



Bankstown District Amateur Football Association

GRIEVANCE AND DISCIPLINARY REGULATIONS

(Version 4 – 28/10/2014)

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1. INTRODUCTION

- (a) These Regulations are intended to cover all aspects of grievance and disciplinary matters within BDAFA.
- (b) Football NSW has granted Bankstown District Amateur Football Association (BDAFA) a mandate to be responsible for the organisation, promotion and regulation of football in the City of Bankstown region.
- (c) These Regulations should be read in conjunction with the Football NSW Grievance and Disciplinary Regulations (adopted on 21 February 2013). In the event of any inconsistency between these Regulations and the Football NSW Grievance and Disciplinary Regulations, the Football NSW Grievance and Disciplinary Regulations shall prevail to the extent of that inconsistency.
- (d) 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.
- (e) Any capitalised terms used in these Regulations shall have the meaning given to them in Schedule 1.

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 email addresses set out in Schedule 2.
- (b) All prescribed forms can be located on the BDAFA website.

2.2 Match Official Reports

- (a) In order to ensure the efficiency of disciplinary and conduct matters, a Match Official must send to BDAFA Match Official Reports within two (2) days of a Match setting out the following:
 - i. any Yellow Card and Red Card Offences issued during the Match including the categorisation of Offences (set out in a **Match Official Send Off Report** and
 - ii. any serious incidents that took place (set out in a **Match Official Incident Report**
- (b) All Match Official Reports must be sent by email to the BDAFA Secretary & Judiciary.
- (c) Match Official Incident Reports should include details concerning any Spectator behaviour.
- (d) For the avoidance of doubt, facts contained in Match Official Reports are presumed to be true and accurate.
- (e) Upon request a copy of a Match Official Incident Report which has resulted in a matter being referred to a Body shall be provided by BDAFA to each relevant Participant or Club who has been identified in a Match Official Incident Report and is the subject of such referral.

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 a system that sets out procedures for the administration and determination of disciplinary and conducts matters and Grievances relating to Members.

- (d) To ensure consistency and transparency of approach are evident and present in all aspects of handling Grievances and conduct and disciplinary matters under these Regulations.

4. JURISDICTION

- (a) These Regulations shall apply exclusively to facilitate the expeditious and fair resolution of incidents, disciplinary, dispute and conduct matters relating to BDAFA Competitions as well as Grievances involving Members of BDAFA.
- (b) Each Member shall submit exclusively to the jurisdiction of these Regulations and agrees that unless it has exhausted the procedures set out in these Regulations, it will not attempt to resolve any incident, disciplinary, dispute, conduct or Grievance matters by recourse to Football NSW or a court of law.

5. AUTHORITY TO ESTABLISH COMMITTEES AND TRIBUNALS

- (a) These Regulations confirm the establishment of the following Bodies:
 - i. Disciplinary Committee (**DC**);
 - ii. General Purposes Tribunal (**GPT**); and
 - iii. Appeals Tribunal (**AT**).

6. MEMBERSHIP OF BODIES

6.1 Appointment of Body Members

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

6.2 Composition of a Body

- (a) The DC shall comprise of a minimum of three (3) and maximum of four (4) members in order to make valid decisions under section 7.
- (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 and 9.

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, FFA Rules and Regulations, BDAFA Rules and Regulations and the Association Rules and Regulations which is appropriate for membership of the relevant Body.
- (b) Except where the Chairperson otherwise determines, a person shall not be appointed to a Body if that person has been in the previous twelve (12) months or is currently:

- i. a member of the executive committee or Board or Life Member of BDAFA affiliated Club involved in the cases before the Body;
- ii. a coach, manager or player of a Club involved in the cases before the Body;

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.

6.5 Resignation and Removal of Body Members

- (a) A Member of a Body may resign by providing notice in writing to the Secretary of BDAFA.

6.6 Code of Conduct for Body Members

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

7. DISCIPLINARY COMMITTEE

7.1 Jurisdiction

- (a) Subject to section 7.1(b), the Disciplinary Committee has jurisdiction to:
 - i. issue Suspensions pursuant to section 7.2;
 - ii. rectify or review a disciplinary decision made by a Match Official pursuant to sections 7.3 to 7.4.
- (b) The Disciplinary Committee shall only have jurisdiction to issue a Suspension that is no longer than one (1) calendar year. A Suspension that is longer than one (1) calendar year may only be issued by a Tribunal.

7.2 Determination

- (a) BDAFA shall, within three (3) days of any Match, refer any Match Official Report to the Disciplinary Committee for consideration and the issue of any Suspension.
- (b) The Disciplinary Committee must issue Suspensions based on Match Official Reports and apply the Table of Offences.
- (c) The Disciplinary Committee must take into consideration a Participant's disciplinary history when determining a Suspension.
- (d) The Disciplinary 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 one (1) day of receipt from the DC and no more than six (6) days of the relevant Match if that is practically possible.
- (e) In any Notice of Suspension, the Disciplinary Committee may determine, in its absolute discretion, the type of Football Activity to which the Suspension relates.
- (f) Notwithstanding this section 7.2, the Disciplinary Committee may, in its absolute discretion, refer any matter to the GPT pursuant to section 8.5 if it considers a matter requires consideration by a Tribunal.

