



Disciplinary Policy

1.1 Overview

It is the policy of New South Wales Amateur Pistol Association (NSWAPA) to investigate complaints of serious misconduct and breaches of any published or agreed code of conduct and discipline any member or club where serious misconduct or breaches are proven.

All members and clubs must abide by applicable legislation, the NSWAPA Constitution and all relevant codes of conduct.

Disciplinary action is governed by clauses 10 and 11 of the NSWAPA Constitution. This policy elaborates and makes transparent the actions, procedures and expectations of all participants throughout all disciplinary actions.

1.2 Authorization and responsibility

All members and clubs of the NSWAPA are responsible for their behaviours and actions and ensuring they remain within the bounds of the general code of conduct (as published on the NSWAPA website) and any other applicable codes or guidelines as may be required from time to time.

If any conflict arises between this policy and the NSWAPA Constitution, the NSWAPA Constitution prevails.

Any conflicts of interest identified throughout the process will be determined by standard procedures and ultimately by clause 42 of the Constitution if required.

The Executive Committee may seek legal advice throughout the entire disciplinary process to ensure the interests of the NSWAPA are protected.

1.3 False, vexatious or retaliatory complaints

Any member or club who has knowingly lodged a false claim, false evidence, a vexatious claim, or a complaint retaliatory to another complaint and/or disciplinary action will have committed a serious offense which will result in serious disciplinary action.



2.0 Disciplinary Action Procedure

2.1 Definitions

Member – Any financial member of a Pistol Club in NSW which has capitated with the NSWAPA. This includes members of the Executive Committee.

Club – Any Pistol Club in NSW which is affiliated with the NSWAPA.

Code of Conduct – Refers to any applicable NSWAPA code of conduct, signed or otherwise, including the general code of conduct published on the NSWAPA website.

Constitution – Refers to the NSWAPA Constitution.

2.2 Investigation Phase

Any person, organisation, member or club may lodge a written complaint with the NSWAPA Executive Committee relating to the conduct of one of its Club's or Members. Evidence will likely be required to substantiate a complaint which can be in the form of physical evidence, targets, oral interviews, written statements, photographs and video recordings. The Executive Committee may decide the admissibility of evidence based on precedent, regulations, published policies or any other relevant document.

It is the responsibility of the Executive Committee to ensure that all misconduct complaints are investigated appropriately. If the Executive Committee, by conflict of interest, or any other mechanism is unable to conduct the investigation, it may hire an external consultant to complete the investigation and provide recommendations for action. Furthermore, it may be appropriate to defer partially or refer entirely the information supplied in a complaint to the NSWAPA Sports Integrity Officer or the Pistol Australia Sports Integrity Officer.

The privacy of the complainants and the subject of the complaint must be considered and respected as much as possible during the investigation process. The Executive Committee may elect to contact the subject of the complaint during this phase or avoid contact depending on the circumstances of the complaint.

If the investigation determines that the actions of the subject of complaint has breached any code of conduct, acted in a manner unbecoming of a member or club, or conducted themselves in a way which was detrimental to the interests of the NSWAPA, the Executive Committee may progress to the next phase.

If the investigation determines that the complaint is deliberately false, misleading or vexatious, the Executive Committee may decide to proceed to the next phase with disciplinary action against the complainant.



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If the investigation does not reveal any adverse conduct for which disciplinary action needs to be pursued, then no further action will be taken. In some cases, it will not be appropriate to update the complainant on the status or progress of an investigation.

During all phases, the Executive Committee is under no obligation to provide updates to the complainant or the subject of a complaint on the status of disciplinary action.

During all phases, the Executive Committee may refer any matter to a third party to conduct the investigation. That third party will return a recommendation to the Executive Committee for consideration.

2.3 Notification Phase

If the Executive Committee is satisfied that the investigation phase has confirmed that a breach of acceptable behaviours or actions has occurred, it will decide on official charges to be laid and notify the subject of the complaint of those charges pursuant to clause 10(3) of the Constitution.

One complaint may result in multiple charges. Multiple complaints may be merged into a single charge.

The subject of the complaint will be called upon to attend an Executive Committee meeting. This notification will be drafted and agreed upon by the Executive Committee, signed by the secretary and issued both electronically and via mail to reach the subject of the complaint at least 14 calendar days prior to the date of the meeting to be held.

The time and location of the meeting will be decided by the Executive Committee, however in general it will be held in person (not via video conference) in a central location such as Sydney to reduce costs on the NSWAPA.

In the event of illness or emergency, the subject of the charges may request a postponement of the executive meeting. The Executive Committee has the discretion to either postpone or proceed with the meeting as notified.



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2.4 Meeting Phase

The Constitution requires the subject of an investigation to be called upon to attend a meeting to answer such charges that may be laid:

- The subject of charges has the discretion whether to attend the meeting as notified in the previous phase.
- Failure to attend the meeting does not invalidate or in any way nullify the progression of the disciplinary process.
- By failing to attend, the subject of charges forfeits their right of reply and their ability to provide their side to the Executive Committee for consideration.

