

South Coast Flame FC

Disciplinary and Dispute Regulations

Abstract: South Coast Flame FC is a member of Football NSW and is responsible for the administration of the Club in the FNSW NPL Competitions

File Reference: SCFFC Disciplinary Regulations 1.0

Last Saved:

Version: 1.0

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DOCUMENT CONTROL

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Version	Date	Revision By	Revision Details
1.0	January 2018	Board	Original Document

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1 INTRODUCTION

- a) South Coast Flame FC is a member of Football NSW and is responsible for the administration of an NPL Club within FNSW Competitions.
- b) These Regulations are supplementary to the Football NSW & FFA Grievance Resolution Regulations and the FFA National Disciplinary Regulations.
- c) 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 South Coast Flame FC.
- d) South Coast Flame FC 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.
- e) In the case of a Regulation being interpreted in two or more different ways, South Coast Flame FC reserves the right to determine which interpretation is valid. Any such determination is final and not subject to appeal.
- f) If any part of these Regulations is void that part will be severable and will not affect the enforceability of the remaining sections of these Regulations.
- g) In these Regulations, unless the context requires otherwise, capitalized terms will have the meaning set out in Schedule 1: Definitions
- h) South Coast FC takes all complaints about on and off-field behaviour seriously and will handle complaints based on the principles of procedural fairness (natural justice), that is:
 - All complaints will be taken seriously; both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
 - Irrelevant matters will not be taken into account; decisions will be unbiased and fair; and
 - Any penalties imposed will be fair and reasonable.
- i) If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then South Coast Flame FC will need to report the behaviour to the police and/or relevant government authority.
- j) 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 South Coast Flame FC are ordinarily open for business;
 - iii. 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.
 - iv. The Schedules form part of these Regulations.

2 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 principles of true sportsmanship and within the guiding principles from time to time promulgated by FIFA, FFA, FNSW or South Coast Flame FC.

These currently include:

A. FIFA

- i. Respect
- ii. Fair Play
- iii. Eliminate Racism
- iv. Protect the Skilful Player
- v. Eliminate destructive negative tactics
- vi. Encourage attacking play

B. South Coast Flame FC

- i. Ensure a Family Friendly Environment;
 - ii. Code of Conduct Requirements for Players, Coaches, Spectator and Match Officials and any others as per South Coast Flame FC approved requirements;
 - iii. Ensure that the game of football is played competitively and fairly in accordance with principles of true sportsmanship.
- c) To provide an independent, fair and effective system that sets out procedures, requirements and guidelines for the administration and determination of all grievances, incidents, disciplinary, dispute and conduct matters relating to South Coast Flame FC and programs as well as Sanctions for those who breach these Regulations.
- d) To ensure consistency and transparency of approach are evident and present in all aspects of handling all grievance, incidents, disciplinary, dispute and conduct matters in respect of the South Coast Flame FC.

3 JURISDICTION

- a) These Regulations shall apply exclusively to facilitate the expeditious and fair resolution of:
- Grievances, incidents; disciplinary, dispute and conduct matters in relation to South Coast Flame FC.;
 - Grievances between Members within the jurisdiction of South Coast Flame FC,
 - Any matter the Board or Approved Delegate/s determines, in its absolute discretion, is important to the interests of football in the region within the jurisdiction of South Coast Flame FC.
- subject only to any further appeal right to Football NSW & FFA.
- b) Each Member submits 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 Grievances, incidents, disciplinary and dispute and conduct matters by recourse to FNSW, FFA or a court of law.

4 AUTHORITY TO ESTABLISH COMMITTEES AND TRIBUNALS

- a) The authority to establish committees and tribunals is vested in the Board and Authorised Delegate/s of South Coast Flame FC
- b) These Regulations shall confirm the establishment of the following Bodies:
 - i. General Purpose Tribunal (GPT); and
 - ii. Appeal Tribunal (AT).
- c) The membership, jurisdiction, responsibilities and procedures of each of the abovementioned Bodies are set out in these Regulations.
- d) In addition to the establishment of the abovementioned Bodies, South Coast Flame FC shall generally be responsible for administering the procedures of the Committees and Tribunals including:
 - i. Where necessary or appropriate, establishing and maintaining a conflict of interest register of persons sitting on each of the Bodies;
 - ii. Collating all submissions, documents and evidence received by the parties or relevant to an incident, Grievance;
 - iii. Providing copies of Notices and Determinations to Members;
 - iv. Convening all hearings and appeals for the Tribunals;
 - v. Providing reports for the Tribunals;
 - vi. Ensure that all timeframes and requirements are met; and
 - vii. Performing any incidental tasks necessary to ensure the smooth and efficient operation of these Regulations.

4.1 JURISDICTION OF THE GPT

- a) The General Purposes Tribunal has jurisdiction to hear and determine:
 - i. Charges of Misconduct and Disrepute (section 6.1)
 - ii. Grievances between Members (section 6.2);
 - iii. Any other matter the South Coast Flame FC Board or Authorised Delegate/s deems appropriate to be referred to the GPT as it may bring South Coast Flame FC or football into Disrepute.
 - iv. Offences disclosed in Match Official Reports

4.2 JURISDICTION OF THE AT

The Appeal Tribunal will be responsible for hearing and determining in accordance with these Regulations any appeals of decisions made by a General Purpose Tribunal.

5 MEMBERSHIP OF BODIES

5.1 APPOINTMENT OF TRIBUNAL MEMBERS

South Coast Flame FC Board or its Authorised Delegate/s may, from time to time, appoint Tribunal Members to sit on the Tribunals.