7.3 Challenging a decision on the basis of Mistaken Identity in a Match Official Send-Off or Incident Report

- (a) 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 Disciplinary Committee by submitting either:
 - i. a Notification Form for Mistaken Identity in a Match Official Send-Off Report to BDAFA Secretary & Judiciary within forty-eight (48) hours of the completion of the Match; or

- ii. a Notification Form for Mistaken Identity in a Match Official Incident Report by email to BDAFA Secretary & Judiciary by 5pm the next working day following receipt of a DC Notice of Suspension.
- (b) If BDAFA does not receive a properly completed Notification Form by the time specified in section 7.3(a), the Participant is deemed to have been responsible for the Offence and may, subject to the Disciplinary Committee's consideration of the incident, be issued with a Notice of Suspension.
- (c) By 5pm the next working day following submission of a Notification Form, the Participant must submit by email to BDAFA Secretary & Judiciary evidence upon which the claim of mistaken identity is founded. The details of the submission must include:
 - i. in the case of section 7.3(a)(i), 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 AND a signed written statement by the Participant who was responsible for the Offence OR from the Club identifying to the best of its knowledge the name of the Participant who was responsible; or
 - ii. in the case of section 7.3(a)(ii), 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; AND a signed written statement by the Participant responsible for the Offence OR from the Club identifying to the best of its knowledge the name of the Participant responsible and
 - iii. any other evidence which may support the claim for mistaken identity.
- (d) If BDAFA does not receive properly completed written statements by the time specified in section 7.3(c), the Participant is deemed to have been responsible for the Offence and may, subject to the Disciplinary Committee's consideration of the incident, be issued with a Notice of Suspension.
- (e) After considering the evidence, the Disciplinary Committee will decide whether the claim for mistaken identity should be rejected or upheld.
- (f) If the Disciplinary Committee rejects a claim for mistaken identity, it will consider the matter on the basis of the Match Official Report provided.
- (g) If the Disciplinary Committee considers that a rejected claim for mistaken identity had no prospect of success and amounted to an abuse of process, it shall refer the matter to the EC who may charge the Participant and/or the Club for Misconduct pursuant to section 8.2.
- (h) If the Disciplinary Committee upholds the mistaken identity claim, a Notice of Suspension shall be issued to the appropriate identified Participant, who shall serve the Suspension immediately.
- (i) The decision made by the Disciplinary Committee will be conveyed to the Participant and/or the Club via email.

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.
- (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 Disciplinary Committee that the circumstances of a particular

- Suspension were exceptional, such that the Suspension which 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 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 within the range in the Table of Offences;
 - 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 Disciplinary Committee is concerned with only the question of whether the Suspension should be altered in view of the circumstances of the case. The Disciplinary 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 Disciplinary Committee.
- (f) If a Participant wishes to lodge a challenge to a Suspension based on exceptional circumstances, the Participant must, by 5pm on the second (2nd) working day following receipt of the Notice of Suspension, submit a Notification Form for Exceptional Circumstances to BDAFA Secretary and Judiciary.
- (g) If BDAFA does not receive a properly completed and signed Notification Form by the time specified in the Notice of Suspension, the Participant is deemed to have accepted the Suspension.
- (h) By 5pm on the third (3rd) working day following submission of a Notification Form, the Participant must submit a signed written statement to BDAFA Secretary and Judiciary setting out grounds upon which he or she believes the Suspension set out in a Notice of Suspension should not be applied.
- (i) If BDAFA does not receive a properly completed and signed written statement by the time specified in section 7.4(h), the Participant is deemed to have accepted the Suspension.
- (j) After considering the evidence, the Disciplinary Committee will decide whether the challenge is to be rejected or is successful.
- (k) A challenge will only be successful under this section 7.4 where it satisfies the Disciplinary 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.
- (l) If the Disciplinary Committee considers that the rejected challenge had no prospect of success and amounts to an abuse of process, it shall refer the matter to BDAFA Board who may charge the Participant and/or the Participant's Club for Misconduct pursuant to section 8.2.

- (m) If the Disciplinary 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.
- (n) The decision made by the Disciplinary Committee will be conveyed to the Participant and/or the Participant's Club via email.

7.5 Appealing a decision of the Disciplinary Committee

- (a) Subject to section 9.2, the decision of the Disciplinary 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.
- (b) A Participant wishing to appeal a decision to the Appeals Tribunal must submit a Notice of Appeal of a DC to BDAFA Secretary and Appeals within five (5) business days of receiving the decision of the Disciplinary Committee and pay the relevant Application Fee.
- (c) The Participant should note that the time limits set out above are strict. Only a completed Notice of Appeal of a DC submitted before the relevant deadlines will be considered by the DC.

