



Member and Volunteer Conduct Policy

Droughtmaster Stud Breeders' Society Limited

Introduction

The Member and Volunteer Conduct Policy provides a framework for the management of members' and volunteers' conduct and the application of disciplinary action relating to objectionable conduct of members and volunteers of the Droughtmaster Stud Breeders' Society (DSBS).

1. Objectives

- 1.1 The DSBS seeks to create a healthy, safe, and rewarding working environment and workplace based on the principles of fairness, equity and tolerance, while ensuring that DSBS is productive, its resources and governance are protected, and its reputation for excellence is maintained.
- 1.2 Where the behaviour or conduct of a member or volunteer has the potential to damage the effective, efficient, and harmonious operation of DSBS, this policy will be applied to ensure the process relating to the behaviour or conduct of a member or volunteer, are implemented in a manner that is fair, impartial and transparent, and conducted in accordance with the Constitution of DSBS.

2. Scope

- 2.1 This Policy applies to all members and volunteers of DSBS. For the purpose of this Policy:
 - (a) Members include stud, commercial, junior, associate and life members of DSBS.
 - (b) Volunteers include individuals who may or may not be members, who perform duties for the DSBS, or represent DSBS in an official capacity, and do so on a voluntary basis.
- 2.2 The Policy applies at all times when members and volunteers are performing an official role for DSBS; representing DSBS at meetings, events and functions; attending or participating in sales and events; engaging with DSBS employees, other members and volunteers in relation to DSBS's business and engaging with third parties about DSBS, its employees, other members and volunteers concerning DSBS's business.
- 2.3 For the purposes of this Policy, a DSBS workplace or work environment includes any location, at which DSBS business is conducted, DSBS meetings are held, and DSBS events and functions take place (in person or via technological means).

3. Policy and Principles

- 3.1 In accordance with the Constitution of DSBS, members and volunteers must observe and comply with the standards of conduct that are prescribed in the Constitution and set out in the DSBS Code of Conduct and Rules and Regulations.
- 3.2 This policy provides a structured, transparent, and equitable time-based process for the management of member and volunteer conduct, and the implementation of procedures in circumstances where a member or volunteer fails to comply with expected standards of conduct.

- 3.3 A failure to comply with expected standards of conduct is referred to as 'objectionable conduct'. For the purposes of this policy, 'objectionable conduct' includes the following categories of conduct:
- (a) Inappropriate conduct;
 - (b) Misconduct;
 - (c) Serious Misconduct .
- 3.4 When implementing a process in response to allegations of objectionable conduct, the following principles are relevant:
- (a) Wherever possible, allegations should be supported by objective evidence.
 - (b) All relevant information will be considered.
 - (c) The standard of proof to be applied in making a finding in relation to an allegation of objectionable conduct is on the 'balance of probability'.
 - (d) Any potential or actual conflicts of interest between these processes and an individual's own interests should be avoided.
 - (e) The member/volunteer should be advised that they can access professional advice/assistance, at their own expense, should they elect to do so.
 - (f) The process should comply with the laws regulating privacy and confidentiality.
 - (g) The member/volunteer is entitled to have a support person of their choosing and/or a representative.
 - (h) All stages of the process are to be documented and records are to be stored confidentially in a secure location and must not be kept on the member's membership file.

4. Grounds for Discipline

- 4.1 The Board may discipline a member/volunteer if the Board is reasonably satisfied, based on the evidence before it, that the member/volunteer has engaged in conduct that amounts to one or more of the categories of objectionable conduct:
- (a) inappropriate conduct;
 - (b) misconduct; or
 - (c) serious misconduct.
- 4.2 For the purposes of this policy, **inappropriate conduct** includes, but is not limited to:
- (a) Inappropriate and disrespectful behaviour that is inconsistent with the provisions of DSBS's Code of Conduct.
 - (a) Making misleading, deceptive, or defamatory statements about DSBS, the Board, DSBS committee members, other members, volunteers or employees.
- 4.3 For the purposes of this policy, **misconduct** includes, but is not limited to:
- (b) Failure to strictly observe and act in conformity with DSBS's Constitution and Regulations.
 - (c) Failure to obey a lawful direction given by the Board or delegate of the Board.
 - (d) Engaging in conduct which is or is likely to significantly impede or substantially adversely affect the ability of DSBS to attain or pursue its objects.
 - (e) Engaging in conduct which does, or is likely to, bring DSBS or the Breed into disrepute.