5.2 TRIBUNAL COMPOSITION

- a) A validly constituted Tribunal shall consist of:
 - i. A Chairperson; and
 - ii. A panel of Tribunal Members.
- b) Each Tribunal Member shall have:
 - i. The ability to exercise sound and fair judgment and to make objective and independent decisions; and
 - ii. Sufficient knowledge of football and South Coast Flame FC Rules and Regulations, where appropriate, Football NSW and/or FFA Rules and Regulations, and, where necessary, the Laws of the Game.
- c) Persons appointed to the tribunal may be rotated from hearing to hearing across the Tribunals due to availability as determined by South Coast Flame FC in their absolute discretion, except where a Tribunal Member who has sat on the GPT hearing of a matter may not then sit on any Appeals Tribunal into the same matter.
- d) All Tribunals shall comprise a minimum of three (3) and maximum of five (5) Tribunal members.

5.3 QUALIFICATION OF TRIBUNAL MEMBERS

Except where South Coast Flame F Board of Directors or Authorised Delegate/s otherwise determines, a person shall not be appointed to a Tribunal if that person in the twelve (12) months preceding appointment:

- a) Is currently under suspension from South Coast Flame FC;
- b) Is seen to have a conflict of interest with the matters involved in the hearing.;

5.4 TERM

A member of a Body will be appointed for a term of twelve (12) months or as otherwise determined by South Coast Flame FC.

5.5 CODE OF CONDUCT OF BODY MEMBERS

Upon appointment by South Coast Flame FC, a member of a Body agrees to be bound and to comply with the South Coast Flame FC Code of Conduct.

6 MISCONDUCT, DISREPUTE AND GRIEVANCES

6.1 CHARGES OF MISCONDUCT AND DISREPUTE

- a) South Coast Flame FC may investigate any matter which in its opinion is relevant to whether a charge of Misconduct or Disrepute ought to be laid by any Member. Such investigation may be initiated on the basis of, including but not limited to, a written report or complaint of a Member, a Match Official Report, or on the basis of any other evidence which in the opinion of the Board or Authorised Delegate/s is credible.
- b) Such investigation may be carried out by South Coast Flame FC Board or its delegate and Members are required to cooperate fully with South Coast Flame FC in the conduct of that investigation and must do so in the timeframe specified in any correspondence issued by South Coast Flame FC. A Member agrees that any information provided to South Coast Flame FC may be used as evidence in bringing a charge under this section and may be provided to any party so charged.
- c) A Member who fails to comply with this section will be deemed to have committed Misconduct and the Board or the Authorised Delegate/s of South Coast Flame FC may refer the matter to the GPT for determination.
- d) At any time, the Board or its authorised delegate may determine whether any charge of Misconduct or Disrepute is to be laid and, in relation to such charge:
 - i. may recommend standard sanctions which a Member may be invited to accept. Members will have the right to request the matter be referred to the GPT; or
 - ii. The Board or its Authorised Delegate/s may refer the matter directly to the GPT.

6.2 GRIEVANCES

- a) South Coast Flame FC will only accept a Grievance if these sections 6.2(c) and 6.3 (d) have been satisfied. In addition to this, a Member cannot refer a Grievance to South Coast Flame FC if the subject matter has been or would ordinarily be, dealt with by South Coast Flame FC under section 6.1 (Charges of Misconduct and Disrepute)) or where South Coast Flame FC has declined to hear the matter due to jurisdictional issues.
- b) The Board or Authorised Delegate/s may dismiss any Grievance it determines, in its absolute discretion, to be a Vexatious Claim.
- c) Except in the case of a Grievance relating to the purported deregistration of a Player, before referring any Grievance to South Coast Flame FC 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 Grievance (including any material or evidence relied on by the Member in respect of the Grievance) 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 Grievance.
- d) If a response is not received within seven (7) business days of the notice from the Claimant or Complainant referred to in this section 6.2 (c), or the Grievance is not otherwise resolved, the Claimant or Complainant may in writing refer the Grievance to South Coast Flame FC to this section 6.2 (e)

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- e) Except in the case of a contractual dispute arising from a Player's professional contract under the FFA grievance Regulations, in order to file a Grievance to South Coast Flame FC a Claimant or Complainant must complete and submit the appropriate Grievance Form and any evidence and/or written submissions it intends to rely within fourteen (14) working days after the notice referred to in this section 6.2(c)
 - f) The Board of South Coast Flame FC, either refer the matter to Mediation under section 11 or make a Complaint involving a Member in accordance with these Regulations.
 - g) South Coast Flame FC may, in its absolute discretion, and where the circumstances require it, shorten the above timeline.
 - h) Written notice of a Grievance to South Coast Flame FC must be lodged within six (6) months after the last of the events giving rise to the Grievance.

6.3 OFFENCES DISCLOSED IN MATCH OFFICIAL REPORTS

- a) The Board in its absolute discretion may refer Offences disclosed in any Match Official Incident Reports and/or Expulsion Offences disclosed in Match Official Incident Expulsion Reports to a GPT.
- b) South Coast Flame FC will, within a reasonable time following receipt of any Match Official Expulsion Report and/or Match Official Incident Report, refer that report, any Disciplinary History (as the case may be) and any other material South Coast Flame FC determines in its absolute discretion, is relevant to the matter, to the GPT.

