



Touch Football Australia

Disciplinary Regulations for Touch Football



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TERMINOLOGY AND DEFINITIONS

The Touch Football Disciplinary Regulations use the following terminology and definitions:

- **Affiliate** means a local entity that conducts or administers Touch Football competitions and which is a Member of Touch Football Australia as described under clauses 6 and 10 of the Constitution.
- **Appeals Officer** is appointed under Regulation 21(c) and is responsible for the receipt of appeals under the Disciplinary Regulations and handling administrative matters on behalf of the Appeal Panel
- **Appeal Hearing** means an internal appeal tribunal hearing conducted under Part 5.
- **Appeal Chair** means the chair of the internal Appeal Panel.
- **Appeal Panel** means an internal appeal tribunal panel appointed under Regulation 23(a) comprised of an Appeal Chair and 2 other members.
- **CDDP** means the TFA Complaints, Disputes & Discipline Policy adopted under the NIF, which applies for the handling and resolution of complaints regarding prohibited conduct under the NIF.
- **Constitution** means the Constitution of Touch Football Australia.
- **Chair** means the chair of the Panel.
- **Early Guilty Plea Framework** means the process set out in Regulation 13
- **Hearing** means a disciplinary tribunal hearing conducted under Part 3.
- **Hearings Officer** is appointed under Regulation 11(a) and is responsible for the receipt of reports made under the Disciplinary Regulations and handling administrative matters on behalf the Hearing Panel.
- **Individual Member** means a natural person who is a registered financial member of Touch Football Australia, NSWTA, QTA and/or an Affiliate and includes Participants.
- **Member** means a member of Touch Football Australia under clause 6 of the Constitution.
- **NIF** means TFA's National Integrity Framework, including the integrity policies adopted under that Framework, which is one of TFA's responses to the threats to the integrity of Touch Football.
- **NIF Alleged Breach** means an Alleged Breach as defined in the CDDP, which is an allegation or information that a person bound by the NIF has breached the NIF.
- **NST** means the National Sports Tribunal, as established under the NST Legislation.
- **NST Eligible Matter** means a Panel decision under these Disciplinary Regulations that is within the jurisdiction of the NST appeals division (refer Annexure B).

- **NST Excluded Matter** means a Panel decision under these Disciplinary Regulations that is excluded from the jurisdiction of the NST appeals division (refer Annexure B).
- **NST Legislation** means all the legislation and legislative instruments establishing and governing the NST.
- **NSWTA** means the New South Wales Touch Association Inc.
- **Objects** mean the Objects of Touch Football Australia in clause 3 of the Constitution.
- **Panel** means a disciplinary tribunal panel appointed under Regulation 4 comprised of a Chair and two (2) other members.
- **Participant** means a person who participates, including but not only as officials, coaches, players or referees, in a Touch Football competition organised, controlled or sanctioned by Touch Football Australia, an Affiliate, NSWTA or QTA.
- **QTA** means the Queensland Touch Association Inc.
- **TFA Authority** means an Affiliate, NSWTA, QTA or TFA as set out in Regulation 3(c) .
- **Touch Football** means the sport or game played under the rules determined or adopted from time to time by Touch Football Australia.



INTRODUCTION

The purpose of this document is to provide for our members a guide to using the Disciplinary Regulations for Touch Football (Disciplinary Regulations). The Disciplinary Regulations outlines, the foundation of how unacceptable conduct is managed within the sport. It illustrates our member's responsibilities, it emphasises the significance of our dedicated staff and volunteers, and it helps members to deal with unacceptable behaviour.

The Disciplinary Regulations are the formal framework that is provided to members to assist them to deal with unacceptable behaviour. Where incidents are of a non-serious nature or prior to it escalating into a major issue, TFA Authorities are encouraged to proactively manage behaviour as it lessens the impact later and saves valuable volunteer time.

Where a person is alleged to have committed a NIF Alleged Breach, that NIF Alleged Breach will be dealt with exclusively under the NIF and the CDDP, and not these Disciplinary Regulations, unless the exception in Regulation 3(d) applies.

