

Glenmore Park Football Club



By-Laws & Regulations

December 2016

Version	Date of change	Reason for change
V2016-1	12/12/2016	Introduction of by-laws



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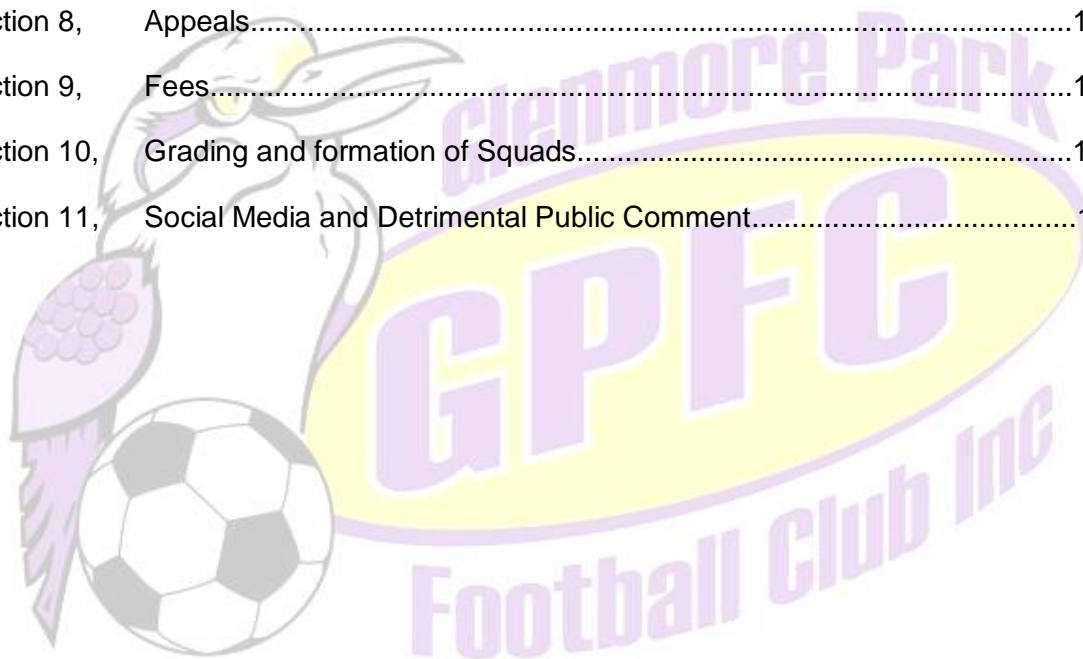
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Section 1

- 1) Commencement and application
- 1.1 These by-laws and regulations are effective as from 12th December, 2016 subject to such alterations, addition or deletion as made time to time by the committee of Glenmore Park Football Club (GPFC) pursuant to its constitution.

Section 2

- 2) The words in bold shall in these by-laws and regulations mean;
 - a) **Appellant**
means the party appealing a determination at first instance
 - b) **Away Club**
means the Club not playing the match as its home game
 - c) **NFA**
means the Nepean Football Association
 - d) **Club member**
means those admitted as club members under the constitution of GPFC
 - e) **Committee**
means the elected Management Committee of GPFC
 - f) **Competition**
means any competition sanctioned by NFA or Football NSW, whether played during the regular season or pre-season.
 - g) **Complaint**
means a breach of GPFC constitution, by-laws or regulations or grievance relating to a football activity
 - h) **Constitution**
means where the context permits the constitution of GPFC, NFA, Football NSW or other member clubs of NFA.
 - i) **Officials**
means the committee of GPFC and where the context permits those delegated authority of the committee.
 - j) **Costs**
means fees and expenses of any nature incurred in proceedings
 - k) **Delegate**
means the duly appointed representative of the committee
 - l) **Executive Committee**
consists of the President, Vice President, Secretary, Competition Secretary & Treasurer
 - m) **Document**
means any written material in whatever form it is produced.
 - n) **Game official**
Means coach, manager or marshal.
 - o) **FFA**
means the Football Federation of Australia

- p) **Field of Play**
means where the game was played
- q) **Financial Default**
means the non-payment by a member of any monies due and payable to GPFC after the date when such monies were due and payable
- r) **FNSW**
means Football NSW
- s) **MFC**
Means the My Football Club software program used by FNSW, NFA and GPFC to register their coaches, managers, players, committee members and volunteers.
- t) **Official**
means a member of the elected committee
- u) **Participant**
means player
- v) **Spectator**
means a person who attends a football activity

