



**NORTHERN  
SUBURBS  
FOOTBALL**  
EST. 1957

## COMPETITION REGULATIONS

### 4. PROTESTS, DISPUTES & DISCIPLINARY AND APPEALS

2020

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## 4.1 INTRODUCTION

These regulations refer to the operation of the Protests, Disputes & Disciplinary Committee (P.D. & D.C.) and the Appeals Board and operate in conjunction with the FNSW Grievance and Disciplinary Regulations.

If these Regulations conflict with the FNSW Regulations, the FNSW Regulations will apply.

## 4.2 GLOSSARY OF TERMS BOD 03/20

- **Appeals Board** – Tribunal appointed by the Board to hear appeals.
- **Appellant** – individual or organisation initiating an appeal, complaint or dispute
- **Association** - NSFA
- **Board** – Board of Directors of NSFA
- **CEO** – Chief Executive Officer
- **Committee** – P.D. & D.C.
- **Competition** – any round-robin Premiership division
- **Counsel** – legal advisor
- **Ex parte** – interested party not in attendance at a hearing.
- **Field of play** – the area within the sidelines and goal lines.
- **FFA** – Football Federation of Australia
- **FIFA** – Federation Internationale of Football Associations: world governing body of football
- **Fixture** – First grade and Reserve grade matches combined in a squad division or a single match in a single-team division in a round.
- **Fixture Suspension** – specifies the number of
- **FNSW** – Football New South Wales
- **Informant** – KDFRA in the case of send-offs and incident reports or an individual or organisation that initiates a complaint or dispute with P.D. & D.C.
- **KDFRA** – Ku-ring-gai and District Football Referees Association.
- **Knock-out** – teams continue until defeated.
- **Match** – contest between two football teams.
- **MMS** – Mandatory Match (Fixture) Suspension which applies to all players and officials sent from the field of play or technical area.
- **Premier League** – Senior Mixed All Age First Division and Women’s All Age First Division.
- **Premiers** – team that finishes first in each premierships competition.
- **Premiership** – round-robin competition.
- **Respondent** – individual or organisation that is the subject of a complaint or dispute.
- **Round Robin** – all teams play the other teams in the competition over a set time period an equal number of times
- **Sanction** – action taken by P.D. & D.C. including suspension, fine or other punishments as prescribed.
- **Season** – period between April 1 and August 31 in which NSFA operate competitions and tournaments.
- **Technical Area** – designated, marked area where only named substitutes and team officials may sit during a match.
- **Tournament** – any knock-out Cup or Shield

## 4.3 P.D. & D.C COMMITTEE

- a) The Board shall appoint a P.D. & D.C. Chair on an annual basis.
- b) The Chair shall form a committee consisting of a minimum of six (6) panel members with a minimum of three (3) panel members and/or the rostered club delegate to sit on any hearing.

- c) The Chair may roster a delegate from a NSFA affiliated club to sit on the P.D. & D.C. panel on a rotating basis. The club delegate is to be a member of that club's management committee/board. It is mandatory for the nominated club to send a delegate to the P.D. & D.C. when requested. BOD 03/20
- d) The Chair may request that a delegate from the KDFRA attend a hearing to clarify matters relating to the Laws of the Game.
- e) In the absence of the Chair at any hearing, one committee member shall act as Chair.
- f) No member of the Committee may arbitrate on any matters that have a direct bearing on the member's club.
- g) The Chair shall keep a record of decisions reached and advise the CEO and any interested party, in writing, of such decisions within seven (7) days.
- h) The Chair shall keep a record of its business and of all sanctions issued to any player registered with the Association.
- i) The P.D & D.C. shall keep a record of all suspended players and ensure that such players duly serve their suspensions.
- j) The Chair shall inform players and the club secretary when he/she is suspended after accumulating four (4) and/or six (6) or more cautions in a season for a competition team, or two (2) cautions in a season for a tournament team.
- k) The Chair shall advise the CEO immediately of all serious charges such as racial vilification and those likely to result in suspensions exceeding nine (9) fixtures/ six (6) months. BOD 03/20

#### **4.4 MANDATE OF P.D. & D.C.**

- a) The P.D. & D.C shall receive all send-off reports, caution reports and incident reports submitted by referees and assistant referees, club officials or any other person acting as a referee or assistant referee and determine any action it may take.
- b) The P.D. & D.C. shall hear all formal disputes and complaints by affiliated clubs and organisations and matters referred to it by the Board, against clubs, players, officials and spectators arising from incidents occurring under the jurisdiction of the Association and determine appropriate action, including sanctions, where required. BOD 03/20
- c) The P.D. & D.C. shall hear all matters referred to it by the Association MPIO under **NSFA Regulation 6 - "Member Protection Policy"**.

#### **4.5 POWERS OF P.D. & D.C.**

The P.D. & D.C. has the power to:

- a) Conduct its meetings whenever it may determine. Meetings may be cancelled if there are no outstanding cases and no fixtures were played on the previous weekend; BOD 03/20
- b) Consider the reports of referees, assistant referees and others.
- c) Take evidence.
- d) Require the attendance of any individual, member club or other affiliated organisation to give evidence.
- e) Require the production of any document, information or other material in whatever form held by any party under the jurisdiction of NSFA, including NSFA itself;
- f) Where the individual, member club or other affiliated organisation that is required to give evidence and/or produce information or other material refuses or fails to do so, the P.D. & D.C. shall request the Board to suspend the party from competition or membership privileges of NSFA until further notice;
- g) Inform itself on any matter or thing in order to carry out its function properly.
- h) Decide if the offence is "proven";
- i) Determine and set whatever sanctions considered appropriate, within the guidelines set out by FNSW.
- j) Apply mandatory sanctions if applicable; BOD 03/20
- k) Sanction participants until a specified date (Time Suspension) or for a number of fixtures (Fixture Suspension) as the Committee sees fit; BOD 03/20
- l) Impose bonds and/or fines as appropriate.

- m) Recommend to the Board that a club or team be suspended, disqualified or disaffiliated as the Committee sees fit; BOD 03/20
- n) Make decisions that maintain the integrity and fairness of competitions.
- o) Determine if it will charge any person with an offence(s) because of any incident reports submitted by referees or any complaint received from individuals, clubs or other organisations or from matters referred by the Board or the Association Member Protection Information Officer (MPIO);
- p) Request any relevant party to attend a hearing to seek further information in relation to any complaint received from individuals, member clubs or other affiliated organisations or from matters referred by the Board or the Association MPIO. The Committee may charge any person or persons because of any evidence given at such hearing;
- q) The Committee reserves the right to defer any hearing.

