

- 20.05 Without limiting or derogating from any other provisions of these Rules the Disciplinary Committee shall have power to hear any charge made against any regional exchange or a member and referred to it by the Council, the Executive, or a committee or the chairman thereof. The Disciplinary Committee may appoint an investigating committee and cause or require it to conduct such further investigations as it seems appropriate on any matter before it.
- 20.06 Every appeal by a member from the decision of a committee shall be heard and determined by the Disciplinary Committee and shall be by way of a complete rehearing of the charge unless the Disciplinary Committee shall otherwise decide.
- 20.07 **Members Concerned or Implicated—**
- 20.071 At the hearing of a charge against a member, no member of the Disciplinary Committee who is concerned or implicated in or whose firm is concerned or implicated in that charge shall be eligible to attend any meeting of the Disciplinary Committee called to enquire into the same;
- 20.072 At the hearing of a charge against a regional exchange a member of the Disciplinary Committee who is a member of that regional exchange, or where the charge has been referred to the Disciplinary Committee by the Council or the Executive, is also a member of the Council or the Executive as the case may be, shall not be eligible to attend any meeting of the Disciplinary Committee called to enquire into the same;
- 20.073 The lay member shall declare any interest he may have in connection with the parties to or the matter of a hearing. In such case he shall not be eligible to attend that hearing and the chairman of the Disciplinary Committee shall appoint another lay member for that hearing only.
- 20.08 If after enquiry into any charge, the Disciplinary Committee is of the opinion that the regional exchange or the member has been guilty of misconduct or of a breach of any rule or any regulation or any bylaw of a regional exchange, or of any act matter or thing detrimental to the well-being or proper conduct of the Exchange or regional exchanges generally it may, if it thinks fit, do one or more of the following things:
- 20.081 In the case of a regional exchange:
- 20.0811 Order it to pay to the Exchange a sum by way of penalty not exceeding \$2,000;
- 20.0812 Censure it.
- 20.082 In the case of a member:
- 20.0821 Expel him from membership;
- 20.0822 Suspend his membership for a stated period;
- 20.0823 Order him to pay to the Exchange a sum by way of penalty not exceeding \$5,000;
- 20.0824 Censure him.
- Provided that except with the consent of the member charged, no order shall be made expelling or suspending a member unless at least 4 members of the Disciplinary Committee including the chairman are present and a majority vote in favour of the order.
- 20.09 In any case where a member is fined the Disciplinary Committee shall set the time within which the fine shall be received by the Exchange.
- 20.10 The Disciplinary Committee shall state in every finding under Rule 20.08 whether the statement to be circulated under Rule 20.46 shall identify the penalised regional exchange or member by name and whether the circulation of the statement shall be to members only or generally.
- 20.11 Where a member is charged with having been convicted of a crime involving dishonesty as defined by section 2 of the Crimes Act 1961 or any statutory modification or re-enactment thereof the charge shall not be heard by his committee but shall be submitted by such committee to the Disciplinary Committee for enquiry and action and for the purpose of this Rule, proof of conviction may be given by a certificate containing the substance of the conviction purporting to be signed by the Registrar or other proper officer of any Court by which the offender was convicted.
- 20.12 The Disciplinary Committee shall give at least 10 days' notice in writing (or such lesser time than 10 days as may be agreed upon by the parties concerned) to the regional exchange or member against whom a charge has been made, specifying the nature of such charge and the date, place and time of the meeting of the Disciplinary Committee called to consider that matter.
- 20.13 At such meeting, the regional exchange or member concerned shall be given a reasonable opportunity of being heard in defence and shall be entitled to be represented by counsel if such regional exchange or member so desires.
- 20.14 Except as otherwise provided in these Rules, the Disciplinary Committee shall regulate its own procedures.
- 20.15 The Disciplinary Committee, by notice in writing signed by its chairman or secretary, may require any person to attend and give evidence before it at the hearing of a charge to produce for inspection all books, documents and papers that are in his custody or under his control relating to the subject-matter of any such hearing.
- 20.16 The Disciplinary Committee by notice in writing may require any investigating committee or member thereof to appear before it and to produce all evidence arising from and the reports of the results of any investigation.
- 20.17 The Disciplinary Committee may require evidence to be given either orally or in writing and may require any evidence to be verified by statutory declaration.
- 20.18 Every member commits a breach of these Rules, who without lawful justification refuses or fails to attend and give evidence when required to do so by the Disciplinary Committee as aforesaid or to answer truly and fully any question put to him by a member of the Disciplinary Committee or to produce to the Disciplinary Committee any book, document or paper required of him.
- 20.19 At any time after a charge has been made against any member, the Disciplinary Committee may of its own motion and without the necessity of giving any prior notice to the member, make an order suspending his membership until the charge has been heard and disposed of. The Disciplinary Committee may in its discretion decide to give public notice of the fact of interim suspension.
- 20.20 The member in respect of whom any interim suspension order is made may at any time apply to the Disciplinary Committee for the revocation of the order and the Disciplinary Committee may, subject to Rule 20.13, grant on such terms as it thinks fit, or refuse any such application.
- 20.21 A member who has been suspended under Rule 20.0822 may apply to the Disciplinary Committee for revocation of his suspension and the Disciplinary Committee may grant on such terms as it thinks fit, or refuse such application.
- 20.22 The Disciplinary Committee may require as a condition of granting an application under Rule 20.21 that the member pay, as well as his current year's subscription to his regional exchange, an additional amount not exceeding a year's subscription together with the amount payable by a member to the fidelity guarantee fund during the period of the applicant's suspension. The additional amount payable, except that part due to the fidelity guarantee fund, shall be applied for the general purposes of the Exchange.
- 20.23 After the hearing of any charge or application, the Disciplinary Committee may at its discretion make an order as to costs, including the costs and expenses of and incidental to any investigation and, the legal costs of the Exchange and regional exchanges and whether in relation to the proceedings before the Disciplinary Committee or previous proceedings before a committee.
- 20.24 If any member fails within any time stated in an order of the Disciplinary Committee to pay any sum ordered to be paid by way of penalty or costs or expenses, the Disciplinary Committee may suspend that member until the sum is paid.
- 20.25 The Disciplinary Committee shall forward to the Exchange a report of every hearing and of every penalty imposed by it.
- 20.26 Every person (other than a member) giving evidence or attending to give evidence at a hearing by the Disciplinary Committee shall be entitled to tender for his proper travelling expenses before attending and every person (whether a member or not) giving evidence or so attending shall at the discretion of the Disciplinary Committee be paid such sum for his travelling and other expenses and loss of time as the Disciplinary Committee may determine. All witnesses' expenses shall be paid by the Exchange and shall be recoverable in terms of any order that the Disciplinary Committee may make in relation thereto.
- 20.27 The Disciplinary Committee shall have power to enquire into any charge made by the Council, the Executive or a committee of a regional exchange 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 20.082. If the Disciplinary Committee shall find such charge proved it may order:
- 20.271 In the case of a non-member partner, that the partnership be dissolved;
- 20.272 In the case of an employee, that such employee be dismissed;