

RSCDS Canberra and District Branch
Procedures

		PROCESS	
STEPS	DESCRIPTION	REFERENCE	COMMENTARY / NOTES / QUESTIONS
Dispute Procedures - between members			
1.	Notice may be received by the Committee of an experience by a member, a teacher, or other member of the dance community. This may or may not require action by the Committee: - If the notice is for information only, the Committee will: - Note at the next Committee meeting the notification has been received. - Keep a register - The Secretary will note in the Register the date and time of the incident, names of the parties involved, the nature of the incident - The Secretary will notify the sender (only) that notification has been received, has been noted by the Committee - A form is available for the party to complete if desired. - If the notice is for action, the Committee will: - Notify both parties the incident has been reported. - Request them to undertake take Step 2 below.	<i>RSCDS Procedures for Managing Allegations of Misconduct</i> – suggest appointing a ‘breach decision maker’ to decide if a breach has occurred) and a ‘breach sanction maker’ to decide if any sanctions will be applied. It can be the same person. The document also states these people are to be unbiased. An accused member can be asked to be absent from classes and events until a decision is reached. It also states mediation is an avenue for resolution <i>RSCDS Procedures for Managing Allegations of Misconduct</i> Section 7 and Section 10. -Confidentiality and keeping a record - that a record must be kept and only available on a ‘need to know’ basis. Investigation must be consistent with the principles of procedural fairness. <i>RSCDS Procedures for Managing Allegations of Misconduct</i>, Section 8.8 - A person who is suspected of breaching the Code is entitled to have a support person present in any meetings or interviews conducted. <i>The RSCDS Advice for Teachers, Musicians, Committees and Volunteers</i> – gives further advice on specific types of incidences, such as theft, drunkenness, sexual assault and calling in authorities, such as the police, at the time of the incident.	There may be objections to this on the basis of privacy, but this is not a privacy issue and the information is not publicly available. A record needs to be kept of such incidents, just as a record is kept of an OH&S incident and a form is completed. There is an incident form, attached to these guidelines that can be completed. This should not, and cannot, be swept under the carpet or dismissed as it has in the past. This serves as a record of repeat incidents and the Committee may wish to take some action, at some point, for example, notifying the member if three or more incidents occur against their name. What is the extent or jurisdiction of the Branch to be involved in a dispute? What is the boundary / proximity of a dispute that can be directed at the Branch? – ie can the Branch only be involved or held responsible in some way in a dispute that occurs within the hall? Outside the hall? On the steps of the hall? Inside the hall only? Do we need to specify? If a disagreement occurs at a different public / private area but is between two Branch members and is about dancing or behaviour, is this a dispute that the Branch has to deal with? Or can the Branch say no? This statement is made on page two of the guidelines - This policy and its related procedures apply to incidences and grievances arising in Branch classes, Branch events and programs and other Branch activities.
2.	Where the dispute is between members: - The parties must attempt to resolve the dispute by agreement between themselves. - A party to the dispute may ask the Committee to help the parties resolve the dispute by agreement if: - The Committee is not a party to the dispute, and	<i>The Regulations (the Regulations) to the Associations Incorporation Act 1991, (the Act)</i> <i>Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 13 and 14.</i> This is consistent with the <i>RSCDS Procedures for Managing Allegations of Misconduct</i>.	The Committee is not a party to this dispute. <i>(Does this mean the dispute is not against the Committee as whole or does it include if the party is also a member of the Committee? Obviously, if the party calls in the assistance of the Committee, this member cannot be involved.)</i> In the first instance, it is expected the parties are to try to resolve this themselves. This is commonly referred to as ‘local resolution’.

	The parties are unable to resolve the dispute between themselves.	Also there is opportunity to decide no further investigation is warranted – <i>RSCDS Procedures for Managing Allegations of Misconduct</i> , Section 5.3 The breach decision maker may decide that an allegation is frivolous or vexatious or does not warrant further investigation.	If they are unable to do this they can call in the assistance of the Committee. To do this they must start the dispute resolution process by giving written notice to the Committee. There is a discrepancy here – to some degree – as the Regs say any party to the dispute – can start the dispute resolution process but then follows with this Note: Section 14 – Note – a member who is the subject of a dispute is not able to start a dispute resolution procedure in relation to the same matter until the disciplinary procedure – including any appeal – is complete (see the Act (not Regulations) s65 C, (4).
