



COMPETITION REGULATIONS

PROTESTS, DISPUTES & DISCIPLINARY AND APPEALS

2017

Contents

4.1 INTRODUCTION	4
4.2 P.D. & D.C COMMITTEE	4
4.3 MANDATE OF P.D. & D.C.	4
4.4 POWERS OF P.D. & D.C.	4
4.4.1 <i>DETERMINATION</i>	5
4.4.2 <i>ONUS OF PROOF</i>	5
4.5 COMMITTEE TO ACT IN GOOD FAITH	5
4.6 SEND OFF OFFENCES	6
4.7 PLAYERS SENT OFF	6
4.8 PLAYERS UNABLE TO ATTEND – SEND OFFS	7
4.9 CAUTION OFFENCES	7
4.10 PLAYERS CAUTIONED	8
4.11 CITING NOTIFICATIONS	8
4.12 PENALTIES	8
4.13 APPLICATION OF SUSPENSIONS	9
4.14 NOTIFICATION OF PENALTIES	10
4.15 RIGHT OF PROTEST	11
4.16 THE APPEALS BOARD	11
4.17 RIGHT OF APPEAL	11
4.18 GROUNDS FOR APPEAL	12
4.19 EVIDENCE REQUIRED FOR APPEAL	12
4.20 PRESCRIBED TIME TO LODGE NOTICE OF APPEAL	12
4.21 APPEAL FEE	12
4.22 NOTIFICATION OF LEGAL REPRESENTATION	13
4.23 TIMING OF APPEALS BOARD HEARINGS	13
4.24 FURTHER RIGHT OF APPEAL	13
4.25 APPEALS OUT OF TIME	13
4.26 RIGHTS OF ACCUSED PARTIES	13
4.26.1 <i>KNOWLEDGE OF THE ACCUSATION MADE</i>	13
4.26.2 <i>PROTECTION OF ACCUSED PARTIES’ RIGHTS</i>	14
4.26.3 <i>ACCUSED PERSONS FAILING TO ATTEND</i>	14
4.26.4 <i>OPPORTUNITY TO STATE A CASE</i>	14
4.26.5 <i>USE OF LEGAL REPRESENTATIVES</i>	14
4.26.6 <i>PRESENTATION OF WITNESSES</i>	15
4.27 SENTENCING GUIDELINES BOD 2/17	15
4.27.1 <i>OFFENCES BY PLAYERS AND NAMED SUBSTITUTES</i>	15
4.27.2 <i>OFFENCES BY PARTICIPANTS AGAINST MATCH OFFICIALS</i>	16
4.27.3 <i>OTHER OFFENCES BY MEMBERS</i>	17

4.28 PROCEDURAL REGULATIONS IN PROCEEDINGS.....	17
4.28.1 <i>APPLICATION</i>	17
4.28.2 <i>SERVICE</i>	18
4.28.3 <i>EX PARTE</i>	18
4.28.4 <i>WARNING NOTICE</i>	18
4.29 COMMENCEMENT OF PROCEEDINGS	18
4.30 PARTICULARS IN NOTICE.....	18
4.31 TIME TO DO ANYTHING.....	19
4.32 NOTICE OF COSTS AND PAYMENT OF COSTS	19
4.33 EVIDENCE	19
4.34 REPRESENTATION.....	20
4.35 REPORTING OF DETERMINATION.....	20
4.36 DETERMINATIONS BINDING ON PARTIES	20
4.37 REGISTER OF DETERMINATIONS	20
4.38 DISPUTE ON JURISDICTION OF A TRIBUNAL	20
4.39 CONTEMPT IN THE FACE OF A TRIBUNAL.....	21

4.1 INTRODUCTION

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

In the event that these Regulation are in conflict with the Football NSW Regulations the Football NSW Regulations will apply. *BOD 2/17*

4.2 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 plus the Chair with a minimum of two (2) panel members plus the rostered club delegate and the Chair to sit on any hearing.
- c) The Chair may roster a delegate from NSFA affiliated clubs 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 each club to send a delegate to the P.D. & D.C. on the rostered date.
- 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 one hearing one committee member shall act as Chair.
- f) No member of the committee may arbitrate on any matters which 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 cautions issued to any player registered with the Association, and inform players and the club secretary when they are suspended after accumulating four (4) and/or six (6) cautions in a season.
- i) The P.D & D.C. shall keep a record of all suspended players and ensure that suspensions are duly served.
- j) 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) matches/ six (6) months immediately.