#### 4.5.1 Determination

All members present during a P.D. D.C hearing, except for the delegate from KDFRA are entitled to vote. The Chair may cast a second vote in the event of a deadlock.

#### 4.5.2 Onus of Proof

Determination of any charge by the Committee is not “beyond reasonable doubt”, but rather a standard of proof that the Committee is comfortable with, having regard to the seriousness of the matter before it.

### 4.6 COMMITTEE TO ACT IN GOOD FAITH

- a) The Committee must keep an open mind about all the matters before it until it has considered all the evidence presented. No member of the panel may suggest during a hearing that the Committee could arrive at any decision. No member of the Committee may have any close association with the accused party or be an active member of his/her club or have any material interest in the outcome.
- b) The Chair shall advise the accused of the Committee member’s names and any potential conflicts he/she may have. The accused may challenge any such person’s right to sit on the Committee. The Committee will then rule on the validity of the challenge.
- c) The Chair shall outline the general form of the proceedings that the Committee will follow; including any assistance afforded the accused to present a case.
- d) Witnesses will appear separately where practicable. Both the accused and members of the Committee shall be present throughout a hearing. The Chair shall afford the accused every opportunity to present a case, and the accused shall be the sole judge of the witnesses and supporting evidence that he/she wishes to present. The same rights apply to those bringing a charge. However, the Chair has the right to stop any duplication or repetition of evidence, or to rule on any evidence straying outside the bounds of the case.
- e) Determination of any charge by the Committee is not “beyond reasonable doubt”, but rather a standard of proof that the Committee is comfortable with, having regard to the seriousness of the matter before them.
- f) At the conclusion of a hearing and after the handing down of a decision, the Chair must advise the accused of any rights of appeal.

### 4.7 SANCTIONS FOR TEAM OFFICIALS

- a) Referees may caution any registered team official that commits any of the following offences as described in **Section 4.11** of these Regulations: Y1, Y2 and Y6.
- b) Referees may send from the Technical Area any registered team official that commits any of the following offences as described in **Section 4.8** of these Regulations: R2, R3, R6 and R7.
- c) Team officials sent from the technical area shall incur a Mandatory one (1)-fixture Suspension (MMS) that they must serve in the next fixture played by his/her team. The MMS may only be waived under the following circumstances:
  - i) Send off is subsequently withdrawn by KDFRA; or

- ii) Team official can prove mistaken identity at the next P.D. & D.C. hearing after the match.
- d) In 2020, this **Section 4.7** will apply only to the following competitions:
  - i) Premier League First grade and Reserve Grade;
  - ii) Women's Premier League; **BOD 03/20**
  - iii) Senior Mixed All Age Division 2 First Grade and Reserve Grade;
  - iv) Junior Mixed Under 12 to Under 18 Super League;
  - v) Girls' Under 12 to Under 16 Diamond League.

## 4.8 SEND OFF OFFENCES

A referee may send a player from the field as prescribed in the **FIFA Laws of the Game - Law 12** if guilty of any of the following offences:

- R1 - Serious foul play.
- R2 - Violent conduct.
- R3 - Biting or spitting at someone.
- R4 - Denying the opposing team a goal or an obvious goal scoring opportunity by deliberately handling the ball (this does not apply to a goalkeeper within his/her penalty area);
- R5 - Denying an obvious goal scoring opportunity to an opponent moving towards the player's goal by an offence punishable by a free kick (unless as outlined in note below).
- R6 - Using offensive, insulting or abusive language and/or gestures.
- R7 - Receiving a second caution in the same match.

**NOTE:** R5 – If the offence is committed in the penalty area the referee shall issue a caution unless the offending player is guilty of holding, pulling or pushing or the offence is one that is punishable by a send-off wherever it occurs on the field.

## 4.9 PLAYERS SENT OFF

For the purposes of these Regulations, reference to a player during a match includes a named substitute and a substituted player. It is the player's responsibility to understand his/her obligations to these Regulations.

- a) Players sent from the field shall incur a mandatory one (1) fixture suspension (MMS), to be served in the next fixture played by the team for which he/she was playing when sent off or his/her previously nominated or aligned knockout tournament team (See **Section 4.15 clause c**) of these Regulations for exceptions). The MMS may only be waived under the following circumstances:
  - i) Send off is subsequently withdrawn by KDFRA; or
  - ii) Player can prove mistaken identity at the next P.D. & D.C. hearing after the match. Players must stand down from any fixtures for which they are eligible played before the next P.D. & D.C. hearing.
- b) At the termination of the match, the team manager must ask the referee to inform him/her of the offence (See **Section 4.8** of these Regulations) for which the referee has sent the player off.
- c) Players sent off may not play in any subsequent match on the same day as the match in which the send-off occurred. Such matches will not count as part of any subsequent suspension imposed.
- d) If a referee sends a player from the field for any of R4, R5 or R7 the MMS shall apply. There is no right of appeal.
- e) If a player is sent from the field for any of R1 or R2 he/she has two (2) options:
  - i) Appear at the next scheduled disciplinary meeting to challenge the suspension, or, accept the mandatory minimum penalty as prescribed in **Section 4.26.1** of these Regulations. If the referee charges a player with the offences of "Head Butting", "Elbowing to the head" or "Inciting a brawl or melee" then no mandatory minimum penalty applies, and the player must attend the next "P.D. & D.C. hearing after the match.
  - ii) If the player does not appear at the next P.D. & D.C. hearing, the Committee will deem that he/she has accepted the mandatory

