



**Regulation of Macarthur Football Association Inc –
Disciplinary & Judiciary Regulations**

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DISCIPLINARY & JUDICIARY REGULATIONS OF MACARTHUR FOOTBALL ASSOCIATION INC.

1. NAME OF REGULATION (SHORT FORM)

This regulation may be cited as the “MFA Disciplinary & Judiciary Regulations”.

2. ADOPTION

This regulation is:

- (a) adopted by the Association under clause 33 of the Constitution; and
- (b) binding on all Participants.

3. DEFINITIONS AND INTERPRETATION

3.1 Definitions

In this regulation, defined terms (capitalised words) have the same meaning ascribed to that term in the Constitution unless the contrary intention appears or it is defined below:

“**Appeals Committee**” means the “Appeals Committee” formed under the Competitions Regulations.

“**Association**” means Macarthur Football Association Inc.

“**Board**” means the body consisting of the Directors of the Association.

“**Business Days**” means a day not being a Saturday, Sunday or a declared public holiday in Sydney, NSW.

“**Club**” means a football club which is a Member of the Association.

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

“**Club Secretary**” means the person holding the position of secretary within a Club.

“**CMC**” means the “Competitions Management Committee” established under the Competitions Regulations.

“**Committee**” means the JC or the SPC constituted under this regulation or the Appeals Committee constituted under the Competitions Regulations.

“**Competitions**” means any or all of the football matches or competitions conducted by, or within the jurisdiction of, the Association and may include a championship, premiership or cup component.

“**Competitions Regulations**” means the Competitions Regulations adopted by the Association.

“Competitions Manager” means the person employed or appointed by the Association as the competitions manager of the Association. If that person is unwilling or unable to act or there is a vacancy, then the General Manager (or such other person designated by the Board) will assume the role of competitions manager.

“Constitution” means the Constitution of the Association, as amended from time to time.

“FA” means Football Australia Ltd, Australia’s football governing body.

“FA Regulations” means the Statutes, regulations and policies adopted by FA from time to time, including the National Disciplinary Guidelines.

“FIFA” means the Federation Internationale de Football Association, the world’s football governing body.

“FNSW” means Football NSW Ltd.

“FNSW Regulations” means any regulations adopted by FNSW from time to time, including the FNSW Grievance and Disciplinary Regulations 2021 (as amended or replaced from time to time).

“General Manager” means the general manager employed or appointed by the Association from time to time (and if he or she is unable or unwilling to act, then such other person as advised by the Board from time to time).

“JC Chair” means the chairperson of the JC from time to time.

“Judiciary Committee or JC” means the Committee established pursuant to clause 6.1.

“Laws of the Game” means the official laws of the game of football as promulgated by FIFA.

“Life Member” means a life member of the Association.

“Mandatory Match Suspension” means the automatic suspension from participating in a Match that must be served in accordance with this regulation.

“Match” means any match played in an Association competition, cup, premiership or other event or tournament under the Association’s control or jurisdiction.

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

“Match Official Report” means either a Match Official Send-Off Report or a Match Official Incident Report in the form prescribed by the Association and prepared and submitted by Match Officials to the Association.

“Match Official Incident Report” means a report in the form prescribed by the Association and prepared and submitted by a Match Official to the Association which sets out any incidents which occurred prior to, during or after a Match.

“Match Official Send-Off Report” means a report in the form prescribed by the Association and prepared and submitted by a Match Official to the Association which sets out any red card offences that occurred prior to, during or after a Match.

“Misconduct or Disrepute” has the meaning ascribed to that term in clause 16.1.

“**Member**” means a member for the time being of the Association, including a Club and a Life Member.

“**MFA Office**” means the office of the Association, as supervised and directed by the General Manager.

“**Notice of Suspension**” means a notice submitted by a Relevant Body to a Participant who has breached this regulation and has been issued with a suspension pursuant to this regulation.

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

“**Participant**” means a Member, Player, Official, Team or Spectator (as the context requires and as the case may be).

“**Player**” means any person who participates in a Match (irrespective of whether he or she is registered with the Association).

“**Referee’s Association**” means the association of referees who have jurisdiction over a Competition, and as at the date of this regulation, being the Macarthur District Football Referees Association.

“**Relevant Body**” means the MFA, the Board or any other relevant committee of the Association (including those referred to in this regulation).

“**SPC Chair**” means the chairperson of the SPC from time to time.

“**Special Purpose Committee or SPC**” means the Committee established pursuant to clause 6.2.

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

“**Table of Offences**” means the table of offences set out in **Schedule 1**. If an offence is not set out in **Schedule 1**, then as contained in Schedule 3 (*Table of offences*) of the Football NSW Grievance and Disciplinary Regulations 2021, as amended from time to time.

“**Team**” means any team registered with the Association (including any team admitted by the Association to participate in a Competition or any team registered with a Club).

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

3.2 Interpretation

In this regulation:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the performance of the duty;
- (c) words importing the singular include the plural and vice versa;
- (d) words importing any gender include the other genders;
- (e) the words “include”, “including”, “for example” or “such as” are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do

not limit the meaning of the words to which the example relates to that example or examples of a similar kind;

- (f) references to persons include corporations and bodies politic;
- (g) references to a person include the legal personal representatives, successors and permitted assigns of that person;
- (h) headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this Constitution;
- (i) a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction); and
- (j) a reference to "writing" will, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail; and
- (k) a reference to a document is a reference to the same an amended or replaced from time to time.

Any question or issue relating to the interpretation of this regulation will be decided by the Board (and whose decision will be final and binding).

3.3 Severance

If any provision of this regulation or any phrase contained in it is invalid or unenforceable, the phrase or provision is to be read down if possible, so as to be valid and enforceable, and otherwise will be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this regulation.

3.4 Inconsistencies

If any provision of this regulation is inconsistent with the Constitution or any other regulation of the Association, then the document as directed by the Board will prevail to the extent of any such inconsistency.