4.3 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 to be taken.
- b) The P.D. & D.C. shall hear all formal protests, disputes and complaints by affiliated clubs and organisations and matters referred to it by the Board, against clubs, players, officials and supporters arising from incidents occurring under the jurisdiction of the Association and determine appropriate action, including sanctions, where required.
- c) The P.D. & D.C. shall hear all protests by affiliated clubs against decisions of any NSFA competition committee.
- d) The P.D. & D.C. shall hear all matters referred to it by the Association MPIO under NSFA Regulation 6 - "Member Protection". *BOD 2/17*

4.4 POWERS OF P.D. & D.C.

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

- a) Conduct its meetings at such time as it may determine. Hearings may be cancelled if there are no outstanding cases and no matches were played on the previous weekend;
- b) Consider the reports of referees, assistant referees and others;
- c) Take evidence;

NSFA Regulations

- 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 the suspension is lifted.
- g) Inform itself on any matter or thing in order to properly carry out its function.
- h) Decide if the offence is proved.
- i) Determine and set whatever punishments or sanctions considered appropriate, within the guidelines set out by Football NSW. BOD 2/17
- j) Apply mandatory suspensions if applicable.
- k) Suspend persons for a period of time or a number of matches as the committee sees fit.
- l) Impose bonds and / or fines as appropriate.
- m) Suspend or expel any team or club as the committee sees fit.
- n) Make decisions that maintain the integrity and fairness of competitions.
- o) Determine if any person shall be charged with an offence(s) as a result 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 (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 as a result of such hearing.
- q) The committee reserves the right to defer any hearing.

4.4.1 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.

4.4.2 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 them.

4.5 COMMITTEE TO ACT IN GOOD FAITH

- a) The Committee must keep an open mind about all the matters before it until all the evidence is presented. No member of the panel may suggest during a hearing that any particular decision could be arrived at. 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 accused shall be advised of the committee member’s names and any potential conflicts they may have, and 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 general form of the proceedings to be followed shall be outlined; including any assistance afforded the accused to present a case.
- d) Witnesses shall be called separately where practicable. Both the accused and members of the Committee shall be present throughout a hearing. The accused

NSFA Regulations

shall be given every opportunity to present a case, and shall be the sole judge of what witnesses and supporting evidence he wishes to present. The same rights apply to those bringing a charge. However, the Chair has the right to call a halt to any duplication or repetition of evidence, or to rule on any evidence straying outside the bounds of the case before them.

- 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 accused must be advised of any rights of appeal.

4.6 SEND OFF OFFENCES

A player may be sent from the field for the following offences as prescribed for in the FIFA Laws of the Game - Law 12: - **BOD 2/17**

- R1 - The player is guilty of serious foul play;
- R2 - The player is guilty of violent conduct;
- R3 - The player spits at an opponent or any other person;
- 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);
- 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 (unless as outlined in note below) **BOD 2/17**
- R6 - The player uses offensive, insulting or abusive language and/or gestures;
- R7 - The player receives a second caution in the same match.

NOTE: R5 – If the offence is committed in the penalty area the player is cautioned 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. **BOD 2/17**

4.7 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) match suspension (MMS), to be served in the next match played by the team for which he/she was playing when sent off or his/her previously nominated or aligned knockout competition team. The MMS may only be waived under the following circumstances: - **BOD 2/17**
 - i) Send off is subsequently withdrawn by KDFRA; or
 - ii) Player can prove mistaken identity at the next disciplinary hearing after the match. Players must stand down from any matches for which he/she is 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 that the player has been charged with.
- c) Players sent off are not permitted to play in any subsequent game on the same day as the match in which the send-off occurred. Such matches will not be counted as part of any subsequent suspension imposed.
- d) If a player is sent off for any of R4, R5 or R7 the MMS shall apply. There is no right of appeal. **BOD 2/17**
- 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. The Committee may impose a penalty greater than the mandatory penalty by one (1) or more matches up to the maximum

