



Touch Football Australia

Disciplinary Regulations Manual

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Introduction

The purpose of this document is to provide for our members a guide to the Touch Football Australia Disciplinary Regulations. The Touch Football Australia Disciplinary Regulations Manual outlines, for Touch Football, the foundation of how unacceptable conduct is managed within the sport. It illustrates the importance of the regulations and our member's responsibilities, it emphasises the significance of our dedicated staff and volunteers, and it helps members to deal with unacceptable behaviour. Touch Football Australia, expressly withdraws *A Ready Reference Guide to Judiciary Matters*.

Touch Football Australia has taken all care possible in the preparation of this publication; please contact Touch Football Australia to clarify any errors, omissions or inaccuracies. This publication is of a general nature only and should be used in conjunction with related policies, such as the Member Protection Policy. It is not intended to be relied upon, nor as a substitute for, professional advice. Touch Football Australia are legally obliged to advise that no responsibility can or will be accepted for loss occasioned to any person doing anything as a result of any material in this publication or any person relying on any material in this publication.

IMPORTANT.

The following points should be considered at all times:

1. Touch Football Australia is the national sporting organisation and all affiliated clubs/associations are insured under the National Insurance Scheme.
2. It is essential that you comply with all relevant laws, by-laws and regulations. You and your affiliate must take all due and reasonable precautions to prevent or mitigate losses. **Failure to do so may prejudice your rights and entitlements under our insurance policy.** Please do not hesitate to contact Touch Football Australia should any assistance be required.
3. The preparation of this document is in no way a commitment from Touch Football Australia to provide funds or make any other contribution now or in the future.
4. Touch Football Australia policies and procedures are living documents which reflect progress in administrative requirements and industry standards. As such, to maintain currency, policy and procedures are periodically reviewed and updated. It is important readers ensure they are reading and using the most up to date version. To confirm the current version, please contact Touch Football Australia at www.austouch.com.au.
5. Touch Football Australia also welcomes suggestions or improvements to our policies and procedures.

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Affiliation and the Disciplinary Regulations

Touch Football Australia is the governing body for the sport of Touch Football in Australia, and as such, we have a number of responsibilities and key roles that we perform for our members. Our central focus is to develop Touch Football and the policies, trends, issues and opportunities associated with it, with a 'whole of sport' outlook in mind. It is also our duty to provide overall strategic direction and management for the sport in Australia.

Our primary aim in assisting affiliates is to provide them with the tools to guide them towards a position of self sustainability in conjunction with our relevant partners. Along this path we provide affiliates with information, resources, competition assistance and training opportunities. We are entrusted with ensuring that our volunteers are provided with the most up to date education, training and resources to allow for continued development and retention.

Touch Football Australia is responsible for providing leadership for the state organisations; as well as sustainability for the sport in Australia, and internationally. Our state organisations are responsible for developing the sport at a state level. Our state staff are the face of Touch Football as they are tasked with assisting our affiliates, implementing development and training programs, assisting in promotion and growth, and liaising with affiliates. State organisations are responsible for developing specific programs, policies and procedures for identified affiliates, schools and community groups.

Touch Football Australia has created a specially designed pool of resources that are available to affiliates and participants alike; all of which can assist them in the development of their affiliate or in their own personal game.

In supporting all of the affiliated members within Australia, Touch Football Australia manages, and controls the Disciplinary Regulations (and all other national policies and rules).

Through this process, affiliated associations have the security and understanding that the national body will ensure they have guidance in managing inappropriate behaviour. This helps to provide a safe environment for individuals who participate, the officials that control the game, the administrators and committee members who conduct competitions and all the volunteers who work at varying levels within the affiliated structure of the sport.

Importantly, Touch Football Australia is the only Touch Football body recognised by the Australian Sports Commission as having industry recognised educational courses for volunteers and officials, remain current with industry changes and have Member Protection Policy structures that are updated annually.

Affiliated members, such as individual clubs and associations, receive many benefits from being part of the united affiliated structure of national, state and regional bodies. The support of this structure, when something goes wrong, is the most valuable asset an affiliated local association or club has on its side. The many benefits of affiliation include the protection offered through the National Insurance Scheme.

Touch Football Australia has available, for affiliates and clubs, a detailed outline of the entire affiliated structure and the vast array of benefits available through affiliation.

Please contact the TFA office on 1800 654 951 or visit the website at www.austouch.com.au for this information.

Touch Football Australia and Inclusive Participation

Touch Football Australia encourages participation in our sport, in any capacity, by all members of the community – without reference to age, ability, income, education, sexual preference, race or religion. We are committed to providing an environment safe for children, which is free from harassment, discrimination and abuse for everyone, and promotes inclusion, respectful and positive behaviour and values.

Inclusion will only work if all stakeholders under the Touch Football Australia umbrella embrace the idea of including people of **ALL AGES AND ABILITIES** and move forward with the understanding that all members of the community have a role to play in the success of the organisation and sport itself.

Harassment and abuse within sport can have a devastating effect on not only individuals, but the sport itself. Therefore through our Disciplinary Regulations and Member Protection Policy we are looking to educate, communicate and support a positive environment for all of our participants.

The role that every person plays to make an organisation a success should not only be measured by the results on the board, but the culture of the organisation.

In line with the values associated with inclusion, Touch Football Australia will make a commitment to the following principles:

- Touch Football Australia will familiarise members with our services and volunteers and do whatever possible to help them to feel like they belong.
- When considering people's input into the association or our activities, we will focus on their abilities and not on their limitations. We will acknowledge people's skills and attributes in all areas of our operations such as playing, administering, coaching, refereeing, general assistance, organising, fundraising and supporting.
- We will acknowledge that while some people have specific needs and may require assistance in some areas of participation, their involvement in other areas of competence will not be met with unusual or extraordinary treatment. Touch Football Australia will regard every person as an active and contributing participant.

Given the importance of sport and recreation to the larger community, Touch Football Australia agrees that all members of the community, regardless of age, sex, race, socio-economic status, ability and geographical location have access to the range of opportunities that we provide.

All members are encouraged to read the information contained in the Play by the Rules website (www.playbytherules.net.au).

All key volunteers including affiliate's committee members, board of management members, Touch Football Australia appointed officials and various state based sub-committee members will be strongly encouraged to participate in and complete the online training available on that website to further assist in ensuring these values are upheld.

Terminology and Interpretation

The Touch Football Australia Disciplinary Regulations use the following terminology and definitions, which are from the Touch Football Australia Constitution.

Affiliate means a local entity that conducts and/or administers Touch Football competitions and which is a Member of Touch Football Australia as described under **clauses 12** and **15** of the Constitution.

Competition means a series of games, usually throughout a season.

Constitution means the Constitution of Touch Football Australia.

Event means a series of games condensed into a specific amount of time that occurs on consecutive days.

Individual Member means a natural person who is a registered financial member of Touch Football Australia, NSWTA, QTA and/or an Affiliate and includes Participants.

Member means a member of Touch Football Australia under **clause 12** of the Constitution.

NSWTA means the New South Wales Touch Association Inc.

Objects mean the Objects of Touch Football Australia in **clause 3** of the Constitution.

Participant means a person who participates, including but not only as officials, coaches, volunteers, spectators or players, in a Touch Football competition organised, controlled or sanctioned by Touch Football Australia, an Affiliate, NSWTA or QTA.

QTA means the Queensland Touch Association Inc.

State Acts means the legislation governing the incorporation of associations in each State, by whatever name called.

State Council means a body established and recognised by the Association under **clause 11** of the Constitution which may also be for a Territory as stated in State interpretation.

State Council Executive means a body established and recognised by the Association under **clause 11** of the Constitution which are elected or appointed to act in a leadership capacity for a Territory as stated in State interpretation.

Touch Football (or Touch) means the sport or game played under the rules determined or adopted from time to time by Touch Football Australia.

Summary of Major Changes

The Touch Football Australia Disciplinary Regulations replace *A Ready Reference Guide to Judiciary Matters*. State Touch Football organisations, affiliates and members must familiarise themselves with the new disciplinary regulations and begin to implement them as a priority.

Provided below is a summary of the major changes, this is by no means a full list however provides an overview of the major changes:

- Terminology - the following new terms are used in the Disciplinary Regulations:
 - A reference to a *TFA Authority* may be to an Affiliate, a State Council Executive, NSWTA, QTA or TFA (depending on the circumstances). Each TFA Authority has the power to commence investigatory and/or disciplinary proceedings against a member of that organisation or participant in its activities/competitions.
 - *TFA Authority Official* refers to a person who has been appointed as an official of the relevant TFA Authority (i.e. of the Affiliate, State Council Executive, NSWTA, QTA or TFA). This would usually be the referees/umpires and association officials. Officials are entitled to report any person, team or club which, in the opinion of the official has committed an offence under competition rules (or other regulations/rules of the TFA Authority).
 - *Hearings Officer* – the Hearings Officer is appointed by the relevant TFA Authority (ie the organisation that has received notification of an incident which may lead to disciplinary action) and is responsible for the receipt of reports made under the Disciplinary Regulations and handling administrative matters on behalf of the Disciplinary Tribunal.
 - *Appeals Officer* – the Appeals Officer is appointed by the relevant TFA Authority or Touch Football Australia (i.e. the organisation that has received the appeal) and is responsible for the receipt of appeals under the Disciplinary Regulations and handling administrative matters on behalf of the Appeals Tribunal.
- Where a matter arises for determination by a Disciplinary Tribunal it shall be dealt with at first instance by the Disciplinary Tribunal of the relevant Affiliate, NSWTA member or QTA member in which the incident occurred.
- Where an Affiliate, NSWTA member or QTA member has not convened a Disciplinary Tribunal in accordance with the Disciplinary Regulations, a matter may be dealt with by the

relevant State Council Executive, NSWTA or QTA (i.e. the body responsible for Touch Football where the incident took place) or TFA.