4. OBJECTIVES

The objectives of this regulation are:

- (a) to ensure that the game of football is played in accordance with the Laws of the Game, the Constitution, this regulation and any other regulations of the Association;
- (b) to ensure that the game of football is played competitively and fairly in accordance with the principles of true sportsmanship;
- (c) to provide an independent, fair and effective system that sets out procedures for the administration and determination of all grievances, incidents, disciplinary, dispute and conduct matters involving Participants; and
- (d) to ensure consistency and transparency in all aspects of handling grievances, incidents, disciplinary, dispute and conduct matters involving Participants under this regulation.

5. JURISDICTION

- (a) This regulation shall apply to facilitate the expeditious and fair resolution of:
 - (i) grievances, incidents, disciplinary, dispute and conduct matters in relation to the Competitions;
 - (ii) grievances between Members; and
 - (iii) appeals from a determination of a Relevant Body.
- (b) Each Participant submits exclusively to the jurisdiction, processes and procedures set out in this regulation and agrees that once it has exhausted the procedures set out in this regulation, it will not attempt to resolve any grievances, incidents, disciplinary, dispute and conduct matters by recourse to a court of law, or any other governmental or regulatory authority or body.

6. ESTABLISHMENT OF COMMITTEES

6.1 Judiciary Committee (JC)

- (a) For any hearing under this regulation, the Judiciary Committee hearing the relevant matter shall consist of four (4) members, including the JC Chair.
- (b) The chairperson of the JC (**JC Chair**):
 - (i) will be appointed by the Board for a period of twelve (12) months (or such shorter period of time as determined by the Board);
 - (ii) may be removed and replaced by the Board at any time; and
 - (iii) cannot be:
 - (A) a member of the Board, the CMC, the Appeals Committee or the SPC; or
 - (B) a paid employee of the Association or any Club.
- (c) The other members of the JC shall be selected by the JC Chair from a panel of suitable persons as nominated to, and approved by, the Board from time to time.
- (d) The JC Chair must appoint two (2) members of the JC to preside over a JC hearing (**JC Hearing Panel**) and which shall constitute a quorum for a JC hearing. If the JC Chair believes a matter requires special expertise, then the JC Chair may allow that expert to be present during a hearing to provide guidance to the JC.
- (e) Each member of the JC Hearing Panel will be entitled to one (1) vote. All decisions of the JC will be passed by a majority vote of the members comprising the JC Hearing Panel and who are entitled to vote. In the event of a deadlock, the JC Chair will have a casting vote.
- (f) If the JC Chair is unable to officiate as JC Chair at a hearing, the JC Chair will nominate any member of the JC panel to officiate in their place.
- (g) A member of the JC (excluding the JC Chair) is also eligible to be a member of SPC. In the event that a member of the JC who is also a member of the SPC is involved in an SPC hearing, then, where possible, they should not be on JC Hearing Panel.

6.2 Special Purpose Committee (SPC)

- (a) The SPC shall consist of:
 - (i) the chairperson of the SPC (**SPC Chair**); and
 - (ii) six (6) other members,
who:
 - (iii) will be appointed by the Board for a period of twelve (12) months (or such shorter period of time as determined by the Board);
 - (iv) may be removed and replaced by the Board at any time; and
 - (v) cannot be:
 - (A) a member of the Board, the CMC or the Appeals Committee. However the SPC Chair cannot be a member of the JC; or
 - (B) a paid employee of the Association or any Club.
- (b) For any hearing under this regulation, the SPC hearing the relevant matter shall consist of three (3) appointed SPC members, including the SPC Chair.
- (c) The SPC Chair must appoint two (2) appointed SPC members to preside over a SPC hearing (**SPC Hearing Panel**) and which shall constitute a quorum for a SPC hearing. If the SPC Chair believes a matter requires special expertise, then the SPC Chair may allow that expert to be present during a hearing to provide guidance to the SPC.
- (d) Each member of the SPC Hearing Panel will be entitled to one (1) vote, and which includes the SPC Chair. All decisions of the SPC will be passed by a majority vote of the members comprising the SPC Hearing Panel. In the event of a deadlock, the SPC Chair will have a casting vote.
- (e) If the SPC Chair is unable to officiate as SPC Chair at a hearing, the SPC Chair will nominate another member of the SPC to officiate in their place.

6.3 General provisions

- (a) A resolution in writing, signed or assented to by any electronic means by the members of a Committee will be as valid and effectual as if it had been passed at a meeting of a Committee duly convened and held. Any such resolution may consist of several documents in like form each signed or authorised by one (1) or more of the members.
- (b) A Committee may regulate its meetings as it thinks fit.
- (c) A member of a Committee may resign at any time by providing notice in writing to the Association. The Board may fill that casual vacancy at any time after receiving notice of such resignation.
- (d) All acts done by any meeting of a Committee will, even if it is subsequently discovered that there was some defect in the appointment of a member or any other procedural irregularity, be valid as if every such person had been duly appointed and was qualified to be a Committee member and there was no such procedural irregularity.

- (e) The Association shall send notice of all appointments of each Committee to the Members as soon as practicable after such appointments are made in accordance with this regulation.
- (f) Each member of a Committee:
 - (i) should exercise independent judgment; and
 - (ii) should have the requisite knowledge and/or experience of football, FA, FNSW and the Association's rules and regulations which are appropriate for membership of the relevant Committee.
- (g) The Board may remove and/or replace a member of:
 - (i) the JC (including the JC Chair);
 - (ii) the SPC (including the chairperson of the SPC); or
 - (iii) any member of the Appeals Committee that has not been elected by the Members at an Annual General Meeting,at any time in its absolute discretion.

