



**KU-RING-GAI AND DISTRICT
SOCCER ASSOCIATION INC.**

**P.D. & D.C. AND APPEALS
MANUAL**

20062010

CONTENTS

1. Mandate of the P. D. & D. C.
2. Powers of the P. D. & D. C.
3. Structure of the P D & D. C.
4. Committee to Act in Good Faith
5. Meeting Times
6. Notification of Charges
7. Notification of Citing
8. Punishments
9. Persons Required to Attend
10. Persons Unable to Attend
11. Rights of Accused Parties
12. Presenting of Witnesses
13. Application of Suspensions
14. Accumulation of Yellow Cards
15. Notification of Penalties
16. Right of Appeal
17. Grounds for Appeal
18. Protests Against Football Committee Decisions
19. Evidence Required for Appeal
20. The Appeals Board
21. Timing of Appeals Board Hearings
22. Return of Appeal Fees
23. Further Appeals
24. Appeals out of Time
25. Referees as Members of Hearing Panels
26. Sentencing Guidelines

1. Mandate of the P. D. & D. C.

- a.) The P. D. & D. Committee (hereafter referred to as the P & D) shall hear all formal protests, disputes and complaints by affiliated clubs and organizations and matters referred to it by the KDSA Management Committee (MC), against clubs, players, officials and supporters arising from incidents occurring under the jurisdiction of the Association and determine appropriate action, including sanctions, where required. The P & D shall also hear all protests by affiliated clubs against decisions made by any KDSA competition committee.
The P & D shall hear all matters referred to it by the General Manager in accordance with Section 11 of the by-laws (Member Protection).
- b.) The P & D shall meet as required.
- c.) The Chairman shall keep a record of decisions reached and advise the Public Officer, and any interested party, in writing, of such decisions within seven (7) days.
- d.) The Chairman shall keep a record of its business and of all cautions to any player registered with the Association, and inform players and the Club Secretary when they are suspended for accumulating 4 and/or 6 cautions in a season.
- e.) The P & D shall keep a record of all suspended players and ensure that suspensions are duly served.
- f.) The Chairman shall advise the MC of all serious charges such as racial vilification and those likely to result in suspensions exceeding 9 matches/6 months immediately.

2. Powers of the P. D. & D.C.

The P & D has the power to:

- a) Consider the reports of Referees, Referee's Assistants and others.
- b) Decide if the offence is proved.
- c) Determine and set whatever punishments or sanctions considered appropriate.
- d) Set the starting and finishing dates of any suspensions it imposes.
- e) Impose appropriate bonds.

3. Structure of the P. D. & D. C.

The P & D consists of the Chairman and (5) members, and, where appropriate, a delegate from the referee's association. A minimum of three (3) members plus the Chairman must be in attendance at any P & D hearing. All present except the referee's delegate may vote, and the Chairman having a second casting vote in the event of a deadlock.

4. Committee to Act in Good Faith

- a.) The Committee must keep an open mind about all the matters before it until all the evidence is in. No member of the panel may suggest during a hearing that any particular decision could be arrived at. No member of the Committee may have any close association with the accused party, or be an active member of his club, or have any material interest in the outcome.
- b.) The accused shall be introduced to the committee members, and may challenge any such person's right to sit on the Committee. The Committee will then rule on the validity of the challenge.
- c.) The general form of the proceedings to be followed shall be outlined; including any assistance afforded the accused to present a case.
- d.) Witnesses shall be called separately where practicable. Both the accused and members of the Committee shall be present throughout a hearing. The accused shall be given every opportunity to present a case, and shall be the

sole judge of what witnesses and supporting evidence he wishes to present. The same rights apply to those bringing a charge. However, the Chairman has the right to call a halt to any duplication or repetition of evidence, or to rule on any evidence straying outside the bounds of the case before them.

- e.) Determination of any charge by the Committee is not “beyond reasonable doubt”, but rather a standard of proof that the Committee is comfortable with, having regard to the seriousness of the matter before them.
- f.) At the conclusion of a hearing and after the handing down of a decision, the accused must be advised of any rights of appeal.

5. Meeting Times

P & D meetings are held every Wednesday night at the KDSA office at 5/27-29 Salisbury Road, Asquith, commencing at 7.30pm. Cases are heard in the order in which parties sign in, with cases involving junior players heard before all others. The Chairman may alter the timing of meetings as and when required.