7. GPT TRIBUNAL PROCEDURES

7.1 RESPONSIBILITIES

- a) Where a GPT is required pursuant to section 4.1, South Coast Flame FC must ensure that it has considered as a part of this process all matters regarding impartiality and independence. South Coast Flame FC shall:
 - i. Set a date for the hearing;
 - ii. Issue a Notice of Proceedings; and
 - iii. Convene a GPT in accordance with these Regulations.
- b) The Notice of Proceedings must contain the following information:
 - i. The date, time and place at which the GPT hearing will take place;
 - ii. Sufficient details of the allegations against the party or parties to enable the party or parties to prepare a response to the allegations;
 - iii. Details of previous cases involving the party(parties) and formal counselling or sanctions if any;
 - iv. Details of any documents or other evidence which have been received by South Coast Flame FC;
 - v. References to any alleged breaches;
 - vi. Person(s) required to attend; and
 - vii. Any other information relevant to the hearing, including past history.
- c) South Coast Flame FC must ensure it issues the Notice of Proceedings to the party or parties within a reasonable period of time following the initial referral, incident or complaint.

7.2 NOTICE TO ATTEND

The GPT may request other Members to attend the hearing. If that is the case then South Coast Flame FC must issue a Notice to attend as soon as possible.

7.3 DETERMINATION

- a) At the conclusion of the hearing, the chairperson will ask all persons present to leave the hearing room while the GPT considers its findings.
- b) The Determination of the GPT will be in accordance with majority opinion.
- c) South Coast Flame FC will impose sanctions to Members that have charges against them in line with these regulations. Any disciplinary measure imposed under our policy must:
 - i. Be applied consistent with any contractual and employment rules and requirements;
 - ii. Be fair and reasonable;
 - iii. Be based on the evidence and information presented and the seriousness of the breach;
- d) The types of sanctions that the GPT may impose are as follows, and must be considered in conjunction to any sanctions applied by FNSW:
 - A. A reprimand;
 - B. A fine or costs;
 - C. Placing the Member on a bond;

- D. Suspension from participation in a Match or Matches;
 - E. A ban on playing in a particular stadium;
 - F. Termination of registration or playing contract;
 - G. A ban from the dressing rooms, field of play and/or the Technical Area (within 50 metres);
 - H. A ban from entering a stadium or any number of stadiums or grounds;
 - I. A ban on taking part in any football related activity or event;
 - J. Verbal and/or written apology;
 - K. Counselling to address behaviour;
 - L. Withdrawal of any awards, placing's, records, achievements bestowed in any tournaments, activities or events held or sanctioned by South Coast Flame FC;
 - M. Suspension or termination of membership, participation or engagement in a role or activity; de-registration of accreditation for a period of time or permanently;
 - N. Such other disciplinary sanctions or measures as are appropriate in all the circumstances, including as prescribed in the FIFA Statutes, FFA Rules and Regulations and Football NSW Rules and Regulations.
- e) If a fine is imposed, the GPT determines the terms and time limits for payment.
 - f) The sanctions imposed under this clause may be combined. If a suspension is combined with a fine, it is prolonged until the fine is paid in full.
 - g) A 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 10.12 (Contempt in the face of a Tribunal).
 - h) The GPT will use its reasonable endeavours to issue a short oral or written summary of its Determination (Preliminary Determination) within five (5) working days of the completion of any hearing. The GPT will use its reasonable endeavours to issue a full written Determination, with reasons for decision (Final Determination), within fourteen (14) working days of the completion of any hearing.
 - i) Unless otherwise specified in these Regulation or by the General Purposes Tribunal in a GPT Determination, the imposition of a sanction has immediate effect.
 - j) All Determinations of the GPT remain in force unless reversed by the Appeals Tribunal.
 - k) The Notice of determination must include the party's (ies') rights, including the possible right to Appeal and references to any consequences which may arise during any such appeal as set out in these Regulations.

7.4 CHALLENGING DETERMINATION

A GPT Determination may be appealed by a party to the Appeals Tribunal in accordance with section 7.

8. APPEAL TRIBUNAL PROCEDURES

8.1 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 of a Body or a Member Appeals Committee;
- c) The decision of a Body was affected by actual bias;
- d) Severity only where a Body or Member Appeals Committee imposed a sanction of at least:
 - i. A Fixture Suspension of four (4) or more Matches; or
 - ii. A Time Suspension of three (3) or more months; or
 - iii. A fine of one thousand dollars (\$1,000); or
 - iv. A bond to be of good behaviour of one thousand dollars (\$1000) or more.
- e) Leniency, but only in the case of an appeal brought by South Coast Flame FC.

8.2 NOTICE TO APPEAL

- a) If a party wishes to appeal a decision of the GPT, it must lodge a Notice to Appeal form to South Coast Flame FC within five (5) business days of receiving the decision of the GPT.
- b) The Notice to Appeal must contain the following information:
 - i. The name of the party wishing to appeal a decision of the GPT; and
 - ii. The grounds upon which the party seeks to rely from those set out in 7.1 above.
- c) A party must not submit any new material which was not before the GPT except where considered appropriate by the Board. Such new material must be submitted with the Notice to Appeal.
- d) Any timeframes specified in this section 7 may be altered by South Coast Flame FC where it would be just and reasonable.

8.3 COMMENCEMENT OF PROCEEDINGS

- a) Upon receipt of the Notice to Appeal and where an AT is required pursuant to section 4.2, South Coast Flame FC must ensure that it has considered as a part of this process all matters regarding impartiality and independence. South Coast Flame FC shall:
 - i. Set a date for the hearing;
 - ii. Issue a Notice of Proceedings; and
 - iii. Convene an AT in accordance with these Regulations.
- b) The Notice of Proceedings must contain the following information:
 - i. The date, time and place at which the AT hearing will take place;
 - ii. Sufficient details of the grounds of appeal to enable the party or parties to prepare a response to the appeal;

- iii. Details of any documents or other evidence which have been received by South Coast Flame FC;
 - iv. References to any alleged breaches;
 - v. Person(s) required to attend;
 - vi. Advice to:
 - a. refer to these Regulations and
 - b. specific mention of the right of an Appeal Tribunal to dismiss, allow in part or vary (whether by way of reduction or increase) any Determination of any Sanction or Penalty previously imposed.
 - vii. Any other information relevant to the hearing.
- c) South Coast Flame FC must ensure it issues the Notice of Proceedings to the party or parties within seven (7) days unless there are extenuating circumstances.