7. FUNCTION OF COMMITTEES

7.1 JC

- (a) The JC shall:
 - (i) have jurisdiction over offences arising from the Competitions where Participants have received, or ought to have received cautions or dismissals; and
 - (ii) conduct hearings with the authority to:
 - (A) issue suspensions in accordance with this regulation; and/or
 - (B) rectify a disciplinary decision made by a Match Official.
- (b) If requested by the JC Chair, a representative of the Referee's Association should be present at any JC hearing to provide advice regarding technicalities particular to the Laws of the Game, a Match Official's conduct or the reporting process.
- (c) Should a representative of the Referee's Association not be in attendance (if requested to do so), the JC hearing shall still go ahead. The absence of a representative from the Referee's Association at a hearing shall not be considered grounds for appeal.
- (d) The JC Chair or his or her nominee, at his or her discretion, may contact members of the Referee's Association or recording panels or any other person by telephone or any other means (including personally or electronically) to attain further information/clarification in connection with a JC Hearing or a determination of the JC.
- (e) Subject to clause 12.2 (*Mistaken identity*), the JC cannot expunge a Red Card or a Mandatory Match Suspension.

7.2 SPC

- (a) The SPC is responsible for hearing and determining:
 - (i) charges of Misconduct and Disrepute;
 - (ii) grievances between Members referred to it under clause 17(c);
 - (iii) any other matter the MFA Office considers important to the interests of football in the Macarthur region;
 - (iv) any other matter referred to it by the JC, the MFA Office or the Board; and
 - (v) sanctions on a Club for the misconduct of a team, including when:
 - (A) one or more Participants make threats or show force against a Match Official or any other person; or
 - (B) Participants engage in violent conduct or any other conduct which constitutes Misconduct and Disrepute.
- (b) Without limiting the rights and powers of the Board, the Participants shall be disciplined by the SPC if any Participant fails to comply with the provisions of this regulation as determined by the SPC.
- (c) The SPC shall have the following powers with respect to disciplining a Participant:
 - (i) order the payment of a fine or a penalty;
 - (ii) order the doing or not doing or the return of anything;
 - (iii) expel, suspend, reprimand, or disqualify any Participant from any part, or all, football activity for such time as it deems fit;
 - (iv) deduct points from any team in a Competition;
 - (v) make a declaration or order specific performance; and/or
 - (vi) order any other sanction, penalty or action as the SPC may determine (including, any form of disciplinary action or sanction referred to in the FNSW Regulations in addition to those referred to in clause 7.3 and the FA Regulations).

7.3 FNSW and other Regulations

A Committee (including the Appeals Committee and the Association) may (but is not obliged to) have regard to the FNSW Grievance and Disciplinary Regulations 2021 (as amended from time to time) including Schedule 3 (*Table of Offences*) of those Regulations (as amended from time to time) and/or the FA Regulations when considering a sanction, any form of disciplinary action or other penalty to be imposed under this regulation to the extent that such a sanction, disciplinary action or penalty is not expressly stated in this regulation.

7.4 Decisions to be published

Decisions of the JC, the SPC and the Appeals Committee will be published on the Association's website however personal information of the relevant Participants (for example, names of individuals) will be redacted and where possible replaced with their FA number.

8. CORRESPONDENCE AND MATCH REPORTS

- (a) Unless where expressly stated otherwise, all correspondence in relation to any matter under this regulation must be made electronically and directed to admin@macarthurfootball.com.au (or such other address as instructed by the MFA Office from time to time).
- (b) All prescribed forms will be provided by the MFA Office from time to time and, where decided by the MFA Office, uploaded to the website of the Association.
- (c) In order to ensure that the Association provides an efficient and transparent service to Members under this regulation, a Match Official must send to the MFA Office the Match Official Reports no later than 5pm Tuesday following a Match, setting out the following:
 - (i) Any red card offences issued during the Match including the categorisation of offences set out in a Match Official Send-Off Report.
 - (ii) Any serious incidents which took place set out in a Match Official Incident Report.
 - (iii) Red card offences not sanctioned with a dismissal during the Match should be detailed in a Match Official Incident Report.
- (d) All Match Official Reports must be sent to judiciary@macarthurfootball.com.au (or such other address as instructed by the MFA Office from time to time).
- (e) Incidents concerning spectator behaviour, or any other person(s) not cautionable by the Match Officials should be reported in a Match Official Incident Report.
- (f) For the avoidance of doubt, facts contained in Match Official Reports are presumed to be true and accurate (unless proven to the contrary).
- (g) Any Committee or the MFA Office may require a Club to submit the details of any Participant (including full name and FA ID number) referred to but not identified in the Match Official Report, to the extent that the Club is reasonably able to do so.

9. DETERMINATION OF THE JC

9.1 Determination guidelines

- (a) The JC must consider offences based on reports submitted by the Match Officials, and any other relevant sources.
- (b) If an offence is proven to the satisfaction of the JC, the JC must apply sanctions as outlined within the Table of Offences.
- (c) The Table of Offences may be amended and ratified by the Board annually.
- (d) The JC may, when making a determination, take into consideration:
 - (i) a Participant's disciplinary history (to be supplied by the MFA Office) when determining a suspension. For the avoidance of doubt, a Participant's disciplinary history is that as held by FFA, FNSW, the Association or another member federation of FFA or a Club;
 - (ii) the severity of the offence and any extenuating circumstances; and/or
 - (iii) any other relevant matter.

- (e) The JC must not, when making a determination, take into consideration:
 - (i) the significance or importance to the Participant or their 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;
 - (iii) the point in the Match at which the offence was committed; and/or
 - (iv) any other disciplinary decision taken or failure to take a disciplinary decision by a Match Official during the Match.
- (f) The JC must set out any suspension in a Notice of Suspension which shall be issued by the JC Chair (or any other member of the JC, as nominated by the JC Chair from time to time) to the Participant's nominated Club Officials and the Participant by email as soon as is practicable after the JC's determination is made.
- (g) The JC must determine suspensions based on the material referred to in clause 9.1(d) and by applying the range contained within the Table of Offences.
- (h) The JC must not impose suspensions below the applicable minimum suspensions set out in the Table of Offences.

9.2 Referral from the JC

The JC Chair may, in his or her absolute discretion, refer any matter to the SPC and notify the MFA Office of that referral.