8. GENERAL PURPOSES TRIBUNAL

8.1 Jurisdiction

- (a) The GPT will be responsible for hearing and determining in accordance with these Regulations:
 - i. charges of Misconduct and Disrepute referred to it pursuant to section 8.2;
 - ii. Grievances between Members pursuant to section 8.3;
 - iii. Appeals against a decision of an Association Appeals Committee pursuant to section 8.4 only where that body has imposed a sanction of at least:
 - A. a Suspension of six (6) or more Fixtures; or
 - B. a Suspension of three (3) or more months; or
 - C. a fine of one thousand five hundred dollars (\$1,500) or more; or
 - D. a loss of six (6) or more competition points; or
 - E. expulsion from a Competition;
 - iv. any other matter the Board considers important to the interests of football in the District. Such a decision is to be at the absolute discretion of BDAFA.;
 - v. any other matter referred by the DC to the GPT pursuant to 8.5.
- (b) The applicable Application Fees for matters set out in section 8.1(a) are set out in Schedule 4. A matter will not proceed unless the relevant Application Fee has been lodged.

8.2 Charges of Misconduct and Disrepute

- (a) BDAFA 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 report of a Member, a complaint by a Member or on the basis of any other evidence which in the opinion of BDAFA is credible.
- (b) Such investigation may be carried out by BDAFA as it sees fit and Members are required to cooperate fully with BDAFA in the conduct of that investigation.
- (c) At any time, the Board 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 GPT; or
 - ii. it is to be dealt with in any other manner which BDAFA EC deems appropriate,
- (d) If a charge has been laid by BDAFA, 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 to stand down (see section 13.1). A Member charged must submit a Notice of Response to BDAFA Secretary and Judiciary by the date 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; and
 - iv. be represented by a lawyer.
- (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) Unless there is a reasonable excuse, if BDAFA does not receive a properly completed and signed Notice of Response 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; and
 - ii. accepted the reports set out in the Notice of Charge.

8.3 Grievances

- (a) A Grievance will only be accepted by BDAFA if sections 8.3(c) to 8.3(d) have been satisfied.
- (b) BDAFA may in its unfettered discretion decide not to refer to the GPT or to dismiss any Grievance which it determines is a Vexatious Claim.
- (c) Before referring any Grievance to BDAFA, 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) business 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) business 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 BDAFA in accordance with section 8.3(e).

- (e) In the first instance, a Grievance will be dealt with by mediation pursuant to section 11 unless, in its absolute discretion, BDAFA believes that a Grievance should be referred to a GPT immediately.

8.4 (left in for completeness)

8.5 Referral from the Disciplinary Committee

- (a) Pursuant to section 7.2(f), the Disciplinary Committee may, in its absolute discretion, refer any matter to the GPT if it considers the matter requires consideration by a Tribunal.
- (b) If a referral is made by the Disciplinary Committee, BDAFA will issue the Participant with a Notice of Charge within 3 working days of the referral and the Participant is required to submit a Notice of Response to BDAFA Secretary and Judiciary by the date specified in the Notice of Charge.

8.6 Appealing a decision of the GPT

- (a) The decision of the GPT in relation to charges of Misconduct and Disrepute (section 8.2), Grievances (section 8.3) subject to section 9.4, and referrals from the Disciplinary Committee (section 8.5) may be appealed to the Appeals Tribunal pursuant to section 9.
- (b) A Member wishing to appeal a decision of the GPT to the Appeals Tribunal must submit a Notice of Appeal of a GPT (**Prescribed Form 16**) to BDAFA Secretary and Judiciary within five (5) days of the decision of the GPT being sent to the Club together with the relevant Application Fee.
- (c) The time limits set out above are strict and only a properly completed Notice of Appeal which is received by BDAFA before the expiry of the relevant time limits will be considered by the Appeals Tribunal.

8.7 Determinations of the GPT

- (a) The Determination of the GPT will be in accordance with majority opinion of the GPT members.
- (b) The types of sanctions that the GPT may impose are set out in Schedule 3.
- (c) If a fine is imposed, the GPT shall determine the terms of payment.
- (d) Any sanctions imposed under this section 8.7 may be combined.
- (e) Any failure to comply with a Determination of the GPT is itself a breach of these Regulations and will be considered in contempt of a Tribunal pursuant to section 12.14.
- (f) A short oral or written indication of the outcome of the hearing by the GPT shall be provided to the parties within two (2) business days of the completion of the hearing. A full written Determination, with reasons given for the decision, will be provided within fourteen (14) business days, if requested by a party in writing.

9. APPEALS TRIBUNAL

9.1 Jurisdiction

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

- i. DC pursuant to section 7.5 but subject to section 9.2; and
- ii. GPT pursuant to sections 8.5 and 15.2 but subject to sections 9.2 and 9.4.