- minimum penalty and that he/she may not appeal or protest the decision.
- iii) If a player opts to accept the mandatory minimum penalty, the Committee reserves the right to cite the player to attend the next P.D. & D.C. meeting and increase penalties if it finds the player guilty. The Committee may impose a penalty greater than the MMS by one (1) or more fixtures up to the maximum number of fixtures for that offence. A player cited to attend a P.D. & D.C. hearing may not play until he/she appears.
- f) If a player is sent from the field for R3 or R6:
    - i) Attendance at the next P.D. & D.C. meeting is **COMPULSORY**.
    - ii) If a player fails to attend at the next P.D. & D.C. meeting, the Chair will issue a citing notification and will suspend the player until he/she does appear.
    - iii) Where the reason for not appearing is inadequate, the P.D. & D.C., at its discretion, may or may not include any fixtures missed prior to appearance in any subsequent suspension.
  - g) Players who attend a P.D. & D.C. hearing must provide proof of identity. Failure to do so may see the Chair postpone the hearing.
  - h) Players sent from the field of play for any of the offences of R1, R2, R3 and R6 for a second time in a season will receive a one (1) fixture suspension in addition to the MMS for that offence and any further penalties the committee may apply.
  - i) Players sent from the field of play for any of the offences of R1, R2, R3 and R6 for a third time in a season will receive a two (2) suspension in addition to the MMS for that offence and any further penalties the committee may apply.
  - j) In accordance with the **FIFA Laws of the Game**, the referee may send a player from the field of play after the game has concluded and up until the referee has left the field of play.

#### **4.10 PLAYERS UNABLE TO ATTEND – SEND OFFS**

Players or team officials who are unable to attend on the required night may do one of the following:

**a) Request a postponement.**

The person must make written application, via his/her Club Secretary, to the P.D. & D.C. Chair, NSFA. The player may not play until he/she has appeared, however the Committee will consider games missed when determining punishment.

**b) Request hearing in his/her absence.**

The player must make written application to the P.D. & D.C. Chair, NSFA, via his/her Club Secretary. He/she should include in his/her application any statement he/she wishes to make about the incident leading to his/her send off.

**c) Appoint someone to appear on his/her behalf.**

The player must make written application via his/her Club Secretary stating whether he/she wishes to have another person appear on his/her behalf. The player should include any statement he/she wishes to make in his/her defence.

**NOTE:** The Chair will only accept applications with club secretary endorsement. Clubs must submit applications by Fax or post to the NSFA or by e-mail attachment to P.D. & D.C. Chair direct - [pd@nsfa.asn.au](mailto:pd@nsfa.asn.au). Clubs must submit applications by 5:00pm on the Tuesday immediately following the match in which the send-off occurred.

#### **4.11 CAUTION OFFENCES**

A referee may caution players as prescribed for in the FIFA Laws of the Game – Law 12 if guilty of any of the following offences:

- Y1 – Unsporting behaviour.
- Y2 - Dissent by word or action.
- Y3 – Persistent offences.
- Y4 – Delaying the restart of play.
- Y5 - Failing to respect the required distance when play is restarted with a corner kick, free kick or throw-in.

- Y6 – Entering, re-entering or deliberately leaving the field of play without the referee’s permission.

#### 4.12 PLAYERS CAUTIONED

- a) The P.D. & D.C. records cautions as it receives them.
- b) There is no right of appeal against a caution received.
- c) When an individual player or team official receives four (4) official cautions in the premiership season for any competition team, he/she shall serve a mandatory one (1) match suspension. The player or team official will be notified in writing of a suspension for accumulating four (4) official cautions and the suspension must be served in the next match played by that person’s first-registered team or any previously nominated or aligned knockout tournament team. BOD 03/20
- d) When an individual player or team official has received a further two (2) official cautions in the premiership season for any competition team, making a total of six (6), he/she shall serve a mandatory two (2) match suspension. The player or team official will be notified in writing of a suspension for accumulating six (6) official cautions and the suspension must be served in the next two (2) fixtures played by that person’s first registered team or any previously nominated or aligned knockout tournament team.
- e) Any player or team official who receives seven (7) or more official cautions in the premiership season for any competition team will receive a mandatory one (1) fixture suspension and will receive a citation to appear before the P.D. & D.C., which may apply further penalty, bond, fine or suspension.
- f) The accumulation of cautions does not continue for the Finals Series. However, outstanding suspensions from accumulation of cautions in the premiership season or in tournaments as per **Section 4.15 clause c)** of these Regulations, must be served in the player’s next finals series match(s).
- g) Any player who receives two (2) official cautions (not in the same match) in a tournament will receive a one (1)-match suspension from his/her next tournament match (see **Section 4.15 clause c)** of these Regulations for exceptions).
- h) Where a referee has sent a player from the field for the offence R7, neither caution will count towards that player’s accumulated cautions. If, however, the player receives a caution during a match and subsequently the referee sends the player from the field for any of the other Send Off offences, the caution will count to the player’s accumulated cautions.

#### 4.13 CITING NOTIFICATIONS

- a) All players and team officials cited for further incidents that occur immediately after being sent off and before leaving the field of play will be informed in writing of the charge and the time of the meeting seven (7) days before being required to appear and are subject to the requirements set out in **Section 4.9** of these Regulations.
- b) Players cited for incidents that occur off the field of play, and clubs, club officials, team officials, and spectators cited to appear for incidents of misconduct, will receive notification in writing of the charge and the time of the meeting seven (7) days before being required to appear.
- c) The Chair must ensure that all parties involved in a Citation Notice have acknowledged receipt of the citation notice. This may take the form of a return email from the parties involved or other tangible, written proof. Receipt from any one of the parties involved (e.g. Club Secretary or accused) is enough.
- d) If a club does not acknowledge receipt within seven (7) days, the Chair will contact the Club Secretary by telephone. If this is not successful, the Chair shall send a letter to the club by Registered Post. Notification by Australia Post that the letter has been delivered will suffice as acknowledgement of receipt.
- e) Players and other persons cited for off field and after match incidents who are unable to attend on the specified date may request in writing for the hearing to be postponed for a further seven (7) days, stating the reasons for not attending. If the person then fails to appear on the rescheduled date, the Committee may hear the matter in his/her absence and make a determination. The Chair will inform the person in writing of the decision and that he/she may appear at the next P.D &



D.C meeting to contest the decision. The normal appeal process then applies. BOD  
03/20

