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**Canterbury & District Soccer Football Association  
Incorporated.  
Judiciary Disciplinary & Appeals Regulations  
2016**

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## 1. INTRODUCTION

- (a) These Regulations are made under section 13 of the CDSFA Constitution and came into operation on 17 March 2014. The Board of Directors has the power under the CDSFA Constitution to amend, delete or add to these Regulations from time to time.
- (b) The Association is responsible for the organisation, promotion and regulation of football in the Region.
- (c) These Regulations are supplementary to the FFA National Disciplinary Regulations and the FFA Grievance Resolution Regulations.
- (d) For the purposes of these Regulations, a reference to FFA in the FFA Code of Conduct and the FFA Spectator Code of Behaviour will also be a reference to the CDSFA.
- (e) CDSFA reserves the right to deal with any Member in respect of any offences or complaints and other matters not specifically provided for in these Regulations.
- (f) In the case of a Regulation being interpreted in two or more different ways, CDSFA reserves the right to determine which interpretation is valid. Any such determination is final and not subject to appeal.
- (g) If any part of these Regulations is void that part shall be severable and shall not affect the enforceability of the remaining sections of these Regulations.
- (h) Any capitalised terms used in these Regulations shall have the meaning given to them in Schedule 1.
- (i) In these Regulations:
  - i. any use of the words “includes” or words such as “for example” or “such as” do not limit anything else that is included in general speech;
  - ii. “working day” means a day when the offices of CDSFA are ordinarily open for business;
  - iii. any reference to “\$” or “dollars” is to Australian dollars;
  - iv. a reference to a singular includes the plural and vice versa; and
  - v. a reference to any document is to that document as amended, supplemented, varied or replaced from time to time except to the extent expressly prohibited by that document or these Regulations.
- (j) The Schedules form part of these Regulations.

## 2. CORRESPONDENCE, PRESCRIBED FORMS AND MATCH OFFICIAL REPORTS

### 2.1 Correspondence and Prescribed Forms

- (a) All correspondence in relation to any matter under these Regulations must be made electronically and directed to the relevant email addresses set out in Schedule 2.
- (b) All prescribed forms can be located on the Association website by [www.footballcanterbury.com.au](http://www.footballcanterbury.com.au).

### 2.2 Match Official Reports

- (a) In order to ensure the Association provides an efficient and transparent service to Members under these Regulations, a Match Official must send to the Association Match Official Reports **immediately** after a Match, setting out the following:

- i. any Red Card Offences issued during the Match including the categorisation of Offences (set out in a **Match Official Send Off Report**) (**Prescribed Form 02**); and
  - ii. any serious incidents which took place (set out in a **Match Official Incident Report**) (**Prescribed Form 03**);
- (b) A Match Official must:
  - i. complete their Match Official Report independent of any other Match Officials involved in the Match and any potential witnesses;
  - ii. as far as reasonably possible, clearly state what they actually saw and/or heard in relation to the incident(s) and clearly distinguish that from what others told them occurred;
  - iii. as far as reasonably possible, in respect of words spoken by a Participant, record those in the first person using the words actually spoken; and
  - iv. as far as reasonably possible, state how they identified the Participant.
- (c) All Match Official Reports must be sent to [judiciary@footballcanterbury.com.au](mailto:judiciary@footballcanterbury.com.au)
- (d) Match Official Incident Reports should include details concerning any Spectator behaviour.
- (e) For the avoidance of doubt, facts contained in Match Official Reports are presumed to be true and accurate.
- (f) A copy of a Match Official Incident Report which has resulted in a matter being referred to a Body shall be provided by the Association to the relevant Club who has been identified in a Match Official Incident Report and is the subject of such referral.
- (g) A Match Official may seek assistance from a member of a Referees' Body in completing a Match Official Report provided that member was not a Match Official involved in the Match and is not otherwise a witness to the incident(s) the subject of the Match Official Report.
- (h) CDSFA will, within a reasonable period of time following receipt of any Match Official Expulsion Report and/or Match Official Incident Report, provide a copy of same to the Participant's Club (or to the Club, if the Offence has allegedly been committed by a Club). The purpose of doing so is to:
  - i. require the Club to submit to the CDSFA details of any Participant (including full name and FFA number) referred to but not identified in the Match Official Report, to the extent that the Club is reasonably able to do so;
  - ii. where the Club believes that the person identified in the Match Official Incident Report is not the offender, provide the Club with the opportunity to submit a challenge on the basis of mistaken identity pursuant to section 7.3 (Challenge on the basis of mistaken identity); or
  - iii. require the Club to provide any information requested by CDSFA in relation to an investigation pursuant to section 8.2 (Charges of Misconduct and Disrepute).

### 3. OBJECTIVES

- (a) To ensure that the game of football is played in accordance with the Laws of the Game.

- (b) To ensure that the game of football is played competitively and fairly in accordance with the principles of true sportsmanship.
- (c) To provide an independent, fair and effective system that sets out procedures for the administration and determination of all judiciary, incidents, disciplinary, dispute, grievance and conduct matters involving Members.
- (d) To ensure consistency and transparency of approach are evident and present in all aspects of handling all judiciary, incidents, disciplinary, dispute, grievance and conduct matters involving Members under these Regulations.

#### 4. JURISDICTION

- (a) These Regulations shall apply exclusively to facilitate the expeditious and fair resolution of:
  - i. Judiciary, incidents, disciplinary, appeals, dispute, grievance and conduct matters in relation to the Association's Competitions;
  - ii. Grievances involving Members of the Association;
  - iii. Any matters the Executive determines, in its absolute discretion, is important to the interests of football in the CDSFA; and
  - iv. Appeals from a Member Appeals Committee (once its internal procedures have been exhausted).
- (b) Each Member shall submit exclusively to the jurisdiction of these Regulations and agrees that until it has exhausted the procedures set out in these Regulations, it will not attempt to resolve any judiciary, incidents, disciplinary, dispute, grievance and conduct matters by recourse to Football NSW under its relevant rules and regulations, FFA or a court of law.

#### 5. AUTHORITY TO ESTABLISH COMMITTEES AND TRIBUNALS

- (a) The authority to establish committees and tribunals is vested in the Board of the Association pursuant to section 13 and section 20 of the CDSFA Constitution.
- (b) These Regulations confirm the establishment of the following Bodies:
  - i. Judiciary Committee (**JC**);
  - ii. Disciplinary Tribunal (**DT**); and
  - iii. Appeals Tribunal (**AT**).

#### 6. MEMBERSHIP OF BODIES

##### 6.1 Appointment of Body Members

- (a) The Board shall appoint the Chairperson and Vice-Chairperson of a Tribunal.
- (b) The Executive may, from time to time, appoint members (other than the Chairperson and vice-Chairperson) to sit on a Tribunal.
- (c) The Executive may appoint person(s) to sit on a Tribunal hearing who are not Tribunal Members appointed under section 6.1(b) if in its opinion, the Executive believes a matter requires special attention or expertise.
- (d) The Executive shall appoint the Disciplinary Committee consisting of at least three (3) Disciplinary Committee members.

##### 6.2 Composition of a Body

- (a) The JC shall comprise of a minimum of three (3) members in compliance with section 20.8 of the CDSFA Constitution in order to make valid decisions under section 7 (Disciplinary Committee).

- (b) A Tribunal shall comprise a minimum of three (3) and maximum of five (5) Tribunal members (including the Chairperson or vice-Chairperson) in order to make a valid Determination under sections 8 (Disciplinary Tribunal) and 9 (Appeals Tribunal).

### **6.3 Qualification of Body Members**

- (a) Each member of a Body shall have:
  - i. the ability to exercise independent judgment; and
  - ii. the requisite knowledge and/or experience of football and the Association Rules and Regulations. Some knowledge of Football NSW Rules and Regulations, FFA Rules and Regulations is desirable but not essential.
- (b) The Chairperson and vice Chairperson of the Appeals Tribunal shall be either:
  - i. a currently admitted or retired legal practitioner who has practiced continuously in NSW for at least 5 years; or
  - ii. a current or retired judicial officer of a New South Wales court or tribunal.

Except where the Executive otherwise determines, a person shall not be appointed to a Body if that person has served in the previous twelve (12) months or is currently a member of the executive committee or board of a Club who has been subject to suspension by the CDSFA for misconduct.

### **6.4 Term**

Tribunal members shall be appointed for a term of twelve (12) months unless he or she has resigned or been removed pursuant to section 6.5 (Resignation and Removal of Body Members).

### **6.5 Resignation and Removal of Body Members**

- (a) A member of a Body may resign by providing notice in writing to the Executive.
- (b) The Executive may remove a member of a Body (but not a Chairperson) at any time in its absolute discretion.
- (c) The Board may remove a Chairperson of a Tribunal at any time provided it has received a written recommendation from the Executive which outlines the reason or reasons for the removal and the relevant Chairperson has had an opportunity to respond in writing to such a recommendation.

### **6.6 Code of Conduct for Body Members**

Upon appointment by the Association, a member of a Body agrees to be bound by and to comply with the Association Code of Conduct applicable to members of a Body.

### **6.7 Conflict of Interest**

- (a) In the event that a member of the Committee has a conflict of interest in relation to a particular incident or matter being decided by the Committee, then it is the responsibility of that member to declare the interest in the determination of that incident or matter and shall remove themselves from deliberations relating to that incident or matter.
- (b) It will be the responsibility of the Chair to ensure any such member does not sit in judgement nor be privy to deliberations of a determination of the incident or matter.
- (c) A Committee member must comply with clause 6.7 (a) and (c).

## **7. JUDICIARY COMMITTEE**

### **7.1 Jurisdiction**

- (a) Subject to section 7.1(b), the Judiciary Committee has jurisdiction to:



- i. issue Suspensions pursuant to clause 20.8 of the Constitution and section 7.2 of these regulations; and
  - ii. rectify a disciplinary decision made by a Match Official pursuant to section 7.3 (Challenging a decision on the basis of mistaken identity in a Match Official Send-Off or Incident Report) and section 7.4 (Challenging a Notice of Suspension – Exceptional Circumstances).
- (b) The Judiciary Committee shall only have jurisdiction to issue a Suspension that is no longer than two (2) calendar years. A Suspension, which is longer than two (2) calendar years may only be issued by a Tribunal.

## **7.2 Determination**

- (a) The Executive shall, within a reasonable time following the completion of any Match, refer any Match Official Report to the Judiciary Committee for its consideration.
- (b) The Judiciary Committee must determine Suspensions based on Match Official Reports and apply the Table of Offences (Schedule 3).
- (c) The Judiciary Committee must take into consideration a Participant's disciplinary history (to be supplied by the Association) when determining a Suspension. For the avoidance of doubt, a Participant's disciplinary history is that as held by the Association.
- (d) The Judiciary Committee must set out any Suspension in a Notice of Suspension which shall be issued by the Executive to a Participant's Club as soon as is practicable, namely within two (2) day of receipt from the JC where ever possible.
- (e) The Suspension issued by the Judiciary Committee must only be applied to the Football Activity to which the Suspension relates.
- (f) A Participant is eligible to challenge a Suspension issued by the Judiciary Committee. But where the challenge is vexatious, groundless or fraudulent and has no merit the Judiciary Committee has the discretion to increase the period of Suspension.
- (g) The Judiciary Committee has the power to exonerate a participant where it finds that the offence charge is not proven.
- (h) Notwithstanding this section 7.2 (Determination), the Judiciary Committee may, in its absolute discretion, refer any matter to the DT pursuant to section 8.4 (Referral from the Judiciary Committee) if it considers a matter requires consideration by a Tribunal.
- (i) Unless a Participant has been successful in a claim or appeal of mistaken identity or exceptional circumstances, he or she must continue to serve that Suspension under this section 7.