- A Disciplinary Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban, deduct competition points or otherwise deal with any person involved with Touch Football (including, but not limited to, teams, clubs, players, coaches, spectators, team/club officials and association officials) in accordance with the Disciplinary Regulations, regarding any incident arising from an activity conducted by a TFA Authority. The incident may have occurred before, during or after the conduct of the activity, within the confines of the field, activity or venue or its immediate surrounds, or elsewhere if directly related to a Touch Football activity of any sort.
- An official who makes a report under regulation 8.1 or 9(b) shall provide details of the alleged offence(s) to the TFA Authority as soon as possible after the match or other activity, noting all the particulars in connection with the report so that a clear account can be given to a Disciplinary Tribunal when the report is to be dealt with. The official may use the TFA Incident Report form (Appendix C) or such other form issued by the TFA Authority to report offences. Please note there have been major changes to the Incident Report Forms previously used.
- Once these reports are lodged, copies need to be provided to the person, team or club that is alleged to have breached the rules within 2 business days of the relevant match/activity at which the incident occurred.
- A Disciplinary Tribunal will be convened to hear charges arising from a match as soon as is practicable, preferably prior to the next round of matches occurring (where relevant).
- Notification of persons charged under these Disciplinary Regulations must include details of the day, time and place of the Disciplinary Tribunal hearing at which the charge will be heard in accordance with these Disciplinary Regulations, and must be provided as soon as possible after the report is made and at least 3 days before the hearing. Events may have adjusted timelines, which will be included in the Conditions of Entry or like document.
- Updated notification templates are provided so that affiliates (and other TFA Authorities) can inform Touch Football Australia of the decisions made by their Disciplinary Tribunals (and Appeals Tribunals) and the sanctions imposed. You must lodge a notification form with Touch Football Australia after each Disciplinary and Appeals Tribunal hearing via notifications@austouch.com.au within 3 business days. These notifications will be collated and a National Disciplinary Register will be established and relevant information will be communicated to state offices.

- A charged person who has been convicted of an offence and received a penalty under these Disciplinary Regulations shall not play, coach, referee, officiate or otherwise take part in Touch Football activities as directed by the Disciplinary Tribunal until the penalty has been served to the satisfaction of the TFA Authority.
- There are two levels of appeal available to a person who has been convicted of an offence and received a penalty under these Disciplinary Regulations. The first level of appeal is to an Appeal Tribunal conducted by the same TFA Authority (or may choose to seek assistance from another TFA Authority) which conducted the Disciplinary Tribunal. The second level of appeal is to a TFA Appeal Tribunal conducted by Touch Football Australia. A person must first exercise his/her rights to a hearing by an Appeal Tribunal (at the first level of appeal) before appealing to the TFA Appeal Tribunal (at the second level of appeal). The decision of the TFA Appeal Tribunal (the second level of appeal) shall be final and not subject to further appeal.
- A person (or team or club) may only appeal a decision of a Disciplinary Tribunal if that person can satisfy the tribunal that:
 - (a) significant new or additional evidence has become available; or
 - (b) the person is challenging the severity of the sanction.
- A person (or team or club) who has been convicted of an offence, and received a penalty under these Disciplinary Regulations is the only person able to appeal. No other person may appeal a decision.
- There are two avenues of appeal following the decision of the initial Disciplinary Tribunal. Any appeal must be first made to the Appeal Tribunal and, if the charged person elects to do so, then to the TFA Appeal Tribunal. The decision of the TFA Appeal Tribunal is final and binding on the parties.
- TFA Appeal Tribunal panel members will be engaged by Touch Football Australia and each state body will be required to nominate a minimum number of suitability qualified individuals. In addition, Touch Football Australia will take Expressions of Interest from other individuals whom maybe interested in holding positions on the TFA Appeal Tribunal panel.
- The TFA Authority acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by disciplinary tribunals of all other Touch Football associations, leagues and competitions which are affiliated with TFA and/or its members and affiliated associations.
- The Disciplinary Regulations are to be used in a competition environment (week to week). In an event context some timelines may need modification to account for urgency, including the

possibility of considerable disadvantage while the investigation and resolution process is underway. Event based timelines should be included in any Conditions of Entry documentation, which should outline the specific time amendments used in conjunction with the Disciplinary Regulations.

Affiliation Obligations

All affiliated bodies must comply with the rules and regulations of Touch Football Australia.

Process of Affiliation

For affiliates or potential affiliates it is important to understand how you affiliate and maintain your affiliation status with either your regional, state or national organisation. Within Queensland and New South Wales, please contact your local state office to understand how you are linked to Touch Football Australia. For affiliates who are located in the six remaining states and territories, please refer to the Touch Football Australia Constitution and Affiliate Regulations or contact Touch Football Australia.

To obtain a copy of the current Constitution and Affiliate Regulations please contact Touch Football Australia or visit the website - www.austouch.com.au .

Affiliate Obligations under the Touch Football Australia Constitution

In order for the Disciplinary Regulations to be properly adopted there must be a clear linkage between an affiliate and Touch Football Australia. This is provided through recognition in constitutions, by both parties.

Affiliates must apply for membership of Touch Football Australia in accordance with **clause 14** and the procedures prescribed by the Board from time to time in Regulations.

Affiliates shall have one year from the approval of a new Touch Football Australia Constitution under the Act in which to amend their constitution in accordance with the Touch Football Australia Constitution, and for such time as their constitutions do not conform shall not be unduly penalised for such non-compliance, to the extent that such non-compliance is not wilful or calculated to cause harm or prejudice to Touch Football Australia.

Where an Affiliate is unincorporated, that is, has no legal status separate from its individual members, the nominated representative of the Affiliate shall be deemed to represent the Affiliate for all membership purposes under the Constitution, until it is incorporated.

Each Affiliate shall:

- be subject to the jurisdiction and direction of Touch Football Australia in respect of Touch Football;
- be incorporated, annexed by an incorporated entity or in the process of becoming incorporated;
- adopt the Objects and adopt rules which reflect, and which are to the extent permitted or required by the State Acts, in conformity with the Touch Football Australia Constitution;
- support Touch Football Australia in the encouragement and promotion of the Objects; and
- by adopting the Objects, abide by the Touch Football Australia Constitution.

Touch Football Australia and each Affiliate agree:

- that they are bound by the Constitution and that the Constitution operates to create uniformity in the way in which the Objects and Touch Football are to be conducted, promoted and administered; and
- that should an Affiliate be having administrative, operational or financial difficulties Touch Football Australia may act to assist that Affiliate in whatever manner it considers appropriate.

The constituent documents of each Affiliate will clearly reflect the Objects and shall acknowledge that the Affiliate is subject to the jurisdiction and direction of Touch Football Australia in respect of Touch Football. The constituent documents of each Affiliate shall conform with such incidental variations as are necessary having regard to the State Act applicable to each Affiliate.

Each Affiliate shall provide to Touch Football Australia a copy of its constituent documents and all amendments to these documents. Each Affiliate acknowledges and agrees that Touch Football Australia has power to veto any provision in an Affiliate's constitution which, in the Board's opinion, is contrary to the Objects, this Constitution or the Regulations.

Each Affiliate will take all steps to ensure its constituent documents and rules are in conformity with the Touch Football Australia Constitution and will ensure its documents are amended in conformity with future amendments made to this Constitution, subject to any prohibition in any relevant State Act.

Each Affiliate shall maintain, in a form acceptable to Touch Football Australia, a register of all Participants in its geographic area or area represented by it. Each Affiliate shall provide a copy of the register at a time and in a form acceptable to Touch Football Australia, and shall provide regular updates of the register to Touch Football Australia.

Adopting the Disciplinary Regulations

Each affiliate must formally recognise Touch Football Australia in its constitution (or in any documents related to working towards incorporation) and should adopt the Disciplinary Regulations (by a motion being passed by its board or management committee and formally recorded).

Touch Football Australia requires all member entities (including State associations, Regional associations and affiliates) to formally adopt this policy. To achieve this, the following process is recommended:

1. Touch Football Australia requests that all Members provide a copy of the Minutes of the member entity's Board Meeting at which a motion was passed adopting the Touch Football Australia Disciplinary Regulations.
2. This item will be a requirement of the Touch Football Australia Affiliate Regulations renewal process.

Membership and Participant Declaration

Affiliates must ensure all members are required to sign the Membership and Participant Declaration. Importantly, each individual member of an affiliate must complete a registration process.

Under the Member and Participant Declaration, all Members agree to be subject to, and submit unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of Touch Football Australia whether under the Regulations or as otherwise prescribed by the Board from time to time. This is why the Membership and Participant Declaration process is important.

Affiliates may use paper membership forms (being the Membership and Participant Declaration and Summary Team Sheets) or allow online registration. Paper forms are available at www.austouch.com.au under membership. The online registration system can be accessed through a partnership with SportingPulse. From Season 1 2015, all affiliated associations must have adopted the online registration process.

Every individual who participates in a competition must agree to the Membership and Participant Declaration. The wording must not be altered in anyway by an affiliate. It is compliant with all relevant state and national laws and links directly to the requirements of the National Insurance Scheme. Touch Football Australia will review the wording requirements annually. Updated forms will be available through the website; while online adjustments will be made automatically as a change is required.

In the event an individual does not accept the Terms and Conditions of the Membership and Participant Declaration, membership to the competition must not be accepted. Please contact the Touch Football Australia office with any particular issues in writing from the individual, related to the Declaration for specific advice on the individual circumstances where this may arise.

Using the Disciplinary Regulations

The Disciplinary Regulations are the formal framework that is provided to members to assist them to deal with unacceptable behaviour. As member entities of Touch Football Australia, we require affiliates also to implement and regularly update policies and procedures that assist sports to comply with the law and improve the sporting environment.

Importantly, Disciplinary Regulations are not the only option available to manage behavioural issues. In managing a competition, many issues can be resolved informally and/or mediated to reach the desired outcome. In the first instance, when incidents are of a non-serious nature or prior to it escalating into a major issue, it is better to proactively manage behaviour as it lessens the impact later and saves valuable volunteer time.

For incidents that are serious in nature, such as fights, brawls and serious intimidation, the first response should be to contact the police for immediate assistance. If the incident leads to criminal charges being brought against a person involved, it may be appropriate for the TFA Authority to defer any further disciplinary action until the completion of the criminal proceedings. While the sport has the ability to deal with disciplinary incidents, where laws are broken, the safety of officials, administrators and other competitors is paramount. The police should be allowed to deal with these incidents as they deem appropriate.