6. Notification of Charges

Every player sent from the field of play must be informed of the exact charge for which the referee has sent him off, either at the time of the send off or immediately after the match.

The team manager only should approach the referee after the match at which time the referee must inform him of the offence the player has been charged with. The referee will not discuss any other aspect of the incident at this time.

7. Notification of Citing

- a.) All players cited for incidents immediately after being sent off will be informed in writing of the charge and the time of the hearing seven (7) days before the hearing, and are subject to the requirements set out in sections 8 d) & 9a), b), & c).
- b.) Players cited for incidents which occur off the field of play, and clubs and club officials cited to appear for incidents of misconduct, will be advised in writing of the charge and the time of the hearing seven (7) days before being required to appear. Such cited persons or clubs are subject to section 8 e).
- c.) The Chairman must ensure that citations for offences likely to receive a suspension of four (4) matches or more have been acknowledged as “received” by the parties involved. This may take the form of a return email from the parties involved or other tangible, written proof. Receipt from any one of the parties involved (e.g. Club Secretary or accused) is sufficient.
- d.) Should confirmation not be received within seven (7) days, the Chairman will contact the Club Secretary by telephone. If this is not successful, a letter will be sent to all parties by Registered Post. Notification by Australia Post that the letter has been delivered will suffice as acknowledgement of receipt.
- e.) Notification of citing will be on the prescribed FFA National Disciplinary Regulations form 03: Disciplinary Hearing Notice.

8. Punishments

- a) If the P & D finds the offence proven then it determines the penalty from the guidelines supplied by Football NSW. These guidelines are outlined in Section 26.
- b) Suspensions are calculated in matches or until a specified date. They refer to the periods of time within which Football NSW conducts its competitions.
- c) The P & D has the right to consider a player's age and past record, the severity of the offence, and other extenuating circumstances, in determining punishment.

- d) Where the offence is of a relatively minor nature and the player has a previous record of good conduct, the P & D may choose to set a suspended sentence or issue an official caution. A suspended sentence will be suspended for a period of time (usually 12 months) during which time if the player is found guilty of any offence the suspended sentence will be invoked.
- e) The P & D has the power to fine clubs or impose bonds on clubs, subject to ratification by MC.
- f) The P & D has the power to impose more severe penalties than prescribed in guidelines section 26.

9. Persons Required to Attend

- a.) Except in the case of mistaken identity all players sent from the field of play are automatically suspended for the next competition match, as defined in Section 13, irrespective of the offence committed and notwithstanding the result of a subsequent P & D hearing.
- b.) All players sent off for the offence of "Second Cautionable Offence" (i.e. 2 Yellow cards in one match), will receive an automatic (1) match suspension with no right of appeal. Players sent off for this offence a second time in one season shall receive an automatic (2) match suspension with no right of appeal. Players sent off for a further time will be cited to appear at a P & D hearing.
- c.) All players sent off for offences carrying set penalties (see Section 27) must sit out the prescribed number of games. Players have the right to challenge the suspension by appearing at the P & D hearing immediately following the said game. Failure to attend or to seek adjournment will constitute acceptance of the set penalty. The P & D reserve the right to impose further penalties if the player challenges the set penalty and is proven guilty. Players challenging set penalties are suspended until their challenge is heard. The P & D also reserves the right, on receipt of the referee's report, to cite players to appear at a P & D hearing and increase penalties if proven guilty. Players may not play until they appear.
- d.) Players sent off for ALL other offences must appear at the first P & D hearing after the match. Failure to attend will result in the player being suspended from playing until he/she does so. Players sent off may not play in any games sanctioned by the Association between the send off and P & D meeting.
- e.) Players cited for incidents immediately after being sent off must attend as requested. Failure to do so may lead to the player being suspended until he/she appears.
- f.) Persons cited for off field and after match incidents who are unable to attend on the specified date may request in writing for the hearing to be postponed for a further seven (7) days, stating the reasons for not attending. If they then fail to appear on the rescheduled date, the matter will be heard and a determination made. The person will be informed in writing of the decision and may appear at the next P & D meeting to appeal the decision. The normal appeal process then applies. (Subject to section 7)

NOTE: All players attending must present their ID cards. Failure to do so will result in the hearing being postponed. If the player is suspended for four (4) matches or more the card will be retained by the Chairman and returned to Club Secretary within seven (7) days. The card will be returned to player if a suspension of less than four (4) matches is applied.