9.2 Grounds of Appeal

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

- (a) a party was not afforded a reasonable opportunity to present its case;

- (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 evidence before the Body; or
- (e) severity only where the decision of the Body imposed a sanction of at least:
 - i. a Fixture Suspension of six (6) 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.

9.3 Determination of the Appeals Tribunal

- (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.
- (c) A failure to comply with a Determination of the AT is itself a breach of these Regulations and will be considered in contempt of a Tribunal pursuant to section 12.14.
- (d) A short oral or written indication of the outcome of the hearing shall be provided to the parties within five (5) business days of the completion of the hearing with a full written Determination, with reasons given for the decision, will be provided within twenty one (21) business days, if requested by a party in writing.

9.4 Appeal from a GPT in relation to a Grievance

- (a) No appeal can be brought from a decision of the GPT 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 GPT in relation to a Grievance received by BDAFA 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 Vice 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, 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 GPT 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.

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 the Football NSW subject to the Football NSW Grievance and Disciplinary Regulations).

11. MEDIATION

- (a) In relation to a Grievance between Members pursuant to section 8.3, BDAFA will require Members to attend a meeting with a representative of BDAFA and 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 BDAFA, 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 BDAFA, 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) 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) days.
- (g) Unless agreement has been reached within thirty (30) days of the start of the mediation, BDAFA will, refer the matter to the GPT in accordance with these Regulations.
- (h) Any failure by a Member to attend mediation convened in accordance with this section when reasonably requested by BDAFA to do and without reasonable excuse shall amount to Misconduct. BDAFA may refer such matters to the GPT for determination in accordance with section 8.2.

12. ADMINISTRATIVE PROCEDURES OF TRIBUNALS

12.1 Electronic Documents

In order to ensure the efficiency of disciplinary and conduct matters, all documents referred to in these Regulations shall be sent by email to the respective addresses set out in Schedule 2.

12.2 Responsibility of BDAFA

Where a Tribunal is required to convene a hearing pursuant to sections 8 or 9, BDAFA 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 GPT hearing, a party must provide to BDAFA 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. For an Appeals Tribunal hearing, a party must provide to BDAFA 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.
- (b) All written submissions, materials, documents or other evidence supplied to BDAFA must be sent to BDAFA Secretary and Judiciary.
- (c) All written submissions, materials, documents or other evidence supplied to BDAFA will be provided to the other parties (including an Affected Party) involved in the hearing.

12.4 Affected Party

- (a) 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.
- (b) 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.
- (c) BDAFA 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 BDAFA, FFA or may bring the game into Disrepute or damage the reputation and goodwill of the game.
- (d) An Affected Party provided with notice under this section 12.4 may participate in the hearing as an Affected Party, including by making submissions. The Affected Party is bound by any decision.
- (e) 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 have the right to be represented by a lawyer at a Tribunal hearing. Details of legal representation must be set out in the Notice of Appeal or Notice of Response.

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).

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 reasonable excuse or sufficient cause is a Member, that Member shall be deemed to have committed Misconduct and shall be subject to sanction under section 8.2.

12.8 Adjournment

A party may apply in writing to a Tribunal at least two (2) business 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.

12.9 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. 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 or Participant to give evidence;
 - iii. require the production of any document, information or other material in whatever form held by any Member;
 - iv. inform itself on any matter or thing in order to properly carry out its function in accordance with these Regulations.
- (e) 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.

12.10 Disclosure of Tribunal members

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

12.11 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.

12.12 Onus of proof

A Body shall make Determinations on the balance of probabilities.

12.13 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 and a Tribunal);
 - 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 BDAFA 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 BDAFA Rules and Regulations.

12.14 Contempt in the face of a Tribunal

- (a) A person 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. 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 12.14, then it may impose sanctions as it sees fit in accordance with these Regulations.

12.15 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.

12.16 Immunity

The parties to any proceedings brought under these Regulations, and their respective witnesses, agree not to institute or maintain any proceedings, or bring any claim against BDAFA, 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 Determination or findings made.

12.17 Correction of a Determination

Within five (5) business days of receipt of a Determination, either party (including an Affected Party) to a hearing may submit to BDAFA Secretary 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.

12.18 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 BDAFA 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.

12.19 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.

12.20 BDAFA staff

BDAFA staff shall not be required to provide evidence at a hearing (whether oral or written) unless BDAFA 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 BDAFA in relation to an alleged act of Misconduct (see section 8.2) or with a criminal offence in connection with disciplinary action pursuant to these Regulations, the EC 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 EC 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 EC 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 Board considers there is a risk of physical 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 EC 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 Suspensions to be served immediately

- (a) Subject to this section 14, any Suspension imposed by a Body shall be served immediately and apply in respect of those Football Activities listed in the Notice of Suspension or a Determination.
- (b) Members who have been charged for an Offence that carries more than the minimum Fixture Suspension shall remain ineligible for selection for any BDAFA Match until a Body has decided on the Suspension.
- (c) A Member does not need to be registered to serve any Time Suspension but does need to be registered to serve a Fixture Suspension.