- (f) Grossly inappropriate behaviour or repeated incidents of inappropriate behaviour that is inconsistent with the provisions of DSBS's Code of Conduct.
- (b) Making misleading, deceptive, or defamatory statements of a serious nature about the DSBS, the Board, DSBS committee members, other members, volunteers or employees that is likely to cause harm to them.
- (c) Conduct that amounts to bullying, sexual harassment, or unlawful discrimination.
- (d) Making improper use of one's position with DSBS for personal gain.
- (e) Failure to comply with DSBS policies, or a provision of any statute or regulation that applies to the member or volunteer while engaging in DSBS business, representing the interests of DSBS, attending a DSBS workplace, or DSBS event or function.
- (f) Inappropriate use of DSBS's property or facilities.

4.4 For the purposes of this policy, **serious misconduct** includes, but is not limited to:

- (g) Repeated failure to strictly observe and act in conformity with DSBS's Constitution and Regulations.
- (h) Repeated failure to obey a lawful direction given by the Board or delegate of the Board.
- (i) Repeatedly engaging in conduct which is or is likely to significantly impede or substantially adversely affect the ability of DSBS to attain or pursue its objects.
- (j) Repeatedly engaging in conduct which does or is likely to bring DSBS or the Breed into disrepute.
- (a) Wilful, deliberate, or repeated behaviour that is grossly inappropriate and inconsistent with the provisions of DSBS's Code of Conduct.
- (b) Conduct that is reckless and that causes, or has the potential to cause, serious and imminent risk to the health and safety of a person.
- (c) Conduct that is likely to seriously impede, or substantially impact on the viability, or profitability of the DSBS.
- (d) Engaging in dishonest or fraudulent conduct.
- (e) Wilful destruction or theft of DSBS property or facilities.
- (f) Improper conduct in a private capacity that reflects seriously and adversely on the reputation or function of DSBS.
- (g) Being charged for criminal conduct that, if proven, would render the member or volunteer unfit to remain a member or volunteer of DSBS.

5. Steps in the process

5.1 Where there has been an allegation against a member or volunteer a procedurally fair process is implemented. This process usually includes the following steps:

1. Receipt of complaint from the member/ volunteer (that is, the complainant).
2. Notifying the member/volunteer of the allegations (that is, the respondent).
3. Investigating the allegations.
4. Making findings about the allegations and communicating the findings to the complainant and respondent.
5. Deciding what action to take next, which may include, for example, taking no action or proposing disciplinary action.
6. If disciplinary action is proposed, communicating the proposed disciplinary action to the respondent and giving them an opportunity to respond before a final decision is made as to whether disciplinary action is to be taken (show cause).

7. Deciding what disciplinary action to take (if any).
8. Notifying the respondent of the disciplinary decision and implementing the disciplinary action.
9. Providing the respondent with appeal rights.

STEP 1: Receipt of Complaint

- 5.2 The complaint is received and is referred to the Board, which is to determine if the matter warrants an investigation.
- 5.3 If the Board determines that the matter warrants an investigation, the Board must appoint a committee or delegate to implement this process.
- 5.4 If the Board determines that the matter does not warrant an investigation, the complainant and the respondent will be notified in writing.
- 5.5 In the case of an allegation of serious misconduct involving an alleged criminal act, the complainant should be encouraged to refer the matter to the relevant State or Territory Police Service.

STEP 2: Notify the Respondent of the Allegations

- 5.6 If the Board approves the use of this process, the respondent is to be notified in writing of the complaint, advised of the process that will be applied in response to the complaint, and provided with information regarding the committee/delegate appointed by the Board to implement the process (if one is chosen). The respondent must be provided with a copy of this policy for their assistance.
- 5.7 In cases alleging misconduct or serious misconduct, or where the respondent's or complainant's attendance at a DSBS workplace may hinder any investigation of the allegations, it may be necessary for the Board to request, and in some circumstances, direct that the respondent and/or the complainant refrain from attending specified DSBS workplaces during the implementation of this process.

STEP 3: Investigation of the Allegations

- 5.8 In circumstances where the complaint alleges misconduct or serious misconduct, the committee/delegate must seek the approval of the Board to appoint an investigating officer(s) to thoroughly investigate the allegations and circumstances involved in the case.
- 5.9 The investigating officer(s) must be provided with the Terms of Reference of the investigation prior to the commencement of the investigation.
- 5.10 The Terms of Reference of the investigation must require the investigating officer/s to prepare and submit a full report of the investigation findings to the committee/delegate, who will consider the findings of the investigation.
- 5.11 Wherever possible, the investigation process should be completed within 21 days.

STEP 4: Making and Communicating the Findings of the Investigation

- 5.12 The committee/delegate will make findings based on the investigation report and relevant materials.
- 5.13 The committee/delegate will communicate the findings to the complainant and respondent.
- 5.14 Neither the complainant nor the respondent is entitled to receive a copy of the investigation report or associated materials.

