



# HFI Grievance and Disciplinary Regulations

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*Hills Football Incorporated*



## GRIEVANCE AND DISCIPLINARY REGULATIONS

(Original February 2017)



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REVISION	DATE	Notes
1.0	24 Feb 2017	New document.
1.1	01 Apr 2018	Updated Schedule 3 Updated Judiciary Process Updated Definition of DoJ
1.2	01 April 2019	Updated Table of Matrix



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## 1. INTRODUCTION

- (a) These Regulations came into operation on 28 March 2017. They are intended to cover all aspects of grievance and disciplinary matters currently set out in the HFI By-Laws and any Regulation or instruments made under the By-laws.
- (b) Football NSW has granted Hills Football Incorporated a mandate to be responsible for the organisation, promotion and regulation of football (including Summer Soccer) in the Hills Football area.
- (c) These regulations are supplementary to the Football NSW Grievance and Disciplinary Regulations (as amended from time to time).
- (d) For the purposes of these Regulations, a reference to FNSW in the FNSW Code of Conduct will also be a reference to HFI.
- (e) HFI reserves the right to deal with any Member in respect of any offence or complaint and other matters not specifically
- (f) In the case of a Regulation being interpreted in two or more different ways, the Board of HFI reserves the right to determine which interpretation is valid. Any such determination is final and not subject to appeal.
- (g) HFI may choose to not enforce a term of these Regulations in some cases, in its absolute discretion, without affecting its right to enforce that term in other cases.
- (h) If any part of these Regulations is void that part shall be severable and shall not affect the enforceability of the remaining sections of these Regulations.
- (i) Any capitalised terms used in these Regulations shall have the meaning given to them in Schedule 1.
- (j) In these Regulations:
  - i. any use of the words “includes” or words such as “for example” or “such as” do not limit anything else that is included in general speech;
  - ii. “working day” means a day when the offices of HFI are ordinarily open for business;
  - iii. any reference to “\$” or “dollars” is to Australian dollars;
  - iv. a reference to a singular includes the plural and vice versa; and
  - v. a reference to any document is to that document as amended, supplemented, varied or replaced from time to time except to the extent expressly prohibited by that document or these Regulations.

## 2. OBJECTIVES

- (a) To ensure that the game of football is played in accordance with the Laws of the Game.
- (b) To ensure that the game of football is played competitively and fairly in accordance with the principles of true sportsmanship.
- (c) To provide an independent, fair and effective system that sets out procedures for the administration and determination of all Grievances, incidents, disciplinary, dispute and conduct matters involving Member.
- (d) To ensure consistency and transparency of approach are evident and present in all aspects of handling all Grievances, incidents, disciplinary, dispute and conduct matters involving Members under these Regulations.



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## 3. JURISDICTION

- (a) These Regulations will apply exclusively to facilitate the expeditious and fair resolution of:
- Grievances, incidents, disciplinary, dispute and conduct matters in relation to Competitions;
  - Grievances between Members;
  - any matter the Board determines, in its absolute discretion, is important to the interests of Football in the HFI district.
- (b) Each Member shall submit exclusively to the jurisdiction of these Regulations and agrees that unless it has exhausted the procedures set out in these Regulations, it will not attempt to resolve any incident, disciplinary, dispute, conduct or Grievance matters by recourse to Football NSW or a court of law.

## 4. AUTHORITY TO ESTABLISH COMMITTEES AND TRIBUNALS

These Regulations confirm the establishment of the following Bodies:

- Director of Judiciary (**DoJ**);
- General Purposes Tribunal (**GPT**); and
- Appeals Tribunal (**AT**).

## 5. MEMBERSHIP OF BODIES

### 5.1 Appointment of Body Members

- (a) The DoJ shall, in whatever manner it sees fit, determine a pool of eligible members to sit on bodies referred to in 4 above.
- (b) The Board shall appoint the Chairperson and members of each of the bodies referred to in 4 above.
- (c) The Board may, from time to time, appoint members to sit on the GPT or AT.
- (d) The Board may appoint person(s) to sit on a GPT or AT hearing who are not eligible members appointed under section 5.1(a) if the Board, in its opinion or at the request of the Tribunal Chairperson, determines that a matter requires special attention or expertise.
- (e) In exceptional circumstances the Board may appoint additional person(s) for example, a person not affiliated with HFI to sit on a GPT or AT hearing who are not Tribunal Members or reserve members if the Board determines that a matter requires special attention or expertise. The Board may delegate this power to the General Manager, either generally, or in respect of the particular case.
- (f) The General Manager shall not be a member of the GPT.

### 5.2 Composition of a Body

- (a) The DoJ is an appointment Director of the Board allocated the Judiciary Portfolio and is responsible for making valid decisions under section 7.
- (b) A Tribunal shall comprise a minimum of three (3) and maximum of five (5) Tribunal members (including the Chairperson or Vice-Chairperson) in order to make a valid Determination under sections 8 and 9.

### 5.3 Qualification of Body Members

- (a) Each member of a Body shall have:
- the ability to exercise independent judgment; and



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- ii. the requisite knowledge and/or experience of football, FFA and FNSW Rules and Regulations, and HFI Rules and Regulations, appropriate for membership of the relevant Body.

### 5.4 Term

Tribunal members shall be appointed for a term of twelve (12) months unless he or she has resigned or been removed pursuant to section 5.5

### 5.5 Resignation and Removal of Body Members

- (a) A Member of a Body may resign by providing notice in writing to the General Manager, who shall report the correspondence to the Board.
- (b) The Board may remove any person from a Body at any time provided, it has either received a written recommendation from the General Manager which outlines the reason or reasons for the removal or the Management Committee recommends the removal of the person, and the person has had an opportunity to respond to the Board in writing to such recommendation.
- (c) The Board may replace a Member of a Body who resigns or is removed with a person from the pool of eligible members determined under section 5.1(a)

### 5.6 Code of Conduct for Body Members

- (a) The Board shall create and maintain a Code of Conduct for Body Members.
- (b) The Code of Conduct for Body Members shall be made publicly available via the HFI website or any other means the Board deems fit.
- (c) Upon appointment by the Board a member of a Body agrees to be bound by and to comply with the Code of Conduct for Body Members.

## 6. CORRESPONDENCE, PRESCRIBED FORMS AND MATCH OFFICIAL REPORTS

### 6.1 Correspondence and Prescribed Forms

All correspondence in relation to any matter under these Regulations must be made electronically and directed to the email address set out in Schedule 2.

### 6.2 Match Official Reports

- (a) In order to ensure the efficiency of disciplinary and conduct matters, a Match Official must send to Hills Football Referees (HFR) Match Official Reports in the manner and within the time prescribed by HFR. HFR will then provide those reports to HFI by mid-day on the Monday following the weekend's games setting out the following:
  - i. any Yellow Card and Red Card Offences issued during the Match (including the categorisation of Offences) and
  - ii. any serious incident that took place including the expulsion of a team official from the Technical Area.
- (b) All Match Official Reports must be sent to the email addresses supplied by HFI.
- (c) Match Official Incident Reports should include details concerning any Spectator behaviour.
- (d) For the avoidance of doubt, facts contained in Match Official Reports are presumed to be true and accurate unless proven otherwise.
- (e) A copy of a Match Official Incident Report which has resulted in a matter being referred to a Body shall be provided by the General Manager to each relevant Participant or Club who has been identified in a Match Official Incident Report and is the subject of such referral.
- (f) For the avoidance of doubt, a body is not bound by the categorisation of any offence by a





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match official

- (g) In order to ensure that HFI provides a fair and transparent system to Members under these Regulations and to assist Bodies in arriving at their decisions, in completing Match Official Reports, Match Officials must:
  - i. complete their Match Official reports independent of any other Match Official involved in the match and of any potential witnesses;
  - ii. as far as reasonably possible, clearly state what they actually saw and/or heard in relation to the incident(s) and clearly distinguish that from what others have told them;
  - iii. as far as is reasonably possible in respect of words spoken by a Participant, record those using the words actually spoken enclosed in quotation marks; and
  - iv. as far as is reasonably possible state how they identified the Participant
- (h) A Match Official may seek assistance from a member of a Referees Body in completing a Match Official Report provided that member was not a Match Official involved in the match and is not otherwise a witness to the incident(s) the subject of the Match Official Report
- (i) No determination of a Body will be quashed or held invalid by reason only of the failure of a Match Official to comply with the above sections 6.2 (a) or 6.2 (b)

### 7. DISCIPLINARY COMMITTEE

#### 7.1 Jurisdiction

- (a) Subject to section 7.1(b), the Director of Judiciary has jurisdiction to:
  - i. issue Suspensions in respect of Red Card offences (section 7.2);
  - ii. determine any challenge relating to mistaken identity pursuant to section 7.3
  - iii. issue penalties for Team Misconduct pursuant to section 16.5 (b) i and 16.5 (b) ii
- (b) The DoJ shall only have jurisdiction to issue a suspension that is less than one (1) calendar year. A suspension that is one (1) calendar year or longer may only be issued by a Tribunal. The DoJ shall refer a matter to the GPT if it determines that the matter warrants consideration of a suspension of one (1) calendar year or greater.