In managing these situations proactively here are some hints and tips:

- Clearly communicate expectations around behaviour before a competition occurs.
- Ensure Conditions of Entry are in place for a competition, which provides links to the Touch Football Australia policy.
- Outline how issues will be managed and create positive relationships with team contacts or managers.
- Using team contacts or managers, use their influence in managing their people.
- Regularly communicate the Code of Conduct.
- Address minor issues immediately so they do not escalate.
- Touch Football Australia has developed an educational tool to help promote positive behaviour, through the use of a simple Responsibility Code - use this as signage at your venue.

In addition to proactively managing behaviour, complaints about behaviour of other competitors can be dealt with under the Touch Football Australia Member Protection Policy. Again, this is also an option that is available to affiliates and provides a framework that can successfully deal with difficult circumstances.

The Member Protection Policy specifically works towards maintaining ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. The policy informs everyone involved in our sport at the *national level* of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy outlines the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. This is available through the website www.austouch.com.au.

Once you have exhausted informal means to manage situations and considered whether a complaint should be dealt with under the Member Protection Policy, you should consider whether disciplinary action should be commenced under the Disciplinary Regulations.

Engaging Suitably Qualified or Experienced People

To assist the process of using the Disciplinary Regulations, it helps to engage suitably qualified or experienced adults as the Hearings Officer, the Disciplinary Tribunal Chairperson and to sit on the disciplinary tribunal or appeal tribunal panel.

The TFA Authority (which is the word used to describe an Affiliate, State Council Executive, NSWTA, QTA or TFA in the Disciplinary Regulations), must appoint a Hearings Officer who will carry out the duties and administration requirements of the Regulations.

It is Touch Football Australia's intention that the disciplinary process can be conducted without involving lawyers (and legal costs). Therefore the Disciplinary Regulations state that legal representation is not permitted as a right and only in exceptional circumstances, as determined by the tribunal chairperson.

Members may find it useful if the chairperson of a tribunal has a form of legal background or was a lawyer. The Regulations contain important processes and which need to be followed. Typically people with this background will be able to readily interpret and implement the Regulations.

In terms of other skill sets for tribunal members, people with knowledge of the sport of Touch Football (or other sports) that can bring insight into how the sport is played and would be helpful but not essential.

In your local area there may be a number of sports, or nearby affiliates that could pool their panel members for tribunals. It is essential that the people sitting on the tribunal are independent and do not bring any conflict of interest.

In regards to recruitment of people for tribunals, we suggest that you advertise within your affiliate, and ask Law Societies and/or Bar Council in your State/Territory whether they are aware of any lawyers who may be willing to provide their time free of charge to chair the tribunal. You should provide an estimate of the number of matters and time required to be contributed by tribunal panel members.

As a final word, you must ensure that a person appearing before a disciplinary tribunal is given a fair process and fair hearing – or, in other words, "natural justice".

Applying Natural Justice

The right to natural justice, also known as procedural fairness, is a requirement of a fair disciplinary process. Failure to provide natural justice may provide the person who is the subject of the disciplinary proceedings with a reason to challenge the findings of a tribunal.

Natural justice (or procedural fairness), involves three rules or principles:

- ensuring that the person has the right to be heard and that they are provided with and have the right to respond to, any information presented or considered in reaching a decision;
- ensuring that any decision made is free from bias, and;
- ensuring that any decision is made after a reasonable investigation into the issue has been conducted and relevant evidence considered.

Following these principles will assist in ensuring that any decisions made are thorough, fair and reasonable.

The Disciplinary Regulations are set out on the following pages.

TOUCH FOOTBALL AUSTRALIA INC (TFA)

DISCIPLINARY REGULATIONS

Part 1 – Jurisdiction and Establishment of Tribunals

1. INTRODUCTION

- (a) These Disciplinary Regulations deal with offences and disputes which may arise in the conduct of Touch Football programs, competitions and events organised, controlled or sanctioned by TFA or its members.
- (b) Subject to regulation 1(c), these Disciplinary Regulations are deemed to bind and apply to all Affiliates, members of NSWTA and QTA, Individual Members of TFA and Participants.
- (c) NSWTA and QTA member associations may make their own Disciplinary Regulations but such regulations and any subsequent proposed alterations require the approval of NSWTA (for NSWTA member associations) or QTA (for QTA member associations).
- (d) Any and all regulations previously made by TFA, Affiliates and members of NSWTA and QTA concerning disciplinary or judiciary tribunals are expressly withdrawn. For the avoidance of doubt, A Ready Reference Guide on Judiciary Matters is expressly withdrawn.
- (e) Words and phrases in the Constitution of TFA have the same meaning in these Disciplinary Regulations and these Disciplinary Regulations are to be read in conjunction with (and subject to) the Constitution.

2. ADOPTION OF THESE REGULATIONS

- (a) Under rule 19(b) of the Constitution all Members of TFA are subject to, and submit unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of TFA.
- (b) Under rule 73 of the Constitution, the Board may make Regulations for the proper advancement, management and administration of TFA, the advancement of the Objects and the sport of Touch Football.
- (c) These Disciplinary Regulations are made by the Board under rule 73 and in accordance with rule 19(b) of the Constitution.

3. AUTHORITY OF A DISCIPLINARY TRIBUNAL

- (a) TFA Authority has the right to delegate the power of investigating or determining charges against a Member to its Disciplinary Tribunal which is established by these Disciplinary Regulations.
- (b) It is an offence for any person to:
 - (i) breach, fail, refuse or neglect to comply with a provision of:
 - (A) the Constitution (as amended from time to time);
 - (B) the Regulations (as amended from time to time);

- (C) the TFA Code of Conduct (as amended from time to time);
 - (D) the playing rules set out in TFA Playing Rules & Referee Signals (as amended from time to time); or
 - (E) any other resolution or determination of the Board or duly authorised commission or committee;
- (ii) act in a manner unbecoming of a Member or prejudicial to the Objects or the interests of TFA and/or Touch Football; or
- (iii) prejudice TFA or Touch Football or bring TFA or Touch Football into disrepute.
- (c) Where a person is alleged to have committed an offence as set out in regulation 3(b) an:
 - (i) Affiliate (in relation to individual participants, teams or clubs participating in competitions conducted or administered by that Affiliate);
 - (ii) State Council Executive (in relation to individual participants, teams or clubs participating in competitions geographically located within the Council Area of that State Council Executive (as defined in the document Standing Orders for State and Regional Councils (as amended from time to time)));
 - (iii) NSWTA or other authority determined by NSWTA (in relation to individual members of NSWTA or individuals, teams or clubs participating in competitions conducted, administered or authorised by NSWTA);
 - (iv) QTA or other authority determined by QTA (in relation to individual members of QTA or individuals, teams or clubs participating in competitions conducted, administered or authorised by QTA); or
 - (v) TFA,

(each to be known as a "**TFA Authority**" for the purposes of these Disciplinary Regulations) may commence or cause to be commenced investigatory and/or disciplinary proceedings against that person, and that person will be subject to and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms set out in these Disciplinary Regulations.
- (d) Where a matter arises for determination by a Disciplinary Tribunal it shall be dealt with at first instance by the Disciplinary Tribunal of the relevant Affiliate, NSWTA member or QTA member in which the incident occurred. Where an Affiliate, NSWTA member or QTA member has not convened a Disciplinary Tribunal in accordance with these Disciplinary Regulations (or, in the case of a NSWTA or QTA member association, other disciplinary regulations approved by NSTWA or QTA in accordance with regulation 1(c)), a matter may be dealt with by the relevant State Council Executive, NSWTA or QTA (i.e. the body responsible for Touch Football where the incident took place) or TFA.
- (e) A Disciplinary Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban, deduct competition points or otherwise deal with any person involved with Touch Football (including, but not limited to, teams, clubs, players, coaches, spectators, team/club officials and association officials) in accordance with these Disciplinary Regulations, regarding any incident arising from an activity conducted by a TFA Authority. The incident may have occurred before, during or after the conduct of the activity, within the confines of the field, activity or venue or its immediate surrounds, or elsewhere if directly related to a Touch Football activity of any sort.
- (f) A Disciplinary Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by a TFA Authority.

- (g) A Disciplinary Tribunal must at all times act independently and impartially in carrying out its duties in accordance with these Disciplinary Regulations.

4. MEMBERSHIP OF DISCIPLINARY TRIBUNAL

- (a) A Disciplinary Tribunal shall be appointed by a TFA Authority from time to time and shall comprise the following persons:
 - (i) a chairperson who shall be a person of experience and skills suitable to the function of chairing a Disciplinary Tribunal and discharging the responsibilities set out under regulation 5; and
 - (ii) two additional Disciplinary Tribunal members.
- (b) A Disciplinary Tribunal member may hold another position within the TFA Authority, or a club or team affiliated with the TFA Authority.
- (c) No Disciplinary Tribunal decision shall be invalidated by any irregularity in the appointment of a Disciplinary Tribunal member.

5. RESPONSIBILITIES OF DISCIPLINARY TRIBUNAL CHAIRPERSON

Without limiting the duties of a Disciplinary Tribunal chairperson as set out under these Disciplinary Regulations, a person appointed to the position of Disciplinary Tribunal chairperson shall have the following responsibilities:

- (a) consider and provide an initial assessment of progress within the disciplinary process;
- (b) to ensure accurate records are kept of all of the Disciplinary Tribunal's proceedings and decisions;
- (c) to communicate to the board (or committee of management) or competition operator of the TFA Authority the results of hearings of the Disciplinary Tribunal and provide a copy of the record to the TFA Authority within 3 days of the hearing;
- (d) to chair hearings of the Disciplinary Tribunal or to ensure that such task is delegated to a member of the Disciplinary Tribunal; and
- (e) to raise with any proposed Disciplinary Tribunal member any potential or possible conflict of interest which may arise from time to time.

6. RECORDS OF DISCIPLINARY TRIBUNAL PROCEEDINGS

A Disciplinary Tribunal chairperson must use the form set out in Appendix B to keep a record of the Disciplinary Tribunal proceedings and decisions.

7. CONVENING DISCIPLINARY TRIBUNAL HEARINGS

- (a) A Disciplinary Tribunal will be convened to hear charges arising from a match as soon as is practicable, preferably prior to the next round of matches occurring (where relevant).
- (b) Notification of persons charged under these Disciplinary Regulations must include details of the day, time and place of the Disciplinary Tribunal hearing at which the charge will be heard in accordance with these Disciplinary Regulations, and must be provided at least 3 days prior to such hearing.

