

# Branch Structured Clubs: On Trial Rule Questions and Answers

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**The objective of this page is to ensure that members have a clear understanding of the intent and application of the On Trial Rule contained in Rule Notification No. 52 through a Questions and Answers (Q&A) format.**

**The following are in some cases posed questions and in other cases member submitted questions.**

**Members are invited to submit further questions if there are still issues that require clarification.**

## **Introduction:**

In introducing the On-Trial Rule circulated as Notification 52, the AFA Committee is responding to concerns expressed in writing by a significant number of Members that Rules 1 and 2.4, also known as the "90-Day Rule", are being bypassed through what has become known as the "branch structured" club.

The On-Trial Rule ONLY applies to any club that is operating as a "branch structured" club as evidenced by the fact that it has racing dogs that are competing as independent groups in locations widely separated by geography (for instance in Victoria and in Queensland).

Where this is the case the overall Club will be asked to nominate each group as a Branch of that club, and club members will nominate which branch their dog/s are attached to for the purposes of the operation of Rule 1.0 and 2.4 dealing with the 90 day exclusion rule.

Remote groups (including developing groups) that only compete with the main group of dogs are NOT considered to be Branches. This allows larger, established Clubs to sponsor and develop the sport in areas that would

otherwise struggle to get started.

In the majority opinion of the AFA Committee, one Club is currently operating as a Branch Structured club, on the basis that they regularly compete with three separate groups of dogs in three regions, and would, therefore, have three Branches under the On Trial Rule.

The only impact of the On-Trial Rule on this Club would be to require it to affiliate the three Branches as separate entities or Clubs for racing purposes. Club members would be required to decide to which Branch they wish to affiliate their dogs. Each dog and each Branch would then be subject to Rules 1.0 and 2.4.

The Committee has no evidence that any other club is CURRENTLY competing as a "branch structured" club with multiple groups of dogs in different locations.

### **Discussion and background**

The problem has come about because some Rules apply directly to Clubs for the purposes of racing, which means it's very important to define and understand exactly what a club is, in order to apply those Rules fairly across the board. This discussion attempts to explain what the Committee has been grappling with over the last six months or so and why it is not as easy as it looks. The section is fairly long, because the concept is more difficult than it seems and has led to a lot of discussion.

The term Club appears quite frequently in the Rules and Policies of the AFA and is central to the current debate about application of Rule 2.4, the 90-Day Rule, which states "If a dog has raced in an AFA sanctioned competition the dog may not race with another Club/Team for 90 days" (and then goes on with some qualifications and exceptions), and other matters such as Club of the Year awards.

People ask, how can it be so difficult to describe what a Club is? Traditionally, it was pretty easy; a Club was a group of people who gathered together because of a shared interest. In AFA terms, a Club was a group of people and dogs who gathered at a regular place and time to practice and improve their performance in the sport of Flyball, form teams for competition, and from time to time might arrange and host competitions for other like-minded clubs to compete at.

But as Flyball has developed, this simple concept has become blurred. People or groups from a Club may not all train together because of distance. People have dogs in more than one Club. Established Clubs have helped to grow the sport by kicking off remote groups that would otherwise find it difficult to get started. All of these developments blur the definition of a Club, and there are Rules of racing for which the definition of a Club is central.

Here is an example scenario:

Let's say we have four groups of Flyballers, of about the same size, each forming teams for competition from within their own ranks. They train at four different training grounds remote from each other.

To an outsider, these four groups look and behave the same. But two of the groups say they are one Club, while the other two say they are independent Clubs, so we have three "Clubs" for the purposes of the Rules, the combined one being about double the size of the other two.

The argument is that that the combined Club has unfair advantages under the Rules, such as:

- Depending on where its two groups are located, the combined Club might be able to enter two different competitions simultaneously, accruing more Club points than another Club entering the same number of teams in one competition. Here it is behaving like two clubs that combine

their club points.

- At a National Championships or other major competition where all groups attend, the combined Club can select its teams from its two pools of dogs to optimize them, acting like a single Club, whereas the other two Clubs can't because it would breach the 90-Day Rule.