8.4 NOTICE TO ATTEND

- a) The AT may request other Members to attend the hearing. If that is the case, then South Coast Flame FC must issue a Notice to attend as soon as possible.
- b) All parties involved in the hearing may be requested to address the AT in the presence of other parties.

8.5 DETERMINATION

- a) At the conclusion of the hearing, the chairperson will ask all persons present to leave the hearing room while the AT considers its findings.
- b) The AT Determination will be in accordance with majority opinion.
- c) The AT has the power to:
 - i. Dismiss, allow in whole or part, or vary (whether by way of reduction or increase) a Determination, including any sanction or penalty imposed by the GPT;
 - ii. subject to any applicable Minimum Suspension, impose any sanction, measure or make any order it thinks fit or that the GPT could have imposed or made under these Regulations;
 - iii. Remit the matter to the GPT from which the appeal originated, or to the tribunal (or similar) that dealt with the matter at the first instance, for rehearing and issue any directions of orders in relation to the rehearing of the matter that the AT deems appropriate.
- d) No Determination of GPT will be quashed or held invalid by the AT by reason only of any defect, irregularity, omission or other technicality, provided the AT is satisfied there has not been a miscarriage of justice.
- e) 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 9.12.
- f) A Determination must be given as soon as possible but no later than fourteen (14) days following the hearing and the result will be advised by SOUTH COAST FLAME FC to the appropriate parties within two (2) business days of receipt of the Determination from the AT.
- g) In making its determination the Appeal Committee may have in mind whether the Appeal had any chance of success and may at its discretion increase any sanction or suspension if, as a result of its

considerations, it determines the parties ought to have been reasonably aware that the appeal had, on the balance of probabilities, little chance of success.

- h) The Appeals Tribunal will use its reasonable endeavours to issue a short oral or written summary of its Determination (Preliminary Determination) within five (5) working days of the completion of any hearing. The Appeals Tribunal will use its reasonable endeavours to issue a full written Determination, with reasons for decision (Final Determination), within fourteen (14) working days of the completion of any hearing.

8.6 APPEAL FROM A GENERAL PURPOSES TRIBUNAL IN RELATION TO A GRIEVANCE

- a) No appeal can be brought from a General Purposes Tribunal Determination in relation to a Grievance (section 6.2) except with leave of the Appeals Tribunal granted in accordance with this section 7.6.
- b) Any Notice of Appeal, of a decision of a General Purposes Tribunal in relation to a Grievance received by South Coast Flame FC must be referred, within three (3) working days of receipt, to the Chairperson of the Appeals Tribunal for determination as to whether leave should be granted for the appeal to proceed.
- c) The Chairperson and the Board or the Authorised Delegate/s will determine, within seven (7) working days of receipt of a Notice of Appeal referred under section 7.6 b), whether leave to appeal should be granted and the outcome of such determination will 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 and the Board or the Authorised Delegate/s, must 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 General Purposes Tribunal 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 leave to appeal is granted, an appeal lodged pursuant to this section will proceed and be determined in the same manner as all other appeals determined by the Appeal Tribunal.

9. NO RECOURSE TO COURTS

The AT Determination 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 (other than the limited right of appeal to the Football NSW or FFA (subject to the FFA Statutes)).

10. ADMINISTRATIVE PROCEDURES OF TRIBUNALS

10.1 NOTICES

- a) A party giving notice under these Regulations must notify the other parties and South Coast Flame FC in writing and in English.
- b) A notice will be taken to have been received:
 - i. If delivered by hand to the recipient's address, on the date of delivery, as long as delivery is acknowledged in writing by the recipient;
 - ii. If sent by post, 4 business days after the posting; and
 - iii. If sent by email or facsimile on a working days at the recipient's email/facsimile on the date of transmission or if sent on a non-working day at the recipient's email/facsimile, on the next working day (in both cases as long as the sender's email or facsimile machine records a successful transmission and/or delivery and/or receipt).

10.2 LOCATION OF TRIBUNALS

- a) Hearings of Tribunals will be conducted at South Coast Flame FC's headquarters in Fairy Meadow, New South Wales, unless otherwise determined by South Coast Flame FC.
- b) Hearings may be conducted by teleconference.

10.3 SUBMISSIONS BY A PARTY

- a) The terms of this section 10.3, apply to ensure each party is provided with an opportunity to consider the other party's evidence before the hearing in order that it may appropriately respond.
- b) A party must provide to South Coast Flame FC a copy of any written submissions, materials, documents or other evidence it intends to rely on in the hearing at least two (2) business days before the start of that hearing. If it fails to do so it is not, without the leave of a Tribunal, allowed to submit same into evidence at the hearing.
- c) All written submissions, materials, documents or other evidence supplied to South Coast Flame FC must be via email.
- d) All written submissions, materials, documents or other evidence supplied to South Coast Flame FC by one party must at the same time be provided by that party to the other parties.
- e) A party must provide advance notice about who will represent it at a hearing, including any witnesses, whom a party intends to present together with at least the subject matter on which the witness will testify. This must be provided to the other parties and South Coast Flame FC at least two (2) business days before the start of that hearing.
- f) Legal representation is not permitted at any GPT or AT hearing. Parties attending the hearing with a background in the legal profession may be requested by DC to produce a Statutory Declaration stating that they are not acting for the club as a legal representative and not being remunerated either directly or indirectly for their representation.
- g) Any timeframes specified in these Regulations may be altered by South Coast Flame FC where it would be just and reasonable.