#### 7.2 Determination

- (a) The General Manager shall, within three (3) working days of any match or by COB on Tuesday of that particular round, make judgement based on the Match Official Report on all suspensions pursuant on Schedule 3 – Table of Offences.
- (b) The General Manager will submit all Suspensions to the DoJ by COB Tuesday for approval
- (c) The DoJ must review the Suspensions and agree with the recommendations from the GM or issue an alternate Suspensions based on Match Official Reports and apply the Table of Offences.
- (d) The DoJ must set out any Suspension in a Notice of Suspension which shall be issued by the General Manager to a Participant's Club as soon as is practicable, namely within one (1) day of receipt from the GM i.e. COB Wednesday and no more than six (6) days of the relevant Match if that is practically possible.
- (e) Notwithstanding this section 7.2, the DoJ may, in its absolute discretion, refer any matter to the GPT pursuant to section 8.4 if it considers the matter requires consideration by a Tribunal.
- (f) Where the DoJ issues a suspension that is greater than the minimum stipulated for the offence in schedule 3, a participant, via his or her club, may challenge that sentence and such a challenge shall be referred to a GPT for determination. A participant is not eligible to challenge a suspension where the DoJ has issued the minimum suspension, unless the participant seeks, by



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credible evidence, to challenge the presumption specified in section 6.2(d).

- (g) Subject to any legal requirements, any suspension issued by the Disciplinary Committee may be published via the HFI's website and/or other HFI operated media including any newsletter and/or any equivalent publishing media operated by FNSW. Such publication may identify a Club and/or a team, but shall not identify individual persons by name

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

- (a) At the end of a match, the relevant Team Official must sign the team sheet confirming that all details on the team sheet, including the attribution of Yellow Cards and Red Cards are correct.
- (b) If the Team Official believes that a participant has been mistakenly identified on the team sheet by a Match Official as having been shown a Yellow Card or Red Card, the Team Official must indicate this by endorsing the back of the team sheet.
- (c) Where the requirements set out in section 7.3 (b) were not complied with, a member wishing to challenge any disciplinary consequences arising from the attribution of a Yellow Card or Red Card from the team sheet must show reasonable cause as to why such challenge should be permitted.
- (d) Provided the requirements of section 7.3 (b) or 7.3 (c) are met, if a participant claims that he or she was mistakenly identified in a Match Official Send-off Report, the Participant's Club on the Participant's behalf must notify the DoJ by submitting a notification letter by e-mail for Mistaken Identity in a Match Official Send-Off Report to the relevant address shown in schedule 2 within three (3) days of the completion of the match.
- (e) If HFI does not receive notification by the time specified in section 7.3(a), the Participant is deemed to have been responsible for the Offence and will, subject to the DoJ's consideration of the incident, be issued with a Notice of Suspension.
- (f) The DoJ may, at its discretion, alter or rescind any Suspension issued, subject to evidence submitted at a later date.
- (g) The Participants Club must submit evidence upon which the claim of mistaken identity is founded. The details of the submission must include:
- a signed written statement by the Participant that he or she was not responsible for the Offence and identifying to the best of their knowledge the name of the Participant responsible
  - any other evidence which may support the claim for mistaken identity.
- (h) If HFI does not receive properly completed written statements within three (3) days of the Match, the Participant may, subject to the DoJ's consideration of the incident, be issued with a Notice of Suspension.
- (i) After considering the evidence, the DoJ will decide whether the claim for mistaken identity should be rejected or upheld.
- (j) If the DoJ rejects a claim for mistaken identity, it will consider the matter on the basis of the Match Official Report provided.
- (k) If the DoJ considers that a rejected claim for mistaken identity had no prospect of success and amounted to an abuse of process, it shall refer the matter to the Competition Director, who may charge the Participant and/or the Club with Misconduct pursuant to section 8.2.
- (l) If the DoJ upholds the mistaken identity claim, a Notice of Suspension shall be issued to the appropriate identified Participant, who shall serve the Suspension immediately.



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- (m) The decision made by the DOJ will be conveyed to the Participant and/or the Club via email at the earliest practical opportunity.

### 7.4 Challenging a Notice of Suspension - Exceptional Circumstances

- (a) This section 7.4 is intended to apply only in exceptional circumstances. It is envisaged that, in the vast majority of matters, any Suspension set out in a Notice of Suspension will be appropriate and will be applied. The provisions set out in this Section are not intended to encourage or lead to the systematic or regular review of standard Suspensions and are reserved for exceptional cases.
- (b) A Participant's Club on the Participant's behalf may, in the very limited circumstances set out in sub-sections (c) and (i) below, seek to limit the disciplinary consequences of a Suspension by demonstrating to the DoJ that the circumstances of a particular Suspension were exceptional, such that the Suspension which has been notified would be clearly and demonstrably excessive.
- (c) Exceptional circumstances means circumstances operating at the time of the Offence and relating to the commission of the Offence and not the impact which a sanction may have. The following do not constitute exceptional circumstances:
- the significance or importance to the Participant or his or her Club of the Match in which the Offence was committed;
  - the significance or importance of any Match, Fixture or tournament in which the Participant will be ineligible to participate because of the imposition of a Suspension within the range in the Table of Offences;
  - the point in the Match at which the Offence was committed;
  - the conduct, including actions, words or gestures of any Participant during or related to the Match; and
  - any disciplinary decision taken or failure to take a disciplinary decision by a Match Official during the Match.
- (d) Any Participant bringing a challenge under this section may not challenge the Offence via mistaken identity under section 7.3.
- (e) In considering a claim of this type, the DoJ is concerned with only the question of whether the Suspension should be altered in view of the circumstances of the case. The DoJ is not to usurp the role of the Match Official and the correctness of any decision to issue a Red Card shall not be subject to any scrutiny by the DoJ.
- (f) If a Participant wishes to lodge a challenge to a Suspension based on exceptional circumstances, the Participant's Club must, by 10.00am on the Monday following receipt of the Notice of Suspension, submit a notification to the appropriate email address as listed in Schedule 4.
- (g) If the DoJ does not receive notification as prescribed and by the time specified, the Participant is deemed to have accepted the Suspension.
- (h) After considering the evidence, the DoJ will decide whether the challenge is to be rejected or is successful.
- (i) A challenge will only be successful under this section 7.4 where the club making the challenge satisfies the DoJ that:
- the circumstances of the Suspension under review are exceptional; and
  - as a result of the exceptional circumstances the Suspension would be clearly excessive.
- (j) If the DoJ considers that the rejected challenge had no prospect of success and amounts to an abuse



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of process, it shall refer the matter to the Competition Director, who may charge the Participant and/or the Participant's Club with Misconduct pursuant to section 8.2.

- (k) If the D upholds the challenge, it shall impose such Suspension, if any, as it deems to be appropriate taking into consideration the circumstances of the subject incident, which revised Suspension, shall not be subject to any further challenge.
- (l) The decision made by the DOJ will be conveyed to the Participant and/or the Participant's Club via email.
- (m) No fee will apply to challenges made by Clubs under this section 7.4, but Clubs should note that the DOJ may increase a sentence in the case of an unsatisfactory challenge where the DOJ deems it appropriate.

### 7.5 Appealing a decision of the Disciplinary Committee

- (a) Subject to sections 7.4(k) and 9.2, the decision of the Disciplinary Committee in relation to claims of mistaken identity in a Match Official Report (section 7.3) and Exceptional Circumstances (section 7.4) may be appealed by the Participant's Club to the Appeals Tribunal pursuant to section 9.
- (b) A Participant's Club wishing to appeal a decision to the Appeals Tribunal must submit a Letter of Appeal of the relevant decision within seven (3) working days of receiving the decision and pay the relevant Application Fee (see Schedule 4).
- (c) The Participant's Club should note that, other than in exceptional circumstances, the time limits set out above are strict. Only a Letter of Appeal of a decision submitted before the relevant deadlines will be considered by the AT. The Board, in its absolute discretion, shall rule with respect to whether any given circumstance is exceptional in this context.