3.	To start the dispute resolution process, a party to the dispute must: - Give written notice to the Committee, which must include: - The names and contact details of the parties to the dispute - A brief summary of the matters in the dispute (called a dispute summary), including any relevant provisions of the Act and Regs and Constitution - Briefly state the steps the parties have taken to resolve the dispute.	<i>The Regulations, Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 14.</i> This is consistent with the <i>RSCDS Procedures for Managing Allegations of Misconduct</i> – Section 5 and 6.	Presumably from this, if the notice does not state any action being taken by the parties to resolve the dispute between themselves, the Committee does not need to act. Presumably the Committee will inform the party in writing to this effect.
4.	Action for the Committee: - If Step 2 has been processed completely, the Committee is to appoint a decision-maker (notes on eligibility of the decision-maker are in the commentary) and - Write to inform the decision-maker of their selection and include information about the dispute.	<i>The Regulations, Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 15.</i> This is consistent with the <i>RSCDS Procedures for Managing Allegations of Misconduct</i>.	<i>The Regulations, Part 1.3, Division 1.3.1, Section 15:</i> The Committee can appoint a Decision maker, who is not involved, not biased, understands the rules of the association and has no conflict of interest. It does not state whether this has to be a committee member or can be any member of the association. Presumably this will be based on the people involved in the dispute.
5.	Action for the Committee: - As soon as the decision-maker is appointed, the Secretary must give written notice to each party to the dispute that the dispute resolution process has started. - However, if the Committee is a party to the dispute, the Secretary is not required to give the Committee notice that the dispute resolution process has started. - The notice must include: - A copy of the dispute summary - The name and contract details of the decision-maker - Information about the dispute resolution procedure.	<i>The Regulations, Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 16.</i>	Presumably, if the Committee is not a party to the dispute , the Secretary is required to give the Committee notice that the dispute resolution process has started.
6.	Actions for the Decision-Maker: - Before deciding the outcome of a dispute, the decision-maker must: - Invite each party to make a written or oral submission (or both) about the dispute - The invitation must state: - If the decision-maker invites the parties to a written submission, a period of not less than 14 days in which a party may make a written submission (the submission period) and	<i>The Regulations, Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 17.</i>	From the reading of this part of the Regulations, it seems that on the taking of oral submissions, in effect the decision-maker is a mediator and the process is mediation. As noted at Step 10 – There is no direct reference in the Regs, the Act or the Branch Constitution of mediation as a step in the dispute management process. With this oral process, hearing the story of each party separately, directly and in person, noting their expressions and

	b. If the decision-maker invites the parties to make oral submission – the day and time (within the submission period) when the party can make their oral submissions. iii. The decision-maker may also attempt to resolve the dispute with the agreement of the parties to the dispute.		reactions and asking relevant empathetic questions, this could be taken as mediation. There are people currently in the Branch who would be well skilled and with the right disposition to be able to take on this role. This would need to be negotiated with the parties involved and with the members of the Branch nominated, such as Rona Farrant who has considerable expertise and qualification for this, or Ann Parkinson, who has experience with these situations and the right disposition. It may also be worthwhile asking the parties to the dispute if they can suggest someone they would trust to be the decision maker(s). It is up to the Committee to decide if these individuals are suitable (without bias) to be included for selection as the decision maker(s).