NSFA Regulations

- number of matches for that offence, or, accept the mandatory penalty as prescribed in Section 4.27.1 of these Regulations. **BOD 2/17**
- ii) If the player does not appear at the next P.D. & D.C. hearing they are deemed to have accepted the mandatory penalty and may not appeal or protest the decision.
 - iii) If a player opts to accept the mandatory penalty the committee reserves the right to cite the player to attend the next P.D. & D.C. meeting and increase penalties if found guilty. Players may not appear until they appear.
- e) 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) Players who fail to attend the immediate next P.D. & D.C. meeting and are subsequently cited to appear will be suspended until they do appear.
 - iii) Where the reason for not appearing is inadequate, the P.D. & D.C., at its discretion, may or may not include any matches missed prior to appearance in any subsequent suspension.
- f) Players who attend a P.D & D.C. hearing must provide proof of identity. Failure to do so may see the hearing postponed.
- g) In accordance with the FIFA Laws of the Game players may be sent from the field of play after the game has concluded up until the referee has left the field of play.

4.8 PLAYERS UNABLE TO ATTEND – SEND OFFS

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

a) Request that the hearing be postponed.

In this case the player 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 games missed will be taken into account when determining punishment.

b) Request that the hearing be heard in absence.

Again 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.

In this case the player must make written application via his/her Club Secretary stating that he/she wishes to have another person appear on his/her behalf. He should include any statement he/she wishes to make in his/her defence.

NOTE: Applications will only be accepted with club secretary endorsement and must be sent by Fax or post to the NSFA or by e-mail attachment to P.D. & D.C. Chair direct - pd@nsfa.asn.au. They must be received by 5:00pm on the Tuesday immediately following the match in which the send-off occurred.

4.9 CAUTION OFFENCES

Players may be cautioned for the following offences as prescribed for in the FIFA Laws of the Game – Law 12: - **BOD 2/17**

- Y1 - The player is guilty of unsporting behaviour.
- Y2 - The player shows dissent by word or action.
- Y3 - The player persistently infringes the Laws of the Game.
- Y4 - The player delays the start of play.
- Y5 - The player fails to respect the required distance when play is restarted with a corner kick, free-kick or throw-in.
- Y6 - The player enters or re-enters the field of play without the referee's permission.

NSFA Regulations

- Y7 - The player deliberately leaves the field of play without the referee's permission.

4.10 PLAYERS CAUTIONED

- a) Cautions are recorded as they are received by the NSFA office.
- b) There is no right of appeal against a caution received.
- c) When an individual player has received four (4) official cautions in the season, the player shall serve a mandatory one (1) match suspension. The player 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 player's first registered team or his/her previously nominated or aligned knockout competition team.
- d) When an individual player has received a further two (2) official cautions in the season making a total of six (6), the player shall serve a mandatory two (2) match suspension. The player 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) matches played by that player's first registered team or his/her previously nominated or aligned knockout competition team.
- e) Any player who receives seven (7) or more official cautions in a season will be automatically suspended for one (1) match and will be cited to appear before the P.D. & D.C., which may apply further penalty, bond, fine or suspension.
- f) If a player is sent from the field for the offence R7, neither caution will be added to that player's accumulated cautions. If however the player is cautioned during a match and subsequently sent from the field for any of the other Send Off offences, the caution will be added to the player's accumulated cautions.

4.11 CITING NOTIFICATIONS

- a) All players cited for further incidents that occur immediately after being sent off 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 Sections 4.8 a), b), & c) of these Regulations. BOD 2/17
- b) Players cited for incidents which occur off the field of play, and clubs, club officials, team officials, and spectators cited to appear for incidents of misconduct, will be advised 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 citations have been acknowledged as "received" by the parties involved. 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 sufficient.
- d) Should acknowledgement of receipt not be received within seven (7) days, the Chair will contact the Club Secretary by telephone. If this is not successful, a letter will be sent to all parties 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 they then fail to appear on the rescheduled date, the matter may be heard and a determination made. The person will be informed in writing of the decision and may appear at the next P.D & D.C meeting to appeal the decision. The normal appeal process then applies.