The Executive Committee may accept written submissions from the subject of charges prior to the date of the executive meeting either in lieu of their attendance or supplementary to their attendance.

While this meeting will likely be controversial and potentially uncomfortable for all participants, the general code of conduct will be in full effect, and poor behaviour may result in further charges being laid.

There will be only one audio recording taken by the Executive Committee. The original and unedited audio recording will be made available to all who were present at the meeting. No other audio recording will be authorised.

This meeting is not a legal proceeding, a trial or an interrogation. The Executive Committee will describe, in detail, the nature of the charges that have been laid. The subject of the charges will then be given an opportunity to provide a description of their actions and any justifications or evidence in support of their views. Only one person at a time shall speak and the Chair of the meeting shall call the meeting to order upon any deviation. The Chair has the discretion to take breaks as required and if the Chair determines that the subject of the charges is being deliberately or repeatedly disorderly, he may end the meeting, and the subject will have forfeited their rights to provide further information.

No expense claims will be granted under the travel reimbursement policy for the subject of a complaint. If the complaint is subsequently revealed to be false or vexatious, the Executive Committee may consider, but is not bound to, granting a travel reimbursement.

If the subject of charges is found to have deliberately provided the Executive Committee any false, misleading or vexatious information, this may be considered as a further breach of the general code of conduct and further charges may be laid.



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2.5 Decision Phase

The decision may be made at the meeting described in section 2.4. However, it is more likely that the Executive Committee will take the information provided at the meeting, review the audio recording and hold a meeting at a later date to make an informed decision.

After considering all information collected at previous phases, the Executive Committee must decide on whether the charge is sustained, partially sustained or not sustained.

If the charge is not sustained, the subject of the charge will be notified in writing that the matter has been closed and no further action will be taken.

If the charge is proven to the satisfaction of the Executive Committee, it will be determined to be sustained. The Executive Committee may then decide whether a reprimand is required, and which reprimand is appropriate. According to clause 10(2) of the constitution, the Executive Committee may reprimand, or fine, and/or suspend, or expel or otherwise discipline each such affiliated club or member.

Possible reprimands include, but are not limited to:

- Official warnings – Where no substantial action is taken, however a notification is provided to the subject of the charge and that letter may be forwarded their club or other affiliated organisations.
- Good behaviour periods – Where no substantial action is taken, however the subject of the charge is provided a period where any further disciplinary action will likely result in suspension or expulsion.
- Fines – The Executive Committee may decide to fine the member. This will likely aim to recoup the costs incurred by the NSWAPA because of the offending behaviours and any legal fees incurred during the investigation phase.
- Suspensions – The Executive Committee may either fully or partially suspend the membership or affiliation or the subject of the charges. Suspensions will be applied where serious misconduct has occurred, and more punitive reprimands have been deemed necessary. Suspensions will have a period attributed to them and will likely involve detailed conditions on which part of membership\affiliation is suspended.
- Expulsion – The most serious punishment available to the Executive Committee which may be necessary for the most serious of conduct breaches. Expulsion will result in the complete cancellation of membership or affiliation and any member or club so expelled will be banned from re-joining



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In the case of any reprimand, the executive committee may decide to provide the details of the reprimand with any affiliated body or the NSW Police as it sees appropriate.

2.6 Appeal Phase

Appeals are available to anybody who has been disciplined by the means prescribed in clause 11 of the NSWAPA Constitution. Under this clause, the appeal is decided via a simple majority vote by delegates at an extraordinary general meeting. If an appeal is appropriately requested, all reprimands will be stayed until the appeal has been decided.

At that extraordinary general meeting, both the Appellant and the Executive will have the opportunity to provide verbal and/or written submissions to the meeting and delegates will be allowed to ask questions of both parties. Only the Appellant, the Executive and appointed delegates of member clubs will be allowed to attend the meeting. No other outside parties may attend. Only the appeal may be considered at the meeting, no other business may be transacted.

A quorum must be established as per clause 27 of the Constitution.

If the Appellant fails to attend the appeal at the scheduled time and location, and a quorum has been reached, the meeting shall progress, the vote held, and the outcome will be binding.

The chairman will declare proxy voting invalid under clause 34(6) of the Constitution as it will be inappropriate for any club delegate who is not in the room to hear the evidence being presented to vote on the matter.

The general code of conduct will be in effect at the meeting and any breaches of that code may incur disciplinary action.

The appeal will be upheld if 50%+1 of delegates votes in favour of the appeal. If upheld, all charges will be dismissed, and all reprimands will be ended. If not upheld, all reprimands will be re-activated upon closure of the meeting.

The outcome of an appeal is final, and no further consideration of the matter will be entered into by the NSWAPA.