10. Persons Unable to Attend

Players who are unable to attend on the required night may do one of the following:

- a) ***Request that hearing be postponed.***

In this case the player must make written application, endorsed by the club Secretary, to the P & D Chairman, KDSA. The player may not play until he appears, however games missed will be taken into account when determining punishment.

b) ***Have the case heard in his absence.***

Again the player must make written application to the P & D Chairman, KDSA, via the Club Secretary. He should include in his application any statement he wishes to make about the incident leading to his send off.

c) ***Appoint someone to appear on his behalf.***

In this case the player must make written application via the Club Secretary stating that he wishes to have another person appear on his behalf. He should include any statement he wishes to make in his defence. The player can write in advance or have the person appearing present the letter to the P & D at the hearing.

NOTE: Applications will only be accepted with Club Secretary endorsement and must be sent by Fax or post to the KDSA or by e-mail **attachment** to P & D Chairman direct. They must be received by Wednesday at 7.30pm.

11. Rights of Accused Parties

All principles of Natural Justice apply

A. Knowledge of the accusation made

(a) A player **must** be told what offence he has been charged with (e.g. violent conduct – striking) when sent from the field. This should be done after the match through the team manager unless impractical because of the situation at the game. At the hearing, as a minimum, the full charge shall be read out to the accused at the beginning of proceedings.

(b) Any person being cited, that is,

- i. a player for actions off the field of play, or
- ii. a team official or
- iii. a Club when dealing with the actions of a spectator,

must be advised of the charge being brought at the time of being cited to appear. The charge shall be advised in writing, as part of the citing letter. The rule about innocent until proven guilty applies. The hearing of any case or issue shall be held expeditiously. Otherwise, a person is permitted to act (play, coach) until the case is heard.

B. Protection of accused parties rights

It is an **absolute requirement** that an accused person shall hear all evidence on which a committee makes its determination. That is, the accused **must** be present throughout any hearing, and no evidence, which is considered, is to be heard or presented without the accused being present. Accused persons may waive this right in accordance with section 9.

The committee is not permitted to see or take into account any material that is not available to the accused unless there are quite exceptional cases, which must be fully explained to the accused. A reasonable time has to be given any cited person to prepare a case.

C. Accused persons failing to attend

When an accused party fails to appear when required to do so, two things happen:

Any player who has been sent off, or cited for incidents occurring immediately after a send off, is suspended until he does appear in accordance with sections 9c) & d.

Where a person is cited for any other incident, section 9e) applies.

D. Opportunity to state a case

This is an opportunity, not a requirement. The accused party shall not be required or pressured to make a statement or to produce any case unless there is a wish to do so. However, any failure to respond to questions or accusations in circumstances where a committee thinks it appropriate may have a bearing on any ultimate decision.

In some situations, an accused may not want to make any statement because it may be used in a Court action. That is their right. In this case, the accused shall be suspended until ready to take part in a hearing and the immediate hearing adjourned until then.

A Football body is **NOT** prevented from hearing a case if it is going to Court. Any tribunal under the jurisdiction of Football NSW is not an official tribunal, and any hearing conducted is not recognised at a subsequent Court hearing. This is based on Supreme Court rulings.

The accused has the right:

- i. to ask questions, but only through the Chair, never directly of another party. This is not a direct cross-examination situation.
- ii. to produce any material that may be considered relevant – documents, statements or photographs. Video evidence is not admissible. It is, of course, a matter for the Committee to decide what weight, if any, should be given to any such evidence, how reliable it is, and how far it goes to proving or otherwise a particular fact.

E. Use of legal representatives

The use of legal representatives is not permitted at P & D hearings. A legal representative who is a Club President or Secretary may argue for an accused person in their official club capacity, but no more than that. An accused may have a legal representative present at a P & D hearing, but only to advise the accused, and not to argue a case on behalf of the accused.