So it has become necessary to have a closer look at what is a Club. It's important to say at this point that this is for the purposes of the Rules and Policies ONLY; the AFA is NOT proposing to get involved with the administrative arrangements behind the formation and running of Clubs.

So the question is, What is a Club? And since during the debate a new term "Branch Structured Club" has been coined to describe a group of "clubs" that state they are a single administration but are, from a racing viewpoint, acting independently, there's a second question - what is a Branch?

A Club IS:

- A group of Flyballers, handlers and dogs, which trains at a regular place and time, forms teams for competition and may run competitions (the "Traditional" Club), OR
- A central group with one or more outlying groups of handlers and dogs, for instance that it may be developing to grow the sport or that simply train at a different ground, but in all cases only ever run with the central group.

A Club is NOT:

- Groups of handlers and dogs, which typically train, compete in and run competitions and demonstrations separately from each other and which get together occasionally, say at Nationals or otherwise when people choose to travel, to form teams from the combined groups of dogs.

A Branch IS:

- Part of a Club;
- A group of Flyballers, handlers and dogs, by its nature remote from other Clubs or Branches of the same Club, which behaves like an independent Club by forming teams for competition and/or by running competitions.

A Branch is NOT:

- Individuals or groups of Flyball handlers and dogs who may be remotely located from other groups of the one Club but only ever run as part of the overall group.

The difficulty with any definition is when real-life scenarios test it. There is no guarantee that a definition written by the AFA will or can be bulletproof; either there will be an ambiguous situation or there will be complaints that the definition is too restrictive. All we can do is listen to what Members are telling us through their questions and comments, and come up with a definition that the majority are prepared to accept as the best available.

### **Questions and Answers:**

Note: Questions submitted by Members are dealt with in no particular order except for questions not directly related to the On-Trial Rule, which have been grouped and dealt with at the end.

Question – What is the intent of the new On Trial Rule outline in Notification No.52.

*Answer: Put simply, to maintain the intent of Rule 2.4 (the 90-Day Rule).*

Question – Why was the rule change proposal seen as desirable or necessary?

*Answer: the AFA Committee was responding to a number of submissions from 57 Members requesting action on what they claim was an unfair situation related to the application of Rule 2.4 (the 90 Day Rule).*

Question – How will the decision be made to adopt or reject the proposed Rule change?

*Answer: The proposed Rule Change is an On-Trial Rule approved by the Committee and put into practice for a trial period and then put to a vote by all members as part of the AGM process.*

Question – What happens if the “On Trial” Rule is rejected by Members?

*Answer: Rejection of an On-Trial Rule by Members means reversion to the original wording of the Rule (if a change) or deletion of the Rule (if new)*

Question – What is the situation where a club is say based in a suburb of Sydney but has several members who are remote from that suburb – and may or may not train with the Sydney group of dogs on a regular basis. Do the areas where the remotely based dogs live have to become branches of the club?

*Answer: Individuals at remote locations, or remote groups who choose not to compete separately, are not Branches.*

*On the other hand, a group of Flyball handlers and dogs that operates like an independent Club in that it forms teams for competition and may run demonstrations and competitions separately from other groups of the same named club will be considered as a Branch or Club for purposes of Rule 2.4.*

Question – A club may have say some dogs based in the ACT, some in parts of NSW, and some in Sydney and surrounds but all of the dogs

compete as a single group of dogs. Are each of the remote geographic locations deemed to be a branch of the club?

*Answer: Individuals or groups of Flyballers who do not separately form teams or run competitions, who associate with and only ever run with one Club but are generally remote from it, are not Branches of that Club.*

Question - Will the AFA be providing a clear definition of the regional areas that will be used so members know prior to joining a club of their eligibility? There has been much confusion around this term. E.G Does it mean Sydney Region, Newcastle Region, Illawarra Region, Brisbane Region, Sunshine Coast Region, Gold Coast Region.

*Answer: The AFA is not proposing to define geographic regions for the purpose of defining clubs. Club operations determine whether a club is operating under a branch structure.*

Question - The rule now introduces the term Register and Operate. How will it be determined a club operates in more than one Region?