4.12 PENALTIES

- a) If the P.D. & D.C. finds the offence proven, then it determines the penalty within the guidelines provided by Football NSW. These guidelines are outlined in Section 4.27 of these Regulations. BOD 2/17

NSFA Regulations

- b) Suspensions are calculated in matches or until a specified date. They refer to the periods of time within which Football NSW conducts its competitions.
- c) The P.D. & D.C. may only impose a suspension greater than those prescribed in the guidelines in Section 4.27 of these Regulations in Exceptional Circumstances that must be detailed in the determination. **BOD 2/17**
- d) Players suspended for a number of matches must be registered in order to serve a suspension. Players suspended for a period of time need not be registered in order for the suspension to be served. **BOD 2/17**
- e) Suspensions may be applied to all football activities, or any combination of football activities under the jurisdiction of NSFA which 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. has 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) matches or fewer, or a sentence of six (6) months or less. A suspended sentence will be applied for a period of time (usually 12 months) during which time if the player is found guilty of any offence the suspended sentence may be invoked. **BOD 2/17**
- h) Suspended players are NOT permitted to enter the vicinity of the field of play while suspended.
- i) The P.D. & D.C. has the power to fine clubs or impose bonds on clubs, subject to ratification by the Board.
- j) Where an offence is deemed to be of a relatively minor nature the P.D. & D.C. reserves the right to issue official cautions or warnings.

4.13 APPLICATION OF SUSPENSIONS

- a) Players are suspended for a number of matches or until a specified date.
- b) A "MATCH" refers to the entire day on which the required match is played.
- c) Where the suspension is in matches, the player may not play in the next specified number of matches his/her team or its successor or his/her previously nominated or aligned knockout competition team plays in equivalent winter competition matches sanctioned by NSFA and/or its parent bodies.
- d) Where the suspension is in matches and the First Grade and Reserve Grade matches of the next round of a squad division are played on separate days the player must miss both matches of that round, irrespective of when they are played. The player is permitted to play in any different fixture that may take place between these two matches, provided he or she has no additional suspension to serve. **BOD 2/17**
- e) Matches missed on the same day as the match in which the send-off occurred will not count towards the sentence. Only matches missed from the following day until date of the hearing will be considered 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 Section c) above). **BOD 2/17**
- g) Suspensions for the accumulation of cautions must be served in the age group and division in which the player is registered. **BOD 2/17**
- h) Where a suspension specifies a number of matches to be served, any matches 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 matches sanctioned by NSFA or its parent bodies until that date has passed.
- j) Players, coaches, managers, officials or other persons suspended for a period of four (4) matches or more shall have the details of their suspension, and the

NSFA Regulations

- process followed to arrive at such suspension circulated to all bodies affiliated to NSFA for them to impose a concurrent suspension within their own body.
- k) Players, coaches, managers, officials or other persons suspended for a period of four (4) matches or more will be reported to all bodies to which the NSFA is affiliated for the application of corresponding suspensions throughout those bodies and their affiliates. Persons who have failed to appear or are un-financial will also be reported.
 - l) 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) Suspension applied if outside standard FFA recommendations; justification must be provided.
 - m) Players, club officials, team officials and spectators may be banned 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. Clubs will be held responsible for ensuring that such sanctions are complied with.
 - n) Club officials and team officials may be banned 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.
 - o) Players who play whilst suspended will be cited to appear at a P.D. & D.C. hearing and may receive additional suspension.

4.14 NOTIFICATION OF PENALTIES

- a) Players sent off for offences R1 and R2 who have been deemed to have accepted the suspension (see Section 4.7 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. A copy of the notification will be sent to the club secretary.
- 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. A copy of the notification will be sent to the club secretary.
- c) Players or their representatives who attend a hearing may be notified of a decision verbally on the night of the hearing. In all cases notification will be sent 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. A copy of the notification will be sent to the club secretary.
- d) Where a player allows the case to be heard in his 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. A copy of the notification will be sent to the club secretary.
- e) Where a player is suspended for accumulating the requisite number of cautions the P.D. & D.C. Chair will inform the player 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. A copy of the notification will be sent to the club secretary.
- f) Where action is taken against a club, club official or supporter the P.D. & D.C. Chair will inform the club in writing within seven (7) days of the decision and the reasons for the decision. A copy will be sent to the individual(s) involved if the Association knows their contact details.