An accused party may be permitted to use a legal representative at an appeal. However, the accused must advise the Appeals Board in good time. Provision may be made for the Appeals Board to have legal representation, and the cost of this may be charged to any accused party who advises that they intend to have a legal representative. The accused party must be advised of this intention, including the cost, prior to the hearing.

12. Presenting of Witnesses

Any witnesses that a person wishes to present at any P & D hearing should appear in person so that the Committee can question them. If this is not possible then statements will only be accepted as **Statutory Declarations**. The person appearing can present these **by Fax or post only** prior to the relevant P & D hearing. If this is not possible by the required time then the person due to appear may seek a postponement in accordance with the procedure outlined in section 7 a).

13. Application of Suspensions

- a.) Players are suspended for a number of **matches** or until a specified date
- b.) Where the suspension is in matches, the player may not play in the next specified number of matches his team plays. This includes all competition matches sanctioned by KDSA and its parent bodies. A "MATCH" refers to the entire day on which the required match is played.
- c.) Suspensions must be served in the equivalent match to that in which the send off occurred. For example, if a player is sent off in an All Age Reserve Grade match, irrespective of whether that is his regular grade, he must miss the next Reserve Grade match.

- d.) Matches missed on the same day as the match in which the send off occurred will not count in determining sentences. Only matches played from the following day until date of hearing will be considered part of a suspension.
- e.) Where a suspension specifies a date on which the suspension finishes, the player may not play in any match sanctioned by KDSA or its parent bodies until that date has passed.
- f.) Players, coaches, managers, officials or other persons suspended for a period of 4 matches or more shall have the details of their suspension and the process followed to arrive at such suspensions circulated to all bodies affiliated to KDSA for them to impose a concurrent suspension within their own body.
- g.) Players, coaches, managers, officials or other persons suspended for a period of 4 matches or more will be reported to all bodies to which the KDSA is affiliated for the application of corresponding suspensions throughout those bodies and their affiliates. Persons who have failed to appear or are un-financial will also be reported.
- h.) Players, coaches, managers, officials or other persons suspended following a judicial process by a body to which KDSA is affiliated or a body affiliated with KDSA, for a period of four (4) weeks or more, may be suspended by the KDSA for the corresponding period provided that the P & D is satisfied that natural justice has been served and that said body provides details of: -
 - i. Overview of process followed
 - ii. Charges
 - iii. Suspension applied (if outside standard FFA recommendations justification must be provided)
 - iv. Appearance or otherwise of accused, and subject to approval of the MC.
- i.) Players, club officials and supporters may also be barred from entering KDSA sanctioned grounds during games. In all instances this means that where there is a fence on any side of a ground the barred person must remain outside that fence. Where there is no fence the barred person must stay at least 10 metres from the outer boundaries of the playing field. Clubs will be held responsible for ensuring that such sanctions are complied with.
- j.) Team coaches and managers may also be barred from holding these positions for a specified period. This will include matches and training and is the responsibility of the club to enforce. A sentence imposed as a result of send offs and citing carries over from one year to the next. Players do not have to be registered in the following year for suspensions to expire. Suspensions for yellow card offences expire at the end of the year in which they were applied.
- k.) Players who play whilst suspended will receive a suspension of one (1) match per match played, in addition to original suspension.

14. Accumulation of Yellow Cards

Yellow Cards are recorded as they are received. A player receiving 4 yellow cards will receive a one (1) match suspension. A further 2 yellow cards in the season will incur a further two (2) match suspension. Receipt of further yellow cards may lead to the player being cited to appear at next P & D hearing.

No player should stand down until instructed to do so by P & D Chairman.

15. Notification of Penalties

- a) Players sent off for offences carrying automatic suspensions that do not appear at the next P & D hearing after being sent off are presumed to have accepted the suspension and no notification will be given. A copy of the suspension notification will be sent to the Club Secretary and player within seven (7) days.
- b) Players or their representatives who attend a hearing will be notified on the night of the hearing and a copy of the notification will be sent to the Club Secretary within seven (7) days.
- c) Where a player allows the case to be heard in his absence the P & D Chairman will inform the Club Secretary by telephone or e-mail within 48 hours and then notify the Secretary and the player in writing within seven (7) days.