*Answer: The AFA is not proposing to define geographic regions for the purpose of defining clubs.*

*A group of Flyballers, handlers and dogs, by definition remote from other Branches of the same Club, which operates like an independent Club in that it forms teams and/or runs competitions and demonstrations will be deemed a Branch for the purposes of racing and Rule 2.4.*

Question - Will all clubs be required to register or apply for where they intend to operate prior to attempting to establish flyball in that region (either undefined or defined)?

*Answer: No, the AFA is not proposing to define geographic regions for the purpose of defining clubs; Clubs are free to draw members from any*

*region as is the case now – there is no issue of clubs being “assigned” territories.*

Question - Will the AFA website be updated to show all clubs regions of allowable operation so any new or existing members will be aware if they are impacted?

*Answer: No, the AFA is not proposing to define geographic regions for the purpose of defining clubs.*

Question - For members who are impacted by this rule amendment and forced to affiliate a new club for the on trial period of approx. 6 weeks, if the rule amendment is not passed, will they be granted exemption to the 90 day rule to rejoin the club they currently are members of if they have had to run under the new club affiliation?

*Answer: If the On Trial Rule is rejected, members that have made changes purely in response to the On Trial Rule may revert to their previous structure (but only their previous structure) without penalty. Any change other than to the previous structure will be subject to the Rules.*

Question - Does the AFA committee intend to notify any member who is impacted by this rule as many members do not know if they are or not due to the lack of definition around the rule amendment?

*Answer: No, the AFA Committee believes only one existing Club is impacted by the On-Trial Rule. However, Clubs in any doubt as to the applicability of the On-Trial Rule to their situation may contact the AFA for clarification.*

Question - What if a member has dogs running in multiple clubs, whilst not common there has been many examples in the past and maybe currently? Previous to this amendment the club listed next to persons



name played no determination on their dogs eligibility to run with a team, this amendment seeks to now tie the two together, that is, whatever club you list yourself as a member of, automatically determines what club your dog can run with. I.E In the past I could list my club as Redlands Dog Obedience but my dogs could actually run for St George and as long as they did not enter on a time sheet for another club within 90 days of their last running then they complied with the 90 day rule.

*Answer: Handlers may be members of, and run dogs for, more than one club or branch without triggering the 90 Day Rule. An individual dog, however, can be affiliated with only one Club or Branch.*

Question - I know there has been much angst and frustration vented on social media, but many members have raised the question of why it would appear from the outside that the Norwest Branch set up in Newcastle will not be subject to this rule despite it being called and advertised as a branch? I do believe this also genuine question since much stock has been put in what this club or that club has called themselves in public forums. I think an explanation of how the rule does or does not apply in this situation would help many people understand this rule amendment. Maybe some examples should be developed and published to help explain this amendment.

*Answer: While any new group does not compete independently, it is NOT a Branch for racing purposes.*

*On this ground, the Norwest group in Newcastle is NOT a Branch of the Norwest group in Castle Hill.*

*However, should the Newcastle group grow to the point where it wishes to and does enter and/or run competitions independently, it will become a Branch of Norwest or it may set up as a separate Club.*

Question – What are the anticipated regional boundaries?

*Answer: the AFA is not proposing to define geographic regions for the purpose of defining clubs.*

Question – How will this change impact on existing teams who may cross these boundaries?

*Answer: It will have no impact as the AFA is not proposing to define geographic regions for the purpose of defining clubs.*

Question – I think a FAQ is a good idea. As someone who has been playing Flyball for some time I don't really understand the issues as I don't think it's been dealt with simply or concisely. This is from both aspects. What I do struggle with is that we have people in smaller communities who cannot get a team up and running but would be able to do so under the branch system. Or could do so if the 90 day rule was removed. I am neither for nor against, but I don't understand from an AFA perspective what the impediments are in a time when we are trying to grow the sport especially in more rural areas. If you could please keep us updated with when the FAQ session will be running (if it goes ahead of course) that would be great.