7.	Actions for the Decision-Maker: i. As soon as practicable after the submission period has ended, the decision-maker must: a. Consider the submissions b. Decide an outcome of the dispute ii. Give the parties to the dispute a written notice stating: a. the dispute decision b. the reasons for the dispute decision c. that a party to the dispute may appeal the dispute decision (under division 1.3.3. (Appealing Decision) and iii. If the Committee is not a party to the dispute – give the Committee a copy of this notice.	<i>The Regulations, Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 18.</i> <i>RSCDS Procedures for Managing Allegations of Misconduct – Section 9</i> - If a determination is made that a breach has occurred, a sanction will not be imposed until reasonable steps have been taken to inform them of that a determination has been made, the sanctions under consideration and the factors in determining this decision. Must then give the person a reasonable opportunity to make a written statement in response. This is noted as 7 calendar days. <i>RSCDS Procedures for Managing Allegations of Misconduct, Section 8.7</i> For the purpose of determining whether a breach has occurred, a formal meeting is not required.	What time period is considered ‘as soon as practicable’ Is this a decision for the decision-maker? Presumably any submissions received after the ‘submission period’ are not included in consideration of the dispute by the decision-maker. What if new ‘evidence’ arises following this period. Presumably this could become part of an appeal. In Section 17, there is a reference to what must be included the dispute decision, which must follow what is referred to as a <i>statement of reasons</i> – which would be good to have. The reference is to the <i>Legislation Act</i>, s 179. This is not a reference to the <i>Associations Incorporation Act 1991</i>, but the <i>Legislation Act</i> (known because the Associations Act doesn’t have a section 179). This is the provision in the <i>Legislation Act 2001</i>. 179 Content of statements of reasons for decisions (1)This section applies if a law requires a tribunal or other entity making a decision to give written reasons for the decision, whether the term ‘reasons’, ‘grounds’ or any other term is used. (2)The document giving the reasons must also set out the findings on material questions of fact and refer to the evidence or other material on which the findings were based. (3)This section is a determinative provision. <i>Note</i> See s 5 for the meaning of determinative provisions, and s 6 for their displacement.
8.	Potential Outcome 1: The parties agree to end the dispute The parties may agree to end the dispute at any time before the decision-maker decides on an outcome. Is they must: i. Give written notice to the decision maker and the Committee (if it is not a party to the dispute). ii. The written notice must sate the parties have agreed to end the dispute and the terms of the agreement.	<i>The Regulations, Part 1.3 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, 19.</i>	

9.	In the case where a satisfactory resolution for both parties is not achieved: - The matter is referred to the Committee (by the decision-maker?) for deliberation regarding employing an external mediation service to assist in resolving the ongoing matter - the Committee will - Deliberate on the potential worth / value to ending the dispute and the potential of mediation to resolve the dispute, the cost etc. - The expected level of intent to bring about a mutually negotiated resolution that the parties would bring to a mediation process. - The intent of mediation is for the parties to agree to and abide by a resolution reached in the mediation process. The Committee will raise a resolution for voting on the matter - If the motion is carried, the Secretary of the Committee must - Inform the parties of the decision to progress to mediation - Notify of the date and time of mediation - If the motion is not carried, the Secretary of the Committee shall - Notify the parties to the dispute of the decision not to progress to mediation - The reasons for this decision.		This note is not in the Regs, the Act or the Branch Constitution. It is, however, a recognised next step in most places of employment and seen as a natural part of the process. It is included for the Committee's consideration if a dispute reaches this point. There would also need to be consideration of funding the cost of such a service. Is this something the Branch and the other parties fund together? What if one party refuses or is unable to do so? Is the cost to the parties only? Should this be considered automatically as part of the procedure and that the Branch has accepted the cost of the service, in a good-will effort to resolve the dispute? See notes at Step 6 regarding mediation. What is the Committee's next action in the event of one or all of parties declining the offer of mediation?
10.	If there is no resolution of the dispute following mediation, the Committee can decide on the outcome of the dispute. The Committee will raise a motion to abide by the decision-maker's dispute decision. - The Committee must take into account: - The outcome of the dispute as decided by the decision-maker - Information provided on the mediation process and outcomes - If the motion is carried, the Secretary must - Inform the parties of the dispute decision - If the motion is not carried the Committee must make a revised decision on the outcome of the dispute and raise a resolution for voting.		This step is not in the Regs, the Act or the Branch Constitution. However, if you move to mediation following a decision-makers dispute decision and that does not resolve the dispute, where do you go? Abide by the decision-makers original dispute decision. Or should the decision-makers dispute decision occur after mediation, not before?
11.	Potential Outcome 2: The parties do not agree to end the dispute The avenue available to an aggrieved party is the Appeal process, noting: - The actions the party to the dispute must do, and - The actions the Committee must take in responding.		For the information on the Appeals Process, see the Appeals Process table.