10. CAUTIONS

- (a) An official booking (or caution) is administered by the Match Official recording a Participant's name, number (if applicable), the offence committed and any other information on the relevant Match card.
- (b) A yellow card is issued by a Match Official to a Participant due to offences outlined in the Table of Offences and as specified in Law 12 of the FIFA Laws of the Game. A Match Official may issue a verbal caution the absence of a yellow card.
- (c) Any Participant who receives:
 - (i) five (5) official cautions in separate Matches in any one season, the Participant must serve a mandatory one (1) Match suspension;
 - (ii) a further three (3) official cautions in any one season, making a total of eight (8), then the Participant must then be suspended for a further two (2) mandatory Matches; and
 - (iii) one (1) further official caution in any one season, making a total of nine (9) or more, then the Participant must then appear before the JC following receipt of each such caution. The Participant is ineligible to participate in a Match (in any capacity) until they have appeared before the JC and have served the sanction imposed by the JC.
- (d) There shall be no appeal against suspensions incurred from receiving five (5), eight (8) or more official cautions.

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- (e) Suspensions incurred from clause 10(c)(i), (c)(ii) or (c)(iii) will commence at the completion of the Match in which respectively the fifth (5), eighth (8) or more official caution was given.
- (f) Any two (2) official cautions received by a Participant in any one (1) Match causing that Participant to be sent off shall not be counted for the purpose of automatic suspensions in clause 10(c).
- (g) The MFA Office shall:
 - (i) maintain a record of official cautions; and
 - (ii) provide to the nominated Club Officials with weekly reports of such official cautions during the season.
- (h) Clubs must automatically stand down the Participants accordingly and note the stand-downs on the match card.
- (i) Official cautions shall not carry over from season to season.
- (j) Participants who participate in finals series shall be afforded one (1) additional caution (in addition to the numbers referred to clause 10(c)). Should a Participant receive their 5th or 8th caution in a final match of the season, including a final, the mandatory suspension referred to in clause 10(c) will carry over to the following season in which the Participant participates.

11. DISMISSALS

- (a) An official dismissal is administered by the Match Official recording a Participant's name, number (if applicable), the offence committed and any other information on the relevant match card.
- (b) A red card is issued by a Match Official to a Participant due to offences outlined within the Table of Offences and as specified in Law 12 of the FIFA Laws of the Game. A Match Official may issue a verbal dismissal in the absence of a red card.
- (c) A Participant who is dismissed must serve the mandatory suspension as set out in the Table of Offences as imposed by the JC. Participants dismissed from the field shall incur a minimum one (1) Match suspension. This one (1) Match suspension is mandatory and is not subject to challenge, appeal or waiver.
- (d) A Participant who:
 - (i) subject to paragraphs (ii) and (iii) below, has been dismissed from the field is not permitted to participate in any other Match in any other capacity on the same day;
 - (ii) is a Team Official who is dismissed from the technical area during a Match is eligible to play as a player in a Match scheduled in the same round unless otherwise determined by the MFA Office or a Committee; or
 - (iii) is a player who is dismissed from the technical area during a Match is eligible to be a Team Official in the technical area in another Match scheduled in the same round unless otherwise determined by MFA Office or a Committee.
- (e) Red cards issued during an abandoned Match will be upheld regardless of whether the Match is replayed or not.

- (f) Subject to the Table of Offences, a Participant who accumulates three (3) red cards (not including R7s) in Matches in any one (1) season shall not be eligible to participate in any sanctioned Match in any capacity after receiving his or her third (3rd) red card offence and until he or she has appeared before the JC and has served the sanction imposed by the JC.
- (g) If a Participant receives:
 - (i) a second R7 within the same season, the Participant shall serve the mandatory two (2) Match suspension and the relevant Club of the Participant shall be responsible in ensuring the Participant is immediately stood down for his or her next Matches; or
 - (ii) a third R7 within the same season, the Participant shall serve the mandatory three (3) Match suspension and the relevant Club of the Participant shall be responsible in ensuring the Participant is immediately stood down for his or her next Matches. The Participant shall front the JC if requested.
- (h) The MFA Office shall:
 - (i) maintain a record of dismissals; and
 - (ii) provide to the nominated Club Officials with weekly reports of such dismissals during the season.

12. CHALLENGE HEARINGS, MISTAKEN IDENTITY AND APPEALS OF JC DECISIONS

12.1 Challenge hearings

- (a) A suspension issued by the JC may be challenged by the Club affected (**Challenge**).
- (b) The Club Secretary must advise the JC Chair in writing within 48 hours following notification of suspension whether the initial decision of the JC will be subject to a Challenge otherwise the suspension will stand. The JC Chair will set the scheduled date, time and venue of a Challenge hearing and notify the Club Secretary of the same.
- (c) Participants may, no later than 24 hours prior to the scheduled JC hearing, inform the JC Chair in writing, via the Club Secretary, that they consent to the hearing being ex-parte and submit written evidence in support of their defence or in mitigation of penalty.
- (d) Subject to paragraph (d), Participants failing to appear before the JC on the scheduled date and time shall have the Challenge dismissed.
- (e) The decision made by the JC following the Challenge hearing will be conveyed to the nominated Club Officials and the Participant by email.
- (f) The decision of the JC in a Challenge hearing may be appealed to the Appeals Committee pursuant to and in accordance with clause 15.

12.2 Mistaken identity

- (a) At the end of a Match, a Team Official from each Team must sign the match card confirming that all details on the match card, including the attribution of yellow cards or red cards are correct.