## 8. GENERAL PURPOSES TRIBUNAL

### 8.1 Jurisdiction

- (a) The General Purposes Tribunal has jurisdiction to hear and determine:
  - i. charges of Misconduct and Disrepute (section 8.2);
  - ii. grievances between Members (section 8.3);
  - iii. any challenge to a Suspension decision of the DOJ which the General Manager determines should be referred to the GPT and which has been received within the time prescribed in 7.4;
  - iv. any matter referred to it by the General Manager pursuant to section 7.2 (a)
  - v. any matter referred to it by the DOJ pursuant to 7.2 (f)
  - vi. offences disclosed in Match Official Reports (section 8.5); and
  - vii. any other matter the Board considers important to the interests of football in the Hills region. Such reference is to be at the absolute discretion of the Board.

### 8.2 Charges of Misconduct and Disrepute

- (a) The Board may investigate any matter which in its opinion is relevant to whether or not a charge of Misconduct or Disrepute ought to be laid. Such investigation may be initiated on the basis of a report of a Member, a complaint by a Member or on the basis of any other evidence which in the opinion of Board is credible.
- (b) Such investigation may be carried out by the Board as it sees fit and Members are required to cooperate fully with HFI in the conduct of that investigation and must do so within the timeframe specified in any correspondence issued by HFI. A Member agrees that any information provided to



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HFI may be used as evidence in bringing a charge under this section 8.2 and may be provided to any party so charged.

- (c) At any time, the Board may determine whether any charge of Misconduct or Disrepute is to be laid and in relation to such charge whether:
  - i. it is to be referred to the GPT; or
  - ii. it is to be dealt with in any other manner which the Board deems appropriate,and such determination shall be at the absolute discretion of the Board.
- (d) If the Board determines that a charge of Misconduct or Disrepute is appropriate, the General Manager will issue a Notice of Charge against the Member. The Notice of Charge will set out, amongst other things, details of the charge and, if necessary, the requirement for the Member to stand down (see section 13.1 (Interim Suspension Order)). A Member so charged must submit a Notice of Response to the General Manager by e-mail via the address listed in Schedule 2 by the date specified in the Notice of Charge.
- (e) A Notice of Response (section 8.2) enables the Member or Participant to, amongst other things:
  - i. indicate whether the Member is pleading guilty or not guilty to the charge(s);
  - ii. indicate whether the Member accept the reports attached to the Notice of Charge;
  - iii. provide written statements or other such evidence as the Member wishes to rely on;
  - iv. provide written submissions; and
  - v. advise whether the Member will be represented by a lawyer and/or accompanied by a support person.
- (f) A Member who pleads guilty in a Response may be eligible for leniency by a Tribunal in respect of a sanction.
- (g) Unless there are exceptional circumstances (to be determined by the Board in its absolute discretion) if the General Manager does not receive a properly completed Notice of Response (section 8.2), together with any supporting evidence and written submissions upon which the member intends to rely, by the time specified in the Notice of Charge, then the Member will be deemed:
  - i. to have pleaded guilty to the charge(s) set out in the Notice of Charge;
  - ii. to have accepted the reports set out in the Notice of Charge; and
  - iii. to be in contempt of a Tribunal and may be sanctioned pursuant to section 12.13 (Contempt against a Tribunal).

### 8.3 Grievances

- (a) A Grievance will only be accepted by the GPT if sections 8.3(c) to 8.3(d) have been satisfied.
- (b) The Board may in its unfettered discretion decide not to refer to the GPT or to dismiss any Grievance which it determines is a Vexatious Claim.
- (c) Before referring any Grievance to the Board, any Member making a Claim (**Claimant**) or a Complaint (**Complainant**) must write to any other Member involved in the subject matter of the Grievance (**Respondent**) with details of the Claim or Complaint (as the case may require) allowing the Respondent at least seven (7) business days to respond. The Respondent's reply must include reasons for any disagreement with the details of the Claim or Complaint (as the case may require).
- (d) If a response is not received within seven (7) business days of the notice from the Claimant or Complainant referred to in section 8.3(c) or the Claim or Complaint is not otherwise resolved, the



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Claimant or Complainant may in writing refer the Grievance to the GPT in accordance with section 8.3(e).

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

### 8.4 Referral from the Disciplinary Committee

- (a) Pursuant to section 7.2(f), the DOJ may, in its absolute discretion, refer any matter to the GPT if it considers the matter requires consideration by a Tribunal.
- (b) If a referral is made by the DOJ, the General Manager will issue the Participant with a Notice of Charge within three (3) working days of the referral and the Participant is required to submit a Response to the email address listed in Schedule 4 by the date specified in the Notice of Charge.

### 8.5 Offences disclosed in Match Official Reports

- (a) Unless the Board, in its absolute discretion, determines otherwise, the General Purposes Tribunal may determine Offences disclosed in Match Official Send-Off and/or Incident reports in accordance with this section 8.5.
- (b) HFI will, within a reasonable time following receipt of any Match Official Send-Off and/or Incident report referred to in section 8.5 (a), refer the report(s), the Participant's disciplinary history and any other material that HFI determines, in its absolute discretion, is relevant to the matter to the General Purposes Tribunal.
- (c) HFI will convene a General Purposes Tribunal to hear the matter and will use its reasonable endeavours to ensure the matter is heard within seven (7) working days of receipt of such report.
- (d) Where a participant, the subject of a Match Official Incident Report, is also the subject of a Match Official Send-Off Report arising out of the same Match, the General Purposes Tribunal will deal with both sets of matters in the same hearing and the Match Official Send-Off Report will not be referred to the Disciplinary Committee.

### 8.6 Decisions of the General Purposes Tribunal

- (a) A General Purposes Tribunal Determination will be in accordance with the majority opinion of the General Purposes Tribunal members hearing the matter.
- (b) The types of decision that a General Purposes Tribunal may issue are set out in Schedule 3: Table of Offences and may include (but are not limited to) a finding, reprimand, directive, suspension, ban, fine, bond or such other action as is reasonably determined by the General Purposes Tribunal.
- (c) Any decision issued under this section 8.6 may be combined. However, the serving of a Time Suspension issued to a Participant must precede the serving of a Fixture Suspension issued to that Participant.
- (d) Any failure to comply with a Determination of the General Purposes Tribunal is deemed to be contempt of a Tribunal and may be sanctioned pursuant to section 12.13 (Contempt against a Tribunal).
- (e) Subject to 8.6 (f), The General Purposes Tribunal will use its reasonable endeavours to issue a short written summary of its determination (Preliminary Determination) within two (2) working days of the completion of any hearing.
- (f) General Purposes Tribunal may, in its absolute discretion, issue a full written Determination, with reasons for decision (Final Determination) in place of a Preliminary Determination. In either case, the General Purposes Tribunal will issue a Final Determination if requested in writing by an





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Affected Party. Where a Final Determination is issued, the General Purposes Tribunal will use its reasonable endeavours to issue that Final Determination within fourteen (14) Working Days of the completion of the hearing.

- (g) Unless otherwise specified in these Regulations or by the General Purposes Tribunal in a Determination, the imposition of a sanction has immediate effect.
- (h) All Determinations of the General Purposes Tribunal remain in force unless and until reversed by the Appeals Tribunal.

### 8.7 Appealing a decision of the GPT

- (a) The decision of the GPT in relation to charges of Misconduct and Disrepute (section 8.2), Grievances (section 8.3) subject to section 9.4, and referrals from the DOJ (section 7.2(f)) may be appealed to the Appeals Tribunal pursuant to section 9.
- (b) A Member wishing to appeal a decision of the GPT to the AT must submit a Letter of Appeal of a GPT to HFI within seven (7) working days of the decision of the GPT being sent to the club together with the relevant Application Fee (see Schedule 4). This Application Fee is not refundable except as may be determined under section 9.4(f) or 9.5 (e).
- (c) Other than in exceptional circumstances, the time limits set out above are strict and only a Letter of Appeal that is received by HFI before the expiry of the relevant time limits will be considered by the AT. The Board, in its absolute discretion, shall rule with respect to whether any given circumstance is exceptional in this context.