*Answer: Individuals at remote locations and groups who choose not to compete independently are not Branches. So this Rule will not prevent an established Club from helping to develop Flyball in a new area, and those new people can run with the established Club without the 90-Day rule applying. However, if the new group gets big enough to stand on its own and decides to enter competitions in its own right, it will have to affiliate independently as a Branch or a Club.*

Question – Does the AFA intend to approve all members' club selection in the future under this new on-trial rule? Is the AFA prepared for the extra administrative effort this will require? Will there be any exemptions to this rule granted?

What would be the criteria required to be fulfilled for such an exemption to be granted?

*Answer : No, Members may join any Club they wish, including multiple Clubs. Exemptions are not required for Members.*

*Dogs may be affiliated with, and run with, only one Club or Branch. The AFA is not proposing to grant exemptions to dogs having affiliation to only one Club or Branch.*

Question – The AFA has always operated as an association open to all within the boundaries of Australia. There is currently no definition in the rules & policies that define what a "state/region" boundary is.

*Answer: the AFA is not proposing to define geographic regions for the purpose of defining clubs.*

Question – Does the AFA intend to introduce or define either state or regional boundaries in the future? What would be the criteria for someone to be included in a region? Would it be their listed membership address, which team they are regularly listed with, which state/region they most commonly compete and/or train in? Is this the definition of "operating"? Who would be in charge of administering or policing such a criteria?

*Answer: the AFA is not proposing to define geographic regions for the purpose of defining clubs.*

Question – There is currently no definition in the rules & policies that define what a "branch" of a club is. Does the AFA intend to introduce a definition on what constitutes a "branch" within a club?

*Answer: The AFA Committee will consider the need to introduce a formal definition of a Branch within the Rules if it becomes apparent that this is necessary.*

Question – How would a "branch" within a club, differ from a Team within a club?

*Answer: Teams compete. Branches form teams for competition, in the same way that Clubs form teams for competition.*

Question – Does the AFA intend to have final approval on the internal selection criteria used by Clubs to select teams and if so, on what criteria will they base such approval?

*Answer: No, the AFA is not proposing to be involved in team selection criteria within a Club or a Branch.*

Question – Will any introduced boundaries of operation restrict which club a member may join or indeed what competitions or demonstrations they may participate in or a club may host? How will that affect clubs who currently have members in various regions and who cross state lines to compete with their club of choice? The AFA rules have never enforced that members must join a club within their own region or state and have allowed the member the right to choose. Does this rule now affect that choice?

*Answer: No, Members may join any Club they wish, including multiple Clubs. Dogs may be affiliated with, and therefore run with, only one Club or Branch, the choice of which is at the owner's complete discretion.*

Question – Does the AFA believe the current membership and participation rate of Flyball in Australia warrants the introduction of nominated boundaries?

*Answer: There are no boundaries proposed, the AFA is not proposing to define geographic regions for the purpose of defining clubs.*

Question – At the April 2013 meeting, the AFA Committee confirmed that under the AFA rules a "branch" structured club will not be treated as separate affiliated clubs. Has the AFA changed its interpretation of the rule in regard to "branch" structured clubs and how did it arrive at that conclusion?

*Answer: Yes. Submissions by a significant number of Members who were not happy with the outcome of that decision caused the Committee to consider a Rule Change.*

Question – How does the AFA intend on forcing these "branches" to affiliate and not simply have their members join one central "branch", that is, all be members of the one club? How is that any different to the situation under the current rules? If they do not affiliate the "branch", are those members now unable to race with their original club? Are they forced to join an existing club or choose to no longer participate in flyball?

*Answer: A group of Flyballers, handlers and dogs, by definition physically remote from the rest of the same Club, which forms teams and/or runs competitions independently of the rest of the Club will be a Branch for the purposes of racing, and may be deemed as such by the AFA where sufficient evidence is available and where the Club does not affiliate it as such. A team formed from dogs from different Branches, whether declared or deemed, will be subject to the 90-Day rule.*

Question – How does the AFA benefit in meeting its objectives with the introduction of this rule?