#### 4.14 PENALTIES

- a) If the P.D. & D.C. finds the offence proven, then it determines the penalty within the guidelines provided by FNSW. These guidelines are available in **Section 4.26** of these Regulations.
- b) The P.D. & D.C. suspends players for one (1) or more fixtures or until a specified date. Suspensions apply to the periods of time within which FNSW conducts its competitions.
- c) The P.D. & D.C. may only impose a suspension greater than as prescribed in the guidelines in **Section 4.26** of these Regulations in Exceptional Circumstances that the Committee must detail in the determination.
- d) Players receiving a Fixture Suspension must register for an NSFA club in order to serve a suspension. Players receiving a Time Suspension need not register in order to serve the suspension. BOD 03/20
- e) The Committee may apply suspensions to all football activities, or any combination of football activities under the jurisdiction of NSFA that a person can engage in, at the discretion of the P.D. & D.C. These include, but are not limited to, playing, coaching, managing and serving on club committees.
- f) The P.D. & D.C. reserves the right to consider a player's age and past record, the severity of the offence, and other extenuating circumstances, in determining punishment.
- g) The P.D. & D.C. may choose to suspend all or part of a sentence of six (6) fixtures or fewer, or a sentence of six (6) months or less. A suspended sentence will be applied until a specific date (usually twelve (12) months) during which time if the player is found guilty of any offence the suspended sentence may be invoked.
- h) Suspended players **MAY NOT ENTER** the vicinity of the field of play while suspended.
- i) The P.D. & D.C. reserves the right to fine clubs or impose bonds on clubs, subject to ratification by the Board.
- j) Where the P.D. & D.C. deems an offence to be of a relatively minor nature the Committee reserves the right to issue official cautions or warnings.

#### 4.15 APPLICATION OF SUSPENSIONS

- a) For the purposes of serving a suspension, a "FIXTURE" refers to the entire day on which the required fixture takes place.
- b) Where the suspension is in fixtures, the player may not play in the next specified number of fixtures in his/her first-registered team or its successor or his/her previously nominated or aligned knockout tournament team plays in equivalent winter competitions sanctioned by NSFA and/or its parent bodies.
- c) Players who receive a suspension for accumulation of two (2) cautions, or a referee has sent off for the offences of R4, R5 or R7, in a NSFA tournament match shall serve such suspension in the next round of the same NSFA tournament, provided the player's team is still participating in the tournament. If the team is not still participating, the player shall serve the suspension in the next match his/her registered competition team plays.
- d) Where the suspension is in fixtures and the First Grade and Reserve Grade matches of the next fixture of a squad division take place on separate days the player must miss both matches of that fixture, irrespective of when they occur. The player may play in any different fixture that may take place between these two fixtures, provided he or she has no additional suspension to serve.
- e) Fixtures missed on the same day as the fixture in which the send-off occurred will not count towards the sentence. Only fixtures missed from the following day until the date of the hearing will count as part of a suspension.
- f) Suspensions for send-offs must be served in the same age group and division as that in which the send-off occurred or in the age group and division in which he/she is registered, whichever occurs first (refer to **clause c**) above).
- g) Players must serve suspensions for the accumulation of cautions in the age group and division in which the player is registered.

- h) Where a suspension specifies the number of fixtures to serve, any fixtures not served will carry over to the following season. This includes suspensions received for accumulation of cautions.
- i) Where a suspension specifies a date on which the suspension finishes, the player may not play in **any** competition or tournament fixtures sanctioned by NSFA or its parent bodies until that date has passed.
- j) NSFA will report players, coaches, managers, officials or other persons suspended for a period of four (4) fixtures or more to all bodies to which the NSFA affiliates for the application of corresponding suspensions throughout those bodies and their affiliates. NSFA will also report persons who have failed to appear or are un-financial.
- k) Players, coaches, managers, officials or other persons suspended following a judicial process by a member club or a body to which NSFA is affiliated or a body affiliated to NSFA, for a period of four (4) weeks or more, may be suspended by the NSFA for the corresponding period provided that the P.D. & D.C. is satisfied that natural justice has been served and that said body provides details of:
  - i) Overview of process followed.
  - ii) Charges.
  - iii) Justification of the suspension applied if outside standard FFA recommendations.
- l) The P.D. & D.C. may ban players, club officials, team officials and spectators from entering NSFA sanctioned grounds during games. In all instances, this means that where there is a fence on any side of a ground the barred person must remain outside that fence. Where there is no fence, the barred person must stay at least ten (10) metres from the outer boundaries of the playing field. The Committee hold clubs responsible for ensuring that its members and spectators comply with any sanctions imposed.
- m) The P.D. & D.C. may ban club officials and team officials from all football activities or from holding specific positions for a specified period. This will include matches and training and is the responsibility of the club to enforce.
- n) The P.D. & D.C. will cite any player who plays whilst serving a suspension to appear at a P.D. & D.C. hearing where he/she may receive additional suspension.

#### 4.16 NOTIFICATION OF PENALTIES

- a) Players sent off for offences R1 and R2 who have been deemed to have accepted the suspension (see **Section 4.9 clause e) ii)** of these Regulations) will be notified by email prior to the day of that player's next scheduled match or within seven (7) days of the P.D. & D.C. meeting, whichever is the earlier. The club secretary will also receive a copy of the notification.
- b) Players sent off for offences R4, R5 and R7 will be notified by email prior to the day of that player's next scheduled match or within seven (7) days of the P.D. & D.C. meeting, whichever is the earlier. The club secretary will also receive a copy of the notification.
- c) The Chair may notify players or their representatives who attend a hearing of a decision verbally on the night of the hearing. In all cases, the Chair will send written notification to the player prior to the day of that player's next scheduled match or within forty-eight (48) hours of the meeting, whichever is the earlier. The club secretary will also receive a copy of the notification.
- d) Where a player allows the P.D. & D.C. to hear the case in his/her absence the P.D. & D.C. Chair will notify the player by e-mail prior to the player's next scheduled match or within forty-eight (48) hours of the meeting, whichever is the earlier. The club secretary will also receive a copy of the notification.
- e) Where a player or team official accumulates the requisite number of cautions to receive a mandatory sanction under **Section 4.12 clauses c) to e)** of these Regulations, the Chair shall inform the player or team official by email after the next P.D. & D.C. meeting. The club secretary will also receive a copy of the notification.
- f) Players and team officials suspended under **clause e)** above should only stand down when they receive notification from the P.D. & D.C. Chair. If however, a player or team official's next fixture occurs before the next P.D. & D.C. meeting the Chair will mark the player or team official as suspended on the NSFA Player

Registration system so that he/she will appear on the EMC match card as unavailable for selection. **BOD 03/20**

- g) Where the P.D. & D.C acts against a club, club official or spectator the Chair will inform the club in writing within seven (7) days of the decision and the reasons for the decision. The Chair will send a copy to the individual(s) involved if the Association knows their contact details.