Section 3

3) Admission to membership

- 3.1 Admission as a member shall be conditional on registering as a player, coach or manager through the 'My Football Club' program.
- 3.2 If the registered player is under 18 years old, the membership will flow to the parent or guardian who has registered the minor.
- 3.3 Admission in any year shall not constitute a right or privilege to be admitted in any subsequent year.
- 3.4 The application made via MFC shall contain a provision, for the member to be bound and comply with;
 - a) The constitution
 - b) By laws and regulations
 - c) Policies ,directions of the officials or the committee
 - d) The laws of the Game
 - e) The constitution, by laws and regulations of GPFC
 - f) Any alteration, revocation or addition to any of the above made from time to time.
 - g) Will adhere to policies as set down by NFA, Football NSW and FFA.
 - h) Warrants that each of its participants prior to registration has read and understands the constitution, by laws and regulations, direction of officials and/or the committee, and is bound to the jurisdiction of GPFC, NFA & Football NSW.
 - i) The member shall submit exclusively to the jurisdiction of a commission, tribunal or panel of investigation into a complaint between members of GPFC.
 - j) For internal matters between GPFC members, the appellant has the right to appeal a decision.
 - k) At the conclusion of the appeal, the member agrees they have no further rights of appeal to any outside body.
 - l) All members when playing must wear the club's playing strip as determined by the committee at all times.

3.5 Life Membership

- a) Appointment will be conferred by recommendation to a AGM by the general committee pursuant to GPFC constitution
- b) is not transferable
- c) the recipient is bound by the rights and privileges of GPFC constitution
- d) Will be supplied a free ticket to the yearly senior presentation for as long as they retain life membership
- e) If the life member is no longer registered via MFC and involved with GPFC, it is the onus of the life member to keep contact details current with the Club Secretary for the purpose of notices of AGM, SGM and invitations to club functions.
- f) If the life member is a member of the committee, who is entitled to a free ticket to the annual senior presentation, they will be able to transfer the value of the ticket to the following year's registration as a player.
- g) If the life member does not attend the senior presentation or intent to register as a player in the following year the value of the ticket may be transferred to the registration of the following;
 - a. Wife or husband
 - b. dependants

Section 4

4) Power to Make Regulations

- 4.1 The committee shall make such regulations, standing orders and membership conditions as it deems necessary in respect of any matter arising from or incidental to the implementation of these by laws or regulations.
- 4.2 The power to make regulations, standing orders includes the power to amend delete or add to regulations, standing orders.

Section 5

5) Committees, Commissions and Tribunals

Authority to establish

- 5.1 The general committee will be established by members elected at the AGM
 - a) A casual vacancy will be filled by virtue of section 17.1 of the constitution
 - b) The general committee will meet at times decided by the committee
 - c) The general committee may establish such commissions and tribunal as it may from time to time determine and designate to each of them their respective functions and powers.
 - d) The committee shall appoint the chairman.

Disciplinary Tribunal

- 5.3 A disciplinary tribunal (DT) shall investigate and determine
- a) Any offence on the field of play or in attendance to any game in a team from GPFC participates
 - b) Impose any sanction provided for by the Laws of the Game and/or the by-laws made pursuant to these By Laws and regulations
- 5.4 The practice and procedure in Section 7 shall apply to the DT.
- 5.5 Legal representation is not allowed.
- 5.6 If a member as described in section 3 is under the age of 18 years of age at the time of appearing before the DT, they must be accompanied by a responsible person over the age of 18 years of old.
- 5.7 A member as described in section 3 appearing before the DT as a defendant are allowed to bring a support person to the DT.
- a) The support person must be an observer of the proceedings only
 - b) The support person cannot cross examine or interfere with the proceedings as described in 5.8.

Contempt in the face of a tribunal

- 5.8 A person must not;
- a) Insult a member of a tribunal in or in relation to the exercise of the powers or functions as a member of the tribunal
 - b) Repeatedly interrupt the proceedings of a tribunal
 - c) Create a disturbance or take part in creating or continuing a disturbance in or near a place where a tribunal is sitting
 - d) Obstruct or hinder the tribunal or a member in the performance of the functions of the tribunal
 - e) Fail to comply in full with the order of the tribunal
 - f) Does any other act or thing that would, of a tribunal were a court of record constitute a contempt of court.
- 5.9 Upon a finding of a breach of one of the above, the tribunal may refer the conduct to the general committee seeking an order for;
- a) Payment by a person of the hiring of the facilities in each the tribunal was held
 - b) Suspend membership privileges
 - c) Suspend the member from playing for a period of time
 - d) Suspend the member from performing the functions of coach, manager or marshal.
 - e) Expulsion of any member from membership of GPFC.