*Answer: The On-Trial Rule seeks to maintain the integrity of the 90-Day Rule and inter Club competition, thereby maintaining an equitable situation amongst all Clubs.*

Question – Does the AFA intend to control any affiliated club by geographical area or by the method in which they recruit new members in the future?

*Answer: No. People remain free to join any Club they wish to irrespective of their location but as is the case now they can only affiliate a dog with one Club or Branch. The AFA is not proposing to define geographic regions for the purpose of defining clubs. Clubs by their own actions will determine if they are operating as a Branch Structured Club.*

Question – Is the AFA obligated under the rules to place rule changes as on-trial before going to a vote of the general membership, or can they be taken to a vote at the AGM without going on-trial?

*Answer: No. However, the AFA Committee believes that the On-Trial Rule system is the best way to introduce any significant proposed change because of its two key advantages:*

- *Members have an opportunity to experience the change and, therefore, understand how it works before being required to vote on it, and*
- *The AFA Committee has an opportunity to observe the operation of the change and make any adjustments, including rewording the On Trial Rule or withdrawing the change entirely, prior to Member vote if the change is not achieving the intended results.*

Question – A lot of AFA members appear to be interested in the recent discussions involving "branch" structured clubs. Given the obvious interest and potential ramifications for the entire AFA membership, why has the AFA chosen to place this rule as on-trial? Does the AFA intend to call a general meeting, so all members have the chance to speak to and ask questions of the agenda item before being asked to vote?

*Answer: The On-Trial Rule is the AFA's standard method for dealing with a*

*significant proposed Rule change. At the end of the trial period, all Members have an opportunity to vote on the Rule.*

*The AFA Committee has decided that a Q&A page is a more appropriate method of debating the issue than a General Meeting.*

*A Q&A format gives Members time to consider the issues at length.*

*In contrast, not everyone will be willing, or if time becomes an issue, able to speak at a one-off General Meeting, and there may not be enough time during the meeting for the full ramifications to be considered.*

The following questions seem to be more to do with Committee process. As such, they do not directly contribute to clarification of the intent of the On-Trial Rule.

Questions – Why was this item of the rules sub-committee "report and recommendations" not on the agenda for discussion at the April 2015 meeting?

Why was the recommendation put forward by the rules sub-committee at the February 2015 meeting never voted on at the February 2015 meeting or at any subsequent meetings in March 2015 or April 2015?

Does the AFA believe there has been a breakdown in the process by allowing a second motion to be raised, tabled and voted on at the April 2015 meeting which is in direct conflict to the Rules Sub-Committee report tabled at the February 2015 meeting, a report which has not yet been voted on?

*Answer: In general, Sub-committees have matters referred to them by the main AFA Committee and report back to the main Committee, usually in the form of a recommendation. The main Committee then considers the report or recommendation and, as the peak body in the AFA, has discretion to accept it, amend it, refer back to the Subcommittee for further action or reject it.*

*The main Committee considered the Rules Subcommittee's recommendation on Branch Structured Clubs at its February meeting, and*

*effectively took over direct consideration of the issue during the course of the meeting. Subsequently, a number of Committee members prepared a draft On-Trial Rule for consideration by the Committee. Once this process started, the Rules Subcommittee report was no longer in play and there was no point in voting on it.*

Question – Does the AFA routinely refer correspondence, from both the general membership and committee members, relating to rules and policies to the Rules Sub-Committee for more in-depth investigation? Why weren't the three pieces of correspondence received in relation to the submitted proposed rule changes at the April 2015 committee meeting ever referred to the rules sub-committee for further investigation?

*Answer: Incoming correspondence is circulated to the full Committee and dealt with under "Correspondence In". Where it pertains to rules & policies, the Committee may choose to deal with the matter itself or may refer it to the Rules Subcommittee for consideration and recommendation.*

*In general, if a piece of "Correspondence In" pertains to a matter being actively considered by the Rules Subcommittee and it arrives in time for Subcommittee deliberations, it will be referred to the Subcommittee.*

*It should be noted that, by April, the full Committee had taken over the consideration of the Branch Structured Clubs issue from the Rules Subcommittee.*