ENGAGING SUITABLY QUALIFIED OR EXPERIENCED PEOPLE

To assist the process of using the Disciplinary Regulations, it helps to engage suitably qualified or experienced adults to sit on the Panel or Appeal Panel. It can be helpful if the Chair and Appeal Chair have legal expertise or qualifications as the Regulations contain processes which must be followed. If the TFA Authority does not have access to suitably qualified individuals, the Chair or Appeal Chair may be the President/Chair of the TFA Authority (or duly appointed representative).

Each TFA Authority, must appoint either a Hearings Officer or an Appeals Officer who will carry out the duties and administration requirements of the Regulations. Unless another person is appointed to this role, the Hearings Officer shall be the Secretary of the TFA Authority.

It is Touch Football Australia's intention that all disciplinary processes are conducted without involving lawyers (and legal costs). Therefore, the Disciplinary Regulations state that legal representation is not permitted.

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

APPLYING NATURAL JUSTICE AND THE BALANCE OF PROBABILITIES

Natural justice, also known as procedural fairness, is a requirement of a fair disciplinary process. Failure to provide natural justice to the person appearing before the Hearing may provide them with a reason to challenge the findings of the Panel.

Natural justice (or procedural fairness) requires:

- Ensuring that the person has the right to be heard and that they are provided with and have the right to respond to, any information presented or considered in reaching a decision;
- Ensuring that any decision made is free from bias; and

- Ensuring that any decision is made after a reasonable investigation into the issue has been conducted and relevant evidence considered.

Following these principles will assist in ensuring that any decisions made are thorough, fair and reasonable. A Panel, an Appeal Panel, or the NST, must be satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not).

EARLY GUILTY PLEA FRAMEWORK

The Early Guilty Plea Framework is to aid in streamlining and limiting the number of Hearings that are required to be held by TFA Authorities. This allows a person who has been charged under the Disciplinary Regulations to accept the charge and penalty offered to them. If they choose to challenge the charge and request a Hearing, the minimum penalty that could be imposed by the Panel is greater than the penalty offered under the Early Guilty Plea Framework (see Regulation 14).

JURISDICTION AND ESTABLISHMENT OF PANELS

1. Introduction

- (a) These Disciplinary Regulations deal with offences and disputes which may arise in the conduct of Touch Football programs, competitions and events organised, controlled or sanctioned by TFA or its Members.
- (b) These Disciplinary Regulations do not normally apply to NIF Alleged Breaches, which are dealt with under the NIF CDDP, subject to Regulation 3(d).
- (c) These Disciplinary Regulations are deemed to bind and apply to all Affiliates, members of NSWTA and QTA, clubs, Individual Members of TFA and Participants.
- (d) Each TFA Authority has the power to commence investigatory and/or disciplinary proceedings against a member of that organisation or participant in its activities/competitions.
- (e) Words and phrases in the Constitution of TFA have the same meaning in these Disciplinary Regulations and these Disciplinary Regulations are to be read in conjunction with (and subject to) the Constitution.

2. Adoption of these Regulations

Under rule 14.1 of the Constitution all Members of TFA are subject to, and submit unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of TFA. Under rule 27.1 of the Constitution, the Board may make Regulations for sport of Touch Football. These Disciplinary Regulations are made by the Board under rule 27.1 and in accordance with rule 14.1 of the Constitution.

3. Authority of a Panel

- (a) TFA has the right to delegate the power of investigating or determining charges against a Member to a Panel which is established by these Disciplinary Regulations.
- (b) It is an offence for any person to:



- (i) breach, fail, refuse or neglect to comply with a provision of:
 - (A) the Constitution (as amended from time to time);
 - (B) the Regulations (as amended from time to time);
 - (C) the TFA Code of Conduct (as amended from time to time);
 - (D) the Touch Football Rules (as amended from time to time); or
 - (E) any other resolution or determination of the Board or duly authorised commission or committee, excluding the NIF;
 - (ii) act in a manner unbecoming of a Member or prejudicial to the Objects or the interests of TFA and/or Touch Football; or
 - (iii) bring TFA or Touch Football into disrepute.
- (c) Where a person is alleged to have committed an offence as set out in Regulation 3(b) an:
- (i) Affiliate (in relation to individual participants, teams or clubs participating in competitions conducted or administered by that Affiliate);
 - (ii) NSWTA or other authority determined by NSWTA (in relation to individual members of NSWTA or individuals, teams or clubs participating in competitions conducted, administered or authorised by NSWTA);
 - (iii) QTA or other authority determined by QTA (in relation to individual members of QTA or individuals, teams or clubs participating in competitions conducted, administered or authorised by QTA); or
 - (iv) TFA,
- (each to be known as a "TFA Authority" for the purposes of these Disciplinary Regulations) may commence or cause to be commenced investigatory and/or disciplinary proceedings against that person, and that person will be subject to and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms set out in these Disciplinary Regulations.
- (d) Where a person is alleged to have committed a NIF Alleged Breach, that NIF Alleged Breach will be dealt with exclusively under the NIF and the CDDP, and not these Disciplinary Regulations, unless:
- (i) the NIF Alleged Breach relates to conduct that allegedly breaches the NIF and also allegedly constitutes an offence as set out in Regulation 3(b); and
 - (ii) Sport Integrity Australia makes a risk assessment under clause 5.1(e) of the CDDP and refers the matter to TFA or other applicable TFA Authority under clause 5.1(f) of the CDDP,

in which case the NIF Alleged Breach constitutes an alleged offence as set out in Regulation 3(b) for the purposes of Regulation 3(c) above and will be dealt with under these Disciplinary Regulations.

- (e) Where a matter arises that is to be dealt with under these Disciplinary Regulations it shall be dealt with at first instance by the relevant Affiliate, NSWTA member or QTA member in which the incident occurred. Where an Affiliate, NSWTA member or QTA member has not acted in accordance with these Disciplinary Regulations a matter may be dealt with by NSWTA or QTA (i.e. the body responsible for Touch Football where the incident took place) or TFA.
- (f) A Panel shall have power to suspend, disqualify, reprimand, fine, bond, ban, deduct competition points or otherwise deal with any person involved with Touch Football (including, but not limited to, teams, clubs, players, coaches, spectators, team/club officials and association officials) in accordance with these Disciplinary Regulations, regarding any incident arising from an activity conducted by a TFA Authority. The incident may have occurred before, during or after the conduct of the activity, within the confines of the field, activity or venue or its immediate surrounds, or elsewhere if directly related to a Touch Football activity of any sort.
- (g) A Panel may also deal with any other disciplinary matter delegated to it for adjudication by a TFA Authority.
- (h) A Panel must act independently and impartially in carrying out its duties in accordance with these Disciplinary Regulations.

4. Membership of a Panel

- (a) A Panel shall be appointed by a TFA Authority from time to time and shall comprise the following persons:
 - (i) a Chair who shall be a person of experience and skills suitable to the function of chairing a Panel at the Hearing and discharging the responsibilities set out under Regulation 5; and
 - (ii) two additional Panel members.
- (b) The TFA Authority may seek assistance from TFA, NSWTA or QTA to identify an appropriate person(s) to fill the position of Chair or other Panel members.
- (c) A Panel member may hold another position within the TFA Authority, or a club or team affiliated with the TFA Authority.
- (d) The Hearings Officer is not permitted to be appointed to the Panel.
- (e) No Panel decision shall be invalidated by any irregularity in the appointment of a Panel member.

5. Responsibilities of the Chair



Without limiting the duties of a Chair as set out under these Disciplinary Regulations, a person appointed to the position of Chair has the following responsibilities:

- (a) Consider and provide an initial assessment of whether a Panel should be convened to conduct a Hearing based on the report referred to them by the Hearings Officer, including whether a penalty should be offered under the Early Guilty Plea Framework.
- (b) Ensure accurate records are kept of all proceedings and decisions made by a Panel at a Hearing and of any penalties imposed under the Early Guilty Plea Framework.
- (c) Communicate to the board (or committee of management) or competition operator of the TFA Authority:
 - (i) any penalties imposed under the Early Guilty Plea Framework; and/or
 - (ii) the results of any Hearing,and provide a copy of records to the TFA Authority within three (3) business days.
- (d) Chair any Hearings conducted by the Panel.
- (e) Raise with any proposed Panel member any potential or possible conflict of interest which may arise from time to time.

6. Records

The Chair must use the form provided in Annexure A to keep a record of:

- (a) any penalty offered and accepted under the Early Guilty Plea Framework; and/or
- (b) any Hearing proceedings and decisions.