14.2 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) The Club shall submit a Notice of Suspension Served (**Prescribed Form 19**) to BDAFA Secretary and Judiciary when a Suspension has been completed.
- (c) 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. (when new team sheets are approved they will have this section)

14.3 Fixture Suspensions and Time Suspensions generally

- (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) Unless otherwise specified, a Suspension imposed in terms of Fixtures on a Participant in:
 - i. eleven-a-side football only affects that Participant's participation in eleven-a-side football; or
 - ii. Futsal only affects that Participant's participation in futsal.
- (c) A Suspension imposed in terms of time (such as days, weeks or months) affects a Participant's participation for both that Participant's eleven-a-side and futsal Club, regardless of whether the infringement was committed in an eleven-a-side football or futsal.
- (d) Upon issuing a Time Suspension, a Body must provide a start date and end date of the Suspension.
- (e) A Participant issued with a Time Suspension shall be ineligible to participate in any Football Activity as directed in his or her Notice of Suspension or Determination and until such time as the Suspension has been served. For the avoidance of doubt, this includes participating in any BDAFA Competition or FNSW sanctioned competition.
- (f) A Participant who has been sent-off in any Premiership, Championship or Cup Fixture shall be suspended from participating in the next Premiership, Championship or Cup Fixture, whichever occurs first. However, a Participant shall not serve this Suspension in a Pre-Season Competition or Trial Match.
- (g) For the purposes of section 14.3(f), a Participant must serve the Suspension in the same age-grade for which he or she received that Suspension and shall not be eligible to participate in any Fixture until that Suspension is served in full.

- (h) For the purposes of section 14.3(f), any Suspension received during a Pre-Season Competition or Trial Match (sanctioned and / or administered by BDAFA) are required to be served in that Pre-Season Competition or Trial Match in that Participant's team's next consecutive Trial Match, Pre-Season Competition Match, Premiership, Cup or Championship Fixture whichever occurs first until the Suspension is served in full.
- (i) If a Participant is currently subject to a Suspension, that Participant may participate in a Trial Match if, and only if, the Participant's Club has obtained written approval from BDAFA for the Participant to participate in that Trial Match.
- (j) Premiership, Championship and Cup Suspensions cannot be served in any BDAFA Representative Matches. For example, a Participant cannot serve any Suspension in a FFA national titles or FNSW state titles.
- (k) Should a Participant receive a Suspension in a BDAFA Representative Match (for example FNSW state titles) that Suspension shall be served in the next consecutive Fixture, (be that a BDAFA Representative Match, Premiership, Championship or Cup Match) which that Participant's team or Club played in, until the Suspension is served in full.
- (l) Only those Matches actually played count towards the completion of any Fixture Suspension.
- (m) Notwithstanding section 14.3(l), if a Match is abandoned or forfeited pursuant to BDAFA Rules and Regulations then that Match can be considered in relation to serving a Suspension but only if the suspended Player's team did not contribute to the facts that led to the abandonment or forfeiture of a Match.
- (n) BDAFA shall have the final decision on whether a Suspension or part thereof may be served in an abandoned or forfeited Match.

14.4 Non-selection of BDAFA representative teams

If a Participant has been selected to represent BDAFA or a region in a representative competition, event or tournament and then subsequently has been issued with a Suspension or Interim Suspension Order (see section 13.1) BDAFA may, in its absolute discretion, decide to suspend the Participant from representing BDAFA or the region at that representative competition, event or tournament. Any decision made by BDAFA under this section 14.4 is final and not subject to any appeal.

15. CONDUCT

15.1 Insolvent conduct

- (a) Where any Member suffers an Insolvency Event, it shall be referred to the EC who may:
 - i. in the case of a Club during the playing season, deduct any or all points it has accumulated in the relevant Competition in which it participates;
 - ii. in the case of a Club during the off-season, deduct points prior to the commencement of the next Competition in which it participates;
 - iii. in the case of a Member, suspend or expel the Member from membership in accordance with the BDAFA Rules and Regulations; or
 - iv. take such action it considers reasonable to protect the interests of BDAFA and the game of football.
- (b) A decision made by the EC under section 15.1(a) is final and not subject to appeal.

15.2 Misconduct

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 Laws of the Game;
- (d) constitutes a breach of a BDAFA Rules and Regulations (including these Regulations) unless a document contains a provision or provisions for dealing with any breach thereof;
- (e) is unsportsmanlike or unprofessional;
- (f) brings or may bring the game into Disrepute or damage the reputation and goodwill of the game; or
- (g) in the opinion of BDAFA, is or may be prejudicial to the interests or reputation of either the game of football in the State, BDAFA or any of its sponsors.

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 at 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, then neither caution shall be considered when accumulating cautions pursuant to sections 16.2 to 16.4.

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 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 (11th) Yellow Card in the Premiership shall be required to appear before a GPT and shall not be eligible to participate in any Fixture until he or she has appeared before the GPT and has served the sanction imposed by the GPT.