Part 2 – Reports and Notifications

8. REPORTS BY OFFICIALS

8.1 Reports

- (a) Any TFA Authority Official (who has been so empowered by the TFA Authority) shall be entitled to report any person, team or club which, in the opinion of the official has committed an offence.
- (b) The officials empowered by the TFA Authority in regulation 8.1 include, but are not limited to, the referees/umpires and association officials.
- (c) Where any other person makes a report regarding the conduct of another person at a relevant Touch Football activity covered by these Disciplinary Regulations, regulation 9 shall apply. Such reports must be set out in writing and submitted to the relevant TFA Authority.

8.2 Two match suspension under TFA Playing Rules

- (a) Where a player has been dismissed for the remainder of the match by a referee under rule 17.3(b) of the TFA Playing Rules & Referee Signals (**Playing Rules**) (as amended from time to time), the referee must report the dismissal to the relevant TFA Authority. Under the Playing Rules a player dismissed for the remainder of the match will receive an automatic 2 match suspension from all matches conducted by any affiliated touch association. Any such automatic 2 match suspension must be reported by the referee or competition organiser within 3 days.
- (b) The term "two (2) match suspension" refers to the period of time it takes for two matches to be completed in the division from which the player was suspended. A bye does not count as a match completed.
- (c) Where a two (2) match suspension has been imposed under the Playing Rules, the Hearings Officer (referred to in regulation 11) must inform the player of the sanction that has been imposed within 24 hours of receiving notification from the referee or competition organiser.
- (d) The suspended player has the right to appeal against a decision made by the chairperson under this regulation 8.2 an automatic 2 match suspension under the Playing Rules as though it was a decision of a Disciplinary Tribunal.

9. INVESTIGATIONS

- (a) Where:
 - (i) the TFA Authority,
 - (ii) a person empowered to make a report under these Disciplinary Regulations, or
 - (iii) any other person.

believes an offence under these Disciplinary Regulations may have been committed, or the TFA Authority receives a letter of complaint about an incident where no report has been made, the TFA Authority may investigate, or appoint a person to investigate, the alleged offence.

- (b) Following an investigation, the TFA Authority or person appointed to investigate may make a report if he/she considers it appropriate to do so. A report arising out of an investigation conducted under this regulation 9(b) should be made within 7 days of the date on which the alleged offence took place.
- (c) A person or TFA Authority conducting an investigation shall have all powers reasonably required for the purposes of the investigation, including but not limited to calling and viewing any evidence, inspecting documents or questioning witnesses.

10. DUTIES OF OFFICIALS MAKING A REPORT

An official who makes a report under regulation 8.1 or 9(b) shall provide details of the alleged offence(s) to the TFA Authority as soon as possible after the match or other activity, noting all the particulars in connection with the report so that a clear account can be given to a Disciplinary Tribunal when the report is to be dealt with. The official may use the TFA Incident Report form (Appendix C) or such other form issued by the TFA Authority to report offences.

11. DUTIES OF TFA AUTHORITY UPON RECEIVING A REPORT

- (a) The TFA Authority shall appoint an officer to be responsible for the receipt of reports made under these Disciplinary Regulations and to carry out the duties in connection with such reports ("Hearings Officer"). The Hearings Officer may hold another position within the TFA Authority. Unless another person is appointed to this role, the Hearings Officer shall be the secretary of the TFA Authority.
- (b) The Hearings Officer shall have the following duties:
 - (i) enter the details of the alleged offence(s) on the TFA Incident Report form (Appendix C) or other form issued by the TFA Authority for that purpose as soon as possible after the match or other activity, noting all the particulars in connection with the report;
 - (ii) schedule the venue, time and date to be set aside for a hearing of a Disciplinary Tribunal;
 - (iii) convene hearings of a Disciplinary Tribunal to deal with matters referred to it;
 - (iv) ensure that 3 members of a Disciplinary Tribunal are present to deal with any matters referred to it for determination;
 - (v) receive and refer to a Disciplinary Tribunal all material relating to any reports made under these Disciplinary Regulations;
 - (vi) ensure the availability of all forms required to be used in any proceedings of a Disciplinary Tribunal;
 - (vii) notify the charged person, team or club of the report, as well as any other person involved in the report and all other match officials as soon as possible after the report is made and at least 3 days before the hearing;
 - (viii) notify the charged person, team or club of the date, time and place of a Disciplinary Tribunal hearing;
 - (ix) if the notification under regulation 11(b)(vii) is made by telephone, the Hearings Officer giving the notification shall immediately make a written record of the date, time and details of the telephone conversation;
 - (x) if the charged person is under the age of 18 years, or otherwise unable to represent him or herself, he/she is to be advised that he/she has the right to have an adult (not

being a legal practitioner) with him/her at a Disciplinary Tribunal hearing as an adviser and that the adviser shall be allowed to ask questions;

- (xi) provide the charged person, team or club with a copy of the Incident Report form. In carrying out this function the Hearings Officer shall:
- (A) provide a copy of the Incident Report form to the charged person (or a representative of a charged team or club) within 2 business days of the relevant match/activity at which the incident occurred; or
 - (B) if the TFA Authority does not have contact details for the charged person, team or club, make a copy of the Incident Report form available for collection by the charged person, team or club and notify the team manager of the requirement to collect the form;
- (xii) notify the reporting official and any other officials or witnesses required to be in attendance, of the date, time and place of a Disciplinary Tribunal hearing. Where such reporting official is under 18 years of age, he/she is to be advised that he/she has the right to have an adult with him/her at a Disciplinary Tribunal hearing (not being a legal practitioner) as an adviser and that the adviser shall be allowed to ask questions;
- (xiii) notify each of the above persons of the consequences of non-attendance at a Disciplinary Tribunal hearing and the procedure to be followed in each case;
- (xiv) notify the chairperson (or his/her delegate) of a Disciplinary Tribunal that a report has been received, and to deliver to the chairperson (or his/her delegate) of a Disciplinary Tribunal the Incident Report form and any other information relevant to the case; and
- (xv) ensure sufficient Incident Report forms are available to officials at competitions conducted by the TFA Authority and that officials are aware of the availability of such forms.

12. PERIOD BETWEEN REPORT & DISCIPLINARY TRIBUNAL HEARING

- (a) A charged person, team or club (with the exception of a circumstance where 12(b) below applies) shall be entitled to participate in Touch Football competitions conducted by the TFA Authority until such time as a Disciplinary Tribunal has heard and determined the report.
- (b) For the avoidance of doubt, a person who has incurred an automatic 2 match suspension under the Playing Rules is not entitled to participate in Touch Football competitions during the 2 match suspension period, even where that person has appealed the suspension under regulation 8.2(d).

Part 3 – Conduct of Tribunal Hearings

13. ATTENDANCE AT DISCIPLINARY TRIBUNAL HEARINGS

- (a) The following persons shall be required to attend a Disciplinary Tribunal hearing conducted under these Disciplinary Regulations:
- (i) the charged person or the president, secretary, manager or other delegate representing a charged team or club;
 - (ii) the reporting official(s);
 - (iii) any other person involved in the report;
 - (iv) witnesses as indicated by the reporting official or charged person and as notified by the Hearings Officer; and
 - (v) any other witness required by a Disciplinary Tribunal.
- (b) The following persons shall be entitled to attend a Disciplinary Tribunal hearing as required by the TFA Authority or charged person:
- (i) where a team or club has been charged with an offence, any player of that charged team or club;
 - (ii) witnesses called to give evidence by a charged person, team or club;
 - (iii) witnesses called to give evidence by the reporting official(s); and
 - (iv) where the charged person or reporting official is under the age of 18 years, an adult adviser.
- (c) The following persons shall be entitled to attend a Disciplinary Tribunal hearing with the permission of a Disciplinary Tribunal:
- (i) TFA Authority representatives; and
 - (ii) any other person.
- (d) Legal representatives or legal advocates are not permitted to appear before a Disciplinary Tribunal unless in exceptional circumstances and where leave to appear has been granted by a Disciplinary Tribunal chairperson.
- (e) The chairperson may invite any other person he/she believes will assist a Disciplinary Tribunal.

14. NON-ATTENDANCE AT DISCIPLINARY TRIBUNAL HEARINGS

- (a) If any charged person (or representative of a charged team or club) fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Tribunal in the absence of the charged person, team or club, provided that the Disciplinary Tribunal is satisfied that all notification procedures under these Disciplinary Regulations have been carried out.
- (b) A charged person, team, club or reporting official may apply to the Hearings Officer to have a Disciplinary Tribunal hearing:
- (i) adjourned; or

(ii) convened in another way (e.g. teleconference)

if there are compelling circumstances which the applicant considers warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This decision will be solely at the discretion of the Hearings Officer (or the Disciplinary Tribunal chairperson if already convened).

- (c) A charged person who is unable to attend a Disciplinary Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person does not intend to contest the charge, subject to a Disciplinary Tribunal receiving a letter of consent from the charged person containing the person's intention not to contest the charges contained in the report and any statement that person would have given to a Disciplinary Tribunal had he or she attended the hearing.
- (d) If any witness fails to attend a Disciplinary Tribunal hearing, the hearing may continue in his/her absence at the discretion of the Disciplinary Tribunal. However, if such witness has been notified by the Hearings Officer as being a required person at a Disciplinary Tribunal hearing, such witness may be liable to penalty by a Disciplinary Tribunal for obstructing the Disciplinary Tribunal procedures.
- (e) If a reporting official fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the reporting official, provided that the Disciplinary Tribunal is satisfied that all notification procedures under these Disciplinary Regulations have been carried out.
- (f) If a reporting official or TFA Authority Official inadvertently fails to carry out any duties listed in regulations 8, 9, 10 or 11, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, a Disciplinary Tribunal shall take the failure into account and make suitable allowance.

15. PROCEDURES OF A DISCIPLINARY TRIBUNAL

- (a) For the purpose of this regulation 15, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- (b) In the event of a team or club being reported, one (1) member of the team or club shall act as spokesperson for the team or club provided that an individual member of that team or club may elect to speak on his/her own behalf.
- (c) At the commencement of a hearing, the chairperson shall identify the members of the Disciplinary Tribunal and determine whether the charged person is present to answer the charge(s) set out in the report.
- (d) The charged person and the reporting official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Disciplinary Tribunal considers its findings and determines an appropriate penalty (if any).
- (e) The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- (f) The charged person shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents his/her intention.
- (g) The charged person shall be asked whether or not they intend to contest the charge(s).
- (h) If the charged person does not contest the charge(s), the chairperson may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Disciplinary Tribunal requires it.