STEP 5: Determine whether there are Grounds for Disciplinary Action

5.15 The committee/delegate will decide whether there are grounds for disciplinary action. If disciplinary action is proposed, steps 6 to 8 will apply. If no disciplinary action is proposed, the committee/delegate will communicate that to the respondent.

STEP 6: Respondent to Show Cause

5.16 If the committee/delegate determines that there are grounds for discipline, the respondent is invited to respond in writing to “show cause” why disciplinary action should not be taken (**Show Cause Notice**).

5.17 A disciplinary meeting is to be convened during this step of the process. The purpose of a disciplinary meeting is to provide the respondent with an opportunity to meet with the committee/delegate and to respond verbally and/or in writing, to the allegations that have been made against them.

5.18 In most cases, the disciplinary meeting is to be chaired by the Chair of the committee or person delegated by the Chair, and attended by all members of the committee, the respondent who is subject to the disciplinary process, and a person responsible for recording minutes of the meeting. If attendance by each of these persons is not practicable within a reasonable timeframe, the disciplinary meeting will be attended by any member/s of the committee or the Board and/or their delegates.

5.19 The respondent is entitled to have a support person attend the disciplinary meeting. The role of the support person is to provide support for the respondent and not to advocate on behalf of them.

5.20 The respondent is entitled to have a legal representative accompany them at the disciplinary meeting. If a legal representative of the respondent is attending the disciplinary meeting, the respondent must provide to DSBS, not less than 48 hours before the appointed commencement time of the meeting, the name of the person who will represent the respondent.

5.21 The disciplinary meeting must be held within a reasonable time, and ideally, not less than 7 days and not more than 21 days, of the committee/delegate’s communication of the findings to the respondent.

5.22 The respondent must be provided with the date, time, and location of the disciplinary meeting.

5.23 The disciplinary meeting can be held in person, or via audio-visual assisted technology.

5.24 Any written response to the show cause notice should be provided by the respondent to the committee/delegate no later than the date of the disciplinary meeting.

STEP 7: Reaching a disciplinary decision

5.25 The committee/delegate considers all the material, including the investigation report, the respondent’s written response to the show cause notice (if any) and the information provided to the committee/delegate during the disciplinary meeting.

5.26 The committee/delegate reaches a determination regarding the appropriate disciplinary action. In deciding the appropriate and proportionate disciplinary action, the committee/delegate must consider each of the following:

- (a) The seriousness of the conduct.
- (b) If extenuating or mitigating circumstances applied to the respondent’s actions.

- (c) The respondent's explanation.
 - (d) The degree of risk that the respondent may pose to the health and safety of others including but not limited to members, volunteers, and employees of DSBS.
 - (e) The financial impact that disciplinary action may have on the respondent.
 - (f) The likely impact the disciplinary action will have on member confidence in DSBS.
- 5.27 Examples of disciplinary action the committee/delegate may determine includes, but is not limited to:
- (a) Written reprimand.
 - (b) Exclusion from membership on one or more DSBS committees for a prescribed period or permanently.
 - (c) Exclusion from membership on the Board of Directors of DSBS for a prescribed period or permanently.
 - (d) The member is called upon to resign as a member of the DSBS for a prescribed period after which, the member's membership will be reinstated.
 - (e) The member is called upon to resign as a member of DSBS permanently.
 - (f) Termination of membership.
- 5.28 If the committee/delegate determines that the disciplinary action should involve one of the disciplinary actions listed below, the committee/delegate must refer the matter to the Board to make the final determination:
- (a) The member is called upon to resign as a member of DSBS for a prescribed period after which, the member's membership will be reinstated.
 - (b) The member is called upon to resign as a member of DSBS permanently.
 - (c) Termination of membership.

Special Rules for termination/cessation of membership

- 5.29 If the Board determines to terminate the membership of a person under this process, the Board must consider all relevant factors, including the respondent's response to the proposed action, before making a final decision.
- 5.30 The Board must provide the respondent with details of the relevant objectionable conduct and nominate a date, time and place for the holding of a Board meeting where the resolution for cessation of the membership will be determined by the Board, which must not be held less than thirty days after the Show Cause Notice.
- 5.31 The respondent is entitled to attend the Board meeting at which the resolution for cessation of membership will be determined and before the passing of the resolution to provide an explanation or defence to the Board orally or in writing.
- 5.32 The respondent may be represented at the meeting and must give DSBS not less than 48 hours notice (or two business days) before the time appointed for the meeting, notice of an intention to be represented and the name of the person who will represent the member.
- 5.33 The decision ceasing membership must be passed by a resolution of the Board, requiring the support of at least 75% of the votes cast by the Board members entitled to vote on the resolution
- 5.34 In the event that there is no attendance by the respondent, no written submission by the respondent or if there are submissions, these are rejected by the Board, the Board may pass a resolution ceasing the membership of the respondent.