16.3 Accumulation of Yellow Cards - Championship

A Player who accumulates two (2) Yellow Cards in the Championship shall serve a mandatory one (1) Fixture Suspension to be served immediately in the next Championship Fixture to be played by the Club in that Season.

16.4 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.

16.5 Red Card Offences

- (a) Subject to section 7, a Participant who receives a Red Card must serve a mandatory one (1) Fixture Suspension.
- (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, insulting or abusive language and/or gestures
R7	receiving a second caution in the same match

- (c) Suspensions shall be served immediately and in accordance with section 14 of these Regulations.
- (d) Red Cards issued during an abandoned Match will be upheld regardless of whether the Match is replayed or not.

16.6 Accumulation of Red Cards

- (a) Subject to the Table of Offences, a Participant who accumulates three (3) Red Cards in BDAFA Competitions in any one (1) Competition Season shall not be eligible to participate in any Match after receiving his or her third (3rd) Red Card Offence and until he or she has appeared before the GPT and has served the sanction imposed by the GPT.

16.7 BDAFA 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 while registered with a previous Club.
- (b) BDAFA will provide an updated weekly table of Yellow and Red card offences to each club
- (c) It is a Club's responsibility to ensure that any Participant who has incurred a Fixture Suspension serves that sanction in full and notifies BDAFA with Suspension Served forms when served.

16.8 Team Misconduct

- (a) The Disciplinary Committee 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 together 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.

16.9 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 BDAFA.
- (b) Any Club which fields or lists unregistered players shall be deemed to have committed Misconduct and as a result BDAFA EC may, in its absolute discretion, charge the Club and refer the matter to the GPT for Determination.

16.10 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 and as a result BDAFA EC may, in its absolute discretion, charge the Club and refer the matter to the GPT for Determination.

16.11 Team Officials and Club Officials

- (a) The Disciplinary Committee has jurisdiction to issue Suspensions based on the Match Official Reports and in accordance with the Table of Offences against Team Officials and Club Officials.
- (b) A Team Official or Club Official who has been expelled from the field of play by a Match Official must serve the Suspensions issued by the Disciplinary Committee immediately and the Suspension may apply across all Football Activities.

16.12 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 BDAFA EC may, in its absolute discretion, charge a Participant or the Club itself and refer the matter to the GPT for Determination.

17. SOCIAL MEDIA AND DETRIMENTAL PUBLIC COMMENT

- (a) Without limiting the FNSW Social Media Policy (adopted on 30 August 2012) or FFA Rules and Regulations, Members must not make public or media comment (including via social media) which is detrimental 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 BDAFA, FNSW or FFA or any of its commercial partners;
 - 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) BDAFA may, in its absolute discretion, investigate such matters and charge Members under these Regulations and refer the matter to the GPT for Determination.

18. SPECTATORS

- (a) The BDAFA and FFA Codes of Conduct apply to all Spectators attending any Match.
- (b) The GPT has jurisdiction to issue Suspensions against Spectators.
- (c) In the event of a breach of the BDAFA Codes of Conduct, BDAFA EC may refer the matter to the GPT and seek an appropriate sanction including but not limited to excluding Spectators from all Matches within BDAFA jurisdiction.
- (d) Any ban imposed by FFA or Football NSW under its applicable rules and regulations against a person may be endorsed and applied by BDAFA across all Matches.
- (e) Any ban imposed by a Club, Centre or Association Member under its applicable rules and regulations may be endorsed and applied by BDAFA EC across all Matches.

SCHEDULE 1: DEFINITIONS

“Affected Party” means a party (including BDAFA) 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 AC pursuant to Schedule 4;

“Association Member” means those admitted from time to time as association members of Football NSW under the Football NSW Constitution;

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

“BDAFA” means Bankstown District Amateur Football Association;

“Board” mean the directors of BDAFA appointed or elected from time to time;

“Body” means a body established under section 5 of these Regulations;

“Branch” means each of Southern Branch, Western Branch and Riverina Branch;

“Centre” means an affiliated entity formed for the purpose of playing futsal in the Competitions;

“Championship” means the final series conducted at the completion of the Premiership in accordance with the BDAFA Rules and Regulations (Competition Regulations);

“Chairperson” means a chairperson or vice-chairperson of a Tribunal appointed under Section 6;

“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 under the jurisdiction of the BDAFA;

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

“Competitions” means any or all of the football matches or competitions conducted by BDAFA;

“Complaint” means an allegation that a Member’s conduct is unethical and/or in breach of FFA Rules and Regulations, BDAFA Rules and Regulations or a Member Association’s rules and regulations;

“Cup” means a tournament or event conducted by FNSW which includes, but not limited to, the Waratah Cup played in the State in accordance with the FNSW Rules and Regulations;

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

“Disciplinary Committee or DC” 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 BDAFA;

“Executive” means the Board or Executive / Management Committee of BDAFA 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 two (2) clubs as scheduled in all grades applicable;