## **7.3 Challenging a decision on the basis of mistaken identity in a Match Official Send-Off or Incident Report**

- (a) At the end of a Match, the relevant Team Official must sign the team sheet confirming that all details on the team sheet, including the attribution of Yellow Cards, Red Cards and/or Expulsions, are correct.
- (b) If the Team Official believes that a Participant has been mistakenly identified on the team sheet by a Match Official as having received a Yellow Card, Red Card and/or been Expelled, the Team Official must indicate same (with brief reasons) on the team sheet prior to signing it.
- (c) Notwithstanding anything to the contrary in these Regulations, unless a Team Official has complied with the requirement set out in section 7.3(b), a Participant cannot challenge a Suspension resulting from a Match Official Send-off/Expulsion Report on the basis of mistaken identity.
- (d) Provided section 7.3(b) has been complied with, if a Participant claims that he or she was mistakenly identified in a Match Official Send-off or Incident Report, he or she (or the Participant's Club on the Participant's behalf) must notify the Judiciary/Disciplinary Committee by submitting the following:

i. **Match Official Send-Off Report:**

**WHAT:**

**COMPULSORY:** a signed written statement by the Participant who was reported by the Match Official in a Match Official Send Off Report that he or she was not responsible for the Offence and identifying to the best of their knowledge the name of the Participant responsible (**Prescribed Form 04**); AND

**OPTION 1:** a signed written statement by the Participant who was responsible for the Offence (**Prescribed Form 05**); OR

**OPTION 2:** a signed written statement from the Club identifying to the best of its knowledge the name of the Participant who was responsible for the Offence (**Prescribed Form 06**).

**WHEN:**

By 4pm the next working day following the completion of the Match.

**HOW:**

Email a signed **Prescribed Form 04** (compulsory) and **Prescribed 05** or **Prescribed Form 06** to [judiciary@footballcanterbury.com.au](mailto:judiciary@footballcanterbury.com.au)

ii. **Match Official Incident Report:**

**WHAT:**

**COMPULSORY:** a signed written statement by the Participant who was reported by the Match Official in a Match Official Incident Report that he or she was not responsible for the Offence and identifying to the best of their knowledge the name of the Participant responsible (**Prescribed Form 07**); AND

**OPTION 1:** a signed written statement by the Participant responsible for the Offence (**Prescribed Form 08**); OR

**OPTION 2:** a signed written statement from the Club identifying to the best of its knowledge the name of the Participant responsible for the Offence (**Prescribed Form 09**).

**WHEN:**

By 4pm Monday following a weekend fixture or the next working day (for mid week fixtures) following the issuance of the Match Incident Report by the Association to the Club.

**HOW:**

Email a signed **Prescribed Form 07** (compulsory) and **Prescribed 08** or **Prescribed Form 09** to [disciplinary@footballcanterbury.com.au](mailto:disciplinary@footballcanterbury.com.au)

iii. any other evidence which may support the claim for mistaken identity including but not limited to any video or photo evidence.

- (e) If the Association does not receive properly completed written statements by the time specified in section 7.3(a)(i) or (ii), the Participant is deemed to have been responsible for the Offence and may, subject to the Judiciary Committee's consideration of the send-off/incident, be issued with a Notice of Suspension.
- (f) After considering the evidence, the Judiciary Committee will decide whether the claim for mistaken identity should be rejected or upheld.
- (g) If the Judiciary Committee rejects a claim for mistaken identity, the original decision set out in the Notice of Suspension applies.

- (h) If the Judiciary Committee considers that a rejected claim for mistaken identity had no prospects of success and amounted to an abuse of process, it shall refer the matter to the Association who may charge the Participant and/or the Club for Misconduct pursuant to section 8.2 (Charges of Misconduct and Disrepute).
- (i) If the Judiciary Committee upholds the mistaken identity claim, a Notice of Suspension shall be issued to the appropriate identified Participant, who shall serve the Suspension immediately. The Notice of Suspension issued to the original Participant will be rescinded.
- (j) The decision made by the Judiciary Committee will be conveyed to the Club.
- (k) Participants should note that the time limits set out above are strict. If a participant fails to comply with these time limits, that Participant is deemed to have waived his or her right to challenge the matter under this section 7.3.

#### **7.4 Challenging a Notice of Suspension - Exceptional Circumstances**

- (a) This section 7.4 is intended to apply only in exceptional circumstances. It is envisaged that, in the vast majority of matters, any Suspension set out in a Notice of Suspension will be appropriate and will be applied. The provisions set out in this section are not intended to encourage or lead to the systematic or regular review of standard Suspensions and are reserved for exceptional cases only.
- (b) A Participant (or the Participant's Club on the Participant's behalf) may in very limited circumstances seek to limit the disciplinary consequences of a Suspension by demonstrating to the Judiciary Committee that the circumstances of an incident leading to a Suspension were exceptional, such that the Suspension that has been notified would be clearly and demonstrably excessive.
- (c) Exceptional circumstances means circumstances operating at the time of the Offence and relating to the commission of the Offence and not to the impact, which a sanction may have.

The following **may** constitute exceptional circumstances:

- i. a Participant may have an intellectual or physical disability;
- ii. a Participant has experienced a recent trauma within the family; and
- iii. any other personal circumstance that may have contributed towards a Participant's actions which lead to the Offence being committed.

The following **do not** constitute exceptional circumstances:

- i. the significance or importance to the Participant or his or her Club of the Match in which the Offence was committed;
  - ii. the significance or importance of any Match, Fixture or tournament in which the Participant will be ineligible to participate because of the imposition of a Suspension given within the range in the Table of Offences (Schedule 3);
  - iii. the point in the Match at which the Offence was committed;
  - iv. the conduct, including actions, words or gestures of any Participant during or related to the Match; and
  - v. any disciplinary decision taken or failure to take a disciplinary decision by a Match Official during the Match.
- (d) Any Participant bringing a challenge under this section may not challenge the Offence via mistaken identity under section 7.3.
  - (e) In considering a claim of this type, the Judiciary Committee is concerned with only the question of whether the Suspension should be altered in view of the circumstances of the case. The Judiciary Committee is not to usurp the role of the Match Official and the correctness of any decision to issue a Red Card shall not be subject to any scrutiny by the Judiciary Committee. As stated in

section 7.2(f), a Participant is not eligible to challenge a Suspension where the Judiciary Committee has issued the minimum Suspension.

- (f) If a Participant wishes to lodge a challenge to a Suspension based on exceptional circumstances under this section 7.4, the Participant must submit the following:

**WHAT:**

**COMPULSORY:** A signed written statement (**Prescribed Form 10**) by the Participant setting out the grounds upon which he or she believes the Suspension set out in the Notice of Suspension should not be applied; AND

**OPTION 1:** video or photo evidence; AND/OR

**OPTION 2:** signed written statements by other Members.

**WHEN:**

By 4pm on the next working day after the issuance of a Notice of Suspension by the Association.

**HOW:**

Email a signed **Prescribed Form 10** to [judiciary@footballcanterbury.com.au](mailto:judiciary@footballcanterbury.com.au)

- (g) If the Association does not receive a properly completed and signed written statement and any other evidence prescribed under section 7.4(f) by the time specified in section 7.4(f), the Participant is deemed to have accepted the Suspension and has waived his or her right to challenge the Suspension under this section 7.4.
- (h) The Judiciary Committee may in its absolute discretion request for further additional information from the Association or the Participant prior to making a decision.
- (i) After considering the evidence, the Judiciary Committee will decide whether the challenge is to be rejected or is successful.
- (j) A challenge will only be successful under this section 7.4 where it satisfies the Judiciary Committee that:
- i. the circumstances of the Suspension under review are exceptional; and
  - ii. as a result of the exceptional circumstances the Suspension would be clearly excessive.
- (k) If the Judiciary Committee considers that the rejected challenge had no prospect of success and amounts to an abuse of process, it shall refer the matter to the Association who may charge the Participant and/or the Participant's Club for Misconduct pursuant to section 8.2 (Charges of Misconduct and Disrepute).
- (l) If the Judiciary Committee upholds the challenge, it shall impose such Suspension, if any, as it deems to be appropriate taking into consideration the circumstances of the subject incident, which revised Suspension shall not be subject to any further challenge or appeal.
- (m) The decision made by the Judiciary Committee will be conveyed to the Club.
- (n) Participants should note that the time limits set out above are strict.

**7.5 Appealing a decision of the Judiciary Committee**

- (a) Subject to section 9.2 (Grounds of Appeal), the decision of the Judiciary Committee in relation to claims of mistaken identity in a Match Official Report (section 7.3) and exceptional circumstances (section 7.4) may be appealed to the Appeals Tribunal pursuant to section 9 (Appeals Tribunal).
- (b) A Participant wishing to appeal a decision to the Appeals Tribunal must submit a Notice of Appeal of a decision of a JC (**Prescribed Form 11**) to [appeal@footballcanterbury.com.au](mailto:appeal@footballcanterbury.com.au) within two (2) working days of the issuance of the decision of the Judiciary Committee to the Club by the Association **and** pay the relevant Application Fee, as per Schedule 4

- (c) Unless there are exceptional circumstances (to be determined by the Executive), the Participant should note that the time limits set out above are strict. If the Association does not receive a Notice of Appeal of a decision of JC **and** an Application Fee by the time specified in section 7.5(b) then the Participant has waived his or her right to appeal the decision of the Judiciary Committee under this section 7.5.

## **8. DISCIPLINARY TRIBUNAL (DT)**

### **8.1 Jurisdiction**

- (a) The DT will be responsible for hearing and determining:
- i. charges of Misconduct and Disrepute (section 8.2);
  - ii. Grievances between Members (section 8.3);
  - iii. any other matter the Executive considers important to the interests of football in the Region. Such a decision is to be at the absolute discretion of the Association;
  - iv. any other matter referred by the JC to the DT (section 8.4).
- (b) Where applicable, the relevant Application Fees for matters set out in section 8.1(a) are set out in Schedule 4.

### **8.2 Charges of Misconduct and Disrepute**

- (a) The Board or the Executive may investigate any matter, which in its opinion is relevant to whether or not a charge of Misconduct or Disrepute ought to be laid. Such investigation may be initiated on the basis of a written report or complaint of a Member or on the basis of any other evidence, which in the opinion of the Association is credible.
- (b) Such investigation may be carried out by the Board, or the Executive as it sees fit and Members are required to cooperate fully with the Association in the conduct of that investigation within the timeframe specified in any correspondence issued by the Association. A Member consents that any information provided may be used as evidence in bringing a charge under this section 8.2.
- (c) At any time, the Board or the Executive may determine whether any charge of Misconduct or Disrepute is to be laid and in relation to such charge whether:
- i. it is to be referred to the DT; or
  - ii. it is to be dealt with in any other manner which the Association deems appropriate,
- and such determination shall be at the absolute discretion of the Board or the Executive and not be capable of review by any party.
- (d) If a charge has been laid, by the Association it will issue a Notice of Charge against the Member. The Notice of Charge will set out, amongst other things, details of the charge and the requirement for the Member or participant to stand down (see section 13.1 (Interim Suspension Order)). A Member charged must submit a completed and signed Notice of Response and any other supporting evidence (**Prescribed Form 12**) to [disciplinary@footballcanterbury.com.au](mailto:disciplinary@footballcanterbury.com.au) by the time specified in the Notice of Charge.
- (e) A Notice of Response enables the Member charged to select, amongst other things, whether it wishes to:
- i. plead guilty or not guilty to the charge(s);
  - ii. accept the reports attached to the Notice of Charge;
  - iii. provide written statements or other such evidence; and
  - iv. be represented by a lawyer or support person.
- (f) A Member who pleads guilty in a Notice of Response may be eligible for leniency by a Tribunal in respect of a sanction.

- (g) Members should note that the time limits set out above are strict. Unless there are exceptional circumstances (to be determined by the Executive), if the Association does not receive a properly completed and signed Notice of Response together with supporting evidence by the time specified in the Notice of Charge then the Member has:
  - i. deemed to have pleaded guilty to the charge(s) set out in the Notice of Charge;
  - ii. accepted the reports set out in the Notice of Charge; and
  - iii. deemed to be in contempt of a Tribunal and may be sanctioned pursuant to section 12.15 (Contempt in the face of a Tribunal).