12.	Recordkeeping A record is to be kept of these incidences and a form can be completed. The record will include: - A Register of incidents, noting names of the parties involved, the nature of the incident or grievance and the date, time and place of the occurrence. - Any written notification to the Committee. - Minuted at the next Committee meeting, that a notification / form has been received and whether it is for information only or a request to proceed to formal procedures. If the dispute proceeds to a formal process, a record is to be kept that includes: - the nature of the incident - the decision maker appointed - the dispute decision and any reasons given the - any recommended disciplinary action	<i>RSCDS Procedures for Managing Allegations of Misconduct</i>, Section 10. Record of determination and sanction - a written record will be made of the suspected breach, the determination and any sanctions imposed. If a statement of reasons was given to the person, these are included. - the suspected breach - the determination - any sanctions imposed as a result of a determination - if a statement of reasons was given to the person regarding the determination these are included.	

	viii. notification of the parties involved ix. any appeal processes undertaken These are to be retained in a confidential manner by the Committee.		
Dispute Procedures - between the Branch and member(s)			
STEPS	DESCRIPTION	REFERENCE	COMMENTARY / NOTES / QUESTIONS
1.	Initial Note and Description: The only description of dispute in the Branch Constitution relates to the Committee against a member. It should also be noted that this type of dispute appears under Section 27, which is titled Discipline. Here, following the passing of a resolution by the Committee, it appears the Committee can proceed to serve notice of the resolution and the grounds for the resolution on the member. The steps here follow the process as outlined in the Branch Constitution.		While this table relates to the situation of the Branch in dispute with a member, under the Branch Constitution, it is about taking disciplinary action against a member. A this prohibit this is written into the Branch Constitution, does it prohibit the potential for the same dispute resolution provisions written in the table for Procedures for between Members to be followed, which follow the dispute measures in the <i>Regulations</i>? Could these be applied here as well?
2.	In the Branch Constitution, this is stated to relate to a member who has persistently refused or neglected to comply with: - A provision of the Constitution and Rules of the local association, or - Has persistently and wilfully acted in a manner prejudicial to the interests of the local association. The Committee may determine by resolution: - To suspend the member from such rights and privileges of membership of the association as the Committee may determine for a specific period.	Branch Constitution, Clause 26. (1)	The Committee will need to make a resolution, presumably at a Committee meeting, which is voted on by the Committee members and passed with a majority. Suggestions for what may constitute the need for this could be reputational damage, fraud, acting against the interests of the Branch, any other suggestions?
3.	Action for the Committee: - At a meeting raise a resolution, including the action to be taken, eg to suspend the member and the specified period of suspension, or other action - If passed, the Secretary is to send written notice to the member, notifying them of - The resolution and the grounds for it - That the member may address the Committee, at a meeting to be held between 14 and 28 days after service of the notice, - Stating the date, place and time of the meeting - Inform the member that the member by do either or both of the following: - Attend and speak at the meeting - Submit to the Committee at or prior to the date of that meeting written representations relating to the resolution. The Committee must hold another meeting, after service on the member, within 14 – 28 days to confirm the resolution.	Branch Constitution, Clause 26. (3) a, b, c, d	A notification must be sent to the member. However, the resolution is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member, confirms the resolution. <i>The Act</i>, Part 1.3.1 Dispute Resolution and Disciplinary Procedure, Division 1.3.1, Section 12, there is this note: Note: The member may appoint someone else to act on their behalf. Part 1.3, Division 1.3.1, Section 15: The Committee can appoint a Decision maker, who is not involved, not biased, understands the rules of the association and has no conflict of interest. It does not state whether this has to be a committee member or can be any member of the association. Presumably this will be based on the people involved in the dispute.
4.	Action for the Committee: Give due consideration to any written representations received prior to the meeting		

	iv. Determine whether to confirm or revoke the resolution made by the Committee v. The determination is made through a resolution raised by the Committee and voted on by the members.		
5.	Where the committee confirms a resolution under subrule (4) the Secretary shall within 7 days, by notice in writing: i. Inform the member of the confirmation and ii. Notify of their right to appeal under rule 28 of the Constitution A resolution confirmed by the Committee under subrule 4, does not take effect until the expiration of the period within which the member is entitled to appeal against the resolution, where the member does not exercise the right of appeal within that period.		Where the committee confirms a resolution under subrule (4) the Secretary shall within 7 days after that confirmation by notice in writing inform the member of that confirmation and of the member’s right of appeal under rule 28.