10.4 PARENT/GUARDIAN

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

10.5 NON-ATTENDANCE

- a) If a party, parties or witnesses fail to attend a Tribunal hearing without showing sufficient cause for such failure, the hearing can be heard 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 the party or witness that fails to attend is a Member, that Member shall have committed Misconduct. The Tribunal shall determine the appropriate sanction for such Misconduct on the night of the hearing, unless there is a compelling reason why it is unable to do so.

10.6 ADJOURNMENT

A party may apply to a Tribunal at least two (2) business days before the start of that hearing to have the hearing adjourned if there are compelling circumstances which warrant such steps to be taken to avoid costs, hardship or significant inconvenience to the party. This will be at the absolute discretion of South Coast Flame FC.

10.7 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, but all hearings must be conducted in accordance with the principles of natural justice.
- b) 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.
- c) Any Member who appears before the hearing and who in the opinion of the Tribunal has:
 - i. Failed to fully co-operate with a Tribunal;
 - ii. Failed to truthfully answer any questions asked by a Tribunal;
 - iii. Failed to provide any document in that person's possession or control relevant to the matter to be determined by a Tribunal following a request by either South Coast Flame FC or a Tribunal; and/or,
 - iv. Made any false or misleading statement or has made a statement or acted in a manner calculated to or which is likely to be misleading,

that Member shall have committed Misconduct. The Tribunal shall determine the appropriate sanction for such Misconduct preferably on the night of the hearing, unless there is a compelling reason why it is unable to do so.

- d) A Tribunal is empowered to:
 - i. Conduct its hearings in the manner in which it sees fit, subject to the requirements of these Regulations;
 - ii. Take evidence;
 - iii. Require the attendance of any party Member or Participant to give evidence;
 - iv. Require the production of any document, information or other material in whatever form held by any party under the jurisdiction of South Coast Flame FC;
 - v. 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 about the procedures of a Tribunal is not provided for by these Regulations, the Chairperson for a Tribunal may issue directions about its procedures.
- f) Where a determination is required prior, the Board or Authorised Delegate/s will make such a determination which will be final.

10.8 EVIDENCE

The admissibility and weight to be given to evidence, including electronic, audio, visual material, i.e. video, DVD recordings in a hearing shall be at the discretion of a Tribunal.

10.9 CHALLENGE OF JURISDICTION OR OF A TRIBUNAL

- a) If a Member wants to allege that the Tribunal does not have jurisdiction, it must raise this objection in submissions in writing to South Coast Flame FC at least two (2) business days before the hearing date. A Tribunal has the power to rule on objections that it has no jurisdiction.
- b) In general, the Tribunal should rule on a plea concerning its jurisdiction as a preliminary question. However, the Tribunal may proceed with the hearing and rule on such an objection in its final Determination. The Tribunal Chair may seek advice or discuss jurisdiction with the Board or the Authorised Delegate/s.

10.10 ONUS OF PROOF

A Body shall make Determinations on the balance of probabilities.

10.11 EX PARTE

If a party fails to attend a hearing, a Tribunal shall determine the matter ex parte. An ex parte decision of a Tribunal has the same force and effect as if the Determination was made after a full hearing before that Tribunal.

10.12 CONTEMPT IN THE FACE OF A TRIBUNAL

- a) A person before a Tribunal must not:
 - i. Insult a member of a Tribunal in or in relation to the exercise of the powers or functions of a member;
 - 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. Obstruct or hinder the Tribunal or a member in the performance of the functions of the Tribunal;
 - v. Fail to comply in full with an order of the Tribunal; or
 - vi. Do any other act or thing that would, if a Tribunal were a Court of record, constitute a contempt of Court.
- b) If a Tribunal considers that a person has breached this section 10.12, then it may impose sanctions as it sees fit in accordance with these Regulations.

10.13 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 relating to the contravention.

10.14 IMMUNITY

The parties, and its respective witnesses, agree to not institute or maintain any proceedings, or bring any claim against South Coast Flame FC, a Tribunal or a Tribunal Member, in respect of any act or omission during the course of a hearing or arising out of any Determination or findings made.

10.15 LIMITATION PERIOD ON SUSPENSIONS

- a) These Regulations do not apply and South Coast Flame FC will not accept any applications for Determinations, if more than one (1) year has elapsed.
- b) The limitation period starts:
 - i. From the day on which the perpetrator committed the infringement;
 - ii. If the infringement is recurrent, from the day on which the most recent infringement was committed; or
 - iii. If the infringement lasted a certain period, from the day on which it ended.
- c) Notwithstanding the above, a prosecution for corruption has no limitation period.

10.16 CORRECTION OF A DETERMINATION

- a) Within five (5) business days of receipt of a Determination by a Tribunal, either party may with written notice to South Coast Flame FC request a Tribunal to correct in the Determination any errors in computation, any clerical or typographical errors or any other error of a similar nature.
- b) If the Tribunal considers the request to be justified, it will make the correction and reissue to the parties.

10.17 SOUTH COAST FLAME FC REPRESENTATIVE

The Board or Authorised Delegate/s reserves the right to appoint a representative to any Tribunal hearing. The representative may argue the case on behalf of South Coast Flame FC and may be a South Coast Flame FC Board Member, staff or coaching member.