4.15 RIGHT OF PROTEST

- a) Clubs affected by a decision of an NSFA Football Committee may protest that decision to the P. D. & D.C. This right is limited to the club against whom a ruling was made or any club in the same division or knockout competition that is directly affected by the decision.
- b) The requirements of Sections 4.18 & 4.19 of these Regulations apply equally to protests.
- c) A protest will only be accepted if lodged on the appropriate form (refer Section 4.29 a) iii) of these Regulations). Protests must also include all evidence and documentation in support of the protest.
- d) Payment of \$200 must be lodged with the NSFA office by either club cheque or EFT into the association's bank account for a protest to proceed. The fee will be refunded if the P.D. & D.C. deems the protest not to be frivolous. Any fee lodged for a protest will continue in the event of a further appeal to the NSFA Appeals Board.

4.16 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 absence and shall have a casting vote only.
- c) A quorum shall be 5 members. The Appeals Board members are drawn from 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 who is connected to the parties involved or who may gain an advantage from the case being heard is permitted to sit on an Appeal.
- d) The Appeals Board may: -
 - i) Dismiss, allow in whole or part, or vary (whether by way of reduction or decrease) 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.
- e) 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 based on a referee's report, the referee may elect not to attend, however he/she may be asked to provide supplementary information pertaining to the case.
 - iii) A statement by the P.D. & D.C. in writing must be provided and must include copies of all evidence, the process followed and the reasons why their decision was reached.
- f) The original charge, if by a match official, can still be the original report. The match official(s), if the appeal involves him/her, shall be given the opportunity to be present.

4.17 RIGHT OF APPEAL

- a) Any individual, club or affiliated body that is sanctioned by P.D. & D.C. as per Section 4.4 of these Regulations may appeal that decision.
- b) The KDFRA may appeal any decision by the P.D. & D.C. on a matter reported by one of its members.
- 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) All appeals must be lodged with the Appeals Board Chair by the secretary of the club or affiliated body within seven (7) days of notification of the decision.

NSFA Regulations

- e) All appeals must include the grounds for the appeal and any evidence to be presented in support of the appeal.
- f) The Board may determine, at its sole discretion, that a case may be reheard either by instructing the P.D. & D.C. Chair or by forming an appeal hearing.
- g) Pending final determination of an appeal, the determination of P.D. & D.C. shall be given effect unless the Appeals Board makes an interim determination to the contrary.

4.18 GROUNDS FOR APPEAL

Appeals against a decision by the P.D. & D.C. may be lodged 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 NSFA Regulations;
BOD 2/17
- 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 being appealed against and the grounds upon which the appeal is based.

4.19 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 particular section of the FIFA Laws of the Game claimed to have been 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.

All evidence to be presented in support of an appeal must be provided at the time of lodging the appeal.

4.20 PRESCRIBED TIME TO LODGE NOTICE OF APPEAL

- a) For the purpose of this Regulation, notification of the determination by P.D. & D.C. is deemed to have occurred when the determination by P.D. & D.C. is served on the Appellant or where the party or its representative was present at the time the determination by P.D. & D.C. was made.
- 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 postage address or email address or facsimile number is deemed to be that last contained in the records of NSFA.
- d) If notice of appeal is not lodged within the prescribed time, the Appeal Tribunal may dismiss the appeal.

4.21 APPEAL FEE

- a) An appeal fee of \$200 shall be paid at the time of lodging a notice of appeal.
- b) The Appeal Tribunal may make such order as to payment of the appeal fees as in the circumstances of the appeal it determines.

4.22 NOTIFICATION OF LEGAL REPRESENTATION

An Appellant may not be represented by a legal representative before the Appeals Board unless written notification of intention to be so represented is given to the CEO no later than seven (7) clear business days from the date of the hearing of the appeal. The CEO may appoint a legal representative to the Appeals Board at the cost of the Appellant. If written notification is not received in the prescribed time, then the Chair may delay the appeal to allow the CEO more time to appoint a legal representative.