### **8.3 Grievances**

- (a) The Association will only accept a Grievance if sections 8.3(c) and 8.3(d) have been satisfied.
- (b) The Association may in its unfettered discretion decide not to refer to the DT or to dismiss any Grievance, which it determines is a Vexatious Claim.
- (c) Before referring any Grievance to the Association, any Member making a Claim (**Claimant**) or a Complaint (**Complainant**) must write to the other Member involved in the subject matter of the Grievance (**Respondent**) with details of the Claim or Complaint (as the case may require) allowing the Respondent at least seven (7) working days to respond. The Respondent's reply must include reasons for any disagreement with the details of the Claim or Complaint (as the case may require).
- (d) If a response is not received within seven (7) working days of the notice from the Claimant or Complainant referred to in section 8.3(c) or the Claim or Complaint is not otherwise resolved, the Claimant or Complainant may in writing refer the Grievance to the Association in accordance with section 8.3(e).
- (e) In order to refer a Grievance to the Association a Claimant or Complainant must submit a Grievance Form (**Prescribed Form 14**) to [grievance@footballcanterbury.com.au](mailto:grievance@footballcanterbury.com.au) together with the Application Fee (as per Schedule 4) within fourteen (14) working days after the dispatch of the notice referred to in section 8.3(c).
- (f) In the first instance, a Grievance will be dealt with by mediation pursuant to section 11 (Mediation) unless, in its absolute discretion, the Association believes that a Grievance should be referred to a DT immediately.
- (g) Members should note that the time limits set out above are strict. Unless there are exceptional circumstances (to be determined by the Executive), if the Association does not receive a completed and signed Grievance Form by the time specified in section 8.3(e) then the Member has waived his or her right to file a Grievance with the Association.

### **8.4 Referral from the Judiciary Committee**

- (a) Pursuant to section 7.2(g), the Judiciary Committee may, in its absolute discretion, refer any matter to the DT if it considers the matter requires consideration by a Tribunal.
- (b) If the Judiciary Committee makes a referral, the Association may conduct a further investigation in accordance with section 8.2 (Charges of Misconduct and Disrepute) and subject to any findings the Association may issue the Participant with a Notice of Charge.

### **8.5 Offences disclosed in Match Official Reports**

- (a) Unless the Executive, in its absolute discretion, determines otherwise, the Disciplinary Tribunal may determine Expulsion Offences disclosed in any Match Official Expulsion Report and Offences disclosed in any Match Official Incident Report in accordance with section 8.5.
- (b) The CDSFA will, within a reasonable time following receipt of any Match Official Expulsion Report and/or Match Official Incident Report, refer that report, the Participant's (or Club's) Disciplinary History (as the case may be) and any other material the CDSFA determines, in its absolute discretion, is relevant to the matter, to the Disciplinary Tribunal and to the Participant's Club, or the Club, as the case may be.

- (c) The CDSFA will convene a Disciplinary Tribunal to hear the matter and will use its reasonable endeavours to ensure that matters are heard within fourteen (14) working days of the Match.
- (d) Despite anything to the contrary contained in these Regulations:
  - i. a Disciplinary Tribunal must comprise a minimum of one (1) and a maximum of three (3) Disciplinary Committee members in order to make a valid Determination under this section;
  - ii. only where there are three (3) Disciplinary Tribunal members hearing a matter must at least one of those members be either the Chairperson(s) or Vice-Chairperson(s) of the Disciplinary Committee in order to make a valid Determination under this section;
  - iii. the Disciplinary Tribunal will use its reasonable endeavours to issue a short oral Determination at the conclusion of any hearing;
  - iv. the Disciplinary Tribunal will use its reasonable endeavours to issue a short written Determination, (Final Determination) with brief reasons for decision within fourteen (14) working days of the completion of any hearing; and
  - v. where a Participant the subject of a Match Official Incident Report is also the subject of a Match Official Send-Off Report arising out of the same Match, the Disciplinary Tribunal will deal with both sets of matters in the same hearing and the Match Official Send-Off Report will not be referred to the Judiciary Committee.
- (e) It is intended that matters referred to the Disciplinary Tribunal pursuant to this section will be dealt with expeditiously. Accordingly, the Disciplinary Tribunal may, in its absolute discretion, refuse to hear evidence from witnesses whose evidence merely confirms evidence already adduced from other witnesses.
- (f) Any appeal from a Determination issued in accordance with this section is to be dealt with in accordance with section 8.8.

#### **8.6 Matters of Importance**

The Executive, in its absolute discretion, may refer any matter it determines, in its absolute discretion, to be important to the interests of football in the Association to the Disciplinary Tribunal for determination.

#### **8.7 Decisions of the DT**

- (a) The DT Determination will be in accordance with majority opinion of the DT members.
- (b) The types of decisions that the DT may issue are set out in the Table of Offences (Schedule 3) and may include (but not limited to) a finding, directive, suspension, banning, fine or such other action as reasonably determined by the DT.
- (c) If a fine is imposed, the DT shall determine the terms of payment.
- (d) Any decision issued under this section 8.5 may be combined.
- (e) Any failure to comply with a Determination of the DT is itself a breach of these Regulations and may be considered in contempt of a Tribunal pursuant to section 12.15 (Contempt in the face of a Tribunal).
- (f) A short oral or written indication of the outcome of the hearing by the DT shall be provided to the parties within five (5) working days of the completion of the hearing. A full written Determination, with reasons given for the decision, will be provided within fourteen (14) working days, if requested by a party in writing.
- (g) Unless otherwise specified in these Regulations or by the Disciplinary Tribunal in a DT Determination, the imposition of a sanction has immediate effect.

- (h) All Determinations of the Disciplinary Tribunal remain in force unless reversed by the Appeals Tribunal.

### **8.8 Appealing a decision of the DT**

- (a) The decision of the DT in relation to charges of Misconduct and Disrepute (section 8.2), Grievances (section 8.3) subject to section 9.4 (Appeal from a DT in relation to a Grievance), and referrals from the Judiciary Committee (section 8.4) may be appealed to the Appeals Tribunal pursuant to section 9.
- (b) A Member wishing to appeal a decision of the DT to the Appeals Tribunal must submit the following:
  - i. a completed and signed Notice of Appeal of a decision of a DT (**Prescribed Form 13**) to [appeal@footballcanterbury.com.au](mailto:appeal@footballcanterbury.com.au)
  - ii. any supporting material; and
  - iii. the Application Fee, as per Schedule 4.within seven (7) working days of being issued the decision by the DT.
- (c) Members should note that the time limits set out above are strict. Unless there are exceptional circumstances (to be determined by the Executive), if the Association does not receive the documentation and Application Fee prescribed under section 8.6(b)(iii) by the time specified in section 8.6(b) then the Member has waived his or her right to appeal the decision to the Appeals Tribunal.

## **9. APPEALS TRIBUNAL**

### **9.1 Jurisdiction**

The Appeals Tribunal will be responsible for hearing and determining appeals from the:

- i. Judiciary Committee pursuant to section 7.5 (Appealing a decision of the Judiciary Committee) but subject to section 9.2 (Grounds of Appeal); and
- ii. Disciplinary Tribunal pursuant to sections 8.6 (Appealing a decision of a Disciplinary Tribunal) and 15.3 (Misconduct) but subject to section 9.2 (Grounds of Appeal) and section 9.4 (Appeal from a DT in relation to a Grievance);

### **9.2 Standing to Appeal**

- (a) Despite anything to the contrary contained in these Regulations and for the avoidance of doubt, only the Members set out in this section 9.2 (subject to section 9.3 (Grounds of Appeal)) and the CDSFA have standing to appeal matters to the Appeals Tribunal.
- (b) **An appeal from the Judiciary Committee pursuant to section 7.5 (Appealing a decision of the Judiciary Committee in respect of a challenge):** the Participant who challenged the Judiciary Committee's Suspension pursuant to section 7.3 (Challenging a decision on the basis of mistaken identity in a Match Official Send-off/Expulsion Report) or section 7.4.
- (c) **An appeal from the Disciplinary Tribunal pursuant to section 8.8 (Appealing a decision of a DT in relation to a referral from the Judiciary Committee (section 8.4(b)):** the Participant who challenged the Disciplinary Tribunal's Suspension pursuant to section 7.3 (Challenging a decision on the basis of mistaken identity in a Match Official Send-Off/Expulsion Report) or section 7.4.
- (d) **An appeal from the Disciplinary Tribunal pursuant to section 8.8 (Appealing a decision of a DT in relation to a charge(s) of Misconduct and/or Dispute (section 8.2):** the Member(s) the subject of the charge(s) before that Disciplinary Tribunal but only in respect of the charge(s) against that Member.



- (e) **An appeal from the Disciplinary Tribunal pursuant to section 8.8 (Appealing a decision of a DT) in relation to a Grievance (section 8.3):** the Member(s) (including any Affected Party) who appeared before that Disciplinary Tribunal.
- (f) **An appeal from the Disciplinary Tribunal pursuant to section 8.8 (Appealing a decision of a DT) in relation to Offences disclosed in Match Official Reports (section 8.5):** the Member(s) the subject of the Match Official Report.
- (g) **An appeal from the Disciplinary Tribunal pursuant to section 8.8 (Appealing a decision of a DT) in relation to a matter referred to the Disciplinary Tribunal by the Executive pursuant to section 8.6 (Matters of importance):** the Member(s) who appeared before that Disciplinary Tribunal.
- (h) **An appeal from a Member Appeals Committee pursuant to section 9.6 in relation to a disciplinary matter:**
  - i. the Member(s) the subject of the charge(s) before the Member Appeals Committee but only in respect of the charge(s) against that Member;
  - ii. if applicable, any Match Official who officiated in the match giving rise to the charge(s) or the relevant Referees Body but only if the Executive, in its absolute discretion, determines that it is in the interests of football in the CDSFA for the appeal to be heard by the Appeals Tribunal;
  - iii. the victim(s) in the incident that gave rise to the charge(s) before the Member Appeals Committee but only if the Executive, in its absolute discretion, determines that it is in the interests of football in the CDSFA for the appeal to be heard by the Appeals Tribunal; and
  - iv. the Member who laid the original charge(s) but only if the Executive, in its absolute discretion, determines that it is in the interests of football in the CDSFA for the appeal to be heard by the Appeals Tribunal.
- (i) **An appeal from a Member Appeals Committee pursuant to section 9.6 in relation to a grievance or a matter not contemplated by section 9.2(g):** the Member(s) who appeared before the Member Appeals Committee and, subject to section 12.4(d), any Affected Party.

### **9.3 Grounds of Appeal**

The sole grounds of an appeal to the Appeals Tribunal are:

- (a) Failure to afford procedural fairness;
- (b) lack or excess of jurisdiction;
- (c) the decision of the Body was affected by actual bias;
- (d) the decision was one that was not reasonably open to the Body having regard to the lack of evidence before the Body (Insufficient Evidence);
- (e) incorrect interpretation of the Association Constitution, By-Laws, Regulations, or Policies; or
- (f) severity, only where the decision of the Body imposed a sanction of at least:
  - i. a Fixture Suspension of four (4) or more Fixtures; or
  - ii. a Time Suspension of three (3) or more months; or
  - iii. a Fine of one thousand five hundred dollars (\$1,500) or more; or
  - iv. a Loss of six (6) or more Competition points; or
  - v. expulsion from a competition.

### **9.4 Decisions of the Appeals Tribunal (AT)**

- (a) The AT Determination will be in accordance with majority opinion of the AT members.

- (b) The AT has the power to:
  - i. dismiss, allow in whole or part, or vary (whether by way of reduction or increase) a decision including any sanction or penalty imposed by the Body;
  - ii. impose any sanction, measure or make any order the AT thinks fit or a decision that the Body could have imposed under these Regulations;
  - iii. conduct a fresh hearing of the matter (**hearing de novo**); or
  - iv. remit the matter to the Body or the Member Appeals Committee from which the appeal originated, or to the tribunal (or similar) that dealt with the matter at first instance, for rehearing and issue any directions or orders in relation to the rehearing of the matter that the Appeals Tribunal deems appropriate.
- (c) A failure to comply with a Determination of the AT is itself a breach of these Regulations and may be considered in contempt of a Tribunal pursuant to section 12.15 (Contempt in the face of a Tribunal).
- (d) A short oral or written indication of the outcome of the hearing shall be provided to the parties within seven (7) working days of the completion of the hearing with a full written Determination, with reasons given for the decision, to be provided within twenty one (21) working days, if requested by a party in writing.
- (e) No Determination of the Judiciary Committee or the Disciplinary Tribunal will be quashed or held invalid by the Appeals Tribunal by reason only of any defect, irregularity, omission or other technicality, provided the Appeals Tribunal is satisfied there has not been a miscarriage of justice.