11. MEDIATION

- a) In relation to any Grievance between Members, South Coast Flame FC may require a Member or Members to attend a meeting with South Coast Flame FC and/or an independent person who shall act as a mediator for the purpose of attempting to reach agreement as to how such allegations are to be dealt with.
- b) A Mediator will be a person who, in the opinion of the Board 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 Board, any costs involved in the mediation, including the costs of the Mediator, must be borne equally by the parties to the Grievance.
- d) A Mediator must disclose to the parties to the Grievance, at the commencement of the mediation process, any prior or existing relationship with those parties. If one or more parties to the Grievance object to the Mediator's right to hear a matter on the basis of perceived bias, the party/parties must raise the objection immediately with the Mediator. The Mediator must then advise the Board who will in consultation, appoint another Mediator or refer the Grievance directly to the General Purposes Tribunal for determination.
- e) No legal representation will be permitted by any party involved in mediation. Parties attending the mediation with a background in the legal profession may be requested by DC to produce a Statutory Declaration stating that they are not acting for the club as a legal representative and not being compensated either via sponsorship, cash or some other form of benefit for representing the party.
- f) Such a meeting 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.
- g) A Member who fails to attend mediation convened in accordance with this section 10 when reasonably requested by South Coast Flame FC to do so and without reasonable excuse will be deemed to have committed Misconduct and the Board or Authorised Delegate/s may, in its absolute discretion, charge the Member accordingly and refer the matter to the General Purposes Tribunal for determination pursuant to section 6.1 (Charges of Misconduct and Disrepute).
- h) During the mediation process, the parties to the Grievance and their representatives must:
 - i. participate in good faith;
 - ii. follow all reasonable directions of the Mediator with regard to the conduct of the mediation process including directions in respect of joint and private discussions with the parties; and
 - iii. have in attendance an individual with the necessary authority to settle the Grievance and execute any mediation agreement.
- i) The mediation will be conducted on a "without prejudice basis" and the Mediator will have no power to impose any Suspension, decision or sanction on any of the parties to the Grievance. The role of the Mediator is not to act as an advisor to parties or to make a determination but is instead to facilitate the parties to the Grievance in identifying the issues and considering the options to arrive at a mutual agreement.
- j) If the parties to a Grievance reach agreement in relation to a Grievance during the mediation process, the parties must execute a mediation agreement. Once a mediation agreement is executed by the

parties to a Grievance, those parties will have no right of appeal to South Coast Flame FC, FSW or the FFA and will not be able to lodge any Grievance or bring any claim in relation to the subject matter of the original Grievance.

- k) The Mediator may terminate a mediation at any time if he or she determines, in his or her absolute discretion that the mediation is unlikely to produce an agreement and must then refer the Grievance to the General Purposes Tribunal for determination pursuant to these Regulations.
- l) Unless agreement has been reached in such a meeting, South Coast Flame FC may, in its absolute discretion, refer the matter to the GPT in accordance with these Regulations.
- m) A member of a Tribunal who acted as Mediator in respect of a Grievance which was subsequently referred to the General Purposes Tribunal pursuant to section 10 (l) must not sit on a Tribunal that subsequently hears the Grievance.

12. PUBLICATION AND CONFIDENTIALITY

South Coast Flame FC must keep a central register of all Determinations made by a Body and may make those decisions available subject to any term, confidentiality or any legal requirements, such as Privacy legislation, imposed by or on South Coast Flame FC or Football NSW.

13. PUBLIC COMMENT

- a) No Member shall make any public statement, including any contribution to television, radio, print or social media (for the avoidance of doubt comments made via social media are regarded as public comment) where such comment:
 - i. Is disparaging or derogatory of a Match Official, opposition team or any Player or Official or Member;
 - ii. Is disparaging or critical of South Coast Flame FC, any South Coast Flame FC Rules and Regulations, or any South Coast Flame FC policy decision, without reasonable basis or justification and without having raised with, and sought to have the matter considered by, South Coast Flame FC.
 - iii. Is with respect to a matter the subject of proceedings currently before a Body; or
 - iv. Is disparaging of a Determination without reasonable basis or justification.
- b) No Member shall make any unfair, unreasonable or excessive public criticism (including via social media) of a decision made by a Body or any other matter touching or concerning a Tribunal.
- c) No member shall breach the South Coast Flame FC or FNSW Social Media Policy.
- d) Where a statement made by a Member which, in the absolute opinion of the South Coast Flame FC, constitutes a breach of this section, will be treated as Misconduct.

14. SCHEDULE 1: DEFINITIONS

In these Regulations, unless the contrary interpretation appears:

Term	Meaning
“Appeal Tribunal Determination or AT Determination”	A decision or Determination made by the AT pursuant to section 8.
“Appeal Tribunal or AT”	The Body responsible to hear and determine decisions appealed from the MRC, GPT or Member Appeals Board with its terms of reference set out in section 8.
‘Authorised Delegate/s’	The authorised delegate/s of South Coast Flame FC board who are the authorised persons responsible for all matters under these regulations.
‘Board’	The Board of South Coast Flame FC
“Body or Bodies	One or more of the following bodies established by SOUTH COAST FLAME FC under its By-Laws or these Regulations: <ol style="list-style-type: none"> 1. General Purposes Tribunal (GPT); and 2. Appeal Tribunal (AT)
“Claim”	A claim or disagreement by, against or between Members.
“Club Official”	Any person involved with the administration, management or organisation of a Club (whether paid or unpaid), including employees, contractors, consultants, officers and directors and representatives.
“Competitions”	Any or all of the football matches or competitions owned, sanctioned or conducted by South Coast Flame FC or an Association Member.
“Complaint”	Involves the allegation that a Member’s conduct is unethical and/or in breach of FFA Rules and Regulations and/or South Coast Flame FC Rules and Regulations or Codes of Practice or Policies
“Determination”	A decision or Determination made by a Body in accordance with these Regulations.
“Disrepute”	Any conduct, statement or appearance in public that is damaging to reputation.
“Bringing the Game into Disrepute”	A Member will be taken as having brought football into Disrepute if any of the following occurs: <ol style="list-style-type: none"> a) Discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of an Attribute;