## 9. APPEALS TRIBUNAL

### 9.1 Jurisdiction

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

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

### 9.2 Standing to Appeal

Despite anything to the contrary contained in these regulations and for the avoidance of doubt, only parties set out in this section 9.2 (subject to section 9.3 (Grounds of Appeal) ) and HFI have standing to appeal matters to the Appeals Tribunal:

- i. The Member Club of a Participant who suffers a penalty imposed by the DOJ or the GPT as a consequence of a disciplinary or misconduct matter disclosed in a Match Official Report, but only in respect of the charge(s) against that Participant
- ii. The Claimant or Respondent in a Grievance matter
- iii. If applicable, with respect to a disciplinary or Misconduct matter where a Match Official was the victim, the Referee Body of which that Match Official is a member, but only where the Board, in its absolute discretion, determines that it is in the interests of football for the appeal to be heard by the Appeals Tribunal.
- iv. Any affected party.

### 9.3 Grounds of Appeal

The sole grounds of appeal to the Appeals Tribunal are:

- (a) A party was not afforded a reasonable opportunity to present its case;
- (b) Lack or excess of jurisdiction of a Body;
- (c) The decision of the Body was affected by actual bias;



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- (d) The decision was one that was not reasonably open to a Body having regard to the evidence before the Body;
- (e) Severity, but only where a Body imposed one or more of the following sanctions:
  - i. a fixture suspension of six (6) or more fixtures; or
  - ii. a time suspension of three (3) months or more; or
  - iii. a fine of two thousand dollars (\$2000) or more; or
  - iv. a bond to be of good behaviour of two thousand dollars (\$2000) or more; or
  - v. a deduction, loss or ban accruing six (6) or more competition points; or
  - vi. exclusion, suspension or expulsion of a Club or Team from a competition; or
  - vii. relegation to a lower division; or
- (f) Leniency, but only in the case of an appeal brought by HFI or an appeal allowed by the Board pursuant to section 9.2 iii (appeal from a referee body)

### 9.4 Determination of the Appeals Tribunal

- (a) An Appeals Tribunal Determination will be in accordance with the majority opinion of the Appeals Tribunal members
- (b) The Appeals Tribunal has the powers to:
  - i. dismiss, allow in whole or in part an appeal, or vary (whether by way of reduction or increase) a Determination, including any sanction or penalty made by a Body
  - ii. subject to any applicable Minimum Suspension, impose any sanction, measure or make any order it thinks fit or that a Body could have imposed under these regulations
  - iii. conduct a fresh hearing of the matter; or
  - iv. remit the matter to the Body that dealt with the matter at first instance for rehearing and issue any directions or orders in relation to the rehearing of the matter that the Appeals Tribunal deems appropriate.
- (c) No Determination of the Disciplinary Committee or the General Purposes Tribunal will be quashed or held invalid by the Appeals Tribunal by reason only of any defect, irregularity, omission or other technicality, provided the Appeals Tribunal is satisfied there has not been a miscarriage of justice.
- (d) Any failure to comply with a Determination of the Appeals Tribunal is deemed to be contempt of a Tribunal and may be sanctioned pursuant to section 12.13 (Contempt against a Tribunal).
- (e) The Appeals Tribunal will use its reasonable endeavours to issue a short oral or written summary of its Determination (Preliminary Determination) within five (5) working days of the completion of any hearing. The Appeals Tribunal will use its reasonable endeavours to issue a full written Determination, with reasons for decisions (Final Determination) within twenty-one (21) working days of the completion of any hearing.
- (f) Where an appeal is upheld in whole or in part, the Appeals Tribunal shall, in its absolute discretion, determine what portion, if any, of the Appeal Fee is to be refunded to the appellant. In determining such portion, the AT shall have regard to the portion of the Appeal that was upheld and the portion that was not upheld.

### 9.5 Appeal from a General Purposes Tribunal in relation to a Grievance

- (a) No appeal can be brought from the GPT determination in relation to a Grievance (section 8.3)





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except with leave of the Appeals Tribunal granted in accordance with this section 9.5.

- (b) Any Notice of Appeal of a GPT decision in relation to a Grievance received by HFI must be referred, within seven (7) working days of receipt, to the Chairperson of the AT (or if he or she is not available to the Vice Chairperson of the AT) for the determination as to whether leave should be granted for the Appeal to proceed.
- (c) The Chairperson of the AT shall determine whether leave to appeal should be granted and the outcome of such determination will be communicated in writing to the party lodging the appeal within fourteen (14) working days of receipt of a Notice of Appeal referred under section 9.5(b),
- (d) In determining whether leave to appeal should be granted, the Chairperson of the AT shall have regard to:
  - i. the grounds of appeal set out in the Notice of Appeal
  - ii. whether any obvious error on the part of the GPT has been identified;
  - iii. the prospects of success of the appeal; and
  - iv. the nature and significance of the Grievance and the subject of the decision being appealed;
- (e) If the Chairperson of the AT decides that leave to appeal should not be granted, he/she may, in his/her absolute discretion recommend that all or part of the Appeal Fee should be refunded.
- (f) If leave to appeal is granted, an appeal lodged pursuant to this section shall proceed and be determined in the same manner as all other appeals determined by the AT.

### 9.6 Abandoned Appeals

An appellant may abandon an appeal prior to any hearing by giving written notice to HFI in which case the Application Fee may, in the Board's absolute discretion, be refunded.

## 10. NO RECOURSE TO COURTS

Any Determination by the AT will be final and binding on the parties to the appeal and no person may institute or maintain proceedings in any court of law or tribunal in relation to such Determination (other than any right of appeal to Football NSW pursuant to the Football NSW Grievance and Disciplinary Regulations).

## 11. MEDIATION

- (a) In relation to a Grievance between Members pursuant to section 8.3, HFI will require Members to attend a meeting with a representative of HFI and an independent person who shall act as a mediator for the purpose of attempting to reach agreement for the resolution of the Grievance.
- (b) Unless otherwise determined by HFI, any costs involved in the mediation, including the costs of the Mediator, shall be borne equally by the parties to the Grievance.
- (c) The mediation shall commence within fourteen (14) days after the submission of a Grievance Form.
- (d) The mediation shall be conducted on a without prejudice basis and the mediator shall have no power to impose any Suspension, decision or sanction on any of the parties.
- (e) Mediation shall continue for a period no longer than thirty (30) days.
- (f) Unless agreement has been reached within thirty (30) days of the start of the mediation, HFI will, refer the matter to the GPT in accordance with these Regulations.
- (g) Any failure by a Member to attend mediation convened in accordance with this section when reasonably requested by HFI to do and without reasonable excuse shall amount to Misconduct. The Board may refer such matters to the GPT for determination pursuant to section 8.2.



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### 12. ADMINISTRATIVE PROCEDURES OF TRIBUNALS

#### 12.1 Electronic Documents

In order to ensure the efficiency of disciplinary and conduct matters, all documents referred to in these Regulations shall be sent by email to the appropriate email address as listed in Schedule 2.

#### 12.2 Responsibility of HFI

Where a Tribunal is required to convene a hearing pursuant to sections 8 or 9, HFI shall:

- (a) set a date for the hearing;
- (b) issue a Notice of Proceedings; and
- (c) convene a Tribunal in accordance with these Regulations.

#### 12.3 Submissions by a party

- (a) For a GPT hearing, a party must provide to HFI a copy of any written submissions, materials, documents or other evidence it intends to rely on in the hearing at the time of submitting a Notice of Response. For an Appeals Tribunal hearing, a party must provide to HFI a copy of any written submissions, materials, documents or other evidence it intends to rely on in the hearing at the time of submitting a Notice of Appeal.
- (b) All written submissions, materials, documents or other evidence supplied to HFI must be sent to [office@hillsfootball.com.au](mailto:office@hillsfootball.com.au)
- (c) All written submissions, materials, documents or other evidence supplied to HFI will be provided to the other parties (including an Affected Party) involved in the hearing.

#### 12.4 Affected Party

- (a) For the purposes of these regulations, an Affected Party means:
  - i. a member who may be affected by a determination of a Body or by the outcome of a mediation based upon the relief sought by the member who has submitted a Notice of Appeal or Grievance under these Regulations but subject to section 12.4(d); and
  - ii. HFI, if the Board considers, in its absolute discretion, that the determination of a Body or the outcome of a mediation may affect the interests of football in the Hills region or it may bring the game into disrepute or damage the reputation or goodwill of the game.
- (b) Despite anything to the contrary in section 12.4(a), the victim of an incident giving rise to disciplinary charges or proceedings is not an Affected Party for the purposes of these Regulations,
- (c) A member submitting a Notice of Appeal or Grievance must state whether, in its opinion, any other Member may be an Affected Party.
- (d) The Board, a Mediator and/or a Tribunal only may determine, in their absolute discretion, whether a Member is an Affected Party and must notify that Member accordingly.
- (e) An Affected Party provided with notice under this section 12.4 may participate in the hearing and/or Mediation as an Affected Party and may make submissions and call evidence. An Affected Party is bound by any decision.
- (f) If an Affected Party provided with notice under this section 12.4 elects to not participate in a hearing and/or Mediation, that Affected Party cannot subsequently initiate a Grievance or lodge an appeal under the Regulations in relation to the same subject matter.