#### **9.5 Appeal from a DT in relation to a Grievance**

- (a) No appeal can be brought from a decision of the DT in relation to a Grievance except with leave from the Appeals Tribunal granted in accordance with this section 9.
- (b) Any Notice of Appeal of a decision of a DT (**Prescribed Form 13**) in relation to a Grievance received by the Association must be referred, within three (3) working days of receipt, to the Chairperson of the AT (or if he or she is not available to the Deputy Chairperson of the AT) for determination as to whether leave should be granted for the Appeal to proceed.
- (c) The Chairperson of the AT shall determine, within seven (7) working days of receipt of a Notice of Appeal referred under section 9.4(b), whether leave to appeal should be granted and the outcome of such determination shall be communicated in writing to the party lodging the appeal within ten (10) working days of the lodging of the Notice of Appeal.
- (d) In determining whether leave to Appeal should be granted (in whole or in part), the Chairperson of the AT shall have regard to:
  - i. the grounds of appeal set out in the Notice of Appeal;
  - ii. whether any obvious error on the part of the DT has been identified;
  - iii. the prospects of success of the appeal; and
  - iv. the nature and significance of the Grievance and the subject of the decision being appealed.
- (e) If the AT decides that leave to appeal should not be granted, it may, in its absolute discretion recommend that all or part of the Appeal Fee should be refunded.
- (f) If leave to appeal is granted, an appeal lodged pursuant to this section shall proceed and be determined in the same manner as all other appeals determined by the AT.

## **9.6 Appeals against a decision of a Member Appeals Committee**

- (a) In addition to the limitations set out under section 9.3 (Grounds of Appeal), the Appeals Tribunal will only hear and determine a matter involving an appeal from a Member Appeals Committee where the matter has proceeded in accordance with and exhausted that Member's own disciplinary/grievance rules and regulations. A party wanting to appeal a decision of a Member Appeals Committee to the Appeals Tribunal must provide documentation, to the satisfaction of CDSFA, to demonstrate that the matter has proceeded in accordance with and exhausted that Member's own disciplinary/grievance rules and regulations before it can be appealed to the Appeals Tribunal.
- (b) If a party wants to appeal a decision of a Member Appeals Committee, it must, within seven (7) working days of being issued the decision:
- i. pay to CDSFA the relevant Application Fee (as per Schedule 4: Application Fees);
  - ii. pay any award or fine the subject of the decision to the Member;
  - iii. submit to CDSFA a completed and signed Notice of Appeal of a decision of a Member Appeals Committee;
  - iv. submit to CDSFA written copies of the decision of the Member Appeals Committee and of the decision at first instance (if applicable);
  - v. submit to CDSFA evidence that the matter has proceeded in accordance with and exhausted the Member's own disciplinary/grievance rules and regulations;
  - vi. submit to CDSFA a copy of the Member's constitution;
  - vii. submit to CDSFA a copy of the Member's disciplinary/grievance rules and regulations;
  - viii. submit to CDSFA any supporting material, including any additional evidence; and
  - ix. submit to CDSFA any written submissions the party intends to rely on.
- (c) Parties should note that the time limits set out above are strict. Unless there are exceptional circumstances (to be determined by the Executive, in its absolute discretion), if the requirements prescribed under section 9.6(b) are not complied with by the time specified therein, the party is deemed to have waived its right to appeal the decision to CDSFA.

## **9.7 Abandoned Appeals**

An appellant may abandon an appeal prior to any hearing by giving written notice to CDSFA in which case the Application Fee may, in the Executive's absolute discretion, be refunded.

## **10. NO RECOURSE TO COURTS**

Any Determination by the AT will be final and binding on the parties to the appeal and no person may institute or maintain proceedings in any court of law or tribunal in relation to such Determination (other than the limited right of appeal to Football NSW subject to the Football NSW Grievance & Disciplinary Regulations (as amended from time to time)).

## **11. MEDIATION**

- (a) In relation to a Grievance between Members pursuant to section 8.3 (Grievances), the Association will require Members to attend a meeting with a representative of the Association and/or an independent person who shall act as a mediator for the purpose of attempting to reach agreement for the resolution of the Grievance.
- (b) The mediator shall be a person who, in the opinion of the Association, is appropriately qualified to conduct the mediation, and may include a member of the Institute of Arbitrators & Mediators Australia or other similar body, or a legal practitioner.
- (c) Unless otherwise determined by the Association, any costs involved in the mediation, including the costs of the Mediator, shall be borne equally by the parties to the Grievance.

- (d) The mediation shall commence within fourteen (14) working days after the submission of a Grievance Form.
- (e) The mediation shall be conducted on a “*without prejudice basis*” and the mediator shall have no power to impose any Suspension, decision or sanction on any of the parties.
- (f) Mediation shall continue for a period no longer than thirty (30) working days.
- (g) Unless agreement has been reached within fourteen (14) working days of the start of the mediation, the Association will refer the matter to the DT in accordance with these Regulations.
- (h) Any failure by a Member to attend mediation convened in accordance with this section when reasonably requested by the Association to do so and without reasonable excuse shall amount to Misconduct. The Association may refer such matters to the DT for determination in accordance with section 8.2 (Charges of Misconduct and Disrepute).

## **12. ADMINSTRATIVE PROCEDURES OF TRIBUNALS**

### **12.1 Electronic Documents**

In order to ensure the efficiency of judiciary and conduct matters, all documents referred to in these Regulations shall be sent by email to the respective addresses set out in Schedule 2 (Prescribed Forms and Email Addresses).

### **12.2 Responsibility of the Association**

Where a Tribunal is required to convene a hearing pursuant to sections 8 (Disciplinary Tribunal) or 9 (Appeals Tribunal), the Association shall:

- (a) set a date for the hearing;
- (b) issue a Notice of Proceedings; and
- (c) convene a Tribunal in accordance with these Regulations.

### **12.3 Submissions by a party**

- (a) For a DT hearing, a party must provide to the Association a copy of any written submissions, materials, documents or other evidence it intends to rely on in the hearing at the time of submitting a Notice of Response (**Prescribed Form 12**) or by the due date specified in the Notice of Charge.
- (b) For an Appeals Tribunal hearing, a party must provide to the Association a copy of any written submissions, materials, documents or other evidence it intends to rely on in the hearing at the time of submitting a Notice of Appeal.
- (c) All written submissions, materials, documents or other evidence supplied to the Association must be sent to [disciplinary@footballcanterbury.com.au](mailto:disciplinary@footballcanterbury.com.au) or [appeal@footballcanterbury.com.au](mailto:appeal@footballcanterbury.com.au) as the case may be.
- (d) Unless there is are exceptional circumstances (to be determined by the Executive), the Association will not accept any late written submissions, materials, documents or other evidence submitted after the time of submitting a Notice of Response or Notice of Appeal.
- (e) All written submissions, materials, documents or other evidence supplied to the Association will be provided to the other parties (including an Affected Party) involved in the hearing.

### **12.4 Affected Party**

- (a) For the purposes of these Regulations, an Affected Party means:

- i. a Member who may be affected by a determination of a Body or by the outcome of a mediation based on the relief sought by a Member who has submitted a Notice of Appeal or Grievance Form under these Regulations but subject to section 12.4(d); and
  - ii. CDSFA, if the Executive considers, in its absolute discretion, that the determination of a Body, or the outcome of mediation, may affect the interests of football in the Association, State, Football NSW, or FFA or it may bring the game into Disrepute or damage the reputation or goodwill of the game.
- (b) Despite anything to the contrary in section 12.4(a), the victim of an incident giving rise to disciplinary charges or proceedings is not an Affected Party for the purposes of these Regulations.
- (c) A Member submitting a Notice of Appeal or Grievance Form must state whether there is any other Member who may be affected by the decision based on the relief sought.
- (d) If a Member has not identified an Affected Party, a Tribunal may require that any relevant document be given to a Member if it is of the view that the outcome of the hearing may affect the interests of that Member.
- (e) The Association may, in its absolute discretion, consider itself an Affected Party for the purposes of this section 12.4 if it considers that the determination of a matter may affect the interests of the Association or may bring the game into Disrepute or damage the reputation and goodwill of the game.
- (f) An Affected Party provided with notice under this section 12.4 may participate in the hearing as an Affected Party and may make submissions. The Affected Party is bound by any decision.
- (g) If an Affected Party provided with notice elects to not participate in a hearing, that Affected Party cannot subsequently initiate a Grievance under these Regulations in relation to the same subject matter.

### **12.5 Legal Representation**

A party (including an Affected Party) shall not have the right to a legal representative at a Tribunal hearing. A legal representative may attend the hearing to give guidance and advice to their client, but shall not address the Tribunal. Unless notice of an accompanying legal representative is sent out in the Notice of Appeal or Notice of Response, an accompanying legal representative shall not be allowed.

A party (including an Affected Party) may apply in writing to the CDSFA for the right to a legal representative where an issue relates to a person's livelihood and/or serious allegation. The CDSFA's decision shall be final.

### **12.6 Parent/Guardian**

A party must be accompanied at a hearing before a Tribunal by a parent or legal guardian if he or she is under the age of eighteen (18) years.

### **12.7 Non-attendance**

- (a) If any party or witness who has been properly notified of a hearing fails to attend a Tribunal hearing without showing sufficient cause for such failure, the hearing can proceed ex parte and determined in that party's absence, including as to Determination on the merits and/or sanction. An ex parte Determination of a Tribunal has the same force and effect as if it was made after a full hearing before that Tribunal.
- (b) If any party or witness that fails to attend a Tribunal hearing without exceptional circumstances or sufficient cause, that Member shall be deemed to have committed Misconduct and may be subject to sanction under section 8.2 (Charges of Misconduct and Disrepute).

### **12.8 Adjournment**

A party may apply in writing to a Tribunal at least two (2) working days before the start of any Tribunal hearing to have the hearing adjourned provided there are compelling circumstances which may warrant an adjournment, including avoiding significant costs, hardship or inconvenience to the party. Any decision to adjourn a hearing will be at the absolute discretion of the Tribunal. Members acknowledge that the Tribunal meets after normal business hours and during the working week. Given the sometimes large number of parties and witnesses involved in a Tribunal hearing and the need to resolve matters in an expeditious manner, it will not always be possible to accommodate adjournment applications.

### **12.9 Stay of proceedings**

On application by a party (including an Affected Party) or the Association, a Tribunal may order a stay of proceedings (with or without conditions).

### **12.10 General conduct of Tribunal hearings**

- (a) A Tribunal will not be bound by the rules of evidence usually applicable to proceedings in courts of law.
- (b) All hearings must be conducted in accordance with the principles of natural justice.
- (c) A Tribunal may conduct the hearing in any matter as it sees fit provided that:
  - i. all parties are given a reasonable opportunity to be heard;
  - ii. the hearing is conducted with as little formality and technicality and with as much expedition as proper consideration of the matters before it permits.
- (d) A Tribunal is empowered to:
  - i. take evidence subject to section 12.10(e). The admissibility and weight to be given to any evidence in a hearing shall be at the discretion of a Tribunal;
  - ii. require the attendance of any Member to give evidence;
  - iii. permit any witnesses to give evidence via telephone or video over internet (for example, via "skype");
  - iv. require the production of any document, information or other evidence in whatever form held by any Member;
  - v. inform itself on any matter or thing in order to properly carry out its function in accordance with these Regulations.
- (e) If a Tribunal is not satisfied to the required standard that a charge(s) before it has been proved, but is satisfied that a different charge(s) has been approved, then provided the accused has been given an opportunity to address the Tribunal in relation to the different charge(s), the Tribunal must find the accuse guilty of the different charge(s) and apply the appropriate sanction. A Tribunal may, in its absolute discretion, grant an accused an adjournment for the purposes of answering the different charge(s).
- (f) Unless there are exceptional circumstances (to be determined by the Appeals Tribunal), in determining any appeal under section 9.2(d) or (e) or section 9.4, the Appeals Tribunal shall not consider new evidence to that which was before the body whose decision is being appealed.
- (g) To the extent that a matter relating to the procedures of a Tribunal is not provided for by these Regulations, the Chairperson of a Tribunal may issue appropriate directions for the conduct of any matter or hearing.

### **12.11 Disclosure of Tribunal members**

In the interests of ensuring independence, the Association shall not disclose the identity of those Tribunal members prior to a hearing to any party.

**12.12 Challenge of jurisdiction or of a Tribunal member**

- (a) If a Member wishes to allege that a Tribunal does not have jurisdiction, it must raise this objection in its Notice of Response or Notice of Appeal. A Tribunal has the power to rule on any objection that it has no jurisdiction. In general, a Tribunal should determine any challenge concerning its jurisdiction as a preliminary question. However, a Tribunal may proceed with the hearing and rule on such an objection in its final Determination.
- (b) A Tribunal member may be challenged if circumstances exist that give rise to justifiable doubts as to his or her impartiality or independence. Such a plea must be raised in oral submissions as a preliminary question at the hearing. The Tribunal has the power to rule on this objection and, if the challenge fails, reasons must be provided in the final Determination.