Section 6

- 6 Appointment of members to commission or tribunal
- 6.1 The DT members shall
- a) Be appointed by the executive committee
 - b) Consist of at least 3 persons each of whom are independent and at arm's length with any party to the proceedings before the commission or tribunal
- 6.2 The general committee shall appoint the chairman of the DT.

Section 7

7. Procedural by-laws during proceedings

Application

- 7.1 The following by-laws shall apply in all proceedings
- a) A reference to commission/tribunal shall mean any tribunal or like body established as per section 6.1 to determine complaints and disputes.

Service

- 7.2 It shall be sufficient service of any notice, if served by email at the last known address contained within the records of MFC as accessed from time to time by GPFC. If the notice is directed to be served at another email address, there must be evidence of service at the email address by the recipient.
- 7.3 The commission or tribunal hearing the matter shall determine whether there has been effective service of any notice.
- 7.4 If the person fails to respond to the notice, the commission or tribunal shall determine the matter in absentia.
- 7.5 An determination in absentia has the force and effect as if the determination was made after a full hearing before the commission or tribunal.

Warning Notice

- 7.6 A notice must contain the full text of by-laws 7.4 and 7.5 in the form of a warning as to the consequence of failing to respond to the notice.

Commencement of Proceedings

- 7.7 Initiating notices to be used pursuant to these by-laws
- a) *Notice of complaint* - to initiate any complaint as a result of a breach of the constitution, by-laws, regulations, policies or directions of GPFC.

- b) *Notice of costs* - details the costs, expenses and fees of the commission or tribunal including for each hearing session until completion of the proceedings.
- c) *Notice of dispute* - to initiate a complaint of a dispute between members, persons covered by the jurisdiction of GPFC.
- d) *Notice to attend* - to require the attendance of any person and to give evidence
- e) *Notice to produce* - requires the production of any documentation, information or material in whatever form it is held.
- f) *General Notice* - for the doing of anything not covered by the notices above.
- g) *Notice of appeal* - to initiate an appeal from a determination at first instance.
- h) *Notice of response* - response to the initiating notice whether to admit, deny or counterclaim or object to the doing of anything in the initiating notice.

7.8 A respondent must file notice of response within four (4) business days of service of the initiating notice.

7.9 The commission or tribunal may determine any proceedings in absentia where notice of response has not been received by the Club Secretary within the prescribed time.

Particulars in notice

7.10 A complaint or dispute shall be commenced by an initiating notice which shall contain;

- a) Name of the party against whom the initiating notice is brought
- b) Name of the party issuing the notice, in all cases this will be GPFC on behalf of the complainant
- c) Particulars of the complaint or dispute including any by-laws or by-laws pursuant to which it is made
- d) The time, date and email address where the initiating notice will be returned.

7.11 A notice of dispute may be issued by any member or GPFC.

7.12 A notice of complaint may contain more than one complaint.

7.13 A commission or tribunal may direct the issue of notice to attend, notice to produce or general notice against GPFC or any party at any time during the course of the proceedings.

7.14 Where an initiating notice has been issued or served against a party, that party must lodge with the committee a notice of response.

7.15 The admissibility and weight to be given to evidence including electronic, audio, visual material, i.e. video, DVD recordings in the proceedings shall be at the discretion of the commission or tribunal.

7.16 A commission or tribunal is not bound by the Laws of Evidence applicable to proceedings in a court of Law.

7.17 All proceedings shall be conducted in accordance with the principles of natural justice.

- 7.18 The commission or tribunal must have prior to commencing proceedings the initiating notice and notice of response together with all documents as relate to the evidence in the proceedings
- 7.19 A party to any proceedings must, except if otherwise directed by the committee no later than three (3) days prior to the return date of an initiating notice, be served with all evidence of the other party including written statements of witnesses to be called, documents and any audio or visual evidence upon which a party intends to rely in the proceedings.
- 7.20 If there is non-compliance with 7.19, such evidence is not admissible in the proceedings without leave of the commission or tribunal.
- 7.21 Leave shall only be given if the party satisfies the commission or tribunal that the evidence it seeks to tender was not reasonably available to the party in order for the party to have complied with 7.19
- 7.22 The commission or tribunal may disallow cross-examination of any party to the proceedings if it considers the cross-examination to be frivolous, vexatious, and irrelevant, an unnecessary or of little probative value.