#### 12.5 Legal Representation



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A party (including an Affected Party) shall have the right to be represented by a lawyer at a Tribunal hearing upon giving 48 hours notice in writing of such intention and on lodgement of \$1,000 to offset possible costs to the Association. This is additional to the Appeal Fee.

### 12.6 Parent/Guardian

- (a) A party or witness who is under the age of eighteen (18) years at the date of the Tribunal hearing must be accompanied at the hearing by a parent or legal guardian.
- (b) In the case where 12.6 (a) cannot be complied with, the Club's Member Protection Information Officer (MPIO) shall be required to attend in order to act in loco parentis for the Member or Witness.
- (c) In the case of a Match Official, section 12.6(a) is taken to have been complied with if the Match Official is accompanied by a representative of Match Official's Referees Body.

### 12.7 Non-attendance

- (a) If any party or witness who has been properly notified of a hearing fails to attend a Tribunal hearing without showing sufficient cause for such failure, the hearing can proceed ex parte and the Tribunal can determine the matter in that party's absence, including as to Determination on the merits and/or sanction. An ex parte Determination of a Tribunal has the same force and effect as if it was made after a full hearing before that Tribunal.
- (b) If any party or witness that fails to attend a Tribunal hearing without reasonable excuse or sufficient cause is a Member, that Member may, at the discretion of the Tribunal, be deemed to have committed Misconduct and shall be subject to sanction under section 8.2.

### 12.8 Adjournment

A party may apply in writing to a Tribunal at least two (2) business days before the start of any Tribunal hearing to have the hearing adjourned provided there are compelling circumstances which may warrant an adjournment, including avoiding significant costs, hardship or inconvenience to the party. Any decision to adjourn a hearing will be at the absolute discretion of the Tribunal.

### 12.9 General conduct of Tribunal hearings

- (a) A Tribunal will not be bound by the rules of evidence usually applicable to proceedings in courts of law.
- (b) A Tribunal may have regard to, but will not be bound by, its previous Determinations. The GPT will be bound by Determinations of the Appeals Tribunal
- (c) All hearings must be conducted in accordance with the principles of natural justice.
- (d) A Tribunal may conduct the hearing in any manner it sees fit provided that:
  - i. the questioning of all parties is to be through the Chairperson of the tribunal;
  - ii. unless section 12.7 (Non-attendance) applies, an accused party must be present while a Tribunal receives any oral evidence against that accused.
  - iii. all parties are given a reasonable opportunity to be heard
  - iv. the hearing is conducted with as little formality and technicality and with as much expedition as proper consideration of the matters before it permits
- (e) A Tribunal is empowered to:
  - i. take evidence. The admissibility and weight to be given to any evidence in a hearing shall be at the discretion of a Tribunal;
  - ii. require the attendance of any Member or Participant to give evidence;
  - iii. require the production of any document, information or other material in whatever form



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held by any Member;

- iv. inform itself on any matter or thing in order to properly carry out its function in accordance with these Regulations.
- (f) Prior to a hearing, the General Manager will provide to a Tribunal a copy of the Participant's disciplinary history. A Tribunal must take into account the Participant's disciplinary history in determining any appropriate sanction. A Tribunal must not refer to a Participant's disciplinary history until after it has made a determination in respect of guilt.
- (g) Unless there are exceptional circumstances (to be determined by the Appeals Tribunal in its absolute discretion), in determining any appeal from a decision of the DOJ or the GPT, the Appeals Tribunal must not consider any evidence that was not before the body whose decision is being appealed.
- (h) In exercising its discretion pursuant to 12.9 (f), the Appeals Tribunal shall give due consideration to the possibility that a miscarriage of justice may eventuate if such new evidence is not considered by the Appeals Tribunal.
- (i) A Tribunal may, in the case where a Participant or Member has been found guilty of multiple offences, impose entirely cumulative or partly or wholly concurrent Suspensions. However, the overall suspension must not be less than the Minimum Suspension applicable to the most serious offence, but may be greater than the Maximum Suspension applicable to that offence.
- (j) To the extent that a matter relating to the procedures of a Tribunal is not provided for by these Regulations, the Chairperson of a Tribunal may issue appropriate directions for the conduct of any matter or hearing.

### 12.10 Disclosure of Tribunal members

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

### 12.11 Challenge of jurisdiction or of a Tribunal member

- (a) If a Member wishes to allege that a Tribunal does not have jurisdiction, it must raise this objection in its Notice of Response or Notice of Appeal. A Tribunal has the power to rule on any objection that it has no jurisdiction. In general, a Tribunal should determine any challenge concerning its jurisdiction as a preliminary question. However, a Tribunal may proceed with the hearing and rule on such an objection in its final Determination.
- (b) A Tribunal member may be challenged if circumstances exist that give rise to justifiable doubts as to his or her impartiality or independence. Such a plea must be raised in oral submissions as a preliminary question at the hearing. The Tribunal has the power to rule on this objection and, if the challenge fails, reasons must be provided in the final Determination.

### 12.12 Onus of proof

A Body shall make Determinations on the balance of probabilities. The onus or proof of an assertion lies with the person making the assertion.

### 12.13 Contempt in the face of a Tribunal

- (a) A person before a Tribunal must not:
  - i. insult a member of a Tribunal in relation to the exercise of the powers or functions of the Tribunal;
  - ii. repeatedly interrupt the proceedings of a Tribunal;
  - iii. create a disturbance or take part in creating or continuing a disturbance in or near a place where Tribunal is sitting;



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- iv. fail to comply in full with an order of the Tribunal; or
  - v. deliberately mislead a Tribunal; or
  - vi. do any other act or thing that would, if a Tribunal were a court of record, constitute a contempt of a Tribunal.
- (b) If a Tribunal considers that a person has breached this section 12.13, then it may impose sanctions as it sees fit in accordance with these Regulations.

### 12.14 Tribunal may hear proceedings regardless of related criminal or disciplinary action

A Body may issue Suspensions or make a determination whether or not a Member:

- (a) has been charged with, convicted of or sentenced for an offence arising out of the contravention;
- (b) is the subject of a pending disciplinary proceedings relating to the contravention; or
- (c) may be, or has been, subject to disciplinary action in relation to the contravention.

### 12.15 Immunity

The parties to any proceedings brought under these Regulations, and their respective witnesses, agree not to institute or maintain any proceedings, or bring any claim against HFI, a Body or member of a Body, in respect of any act or omission during the course of a hearing or arising out of any Determination or findings made.

### 12.16 Correction of a Determination

Within five (5) business days of receipt of a Determination, either party (including an Affected Party) to a hearing may submit to the General Manager a request to correct in the Determination any errors in computation, any clerical or typographical errors or any other error of a similar nature. The General Manager must forward the request forthwith to the chairperson of the Tribunal that made the Determination. If the Tribunal considers the request to be justified, it must make the correction and reissue the Determination to the parties.

### 12.17 Publication and Confidentiality

- (a) All evidence and information provided in proceedings of a Tribunal must be treated in the strictest confidence. Parties and their representatives and witnesses must not use or disclose to any third party any confidential information obtained during the course of a hearing.

### 12.18 Legal advice

A Tribunal may, in its absolute discretion, seek legal advice prior to or during any hearing and as such is entitled to adjourn the hearing and/or prior to giving its Determination.

### 12.19 HFI staff

HFI staff shall not be required to provide evidence at a hearing (whether oral or written) unless HFI is an Affected Party to a hearing and a Tribunal determines otherwise.

## 13. SUSPENSION ORDERS

### 13.1 Interim Suspension Orders

- (a) Where a Member has been charged by HFI in relation to an alleged act of Misconduct (see section 8.2) or with a criminal offence in connection with disciplinary action pursuant to these Regulations, the Board shall have the power to order that a Member be suspended, pending determination of such a matter, from all or any specific Football Activity for such period and on such terms and conditions as the Board considers fit (an “Interim Suspension Order”).
- (b) The period of an Interim Suspension Order shall not be capable of lasting beyond the date upon which any charge of Misconduct or criminal offence or other disciplinary proceedings referred to



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in section 13.1(a) above is decided or brought to an end.