**12.13 Standard of proof**

A Body shall make Determinations on the balance of probabilities.

**12.14 Costs generally**

- (a) The parties to a Tribunal hearing shall pay their own costs unless the Tribunal determines otherwise.
- (b) In a hearing, the Tribunal may award the costs it considers appropriate on:
  - i. the application of a party to the proceeding; or
  - ii. its own initiative.
- (c) In deciding whether to award costs, and the amount of the costs, the Tribunal may have regard to the following:
  - i. the outcome of the hearing;
  - ii. the conduct of the parties to the proceeding before and during the hearing;
  - iii. the nature and complexity of the hearing;
  - iv. any legal costs incurred by a party (including an Affected Party), a Tribunal or the Association;
  - v. the relative strengths of the claims made by each of the parties to the hearing;
  - vi. any contravention of the FFA Rules and Regulations or Football NSW Rules & Regulations or the Association Rules and Regulations by a party to the proceeding; and
  - vii. anything else the Tribunal considers relevant.
- (d) A party to a proceeding is not entitled to costs only because the Tribunal made an order or orders in a party's favour.
- (e) The power of the Tribunal to award costs under these Regulations is in addition to the Tribunal's power to award costs under any other provision of the FFA Rules and Regulations and the Association Rules and Regulations.

**12.15 Contempt in the face of a Tribunal**

- (a) A person appearing before a Tribunal must not:
  - i. insult a member of a Tribunal in relation to the exercise of the powers or functions of the Tribunal;
  - ii. repeatedly interrupt the proceedings of a Tribunal;
  - iii. create a disturbance or take part in creating or continuing a disturbance in or near a place where Tribunal is sitting;

- iv. fail to comply in full with an order of the Tribunal; or
  - v. Deliberately mislead a Tribunal; or
  - vi. do any other act or thing that would, if a Tribunal were a court of record, constitute a contempt of a Tribunal.
- (b) If a Tribunal considers that a person has breached this section 12.15, then it may impose sanctions as it sees fit in accordance with these Regulations or make recommendations to the Executive to issue a Notice of Charge pursuant to section 8.2 (Charges of Misconduct and Disrepute).
- (c) A Member must comply with a Determination of a Tribunal.
- (d) Parties, their representatives and all witnesses must not use or disclose to any third party any confidential information obtained during the course of any investigations or proceedings.
- (e) If a Tribunal considers that a Member has breached this section 12.15 and/or section 8.2(h), then it may impose sanctions as it sees fit in accordance with these Regulations or make recommendations to the Executive to issue a Notice of Charges pursuant to section 8.2 (Charges of Misconduct and Disrepute).
- (f) If the Executive determines that a Member has breached this section 12.15, section 8.2 8.2(h) and/or section 12.19(b), then it may, in its absolute discretion, charge the Member with Misconduct (section 15.4) and refer the matter to the Disciplinary Tribunal for determination pursuant to section 8.2 (Charges of Misconduct and Disrepute).

**12.16 Tribunal may hear proceedings regardless of related criminal or disciplinary action**

A Body may issue Suspensions or make a Determination whether or not a Member:

- (a) has been charged with, convicted of or sentenced for an offence arising out of the contravention;
- (b) is the subject of a pending disciplinary proceedings relating to the contravention; or
- (c) may be, or has been, subject to disciplinary action in relation to the contravention.

**12.17 Immunity**

The parties to any charges or proceedings brought under these Regulations, and their respective witnesses, agree not to institute or maintain any proceedings, or bring any claim against the Association, a Body or member of a Body, in respect of any act or omission during the course of a hearing or arising out of any charge, Determination or findings made.

**12.18 Correction of a Determination**

Within five (5) working days of the issuance of a Determination, either party (including an Affected Party) to a hearing may submit to [tribunal@footballcanterbury.com.au](mailto:tribunal@footballcanterbury.com.au) a request to correct in the Determination any errors in computation, any clerical or typographical errors or any other error of a similar nature. If the Tribunal considers the request to be justified, it will make the correction and reissue the Determination to the parties.

**12.19 Publication and Confidentiality**

- (a) Subject to any term of a Determination imposing confidentiality or any other legal requirements, any Determination or Suspensions may be disclosed on the Association website.
- (b) All evidence and information provided in proceedings of a Tribunal must be treated in the strictest confidence. Parties and their representatives and witnesses must not use or disclose to any third party any confidential information obtained during the course of a hearing.

**12.20 Legal advice**

A Tribunal may, in its absolute discretion, seek legal advice prior to or during any hearing and as such is entitled to adjourn the hearing and/or prior to giving its Determination.



### **12.21 The Association staff**

The Association staff shall not be required to provide evidence at a hearing (whether oral or written) unless the Association is an Affected Party to a hearing or a Tribunal considers otherwise.

## **13. SUSPENSION ORDERS**

### **13.1 Interim Suspension Orders**

- (a) Where a Member has been charged by the Association in relation to an alleged act of Misconduct (see section 8.2 (Charges of Misconduct or Disrepute)) or with a criminal offence in connection with disciplinary action pursuant to these Regulations, the Executive shall have the power to order that a Member be suspended, pending determination of such a matter, from all or any specific Football Activity for such period and on such terms and conditions as the Executive considers fit (an “**Interim Suspension Order**”).
- (b) The period of an Interim Suspension Order shall not be capable of lasting beyond the date upon which any charge of Misconduct or criminal offence or other disciplinary proceedings referred to in section 13.1(a) above is decided or brought to an end.

### **13.2 Suspension for serious criminal charges and offences**

The Executive shall have the power to order that a Member be suspended from all or any specific Football Activity for such period and on such terms and conditions as it considers fit where the Member has been charged or convicted of a criminal offence and where the Executive considers there is a risk of harm to another Member.

### **13.3 Suspension following disqualification from working with children**

Where a Member is prohibited under child protection legislation from regulated activity relating to children, the Executive shall have the power to order that the individual be suspended immediately from all or any specific Football Activity for such a period and on such terms and conditions as it sees fit.

## **14. SERVING OF SUSPENSIONS**

### **14.1 Application of Suspensions and Determinations**

Upon the issuance of a Suspension or Determination by a Body, the Executive has the obligation to ensure that the Suspension or Determination is applied correctly in accordance with this section 14 and any other directive imposed by the Executive from time to time. Such decision shall be final and not subject to appeal.

### **14.2 Suspensions to be served immediately**

- (a) Subject to this section 14, any Suspension or Interim Suspension Order imposed by the Association or a Body shall be served immediately. In serving a Suspension or Interim Suspension Order, a Member must take into consideration any fixtures or time already served whilst awaiting the issuance of the Notice of Suspension or Determination and shall apply in respect of those Football Activities listed in the Notice of Suspension or a Determination.
- (b) A Member does not need to be registered to serve any Time Suspension but does need to be registered to serve a Fixture Suspension.
- (c) Team Officials being sent-off or expelled from the technical area during a Match are eligible to play as a Player in a Match scheduled in the same round unless otherwise determined by the Association or a Body.
- (d) A Player being sent-off or expelled from the technical area during a Match are eligible to be a Team Official in the technical area in a Match scheduled in the same round unless otherwise determined by the Association or a Body.

#### **14.3 Club Responsibility on Suspensions and Team Sheets**

- (a) The relevant Club shall be responsible for ensuring a Member is suspended in accordance with any Notice of Suspension or Determination.
- (b) Clubs must list in an appropriate place on any team sheet any Player or Official who is registered with or by that Club and who is serving a Suspension at the time the team sheet is completed.

#### **14.4 Fixture Suspensions and Time Suspensions**

- (a) A Body may issue Suspensions either in terms of the number of Fixtures for which a Participant shall be suspended (**Fixture Suspension**) or the amount of time for which a Participant shall be suspended (**Time Suspension**).
- (b) Member does not need to be registered to serve a Time Suspension. Subject to section 14.4(c), or unless the CDSFA has determined otherwise in its absolute discretion, a Member must be registered to serve a Fixture Suspension.
- (c) A Participant subject to a Fixture Suspension as a Spectator only does not need to be registered to serve a Fixture Suspension.

#### **14.5 Time Suspensions**

- (a) A Time Suspension affects a Participant's participation in both eleven-a-side football and futsal, regardless of whether the infringement was committed in an eleven-a-side football or futsal Match.
- (b) Upon issuing a Time Suspension, a Body must provide a start date and end date for the Suspension.
- (c) Unless a Body determines otherwise, but subject always to section 14.5(a), a Participant issued with a Time Suspension is ineligible to participate in all Football Related Activities for the duration of the Suspension.
- (d) Football Related Activities include, but are not limited to:
  - i. taking the Field of Play (or court) as a Player or Match Official in any match or competition sanctioned or administered by Football NSW, the CDSFA, Clubs, Centres, Association Members or their clubs;
  - ii. taking a position as a coach, Team Official or Club Official in any match or competition sanctioned or administered by Football NSW, the CDSFA, Clubs, Centres, Association Members or their clubs;
  - iii. entering the Field of Play (or court), its surrounds, the Technical Area, players race, dressing rooms or any other place within a venue on a match day where players, coaches or Officials are likely to assemble to prepare for a match;
  - iv. taking part as a player, coach, Team Official or Club Official in any training session conducted by or for a team or club participating in any matches or competitions sanctioned or administered by Football NSW, the CDSFA, Clubs, Centres, Association Members or their clubs;
  - v. acting in any way as a Team Official, Club Official or Association Member Official, including, but not limited to, participating in or carrying on any function as a member of a committee, sub-committee or board of directors (whether paid, voluntary or honorary) at any level;

- vi. having any contact with the Host Broadcaster or any other media whether the purpose of such contact is for it to be electronically broadcast to the public, including (but not limited to) participating in any post-match press conference and participating in television or radio interviews;
- vii. attending any function or event coordinated, conducted or sanctioned by Football NSW and CDSFA; and/or
- viii. entering a stadium, venue, ground or Centre during any match, competition or training sessions sanctioned or administered by the CDSFA or their clubs.

#### **14.6 Fixture Suspensions**

- (a) A Fixture Suspension imposed on a Player participating in:
  - i. eleven-a-side football only affects that Participant's participation in eleven-a-side football; or
  - ii. Summer Competition only affects that Participant's participation in summer competition.
- (b) A Participant subject to a Fixture Suspension resulting from or related to any Premiership, Championship, Cup or FFA Cup Fixture must serve that Suspension in the next Premiership, Championship, Cup or FFA Cup Fixture(s) in which that Participant's Team or Club plays in, whichever occurs first, until that Suspension is served in full. A Participant **cannot** serve such a Suspension in a Trial Match, Tournament, any Pre-Season Competition, any Football NSW Representative Match, any competition, event or tournament conducted by another Member Association of FNSW or any other match/fixture.
- (c) A Participant subject to a Fixture Suspension resulting from or related to any Football NSW Representative Match (for example, Football NSW State Titles) must serve that Suspension in the next consecutive Fixture(s) (be that a Football NSW Representative Match, Premiership, Championship, Cup or FFA Cup Match/Fixture) in which that Participant's Team or Club plays in, whichever occurs first, until the Suspension is served in full. A Participant **cannot** serve such a Suspension in a Trial Match, Tournament or Pre-Season Competition.
- (d) A Participant subject to a Fixture Suspension resulting from or related to any Trial Match, Pre-Season Competition or Tournament must serve that Suspension in the next consecutive Trial Match, Pre-Season Competition, Tournament, Premiership, Championship, Cup or FFA Cup Match/Fixture in which the Participant's Team or Club plays in, whichever occurs first, until the Suspension is served in full.
- (e) A Participant must serve a Fixture Suspension in the same age-grade for which he or she received that Suspension and will not be eligible to participate in any Match/Fixture until that Suspension is served in full;. If a Fixture Suspension extends over one (1) or more Seasons, that Suspension must be served in the age-grade in which the Participant would normally compete in the following Section(s).
- (f) While subject to a Fixture Suspension, a Participant may only participate in a Trial Match, Tournament or Pre-Season Competition if the CDSFA has determined, in its absolute discretion, that the Participant may do so. To the extent any determination by a Body permits, or seeks to permit, a Participant to participate in a Trial Match, Tournament or Pre-Season Competition, that part of the determination will not apply.
- (g) Unless a Body determines otherwise, a Fixture Suspension applies to the Participant in the capacity in which the Participant was acting when he or she committed the Offence giving rise to the Suspension.
- (h) While serving a Fixture Suspension, a Participant must not, on the day of a Fixture, act in any manner or role for which he or she has been suspended.