6.	Recordkeeping A record is to be kept of these incidences and a form can be completed. The record will include: x. the nature of the dispute xi. the reasons for the decision to proceed by the Committee xii. the decision reached and reasons to reach the decision xiii. any recommended disciplinary action xiv. notification of the parties involved xv. any appeal processes undertaken These are to be retained in a confidential manner by the Committee.		
Appeals Procedures			
STEPS	DESCRIPTION	REFERENCE	COMMENTARY / NOTES / QUESTIONS
1.	Initial Note: This Appeals Process is in relation to a dispute decision or a disciplinary action decision. Through the appeals process, these decisions may be set aside but only by special resolution of the Branch. Who can appeal what? To start the dispute resolution process, a party to the dispute must: ii. A party to a dispute may appeal the dispute decision iii. The following people may appeal a disciplinary action decision a. The member who is the subject of the disciplinary action decision b. The Committee In the Branch Constitution – the reference to Appeals is only in relation to a Disciplined member - A member may appeal to the local association in a General Meeting, against a resolution of the committee which is confirmed under subrule 27 (4), within 7 days	<i>The Regulations to the Associations Incorporation Act 1991,</i> <i>Division 1.3.3 Appealing decisions</i> <i>S30 & 31</i> Branch Constitution – s27 - RIGHT OF APPEAL OF DISCIPLINED MEMBER	<i>Note 1</i> A special resolution requires at least 21 days notice and needs to be passed with at least ¾ of the votes (see Act, s 70). <i>Note 2</i> If a decision of the Association deprives a member of a right provided by the Association’s rules, the member may apply to the court for an order to vary or set aside the decision (see Act, s 49). From the Act, s 49 Court’s jurisdiction A member of an incorporated association who is deprived by a decision of the association of a right conferred on the member, as a member, by the rules of the association, may apply to the court for an order to vary or set aside the decision. Which court is this? Obviously an ACT Court but which one?

	after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.		
2.	A person appealing a decision must: - Within 7 business days after being given notice of the decision, give the Secretary written notice of the appeal (an appeal notice) stating the grounds for the appeal. A person appealing a decision may: - At any time before the appeal is decided, withdraw the appeal by giving written notice to the Secretary.	<i>The Regulations to the Associations Incorporation Act 1991,</i> <i>Division 1.3.3 Appealing decisions</i> <i>S32 & 33</i> <i>Branch Constitution, s27 (1)</i>	This is the same in the Constitution.
3.	As soon as practicable after the Secretary receives an appeal notice: - The Secretary must give the parties to the appeal a copy of the appeal notice - The Committee must call a general meeting to consider a special resolution about the appeal - A special resolution requires 21 days’ notice and needs to be passed with at least three quarter majority of the votes The Chair of the general meeting must ensure: - The special resolution is the only item of business at the general meeting - The parties to the appeal are given the opportunity to be heard about the special resolution - The members vote on the special resolution by a secret ballot - The parties to the appeal do not vote on the special resolution. There is no further information in either the Regs or the Constitution, on the administrative actions to be taken following voting on the special resolution. Presumably this is minuted by the Secretary.	<i>The Regulations to the Associations Incorporation Act 1991,</i> <i>Division 1.3.3 Appealing decisions</i> <i>S34</i> <i>Branch Constitution, s27 (3), (a), (b), (c)</i>	In the Constitution – the Secretary notifies the Committee of receipt of the notice and the Committee convene a Special General Meeting, within 21 days of receipt of the notice Who writes up or devises the special resolution about the appeal? Presumably, this will depend on the substance of the appeal notice. It does not specify that the Chair of the general meeting is the Chair of the Committee. This may be because the Committee is a party if the appeal is in regard to a disciplinary action decision. In fact, it appears it cannot be if the appeal is against a disciplinary action as the Committee is seen as a party to the action, as per below. The parties to the appeal are: - If the appeal is against a dispute decision - the parties to the dispute - If the appeal is against a disciplinary action decision – the member who is the subject of the disciplinary procedure and - the Committee
4.	EXPULSION 28. Where suspension has been confirmed as in these rules above, the Secretary shall notify the Society of the matter.	<i>Branch Constitution, s28</i>	This section seems to refer to two separate things. If suspension was recommended in the special resolution, this is not expulsion.