### 13.2 Suspension for serious criminal charges and offences

The Board shall have the power to order that a Member be suspended from all or any specific Football Activity for such period and on such terms and conditions as it considers fit where the Member has been charged or convicted of a criminal offence and where the Executive considers there is a risk of physical harm to another Member.

### 13.3 Suspension following disqualification from working with children

Where a Member is prohibited under child protection legislation from regulated activity relating to children, the Board shall have the power to order that the individual be suspended immediately from all or any specific Football Activity for such a period and on such terms and conditions as it sees fit.

## 14. SERVING OF SUSPENSIONS

### 14.1 Suspensions to be served immediately

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

### 14.2 Club Responsibility on Suspensions

The relevant Club shall be responsible for ensuring a Member is suspended in accordance with any Notice of Suspension or Determination.

### 14.3 Fixture Suspensions and Time Suspensions generally

- (a) A Body may issue Suspensions either in terms of the number of Fixtures for which a Participant shall be suspended (**Fixture Suspension**) or the amount of time for which a Participant shall be suspended (**Time Suspension**).
- (b) Unless otherwise specified, a Suspension imposed in terms of Fixtures on a Participant in:
  - i. Winter football only affects that Participant's participation in Winter football; or
  - ii. Summer Soccer only affects that Participant's participation in Summer Soccer.
- (c) A Suspension imposed in terms of time (such as days, weeks or months) affects a Participant's participation for both that Participant's eleven-a-side and Summer Soccer, regardless of whether the infringement was committed in an eleven-a-side football or summer soccer.
- (d) Upon issuing a Time Suspension, a Body must provide a start date and end date of the Suspension.
- (e) A Participant issued with a Time Suspension shall be ineligible to participate in any Football Activity as directed in his or her Notice of Suspension or Determination and until such time as the Suspension has been served. For the avoidance of doubt, this includes participating in any HFI Competition or FNSW Competition.
- (f) A Participant who has been sent-off in any Premiership, Championship or Cup Fixture shall be suspended from participating in the next Premiership, Championship or Cup Fixture, whichever occurs first. However, a Participant shall not serve this Suspension in a Pre-Season Competition or Trial Match.
- (g) For the purposes of section 14.3(f), a Participant must serve the Suspension in his/her registered team's next match and shall not be eligible to participate in any Fixture during that round until that





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Suspension is served in full.

- (h) For the purposes of section 14.3(f), any Suspension received during a Pre-Season Competition or Trial Match (sanctioned and administered by HFI) are required to be served in that Pre-Season Competition or Trial Match in that Participant's team's next consecutive Trial Match, Pre-Season Competition Match, Premiership, Cup or Championship Fixture whichever occurs first until the Suspension is served in full.
- (i) If a Participant is currently subject to a Suspension, that Participant may participate in a Trial Match.
- (j) Should a Participant receive a Suspension in a FNSW State Cup or Champion of Champions Match that Suspension shall be served in the next consecutive Fixture, (be that a HFI or FNSW State Cup or Champion of Champions) which that Participant's team played in, until the Suspension is served in full.
- (k) Only those Matches actually played count towards the completion of any Fixture Suspension.
- (l) Notwithstanding section 14.3(k), if a Match is abandoned or forfeited pursuant to HFI Rules and Regulations then that Match can be considered in relation to serving a Suspension but only if the suspended Player's team did not contribute to the facts that led to the abandonment or forfeiture of a Match.
- (m) The Competition Director or a member of the Board appointed by the Board shall have the final decision on whether a Suspension or part thereof may be served in an abandoned or forfeited Match.

### 15. CONDUCT

#### 15.1 Insolvent conduct

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

#### 15.2 Misconduct

Misconduct shall mean any act or omission by a Member which:

- (a) constitutes a breach of the FIFA Statutes and Regulations;
- (b) constitutes a breach of the FFA Rules and Regulations;
- (c) constitutes a breach of the Laws of the Game;
- (d) constitutes a breach of a HFI Rules and Regulations (including these Regulations) unless a document contains a provision or provisions for dealing with any breach thereof;
- (e) is unsportsmanlike or unprofessional;
- (f) brings or may bring the game into Disrepute or damage the reputation and goodwill of the game; or



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- (g) in the opinion of the Board, is or may be prejudicial to the interests or reputation of either the game of football in the State, HFI or any of its sponsors.

### 16. ON-FIELD MISCONDUCT

#### 16.1 Yellow Card

- (a) A Yellow Card is issued by a Match Official to a Player due to the following cautionable offences specified at Law 12 of the Laws of the Game and shall be given as follows:

Code	Description
Y1	The player is guilty of unsporting conduct
Y2	The player shows dissent by action or word
Y3	The player persistently infringes the Laws of the Game
Y4	The player delays the restart of play
Y5	The player fails to respect the required distance when play is restarted with a corner kick, free kick or throw in
Y6	The player re-enters the field of play without the Referee's permission
Y7	The player deliberately leaves the field of play without the Referee's permission

- (b) For the avoidance of doubt, if a Player receives two (2) Yellow Cards in a Match, resulting in a Red Card Offence, then neither caution shall be considered when accumulating cautions pursuant to sections 16.2 to 16.4.

#### 16.2 Accumulation of Yellow Cards - Premiership

- (a) A player who accumulates five (5) yellow cards in the Premiership shall serve a mandatory one (1) Fixture Suspension and any player receiving seven (7) yellow cards in the Premiership shall serve a mandatory two (2) Fixture Suspension. Notification shall be given to the player's Club as soon as possible after the fourth and sixth caution is received by HFI.
- (b) A player who accumulates nine (9) or more yellow cards in the Premiership shall be referred by the General Manager to the GPT.

#### 16.3 Accumulation of Yellow Cards – Championship and Pennant Competitions

A Player who accumulates two (2) Yellow Cards in the Championship and/or Pennant rounds shall serve a mandatory one (1) Fixture Suspension. Notification shall be given to the player's Club as soon as possible after the second caution is received by HFI.

#### 16.4 Red Card Offences

- (a) Subject to section 7, a Participant who receives a Red Card must serve a mandatory one (1) Fixture Suspension.
- (b) A Red Card may be issued by a Match Official during a Match against a Participant who engages in any one of the following offences and also listed at the Table of Offences at Schedule 3 to these Regulations:
- (c) Suspensions shall be served immediately and in accordance with section 14 of these Regulations.

Code	Description
R1	Serious foul play
R2	Violent conduct





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<b>R3</b>	Spitting at an opponent or any other person
<b>R4</b>	Denying the opposing team a goal or an obvious goal-scoring opportunity by deliberately handling the ball (this does not apply to a goal-keeper within his own penalty area)
<b>R5</b>	denying an obvious goal-scoring opportunity to an opponent moving towards the player's goal by an offence punishable by a free kick or a penalty kick
<b>R6</b>	using offensive, insulting or abusive language and/or gestures
<b>R7</b>	receiving a second caution in the same match

- (d) Red Cards issued during an abandoned Match will be upheld regardless of whether the Match is replayed or not.

### 16.5 Team Misconduct

- (a) Each Club must ensure that its Participants do not engage in Team Misconduct.
- (b) A team is deemed to have committed Team Misconduct when:
- i. Five (5) or more players are shown the Yellow Card or the Red Card in one match; or
  - ii. Three (3) or more players are shown the Red Card in one match; or
  - iii. Its Participants collectively show dissent towards a Match Official or collectively seek to intimidate, threaten or exert pressure on a Match Official to make or alter a decision in a Match; or
  - iv. Its Participants engage in a melee or brawl in a Match (regardless of whether or not it is possible to identify the instigators).
- (c) For the avoidance of doubt, jurisdiction to deal with Team Misconduct as defined at 16.5 (b) i and 16.5 (b) ii lies with the Disciplinary Committee (see 7.1 (a) iii ) and sanctions for a first (1<sup>st</sup>) offence in one season and a second (2<sup>nd</sup>) offence in one season are specified in Table F of Schedule 3 of these Regulations (Table of Offences). A third (3<sup>rd</sup>) or subsequent offence by one team in the same season shall be referred by the Disciplinary Committee to the General Purposes Tribunal for determination. This section 16.5 (e) shall not prevent the DOJ from referring a first (1<sup>st</sup>) or a second (2<sup>nd</sup>) offence to the GPT where the DOJ, in its absolute discretion, considers such referral appropriate.
- (d) Any Team that engages in Team Misconduct as defined at sections 16.5 (b) iii and 16.5 (b) iv will be deemed to have committed Misconduct (section 15.2) and the Board may, in its absolute discretion, charge the Team accordingly and refer the matter to the General Purposes Tribunal for determination pursuant to section 8.2 (Charges of Misconduct and Disrepute)
- (e) In determining whether to sanction a team or club pursuant to sections 16.5 (b) iii and 16.5 (d) iv, the General Purposes Tribunal may consider any exceptional circumstances which it deems apply.
- (f) The relevant sanctions for Team Misconduct as defined at sections 16.5 (b) iii and 16.5 (b) iv are set out at Table D of Schedule 3 of these Regulations (Table of Offences).