#### **4.17 THE APPEALS BOARD**

- a) The Appeals Board shall hear appeals against determinations of the P.D. & D.C. Committee.
- b) The Chair shall be the NSFA Vice President, or any person nominated by the Board of Directors in his/her absence and shall have a casting vote only.
- c) A quorum shall be five (5) members. The Appeals Board members shall consist of NSFA or club Life Members or club officials. A delegate from the referee's Association may be present to offer expert advice on the Laws of the Game but may not vote. No person connected to the parties involved or who may gain an advantage from the case may sit on an appeal.
- d) The P.D. & D.C Chair must provide a statement in writing including copies of all evidence, the process followed and the reasons why it reached its decision.
- e) The Appeals Board may:
  - i) Dismiss, allow in whole or part, or vary (whether by way of reduction or increase) any determination by the P.D. & D.C.
  - ii) Impose any sanction or make any order or determination that the P.D. & D.C. could have imposed or made.
- f) The following parties may be present at any appeal:
  - i) The person or party sanctioned (the "Appellant").
  - ii) The person or party (the "Informant") who originally brought the charge or case. If the charge is the result of a referee's report, the referee may elect not to attend, however, the Chair may ask him/her to provide supplementary information pertaining to the case.
- g) The original charge, if by a match official, can still be the original report. The match official(s), if the appeal involves him/her, has a right to be present.

#### **4.18 RIGHT OF APPEAL**

- a) Any individual, club or affiliated body that the P.D. & D.C. has sanctioned as per **Section 4.5** of these Regulations, may appeal the decision.
- b) The KDFRA may appeal any decision by the P.D. & D.C. on a matter involving misconduct towards a match official.
- c) Any individual, club or other organisation may appeal any decision by the P.D. & D.C. on a matter arising from a complaint made by that individual, club or other organisation.
- d) Appellants must lodge an intention to appeal, in writing, with the Appeals Board Chair within seven (7) days of notification of the decision. The Appeals Board will not hear the Appeal until the Appellant has provided all supporting evidence.
- e) All appeals must include the grounds for the appeal and any evidence the Appellant wishes to present in support of the appeal.
- f) An Appellant may request an extension to lodge an appeal, in writing to the Appeals Board Chair. The Chair shall respond to the request in writing.
- g) The Board may review any case and determine, at its sole discretion, to instruct the P.D & D.C to rehear the case or, ask the Appeals Board to form a panel to conduct a hearing.
- h) Where the P.D. & D.C. determines a case, but no appeal follows, the Board may refer the case, at its sole discretion, to the Appeals Board even if the appeal is out of time (as per **clause d**) above).
- i) Pending final determination of an appeal, the determination of P.D. & D.C. has effect unless the Appeals Board makes an interim determination to the contrary.
- j) If the Appellant does not lodge the Notice of Appeal within the prescribed time as stated in **clause d**) above, the Appeals Board may dismiss the appeal.

#### **4.19 GROUNDS FOR APPEAL**

Parties may only appeal against a decision by the P.D. & D.C. on the following grounds:

- a) Failure to afford procedural fairness.
- b) Lack of jurisdiction.
- c) Incorrect interpretation of the FIFA Laws of the Game and/or NSFA Regulations;
- d) Involves a question or principle of importance to NSFA.
- e) Severity/Leniency of determination.

A letter of appeal must state the exact wording of the decision the Appellant is appealing against and the grounds upon which the Appellant is basing the appeal.

#### **4.20 EVIDENCE REQUIRED FOR APPEAL**

Appeals on the grounds listed in Section 4.18 of these Regulations should consist of the following:

- a) Comparison with other sentences imposed for the same offence; request for consideration of player's age and/or past record.
- b) Reasons why P.D. & D.C. decision is incorrect including the relevant sections of the NSFA Constitution & Association Regulations or Regulations, or the section of the FIFA Laws of the Game the Appellant claims the P.D. & D.C. breached.
- c) Any new evidence which was unable to be presented, or was not permitted to be presented, at the original P.D. & D.C. hearing.

The Appellant must provide all evidence he/she wishes to present in support of an appeal at the time of lodging the appeal.

#### **4.21 SERVICE OF NOTIFICATIONS**

- a) For the purpose of this Regulation, notification of the determination by P.D. & D.C. occurs when the Chair serves the determination on the Appellant or where the party or its representative was present at the time the P.D. & D.C. made the determination.
- b) The determination by P.D. & D.C is deemed to have been served:
  - i) If by registered post, the third business day after the date of the determination; or
  - ii) If by facsimile or email, the day after the date of the facsimile transmission or email sent to the Appellant.
- c) The Appellant's postal address, email address or facsimile number to which the Chair sends a Notification of Determination is as last contained in the records of NSFA.

#### **4.22 APPEAL FEE**

- a) The Appellant shall pay an appeal fee of \$200 at the time of lodging a notice of appeal. The Appeals Board will not hear the appeal until the appeal fee is paid
- b) The Appeals Board will only accept payment of the appeal fee by club cheque or direct deposit into the Association's bank account.
- c) The Appeals Board may make such order as to the return of the appeal fee if it determines that the appeal was not frivolous.

#### **4.23 NOTIFICATION OF LEGAL REPRESENTATION**

- a) A legal representative may only represent an Appellant before the Appeals Board if the Appellant has provided written notification of an intention to engage legal representation. This must be provided to the CEO no later than seven (7) days before the date of the hearing of the appeal.
- b) The CEO may then appoint a legal representative to the Appeals Board at the cost of the Appellant.
- c) If the Appellant does not provide written notification of intention in the prescribed time, the Chair may delay the Appeal to allow the CEO more time to appoint a legal representative.

## 4.24 TIMING OF APPEALS BOARD HEARINGS

The Appeals Board must hear an appeal within ten (10) working days of lodgement of all relevant documents and materials the Appellant wishes to present.

## 4.25 FURTHER RIGHT OF APPEAL

Any party affected by an Appeals Board decision that is eligible to appeal as per **Section 4.18** of these Regulations may appeal to Football NSW within seven (7) days of notification of the Appeals Board decision.