5.	Recordkeeping A record is to be kept of these processes: - The nature of the appeal avenue chosen by the parties. - The processes, resolutions and votes at the any appeals process - The outcome of the appeals process. - The notification to the party(s) involved. - A note in the minutes of the next Committee meeting. These are to be retained in a confidential manner by the Committee.		
Disciplinary Procedures			
STEPS	DESCRIPTION	REFERENCE	COMMENTARY / NOTES / QUESTIONS

1.	Initial Note and Description: The disciplinary action that can be taken against a member of the Branch is in relation to their status as a member. It can include any of the following: iii. Demoting a member to a level of membership with fewer rights and privileges iv. Suspending the member's entitlement to exercise rights and privileges as a member for a stated period v. Suspending the member's membership for a stated period vi. Cancelling the member's membership and disqualifying the member from applying for membership for a stated period	<i>The Regulations (the Regulations) to the Associations Incorporation Act 1991, (the Act)</i> <i>Division 1.3.2 Definitions</i> <i>And</i> <i>Division 1.3.2, s22</i> <i>Branch Constitution, s26 (a) and (b)</i>	The Grounds for disciplinary action are: In the Regs: i. The member has failed to comply with the Act or the Branch Constitution ii. The member has acted in a way this is likely to be harmful to the Branch In the Branch Constitution, this is stated to relate to a member who has persistently refused or neglected to comply with: iii. A provision of the Constitution and Rules of the local association, or iv. Has persistently and wilfully acted in a manner prejudicial to the interests of the local association.
2.	If the Committee is satisfied that a ground for disciplinary action exists in relation to a member, the Committee must raise a resolution proposing disciplinary action against a member in relation to their status as a member. In the Constitution – as soon as the resolution is passed, the Secretary shall, as soon as practicable, write to the member giving notice of the resolution. The notice must: i. Set out the basis of the resolution ii. State that the member may address the Committee at a meeting to be held between 14 and 28 days after serving the notice iii. State the date, place and time of the meeting, and iv. Inform the member that the member may do either or both of the following: a. Attend the meeting, or b. Submit to the Committee at or prior to the date of the meeting, written representations relating to the resolution.	<i>The Regulations</i> <i>Division 1.3.2, s23 & 24</i> <i>Branch Constitution, s26 (3)</i>	In both the Regs and the Constitution, the Committee must raise a resolution and vote on it. Then notice is served on the member. In both cases, the Committee / Secretary serves the notice. In the <i>Regs</i>, a decision-maker is appointed. This is not noted in the Constitution. The Constitution has a further step that the resolution passed and served on the member then has to be confirmed at a further meeting. Why? The Constitution implies that even if the Committee carry the resolution for disciplinary action, but no notice is served, then it is of no effect. Further, if no meeting is held between 14 and 28 days after serving the notice, to confirm the resolution, then it is of no effect.
3.	In the <i>Regulations</i>, it states: If the Committee is satisfied that a ground for disciplinary action exists in relation to a member, the Committee must raise a resolution proposing disciplinary action against a member in relation to their status as a member. This will need to be a resolution that is carried at a meeting. If the resolution is carried, the Committee must: i. Appoint a decision-maker to decide whether to take the proposed disciplinary action ii. Give the decision-maker the following information in writing: a. The name and contact details of the member who is the subject of the proposed disciplinary action b. Details about the proposed disciplinary action c. The grounds for the proposed disciplinary action The Committee must then serve a notice on the member.	<i>The Regulations</i> <i>Division 1.3.2, s23 & 24</i> <i>Branch Constitution, s26</i> <i>Note: The Branch Constitution does not mention the above appointment of a decision-maker</i>	In the <i>Regs</i>: The Committee must ensure the decision-maker is not biased, has no conflict of interest, has knowledge of the Act, the Regulations, the Branch Constitution and the operation of the Branch. Presumably, if a decision-maker was involved in the dispute resolution process, the same decision-maker could be involved in this part of the process. But this is not stipulated and leaves it open for a different decision-maker to be appointed. Presumably, the Branch has the option to nominate a decision-maker but is not obliged to. However, in my opinion, the Regs would come into play and this would be the course of action to take.