“Football Activity” means any activity of a football nature that takes place on the field of play, playing area or within the external surrounds of a ground or venue or any other activity relating or incidental to the objects of BDAFA;

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

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

“BDAFA Competitions” means any or all of the football matches, tournaments, events or competitions owned or conducted by BDAFA;

“General Purposes Tribunal or GPT” means the Body responsible for hearing and determining matters under section 8;

“General Purposes Tribunal Determination or GPT Determination” means a decision made by the GPT pursuant to section 8;

“Grievance” means either a Claim or Complaint as the case requires;

“Grievance Form” means the prescribed form for raising a Grievance with BDAFA;

“Ineligible Players” means Players who have been issued with Suspensions by FFA, BDAFA, a Club, Centre or an Association;

“Insolvency Event” any of the following:

- (a) is unable to pay from the person's own money all the person's debts as and when they become due and payable;
- (b) is taken or must be presumed to be insolvent or unable to pay its debts under any applicable legislation;
- (c) an application or order is made for the winding up or dissolution or a resolution is passed or any steps are taken to pass a resolution for the winding up or dissolution of a Member;
- (d) an administrator, provisional liquidator, liquidator or person having a similar or analogous function under the laws of any relevant jurisdiction is appointed or any action is taken to appoint any such person and the action is not stayed, withdrawn or dismissed within seven days;
- (e) a receiver or receiver and manager is appointed in respect of any property of a Member;
- (f) a corporation is deregistered under the *Corporations Act 2001(Cth)* or notice of its proposed deregistration is given to the corporation;
- (g) a distress, attachment or execution is levied or becomes enforceable against any property of a Club;
- (h) a Club enters into or takes any action to enter into an arrangement (including a scheme of arrangement or deed of company arrangement), composition or compromise with, or assignment for the benefit of, all or any class of the person's creditors or members or a moratorium involving any of them;
- (i) a Club presents a declaration of intention under section 54A of the *Bankruptcy Act 1966 (Cth)*; or
- (j) anything analogous to or of a similar effect to anything described above under the law of any relevant jurisdiction occurs in respect of a Club;

“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 a BDAFA Competition, Cup, Premiership, other event or tournament under BDAFA's control;

“Match Official” means a referee, assistant referee, fourth official, match commissioner, any person in charge of safety or any other person in connection with a Match;

“Match Official Report” means either a Match Official Send Off Report or a Match Official Incident Report prepared and submitted by Match Officials to BDAFA;

“Match Official Incident Report” means a report prepared and submitted by a Match Official to BDAFA which sets out any incidents which occurred prior to, during or after a Match;

“Match Official Send Off Report” means a report prepared and submitted by a Match Official to BDAFA which sets out any Yellow Cards and Red Card Offences that occurred during a Match;

“Member” means for the purposes of these Regulations a Club, a Participant or anyone else deemed a Member in accordance with the Constitution;

“Misconduct” has its meaning given to it under section 15.2 of these Regulations;

“Notice of Proceedings” means a Notice submitted by BDAFA to parties subject to a hearing;

“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;

“Notice of Suspension Served” means a Notice submitted by a Club to notify BDAFA that a Member’s suspension has been fully served;

“Notice of Appeal” means a Notice submitted by a party to BDAFA wishing to appeal a decision of a Body or Association Appeals Committee;

“Notice of Charge” means a Notice submitted by BDAFA charging a Member with Misconduct;

“Notice of Response” means the prescribed form submitted by a Member having being charged with Misconduct pursuant to these Regulations;

“Notification Form” means the prescribed form notifying BDAFA of a Participant’s intention to not accept a Suspension issued by the DC;

“Offences” includes those offences committed by a Member set out in the Table of Offences;

“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 a BDAFA Competition;

“Premiership” means the round robin Matches (both home and away) that a team competes in during a Season in accordance with the BDAFA Rules and Regulations;

“Red Card Offence” means one of the sending-off offences set out in in the Table of Offences;

“Regulations” means these BDAFA Grievance and Disciplinary Regulations;

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

“Spectator” means a person who attends a Match;

“State” means the state of New South Wales with the exception of the northern regions of NSW which are identified by FFA as “Northern NSW”;

“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, Centre or an Association Member;

“Trial Match” means any Match played by two Clubs which does not form part of a BDAFA Competition, Cup, Premiership, other event or tournament but has been sanctioned by BDAFA;

“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

Documents	Email Address
Team Sheets	[insert email address]
Match Official Send-Off Reports	[insert email address]
Match Official Incident Reports	[insert email address]
Notification Form for Mistaken Identity in a Match Official Send-Off Report	[insert email address]
Written Statement by Participant claiming mistaken identity in a Match Official Send-Off Report	[insert email address]
Written Statement by Participant committing the Offence in relation to mistaken identity in a Match Official Send-Off Report	[insert email address]
Written Statement by the Club in relation to mistaken identity in a Match Official Send-Off Report	[insert email address]
Notice of Appeal of a DC	[insert email address]
Notification Form for Mistaken Identity in a Match Official Incident Report	[insert email address]
Written Statement by Participant claiming mistaken identity in a Match Official Incident Report	[insert email address]
Written Statement by Participant committing the Offence in relation to mistaken identity in a Match Official Incident Report	[insert email address]
Written Statement by the Club in relation to mistaken identity in a Match Official Incident Report	[insert email address]
Notification Form for Exceptional Circumstances	[insert email address]
Written Statement by Participant for Exceptional Circumstances	[insert email address]
Notice of Response	[insert email address]