### 16.6 Unregistered Players

- (a) Clubs must not field or list unregistered Players, including individuals playing under false or assumed identities, in any Match. Unregistered Players means those Players who have not registered with FFA and or HFI.
- (b) Any Club which fields or lists unregistered players shall be deemed to have committed Misconduct and as a result the Board may, in its absolute discretion, charge the Club and refer



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the matter to the GPT for Determination.

### 16.7 Ineligible Players

- (a) Clubs must not field or list Ineligible Players in any Match.
- (b) Any Club which fields or lists Ineligible Players shall be deemed to have committed Misconduct and as a result the Board may, in its absolute discretion, charge the Club and refer the matter to the GPT for Determination.

### 16.8 Team Officials and Club Officials

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

### 16.9 Refusal to take the field of play and mass walk-offs

Any Club which by the conduct of its Players, Team or Club Officials or Spectators caused a Match to be terminated or abandoned as a result of refusing to take the field or mass walk-offs shall be deemed to have brought the game into Disrepute and as a result the Board may, in its absolute discretion, charge a Participant or the Club itself and refer the matter to the GPT for Determination.

## 17. SOCIAL MEDIA AND DETRIMENTAL PUBLIC COMMENT

- (a) Members must not make public or media comment (including via publicly-accessible social media) which unreasonably criticizes or is detrimental to the interests of the game.
- (b) The Board may, in its absolute discretion, investigate such matters and in serious cases charge Members under these Regulations and refer the matter to the GPT for Determination.

## 18. SPECTATORS

- (a) The FFA Spectator Code of Behaviour applies to all Spectators attending any Match. The FFA Spectator Code of Behaviour is set out in Schedule 5 and forms part of these Regulations.
- (b) The GPT has jurisdiction to issue Suspensions against Spectators.
- (c) In the event of a breach of the Code, the Board may refer the matter to the GPT and seek an appropriate sanction including but not limited to excluding Spectators from all Matches within HFI's jurisdiction.
- (d) Any ban imposed by FFA or Football NSW under its applicable rules and regulations against a person may be endorsed and applied by the GPT across all HFI Matches.
- (e) Any ban imposed by a Club under its applicable rules and regulations may be endorsed and applied by the GPT across all HFI Matches.

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## SCHEDULE 1: DEFINITIONS

**“Additional Suspension”** means any Suspension in addition to a Mandatory Match Suspension;

**“Affected Party”** has the meaning given to it in section 12.4 of these Regulations;

**“Appeals Tribunal Determination or AT Determination”** means a decision or Determination made by the AT pursuant to section 9;

**“Appeals Tribunal” or “AT”** means the Body responsible for hearing and determining appeals set out in section 9;

**“Application Fee or Appeal Fee”** means the fee set out in Schedule 3 for appeals to the Appeals Tribunal;

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

**“Body”** means a body established under section 4 of these Regulations;

**“Business Days”** see “Working days”;

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

**“Championship”** means the final series conducted at the completion of the Premiership in accordance with the HFI’s Rules and Regulations;

**“Chairperson”** means a chairperson or vice-chairperson of a Tribunal appointed under Section 5;

**“Claim”** means a claim or disagreement by, against or between Members;

**“Club”** means an entity formed for the purpose of playing football or futsal in the Competitions under the jurisdiction of HFI;

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

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

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

**“Cup”** means a tournament or event conducted by HFI other than the Premiership or Championship competitions;

**“Days”** see “Working days”;

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

**“Disciplinary Committee or DOJ”** means the Body responsible to make decisions under section 7;

**“Disciplinary History”** means a Member’s disciplinary/tribunal record as held by FFA, Football NSW or HFI;

**“Disrepute”** has its meaning given to it under the FFA Code of Conduct. For the purposes of these Regulations, a reference to FFA in the FFA Code of Conduct shall also be a reference to HFI;

**“FFA”** means Football Federation Australia Limited, the governing body for football (soccer) in Australia;

**“FFA Statutes”** means the statutes and any accompanying standing orders, by-laws and regulations governing football in Australia as promulgated by FFA from time to time;

**“FFA Rules and Regulations”** means the FFA Statutes and any other rules, regulations, policies, procedures, codes of conduct and guidelines developed, promulgated and implemented by FFA;

**“FIFA”** means Federation Internationale de Football Association, its successor or assignee;

**“Fixture”** means a meeting of two (2) clubs as scheduled in all grades applicable;

**“Football Activity”** means any activity of a football nature including playing in any form of the game, taking part in organised club or team training activities, being in the Technical Area during a match, holding a team official role, holding a club official role, holding office in a Club or Association or any other activity relating or



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incidental to the objects of HFI;

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

**“General Manager”** means that person appointed by the Board to oversee the day to day operations of HFI;

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

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

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

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

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

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

**“HFI”** means Hills Football Incorporated, and where the context permits, includes the Board and/or the General Manager

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

**“Insolvency Event”** any of the following:

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

**“Laws of the Game”** means the official laws of the game of football and futsal as promulgated by FIFA;

**“Mandatory Match Suspension or MMS”** means the automatic suspension from participating in a Match that must be served in accordance with these Regulations.

**“Match”** means any match played in a HFI Competition, Cup, Premiership, other event or tournament under



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HFI's control;

**"Match Official"** means a referee, assistant referee, fourth official, referee assessor, match commissioner, any person in charge of safety. It does not include a team or club official except where that team or club official is required to perform the role of center referee in a match due to unavailability of a HFR official;

**"Match Official Report"** means either a Match Official Send Off Report or a Match Official Incident Report prepared and submitted by Match Officials to HFR and by HFR to HFI;

**"Match Official Incident Report"** means a report prepared and submitted by a Match Official to HFR and sent by HFR to HFI which sets out any incidents which occurred prior to, during or after a Match;

**"Match Official Send Off Report"** means a report prepared and submitted by a Match Official to HFR and sent by HFR to HFI which sets out any Red Card Offences that occurred during a Match;

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

**"Misconduct"** has its meaning given to it under section 15.2 of these Regulations;

**"Notice of Proceedings"** means a Notice submitted by HFI to parties subject to a hearing;

**"Notice of Suspension"** means a Notice submitted to a Member who has breached these Regulations and has been issued with a Suspension pursuant to these Regulations;

**"Notice of Suspension Served"** means a Notice submitted by a Club to notify HFI that a Member's suspension has been fully served;

**"Notice of Appeal"** means a Notice submitted by a party to HFI wishing to appeal a decision of a Body;

**"Notice of Charge"** means a Notice submitted by HFI charging a Member with Misconduct;

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

**"Notification Form"** means the prescribed form notifying HFI of a Participant's intention to not accept a Suspension issued by the DOJ;

**"Offences"** includes those offences committed by a Member set out in the Table of Offences;

**"Official"** means a Club Official, Match Official or Team Official;

**"Participant"** means a Player, Official or Spectator;

**"Player"** means any person who participates in a Match (irrespective of whether he or she is registered with FFA or HFI, or whether he or she is junior or senior);

**"Pre-Season Competition"** means Fixtures or matches played prior to the commencement of a HFI Competition;

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

**"Red Card Offence"** means one of the sending-off offences set out in section 16.4;

**"Regulations"** means these HFI Grievance and Disciplinary Regulations;

**"Season"** means from the commencement of a HFI Competition to the conclusion of a HFI Competition unless otherwise directed by HFI;

**"Shall"** pertains to an action which must take place or is mandatory

**"Should"** pertains to an action which is recommended but is not mandatory;

**"Spectator"** means a person who attends a Match;

**"State"** means the state of New South Wales

**"Suspensions"** means the prohibition of a participant from a defined range of football activities issued by a Body pursuant to these Regulations;



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“**Table of Offences**” mean the Offences as set out at Schedule 3 to these Regulations;

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

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

“**Tribunal**” means the General Purposes Tribunal or the Appeals Tribunal;

“**Vexatious Claim**” means a Claim or Complaint instituted without sufficient grounds and serving or designed only to cause annoyance to another Member;

“**Working Days**” means a day when the HFI office is normally open for business;

“**Yellow Cards**” means a caution of a Player by a Match Official for an infringement set out in section 16.1.

