



Cancellation of the SBW membership of Brett Davis: Decision and Reasons

1 With this document you are advised that, on 15th April 2025, the Committee decided to exercise its discretionary power under Rule 6 (a) of the Club's constitution to cancel your membership of Shoalhaven Bushwalkers Inc. (SBW).

2 The Committee took this decision having judged that you have engaged in conduct prejudicial to the interests of the Club.

3 The cancellation of your membership is not effective immediately. A cancellation of membership cannot take effect until:

- A relevant Rule 6 (b) deadline passes without you initiating the relevant process (ie. you providing an explanation to the Committee; you exercising your right of appeal to a General meeting);
- OR
- a General meeting votes to confirm the Committee's decision.

4 If you wish to present an explanation to the Committee, either in writing or in person, you have one month from the date you received the email attaching this decision in which to do so. Please be advised that you presenting an explanation is limited to a single opportunity to write either one email or to appear once in person.

5 This document forms a *Statement of Reasons* for the Committee's decision, provided to you though Rule 6 makes no mention of providing reasons for a decision. The equivalent part of Rule 14 (*Right of appeal of disciplined member*) does so and natural justice would seem to require such a statement in order that you be in a position to provide an explanation to the Committee should you decide to do so.

6 One of the Committee's constitutional duties is to safeguard the best interests of the Club (Sub-rule 22(b)(ix)). It is manifestly in the best interests of the Club that it be governed effectively by its elected management Committee.

7 The Committee considered your conduct between 20th January and 9th April 2025 in sending 50 unsolicited emails to the Committee. The Committee judges this conduct to be prejudicial to the interests of the Club in that it amounts to a vexatious deployment of email communication to the Committee either intended to cause disruption to - or with reckless disregard as to its likely impact on - the Committee's effective governance of the Club.

8 The handling of this voluminous internal correspondence has greatly increased the burden on the Club's secretary. Enabling Committee members to read this correspondence added 84 pages or part pages to the Committee's 15th April meeting agenda. The time involved in

reading them all creates an onerous impost on the limited time resources of volunteer Committee members. Were the Committee to accede to the many and various suggestions threaded through the 50 emails – suggestions that include the production of numerous new guidelines or policies and the wholesale revision or rescission of various existing ones – its forward work program would likely be swamped. The Committee considers that these consequences should have been obvious to you.

9 The Committee has formed the view that this additional and burdensome workload is not sustainable on a volunteer Committee's part. It has further formed the view, based on its knowledge of your email interaction with the previous committee, that your escalating disruption to the Committee's other duties and functions, is unlikely to diminish.

10 The Committee has not based its judgement on the merits or otherwise of each of the individual emails. That said, the Committee does consider the first two paragraphs of the lengthy 38th email titled *Suggestions (again) to improve the woeful CMCOC* to be gratuitously offensive. It considers that these paragraphs in particular have been written in a manner that any reasonable reader would consider to be gratuitously sarcastic as well as disparaging and possibly defamatory of the committee membership and of the drafter of the document. While the Committee considers the tone and content of this email to be suggestive of vexatious intent, it does not find it necessary to decide at this time whether the sending of this particular email amounts to conduct prejudicial to the interests of the Club.

11 The Committee has not based its decision on the two judgements made by the former Committee in March 2024 relating to conduct by you judged to be prejudicial to the interests of the Club or to the incidents to which they related. Nor has it based its decision on your conduct in April 2024 in lodging eighteen simultaneous complaints against Club members. These matters did, however, provide the present Committee with background context when considering your current pattern of conduct.

12 In reaching its decision, the Committee has considered whether it is satisfied that the cancellation of your membership is *warranted in the circumstances*. These four italicised words do not appear in Rule 6 but they do appear in the wording of Rule 13 under which a member can be expelled or suspended from the Club for similar reasons, in particular for conduct prejudicial to the interests of the Club.

13 The Committee is satisfied that cancellation of your SBW membership *is* warranted in the circumstances because:

- i. this is the third separate finding against you of conduct prejudicial to the interests of the Club;
- ii. you have previously been notified of the potential consequences of a third finding concerning conduct prejudicial to the interests of the Club;
- iii. the extenuating circumstances to which the former committee had regard were not written so as to apply to subsequent conduct to which Rule 6 (a) applies;
- iv. this third finding goes to a fundamental matter: conduct adversely affecting the Committee's ongoing ability to effectively manage the Club;

- v. your pattern of behaviour during the term of this Committee suggests a high likelihood that you will continue to engage in conduct disruptive to, or adversely affecting, the Committee's governance of the Club.

This document was endorsed by the SBW Committee at its meeting on 15th April.