Time to do Anything

- 7.23 The Committee, commission or tribunal may shorten or extend a time under these by-laws.
- 7.24 If a by-law or order requires a party to do anything but does not specify a time, it must be done as soon as practicable.
- 7.25 Powers of the commission or tribunal
- a) To conduct its meeting as such time, date and place as it may determine
 - b) To take evidence
 - c) To require the attendance of any party, member or participant to give evidence
 - d) To require the production of any document, information or other material in whatever
 - e) Where the party, member or participate are required to give evidence and/or produce information or other material refuses or fails to attend and give evidence the commission or tribunal shall request the club committee to suspend the party from competition or membership privileges of GPFC until lifting of the suspension
 - f) To inform itself on any matter or thing in order to properly carry out its function.

Determination

- 7.26 The determination of any commission or tribunal shall be in accordance with the majority opinion and if equally divided the Chairman's determination shall prevail.

Onus of Proof

- 7.27 A commission or tribunal shall take determinations on the balance of probabilities

Dispute on Jurisdiction

- 7.28 Any dispute as to power or jurisdiction of a commission or tribunal shall be made to the Club Committee whose determination of the dispute shall be final and binding and without recourse to GPFC appeal tribunal or any other body.

Reporting of Determination

- 7.29 The Chairman of the commission or tribunal shall, to its terms of reference, email a report of its findings to the party of;

- a) Its determination including and not limited by suspensions, fines or expulsion from GPFC
- b) Any right of appeal

- 7.30 The determination shall be in a form of an email with regard to by-law 7.2

Notice of Costs and Payment of Costs

- 7.31 The commission or tribunal has the power to issue a notice of costs to each party in the proceedings.

- 7.32 A copy of the notice of costs is to be signed by each of the parties to the proceedings as acknowledgement and agreement to be bound to comply with any order as to costs of the proceedings.

- 7.33 Where an order for payment of costs is made against a party and payment is not made within 30 days of the determination of the proceedings, then the non-payment shall be deemed a financial default under these by-laws.

- 7.34 Where the convening of a commission or tribunal will subject GPFC to costs or expenses, then the unsuccessful party or the party against whom the complaint has been proven shall pay the costs and expenses.

- 7.35 Representation at a commission or tribunal, during proceedings;

- a) A party shall attend in person
- b) A party will be accompanied by a parent or guardian if under the age of 18
 - i) the parent or guardian is viewed as a support person and not to participate in cross examination or questioning the commission or tribunal during proceedings
- c) GPFC may appoint counsel to assist the commission or tribunal in the conduct of its proceedings
- d) The function of counsel assisting the commission or tribunal is to assist the commission or tribunal in the discharge of its functions including but not limited to advising on any procedural or evidential matter in dispute.

Determinations binding on parties

- 7.36 Subject only to rights of appeal as set out in these by-laws, all determinations at first instance of a commission or tribunal are binding on the parties to the determination including GPFC.

- 7.37 Determinations will take immediate effect upon emailing of the party with regard to by-law 7.2.
- 7.38 The Club committee may by-pass referral of any complaint or dispute to the commission or tribunal and refer it directly to NFA for determination in accordance with NFA grievance procedure.
- 7.39 The Club Secretary must maintain a register of all determinations.

Section 8 Appeals

Appeal Tribunals

- 8.1 Members of the appeal tribunal will be appointed with regard to by-law 6.1
- 8.2 No person on the appeal tribunal may hear any appeal if that person was involved in the determination at first instance.

Right of Appeal

- 8.3 Any party including GPFC to the proceedings of the determination at first instance has the right of appeal.
- 8.4 All appeals from the determination at first instance shall be made to the Club Secretary
- 8.5 No appeal will be heard relating to a penalty imposed for breach of the laws of the game.

Power of Appeal Tribunal

- 8.6 The Appeal Tribunal may;
- Dismiss, allow in whole or part, or vary (whether by way of reduction or increase) any determination at first instance
 - Impose any sanction or make any order or determination that the determination at first instance could have imposed or made.
 - The determination of the appeal tribunal is final, no further appeal can be lodged with NFA, Football NSW, FFA or outside body.

Grounds of Appeal

- 8.7 An appeal from any determination at first instance shall only be made on the following grounds;
- Failure to afford procedural fairness
 - Lack of jurisdiction
 - Insufficient evidence
 - Severity of penalty

Determination

8.8 The determination of any commission or tribunal shall be in accordance in the majority opinion and if squally divided the Chairman's determination shall prevail.

Notices

8.9 A notice of appeal shall be lodged with the Club Secretary in writing setting out the grounds and particulars within the prescribed time.