Notice of Appeal of a GPT	[insert email address]
Grievance Form	[insert email address]
Notice of Appeal from Association	[insert email address]
Notice of Suspension Served	[insert email address]
Any other matter relevant to these Regulations	[insert email address]

SCHEDULE 3: TABLE OF OFFENCES

OFFENCES BY PLAYERS AND CLUB/TEAM OFFICIALS AGAINST OTHER PLAYERS

Send Off Codes	Description	Suspension	
		Minimum	Maximum
R1	Serious Foul Play	2 Fixtures	12 Fixtures
R1 Expanded			
	Violent Tackle from behind that endangers the safety of an opponent	3 Fixtures	10 Fixtures
	Rugby Tackle	2 Fixtures	8 Fixtures
	Violent Charging	2 Fixtures	8 Fixtures
	Over the Ball Tackle	2 Fixtures	12 Fixtures
R2	Violent Conduct	2 Fixtures	16 Fixtures
R2 Expanded			
	Head Butting	5 Fixtures	24 Fixtures
	Punching/Fighting	2 Fixtures	8 Fixtures
	Kicking	2 Fixtures	12 Fixtures
	Elbowing to the Head	4 Fixtures	16 Fixtures
	Elbowing to the Body	2 Fixtures	10 Fixtures
R3	spitting at an opponent or any other person	8 Fixtures	1 Year

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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)	1 Fixture	4 Fixtures
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	1 Fixture	6 Fixtures
R6	using offensive, insulting or abusive language and/or gestures	2 Fixtures	8 Fixtures
R6 Expanded			
	Making offensive, insulting or abusive gestures	4 Fixtures	20 Fixtures
	Indecent Actions	4 Fixtures	20 Fixtures
R7	Second caution		1 Fixture

OFFENCES BY PLAYERS AND CLUB/TEAM OFFICIALS AGAINST MATCH OFFICIALS

Send Off Codes	Description	Suspension	
		Minimum	Maximum
R2	Threatening or intimidating a Match Official by word or action	12 Fixtures	Life
	Tripping a Match Official	1 Year	Life
	Pushing with open hand, shoulder or hip	1 Year	Life
	Striking with the ball or other object	1 Year	Life
	Punching, kicking or elbowing	Life	Life
R3	Spitting	8 Fixtures	Life
R6	Use of offensive, insulting or abusive language and / or gestures against a Match Official	4 Fixtures	20 Fixtures
	Making offensive, insulting or abusive gestures	4 Fixtures	20 Fixtures

OTHER OFFENCES BY PLAYERS AND TEAM OFFICIALS

Offence Number	Description	Minimum Sanction	Maximum Sanction
1	Inciting the crowd	10 Fixtures	6 Years
2	Attacking or fighting with Spectators	1 year	Life
3	Bringing the game into Disrepute	6 Fixtures	Life
4	Deliberately misleading any Body	10 Fixtures	2 Years
5	Spitting at or onto Spectators	8 Fixtures	Life
6	Other offences by Players and Team officials as specified in Match Official Reports	1 Fixture	1 Year

SANCTIONS IMPOSED BY A TRIBUNAL

AGAINST A CLUB

Number	Type of sanction, order or measure
1	a reprimand
2	a fine or costs
3	a deduction or loss of competition points
4	a ban on the registration or transfer of any Players for a specified period of time
5	annulment of registration of a Player
6	suspension from participation in a Match, Fixture, event, tournament or Competition
7	exclusion, suspension or expulsion from a Competition
8	a ban on playing in a particular stadium
9	annulment of the result of the Match
10	relegation to a lower division
11	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 and BDAFA Rules and Regulations.

AGAINST A PARTICIPANT

Number	Type of sanction, order or measure
1	a reprimand
2	requiring the return of an award
3	a deduction or loss of competition points
4	a ban on the registration or transfer of any Players for a specified period of time
5	annulment of registration of a Player
6	Fixture Suspension or Time Suspension pursuant to section 14
7	exclusion, suspension or expulsion from a Competition
8	termination of registration or playing contract
9	a ban from the dressing rooms and/or the substitutes' bench or entering a stadium
10	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 and BDAFA Rules and Regulations.

SCHEDULE 4: APPLICATION FEES**General Purposes Tribunal (Section 8)**

Nature of matter	Fee
Notice of Complaint from GPT	\$75.00

Appeals Tribunal (Section 9)

Nature of matter	Fee
Appeal Fee from a decision of the GPT	\$110