



GOLD LICENCE CATERERS' ACCREDITATION

Suspension or Cancellation of Gold Licence

This document outlines the process adopted by for suspending and cancelling a Gold Licence Caterer's Accreditation.

1. Definitions

Accreditation Council means the body appointed by the R&CA Board to review Gold Licence applications and approve where criteria are met.

Insolvency Event means (a) an event where a party informs the other party or any of its creditors that it is insolvent or unable to pay its debts when due, and any action or step taken, or legal proceedings started for: (b) winding-up, dissolution, liquidation, or re-organisation of a company (other than a valid restructure of the entity); or (c) appointment of a controller, administrator, official manager, trustee or similar officer over any of its revenues and assets.

2. Renewal of Gold Licence

The Council will cancel a licence if the renewal materials have not been received 90 days after expiry date. For the purposes of renewal, a satisfactory health inspection report dating from within the last 12 months may be used.

a. Notification of alleged breach of Gold Licence Agreement If the Accreditation Council becomes aware that any condition as set out in the Gold Licence Agreement have been breached then it will direct the Secretariat of RCA to provide to the Gold Licensee notification of the alleged breach, which includes:

- (i) details of the alleged breach which have been brought to the attention of the Accreditation Council;
- (ii) details of how the breach may be rectified; and
- (iii) a request to rectify the alleged breach within twenty-eight (28) days

3. Rectification of alleged breach

- a. If the alleged breach is not rectified in accordance with the requirements in clause 2(a) the Accreditation Council reserves the right, at its discretion to:
 - i. suspend the Gold Licensee from the Accreditation Program for a specified period at its discretion; or
 - ii. expel the Gold Licensee from the Accreditation Program; or
 - iii. direct the Secretariat to refer the matter to the next meeting of the Accreditation Council, and notify the Gold Licensee:

1. of the date, time and place of the meeting, which shall be no sooner than 14 days after notice has been sent to the Gold Licensee.
 2. of their right to appear in person at the meeting and make submissions to the Accreditation Council regarding the matter; and/or
 3. submit written submissions relating to the alleged breach to be read and be dealt with the meeting.
- b. If the meeting of the Accreditation Council is not scheduled to take place within thirty (30) days of the Council receiving notification of the alleged breach, then a special meeting shall be called to deal with the alleged breach.
 - c. At the meeting of the Accreditation Council, the Council shall:
 - i. give the Gold Licensee an opportunity to make oral submissions; and/or
 - ii. give due consideration to any written submissions provided by the member.
 - iii. permit the Gold Licensee to engage legal representation to represent them at the Accreditation Council meeting; and/or
 - iv. engage a language interpreter if required.
 - d. At the conclusion of the meeting, the Accreditation Council may resolve to:
 - i. suspend or cancel the Gold Licence in accordance with Clause 4; take no further action against the Gold Licensee.

The Council shall instruct the Secretariat to inform the Gold Licensee in writing of the resolution within seven (7) days from the date the resolution is made.

4. Appeal process

- a. If the Accreditation Council decides to suspend or cancel the Gold Licence, the Gold Licensee will be notified within seven (7) days of the decision and will be given an opportunity to appeal the decision.
- b. The Gold Licensee will be required to appeal the decision within twenty-one (21) days of the decision being made, and provide details of the grounds of appeal in writing, including any evidence the Gold Licensee seeks to rely upon in making the appeal ("**Notice of Appeal**").
- c. Details of the appeal must be sent to Caterers' Accreditation Program, Level 3, 154 Pacific Highways, ST LEONARDS NSW 2065, marked for the attention of the Membership Department.
- d. RCA will appoint a legal practitioner to review the decision of the Accreditation Council.
- e. Upon receipt of the Notice of Appeal, the Secretariat shall refer the appeal to the senior counsel as nominated, whose decision will be final. A decision in relation to the appeal shall be handed down within 14 days of receipt of the Notice of Appeal. In the case where an applicant has been refused a licence, the above appeal process will apply.

5. Suspension or Cancellation of Gold Licence

- a. R&CA reserves the right to suspend or cancel a Caterer's Gold Licence if the Gold Licensee breaches any condition as set out in the Gold Licence Agreement, which forms part of the Application Form.
- b. A Caterer's Gold Licence will be cancelled immediately upon the Accreditation Board becoming aware of the Gold Licensee's sale of the business, or in the event that the Gold Licensee is affected by an insolvency event.