- (i) If the charged person contests the charge(s), then the chairperson shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with these regulations) to leave the room and to wait to be called to give their evidence.
- (j) The reporting official (or the adviser to a reporting official who is a minor) shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called.
- (k) Each witness shall be entitled to leave the Disciplinary Tribunal hearing after giving evidence unless otherwise directed by the Disciplinary Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Disciplinary Tribunal.
- (l) The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. Reporting officials or the adviser to a reporting official who is a minor may ask questions of the charged person or any witness called.
- (m) The Disciplinary Tribunal is empowered to question any person giving evidence. If the Disciplinary Tribunal determines that any witness is giving deliberately false or misleading evidence, the Disciplinary Tribunal may:
 - (i) make such finding at the original hearing; or
 - (ii) require such person to attend a further Disciplinary Tribunal hearing to respond to the allegations,
 and such person is liable to penalty by the Disciplinary Tribunal for obstructing the Disciplinary Tribunal procedures.
- (n) Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present in accordance with these Disciplinary Regulations, a reasonable opportunity for consultation between the minor person and the observer/adviser shall be provided by the Disciplinary Tribunal.
- (o) Where the charged person makes video evidence available to the Disciplinary Tribunal, it may, at the discretion of the Disciplinary Tribunal, be presented. The onus of providing suitable viewing equipment such as a DVD player or television set shall lie with the person requesting that the evidence be presented before the hearing.
- (p) At the conclusion of all of the evidence and submissions the chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Disciplinary Tribunal considers its findings.
- (q) If the Disciplinary Tribunal is not satisfied that the particular charge has been proved, but is satisfied that a lesser charge has been established, then the Disciplinary Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- (r) Subject to regulation 15(s), where it appears to the Disciplinary Tribunal that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Disciplinary Tribunal may amend the charge(s) and proceed to make a finding. Further, the Disciplinary Tribunal has the right to direct that a person other than the charged person be charged with an offence under these regulations on the basis of evidence presented before it during the course of conducting a hearing.
- (s) Where charges have been amended under regulation 15(r), the Disciplinary Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.

- (t) Subject to regulation 15(q), if the Disciplinary Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- (u) If a charge has been admitted or found proven by the Disciplinary Tribunal the charged person shall be informed of the finding. Any previous convictions against the charged person should then be laid before the Disciplinary Tribunal.
- (v) The charged person should then be given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room (again).
- (w) The Disciplinary Tribunal shall then determine the penalty to be imposed (if any) and shall recall the charged person and reporting official to advise him/her of the penalty. The chairperson shall also notify the Hearings Officer of the decision of the Disciplinary Tribunal.
- (x) The decision of the Disciplinary Tribunal shall be given in the presence of all, by the Disciplinary Tribunal chairperson, unless otherwise determined by the chairperson (but only in exceptional circumstances). Where the chairperson determines it is not appropriate for the decision to be delivered at the hearing in the presence of all, the:
 - (i) chairperson must inform the Hearings Officer of the Disciplinary Tribunal's decision within 24 hours; and
 - (ii) Hearings Officer must inform the charged person of the Disciplinary Tribunal's decision within a further 24 hours.
- (y) The Disciplinary Tribunal is not obliged to give oral or written reasons for any decision made by it under these Disciplinary Regulations.
- (z) A record of the hearing will be retained by the TFA Authority in the form set out in Appendix B.

Part 4 – Offences and Penalties

16. PENALTY

- (a) As noted in regulation 3(e), a Disciplinary Tribunal shall have the power to suspend, disqualify, reprimand, fine, bond, ban, deduct competition points or otherwise deal with any person found to have committed an offence under these Disciplinary Regulations. Appendix A sets out some suggested penalties as a guideline to determine the appropriate sanction to impose where a charge has been admitted to or proven by a Disciplinary Tribunal. A Disciplinary Tribunal is not required to follow the suggested penalties and may deal with any person found to have committed an offence in any way it considers appropriate.
- (b) A penalty handed down under these regulations shall commence from the date of a Disciplinary Tribunal finding unless otherwise expressly directed by a Disciplinary Tribunal. Subject to regulation 8.2, penalties should wherever possible be expressed to be in calendar weeks as opposed to number of matches. A Disciplinary Tribunal has the discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break.
- (c) Where a Disciplinary Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- (d) A Disciplinary Tribunal may take into account a charged person's prior convictions or any other matter it considers relevant in determining a penalty to be handed down.
- (e) A charged person who has been convicted of an offence and received a penalty under these Disciplinary Regulations shall not play, coach, referee, officiate or otherwise take part in Touch Football activities as directed by the Disciplinary Tribunal until the penalty has been served to the satisfaction of the TFA Authority.

Part 5 – Appeals

17. RIGHT OF APPEAL

- (a) There shall be two levels of appeal which may be available to a person who has been convicted of an offence and received a penalty under these Disciplinary Regulations. No other person may appeal a decision. The first level of appeal shall be an Appeal Tribunal conducted by the same TFA Authority which conducted the Disciplinary Tribunal. The second level of appeal shall be a TFA Appeal Tribunal conducted by Touch Football Australia. A person must first exercise his/her rights to a hearing by an Appeal Tribunal (at the first level of appeal) before appealing to the TFA Appeal Tribunal (at the second level of appeal). The decision of the TFA Appeal Tribunal (the second level of appeal) shall be final and not subject to further appeal.

First level of appeal

- (b) There shall be no appeal from a decision of a Disciplinary Tribunal unless the person seeking to appeal ("Appellant") satisfies the chairperson of the Appeal Tribunal (appointed in accordance with regulation 19), in the chairperson's sole discretion, that:
- (i) significant new or additional evidence has become available; or
 - (ii) he/she/it is challenging the severity of the sanction.
- (c) Subject to regulation 17(d) the TFA Authority shall appoint an officer to be responsible for the receipt of appeals arising from a decision of a Disciplinary Tribunal and to carry out the duties in connection with such appeals ("Appeals Officer"). The Appeals Officer may hold another position within the TFA Authority and may also be the Hearings Officer. Unless another person is appointed to the role, the Appeals Officer shall be the Secretary of the TFA Authority.
- (d) The TFA Authority may request its State Council Executive, NSWTA or QTA (whichever it is affiliated with) to conduct, hear and determine the first level of appeal. Where its State Council Executive, NSWTA or QTA agrees to conduct, hear and determine the first level of appeal, all obligations and powers relating to the first level of appeal as set out in these Disciplinary Regulations will apply and bind the relevant State Council Executive, NSWTA or QTA. The relevant State Council Executive, NSWTA or QTA may choose (but is not obliged) to agree to conduct, hear and determine the first level of appeal.

Second level of appeal

- (e) There shall be no appeal from a decision of an Appeal Tribunal (first level of appeal) unless the person seeking to appeal ("Appellant") satisfies the chairperson of the TFA Appeal Tribunal (second level of appeal) (appointed in accordance with regulation 19), in the chairperson's sole discretion, that significant new or additional evidence has become available.
- (f) Touch Football Australia shall appoint an officer to be responsible for the receipt of appeals arising from a decision of an Appeal Tribunal and to carry out the duties in connection with such appeals ("Appeals Officer"). The Appeals Officer may hold another position within Touch Football Australia and may also be the Hearings Officer.
- (g) All appeals heard by the TFA Appeal Tribunal (second level of appeal) shall, with any necessary or incidental amendment, follow the procedures for an Appeal Tribunal held by a TFA Authority, as outlined in regulations 18 to 25 below.

18. NOTICE OF APPEAL

- (a) The Appellant must:
 - (i) lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeals Officer within 7 days of the notification of a determination of a Disciplinary Tribunal hearing using the Notice of Appeal form at Appendix D or other form issued by the TFA Authority ("Notice of Appeal"); and
 - (ii) pay the appeal fee to the Appeals Officer when lodging the Notice of Appeal, which shall be:
 - (A) \$200 for an Appeal Tribunal conducted by a TFA Authority (first level of appeal); and
 - (B) \$400 for a TFA Appeal Tribunal conducted by Touch Football Australia (second level of appeal).

The appeal fees do not apply in the case of appeals by minors and may be waived (in any other case) in the discretion of the Appeals Officer.

- (b) An Appellant shall be notified by the Appeals Officer within 7 days of receipt of the Notice of Appeal as to whether an appeal hearing is to be granted (under regulation 17) and the time, date and place of the appeal hearing, in the event that it is granted.

19. APPEAL TRIBUNAL

- (a) If an appeal hearing is granted under regulation 17, the Appeals Officer shall convene an Appeal Tribunal to hear and determine the appeal in accordance with these Disciplinary Regulations. Subject to regulation 19(b), any such appeal hearing must be held within 21 days of receipt of the Notice of Appeal.
- (b) Where an appeal hearing is not held within 21 days of receipt of the Notice of Appeal, any sanction imposed by the Disciplinary Tribunal shall be suspended and the Appellant may participate in any relevant competition until the appeal hearing is held.
- (c) An Appeal Tribunal shall consist of three (3) persons appointed by the TFA Authority from time to time to hear appeals as required by the TFA Authority.
- (d) The TFA Authority may not appoint any of the Disciplinary Tribunal members who were involved in the original hearing of a matter which is the subject of an appeal.
- (e) The Appeal Tribunal chairperson shall be nominated by the Appeals Officer.

20. SERVING OF DISCIPLINARY TRIBUNAL PENALTIES

- (a) Subject to regulation 20(b)(ii) and 19(b), where a Disciplinary Tribunal imposes a penalty that prevents the Appellant from participating in a match, the Appellant shall serve that penalty pending the determination of the appeal.
- (b) Subject to regulation 20(c), the Appeal Tribunal may of its own motion or upon application of any party to the appeal, order:
 - (i) that an appeal be adjourned; or
 - (ii) a stay of the execution of the penalty imposed by the Disciplinary Tribunal pending the determination of the appeal.

- (c) The Appeal Tribunal shall make an order under regulation 20(b) at its sole discretion where it is satisfied that there are exceptional and compelling circumstances. In determining that question, the Appeal Tribunal shall without limitation have regard to the:
- (i) merits of the appeal and the Appellant's prospects of success;
 - (ii) interests of other teams, clubs and players; and
 - (iii) effect on the results of the competition.