4.23 TIMING OF APPEALS BOARD HEARINGS

All appeals must be heard within ten (10) working days of lodgement of all relevant documents and materials the appellant wishes to present. **BOD 2/17**

4.24 FURTHER RIGHT OF APPEAL

Any party which is affected by an Appeals Board decision and is eligible to appeal as per Section 4.17 of these Regulations may appeal to Football NSW within seven (7) days of notification of the Appeals Board decision. A copy of the appeal, including all supporting documentation and payment of the prescribed fee must be forwarded to the CEO at time of lodgement.

4.25 APPEALS OUT OF TIME

- a) Where an appeal to Football NSW is out of time according to Football NSW Regulations it is still possible to appeal. However, the party wishing to appeal must obtain approval from the Board for the appeal to Football NSW to be heard out of time. Any party applying for approval must provide serious and good reasons for the request to be approved. Trivial reasons or none will lead to dismissal of the application to be heard out of time.
- b) Refusal by the Association can itself be appealed, but any consideration of such a case shall be dealt with separately and before the main case can be heard.
- c) Where a case was determined by the P.D. & D.C. but no appeal followed, the case may be referred to the Appeals Board at the sole discretion of the Board, even if the appeal is out of time.

4.26 RIGHTS OF ACCUSED PARTIES

All principles of Natural Justice apply to all P.D. & D.C. and Appeals Board hearings.

4.26.1 Knowledge of the accusation made

- a) A player must be told what offence he is being charged with (e.g. violent conduct) when sent 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 full charge shall be read out to the accused at the beginning of proceedings.
- b) Any person or party being cited, that is: -
 - i) A player for actions off the field of play; or
 - ii) A team official; or
 - iii) A club when dealing with the actions of a spectator

must be advised of the charge being brought at the time of being cited to appear. The charge shall be advised in writing, as part of the citing letter. The rule about innocent until proven guilty applies. The hearing of any case or issue will be held expeditiously. In the interim, a person is permitted to act (play, coach) until the case is heard.

4.26.2 Protection of accused parties' rights

It is an **absolute requirement** that an accused person shall hear all evidence on which a committee 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 4.8 in these regulations.

The committee is not permitted to see or take into account any material that is not available to the accused unless there are exceptional circumstances, which must be fully explained to the accused. A reasonable time has to be given any cited person to prepare a case.

4.26.3 Accused persons failing to attend

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

- a) Any player who has been sent off, or cited for incidents occurring immediately after a send-off, is suspended until he does appear.
- b) Where a player or other person is cited for any other incident, the committee may decide to hear the matter in the person's absence.

4.26.4 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 it may be used in a Court action. That is their right. In this case, the accused shall be suspended until ready to take part in a hearing and the immediate hearing adjourned until then.

A Football body is **NOT** prevented from hearing a case if it is going to Court. Any tribunal under the jurisdiction of Football NSW is not an official tribunal, and any hearing conducted is not recognised at a subsequent Court hearing. This is based on Supreme Court rulings.

The accused has the right: -

- a) To ask questions, but only through the Chair, never directly of another party. This is not a direct cross-examination situation.
- b) To produce any material that may be considered 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 particular fact.

4.26.5 Use of legal representatives

The use of legal representatives to argue a case on behalf of the accused is not permitted 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, but only to advise the accused.

An accused party may be permitted to use a legal representative at an appeal. However, the accused must advise the Appeals Board in good time (refer Section 4.22 of these Regulations). Provision may be made for the Appeals Board to have legal representation, and the cost of this shall be charged to any accused party who advises that they intend to have a legal representative. The accused party must be advised of this intention, including the approximate cost, prior to the hearing.

NSFA Regulations

4.26.6 Presentation of witnesses

Any witnesses that a person wishes to present at any P.D. & D.C. hearing should appear in person so that the Committee can question them. If this is not possible then statements will only be accepted as 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.

4.27 SENTENCING GUIDELINES BOD 2/17

4.27.1 Offences by players and named substitutes

All players sent from the field shall receive a one (1) match mandatory suspension (MMS). BOD 2/17

All suspensions below include any matches the player stood down from before the hearing, except as per Section 4.7 e) iii of these Regulations).