8.10 If so prescribed a fee shall accompany the appeal.

Prescribed time to lodge of appeal

8.11 A notice of appeal from a commission or tribunal or any other like committee or tribunal established under these by-laws or authority of GPFC must be lodged with the Club Secretary, within seven (7) days of the date of notification, with regard to by-law 6.1.

8.12 For the purpose of this by-law, notification of the determination at first instance is deemed to have occurred when the determination at first instance is served on the appellant, with regard to by-law 6.1.

8.13 If notice of appeal is not lodged within the prescribed time, the appeal tribunal may dismiss the appeal.

Legal Presentation

8.14 An appellant may not be represented by a legal representative before the appeal tribunal

Determination under Appeal

8.15 Pending final determination of an appeal, the determination at first instance shall be given effect unless the Appeal Tribunal makes an interim determination to the contrary.

Section 9 Fines

9.1 It is at the discretion of the committee to pass onto any player or group of players fines incurred by the club while participating in any game. This also includes but is not limited to coaches, managers, marshals or anybody who attends a game.

9.2 All members have the access to the rights of appeal under section 8.7

Section 10 Grading and formation of Squads

- 10.1 Glenmore Park FC is committed to ensuring that all members have a positive and enjoyable experience through all aspects of their membership with the club.
- 10.2 Under 12 and above are competitive and play in graded divisions. Date for trials in each age group Under 12 and above will be advised via the clubs website and facebook. Only players wishing to play in the top division team should attend the trials.
- 10.3 GPFC will hold open trials for players striving to be in the highest possible division teams, (for each age group from Under 12 up). If sufficient numbers trial showing sufficient skills then more than one team may be graded in an age group. If insufficient players elect to trial, then teams as appropriate may be created. Players not trialling or those that are unsuccessful will be allowed to nominate a preference for which other team or groups of players they wish to play with.
- 10.4 Selections will be made in each age group by a panel appointed by the committee to conduct such trial. The trial shall be conducted so as to competitively assess the skills and potential of each candidate. In assessing candidates player assessments from the preceding season may be taken into account and preference should be given to candidates trialling within their correct age group.
- 10.5 At conclusion of the trials players will be advised by using a numbering system as directed by the committee on the clubs website, and have the option to accept a position if selected. The offer will stand firm for a period of time as directed by the executive committee. Should a player not accept an offer of a position than an alternate player may be offered the position in the team.
- 10.6 Players wishing to play in lower division teams are not graded individually and may elect to nominate to play with a specific other player or group of players. GPFC will where possible form teams in line with these groups and place them in divisions appropriate to the overall skill of the team. However, GPFC reserves the right to place players into teams that allow for an appropriate number of teams in an age group to cater for the number of players registered in the age group to be included in a team.
- 10.7 Under 5, through to U10 are non competitive and are not graded.
- 10.8 Under 11 is non-competitive but will conduct trials regardless to align players with similar skills in squads.
- 10.9 At the conclusion of the winter competition run by NFA, the winner of each division 1 competition may be offered placement in the champions of champions competition.

- (a) The committee will approve the invitation of the GPFC division one team before forwarding onto NFA.
- (b) The committee will approve all nominated members of the squad with preference to established members who had participated in the initial trialling process at the beginning of the year.

10.10 Any GPFC squad who wish to participate in an external competition not run by NFA will apply in writing to the committee for permission. The following criteria will be used, but not limited to;

- (a) The competition must be endorsed by NFA, FNSW or FFA.
- (b) The committee will review the commitment and its affect on NFA run competitions.
- (c) The cost of admission
- (d) Any financial burden which may be placed on GPFC
- (e) The members of the squad intending to participate.

Section 11 Social Media and Detrimental Public Comment

11.1 Without limiting the Football NSW Social Media Policy (adopted on 30th August, 2012) or FFA Rules and Regulations, members and players must not make public or media comment (including via social media), which is detrimental to the interests of the game or GPFC and its committee or other members.

11.2 Without limitation, members and players who breach these regulations and be deemed to be making comment detrimental to the interests of the game if in making any public or media comment if it;

- a) Denigrates or criticises another member, whether in relation to incidents that have occurred in a match or otherwise
- b) Denigrates or criticises NFA, FNSW or FFA or its commercial partners
- c) Denigrates or criticises a participant by inappropriately commenting on any aspect of his or her performance, abilities or characteristics
- d) Comments on the likely outcome of a hearing or any matter before the committee
- e) Criticises any evidence, submission or other comment made by any person at a hearing.

11.3 GPFC committee may in its absolute discretion investigate such matters and charge members under these regulations and refer the matter to a disciplinary committee.