21. PROCEEDINGS OF APPEAL TRIBUNAL

- (a) The Appeal Tribunal and persons appearing before it are bound by the same procedures under these Disciplinary Regulations as if the Appeal Tribunal was a Disciplinary Tribunal hearing a matter at first instance including but not limited to regulations 11(b), 13, 14 and 15.
- (b) The Appeals Officer shall forward records of the Disciplinary Tribunal hearing in which the matter the subject of the appeal was heard at first instance to the chairperson of the Appeal Tribunal.
- (c) The Appeal Tribunal shall have the discretion to conduct the hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under regulation 17(b) or 17(e) (as applicable).
- (d) An Appeal Tribunal shall have the power to:
- (i) dismiss the appeal;
 - (ii) uphold the appeal;
 - (iii) impose any of the penalties set out in these Disciplinary Regulations; or
 - (iv) reduce, increase or otherwise vary any penalty imposed by the initial hearings Disciplinary Tribunal,
- in such manner as it thinks fit.
- (e) The Appeal Tribunal is not obliged to give oral or written reasons for its decision.
- (f) At the conclusion of the appeal, the chairperson of the Appeal Tribunal shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeal Tribunal. The chairperson shall also notify the Appeals Officer of the decision of the Appeal Tribunal.

22. REFUND OF APPEAL FEE

The Appeal Tribunal shall have the discretion to refund the appeal fee payable under regulation 18(a)(ii) and shall do so where the appeal results in the charge being dismissed or reduced.

23. COSTS

Each party to an appeal shall bear their own costs.

24. LIMITED RIGHTS OF APPEAL

There are only two rights (or levels) of appeal following the decision of the initial Disciplinary Tribunal. Any appeal must first be made to the Appeal Tribunal and, if the charged person elects

to do so, then to the TFA Appeal Tribunal. The decision of the TFA Appeal Tribunal is final and binding on the parties.

25. EXHAUST INTERNAL APPEAL

A person shall exercise his right of appeal under these Disciplinary Regulations and have any appeal heard and determined by the Appeal Tribunal (first level of appeal) and TFA Appeal Tribunal (second level of appeal) before commencing any proceedings or becoming a party to any proceedings in a court of law or the Court of Arbitration for Sport.

Part 6 - Miscellaneous

26. RELATIONSHIP WITH CRIMINAL MATTERS

- (a) If, during a Disciplinary or Appeal Tribunal hearing or an investigation under these Disciplinary Regulations, it becomes known that a criminal charge has been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, the Disciplinary or Appeals Tribunal and/or the TFA Authority may rule that further action be deferred until completion of the criminal charge.
- (b) In making a determination under regulation 26(a), the Disciplinary or Appeals Tribunal and/or TFA Authority shall have regard to the need to ensure the ongoing safety of players, referees and other persons involved in the TFA Authority.

27. NATURAL JUSTICE

To the extent that the principles of natural justice are not included in the provisions set out in these Disciplinary Regulations they are expressly excluded.

28. RECOGNITION OF PENALTIES ACROSS TFA MEMBERS

The TFA Authority acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by disciplinary tribunals of all other Touch Football associations, leagues and competitions which are affiliated with TFA and/or its Members and affiliated associations.

29. NOTICE PERIODS

- (a) A written notice given in accordance with these regulations will be deemed received:
 - a. 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;
 - b. if sent by post, the day following the date of the post mark; and
 - c. if sent by email or facsimile on a Business Day at the recipient's, on the date of transmission, or if sent after the close of business on a Business Day or sent on a day not a Business Day at the recipient's, on the next Business Day (in both cases as long as the sender's facsimile machine or email records a successful transmission).
- (b) For the purposes of these regulations, periods of time are calculated as commencing the day after notice is given and include the final day. By way of example: a matter occurring on a Tuesday that must be reported "within 3 days" means it must be reported by the end of the next Friday.
- (c) The time limit for an appeal against a decision is calculated from receipt of the decision in writing by the Appellant, as opposed to the verbal outcome that may be announced at a hearing.

Appendix A – Suggested Penalties

1. The list of suggested penalties is provided as a guideline only:

The following list of **suggested penalties** are provided as a guideline to assist the tribunal in its role of deciding suitable penalties that may need to be imposed upon a member who is the subject of a tribunal matter.

2. Minimum and maximum penalties:

A minimum suggested penalty and a maximum suggested penalty have been included with each of the infringements listed. The spread between the minimum and maximum suggested penalties has deliberately been made wide to provide a large range of possible penalties. **However, these are only suggested minimum and maximum penalties and tribunals may determine that it is appropriate to impose a higher or lower penalty.**

As each matter must be judged upon its own merits, it is highly likely that individual cases of what might appear to be 'similar' infringements will actually receive different penalties due to the possibility of differing circumstances surrounding the incidents.

3. Each Individual case must be judged upon its own merits:

Each individual case must be judged entirely upon its own merits. A tribunal upon hearing all the evidence presented may decide to waive the imposition of any penalty, or award a lesser or greater penalty than the suggested minimum or maximums. **The exact penalty to be imposed in all instances will be at the sole discretion of the tribunal hearing the matter.**

4. The reason for imposing penalties:

Any penalty that may be imposed by a tribunal is to discourage unacceptable behaviour from members, either on or off the field of play.

5. Good behavior bonds:

Tribunals may impose a sentence which is partly or wholly suspended which may be used to encourage participants to improve their behaviour in future.

6. Provocation is no excuse for retaliation:

In any instance of misconduct, provocation used as an excuse for retaliation will not be accepted as an adequate explanation of, or excuse for, unacceptable behaviour.

7. List of suggested penalties (provided as a guideline only in the following table).

Infringements against another Player

| Infringements | Example | Minor Incident | Major Incident | Recommendation |
|---|--|----------------------------|--|--|
| Bad sporting behaviour | Claiming a touch when it has not occurred | Minimum 1 game suspension | Maximum of 12 games or 3 months suspension | Any action considered not to be in the spirit of the game of Touch Football should receive a penalty. |
| Condescending language or signals | Sledging | Minimum 1 game suspension | Maximum of 12 games or 3 months suspension | Speaking in a condescending manner, or using condescending signals towards another participant should receive a penalty |
| Offensive language or signals | Swearing | Minimum 2 games suspension | Maximum of 24 games or 6 months suspension | Use of offensive language or signals towards another participant should receive a penalty. |
| Deliberately pushing, grabbing or tripping | Pushing, grabbing or tripping | Minimum 3 games suspension | Maximum 48 games or 12 months suspension | Deliberately pushing, grabbing or tripping another participant should receive a penalty. |
| Deliberately using an elbow, forearm or shoulder | Impact through elbow, forearm or shoulder | Minimum 4 games suspension | Maximum life suspension | Deliberately using an elbow, forearm or shoulder on another participant should receive a penalty |
| Deliberately striking, with an open hand | Slapping – with the intent to connect | Minimum 4 games suspension | Maximum 48 games or 12 months suspension | Deliberately striking, with an open hand, another participant should receive a penalty |
| Deliberately striking, with a closed fist | Punching – with the punch thrown with the intent to connect | Minimum 6 games suspension | Maximum life suspension | Deliberately striking, with a closed fist, another participant should receive a penalty |
| Participating in a fight | Connection of one or more punches thrown by two or more participants | Minimum 8 games suspension | Maximum life suspension | In any fight, both the instigator/s and the retaliator/s shall be treated in an equal manner. It is recommended that anyone participating in a fight should receive a penalty. |

Infringements against a Referee or Official

| Infringements | Example | Minor Incident | Major Incident | Recommendation |
|---|---|-----------------------------|--|---|
| Bad sporting behaviour | Continual backchat | Minimum 2 games suspension | Maximum of 24 games or 6 months suspension | Any action considered not to be in the spirit of the game of Touch Football should receive a penalty |
| Condescending language or signals | Sledging | Minimum 2 games suspension | Maximum of 24 games or 6 months suspension | Speaking in a condescending manner, or using condescending signals towards a referee or official should receive a penalty |
| Offensive language or signals | Swearing | Minimum 4 games suspension | Maximum 48 games or 12 months suspension | Use of offensive language or signals towards a referee or official should receive a penalty |
| Deliberately pushing, grabbing or tripping | Pushing, grabbing or tripping | Minimum 6 games suspension | Maximum life suspension | Deliberately pushing, grabbing or tripping towards a referee or official should receive a penalty |
| Deliberately using an elbow, forearm or shoulder | Impact through elbow, forearm or shoulder | Minimum 8 games suspension | Maximum life suspension | Deliberately using an elbow, forearm or shoulder on towards a referee or official should receive a penalty |
| Deliberately striking, with an open hand | Slapping – with the intent to connect | Minimum 8 games suspension | Maximum life suspension | Deliberately striking, with an open hand, towards a referee or official should receive a penalty |
| Deliberately striking, with a closed fist | Punching – with the punch thrown with the intent to connect | Minimum 12 games suspension | Maximum life suspension | Deliberately striking, with a closed fist, towards a referee or official should receive a penalty |

Other Infringements

| Infringements | Example | Minor Incident | Major Incident | Recommendation |
|---|---|--|--|--|
| Deliberate breach of competition or tournament rules of eligibility | Unregistered players | Suspended remainder of competition or tournament | Maximum of 24 games or 6 months suspension | Breach of the Rules of Eligibility for that Tournament should receive a penalty |
| Participating while suspended in any TFA affiliate or event | Currently serving a suspension | Increased sentence by half the original suspension | Increased sentence by the full amount of time originally suspended | Anyone participating in a game of Touch Football whilst under suspension should have the original suspension increased |
| Continual send offs throughout a competition | After serving an automatic suspension for a send off, incidents occur again | Minimum 2 games suspension | Increased penalty if any of the above infringements have occurred | Summoned to appear before the tribunal to show cause why they should not receive an increased penalty |

Appendix B – Record of Hearing

RECORD OF DISCIPLINARY TRIBUNAL

Held on the/...../.....

Present:

Provide details of all those present and how they are represented, include initials of each person.

Persons Charged:

Particular details of the individual(s) participant, team or club

Committing an offence of:

As per Disciplinary Regulations 3 - Authority of a Disciplinary Tribunal – identify whether the alleged breach is (i), (ii) or (iii) below (delete if not applicable).