## 4.26 SENTENCING GUIDELINES

### 4.26.1 Offences by players and named substitutes

**All players sent from the field shall receive a one (1) match mandatory suspension (MMS).**

All suspensions below include any fixtures the player stood down from before the hearing, except as per **Section 4.8 clause e) iii)** of these Regulations.

CD	OFFENCE	ACTION	MINIMUM	MAXIMUM
R1	Serious Foul Play	Mandatory	MMS + 1 fixture	24 months <sup>^</sup>
	Violent tackle from behind that endangers the safety of an opponent	Mandatory	MMS + 2 fixtures	24 months <sup>^</sup>
	Rugby Tackle	Mandatory	MMS + 3 fixtures	24 months <sup>^</sup>
	Violent Charging	Mandatory	MMS + 3 fixtures	24 months <sup>^</sup>
	“Over the Ball” Tackle	Mandatory	MMS + 3 fixtures	24 months <sup>^</sup>
R2	Violent Conduct	Mandatory	MMS + 1 fixture	24 months <sup>^</sup>
	Head Butting	Cited	MMS + 5 fixtures	24 months <sup>^</sup>
	Punching/Fighting	Mandatory	MMS + 2 fixtures	24 months <sup>^</sup>
	Kicking	Mandatory	MMS + 2 fixtures	24 months <sup>^</sup>
	Elbowing to the Head	Cited	MMS + 5 fixtures	24 months <sup>^</sup>
	Elbowing to the Body	Mandatory	MMS + 2 fixtures	24 months <sup>^</sup>
	Inciting a brawl or melee	Cited	MMS + 5 fixtures	24 months <sup>^</sup>
R3	Biting or spitting at someone	Cited	MMS + 8 fixtures	24 months <sup>^</sup>
	Spitting on an opponent or any other person (other than a match official)	Cited	MMS + 12 fixtures	24 months <sup>^</sup>
R4	The player denies the opposing team a goal or an obvious goal scoring opportunity by deliberately handling the ball (this does not apply to a goal keeper within his/her penalty area);	Mandatory	MMS	MMS
R5	The player denies an obvious goal scoring opportunity to an opponent moving towards the player’s goal by an offence punishable by a free kick	Mandatory	MMS	MMS
R6	Using offensive, insulting or abusive language and/or gestures	Cited	MMS + 1 fixture	24 months <sup>^</sup>
	Indecent Gestures	Cited	MMS + 8 fixtures	24 months <sup>^</sup>
	Incitement to violence, or repeated use of offensive, insulting or abusive words or gestures	Cited	MMS + 8 fixtures	24 months <sup>^</sup>
	Using discriminatory, homophobic, racist, religious,	Cited	MMS + 8 fixtures	24 months <sup>^</sup>

	ethnic or sexist language and/or gestures			
R7	Receiving a second caution in the same Match	Mandatory	MMS	MMS

^ Including MMS

#### 4.26.2 Offences by participants against match officials

**All players sent from the field receive a one (1) match mandatory suspension (MMS).**

All suspensions below include any fixtures the player stood down from before the hearing, except as per **Section 4.8 clause e) iii)** of these Regulations).

CD	OFFENCE	ACTION	MINIMUM	MAXIMUM
M1/R6	Using offensive, insulting or abusive language and/or gestures	Cited	MMS + 2 fixtures	24 months <sup>^</sup>
M2/R6	Indecent Gestures	Cited	MMS + 8 fixtures	24 months <sup>^</sup>
M3/R6	Incitement to violence, or repeated use of offensive, insulting or abusive words or gestures	Cited	MMS + 10 fixtures	24 months <sup>^</sup>
M4/R6	Use of discriminatory, homophobic, racist, religious, ethnic or sexist language and/or gestures.	Cited	MMS + 10 fixtures	24 months <sup>^</sup>
M5/R6	Threatening or intimidating language or conduct towards a Match Official	Cited	MMS + 11 fixtures	24 months <sup>^</sup>
M6/R6	Threat of physical violence toward a Match Official or his/her family or property.	Cited	12 months <sup>^</sup>	Life
M7 <sup>1</sup> /R2	Tripping a Match Official	Cited	12 months <sup>^</sup>	Life
M8 <sup>1</sup> /R2	Pushing a Match Official	Cited	12 months <sup>^</sup>	Life
M9 <sup>1</sup> /R2	Striking a Match Official	Cited	12 months <sup>^</sup>	Life
M10 <sup>1</sup> /R2	Punching, kicking, elbowing or striking a Match Official	Cited	12 months <sup>^</sup>	Life
M11/R2	Spitting at or on a Match Official	Cited	12 months <sup>^</sup>	Life

^ Including MMS

<sup>1</sup>Actual physical contact does not need to occur. Attempting to commit these actions is also an offence.

#### 4.26.3 Other Offences by Members

CD	OFFENCE	ACTION	MINIMUM	MAXIMUM
M12	Inciting the Crowd	Cited	3 months	6 years
M13	Attacking or fighting with a Player, Spectator, Club Official, Team Official or NSFA employee or representative	Cited	12 months	Life
M14	Conduct which brings or may bring the game into Disrepute or damage the	Cited	1 month	Life

	reputation and goodwill of the game			
M15	Contempt against a Body	Cited	1 month	Life
M16	Spitting at or on a Player, Spectator, Club Official, Team Official or NSFA employee	Cited	3 months	Life
M17	Failure to provide a safe environment for Participants or to maintain public order at a match	Cited	1 month	24 months
M18	Unsportsmanlike behaviour	Cited	4 fixtures/1 month	12 months
M19	Failure to follow any reasonable direction of an Official or NSFA employee or representative in relation to conduct and/or behaviour at a Match	Cited	2 fixtures/1 month	12 months
M20	Unauthorised entry onto the Field of Play	Cited	2 fixtures	12 months
M21	Failing to provide identifying details of an individual when reasonably requested to do so by a Match Official or NSFA employee or representative	Cited	4 fixtures/1 month	12 months
M22	Damaging property or equipment before, during or after a match.	Cited	2 fixtures	24 months
M23	Breaching a Suspension, Notice of Suspension or Determination	Cited	N/A	Penalty as determined
M24	Failure to abide or comply with a direction of a Match official.	Cited	1 fixture	24 months
M25	Breach of FFA Registration Regulations	Cited	N/A	Penalty as determined

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## 4.27 PROCEDURAL REGULATIONS IN PROCEEDINGS

### 4.27.1 Application

- a) These Regulations shall apply in all proceedings.
- b) A reference to a tribunal shall mean the P.D. & D.C. or the Appeals Board, or any like body established by the Board to determine complaints, grievances, disputes, protests or appeals.