STEP 8: Notifying the Respondent of the Final Decision and Implementing Disciplinary Action

- 5.35 The respondent is to be notified in writing of the disciplinary action (if any) that will be implemented.
- 5.36 The respondent must be advised of the appeal rights that exist in respect of the decision (see below).
- 5.37 Disciplinary action that involves the termination of a member's DSBS membership must not be implemented until after any appeal period has expired, or the outcome of any appeal is determined.
- 5.38 In the case of a resolution ceasing the membership of a member, the resolution will not take effect until 30 days after the resolution was made.

6. Appeal Rights

- 6.1 A member, the subject of the disciplinary decision, is entitled to appeal/seek review of the process that was implemented, and/or the disciplinary action that is to be implemented.
- 6.2 Without limiting the avenues of appeal that may be available, a member may, by notice, seek to have a resolution of the Board to terminate a member's membership, reviewed by DSBS.
- 6.3 The notice must be:
- (a) in writing, requesting that DSBS review a decision of the Board to terminate the member's membership in accordance with the provisions set out in Clause 7.1(b)(h) of DSBS's Constitution; and
 - (b) lodged with the Company Secretary of the DSBS; and
 - (c) submitted within 30 days from the date the resolution was made.
- 6.4 An Extraordinary Meeting of DSBS will be called for this purpose and may, by special resolution, set aside the decision of the Board to terminate the member's membership.
- 6.5 The following members must be excluded from voting on the special resolution at the Extraordinary General Meeting called for this purpose:
- (a) members of the Board who were involved in the committee or was the delegate during the investigation process; and
 - (b) the complainant or any other persons that made complaints against the member; and
 - (c) person or persons investigating the complaint; and
 - (d) any other person who has been directly or personally aggrieved by the member's conduct.
- 6.6 If the resolution to set aside the decision of the Board fails, the member's membership will be terminated 30 days after the vote in clause 6.4 has been held.

7. Definitions

- Committee:* A committee of no less than two people and no more than three people appointed by the Board of Directors to implement the process that is set out in this DSBS Member Conduct Policy. Committee members can include a member or members of the DSBS, a representative or representatives of the Board of Directors, and external providers with specialist skills relevant to the implementation/conducting of an investigative and/or disciplinary process.
- Breed:* The Droughtmaster breed or beef cattle.

<i>Delegate:</i>	A person appointed by the Board of Directors to implement the process that is set out in this DSBS Member Conduct Policy. The person can be a member of the DSBS or a representative of the Board of Directors. The delegate may engage external providers with specialist skills relevant to the implementation/conducting of an investigative and/or disciplinary process.
<i>Frivolous complaint:</i>	A complaint that is readily recognisable as devoid of merit and that has basically no prospect of success.
<i>Investigating Officer/s:</i>	A person or persons that are approved by the Board of Directors to investigate an allegation of objectionable conduct by a member/volunteer of DSBS. An investigating officer may include a member or employee of DSBS, or an external provider with specialist skills relevant to the investigation of allegations of this kind.
<i>Natural Justice:</i>	<p>Fairness in decision-making. Case law that has developed over many years, requires a decision-maker that is making a decision that may affect the rights, privileges, interests, and legitimate expectations of a person, to afford that person 'natural justice'. Natural justice has two rules:</p> <ul style="list-style-type: none">(a) Rule against bias – decision makers are to be objective, free from bias, and have no personal interest in the matter being decided; and(b) Hearing rule – an individual is to be informed of the substance of any allegations against them and be afforded the opportunity to present their case prior to a decision being made.
<i>Regulations:</i>	Regulations passed pursuant to DSBS's constitution.
<i>Vexatious complaint:</i>	<p>Vexatious indicates 'bad faith' in relation to a complaint. A complaint is vexatious if it is a frivolous complaint that has been lodged:</p> <ul style="list-style-type: none">(a) to harass or intimidate; or(b) to cause delay; or(c) without reasonable grounds; or(d) for a purpose other than addressing the complaint; or(e) for another wrongful purpose.

8. Related Documents

- 8.1 *Corporations Act 2001 (Cth)*
- 8.2 *Privacy Act 1998 (Cth)*
- 8.3 *Anti-Discrimination Act 1991 (Qld)*
- 8.4 *Information Privacy Act 2009 (Qld)*
- 8.5 *Racial Discrimination Act 1975 (Cth)*
- 8.6 *Sex Discrimination Act 1984 (Cth)*
- 8.7 *Disability Discrimination Act 1992 (Cth)*
- 8.8 DSBS Code of Conduct
- 8.9 DSBS Complaints Management Policy

8.10 DSBS Whistleblower Policy

8.11 DSBS Bullying, Sexual Harassment and Unlawful Discrimination Policy

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Next Review: June 2024