It is alleged that the person charged has committed an offence as set out below:

- (i) Breached, failed, refused or neglected to comply with a provision of the Constitution, Regulations, TFA Code of Conduct, TFA Playing Rules and Referee Signals or other resolution or determination of the TFA board or duly authorised commission or committee; or
- (ii) Acted in a manner unbecoming of a Member or prejudicial to the Objects or the interests of TFA and or Touch Football; or
- (iii) Prejudiced TFA or Touch Football or brought Touch Football into disrepute.

Statement of the incident:

Set out a statement of the incident and refer (if relevant) to the infringements listed in the suggested penalty table.

Summary Record of Proceedings:

It is recommended that a written record of the proceedings is kept – this record can be a summary and is not required to be a detailed record of each statement during hearing.

Tribunal Decision:

Set out clear and concise decision of the Tribunal.

Penalty Imposed:

Remember each proceeding needs to be judged on its own merits. Set out penalty imposed by Disciplinary Tribunal

Chairperson's

Signature.....Date:...../...../...../



Notification Requirements

Within 3 business days of the hearing being conducted, provide records of hearing to TFA Authority committee members. Please email minutes to TFA's National Disciplinary Register: notifications@austouch.com.au

Incident Report



please use capital letters

Person Cited

Seperate Incident Report required for each individual cited.

Alleged Incident

- ☐ Bad Sporting Behavior (i.e. phantom touches)
- ☐ Condescending Language or Signals (i.e. sledging)
- ☐ Offensive Language (i.e. swearing)
- ☐ Deliberately Pushing, Tripping or Grabbing
- ☐ Deliberately using Elbow, Shoulder, etc.

- ☐ Deliberately Striking, Open Hand (i.e. slapping)
- ☐ Deliberately Striking, Closed Fist (i.e. punching)
- ☐ Participating in a Fight
- ☐ Other, please specify _____

Alleged Incident Directed Towards

- ☐ Participant
☐ Official

- ☐
- Other, please specify _____

Person Completing Report

(affixes)

dd / mm / yyy

- ☐ Participant
☐ Referee
☐ Other Official

Statement of Facts Surrounding Incident

Please attach further details.

Onfield Action Taken

☐ None
 ☐ Warning
 ☐ Force Substitution
 ☐ Captain Discussion
 ☐ Period of Time
 ☐ Send Off

Witness 1

(first name)

(surname)

(phone number)

(first name)

(surname)

(phone number)

Witness 2

(first name)

(surname)

(phone number)

(first name)

(surname)

(phone number)

Please attach further witness details.

Office Use Only

Report Received By (TFA Authority Official)

(signature)

dd

mm

yyy

:

hh

mm

Hearing Officer Summary

(first name)

(surname)

(signature)

dd

mm

yyy

Assessment of Report

☐ Noted
☐ Actioned
☐ Disciplinary Tribunal

☐ Warning
☐ Member Protection Incident
☐

Action Taken

Appendix D – Notice of Appeal

Notice of Appeal

Touch Football Australia Inc.
PO Box 9078
Deakin ACT 2600
ABN: 55 090 088 207 | A 1092



Notice of appeal is to be lodged within 7 days of notification of determination. Any notice of appeal must comply with regulation TFA Regulations, section 17(b) or 17(c). All documentation relevant to appeal, including initial tribunal documentation and appeal bond should be included.

Touch Football Australia Disciplinary Regulations available www.austouch.com.au

please use capital letters

| | |
|--|---|
| First Level of Appeal TFA Authority Appeals Officer (affiliate/region/state) Refer local Touch Football Australia affiliate | Second Level of Appeal Touch Football Australia Appeals Officer Email (Preferred) tfaappeals@tfa.com.au Post TFA Appeals Officer PO Box 9078 Deakin ACT 2600 Fax 02 6212 2822 |
|--|---|

I hereby appeal against the findings and/or decisions of the disciplinary tribunal made on the following date:

| | | |
|----|----|------|
| dd | mm | yyyy |
|----|----|------|

Applicant

| |
|----------------|
| (first name) |
| (surname) |
| dd / mm / yyyy |

| |
|------------------|
| club / team name |
| affiliate name |

I understand there are only two rights (or levels) of appeal following the decision of the Initial Disciplinary Tribunal. Any appeal must first be made to the TFA Authority Appeal Tribunal and then to the TFA Appeal Tribunal. The decision of the TFA Appeal Tribunal is final and binding on the parties.

| |
|-------------|
| (signature) |
|-------------|

Action Sought (First Level of Appeal)

Appeal to TFA Authority Appeal Tribunal

| | | |
|--|--|-------------------------------|
| <input type="checkbox"/> Challenge to Disciplinary Tribunal decision | <input type="checkbox"/> Variation of penalty imposed by Disciplinary Tribunal | <input type="checkbox"/> Both |
|--|--|-------------------------------|

Action Sought (Second Appeal of Level)

Appeal to TFA Appeal Tribunal

| | | |
|--|---|-------------------------------|
| <input type="checkbox"/> Challenge to Appeal Tribunal decision | <input type="checkbox"/> Variation of penalty imposed | <input type="checkbox"/> Both |
|--|---|-------------------------------|

Grounds of Appeal

| |
|--|
| |
|--|

TFA Authority Appeal Fee

| | | | |
|--|---------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> appeal fee enclosed (\$200) | <input type="checkbox"/> cheque | <input type="checkbox"/> money order | <input type="checkbox"/> credit card |
|--|---------------------------------|--------------------------------------|--------------------------------------|

Appeal fee is returned to applicant upon successful appeal, and surrendered upon unsuccessful appeal.

TFA Appeal Fee

| | | | |
|--|---------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> appeal fee enclosed (\$400) | <input type="checkbox"/> cheque | <input type="checkbox"/> money order | <input type="checkbox"/> credit card |
|--|---------------------------------|--------------------------------------|--------------------------------------|

Appeal fee is returned to applicant upon successful appeal, and surrendered upon unsuccessful appeal.

| | |
|--------------------|--------|
| credit card number | expiry |
|--------------------|--------|

I agree for the above credit card to be charged \$400.

(signature)

Evidence Called/Submitted

Office Use Only

report received by

(signature)

dd mm yyyy

hh mm

Appeal Fee

☐ Received
 ☐ Processed

Appeal Tribunal Chairperson

(first name)

(surname)

(chair signature)

dd mm yyyy

Appeal Outcome

☐ Appeal Denied
 ☐ Appeal Granted

Penalty

Appendix E – Notification of Suspension

NOTIFICATION OF SUSPENSION

Insert date

To: *Insert participant details and shirt number.*
By E Mail - Hand Delivered

Of: *Team name.*

Dear *Insert name,*

We refer to the incident on *insert date* in a Touch Football game between *team name and team name at the venue and event, field number at the time recorded.*

As a member and participant within a competition operated by an organisation affiliated with TFA, *insert affiliate name*, you are subject to the Touch Football Australia Constitution and Disciplinary Regulations. A copy of all related documentation can be viewed at the Touch Football Australia website www.austouch.com.au.

Suspension

You were dismissed for the remainder of the match by a referee under rule 17.3 (b) of the *Touch Football Australia (TFA) Playing Rules & Referee Signals*.

The chairperson has considered this report and has applied the two (2) match suspension penalty imposed under rule 17.3 (b) of the *TFA Playing Rules & Referee Signals* without the matter being heard by a Disciplinary Tribunal. This suspension is effective for the next two matches, in the division from which you have been suspended (excluding any round in which you have a bye).

Right to Appeal

At this time we have considered the report lodged, and feel that no further hearing is required. If you wish to appeal the suspension, an Appeals Tribunal hearing will be considered based on severity of sentence or if significant new or additional information is presented.

Please be advised that if you wish to appeal your Notice of Appeal must be lodged within 7 days with the \$200 fee.

The \$200 will be refunded if the appeal is upheld (suspension overturned or reduced) but not if the appeal is dismissed (suspension confirmed or increased).

Please find attached a Notice of Appeal, which is the form that must be used to request an appeal hearing.

Yours sincerely,

Insert name

Hearings Officer

Touch Football Australia Authority (*adjust to be the affiliate name*)

P: *insert phone number*

E: *insert email*

M: *insert mobile*

The logo for Touch Football Australia, featuring a stylized football with a swoosh and the text "Touch Football AUSTRALIA".

Notification Requirements

Within 3 business days of the hearing being conducted, provide records of hearing to TFA Authority committee members. Please email minutes to TFA's National Disciplinary Register: notifications@ Austouch.com.au

Appendix F – Notification of Warning

NOTIFICATION OF WARNING

This form is used to inform and proactively manage potential suspensions, or deal with continual negative behaviour by an individual.

Insert date

To: **Insert participant details and shirt number.**
By E Mail - Hand Delivered

Of: **Team name**

Dear **insert name**,

We refer to the two incidents in the **competition or event** in which you were sent for a period of time. These occurred on **insert the date, time and the team played against and again at insert the date, time and team played against.**

As a member and participant within a TFA Authority **insert affiliate name**, you are subject to the Touch Football Australia Constitution, and in this case the Disciplinary Regulations. A copy of all related documentation can be viewed at the Touch Football Australia website www.austouch.com.au.

Warning of Possible Suspension

In accordance with Touch Football Australia (TFA) Playing Rule 17, and outlined within the Conditions of Entry you are officially cautioned as you are one 'Period of Time dismissal' away from receiving an automatic suspension.

If you receive another 'Period of Time dismissal', a two (2) match suspension penalty will automatically be imposed under rule 17.3 (b) of the *TFA Playing Rules & Referee Signals* without the matter being heard by a Disciplinary Tribunal. This suspension is effective for the next two matches, in the division from which you have been suspended (excluding any round in which you have a bye).

Right to challenge suspension – Disciplinary Tribunal

If you wish to appeal the suspension, an Appeals Tribunal hearing will be considered based on severity of sentence severity of sentence or if significant new or additional information is presented.

Please be advised that if you wish to challenge this type of suspension, you must lodge Notice of Appeal within 7 days with \$200 fee must accompany the appeal. This is a standard fee to prevent frivolous appeals.

The \$200 will be refunded if the appeal is upheld (suspension overturned or reduced) but not if the appeal is dismissed (suspension confirmed or increased).