- (i) For the purposes of section 14.6(h), a Participant subject to a Fixture Suspension as a Player or Official must not:
  - i. enter the field of play (or court), its surrounds, the Technical Area, players race, dressing rooms or any other place within a stadium, venue, ground or Centre where players and/or officials are likely to assemble to prepare for a match;
  - ii. be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials;
  - iii. have any contact with the Host Broadcaster or any other media where the purpose of such contact is for it to be electronically broadcast to the public, including (but not limited to) participating in any post-match press conference and participating in television or radio interviews; and
  - iv. in the case of a coach, must not engage or attempt to engage a third party to relay coaching instructions.
- (j) For the purpose of section 14.6(h), a Participant subject to a Fixture Suspension as a Spectator must not enter a stadium, venue, ground or Centre during a Fixture until that Suspension is served in full. Unless a Body determines otherwise, a Fixture Suspension imposed on a Participant as a Spectator will be served in accordance with this section 14.6.
- (k) Where a Participant the subject of a Fixture Suspension is unable to register with a Club participating in a CDSFA Competition such that he or she would be otherwise able to serve the Fixture Suspension in accordance with these Regulations, that Participant may register with a club in another competition and the CDSFA may, in its absolute discretion, allow that Participant to serve the Fixture Suspension in that other competition.
- (l) Where a Fixture Suspension extends over one (1) or more Seasons and the Participant does not return to participate in a CDSFA Competition in the following Season(s), that Participant must serve that Suspension in whichever competition he or she subsequently participates in, if any. If the CDSFA determines, in its absolute discretion, that the Participant joined that competition for the purpose (in whole or in part) of enabling the Participant to serve that Suspension in that other competition, any suspension served in that other competition may not be permitted towards the serving of the Suspension.

#### **14.7 Non-selection of the Association representative teams**

If a Participant has been selected to represent the Association in a representative competition, event or tournament and then subsequently has been issued with a Suspension or Interim Suspension Order (see section 13.1) the Association may, in its absolute discretion, decide to suspend the Participant from representing the Association or the region at that representative competition, event or tournament. Any decision made by the Association under this section 14.5 is final and not subject to any appeal.

#### **14.8 Effect of Abandoned Matches**

- (a) Only those Matches actually played count towards the serving of any Fixture Suspension.
- (b) Subject to section 14.8(c), if a Match is abandoned, cancelled or forfeited pursuant to CDSFA Rules and Regulations, a Suspension is only considered to be served if the Participant's Team is not responsible for the events that led to the abandonment, cancellation or forfeiture of the Match.
- (c) CDSFA may decide, in its absolute discretion, whether a Suspension or part thereof may be served in an abandoned, cancelled or forfeited Match and any such decision is final and not subject to any appeal.

- (d) A Yellow Card issued during an abandoned Match will be annulled if that Match is replayed and upheld if that Match is not replayed.
- (e) Any Red Card issued during an abandoned Match will be upheld, regardless of whether the Match is replayed or not.

#### **14.9 Recognition of Suspensions**

- (a) Any sanction imposed on a Member (or on a person or entity seeking to become a Member) by a Club, Centre, Referees Body, Member Association of FNSW, FNSW, or FFA under its applicable rules and regulations may be endorsed and applied by the CDSFA, in its absolute discretion.
- (b) The Executive may, in its absolute discretion, notify Suspensions to FFA, FNSW and Member Associations of FNSW who may endorse and apply Suspensions across their respective jurisdiction.

### **15. CONDUCT**

#### **15.1 Financial Default and Payment of Interest**

- (a) In the event that a Club fails to make payment of any amount payable to the Association by the due date ("**Financial Default**") then they shall be liable to pay interest on the amount outstanding from the date of such Financial Default until the date of actual payment at the existing Reserve Bank interest rate for each month or part of a month during which any such payment shall be overdue.

#### **15.2 Non-Financial Conduct**

- (a) Where any Member suffers Financial Default, it shall be referred to the Board who may, in its absolute discretion and in addition to section 15.1, enforce this section 15.2.

##### ***Club***

- (b) A Club in Financial Default shall:
  - i. if more than thirty (30) days from the date the payment is due and payable:
    - A. in the case of a Club during the playing season, not be entitled to any points from any Premiership Match in which it participates in until the Financial Default is rectified.
    - B. if the Club is playing in Championship finals or a Cup then it will forfeit any Match it participates in until the Financial Default is rectified; or
  - ii. if more than forty five (45) days from the date the payment is due and payable:
    - A. in the case of a Club during the playing season, the Board, may suspend or expel the Club from participating in any current the Association Competition until the Financial Default is rectified; or
    - B. in the case of a Club during the off-season, the Club will not be entitled to participate in any future the Association Competition until the Financial Default is rectified.; or
    - C. have such other sanctions or penalties imposed on them as the Board may determine at its absolute discretion.

#### **15.3 Non-Financial Conduct – Participants**

In the event that a Participant fails to make payment of any amount payable to CDSFA, a Club, or a Referees Body (**the other party**) by the due date set by the other party (or by CDSFA where CDSFA is not the other party), CDSFA may declare that Participant as "un-financial" and may suspend that Participant until the amount payable is paid to the other party.

#### **15.4 Misconduct and Disrepute**

Misconduct shall mean any act or omission by a Member which:

- (a) constitutes a breach of the FIFA Statutes and Regulations;
- (b) constitutes a breach of the FFA Rules and Regulations;
- (c) constitutes a breach of the Association Constitution or Participation Agreement;
- (d) constitutes a breach of the Laws of the Game;
- (e) constitutes a breach of the Association Rules and Regulations (including these Regulations) unless a document contains a provision or provisions for dealing with any breach thereof;
- (f) is unsportsmanlike or unprofessional;
- (g) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;
- (h) brings or may bring the game into Disrepute or damage the reputation and goodwill of the game; or
- (i) in the opinion of the Association, is or may be prejudicial to the interests or reputation of either the game of football in the State, in the Region or the Association or any of its sponsors.

#### **15.5 Misconduct – Culpability, Attempt and Involvement**

- (a) Offences are punishable regardless of whether they have been committed deliberately, recklessly or negligently.
- (b) Acts amounting to attempt are also punishable. A Body may, however, reduce the sanction envisaged for the actual Offence and determine any extent of mitigation as it sees fit.
- (c) Any Participant who knowingly takes part in committing an Offence, either as instigator or accomplice, is also punishable. A Body may take account of the degree of guilt of the party involved by reducing the sanction as it sees fit.

#### **15.6 Misconduct – Club Liability**

- (a) A Club is deemed to have committed an offence(s) under section 15.4 (Misconduct and Disrepute) where its Club Officials, Team Officials, Players or Spectators have been found guilty by a Tribunal of any offence(s) outlined in section 15.4 (Misconduct and Disrepute) and the Club may be sanctioned accordingly by a Tribunal.
- (b) At any Tribunal hearing dealing with an offence outlined in section 25.4 (Misconduct and Disrepute) allegedly committed by a Club's Team Officials, Club Officials, Players or Spectators, that Club will be required to make written and/or oral submissions to the Tribunal addressing any mitigating circumstances, the Club's Disciplinary History and potential sanctions.
- (c) A Club's failure to provide submissions in accordance with 15.5(b) will not prevent the Tribunal from making an adverse finding against that Club and will be deemed to be contempt of a Tribunal and may be sanctioned pursuant to section 12.15 (Contempt against a Tribunal).

#### **15.7 Misconduct - Registration**

- (a) In the event of a Player signing registration forms for more than one Club, priority of registration will be accorded to the Club who earliest in time, all things being equal, obtained the Player's signature to a valid registration form.
- (b) If a Player has self-registered through the National Online Registration System, the registration which earliest in time is recorded in that system will be granted priority.
- (c) A Player must not intentionally or recklessly register with, or sign registration forms for, more than one (1) Club.

- (d) A Club (**the second Club**) must not intentionally or recklessly induce or attempt to induce, whether directly or indirectly, a Player who is registered with, or has signed a registration form to register with, another Club (**the current Club**), to:
- i. register with the second Club;
  - ii. sign a registration form with the second Club; or
  - iii. de-register from the current Club.
- (e) A Player or Club in breach of sections 15.7© or 15.7(d), will be deemed to have committed Misconduct (section 15.4) and the Executive may, in its absolute discretion, charge the Member accordingly and refer the matter to the Disciplinary Tribunal for determination pursuant to section 8.2 (Charges of Misconduct and Disrepute).

## 16. ON-FIELD MISCONDUCT

### 16.1 Yellow Card

- (a) A Yellow Card is issued by a Match Official to a Player due to the following cautionable offences specified in Law 12 of the Laws of the Game and shall be given as follows:

Code	Description
Y1	The player is guilty of unsporting conduct
Y2	The player shows dissent by action or word
Y3	The player persistently infringes the Laws of the Game
Y4	The player delays the restart 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 re-enters the field of play without the Referee's permission
Y7	The player deliberately leaves the field of play without the Referee's permission

- (b) For the avoidance of doubt, if a Player receives two (2) Yellow Cards in a Match, resulting in a Red Card Offence (R7) then neither caution shall be considered when accumulating cautions pursuant to sections 16.2 to 16.4.
- (c) If a Player receives one (1) Yellow Card in a Match and then receives a direct Red Card in the same Match, the Yellow Card will **not** be expunged from the Player's record and must be considered when accumulating Yellow Card pursuant to sections 16.2 to 16.5.
- (d) A Mandatory Match Suspension incurred as a result of the accumulation of Yellow Cards pursuant to sections 16.2 to 16.5 cannot be appealed.

### 16.2 Accumulation of Yellow Cards - Premiership

- (a) A Player who accumulates five (5) Yellow Cards in the Premiership shall serve a mandatory one (1) Fixture Suspension. The Fixture Suspension shall be served immediately.
- (b) A Player who accumulates an additional three (3) Yellow Cards (in total eight (8) Yellow Cards) in the Premiership shall serve a mandatory 2 (two) Fixture Suspension. The Fixture Suspension shall be served immediately.
- (c) A Player who accumulates an additional two (2) Yellow Cards (in total ten (10) Yellow Cards) in the Premiership shall serve a mandatory three (3) Fixture Suspension. The Fixture Suspension shall be served immediately.
- (d) A Player who accumulates his or her eleventh (11<sup>th</sup>) Yellow Card in total the Premiership shall be required to appear before a Disciplinary Tribunal and shall not be eligible to participate in any

Fixture until he or she has appeared before the Disciplinary Tribunal and has served the sanction imposed by the Disciplinary Tribunal.

- (e) The accumulation of Yellow Cards in a Premiership season does not carry over into the next Premiership Season.

**16.3 Accumulation of Yellow Cards - Cup**

A Player who accumulates two (2) Yellow Cards in a Cup Match shall serve a mandatory one (1) Fixture Suspension, to be served immediately, in the next Fixture (be that a Cup, Premiership or Championship Fixture) that the Participant’s team plays, except in the case of a Pre-Season Competition to which section 14.4(h) applies. A single Yellow Card during a Cup Fixture does not carry over into the Championship, Premiership or the next Cup.

**16.4 Red Card Offences**

- (a) Subject to section 7 (Judiciary Committee), a Participant who receives a Red Card must serve the mandatory minimum Fixture Suspension as set out in the Table of Offences (Schedule 3). The Participant’s Club shall be fined in accordance with the Association’s schedule of fines for any offence incurred by Participants registered with the Club.
- (b) A Red Card may be issued by a Match Official during a Match against a Participant who engages in any one of the following offences and also listed at the Table of Offences at Schedule 3 to these Regulations:

Code	Description
R1	Serious foul play
R2	Violent conduct
R3	Spitting at an opponent or any other person
R4	Denying 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 own 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 or a penalty kick
R6	using offensive, intimidating, insulting or abusive language and/or gestures
R7	receiving a second caution in the same match

- (c) Red Cards issued during an abandoned Match will be upheld regardless of whether the Match is replayed or not.
- (d) ID Cards of suspended players shall be retained by the Chair of the Judiciary Committee until, such suspension has been served. It shall be the responsibility of the Club Secretary or his/her designated representative to collect the ID Card from the Chair of the Judiciary once the suspension of the player has been completed.