	<ul style="list-style-type: none"> b) Harassment, including sexual harassment or any unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances; c) Offensive behaviour, including offensive, obscene, provocative or insulting gestures, language or chanting; d) Provocation or incitement of hatred or violence; e) Spectator or crowd violence; f) Intimidation of Match Officials, which may take the form of (but is not restricted to) derogatory or abusive words or gestures toward a Match Official or the use of violence or threats to pressure a Match Official to take or omit to take certain action regardless of where such action is taken; g) Forgery and falsification, including creation of a false document, forgery of a document or signature, the making of a false claim or providing inaccurate or false information on a prescribed form; h) Corruption, including offering a Benefit or an advantage to a Player or an Official in an attempt to incite him or her to violate FIFA Statutes or FFA Statutes; i) Abuse of position to obtain personal benefit; j) commission or charge of a criminal offence; or k) Any other conduct, behaviour or statement that materially injures the reputation and goodwill of SOUTH COAST FLAME FC, FNSW or football generally.
“FFA”	Football Federation Australia Limited, the governing body for Association Football (soccer) in Australia.
“FFA Statutes”	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”	The FFA Statutes and any other rules, regulations, policies, procedures, codes of conduct and guidelines developed, promulgated and implemented by FFA from time to time, as they apply to South Coast Flame FC, the Members, supporters or spectators as amended from time to time.
“FIFA”	Federation Internationale de Football Association, its successor or assignee.
“South Coast Flame FC Rules and Regulations”	The South Coast Flame FC Constitution, Football By-Laws and any other rules, regulations, policies, procedures, codes of conduct and guidelines developed, promulgated and implemented by South Coast Flame FC from

	time to time applying to South Coast Flame FC, the Members, supporters or spectators as amended from time to time.
“Football NSW”	Football NSW Limited, a company limited by guarantee, which is the governing body for Association Football in the State.
“South Coast Flame FC” or “SOUTH COAST FLAME FC”	South Coast Flame FC Ltd. a company limited by guarantee which is a Club playing in the FNSW Competition.
“General Purpose Tribunal or GPT”	The Body responsible to hear and determine decisions referred to it from the MRC, and/or in accordance with its terms of reference set out in section 7 and 9.
“General Purpose Tribunal Determination or GPT Determination”	A decision or Determination made by the GPT pursuant to section 7 and 9.
“Grievance”	Either a Claim or Complaint as the case requires.
“Grievance Form”	The prescribed form for raising a Grievance with South Coast Flame FC.
“Laws of the Game”	The official laws of the game of football as promulgated by FIFA through the International Football Association Board (IFAB) from time to time.
“Match / Fixture”	Any match played in the State under the auspices of FNSW in which South Coast Flame FC is participating in,
“Match Official”	A referee, assistant referee, 4 th official, referees’ inspector, match commissioner, any person in charge of safety or any other person appointed by FNSW, FFA, Referees’ Body, a Centre or a Club to assume responsibility in connection with a Match. This may include an official of South Coast Flame FC member in attendance at a game in a non-appointed capacity.
“Match Official Report”	A Team Sheet, Match Official Send Off Report, Match Official Expulsion Report or a Match Official Incident Report prepared and submitted by Match Officials to South Coast Flame FC in relation to a Football NSW Competition Match.
“Match Official Incident Report”	The report prepared and submitted by a Match Official to South Coast Flame FC which sets out any incidents which occurred prior to, during or after South Coast Flame FC Competition Match.
“Members”	A member includes: A) Player B) Parent or Relative or Guardian of a Player

	<p>C) Coach and Manage of teams within the Club</p> <p>D) medical staff, physiotherapists, gear persons and other support staff or any other person acting as an employee, contractor or volunteer for South Coast Flame FC.</p> <p>E) Technical Directors employed or contracted to South Coast Flame FC</p> <p>F) Sub-Committee member of an endorsed South Coast Flame FC sub-committee</p> <p>G) Member of the South Coast Flame FC Board</p> <p>H) A staff member or contracted personnel to South Coast Flame FC</p>
“Misconduct”	<p>Where a Member, Football Club and/or Participant acts in any manner that is not in the best interests of the Game and/or which:</p> <ul style="list-style-type: none"> a) Is unsportsmanlike or unprofessional; b) Brings or may bring the Game into Disrepute or damage the Goodwill of the Game; c) Is violent, incites or attempts to incite violence; d) Is improper, threatening, abusive, indecent, insulting, or discriminatory, whether by words or behaviour of persons of ethnical origin, colour, race, nationality, religion, sex, sexual orientation or disability or any other reason; e) Directly or indirectly offers, agrees to give, gives, solicits, agrees to accept or accepts any gift or award or consideration of any nature which is or is to be related in any way to influencing the outcome or conduct of a match; f) Directly or indirectly bets or instructs, permits or enables any Person for the other Person’s benefit to bet on the result, progress or conduct of a match or competition; g) Directly or indirectly induces or attempts to induce a Player to leave the Football Club for which that player is registered; h) Knowingly or wilfully engages in the “ring in” of a Player or players in any match, playing unregistered or ineligible players, playing dual registered players not in accordance with South Coast Flame FC, FFA and FNSW rules and policies; i) Ought to have known or taken steps to ensure there was no engagement of ‘ring in’ players, unregistered, ineligible or dual registered players not allowed in accordance with South Coast Flame FC , FFA, FNSW rules and policies;