- (b) If a Team Official believes that a Participant has been mistakenly identified on the match card by a Match Official as having received a yellow card or red card, the Team Official must indicate same on the match card prior to signing it.
- (c) If a Participant claims that he/she was mistakenly identified in a Match Official Report, and the Team Official has indicated the same on the match card, the Participant's Club Secretary, by 4.00p.m on the second Business Day following the completion of the relevant Match, must notify the JC by submitting the following via email to judiciary@macarthurfootball.com.au (or such other address as notified by the MFA Office from time to time):
 - (i) A signed written statement by the Participant who was reported by the Match Official Report that he/she was not responsible for the offence and identifying to the best of their knowledge the name of the Participant responsible.
 - (ii) A signed written statement by the Participant who was responsible for the offence.
- (d) After considering the evidence, the JC will decide whether the claim for mistaken identity should be rejected or upheld.
- (e) If the JC upholds the mistaken identity claim:
 - (i) a Notice of Suspension shall be issued to the appropriate identified Participant, who shall serve the suspension immediately; and
 - (ii) the Notice of Suspension issued to the original Participant will be rescinded.
- (f) If the JC rejects a claim for mistaken identity and:
 - (i) a Notice of Suspension in relation to the matter has already been issued to the Participant or their Club, the original decision set out in the Notice of Suspension continues to apply; or
 - (ii) a Notice of Suspension in relation to the matter has not already been issued to the Participant or their Club, the JC will determine the suspension, and issue a Notice of Suspension to the Participant's Club.
- (g)

13. SUSPENSIONS

13.1 Suspensions

- (a) Any suspension includes suspensions issued under:
 - (i) clause 16.3; and
 - (ii) any other relevant provision of this regulation.
- (b) Suspensions served with and during other competitions or tournaments, such as State Cup, do not count towards the Association's Matches. However, suspensions received in other competitions or tournaments, such as State Cup, apply to the Association's Matches.
- (c) For the avoidance of doubt, suspensions and penalties imposed by a Relevant Body shall also apply to any Participant registered within its jurisdiction, thus making them

ineligible to seek to participate in a Match recognised by the Association although not necessarily under its direct control.

- (d) A Relevant Body may issue suspensions either in terms of:
 - (i) the number of Matches/fixtures for which a Participant shall be suspended (**Fixture Suspension**); or
 - (ii) the amount of time for which a Participant shall be suspended (**Time Suspension**).
- (e) Upon issuing a Time Suspension, the Relevant Body must provide a start date and end date of the suspension.
- (f) Any suspension not completed during the year in which it is incurred shall carry over to the following year of registration of the Participant.
- (g) All suspensions incurred by a Participant from any other affiliated body or association shall be recognised by the Association.

13.2 Trial games

A Participant under suspension from the previous year shall not be permitted to play in trial games without the specific consent of the JC Chair.

13.3 Serving of suspensions

- (a) Upon the issuance of a suspension, the Association and the relevant Club have the obligation to ensure that the suspension is applied correctly in accordance with this regulation.
- (b) Any suspension shall be served immediately. In serving a suspension, the Association must take into consideration any fixtures or time already served whilst awaiting the issuance of the Notice of Suspension and shall apply in respect of those football activities listed in the Notice of Suspension.
- (c) A Participant does not need to be registered to serve any Time Suspension but does need to be registered to serve a Fixture Suspension.
- (d) The relevant Club shall be responsible for ensuring a Participant is suspended in accordance with any Notice of Suspension.
- (e) Clubs must list in an appropriate place on any team sheet any Participant who is registered with or by that Club and who is serving a suspension at the time the team sheet is completed.
- (f) Only those Matches actually played count towards the completion of any Fixture Suspension.
- (g) If a Match is abandoned or forfeited then that Match can be considered in relation to serving a suspension but only if the suspended Participant's team did not contribute to the facts that led to the abandonment or forfeiture of a Match.
- (h) 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 and until such time as the suspension has been served. For the avoidance of doubt, this includes participating in any Matches endorsed by the Association.

- (i) The Competitions Manager, in consultation with the JC Chair, shall have the final decision on whether a suspension or part thereof may be served in an abandoned or forfeited Match.

14. FEES

- (a) The fees set out in **Schedule 2** may be amended on an annual basis by recommendation of the General Manager and approved by the Board.
- (b) The revised fees will be notified by the MFA Office to all Members on an annual basis.

15. GROUNDS OF APPEAL TO THE APPEALS COMMITTEE

15.1 Grounds

The grounds of an appeal of a decision of the JC or the SPC to the Appeals Committee are:

- (a) a party was not afforded a reasonable opportunity to present its case to the JC or the SPC (as the case may be);
- (b) the decision of the JC or the SPC (as the case may be) was affected by actual bias;
- (c) severity of an imposed sanction by the JC or the SPC (as the case may be); or
- (d) new evidence can be presented that was not presented to the JC or the SPC (as the case may be).

15.2 Appealing decision of the JC or the SPC

- (a) A Participant shall have the right to lodge an appeal application against a determination of:
 - (i) the JC; or
 - (ii) the SPC

(in each case, the **Original Committee**) to the Appeals Committee in writing, via their Club Secretary:

 - (iii) within five (5) Business Days of such determination being sent by the Original Committee;
 - (iv) using the form prescribed by the Association (if any) and which must include a summary of the grounds for any such appeal as set out in clause 15.1 (*Grounds*); and
 - (v) which must be sent to the MFA Office. The MFA Office will then promptly forward a copy of the appeals application (and any other relevant information) to the Appeal Committee.
- (b) The Appeals Committee, at their absolute discretion, will after considering the appeal application either:
 - (i) accept the appeal application, in which case the Appeals Committee Chair will then set a date, venue and time for the Appeals Committee hearings by notifying the MFA Office and the relevant Club Secretary; or

- (ii) reject the appeal application, in which case the relevant appeal will not be heard, and the decision of the SPC will stand.
- (c) The relevant Club Secretary must lodge all written submissions (in detail) and provide it to the chairperson of the Appeals Committee no later than 24 hours prior to the scheduled Appeals Committee hearing. Failure to lodge written submissions within 24 hours prior to the Appeals Committee hearing will result in the decision of the Original Committee being upheld and the Participant will have no further rights of appeal.
- (d) The Original Committee may lodge written submissions and provide it to the chairperson of the Appeals Committee no later than 24 hours prior to the scheduled Appeals Committee hearing.
- (e) If:
 - (i) the appeal to the Appeals Committee is upheld; or
 - (ii) the Appeals Committee reduces the severity of the sanction imposed by the Original Committee,then no fees will be payable by the Club with respect to the relevant appeal.
- (f) The “Application to Appeal” fee (as set out in **Schedule 2**) must be paid by the relevant Club to the MFA Office if the appeal to the Appeals Committee is dismissed or the decision of the SPC is upheld after the relevant Appeals Committee hearing or pursuant to clause 15.2(c).

