

62. Partners and Employees of Members—(1) The Disciplinary Committee shall have power to inquire into any charge made by the council, the executive, or a local committee or the chairman thereof that a member is in partnership with a non-member who has been guilty of or employs a person who has been guilty of conduct which if committed by a member would justify the Disciplinary Committee imposing on him any of the penalties referred to in Rule 52 (4) (b) hereof.

If the Disciplinary Committee shall find such charge proved it may order:

- (a) In the case of a non-member partner, that the partnership be dissolved: or
- (b) In the case of an employee, that such employee be dismissed—

in each case within such time as the Disciplinary Committee shall specify.

(2) If any member fails to carry out an order of the Disciplinary Committee made under this rule, the Disciplinary Committee may suspend him until the order is complied with.

Local Committees

63. Disciplinary Functions—(1) Except as provided in Rule 53 hereof, a local committee shall have power of its own motion to inquire into any charge made against one of its members or any such charge referred to it by one of its members, the Disciplinary Committee, the council, the executive, the chairman of an exchange, or any person who in the opinion of such local committee has any grounds for complaint against one of its members.

(2) A local committee may decline to inquire into a charge and instead refer the same to the Disciplinary Committee for inquiry.

(3) Except at the direction of the Disciplinary Committee, a local committee shall not inquire into any charge already referred to the Disciplinary Committee.

(4) If after inquiring into any charge the local committee is of the opinion that the member has been guilty of misconduct or of any breach of these rules or the rules of his exchange, or of any act, matter, or thing detrimental to the well-being or proper conduct of the association or of exchanges generally, it may, if it thinks fit, do one or more of the following things:

- (a) Expel such member from membership of his exchange provided however that if the local committee has by the rules of its exchange no final or absolute power of expulsion then the local committee may exercise in relation to that member all such powers relating to expulsion or recommendations as to expulsion as are conferred on it by its rules; or
- (b) Suspend such member from membership of his exchange for a stated period; or
- (c) Order him to pay to his exchange a sum by way of penalty not exceeding \$1,000; or
- (d) Censure him.

Provided that nothing herein shall prevent any exchange prescribing different penalties for breach by its members of its rules.

64. Appeals—(1) In any case where a charge is heard by a local committee the member charged shall be entitled to appeal to the Disciplinary Committee against the decision of his local committee;

(2) In any case where a local committee refuses an application for revocation of an interim suspension order the member concerned shall similarly be entitled to appeal to the Disciplinary Committee;

(3) Every appeal shall be in writing and shall be lodged with the secretary of the association not later than 10 days after the member charged has been given written notice of the decision of the local committee.

65. Application of Disciplinary Committee Rules—The following rules relating to the Disciplinary Committee shall, *mutatis mutandis* and with the exceptions herein stated, apply to charges dealt with by local committees as if references therein to the Disciplinary Committee were references to local committees—

- Rule 52 (3) as to Members Concerned or Implicated;
- Rule 54 as to Procedure, except that there shall be no right of representation by counsel before a local committee;
- Rule 55 as to Evidence;
- Rule 56 and 57 as to Interim Suspension and Revocation of Suspension, except that where the order for interim suspension or suspension was made by the Disciplinary Committee only the Disciplinary Committee shall have power to revoke such order and except that reference to the association in Rule 57

(2) shall be construed as reference to the exchange concerned;

- Rule 58 as to Costs;
- Rule 59 as to Enforcement;
- Rule 60 as to Report;
- Rule 61 as to Witnesses' Expenses; and
- Rule 62 as to Partners and Employees of Members.

GENERAL

66. Consent to Partners and Employees—Without the prior consent in writing of his local committee, no member shall knowingly practise in partnership with or employ any person who—

- (a) Has been expelled from or is currently suspended from an exchange; or
- (b) Has been convicted of any crime or offence referred to in Rule 53 hereof; or
- (c) As a partner or an employee has been the subject of a proved charge under Rule 62 hereof.

67. Charges by Non-Members—It shall not be incumbent upon the Disciplinary Committee or a local committee to inquire into any charge made by a non-member against a member unless such member shall have been employed by the complainant and in that or any other case in which a non-member makes a charge against a member such non-member shall submit a statement in writing of his complaint.

68. Statement of Findings—The executive shall, subject as hereinafter appears, cause to be prepared and circulated to all members a statement of the circumstances preliminarily to and the findings of the Disciplinary Committee or the local committee on every charge and the penalty (if any) imposed in respect thereof, but such statement shall not unless the executive in its discretion decides otherwise contain any reference which would tend to identify any exchange or any member. Notwithstanding the foregoing, the executive may if it is of the opinion that there are good and substantial reasons for so doing, decide in any particular instance not to circulate a statement as aforesaid and in such case the executive may in its discretion authorise a local committee to circulate such a statement in a form approved by the executive to the members of its exchange.

DISPUTES

69. Disputes—All disputes between members of the same exchange shall be referred to the committee of the exchange for determination.

69A. Procedure—(Members)—Disputes between members of different exchanges shall be referred to the arbitration of the committee of another exchange. The appointment of the exchange to act as arbitrator shall be agreed upon by the exchanges concerned in the dispute; failing such agreement, the arbitrating exchange shall be nominated by the president of the association.

69B. Procedure—(Exchanges)—A dispute between any two exchanges or between one exchange and a member of another exchange shall be referred to the Council of the Association.

69C. No Appeal—No right of appeal shall lie against the determination of the council or of a local committee, as the case may be, in respect of any dispute.

69D. Members Concerned or Implicated—The provisions of Rule 52 (3) shall *mutatis mutandis* apply to hearings of disputes as if references therein to the Disciplinary Committee were references to the council or local committee, as the case may be.

69E. Statement of Findings—The council or local committee, as the case may be, may prepare and circulate to members or to such members as it thinks fit, a statement of its findings on any dispute.

69F. Costs—The council or local committee, as the case may be, may make such order as it considers fit regarding the payment of costs of the hearing of any dispute.

Council—All Rules

It was unanimously resolved that the rules be amended to style the "Committee" as "Council".

A. Interpretation—Delete definition of "Committee" and substitute:

"Council" means the Council of the Association except where a contrary intention appears.