We hope that you understand that this is a warning and hope we do not have any further incidents at the **insert the event or competition name.**

Yours sincerely,

Insert name

Hearings Officer

Touch Football Australia Authority (**adjust to be the affiliate name**)

P: **insert phone number**

E: *insert email*
M: *insert mobile*

Appendix G – Notification of Disciplinary Tribunal Hearing

NOTIFICATION OF DISCIPLINARY TRIBUNAL HEARING

To: **Insert Name and Address** **Insert Date**
By E Mail - Hand Delivered

Of: **Insert Team Name**

Dear **Insert Name**

Incident at **Insert Venue and Date of Incident**

We refer to the incident on **Insert Date** in a Touch Football game between **Insert Team** and **Insert Team** at **Insert Venue Name** Fields at **Insert Time Here** pm. Please find attached a copy of the Incident Form.

As a member and participant in a competition operated by an organisation affiliated with TFA **insert affiliate name**, you are subject to the Touch Football Australia Constitution and Disciplinary Regulations. A copy of all related documentation can be viewed at the Touch Football Australia website www.austouch.com.au and you are encouraged to read this information and the Disciplinary Regulations.

Attendance at Tribunal Hearing

Your attendance at this hearing is required to hear the charges alleged and respond. If you are under 18, you should bring an adult representative (not being a legal practitioner) who may advise you or ask questions.

Details of Hearing

Time: **Insert Time**

Date: **Insert Day and Date**

Location: **Insert Location**

Alleged Charge: As per the Disciplinary Regulations 3 - Authority of a Disciplinary Tribunal

It is alleged that you have:

Delete where not relevant.

- (i) Breached, failed, refused or neglected to comply with a provision of the Constitution, Regulations, TFA Code of Conduct, TFA Playing Rules and Referee Signals or other relevant document - [insert title of document]; or
- (ii) Acted in a manner unbecoming of a Member or prejudicial to the Objects or the interests of TFA and or Touch Football; or
- (iii) Prejudiced TFA or Touch Football or brought TFA or Touch Football into disrepute.

Confirmation of Attendance

Please confirm your attendance with Hearings Officer, **insert name and contact details**.

Non-attendance at Disciplinary Tribunal Hearings

If a charged person (or representative of a charged team or club) fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Tribunal in the absence of the charged person, team or club, provided that the Disciplinary Tribunal is satisfied that all notification procedures under the Disciplinary Regulations have been carried out.

A charged person, team, club or reporting official may apply to the Hearings Officer to have a Disciplinary Tribunal hearing:

- adjourned; or
- convened in another way (e.g. teleconference)

if there are compelling circumstances which the applicant considers warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This decision will be solely at the discretion of the Hearings Officer (or a Disciplinary Tribunal if already convened).

A charged person who is unable to attend a Disciplinary Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person does not intend to contest the charge, subject to a Disciplinary Tribunal receiving a letter of consent from the charged person containing the person's intention not to contest the charges contained in the report and any statement that person would have given to a Disciplinary Tribunal had he or she attended the hearing.

If any witness fails to attend a Disciplinary Tribunal hearing, the hearing may continue in his/her absence at the discretion of the Disciplinary Tribunal. However, if such witness has been notified by the Hearings Officer as being a required person at a Disciplinary Tribunal hearing, such witness may be liable to penalty by a Disciplinary Tribunal for obstructing the Disciplinary Tribunal procedures.

If a reporting official fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the reporting official, provided that the Disciplinary Tribunal is satisfied that all notification procedures under these Disciplinary Regulations have been carried out.

Supporting Evidence and Attendance

The following persons shall be required to attend a Disciplinary Tribunal hearing conducted under the Disciplinary Regulations. These include the charged person or the president, secretary, manager or other delegate representing a charged team or club, the reporting official(s), any other person involved in the report, witnesses as indicated by the reporting official or charged person and as notified by the Hearings Officer, and any other witness required by a Disciplinary Tribunal.

Legal representatives or legal advocates are not permitted to appear before a Disciplinary Tribunal unless in exceptional circumstances and where leave to appear has been granted by a Disciplinary Tribunal chairperson.

The chairperson may invite any other person he/she believes will assist a Disciplinary Tribunal.

Right to Appeal

There shall be no appeal from a decision of a Disciplinary Tribunal unless the person seeking to appeal ("Appellant") satisfies the chairperson of the Appeal Tribunal, in the chairperson's sole discretion, that significant new or additional evidence has become available.

If prior to your attendance at the hearing you have any questions, you are encouraged to contact the Hearings Officer, *insert name* who will assist you as far as practicable. Again the Disciplinary Regulations can be accessed in full at the TFA website www.austouch.com.au. These regulations outline the procedures to be followed during the hearing.

We look forward to receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Hearings Officer

Touch Football Australia Authority (*adjust to be the affiliate name*)

P: *insert phone number*

E: *insert email*

M: *insert mobile*

Appendix H – Notification of Appeal Tribunal Hearing

NOTIFICATION OF APPEAL TRIBUNAL HEARING

Insert Date

To: *Insert Name and Address*
By E Mail – Hand delivered

Of: *Insert Team Name*

Dear *Insert Name,*

Attendance at an Appeal Tribunal Hearing

As a member and participant in a competition operated by an organisation affiliated with TFA insert affiliate name, you are subject to the Touch Football Australia Constitution and Disciplinary Regulations. A copy of all related documentation can be viewed at the Touch Football Australia website www.austouch.com.au.

You have been granted the right to be heard by an Appeal Tribunal in relation to the findings of the Disciplinary Tribunal (held on *insert date*) and your notice of appeal dated *insert date*. Attendance at this Appeal Tribunal hearing is required. If you are under 18, you should bring an adult representative (not being a legal practitioner) who may advise you or ask questions.

Details of Hearing

Time: *Insert Time*

Date: *Insert Day and Date*

Location: *Insert Location*

Statement of Appeal

The Appeal Tribunal shall alter to suit which will be heard at the hearing either conduct a complete re-hearing or may be limited too the consideration of the grounds of the appeal – this will need to be determined by the chairperson prior to this notice being issued.

Confirmation of Attendance

Please confirm your attendance with the Appeals Officer, *insert name and contact details*.

If an Appellant (or representative of a team or club) fails to attend an Appeal Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Appeal Tribunal in the absence of the Appellant provided that the Appeal Tribunal is satisfied that all notification procedures under the Disciplinary Regulations have been carried out.

Right of Appeal

There are two levels of appeal following the decision of the Disciplinary Tribunal. Any appeal will be solely and exclusively resolved by the Appeal Tribunal at the first level appeal. The second level appeal is to Touch Football Australia and the decision of the Appeal Tribunal is final and binding on the parties.

We look forward to receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Appeals Officer

Touch Football Australia Authority (*adjust to be the affiliate name*)

P: *insert phone number*

E: *insert email*

M: *insert mobile*

Appendix I – Notification of Findings

NOTIFICATION OF FINDINGS BY DISCIPLINARY TRIBUNAL

Insert date

To: *insert name, and address and shirt number*
By Hand Delivered /Emailed

Of: *insert team name*

Dear *name*,

TRIBUNAL FINDINGS AND/OR DECISION

As a member and participant in a competition operated by an organisation affiliated with TFA *insert affiliate name*, you are subject to the Touch Football Australia Constitution and Disciplinary Regulations. A copy of all related documentation can be viewed at the Touch Football Australia website www.austouch.com.au.

We refer to the Tribunal Hearing on *insert date, time and venue*. The tribunal found you *guilty/not guilty of threatening an official and therefore you are suspended from playing for a period of twelve (12) representative games.*

If the tribunal imposed a lower sentence due to mitigating circumstances (such as remorse and/or apology), the reasons should be set out here and the reduction (eg lesser amount of weeks suspension) explained.

This suspension is effective for the next *two matches or weeks*, in the division from which you have been suspended (excluding any round in which you have a bye).

Should you face a tribunal again in the next twelve months, you will serve the period imposed in any new tribunal hearing in addition to the remaining *nine (9) suspended representative games issued on this notice.*

A person who has been convicted of an offence and received a penalty under the Disciplinary Regulations shall not play, coach, referee, officiate or otherwise take part in Touch Football activities as directed by the Disciplinary Tribunal until the penalty has been served to the satisfaction of the TFA Authority (*insert name of affiliate*).

Further Recommendations

Touch Football Australia (TFA) will communicate with regional, state and national association to make nearby affiliates aware of the penalty imposed against you. You are not permitted to compete or participate in any touch football competition during the suspension period.

Right to Appeal

Please be advised that if you wish to appeal your Notice of Appeal must be lodged within 7 days with the \$200 fee. The \$200 will be refunded if the appeal is upheld (suspension overturned or reduced) but not if the appeal is dismissed (suspension confirmed or increased).

If you wish to appeal the suspension, an Appeals Tribunal hearing will be considered based on severity of sentence severity of sentence or if significant new or additional information is presented.

Please find attached a Notice of Appeal, which is the form that must be used to request an appeal hearing.

Names of Individuals who sat on this Tribunal

Insert name – Chairperson

Insert name – Panel Member

Insert name – Panel Member

Yours sincerely,

Insert name

Hearings Officer

Touch Football Australia Authority (*adjust to be the affiliate name*)

P: *insert phone number*

E: *insert email*

M: *insert mobile*



Notification Requirements

Within 3 business days of the hearing being conducted, provide notice of finding to TFA Authority committee members. Please email minutes to TFA's National Disciplinary Register: notifications@austouch.com.au

Appendix J – Incident Report – Additional Information Template

INCIDENT REPORT – Additional Information

This template is used where a hearings officer, Tribunal Chairperson (or other authorised person) wishes to obtain additional information about a particular incident (following receipt of the Incident Report form). This provides for greater information to be completed on reflection after an incident.

Insert date.

Insert name

Insert role at event or competition for the TFA Authority

Subject: Major Incident Report **insert name and date of incident**

Dear Sir/Madam,

Outline role and describe all of the particulars in connection with in the incident report – provide a detailed account of the incident which occurred – who was involved, where it took place, the time/stage of the match it occurred and your memory of what occurred. If you are referring to an action or information which you did not witness first-hand, please make it clear who informed you/provided the information.

I thank you for the opportunity to provide this information in addition to the Incident Report completed on the **insert date**.

Kind Regards,

Insert name