**16.5 Accumulation of Red Cards**

- (a) Subject to the Table of Offences (Schedule 3), a participant who accumulates two (2) Red Cards in the Association Competitions in any one (1) season the minimum and maximum penalties shall be doubled.
- (b) Subject to the Table of Offences (Schedule 3), a Participant who accumulates three (3) Red Cards in the Association Competitions in any one (1) Competition Season shall not be eligible to participate in any further Match for the balance of the current competition season in his or her capacity as a Player after receiving his or her third (3rd) Red Card Offence.



- (c) Such Participant who has received three (3) Red Cards in a season shall be required to appear before the Judiciary Committee for the following season before being eligible to play in any competition fixture.
- (d) In the event of five (5) players from one team being sent off during the one season, two (2) competition points shall be deducted from the team's season tally on the competition ladder.
- (e) For each additional player (after the first five (5)) from the one team being sent off, during the one season, then one (1) further competition point shall be deducted.

**16.6 Club responsibility for recording accumulation of Yellow and Red Cards Offences**

- (a) It is a Club's responsibility to keep accurate records of the Yellow and Red Card Offences received by its Players and Officials regardless of whether a Participant may have accumulated Yellow or Red Card Offences whilst registered with a previous Club.
- (b) It is a Club's responsibility to ensure that any Participant who has incurred a Fixture Suspension serves that sanction in full.

**16.7 Team Misconduct**

- (a) A Tribunal may impose additional Suspensions on a Club for the Misconduct of a team, including when:
  - i. five (5) Players are given Yellow Cards or Red Cards during one (1) Match;
  - ii. three (3) Players are given Red Cards during one (1) Match;
  - iii. one or more Participants make threats or show force against a Match Official; or
  - iv. Players and/or Participants engage in violent conduct.
- (b) The relevant sanctions for team misconduct are set out at Schedule 3 to these Regulations.

**16.8 Unregistered Players**

- (a) Clubs must not field or list unregistered Players, including individuals playing under false or assumed identities, in any Match. Unregistered Players means those Players who have not registered with FFA and the CDSFA.
- (b) Any Club which fields or lists unregistered players shall be deemed to have committed Misconduct (section 15.3) and as a result the Association may, in its absolute discretion, charge the Club and refer the matter to the DT for Determination.

**16.9 Ineligible Players**

- (a) Clubs must not field or list Ineligible Players in any Match.
- (b) Any Club which fields or lists Ineligible Players shall be deemed to have committed Misconduct (section 15.1) and as a result the Association may, in its absolute discretion, charge the Club and refer the matter to the DT for Determination.

**16.10 Team Officials and Club Officials**

- (a) The Judiciary Committee has jurisdiction to issue Suspensions based on the Match Official Incident Reports and in accordance with the Table of Offences (Schedule 3, Table B) against Team Officials and Club Officials.
- (b) A Team Official or Club Official who has been sent-off or expelled from the technical area by a Match Official must immediately serve a mandatory one (1) Fixture Suspension in the next Premiership, Championship or Cup Fixture, whichever occurs first which may be taken as being included in any additional Suspensions issued by a Body which may apply across all Football Activities depending on the severity of the Offence.

### **16.11 Refusal to take the field of play and mass walk-offs**

Any Club which by the conduct of its Players, Team or Club Officials or Spectators caused a Match to be terminated or abandoned as a result of refusing to take the field or mass walk-offs shall be deemed to have brought the game into Disrepute and as a result the Association may, in its absolute discretion, charge a Participant or the Club itself and refer the matter to the DT for Determination.

### **17. SOCIAL MEDIA AND DETRIMENTAL PUBLIC COMMENT**

- (a) Without limiting the Association Social Media Policy (adopted on 17 March 2014) or FFA Rules and Regulations, Members must not make public or media comment (including via social media) which is detrimental to the Association, a local government in the CDSFA region, a sponsor of the Association or to the interests of the game.
- (b) Without limitation, Members will breach these Regulations and be deemed to be making comment detrimental to the interests of the game if in making any public or media comment it:
  - i. denigrates or criticises another Member, whether in relation to incidents that have occurred in a match or otherwise;
  - ii. denigrates or criticises the Association or any of its commercial partners or Local Council;
  - iii. denigrates or criticises a Participant by inappropriately commenting on any aspect of his or her performance, abilities or characteristics;
  - iv. comments on the likely outcome of hearing;
  - v. criticises the outcome of a hearing; or
  - vi. criticises any evidence, submission or other comment made by any person at a hearing.
- (c) the Association may, in its absolute discretion, investigate such matters and charge Members under these Regulations and refer the matter to the DT for Determination.

### **18. SPECTATORS**

- (a) The Association has adopted the FFA Spectator Code of Behaviour applies to all Spectators attending any Match.
- (b) The Disciplinary Tribunal has jurisdiction to determine matters involving Spectators and to issue sanctions against:
  - i. Spectators;
  - ii. Players or Officials who are children or wards of any Spectator, in respect of the behaviour of that Spectator; and
  - iii. Clubs, in respect of the behaviour of any Spectator.
- (c) In the event of a breach of the FFA Code of Conduct for Spectators Policy, the Association may refer the matter to the DT and seek an appropriate sanction including but not limited to excluding Spectators from all Matches within the Association's jurisdiction.
- (d) Any ban imposed by FFA under its applicable rules and regulations against a person may be endorsed and applied by the Association across all Matches.

## SCHEDULE 1: DEFINITIONS

**“Affected Party”** means a party (including the Association) who may be affected by a decision based on the relief sought by a Member submitting a Notice of Appeal or Grievance Form under these Regulations;

**“Appeals Tribunal Determination or AT Determination”** means a decision or Determination made by the AT pursuant to section 9;

**“Appeals Tribunal” or “AT”** means the Body responsible for hearing and determining appeals set out in section 9;

**“Application Fees”** means the applicable fees to appear before a GPT or AT as set out in Schedule 4;

**“Association”** means Canterbury & District Soccer Football Association (CDSFA);

**“Association Member”** means those admitted from time to time as members of the Association under the CDSFA Constitution and includes the Association;

**“Association Competitions”** means any or all of the football matches, tournaments, events or competitions owned or conducted by the Association including outdoor, summer competitions and futsal;

**“Association Constitution”** means the constitution of the Association as amended up to 25 November 2013 and as amended from time to time;

**“Association Representative Match”** means any match played by a Participant for a representative side controlled or administered by the Association;

**“Association Rules and Regulations”** mean any rules, regulations, by-laws, policies, procedures, directives, codes of conduct and guidelines developed, promulgated and implemented by the Association;

**“Board”** mean the directors of the Association appointed or elected from time to time in accordance with the Association’s Constitution;

**“Body”** means a body established under section 5 (Authority to establish Committees and Tribunals) of these Regulations;

**“Championship”** means the final series conducted at the completion of the Premiership (whether it be outdoor or futsal) in accordance with the Association Rules and Regulations;

**“Chairperson”** means a chairperson or vice-chairperson of a Tribunal appointed under section 6 (Membership of Bodies);

**“Claim”** means a claim or disagreement by, against or between Members;

**“Club”** means an entity formed for the purpose of playing football or futsal in the Competitions;

**“Club Official”** means any person involved with the administration, management or organisation of a Club (whether paid or unpaid), including employees, contractors, directors, representatives and volunteers;

**“Competitions”** means any or all of the football matches or competitions conducted by the Association and may include a Championship and Premiership component;

**“Complaint”** means an allegation that a Member’s conduct is in breach of FFA Rules and Regulations, Football NSW Rules and Regulations or a Member Association’s rules and regulations including the Association;

**“Cup”** means a tournament or event conducted by the Association;

**“Determination”** means a decision made by a Body in accordance with these Regulations;

**“Judiciary Committee or JC”** means the Body responsible to make decisions under section 7;

**“Disrepute”** has its meaning given to it under the FFA Code of Conduct. For the purposes of these Regulations, a reference to FFA in the FFA Code of Conduct shall also be a reference to the Association;

**“Executive”** means the Chief Executive Officer of the Association or his or her nominee;

**“FFA”** means Football Federation Australia Limited, the governing body for football (soccer) in Australia;

“**FFA Statutes**” means the statutes and any accompanying standing orders, by-laws and regulations governing football in Australia as promulgated by FFA from time to time;

“**FFA Rules and Regulations**” means the FFA Statutes and any other rules, regulations, policies, procedures, codes of conduct and guidelines developed, promulgated and implemented by FFA;

“**FIFA**” means Federation Internationale de Football Association, its successor or assignee;

“**Fixture**” means a meeting of clubs as scheduled in all grades applicable;

“**Football Activity**” means any activity of a football nature which takes place on the field of play, playing area or within the external surrounds of a ground or venue;

“**Football NSW**” means the Football NSW Limited ACN 003 215 923 which is the governing body for football (including Futsal) in the State;

“**Disciplinary Tribunal or DT**” means the Body responsible for hearing and determining matters under section 8;

“**Disciplinary Tribunal Determination or DT Determination**” means a decision made by the DT pursuant to section 8;

“**Grievance**” means either a Claim or Complaint as the case requires under section 8.3;

“**Grievance Form**” means **Prescribed Form 14**, used for raising a Grievance against a Member under section 8.3;

“**Ineligible Players**” means Players who have been issued with Suspensions by FFA, Football NSW, the Association or an Association Member (see section 16.10);

“**Laws of the Game**” means the official laws of the game of football and futsal as promulgated by FIFA;

“**Match**” means any match played in the Association Competition, Cup, Premiership, other event or tournament under the Association’s control;

“**Match Official**” means a referee, assistant referee, fourth official, assessor, match commissioner, any person in charge of safety or any other person appointed by the Association or a Club to assume responsibility in connection with a Match;

“**Match Official Report**” means either a Match Official Send Off Report (**Prescribed Form 02**) or a Match Official Incident Report (**Prescribed Form 03**) prepared and submitted by Match Officials to the Association;

“**Match Official Incident Report (Prescribed Form 03)**” means a report prepared and submitted by a Match Official to the Association which sets out any incidents which occurred prior to, during or after a Match;

“**Match Official Send-Off Report (Prescribed Form 02)**” means a report prepared and submitted by a Match Official to the Association which sets out any Red Card Offences that occurred during a Match;

“**Member**” means for the purposes of these Regulations a Club or a Participant;

“**Misconduct**” has its meaning given to it under section 15.3 of these Regulations;

“**Notice of Appeal**” means the relevant prescribed form submitted by a party to the Association wishing to appeal a decision;

“**Notice of Charge**” means a Notice submitted by the Association charging a Member with Misconduct;

“**Notice of Proceedings**” means a notice submitted by the Association to parties subject to a hearing;

“**Notice of Response**” means **Prescribed Form 12** submitted by a Member having being charged with Misconduct pursuant to these Regulations;

“**Notice of Suspension**” means a notice submitted to a Member who has breached these Regulations and has been issued with a Suspension pursuant to these Regulations;

“**Offences**” means those offences committed by a Member set out in the Table of Offences (Schedule 3);

“**Official**” means a Club Official, Match Official or Team Official;

“**Participant**” means a Player, Official or Spectator;

“**Player**” means any person who participates in a Match (irrespective of whether he or she is registered with FFA, junior or senior or an amateur or professional);

“**Pre-Season Competition**” means Fixtures or matches played prior to the commencement of an Association Competition, whether it be outdoor or futsal;

“**Premiership**” means the round robin Matches (both home and away, outdoor and futsal) in which a team competes during a Season in accordance with the Association Rules and Regulations;

“**Red Card Offence**” means one of the sending-off offences set out in in the Table of Offences (Schedule 3, Table A);

“**Region**” means the geographical area for which the Association is responsible. This incorporates the Local Government Areas of Ashfield, Burwood, City of Canada Bay, City of Canterbury, Leichhardt, Marrickville, Strathfield and parts of the City of Sydney;

“**Regulations**” means these the Association Judiciary, Disciplinary, Appeals & Grievance Regulations as amended from time to time;

“**Season**” means from the commencement of the Association Competition to the conclusion of the Association Competition unless otherwise directed by the Association;

“**Spectator**” means a person who attends to view a Match;

“**Suspensions**” means the suspensions issued by a Body pursuant to these Regulations;

“**Table of Offences**” mean the Offences as set out at Schedule 3 to these Regulations;

“**Team Official**” means any person involved with the management, preparation or participation of a team (whether paid or unpaid), including the coaches, managers, medical staff, other support staff or any other person acting for or on behalf of a Club;

“**Trial Match**” means any Match played by two Clubs which does not form part of the Association Competition, Cup, Premiership, other event or tournament but has been sanctioned by the Association and includes both outdoor and futsal;

“**Tribunal**” means the General Purposes Tribunal or the Appeals Tribunal;

“**Vexatious Claim**” means a Claim or Complaint instituted without sufficient grounds and serving or designed only to cause annoyance to another Member;

“**Yellow Cards**” means a caution of a Player by a Match Official for an infringement set out in section 16.1.