### 4.27.2 Service

- a) It shall be enough service of any notice, if served by e-mail at the last known address contained in the records of the NSFA or the affiliated club of the person who is the subject of the notice or, if served at another address, at that address provided there is evidence of service at that address.
- b) The tribunal hearing the matter shall determine whether there has been effective service of any notice.

### 4.27.3 Ex Parte

- a) If a person fails to respond to a notice, the tribunal may determine the matter *ex parte*.
- b) An *ex parte* decision of the tribunal has the same force and effect as if the tribunal had made the determination after a full hearing.

#### 4.27.4 Warning Notice

A notice must contain the full text of **Section 4.26.3** of these Regulations in the form of a warning as to the consequence of failing to respond to the notice.

### 4.28 RIGHTS OF ACCUSED PARTIES

All principles of Natural Justice apply to all tribunal hearings.

#### 4.28.1 Knowledge of the accusation made

- a) The referee must advise a player what offence he/she is charging the player with (e.g. violent conduct) when sending him/her from the field. This should be done after the match through the team manager unless impractical because of the situation at the game. At the hearing, as a minimum, the Chair shall read the full charge to the accused at the beginning of proceedings.
- b) The Chair must advise any person or party of the offence the P.D. & D.C. is charging them with at the time of citing them to appear. The Chair shall advise the charge in writing as part of the Citing Notification. The principle of “innocent until proven guilty” applies. The hearing of any case or issue will take place expeditiously. In the interim, a party cited on a misconduct charge may continue to participate in football-related activity until the relevant tribunal has heard the case. BOD 03/20

#### 4.28.2 Protection of accused parties’ rights

It is an **absolute requirement** that an accused person shall hear all evidence on which a tribunal makes its determination. That is, the accused **must** be present throughout any hearing, and no evidence, which is considered, is to be heard or presented without the accused being present. Accused persons may waive this right in accordance with Section 4.9 of these Regulations.

The tribunal members may not see or consider any material that is not available to the accused unless there are exceptional circumstances, which the Chair must explain fully to the accused. The Chair must permit a reasonable time for any cited person to prepare a case.

#### 4.28.3 Accused persons failing to attend

When an accused party fails to appear when required to do so, two things happen:

- a) Where a referee has sent a player off, the tribunal shall suspend the player until he/she does appear.
- b) Where a tribunal cites a player or other person for any other incident, the tribunal shall hear the matter in the person’s absence, provided the tribunal has advised the person, in writing, of the date of the hearing at which the tribunal will hear the matter in his/her absence.

#### 4.28.4 Opportunity to state a case

This is an opportunity, not a requirement. The accused party shall not be required or pressured to make a statement or to produce any case unless there is a wish to do so. However, any failure to respond to questions or accusations in circumstances where a committee thinks it appropriate may have a bearing on any ultimate decision.

In some situations, an accused may not want to make any statement because of pending action in a Court of Law. That is their right. In this case, the tribunal shall adjourn the hearing until the accused/Appellant is ready to take part in a hearing. The tribunal shall suspend the accused/Appellant until such time.

A NSFA tribunal **may** conduct a hearing of a case even when action is pending in a Court of Law. Any tribunal under the jurisdiction of NSFA is not an official tribunal, and the Court will not recognise any tribunal hearing conducted in any subsequent Court hearing. This is in accordance with rulings of the Supreme Court of NSW.

The accused has the right to:



- a) Ask questions, but only through the Chair, never directly of another party. This is not a direct cross-examination situation;
- b) Produce any material that he/she may consider relevant – documents, statements or photographs. Video evidence may be admissible. It is, of course, a matter for the committee to decide what weight, if any, should be given to any such evidence, how reliable it is and how far it goes to proving or otherwise a fact.

#### 4.28.5 Use of legal representatives

NSFA does not permit the use of legal representatives to argue a case on behalf of the accused at P.D. & D.C. hearings. A legal representative who is the club president or secretary may argue for an accused person in their official club capacity, but no more than that. An accused may have a legal representative present at a P.D. & D.C. hearing, who may only advise the accused.

An accused party may use a legal representative at an appeal. However, the accused must advise the Appeals Board in good time (refer **Section 4.23** of these Regulations). The Appeals Board may make provision to have legal representation of its own, and the cost of this shall be borne by any Appellant who advises that he/she intend to have a legal representative. The Appeals Board Chair must advise the Appellant of this intention, including the approximate cost, prior to the hearing.

#### 4.28.6 Presentation of witnesses

Any witnesses that a person wishes to present at any tribunal hearing should appear in person so that the tribunal can question them. If this is not possible then the tribunal will accept Statutory Declarations. The person appearing can present these by Fax or post only prior to the relevant P.D. & D.C. hearing. If this is not possible by the required time, then the person due to appear may seek a postponement in accordance with the procedure outlined in **Section 4.9** of these Regulations.

### 4.29 COMMENCEMENT OF PROCEEDINGS

- a) A Complainant must file one of the following Initiating Notices when seeking to commence proceedings. All notices are available on the NSFA website – [click here](#):
  - i) **CF16C Notice of Complaint or Grievance** – to initiate any Complaint or Grievance because of a breach of the Constitution, Association Regulations, Regulations, policies and/or directions of NSFA.
  - ii) **CF16D Notice of Dispute** – to initiate any complaint of a dispute between individuals, member clubs, or other affiliated organisations.
  - iii) **CF16A Notice of Protest** - to initiate a protest of a decision of the Competitions Department or any NSFA sub-committee. BOD 03/20
  - iv) **CF16B Notice of Appeal** – to initiate an appeal against a decision of the P.D. & D.C.
- b) A Respondent must file a **CF17A - Notice of Response** with the CEO within seven (7) business days of service of the Initiating Notice. The response must indicate whether the Respondent wishes to admit, deny or counterclaim, or to object to the doing of anything in the Initiating Notice.
- c) The tribunal may determine any proceedings *ex parte* where the respondent has not filed the notice of response within the prescribed time.

