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### **5.1 GSDCV PUPPY LISTINGS SERVICE**

#### **5.1.1. Requirements of the Breeder**

The GSDCV offers a "Puppy Listing" service to breeders of pedigree German Shepherd Dogs, that are members of the GSDCV, provided:

- 5.1.1.1. The breeder is a current financial member of the GSDCV,
- 5.1.1.2. The litter complies with the GSDCV Breeding Guidelines (refer 3.2.3)
- 5.1.1.3. Any litter/s bred by the Breeder in the last 12 months prior to the whelping date of this litter, have all complied with the GSDCV Breeding Guidelines (refer 3.2.3)
- 5.1.1.4. The breeder agrees to comply with the Puppy Listings Guidelines (as listed below in 5.1.2)

#### **5.1.2. Puppy Listings Guidelines**

##### **5.1.2.1. Kennel Inspection**

- 5.1.2.1.1. The breeder must agree to their kennels being inspected by a panel, of no less than two, authorised by the Management Committee, if necessary, in accordance with clause 5.1.2.1.
- 5.1.2.1.1.1. The Kennel Inspection will only be undertaken as a result of a written complaint of which a copy is provided to the breeder.
- 5.1.2.1.1.2. The inspection will be undertaken at a time mutually agreed between the breeder and the panel,
- 5.1.2.1.2. If the inspection panel considers the complaint to be justified:
  - 5.1.2.1.2.1. the current litter will be immediately removed from Puppy Listings,
  - 5.1.2.1.2.2. and if the current litter is already sold, the NEXT eligible litter will not be accepted on Puppy Listings,
  - 5.1.2.1.2.3. the Inspection Panel may refer the matter for further Disciplinary action.
- 5.1.2.1.3. Any Appeals against the results of an inspection can be directed to Management Committee.

##### **5.1.2.2. Planned Parenthood**

- 5.1.2.2.1. Planned litters can be placed on "Planned Parenthood" after the mating.
- 5.1.2.2.2. Breeders must be willing to comply with all requirements of Puppy Listings, once the puppies are born.
- 5.1.2.2.3. The Breeder shall list the litter on Puppy Listings once they are born.
- 5.1.2.2.4. The details of the mating and expected whelping date will be listed in the next available Shepherd News.

##### **5.1.2.3. Eligibility period for litters on Puppy Listings**

- 5.1.2.3.1. Initial listing is for 4 weeks, or when puppies are 8 weeks old, whichever is the later.  
Breeders are requested to advise Puppy Listings as soon as all puppies are sold.
- 5.1.2.3.2. The litter is automatically removed after this 4 week period, however if the breeder informs Puppy Listings they are not all sold they will be re-listed for a further 2 weeks, and subsequent 2 week periods until sold.  
NOTE! The breeder must request each extension.

##### **5.1.2.4. Eligibility of "older" puppies/dogs**

- 5.1.2.4.1. Individual puppies/dogs can be listed for sale via Puppy Listings, provided the litter they came from complied with the GSDCV Breeding Guidelines - (refer 3.3)
- 5.1.2.4.2. Individual puppies/dogs can be listed as "FREE to a Good Home", provided the owner is a member of the GSDCV.

- 5.1.2.4.3. In both 5.1.2.4.1 and 5.1.2.4.2, the owner must sign an undertaking that “To the best of my knowledge this animal has sound temperament and no known restrictive health defects.”

**5.1.2.5. Complaints**

- 5.1.2.5.1. Should any member knowingly provide misleading information on the Litter Application Form, this will be investigated by the Breed Affairs Administrator who may refer it to the Management Committee for further action.
- 5.1.2.5.2. Any complaints from the public relating to the Puppy Listing service should be directed to the Breed Affairs Administrator.