15.3 Determination of the Appeals Committee

- (a) The Appeals Committee may decline a hearing upon review of an application to appeal if it believes such appeal does not have any grounds of an appeal as referred to in clause 15.1.
- (b) A member of the Original Committee whose decision is being reviewed by the Appeals Committee must not be present during the hearing of the Appeals Committee.

15.4 Decision of the Appeals Committee

- (a) The types of decisions that the Appeals Committee may issue, include but are not limited to:
 - (i) any type of sanction, penalty or other disciplinary matters set out in the Table of Offences or referred to in clause 7.3 (*FNSW and other regulations*) and may include (but not limited to) a finding, directive, suspension, banning, fine or such other action as determined by the Appeals Committee (or a combination of those);
 - (ii) the reversal of a decision made by the JC or the SPC (as the case may be); or
 - (iii) any other decision it thinks fit.
- (b) Any failure to comply with a determination of the Appeals Committee is itself a breach of this regulation.

- (c) A written indication of the outcome of the hearing by the Appeals Committee shall be provided to the relevant nominated Club Official and the Participant within seven (7) working days of the completion of the hearing.
- (d) The decision of the Appeals Committee is final and binding and not capable of being appealed.

16. MISCONDUCT AND DISREPUTE

16.1 Misconduct or Disrepute

Misconduct or Disrepute for the purpose of this regulation shall mean any act or omission by a Participant which:

- (a) constitutes a breach of the FIFA, FFA or FNSW rules and regulations;
- (b) constitutes a breach of the Laws of the Game;
- (c) constitutes a breach of the Association's Constitution or rules and regulations;
- (d) is unsportsmanlike or unprofessional;
- (e) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;
- (f) brings or may bring the game or the Association (including any member of a Committee, any other committee established under any other regulation of the Association or the Board) into disrepute or damages the reputation and goodwill of the game or the Association (including any member of a Committee, any other committee established under any other regulation of the Association or the Board); and/or
- (g) in the opinion of Board, is or may be prejudicial to the interests or reputation of either the game of football in the Macarthur area or any of its sponsors.

16.2 Investigation, referral and charges

- (a) Reports of Misconduct and Disrepute received by, or reported to, the MFA Office will be forwarded to the SPC for review.
- (b) An investigation may be initiated by the SPC based on a written report or complaint of a Participant, the Board or any other person or on the basis of any other evidence which in the opinion of the SPC is credible.
- (c) Notwithstanding any other provision of this regulation, the SPC, at its absolute discretion, may:
 - (i) investigate any matter itself or through any person it nominates;
 - (ii) investigate any matter which, in its opinion, may constitute Misconduct or Disrepute; or
 - (iii) dismiss the complaint with reasons.
- (d) In the event the SPC initiates an investigation the accused, through the secretary of the relevant Club, will be served with a **Show Cause Notice**. A Show Cause notice must contain:
 - (i) sufficient particulars of the alleged conduct;

- (ii) particulars of the possible charge that may flow from the investigation; and
 - (iii) provide the accused a minimum of seven (7) days to provide any information requested by the SPC in connection with the alleged conduct.
- (e) At the conclusion of the investigation the SPC, in its absolute discretion, may issue a **Notice of Charge** against the accused, through the secretary of the relevant Club. A Notice of Charge must:
 - (i) provide sufficient particulars of the charge based on the evidence submitted;
 - (ii) advise the accused of the proposed sanction(s), penalties or other disciplinary action the SPC may impose under clause 7.2(c) with respect to the particular matter (together referred to as the “**Sanction(s)**”);
 - (iii) require the accused to enter a plea and:
 - (A) if a plea of guilty is entered the accused can elect to make written submissions to the SPC or appear before the SPC on sentence; or
 - (B) if a plea of not guilty is entered the accused must appear before the SPC at a time and place and in the manner so directed by the SPC.
- (f) If no plea is entered, then a plea of not guilty will be recorded and the accused must appear before the SPC at a time and place and in the manner so directed by the SPC.
- (g) If the accused fails to appear before the SPC as directed then the SPC will have the right to determine the matter and the Sanction(s) if it thinks that it is appropriate to do so having regard to all the circumstances.
- (h) A Participant who pleads guilty may be eligible for leniency in respect of a Sanction(s) but where applicable, not below the applicable minimum sanction/suspension set out in the Table of Offences.
- (i) Where a Participant is the subject of a Match Official Send-Off Report is also the subject of a Match Official Incident Report or some other complaint arising out of or in relation to the same Match, the SPC has jurisdiction to consider both matters and issue a determination and Sanction(s) with respect to both matters.
- (j) The SPC will use its reasonable endeavours to issue a summary of its determination and the Sanction(s) imposed on the Participant within five (5) Business Days of the completion of any SPC hearing. Within two (2) Business Days of the determination referred to in the preceding sentence being issued, the Participant may request that the SPC provide detailed reasoning for its determination and in which case the SPC will promptly provide the same to the Participant after such request is made.
- (k) Unless otherwise specified in this regulation or by the SPC in their determination issued to the Participant, the imposition of a Sanction(s) has immediate effect.
- (l) All determinations and Sanction(s) of the SPC:
 - (i) remain in force unless and until it is reversed by the Appeals Committee; and
 - (ii) may be appealed to the Appeals Committee pursuant to and in accordance with clause 15.

16.3 Interim suspension orders

- (a) Where a Participant has been issued with a Show Cause Notice, a Notice of Charge, or is subject of an investigation under clause 16.2, in relation to an alleged act of Misconduct or Disrepute, the SPC or the MFA Office at the direction of the SPC shall have the power to order that a Participant 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 SPC 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 determination is made pursuant to this regulation.
- (c) Where a Participant is prohibited under child protection legislation from regulated activity relating to children, the SPC or the MFA Office at the direction of the SPC 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.