- d) Where a player is suspended for yellow card offences the P & D Chairman will inform the Club Secretary by telephone or e-mail. A copy of the notification will be sent within seven (7) days to the Club Secretary and player.
- e) Where action is taken against a club, club official or supporter the P & D Chairman will inform the club in writing within seven (7) days of the decision and the reasons for the decision. A copy will be sent to the individual involved if the Association knows their contact details.
- f) Notification of sanction imposed will be on the prescribed form 02: Disciplinary Infringement Notice.

16. Right of Appeal

Any party affected by a decision of the P & D may appeal that decision. The General Manager must receive all appeals within seven (7) days of notification of P & D decision. All appeals must be lodged by the Secretary of the club or affiliated body and be accompanied by a club cheque for \$200. All appeals must include the grounds for the appeal and any evidence to be presented in support of the appeal. The MC may determine, at its sole discretion, that a case may be reheard either by instructing the P & D Chairman or by forming an appeal hearing.

17. Grounds for Appeal

There are three grounds to lodge an appeal:

- a. Severity/leniency of sentence. Here, the offence is conceded but the appeal is against the length or severity of sentence or extent of any ban.
- b. Unfair treatment of the relevant party or the case being presented, material witnesses not allowed to be heard etc.
- c. New evidence, or more frequently, evidence improperly dealt with, not given sufficient weight etc.

A letter of appeal must state the exact wording of the decision being appealed against and the grounds above the appeal are based upon.

18. Protests against Football Committee Decisions

Protests against a decision by All Age, Junior Football or Girls/Women's Football shall be heard in the first instance by the P & D at its next meeting after lodgement of protest. Any decision of the P & D can be appealed against at the Appeals Board of KDSA. The Appeal fee of \$200 applies.

19. Disputes with Affiliated Bodies

All persons subject to decisions by judicial processes of bodies affiliated to KDSA shall have the right to dispute such decisions at KDSA, P & D Committee within seven (7) days following notification of the affiliated body's decision.

20. Evidence Required for Appeal

Appeals on the grounds listed in Section 17 should consist of the following:

- a) Comparison with other sentences imposed for the same offence; request for consideration of player's age and/or past record.
- b) Reasons why P & D decision is incorrect including the relevant sections of the KDSA Constitution or By-Laws, or in particular FIFA Laws of the game claimed to have been breached.
- c) Any new evidence which was unable to be presented, or the P & D did not permit to be presented at the original P & D hearing.

All evidence to be presented in support of an appeal must be provided at the time of lodging the appeal.

21. The Appeals Board

The Appeals board shall hear appeals against the P & D Committee.

The Chairman shall be the KDSA Vice President, or any person nominated by the MC in his absence and shall have the casting vote only.

A quorum shall be 5 members. The Appeals board members are drawn from Life Members or club officials. A delegate from the referees association may be present to offer expert advice on the Laws of the Game but may not vote. No person who is connected to the parties involved or who may gain an advantage from the case being heard is permitted to sit on an Appeal.

The Appeals Board has the power to either reduce or increase any suspension being appealed against and to impose further penalties or bonds as they see fit.

The following parties must be present at any appeal:

- i) The person or party charged.
- ii) The person or party who originally brought the charge or case. If the charge is based on a referee's report, the referee may elect not to attend, although he/she may be asked to provide supplementary information pertaining to the case.

A statement by the P & D in writing must be provided and must include copies of all evidence, the process followed and the reasons why their decision was reached.

The original charge, if by a match official, can still be the original report. The match official(s), if the appeal involves him/them, shall be given the opportunity to be present.

22. Timing of Appeals Board Hearings

Under Football NSW procedures, any determination at a lower level holds good until it is changed on appeal. Therefore, all appeals must be heard within 10 days of lodgement.

Appeals against suspensions of 2 (two) matches or less may not be heard before they are served.

23. Return of Appeal Fee

Every appeal lodged must be accompanied by a cheque for \$200 (two hundred dollars) to proceed.

The Appeal fee is returnable at the conclusion of the appeal. The Appeals Board may withhold the fee if the appeal is deemed to be frivolous.

24. Further Appeals

Any party affected by an Appeals Board decision may appeal to Football NSW (Sydney Branch) within 7 days of notification of Appeals Board decision. A copy of the appeal must be forwarded to the General Manager KDSA at time of lodgement.