CD	OFFENCE	ACTION	MINIMUM	MAXIMUM
R1	Serious Foul Play	Mandatory	MMS + 1 fixture	24 months [^]
	Violent tackle from behind that endangers the safety of an opponent	Mandatory	MMS + 2 fixtures	24 months [^]
	Rugby Tackle	Mandatory	MMS + 3 fixtures	24 months [^]
	Violent Charging	Mandatory	MMS + 3 fixtures	24 months [^]
	“Over The Ball” Tackle	Mandatory	MMS + 3 fixtures	24 months [^]
R2 ¹	Violent Conduct	Mandatory	MMS + 1 fixture	24 months [^]
	Head Butting	Cited	MMS + 5 fixtures	24 months [^]
	Punching/Fighting	Mandatory	MMS + 2 fixtures	24 months [^]
	Kicking	Mandatory	MMS + 2 fixtures	24 months [^]
	Elbowing to the Head	Cited	MMS + 5 fixtures	24 months [^]
	Elbowing to the Body	Mandatory	MMS + 2 fixtures	24 months [^]
	Inciting a brawl or melee	Cited	MMS + 5 fixtures	24 months [^]
R3	Spitting at an opponent or any other person (other than a match official)	Cited	MMS + 8 fixtures	24 months [^]
	Spitting on an opponent or any other person (other than a match official)	Cited	MMS + 12 fixtures	24 months [^]
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	Mandatory	MMS + 1 fixture	24 months [^]
	Indecent Gestures	Cited	MMS + 8 fixtures	24 months [^]
	Incitement to violence, or repeated use of offensive,	Cited	MMS + 8 fixtures	24 months [^]

NSFA Regulations

	insulting or abusive words or gestures			
	Using discriminatory, homophobic, racist, religious, ethnic or sexist language and/or gestures	Cited	MMS + 8 fixtures	24 months [^]
R7	Receiving a second caution in the same Match	Mandatory	MMS	MMS

[^] Including MMS BOD 2/17

4.27.2 Offences by participants against match officials

All players sent from the field receive a one (1) match mandatory suspension (MMS). BOD 2/17

All suspensions below include any matches the player stood down from before the hearing, except as per Section 4.7 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 [^]
M2/R6	Indecent Gestures	Cited	MMS + 8 fixtures	24 months [^]
M3/R6	Incitement to violence, or repeated use of offensive, insulting or abusive words or gestures	Cited	MMS + 10 fixtures	24 months [^]
M4/R6	Use of discriminatory, homophobic, racist, religious ,ethnic or sexist language and/or gestures.	Cited	MMS + 10 fixtures	24 months [^]
M5/R6	Threatening or intimidating language or conduct towards a Match Official	Cited	MMS + 11 fixtures	24 months [^]
M6/R6	Threat of physical violence toward a Match Official or his/her family or property.	Cited	12 months [^]	Life
M7 ¹ /R2	Tripping a Match Official	Cited	12 months [^]	Life
M8 ¹ /R2	Pushing a Match Official	Cited	12 months [^]	Life
M9 ¹ /R2	Striking a Match Official	Cited	12 months [^]	Life
M10 ¹ /R2	Punching, kicking, elbowing or striking a Match Official	Cited	12 months [^]	Life
M11/R2	Spitting at or on a Match Official	Cited	12 months [^]	Life

[^] Including MMS

¹Actual physical contact does not need to occur. Attempting to commit these actions is also an offence. BOD 2/17

NSFA Regulations

4.27.3 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 reputation and goodwill of the game	Cited	1 month	Life
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	Such penalty as PD & DC or Tribunal may determine

4.28 PROCEDURAL REGULATIONS IN PROCEEDINGS

4.28.1 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.

NSFA Regulations

4.28.2 Service

- c) It shall be sufficient 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 to whom the notice is addressed or, if served at another address, at that address provided there is evidence of service at that address.
- d) The tribunal hearing the matter shall determine whether there has been effective service of any notice.

4.28.3 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 determination was made after a full hearing before the tribunal.