### SCHEDULE 2: EMAIL ADDRESSES FOR CORRESPONDENCE

Nature of matter	Email address
Notice of Mistaken Identity	office@hillsfootball.com.au
Challenge of Suspension	office@hillsfootball.com.au
Response to Notice of Charge	office@hillsfootball.com.au
Response to a referral from the DOJ to the GPT	office@hillsfootball.com.au
All other matters	office@hillsfootball.com.au

SCHEDULE 3: TABLE OF OFFENCES

HFI Grievance and Disciplinary Regulations

Send Off Code	Send Off Code Description	Send Off Sub Code	Send Sub Code Description	Minimum Sentence or Sanction	Maximum Sentence or Sanction	Severity			Aggravating Factors						Mitigating Factors (Only 1 may apply)		
						Low (Fixtures )	Moderate (Fixtures )	Severe (Fixtures )	Run to Join - From Field (Fixtures )	Run to Join - From Bench (Fixtures )	Retaliation or Deliberate (Fixtures)	Offence Against Match Official	Repeat Offence (Fixtures )	Yellow Card Average > 2 For Related Yellow Cards (Fixtures )	Clearly Accidental	Reflex	Other
R1	Serious Foul Play			1	10												
		A1	Over the Ball Tackle	1	6	1	2	3			1		1	1	(50%)	(50%)	(50%)
		A2	Violent Tackle from behind that endangers the safety of an opponent	2	7	2	3	4			1		1	1	(50%)	(50%)	(50%)
		A3	Violent Charging	2	7	2	3	4			1		1	1	(50%)	(50%)	(50%)
		A4	Rugby Tackle	3	10	3	5	7			1		1	1	(50%)	(50%)	(50%)
		A5	Other - Not definable under other sub-codes. At DoJ Discretion.	1	10						1		1	1	(50%)	(50%)	(50%)
R2	Violent Conduct			1	20												
		A1	Punching/Fighting	2	13	2	4		2	4	1	Misconduct - GPT	1	1			(50%)

					HFI Gr	Disciplinary Regulations										
		A2	Kicking	2	13	2	4	6	2	4	1	Misconduct - GPT	1	1		(50%)
		A3	Elbowing	3	16	3	6	9	2	4	1	Misconduct - GPT	1	1		(50%)
		A4	Head-Butting	4	19	4	8	12	2	4	1	Misconduct - GPT	1	1		(50%)
		A5	King Hit/Coward's Punch	4	19	4	8	12	2	4	1	Misconduct - GPT	1	1		(50%)
		A6	Other - Not definable under other sub-codes. At DoJ Discretion.	1	20				2	4	1	Misconduct - GPT	1	1		(50%)
				1	20											
R3	Spitting	A1	Spitting at Someone	3	14	0	3		3	6	1	Misconduct - GPT	3	1	(50%)	(50%)
		A2	Spitting on Someone	6	20	0		6	3	6	1	Misconduct - GPT	6	1	(50%)	(50%)
		A3	Other - Not definable under other sub-codes. At DoJ Discretion.	1	20				3	6	1	Misconduct - GPT	1	1	(50%)	(50%)
				1	4											
R4		A1		1	4				1			1	1	(50%)		



	DOGSO by deliberately handling the ball		Other - Not definable under other sub-codes. At DoJ Discretion.		HFI Gr					DS				(50%)	(50%)		
				1	4												
R5	DOGSO to an Opponent	A1	Low Seveirty DOGSO to an Opponent Offence	1	4	1					1		1	1	(50%)	(50%)	
		A2	Moderate and Severe Severity DOGSO to an Opponent Offence	R1/R2	R1/R2												
				1	28												
R6	Using offensive, insulting or abusive language and/or gestures	A1	Swearing at another person.	1	10	1	2	3					200%	1	1	(50%)	
		A2	Use of Racist or Sexual Discriminatory Language against another person	4	28	4	8	12					200%	1	1	(50%)	
		A3	Using other Discriminatory Language against another person	2	16	2	4	6					200%	1	1	(50%)	
		A4	The use of vulgar or Discriminatory body language or hand gestures	2	16	2	4	6					200%	1	1	(50%)	
		A5	Exposure, of genitals, backside or breasts	4	28	4	8	12					200%	1	1	(50%)	
		A6	Other - Not definable under other sub-codes. At DoJ Discretion.	1	28											200%	1

				1	1
R7	Second Caution	A1	Second Caution	1	1

## HFI Grievance and Disciplinary Regulations

### MISCONDUCT (See also Table F)

**Table C: This section deals with offences by all participants including spectators**

Offence Number	Description	Minimum Sanction	Maximum Sanction
<b>Misconduct (a)</b>	Unsportsmanlike or unprofessional conduct	1 Fixtures	30 Years
<b>Misconduct (b)</b>	Brings, or may bring the game into disrepute	1 Month	30 Years
<b>Misconduct (c)</b>	Engages in violent behaviour or actions	1 Month	30 Years
<b>Misconduct (d)</b>	Is improper, threatening, abusive, indecent, insulting or discriminatory, whether by word or behaviour, regarding a person's ethnic origin, colour, race, nationality, religion, sex, sexual orientation, disability or any other reason	1 Month	30 Years
<b>Misconduct (e)</b>	Knowingly or wilfully engages in the "ring-in" of a player or players in any match or plays in any match while suspended or knowingly plays a suspended player in any match	1 Month	30 Years
<b>Misconduct (f)</b>	Is disrespectful or abusive of Match Officials or of their decisions	1 Month	30 Years
<b>Misconduct (g)</b>	Takes or makes action (physical or by word) against a player or team official	1 Month	30 Years
<b>Misconduct (h)</b>	Hinders the proceedings of the DOJ or Tribunal	1 Month	30 Years
<b>Misconduct (i)</b>	Breaches any of the obligations imposed by HFI or FNSW By-Laws	1 Month	30 Years
<b>Misconduct (j)</b>	Breaches HFI's or FFA's Code of Conduct	1 Month	30 Years

## HFI Grievance and Disciplinary Regulations

**Table D: SANCTIONS IMPOSED BY A BODY AGAINST A CLUB or TEAM (See also Table F)**

Number	Type of sanction, order or measure
1	a reprimand
2	a fine or costs
3	a deduction or loss of competition points
4	a ban on the registration or transfer of any Players for a specified period of time
5	annulment of registration of a Player
6	suspension from participation in a Match, Fixture, event, tournament or Competition
7	exclusion, suspension or expulsion from a Competition
8	a ban on playing in a particular stadium
9	annulment of the result of the Match
10	relegation to a lower division
11	with the exception of suspended sentences, such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes, FFA Rules and Regulations and HFI Rules and Regulations.

## HFI Grievance and Disciplinary Regulations

**Table E: SANCTIONS IMPOSED BY A BODY AGAINST A PARTICIPANT**

Number	Type of sanction, order or measure
1	a reprimand
2	requiring the return of an award
3	a deduction or loss of competition points
4	a ban on the registration or transfer of any Players for a specified period of time
5	annulment of registration of a Player
6	Fixture Suspension or Time Suspension pursuant to section 14
7	exclusion, suspension or expulsion from a Competition
8	termination of registration or playing contract
9	a ban from the dressing rooms and/or the substitutes' bench or entering a stadium
10	with the exception of suspended sentences, such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes, FFA Rules and Regulations and HFI Rules and Regulations.

**Table F: SANCTIONS IMPOSED BY A BODY AGAINST A TEAM PURSUANT TO SECTION 16.5 (a) i and 16.5 (a) ii**

	Type of sanction, order or measure
<b>First offence in the season</b>	A reprimand
<b>Second offence in the season</b>	Deduction of 2 competition points
<b>Subsequent offence in the season</b>	To be referred to the General Purposes Tribunal for Determination

## HFI Grievance and Disciplinary Regulations

### SCHEDULE 4: APPLICATION / APPEAL FEE

#### Appeals Tribunal (Section 9)

Nature of matter	Fee
Appeal Fee from a final decision of the DOJ or GPT	\$250 (\$100 of which is not refundable)

### SCHEDULE 5: FFA SPECTATOR CODE OF BEHAVIOUR

SEE HFI WEBSITE UNDER GENERAL INFORMATION "CODE OF CONDUCT"