16.4 Possible Club liability

- (a) A Club is deemed to have committed an offence(s) under clause 16.2 where it is determined by the SPC that one of its Participants has committed an offence under that clause and the SPC may, in its absolute discretion, take any relevant action against the Club pursuant to clause 16.2.
- (b) For the avoidance of doubt, a Club may be sanctioned in accordance with clause 16.4(a) notwithstanding the offender(s) have not been identified.
- (c) Notwithstanding clause 16.4(a), the SPC, in its absolute discretion, may elect not to proceed against a Club for the conduct of one of its Participants where:
 - (i) the Club (for the relevant Match or event) did everything reasonably necessary to implement and comply with Match day security standards and/or protocols, including any published by the Association from time to time;
 - (ii) the Club cooperates with any investigation by the Person Investigating into the alleged conduct, including, without limitation, naming or identifying, upon request by Person Investigating, the Club’s Participants or individuals known to the Club in relation to the alleged conduct; and
 - (iii) the SPC, on review of the information available to it, forms the view that to proceed against the Club for the actions of its Participants is unduly harsh or unfair in the circumstances.
- (d) A Club may appeal a Sanction(s) imposed on it by the SPC under this clause 16.4 to the Appeals Committee.

17. GRIEVANCES BETWEEN MEMBERS

- (a) The Association will only accept a grievance complaint by a Member (**Grievance**) if paragraphs (b) and (c) have been satisfied.
- (b) Any Member making a Grievance claim (**Claimant**) must submit a written notice to the Association via email to admin@macarthurfootball.com.au (or such other address nominated by the Association from time to time) together with:
 - (i) the ‘Grievance Application Fee’ (as set out in **Schedule 2**);

- (ii) full details of the alleged Grievance it has with any other Member(s),
within seven (7) days of the incident (**Complaint**). If the MFA Office does not receive a written notice by the time specified then the Claimant is deemed to have waived its right to file a Grievance with the Association.
- (c) After receiving the Complaint, the MFA Office will refer a Grievance to the SPC.
- (d) The SPC, at its discretion, may issue a show cause notice to the other Member(s) involved in the subject matter of the Grievance (**Respondent**), 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 Complaint.
- (e) If:
 - (i) a response is not received within seven (7) Business Days of the show cause notice issued by the SPC; or
 - (ii) a response is received within the requisite time,a Grievance will be referred to the SPC for such determination(s) and sanction(s) as it sees fit.
- (f) A decision of the SPC made under this clause 17 made by appealed to the Appeals Committee pursuant to and in accordance with clause 15.

18. HEARINGS - GENERAL

18.1 Generally

- (a) If a Participant is under the age of 18, they may be accompanied to any hearing by his or her parent or legal guardian.
- (b) A Participant may not engage, or be accompanied by, a legal practitioner or other third party professional at any hearing.
- (c) If any Participant or witness who has been properly notified of a hearing fails to attend a hearing without showing sufficient cause for such failure:
 - (i) 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 has the same force and effect as if it were made after a full hearing before that Relevant Body; and
 - (ii) that Participant shall be deemed to have committed Misconduct or Disrepute and may be subject to sanction.
- (d) A party may apply in writing to the Relevant Body hearing a matter at least two (2) Business Days before the start of any 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 Relevant Body hearing the matter.
- (e) A Relevant Body 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.
- (f) A Relevant Body hearing a matter is empowered to:
 - (i) take evidence, including new evidence. The admissibility and weight to be given to any evidence in a hearing shall be at the discretion of the Relevant Body hearing the appeal;
 - (ii) require the attendance of any Participant to give evidence;
 - (iii) require the production of any document, information or other evidence in whatever form held by any Participant;
 - (iv) record hearings; and
 - (v) inform itself on any matter or thing in order to properly carry out its function in accordance with this regulation.
- (g) To the extent that a matter relating to the procedures of a hearing is not provided for by this regulation, the chair of the Relevant Body may issue appropriate directions for the conduct of any matter or hearing.

18.2 No disclosure

- (a) In the interests of ensuring independence, the MFA Office shall not disclose the identity of those members of the Relevant Body prior to a hearing to any party.
- (b) All evidence and information provided in proceedings of a hearing must be treated in the strictest confidence. Participants and their representatives and witnesses must not use or disclose to any third party any confidential information obtained during the course of a hearing.

18.3 Challenge of jurisdiction or of a member of a Relevant Body

- (a) If a Participant wishes to allege that a Relevant Body does not have jurisdiction, it must raise this objection at least 24 hours prior to the relevant hearing with the chairperson of the Relevant Body.
- (b) The Relevant Body has the power to rule on any objection that it has no jurisdiction. In general, a Relevant Body should determine any challenge concerning its jurisdiction as a preliminary question. However, a Relevant Body may proceed with the hearing and rule on such an objection and which reason(s) must be provided in the final determination.
- (c) A member of the Relevant Body 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 Relevant Body has the power to rule on this objection and, if the challenge fails, reasons must be provided in the final determination.

18.4 Contempt

- (a) A Participant appearing before a Relevant Body must not:
 - (i) insult a member of a Relevant Body or any other Participant;
 - (ii) repeatedly interrupt the proceedings of a hearing;

- (iii) deliberately mislead a Relevant Body;
 - (iv) create a disturbance or take part in creating or continuing a disturbance in or near a place where a hearing is sitting; or
 - (v) fail to comply in full with an order, direction or determination of a Relevant Body (whether made before or as part of the Relevant Body's determination).
- (b) If a Relevant Body considers that a person has breached this clause 18.4, then it may refer the matter to the Board and the Board may impose sanctions as it sees fit in accordance with this regulation (without the need to issue a show cause notice, notice of charge or any other notice) and which will be final and binding and not capable of being appealed.