4.28.4 Warning Notice

A notice must contain the full text of Section 4.28.3 of these Regulations in the form of a warning as to the consequence of failing to respond to the notice.

4.29 COMMENCEMENT OF PROCEEDINGS

- a) The following Initiating Notices are to be used pursuant to these Regulations. All notices are available on the NSFA website – nsfa.asn.au:
 - i) *Notice of Complaint or Grievance* – to initiate any Complaint or Grievance as a result of a breach of the Constitution, Association Regulations, Regulations, policies and/or directions of NSFA.
 - ii) *Notice of Dispute* – to initiate any complaint of a dispute between individuals, member clubs, or other affiliated organisations.
 - iii) *Notice of Protest* – to initiate a protest against a decision of any NSFA sub-committee.
 - iv) *Notice of Appeal* – to initiate an appeal against a decision of the P.D. & D.C.
 - v) *Notice of Response* – response to the Initiating Notice whether to admit, deny or counterclaim or object to the doing of anything in the Initiating Notice.
 - vi) *Notice of Costs* – details the Costs, expenses and fees of the tribunal including for each hearing session until completion of the proceedings;
 - vii) *Notice to Attend* – to require the attendance of any Person and to give evidence;
 - viii) *Notice to Produce* – requires the production of any documentation, information or material in whatever form it is held.
 - ix) *General Notice* – for the doing of anything not covered by the notices above;
- b) A respondent must file a notice of response with the CEO within seven (7) business days of service of the Initiating Notice.
- c) The tribunal may determine any proceedings ex parte where notice of response has not been filed within the prescribed time.

4.30 PARTICULARS IN NOTICE

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

NSFA Regulations

- b) A notice of dispute may be issued by any Member, Football Club or Participant and may issue against NSFA. A notice of Complaint may contain more than one Complaint.
- c) Initiating Notices may be issued by or against NSFA or any other party.
- 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 in the course of the proceedings.

4.31 TIME TO DO ANYTHING

The CEO and/or the tribunal may shorten or extend a time fixed under these regulations.

If a Regulation or order requires a party to do a thing but does not specify a time, it must be done as soon as practicable.

4.32 NOTICE OF COSTS AND PAYMENT OF COSTS

- a) At the commencement of any proceedings, a notice of Costs, if any, shall be given to each party in the proceedings. A copy of the notice of Costs is to be signed by each of the parties to the proceedings as acknowledgment and agreement to be bound to comply with any order as to Costs of the proceedings.
- b) Where an order for payment of Costs is made against a party and payment is not made within sixty (60) days of determination of the proceedings, then the non-payment shall be deemed 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 or the party against whom the Complaint has been proven shall pay the Costs and expenses.

4.33 EVIDENCE

- a) The admissibility and weight to be given to evidence including electronic, audio-visual material, i.e. video, DVD recordings in the proceedings shall be at the discretion of the tribunal.
- b) A tribunal is not bound by the Laws of Evidence applicable to proceedings in Courts of Law.
- c) All proceedings shall be conducted 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) A party to any proceedings must, except if otherwise directed by the CEO no later than seven (7) days prior to the return date of an Initiating Notice, be served with all the evidence of the other party including written statements of witnesses to be called, documents and any audio or visual evidence upon which a party intends to rely in the proceedings.
- f) If there is non-compliance with Section 4.28 d) of these Regulations, such evidence is not admissible in the proceedings without leave of the tribunal.
- g) Leave shall only be given 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 Section 4.33 e) of these Regulations.
- h) The tribunal may disallow cross-examination of any party to the proceeding if it considers the cross-examination to be 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 4.26.5 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 4.17 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/dispute to a tribunal and refer it directly to Football NSW for determination in accordance with Football NSW'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 determinations shall be recorded in the register in alphabetical name order commencing with the initiating party and by particular subject matter of the determination.

4.38 DISPUTE ON JURISDICTION OF A TRIBUNAL

Any dispute as to power or jurisdiction of a tribunal shall be made to the Board whose 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 in full with an order of the tribunal; 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
 - 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 Football NSW.



Northern Suburbs Football Association
4 Bridge Street Pymble, NSW, 2073
Phone: 02 94494933