**SCHEDULE 2: PRESCRIBED FORMS AND EMAIL ADDRESSES**

<b>Documents</b>	<b>Email Address</b>
Team Sheets ( <b>Prescribed Form 01</b> )	<a href="mailto:admin@footballcanterbury.com.au">admin@footballcanterbury.com.au</a>
Match Official Send-Off Report ( <b>Prescribed Form 02</b> )	<a href="mailto:judiciary@footballcanterbury.com.au">judiciary@footballcanterbury.com.au</a>
Match Official Incident Report ( <b>Prescribed Form 03</b> )	<a href="mailto:judiciary@footballcanterbury.com.au">judiciary@footballcanterbury.com.au</a>
Written Statement by a Participant challenging a decision on the basis of mistaken identity in a Match Official Send-Off Report ( <b>Prescribed Form 04</b> ) – section 7.3	<a href="mailto:judiciary@footballcanterbury.com.au">judiciary@footballcanterbury.com.au</a>
Written Statement by actual Participant committing the Red Card Offence - mistaken identity in a Match Official Send-Off Report ( <b>Prescribed Form 05</b> ) – section 7.3	<a href="mailto:judiciary@footballcanterbury.com.au">judiciary@footballcanterbury.com.au</a>
Written Statement by a Club - mistaken identity in a Match Official Send-Off Report ( <b>Prescribed Form 06</b> ) – section 7.3	<a href="mailto:judiciary@footballcanterbury.com.au">judiciary@footballcanterbury.com.au</a>
Written Statement by a Participant – challenging a decision on the basis of mistaken identity in a Match Official Incident Report ( <b>Prescribed Form 07</b> ) – section 7.3	<a href="mailto:disciplinary@footballcanterbury.com.au">disciplinary@footballcanterbury.com.au</a>
Written Statement by actual Participant committing the Offence - mistaken identity in a Match Official Incident Report ( <b>Prescribed Form 08</b> ) – section 7.3	<a href="mailto:disciplinary@footballcanterbury.com.au">disciplinary@footballcanterbury.com.au</a>
Written Statement by a Club - mistaken identity in a Match Official Incident Report ( <b>Prescribed Form 09</b> ) – section 7.3	<a href="mailto:disciplinary@footballcanterbury.com.au">disciplinary@footballcanterbury.com.au</a>
Written Statement by Participant – challenging a decision on the basis of Exceptional Circumstances ( <b>Prescribed Form 10</b> ) – section 7.4	<a href="mailto:Judiciary@footballcanterbury.com.au">Judiciary@footballcanterbury.com.au</a>
Notice of Appeal of a decision of a JC ( <b>Prescribed Form 11</b> ) – section 7.5	<a href="mailto:appeal@footballcanterbury.com.au">appeal@footballcanterbury.com.au</a>
Notice of Response ( <b>Prescribed Form 12</b> ) – section 8.2	<a href="mailto:disciplinary@footballcanterbury.com.au">disciplinary@footballcanterbury.com.au</a>

Notice of Appeal of a decision of a DT( <b>Prescribed Form 13</b> ) – section 8.6	<a href="mailto:appeal@footballcanterbury.com.au">appeal@footballcanterbury.com.au</a>
Grievance Form ( <b>Prescribed Form 14</b> ) – section 8.3	<a href="mailto:grievance@footballcanterbury.com.au">grievance@footballcanterbury.com.au</a>
Any other matter relevant to these Regulations	<a href="mailto:admin@footballcanterbury.com.au">admin@footballcanterbury.com.au</a>

**SCHEDULE 3: TABLE OF OFFENCES**

**TABLE A: OFFENCES BY PLAYERS**

Send Off Codes	Description	Suspension	
		Minimum	Maximum
<b>R1</b>	Serious Foul Play	2 Fixtures	20 Fixtures
<b>R1 Expanded</b>			
	Violent Tackle from behind that endangers the safety of an opponent	3 Fixtures	20 Fixtures
	Rugby Tackle	2 Fixtures	8 Fixtures
	Violent Charging	2 Fixtures	12 Fixtures
	Over the Ball Tackle	4 Fixtures	12 Fixtures
<b>R2</b>	Violent Conduct	2 Fixtures	16 Fixtures
<b>R2 Expanded</b>			
	Head Butting	4 Fixtures	2 Years
	Punching/Fighting	2 Fixtures	2 Years
	Kicking	2 Fixtures	2 Years
	Elbowing to the Head	4 Fixtures	2 Years



	Elbowing to the Body	2 Fixtures	2 Years
	Inciting a brawl / melee	5 Fixtures	1 Year
<b>R3</b>	spitting at an opponent or any other person	8 Fixtures	2 Years
<b>R4</b>	denying 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 own penalty area)	1 Fixture	4 Fixtures
<b>R5</b>	denying an obvious goal-scoring opportunity to an opponent moving towards the player's goal by an offence punishable by a free kick or a penalty kick	1 Fixture	6 Fixtures
<b>R6</b>	using offensive, intimidating, insulting or abusive language and/or gestures	1 Fixtures	20 Fixtures
<b>R6 Expanded</b>			
	Indecent Actions	4 Fixtures	20 Fixtures
<b>R7</b>	Receiving a second caution in the same Match	1 Fixture	20 Fixtures

In addition to the above penalties the following additional or orders may be made; the requirement to undertake training in officiating (Referee's Course), Play by The Rules Course, Sports Rage Course, Anger Management Education or a combination of all four.

**TABLE B: OFFENCES BY PARTICIPANTS AGAINST MATCH OFFICIALS**

Number	Description	Suspension	
		Minimum	Maximum
1	Threatening or intimidating a Match Official by word or action	8 Fixtures	Life
2	Tripping a Match Official	1 Year	Life
3	Pushing with open hand, shoulder or hip	1 Year	Life
4	Striking with the ball or other object	1 Year	Life
5	Punching, kicking or elbowing	Life	Life
6	Spitting towards an Official	8 Fixtures	Life
6a	Spitting on Official's person	1 Year	Life
7	Use offensive, intimidating insulting or abusive language and / or gestures against or about a Match Official	2 Fixtures	5 Years

In addition to the above penalties the following additional requirements or orders may be made; a requirement to undertake training in officiating (Referee's Course), Play by the Rules Course, Sports Rage Course, Anger Management Education or a combination of all four.

**TABLE C: OTHER OFFENCES BY PARTICIPANTS**

<b>Number</b>	<b>Description</b>	<b>Minimum Sanction</b>	<b>Maximum Sanction</b>
<b>1</b>	Inciting the crowd. Causing the crowd to behave aggressively, abusively or violently	10 Fixtures	10 Years
<b>2</b>	Attacking or fighting with Spectators	1 year	Life
<b>3</b>	Bringing the game into Disrepute	6 Fixtures	Life
<b>4</b>	Deliberately misleading any Body	10 Fixtures	2 Years
<b>5</b>	Spitting at or onto Spectators	8 Fixtures	Life
<b>6</b>	Failure to provide a safe environment for Participants or to maintain public order at a Match	5 Fixtures	2 Years
<b>7</b>	Other offences by Players and Team officials as specified in Match Official Reports	1 Fixture	1 Year
<b>8</b>	Spectator attacking or fighting with players, team/club officials or match officials	1 Year	Life
<b>9</b>	Use of a foreign object to intimidate and/or cause harm to person or property	1 Year	Life
<b>10</b>	Entering the field of play without authority	2 Fixtures	10 Years
<b>11</b>	Unsportsmanlike or unprofessional behaviour	1 Fixture	
<b>12</b>	Failure to follow any reasonable direction of an Official or CDSFA employee or representative in relation to conduct and/or behaviour at a Match	2 Fixtures	1 Year
<b>13</b>	Failing to provide identifying details of an individual when reasonably requested to do so by a Match Official and/or by the Association	8 Fixtures	
<b>14</b>	Damaging property or equipment before, during or after a Match	2 Fixtures	2 Years
<b>15</b>	Betting, match-fixing or corruption (as per clause 4 of the FFA Code of Conduct	12 Fixtures	Life
<b>16</b>	Breaching a Suspension or Notice of Suspension (refer Rules of Association rule 5.4)		
<b>17</b>	Other action or behaviour in breach of the FFA Code of Conduct, the FFA Spectator Coe of Behaviour and/or the FFA National Member Protection Policy not identified elsewhere in this Table.	6 Fixtures	Life

In addition to the above penalties the following additional requirement or orders may be made; a requirement to undertake training in officiating (Referee's Course), Play by the Rules course , Sports Rage Course, Anger Management Education or a combination of all four.

**TABLE D: SANCTIONS IMPOSED BY A TRIBUNAL**

<b>Number</b>	<b>Type of sanction, order or measure</b>
<b>1</b>	a reprimand
<b>2</b>	a fine or costs
<b>3</b>	a deduction or loss of competition points
<b>4</b>	a ban on the registration or transfer of any Players for a specified period of time
<b>5</b>	annulment of registration of a Player
<b>6</b>	suspension from participation in a Match, Fixture, event, tournament or Competition
<b>7</b>	exclusion, suspension or expulsion from a Competition
<b>8</b>	a ban on playing in a particular stadium, ground or centre
<b>9</b>	annulment of the result of the Match
<b>10</b>	A ban or exclusion from participation in the Championship Finals
<b>11</b>	requiring the return of an award
<b>12</b>	a ban from the dressing rooms and/or the substitutes' bench or entering a stadium, ground or centre
<b>13</b>	with the exception of suspended sentences, such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes, FFA Rules and Regulations, Football NSW Rules and Regulations and the Association Rules and Regulations.
<b>14</b>	a requirement to undertake training in officiating (Referee's Course), Play by the Rules, Sports Rage or a combination of all three

**THE PENALTIES THAT WILL BE APPLIED TO A CLUB/TEAM INVOLVED IN AN ANBANDONED GAME: THERE WILL BE ZERO TOLERANCE IN RELATION TO VIOLENCE ON THE FOOTBALL FIELD AS A BASIC PRESUMPTION.**

- A. ANY GAME ABANDONED AS A RESULT OF VIOLENCE BY PLAYERS FROM ONE OR BOTH TEAMS MAY RESULT IN THE TEAM OR TEAMS BEING SUSPENDED FROM THE COMPETITION FOR 12 MONTHS.**
- B. ANY GAME ABANDONED AS A CONSEQUENCE OF THE ACTIONS OF SPECTATORS INVADING THE PITCH OR OTHERWISE MAY RESULT IN THE TEAM WHOSE SPECTATORS WERE RESPONSIBLE FOR THE ABANDONMENT BEING SUSPENDED FROM THE COMPETITION FOR 12 MONTHS**

**SCHEDULE 4: APPLICATION FEES**

**Disciplinary Tribunal (Section 8)**

Nature of matter	Fee
Application for a Grievance (section 8.3)	\$500 (plus GST)

**Appeals Tribunal (Section 9)**

Nature of matter	Fee
Appeal Fee from a decision of the JC	\$250 (plus GST)
Appeal Fee from a decision of the DT	\$500 (plus GST)
Appeal Fee from a decision of a Member Appeals Committee	\$500 (plus GST)

**COST RECOVERY POLICY – (ADOPTED ON 14 OCTOBER 2013)**

The Association adopted a policy of cost recovery for the operations of the Judiciary Committee, Disciplinary and Appeals Tribunal to come into effect from the 2014 season as follows;

1. In terms of the cost recovery for hearings before the Judiciary Committee, the cost per send-off is \$30 (non-refundable).
2. In terms of cost recovery for hearings by the Disciplinary Tribunal, the cost is established at \$300 (excluding GST) per sitting plus an administration fee of \$40.00 per hour for preparation and arrangements for the hearing.
3. In terms of cost recovery for hearings by the Appeals Tribunal, the cost is established at \$300 (excluding GST) per sitting plus an administration fee of \$40.00 per hour for preparation and arrangements for the hearing.