25. Appeals out of Time

Where an appeal is out of time according to rules set by higher-level jurisdictions (Football NSW), it is still possible to appeal. However, the party wishing to appeal must obtain approval from the Association where the case was first heard for the appeal to Football NSW to be heard out of time. The point is to stop any party simply trying to bypass one level of appeal for a higher one, or simply deciding to “have a go” at some future date, without explicit permission. In other words, serious and good reasons should not be dismissed in allowing an appeal. But trivial reasons or none will lead to dismissal of the application to be heard out of time. Refusal by the Association can itself be appealed, but any consideration of such a case shall be dealt with separately and before the main case can be heard.

Where a case was determined by the KDSA P & D but no appeal followed, the case may be referred to the KDSA Appeals Board at the sole discretion of the MC even if the appeal is out of time.

26. Referees as Members of Hearing Panels

A representative of the referees association may be present at any P & D and Appeals Board hearing. The representative is not to be a voting member of the panel and should not be counted as part of the quorum, but will remain with the panel during all deliberative stages to offer expert advice on the Laws of the Game. The P & D Chairman and the Appeals Board Chairman will determine the need for having the referee’s association delegate attend the relevant hearings.

The referee’s association delegate must not have had ANY involvement or prior information regarding any of the cases that he may be required to provide advice on.

27. Sentencing Guidelines

The P & D refer to the following guidelines provided by the Football NSW when determining penalties.

All players sent from the field are automatically suspended for 1 match.

	SECTION A	MINIMUM	MAXIMUM
	Offences by players against other players*		
R1	Serious Foul Play a) Head butting b) Kicking c) Punching/fighting d) Elbowing to the head e) Elbowing to the body f) Violent tackle g) Rugby tackle h) Violent charging i) “Over the Ball” Tackle j) Grabbing by hair k) Misconduct l) Dangerous play	Cited 2 matches Auto 2 matches Auto 2 matches Cited 4 matches Auto 2 matches Auto 2 matches Auto 2 matches Auto 2 matches Auto 2 matches Auto 2 matches Auto 4 matches Auto 2 matches Auto 2 matches	12 matches 8 matches 8 matches 12 matches 8 matches 8 matches 8 matches 8 matches 8 matches 12 matches 8 matches 12 matches
R2	Violent Conduct a) All offences as in R1		
R3	Spits on/at an opponent	Cited 6 matches	12 matches
R4	Denies obvious GSO by handling ball	Auto 1 match	Auto 1 match
R5	Denies obvious GSO by committing offence punishable by free kick or penalty kick	Auto 1 match	Auto 1 match
R6	Uses offensive or insulting language and/or gestures a) Indecent actions	Auto 2 matches Auto 2 matches	8 matches 8 matches

R7	Receives a second caution in the match	Auto 1 match	Auto 1 match
----	--	--------------	--------------

Also applies to offences against other persons not covered by Section B, and to offences committed after having been sent from the field.

	SECTION B	MINIMUM	MAXIMUM
	Offences by players and Team Officials against Match Officials and Team Officials		
	Threatening or intimidating an official by word or action	Cited 8 matches	Life
	Tripping	Cited 1 year	Life
	Pushing with an open hand, shoulder or hip	Cited 1 year	Life
	Striking with the ball or other object	Cited 1 year	Life
	Striking, kicking, elbowing,	Cited 1 year	Life
	Head butting	Cited 1 year	Life
	Spitting at or on	Cited 8 matches	Life
	Using offensive, insulting or abusive language or gestures	Cited 4 matches	20 matches
	SECTION C	MINIMUM	MAXIMUM
	Other offences by players and team officials		
	Inciting the crowd	Cited 10 matches	6 years
	Attacking or fighting with spectators	Cited 1 year	Life
	Bringing the game into disrepute	Cited 6 matches	Life
	Deliberately misleading the committee	Cited 4 matches	Life
	Playing while suspended	Auto 1 per match	
	Spitting at or on spectators	Cited 8 matches	Life

Note: The above sentences are guidelines only and the P & D reserves the right to vary penalties as appropriate.

Players: Includes named substitutes and all All Age squad members.

Coaches: Comprises coaches, managers, trainers and any other person permitted in the technical area.

Where a person is both a registered player and a “coach” or equivalent on the day of the incident, his status as a player takes precedence.