	<p>j) Is disrespectful or abusive of Match officials, South Coast Flame FC or Football Council officials, other Member Officials or of their decisions;</p> <p>k) Hinders the proceedings of a Tribunal/Commission, in any matter defined in these regulations; or</p> <p>l) Is a breach of any obligations imposed by these Regulations, South Coast Flame FC Constitution and any By Laws, Regulations or Policies (or their equivalent from time to time, however entitled, of South Coast Flame FC or its Football Councils.</p> <p>m) Any act or omission by a Member which constitutes a breach of; FIFA Statutes and Regulations, FFA rules and regulations, Laws of the Game, FNSW rules and regulations and South Coast Flame FC policies, regulations, rules and codes of conduct.</p>
“Notice of Proceedings”	A Notice submitted by South Coast Flame FC to parties and witnesses subject to a hearing setting out the time, date and location of the hearing.
“Notice of Suspension/Sanction”	A Notice submitted by South Coast Flame FC to a Member who has breached these Regulations and has been issued with a Suspension(s) or Sanction(s) pursuant to these Regulations.
“Notice to Appeal”	Means the relevant form submitted by a party to South Coast Flame FC wishing to appeal a decision of the GPT.
“Notice to Attend”	A Notice submitted by South Coast Flame FC to a Member requiring them to attend a GPT, AT or Mediation session.
“Notification Form”	The prescribed form notifying South Coast Flame FC of a Participant’s intention to not accept a Suspension issued by the GPT.
“Notice”	<p>A notice issued by South Coast Flame FC and includes (but not limited to) the following:</p> <ul style="list-style-type: none"> a) Notice to Attend; b) Notice of Suspension/Sanctions; c) Notice of Proceedings; and d) Notice to Appeal
“Official”	A Club Official, Match Official or Team Official.
“Participant”	A Player, Official (including referees) or Spectator.

“Player”	Any person who is, from time to time, registered with FFA, South Coast Flame FC, whether that person is male or female, junior or senior or an amateur or professional.
“Regulations”	The South Coast Flame FC Disciplinary Regulations adopted by South Coast Flame FC in accordance with the Objects of its Constitution.
“Sanctions”	The sanctions issued by South Coast Flame FC through these Regulations by the GPT or AT.
“Season”	From the commencement of a FNSW Competition to the conclusion of a FNSW Competition.
“Spectator”	A spectator is a person at a stadium, venue, ground or Centre during any match, competition or training session sanctioned or administered by South Coast Flame FC.
“State”	The state of New South Wales with the exception of the northern regions of NSW (the governing body for which is Northern New South Wales Football)
“Suspensions”	The suspensions issued by a Body under these Regulations.
“Technical Area”	Means the area marked and designated in accordance with the FIFA Laws of the Game within which the coach, the substitute Players and the Team Officials must remain during a match.
“Tribunal Members”	Those persons appointed by South Coast Flame FC to sit on the GPT or AT pursuant to section 6 of these Regulations.
“Tribunals”	The General Purpose Tribunal and the Appeal Tribunal.

14.1 MISCONDUCT– PENALTIES

The types of sanctions allowable for Misconduct against a Member are set out in 6.3 (c).

The following is a guide for application of penalties but is not binding for issuing sanctions for Misconduct.

Offence Number	Description	Minimum Sanction	Maximum Sanction
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M1	Misconduct of any nature	1 Match suspension if applicable and/or a \$250 fine	5 years suspension and/or a \$2500 fine per occurrence from the current season
M2	Misconduct against South Coast Flame FC or any appointed South Coast Flame FC officer	2 Matches suspension if applicable and or a \$500 fine	10 years suspension and/or a \$5,000 fine from the current season
M3	Gross Misconduct against South Coast Flame FC or any South Coast Flame FC Officer	4 Matches suspension if applicable and/or a \$1000 fine	Life suspension and / or \$10,000 fine from the current season
M4	Deliberately misleading any Body	10 Matches Suspension if applicable and/or \$2000 fine.	Life Suspension and/or any other provision referred to in these Regulations.

15. DISPUTE AND GRIEVANCE EXAMPLES

The following is a list of possible Dispute and Grievances that may arise and the process that may apply as per these Regulations

Grievance or Dispute	Relevant Handling Option
Angry, Volatile or Abusive Members at Matches or Events	<ul style="list-style-type: none"> Member will be offered a sanction; Member may be requested to attend a GPT Member may appeal the GPT decision
Bullying (Eg. Cyber Bullying, ostracising, a group or individual)	<ul style="list-style-type: none"> Member to submit a grievance to (INSERT EMAIL) Grievance process to commence Parties may be requested to attend mediation Parties may be requested to attend a GPT
Breach of Policies (eg Social Media, codes of conduct, Player Game Time etc)	<ul style="list-style-type: none"> Member to submit a grievance to (INSERT EMAIL) Grievance process to commence Parties may be requested to attend mediation Parties may be requested to attend a GPT
Inappropriate coaching style or issues between coaches and players	<ul style="list-style-type: none"> Member to submit a grievance to (INSERT EMAIL) Grievance process to commence Parties may be requested to attend mediation Parties may be requested to attend a GPT
Sexual or Racial Harassment, Physical or Verbal Abuse	<ul style="list-style-type: none"> Member to submit a grievance to (INSERT EMAIL) Grievance process to commence Parties may be requested to attend mediation Parties may be requested to attend a GPT Matter may be referred to the regulatory or legislative external body (eg the Office of the Children's Guardian)