### 4.30 DETAILS IN NOTICE

- a) A complaint/dispute shall be commenced by an Initiating Notice which shall contain:
  - i) Name of the party submitting the Initiating Notice.
  - ii) Name of the party against whom the complaint/grievance is brought.
  - iii) Details of the complaint/dispute including any Association Regulation or Competition Regulation pursuant to which it is made;
  - iv) The time, date and place where the Initiating Notice is returnable.

- b) Any member, football club or participant may issue a notice of dispute and may issue against NSFA. A Notice of Complaint may contain more than one complaint.
- c) NSFA may issue an Initiating Notice against any member, football club or participant.
- d) A tribunal may direct the issue of notice to attend, notice to produce or general notice against NSFA or any other party at any time during the proceedings.

#### **4.31 TIME TO ACT**

- a) The CEO and/or the tribunal may shorten or extend a time fixed under these Regulations.
- b) If a Regulation or order requires a party to take an action but does not specify a time, the party must take that action as soon as practicable.

#### **4.32 NOTICE OF COSTS AND PAYMENT OF COSTS**

- a) At the commencement of any proceedings, the tribunal shall give a Notice of Costs, if any, to each party in the proceedings. Each party to the proceedings must sign a copy of the Notice of Costs as acknowledgment and agreement to be bound to comply with any order as to costs of the proceedings.
- b) Where a tribunal has made an order for payment of costs against a party and the party has not made payment within sixty (60) days of determination of the proceedings, the CEO will deem the non-payment as a financial default under these Regulations.
- c) Where the convening of a tribunal will subject NSFA or other party to costs and expenses, then the unsuccessful party, whether the Complainant or the Respondent, shall pay the costs and expenses.

#### **4.33 EVIDENCE**

- a) The admissibility and weight of evidence including electronic, audio-visual material, i.e. video, DVD recordings, in the proceedings shall be at the discretion of the tribunal.
- b) The Laws of Evidence applicable to proceedings in Courts of Law are not binding on a tribunal.
- c) The tribunal must conduct all proceedings in accordance with the principles of "Natural Justice".
- d) The tribunal must have before it, prior to commencing proceedings, the Initiating Notice and Notice of Response together with all documents as relate to the evidence in the proceedings.
- e) The tribunal must, except if otherwise directed by the CEO no later than seven (7) days prior to the return date of an Initiating Notice, provide to the parties to the proceedings all the evidence of the other party. This includes, but is not limited to, written statements of witnesses a party intends to call, documents and any audio or visual evidence upon which a party intends to rely in the proceedings.
- f) If the evidence required in **clause d)** above is not available, such evidence is not admissible in the proceedings without leave of the tribunal.
- g) The tribunal shall only grant leave if the party satisfies the tribunal that the evidence it seeks to tender was not reasonably available to the party in order for the party to have complied with **clause e)** above.
- h) The tribunal may disallow cross-examination of any party to the proceeding if it considers the cross-examination is frivolous, vexatious, irrelevant, and unnecessary or of little probative value.

#### **4.34 REPRESENTATION**

- a) During proceedings:
  - i) A party shall attend in person or if approved by the tribunal by teleconference or video link.
  - ii) A party may nominate in writing any person to appear on the party's behalf if unable to attend in person, subject to **Section 4.28.5** of these Regulations.

- iii) NSFA may be represented and shall be entitled to take part in the proceedings whether a party or otherwise.
- b) NSFA may appoint counsel to assist the tribunal in the conduct of its proceedings.
- c) Counsel assisting the tribunal shall be independent of NSFA and any other party to the proceedings;
- d) The function of counsel assisting the tribunal is to assist the tribunal in the discharge of its functions including but not limited to advising on any procedural evidential matter in dispute.
- e) NSFA may charge the party for the costs of any representation.

#### **4.35 REPORTING OF DETERMINATION**

- a) The tribunal shall, subject to its terms of reference, report in writing to the CEO who shall notify the parties of:
  - i) Its determination; and
  - ii) Any right to appeal.
- b) The determination of a tribunal shall be in writing and contain reasons for the determination.

#### **4.36 DETERMINATIONS BINDING ON PARTIES**

- a) Subject only to right of appeal as set out **Section 4.18** of these Regulations, all determinations at First Instance of a tribunal are binding on the parties to the determination including NSFA.
- b) The Board may by-pass referral of any complaint/grievance or dispute to a tribunal and refer it directly to FNSW for determination in accordance with FNSW's grievance procedure.
- c) Any determination at a lower-level tribunal holds true until changed by a higher-level tribunal.

#### **4.37 REGISTER OF DETERMINATIONS**

- a) The CEO must maintain a register of all determinations.
- b) The CEO must record all determinations in the register in alphabetical name order commencing with the initiating party and by subject matter of the determination.
- c) The CEO may publish determinations on the NSFA website.

#### **4.38 DISPUTE ON JURISDICTION OF A TRIBUNAL**

The Board shall hear any dispute as to power or jurisdiction of a tribunal. The Board's determination of the dispute shall be final and binding and without recourse to the Appeals Board.

#### **4.39 CONTEMPT IN THE FACE OF A TRIBUNAL**

- a) A person must not:
  - i) Insult a member of a tribunal in or in relation to the exercise of the powers or functions of a member; or
  - ii) Repeatedly interrupt the proceedings of a tribunal; or
  - iii) Create a disturbance or take part in creating or continuing a disturbance in or near a place where a tribunal is sitting; or
  - iv) Obstruct or hinder the tribunal or a member in the performance of the functions of the tribunal; or
  - v) Fail to comply with an order of the tribunal in full ; or
  - vi) Do any other act or thing that would, if a tribunal were a Court of record, constitute a contempt of Court.
- b) Upon a finding of a breach of any of the above, the tribunal may refer the conduct to the Board seeking an order for:
  - i) Payment, by a person who has committed the offence or been found to have acted in contempt or abused the process of the tribunal, of the whole or any part of the costs of a party to proceedings occasioned by the contempt or abuse of process; and/or

Competition Regulations

- ii) Deduction of competition points; and/or
- iii) Exclusion, suspension or disqualification of any person or member club from any Football Activity for such time it deems fit; and/or
- iv) Expulsion, suspension or disqualification of any member club from membership of NSFA.

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