

The Australian Wagyu Association Limited (AWA)

Members' Appeals Policy

Purpose

1. This document sets out the policy for how members of AWA may appeal a decision of the board of directors (**Board**) of AWA including decisions by a subcommittee of the Board, which directly affects a member of AWA. Such decisions include (amongst others):
 - a. declining to approve an application for membership of AWA; and
 - b. cancellation or amendment of the registration of an animal in AWA Wagyu Register (**Register**).
2. The following decisions may not be appealed:
 - a. an appointment of a person to the Appeal Tribunal;
 - b. decisions made by a body or person other than the Board or a subcommittee of the Board; or
 - c. decisions made pursuant to a legislative or regulatory requirement, a governmental direction or a contractual obligation of AWA.
3. The objectives of this policy are:
 - a. to provide natural justice to AWA members in relation to decisions of the Board;
 - b. to promote and maintain the integrity of the Register; and
 - c. to provide an inexpensive and efficient appeals process as an alternative to litigation.
4. In furtherance of the objectives of this policy, members must exhaust this appeals process prior to commencing any legal proceeding in a Court or Tribunal of a State or the Commonwealth, excepting urgent injunctive relief.

Appeal Process

5. The member (**Appellant**) must provide a Notice of Appeal to the Secretary of AWA at the then current address for notices for AWA. Only members may make an appeal, provided that persons applying for membership may appeal their membership rejection, but no other matter.
6. The Notice of Appeal must be in the form annexed to this Policy, must be complete and must annex to it all material to be relied upon by the Appellant. The material and the Notice of Appeal together, must not exceed 20 pages. The material may include 3rd party reports if appropriate.
7. The Notice of Appeal must be lodged within 21 days of receiving notification of the decision which is being appealed against. Purported Notices of Appeal received outside this timeframe are ineffective and will not be considered.

8. The Board may set a fee for an Appeal. This fee will be notified to Appellant upon request and shall be determined according to the costs of the Appeal Tribunal. The Appeal Fee must be paid prior to the Notice of Appeal being considered.
9. The Secretary may reject a Notice of Appeal which is made on a decision which has already been appealed or otherwise does not comply with this Policy.

Appeal Tribunal

10. The Board will form an Appeal Tribunal upon receipt of the Notice of Appeal. The Appeal Tribunal will be appointed by the Board and will constitute 3 eminent persons:
 - a. who have senior or leadership experience in AWA but are not currently Board members; or
 - b. who have senior or leadership experience in other animal breed societies; or
 - c. have significant expertise and technical skills in the matters to be considered in the Appeal e.g. animal genetics; or
 - d. be a lawyer entitled to practice in Australia of not less than 10 years post admission experience,but excluding any person who has a conflict of interest.
11. The Board will also nominate a chair of the Appeal Tribunal.
12. The Secretary will call a meeting of the Appeal Tribunal, preferably to be held within 21 days of receipt of the Notice of Appeal.
13. The Appellant, in lodging the Notice of Appeal, consents to the Appeal Tribunal and its nominees physically inspecting the relevant animal (if the Appeal relates to an animal). The Appellant must cooperate and provide any documents or other evidence reasonably required by the Appeal Tribunal.

Appeal Rules

14. The Appeal Tribunal will meet and determine the outcome of the Appeal. The Appeal Tribunal may meet and determine the Appeal in any manner it sees fit, including holding meetings by electronic technology.
15. The Appellant is not entitled to be present at the meeting of the Appeal Tribunal and is not entitled to make oral submissions.
16. The Board may but is not required to make a submission to the Appeal Tribunal.
17. Submissions to the Appeal Tribunal by the Board and the Appellant must annex to it all material to be considered. The material must not exceed 20 pages. The material may include 3rd party reports if appropriate (which will not be deemed to be part of the 20 pages). The Appellant and the Board must provide copies of their submissions to the Appeal Tribunal to each other when the material is submitted. All submissions must be filed with the Secretary no later than 3 days prior to the date of the hearing of the appeal.
18. The decision of the Appeal Tribunal will be provided to the Appellant and the Board in writing. The Appeal Tribunal is not required to give reasons. The decision is final and no appeal of the decision of the Appeal Tribunal may be made.