4.	In the <i>Regulations</i>, it states: As soon as practicable after appointing a decision-maker, the Committee must give the member written notice, telling the member that the disciplinary process has started. The notice must include: i. Details of the proposed disciplinary action ii. The grounds for the proposed disciplinary action iii. The name and contract details of the decision-maker iv. Information about the disciplinary procedure		

5.	The Committee shall:- i. Give the member an opportunity to make oral representations ii. Give due consideration to any written representation submitted to the committee prior to the meeting, iii. By resolution determine whether to confirm or to revoke the resolution made by the Committee.	<i>Branch Constitution, s26, 4 (a), (b), (c)</i>	Presumably this could all be done with/by the decision-maker.
6.	Prior to starting the process, the decision-maker is to invite the member to make a written or oral submission (or both) about i. The proposed disciplinary action ii. The invitation must state: a. If the decision-maker invites the member to make a written submission, a period of not less than 14 days is given to the member to make a written submission (the submission period) b. If the decision-maker invites the member to make an oral submission – the day and time (within the submission period) when the member can make their oral submissions.	<i>The Regulations Division 1.3.2, s26</i>	
7.	As soon as practicable after the submission period has ended, the decision-maker must: iii. Consider any submissions received during the submission period iv. Decide whether to a. take the proposed disciplinary action, b. another disciplinary action or c. no disciplinary action v. Give the member and the Committee written notice stating a. The disciplinary action decision b. The reasons for the disciplinary action decision vi. If the decision-maker decides to take disciplinary action, a. the day the disciplinary action takes effect b. and that the member or the Committee may appeal the disciplinary action decision (under Division 1.3.3)	<i>The Regulations Division 1.3.2, s27</i>	
8.	Where the committee confirms a resolution, the Secretary shall within 7 days after that confirmation, by notice in writing inform the member of the confirmation and of the member's right of appeal under rule 28. A resolution confirmed by the Committee does not take effect until i. Until the expiration of the period within which the member is entitled to appeal against the resolution, where the right of appeal is not exercised by the member, or ii. Where within that period, the member exercise the right of appeal, unless and until the local association confirms the resolution in accordance with sub rule 28 (4)	<i>Branch Constitution, s26, 5 and 6 (a) and (b)</i> <i>There is no further reference in the Constitution to Disciplinary matters.</i>	While the Constitution refers to sub rule 28 (4) in this section, there is no part (4) to sub rule 28 in the Constitution. However, there is a 27 (4) which is appropriate – referring to rights of appeal, rather than as in sub rule 28, referring to expulsion. Sub rule 27 (4) refers to the passing of a special resolution at a Special General Meeting where, if at least three quarters of the members attending vote in favour, the resolution is passed.
9.	If the decision-maker decides to take disciplinary action against a member, the Committee must: i. If membership is cancelled – remove information about the member from the register of members ii. In any other case, (demotion, suspension of privileges, suspension of membership) record the details of the disciplinary action in the register of members	<i>The Regulations Division 1.3.2, s27</i>	

	If the decision-maker decides to suspend the member's membership for a stated period: iii. The person is taken not to be a member of the Branch during the period of suspension iv. The period of suspension does not affect the suspended member's liability to pay annual membership fee		
10.	Stopping disciplinary procedure The Committee may take a resolution to decide to stop a disciplinary procedure, at any time before the decision-maker makes a disciplinary action decision. If the resolution is carried, the Secretary is to: vi. Give written notice to the member and to the decision-maker. The notice must state a. That the Committee has decided to stop the disciplinary procedure b. The reasons for the Committee's decision c. Give written notice to the decision-maker	<i>The Regulations</i> <i>Division 1.3.2, s28</i>	Why is the Committee entitled to do this? On what grounds? Does this only apply before the decision-maker makes a decision, as written in the Regs? Can the Committee take a resolution, and if carried, at any point in the disciplinary process, have the same effect?
11.	As soon as practicable after the decision-maker has made a disciplinary action decision, in relation to the member and the conduct, that no further disciplinary action may be proposed or taken against the member: iv. The Committee must give the member written notice	<i>The Regulations</i> <i>Division 1.3.2, s29</i>	The response has the same conditions as per s25
12.	Recordkeeping A record is to be kept of these processes: xxi. The nature of the grounds for disciplinary action. xxii. The notification to the party(s) involved. - xxiii. The processes, resolutions and votes at the any appeals process. xxiv. The outcome of the appeals process. xxv. A note in the minutes of the next Committee meeting. These are to be retained in a confidential manner by the Committee.		