19. APPEALS AND REVIEWS

- (a) Except where a provision of this regulation expressly allows a decision or determination to be appealed, there are no further rights of appeal against the relevant decision or determination.
- (b) The General Manager, at his or her absolute discretion, may request that a decision and determination of a Committee be reviewed by the Board in which case the decision of the Board will be final and binding.
- (c) With respect to any matter which the Board, in its absolute discretion, determines is an extraordinary or serious matter requiring the intervention of the Board, the Board has the power to issue a directive that any such matter or hearing be referred to the Board (and consequently not heard by the JC, SPC or the Appeals Committee, as the case may be). In such an instance any determination, sanction and/or disciplinary action(s) imposed by the Board will be final and binding and not capable of being appealed.

20. NO PERSONAL LIABILITY IMPOSED ON COMMITTEE MEMBERS

- (a) For the avoidance of any doubt nothing in this regulation or any other regulation of the Association gives a Participant any right to commence or threaten to commence any action, proceedings or claim (of any nature whatsoever) personally against any member of a Committee (including any committee established under any other regulation of the Association), a member of the Board or any employee or agent of the Association (each a "**Protected Individual**") in relation to, or in connection with, any decision made by any of those persons under this regulation or any other regulation.
- (b) If a Participant breaches clause 20(a) and commences such action, proceedings or claim against a Protected Individual, then the Board, in its absolute discretion, may determine that:
 - (i) the relevant Participant will be immediately suspended from all football activities until such action, proceedings or claim (or threat of the same) is withdrawn against the Protected Individual; and
 - (ii) where the Participant is a Member, then their membership will be immediately suspended until such action, proceedings or claim (or threat of the same) is withdrawn against the Protected Individual.
- (c) Nothing in clause 20(b) limits the rights of the Association or the SPC in connection with dealing with the relevant Participant in any manner allowed for under this regulation, including pursuant to clause 16 (*Misconduct and disrepute*).

SCHEDULE 1: TABLE OF OFFENCES

NOTES:

1. Second or Subsequent Offences: Where a member has been found guilty of an Offence and then commits the same Offence on a second or subsequent occasion within two (2) years of the expiration of the Suspension issued in respect of the previous Offence, the second or subsequent Offence will incur a penalty 1 Level Higher.
2. Notwithstanding the above, giving rise to the Red Card was committed against a Match Official, the Maximum penalties recommended may be elevated to reflect a penalty no more 1 Level Higher.
3. A Suspension greater than the applicable Maximum Suspension may be imposed by the Executive Body, only in Exceptional Circumstances, that must be detailed in the Determination.
4. The Judiciary Committee may refer any case to the Special Purposes Committee where appropriate.

R1 Serious Foul Play	Typically, but not limited to, tackles or challenges on an opponent with the ball			
Level 1	Level 2	Level 3	Level 4	Level 5
2 Match Suspension	3 Match Suspension	4 Match Suspension	4- 6 Match Suspension	5 or more Match Suspension
Late or Mistimed tackle or footballing action with little to no risk of causing injury.	Conduct that endangers the safety of an opponent in contest for the ball and has some risk of causing light to moderate injury.	Conduct that endangers the safety of an opponent in a for the ball and has some risk of causing Moderate to Serious injury or High risk of causing light to moderate injury.	Conduct that endangers the safety of an opponent in a contest for the ball and has High Risk of causing Moderate to Serious Injury	Conduct that endangers the safety of an opponent in contest for the ball and poses any realistic risk of causing severe to extreme injury.

updated 18.2.2022

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R2 VIOLENT CONDUCT	Typically, but not limited to, the use or attempted use of excessive force against another person when not challenging for the ball			
Level 1	Level 2	Level 3	Level 4	Level 5
2-3 Match Suspension	3 or 4 Match Suspension	4-5 Match Suspension	4-6 Match Suspension	5 or Match Suspension
Pushing, shoving or holding, no escalation, no risk of injury	Striking or attempting to strike with low to moderate force, holding or grappling in such a way as to prevent the other person from leaving the situation Low Risk of Injury	Active involvement in a melee or Brawl. Striking with sufficient force to pose a real risk of causing injury.	Instigating a Melee or Brawl, entering an ongoing Melee or Brawl, escalating the violence of a Melee or Brawl or prolonging it. Travelling from a significant distance in order to commit any Level 2 or Level 3 offence.	Violent conduct leading to high risk of injury, including but not limited to strikes directed towards opponent's head, face or genital area. Strikes to cause significant injury, or actions that has caused actual harm or injury
R3 SPITS AT AN OPPONENT OR ANY OTHER PERSON				
Level 1	Level 2	Level 3	Level 4	Level 5
		4 Match Suspension	4 - 6 Match Suspension	5 or more Match Suspension
Left blank purposely	Left blank purposely	Spitting inadvertently at or towards another person	Intentional act of spitting at or towards another person	Intentional act of spitting on or at another person where spittle makes contact with a person's body or attire.

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R6 USING OFFENSIVE, INSULTING OR ABUSIVE LANGUAGE AND / OR GESTURES				
Level 1	Level 2	Level 3	Level 4	Level 5
2 Match Suspension	3 Match Suspension	4- Match Suspension	4-6 Match Suspension	5 or more Match Suspension
Using offensive, insulting or abusive language and / or gestures to another person,	Incitement to violence, or repeated use of offensive language and / or gestures directed at or towards another person	Left Blank Purposely	Theatening or intimidating language and / or conduct directed towards another person.	Use of Discriminatory, Homophobic, Racist ethnic or sexist language and/ or gestures. Threat of violence directed at or towards a person or their family or property. Religious,

<p>R4 - Denies the opposition team a Goal or an Obvious Goal scoring opportunity by deliberately handling the Ball (This does not apply to a Goalkeeper within his own penalty area)</p> <p>R5 - Denies an obvious Goal scoring opportunity to an opponent moving towards the player's Goal by an offense punishable by a free kick or a penalty kick.</p> <p>R7 - Receives a second caution in the same Match</p>	<p>ALL INCUR A MANDATORY ONE (1) MATCH SUSPENSION</p>
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SCHEDULE 2: TABLE OF FEES

Nature of matter	Fee
Application to Appeal	\$100
Grievance Application Fee	\$100