7. Convening Hearings

- (a) A Panel will be convened to conduct a Hearing regarding charges arising from a Match or incident as soon as is practicable, preferably prior to the next round of matches occurring (where relevant).
- (b) A notification of persons charged under these Disciplinary Regulations must include details of the day, time and place of the Hearing at which the charge will be heard in accordance with these Disciplinary Regulations and must be provided at least two (2) business days prior to such hearing, unless otherwise agreed.

REPORTS AND NOTIFICATIONS

8. Reports by Officials

- (a) Reports
 - (i) Any TFA Authority official (who has been so empowered by the TFA Authority) shall be entitled to report any person, team or club which, in the opinion of the official has committed an offence under Regulation 3(b).



- (ii) The officials empowered by the TFA Authority in Regulation 8(a)(i) include, but are not limited to, the referees/umpires and association officials.
 - (iii) Where any other person makes a report regarding the conduct of another person at a relevant Touch Football activity covered by these Disciplinary Regulations, Regulation 9 shall apply. Such reports must be set out in writing and submitted to the relevant TFA Authority.
- (b) Two (2) match suspension under Touch Football Rules
 - (i) Where a player has been dismissed for the remainder of the match by a referee under Rule 23 of the Touch Football Rules (as amended from time to time), the referee must report the dismissal to the relevant TFA Authority.
 - (ii) Under the Touch Football Rules, a player dismissed for the remainder of the match will receive an automatic two (2) match suspension. Any automatic two (2) match suspension must be reported to the TFA Authority (using the Incident Report Form in Annexure A) by the referee or competition organiser within two (2) business days.
 - (A) A "two (2) match suspension" must be served (only) in the competition in which that suspension was incurred (subject to Regulation 8(b)(ii)(B)). A game not played (bye, washout or for any other reason) does not count as a match completed.
 - (B) In addition, after consideration of the referee report, if the Chair determines that the actions of the player are sufficiently serious, the Chair may refer the matter to a Hearing which will be dealt with in accordance with these Disciplinary Regulations. If the Chair refers the matter to a Hearing:
 - (1) during the two (2) match suspension period, the player must not play in any matches conducted by any Affiliate, QTA, NSWTA or TFA; and
 - (2) must serve the two (2) match suspension and any further penalty imposed by the Panel.
 - (iii) Where a two (2) match suspension has been imposed under the Touch Football Rules, the Hearings Officer (referred to in Regulation 11) must inform the player of the sanction that has been imposed within two (2) business days of receiving notification from the referee or competition organiser.
 - (iv) A suspended player has the right to appeal against an automatic two (2) match suspension under the Touch Football Rules. The suspension will stand as though it was a decision made by a Panel at a Hearing until it is heard and the person is not entitled to participate in Touch Football competitions, including where that person has appealed the suspension. Any request for appeal must be submitted in accordance with Regulation 20.



9. Investigations

(a) Where:

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

believes an offence under Regulation 3(b) of these Disciplinary Regulations may have been committed, or the TFA Authority receives a letter of complaint about an incident where no report has been made, the TFA Authority may investigate, or appoint a person to investigate, the alleged offence.

- (b) Following an investigation, the TFA Authority or person appointed to investigate may make a report if they consider it appropriate. A report arising out of an investigation conducted under this Regulation 9(b) will be made within ten (10) business days of the date on which the alleged offence took place where reasonably practicable. Should an investigation take longer than this time, the TFA Authority must provide timely updates to the relevant stakeholders on the progress of the investigation.
- (c) A person or TFA Authority conducting an investigation shall have all powers reasonably required for the purposes of the investigation, including but not limited to calling and viewing any evidence, inspecting documents or questioning witnesses.

10. Duties of Officials making a report

- (a) An official who makes a report under Regulation 8(a) or 9(b) shall provide details of the alleged offence(s) to the TFA Authority as soon as possible after the match or other activity, noting all the particulars in connection with the report so that a clear account can be given to a Panel when the report is to be dealt with. The official must use the Incident Report form (Annexure A) or such other form issued by the TFA Authority to report offences.
- (b) The reporting official who lodges an Incident Report must indicate the charge and categorisation of the charge (level 1 to 4, as set out in the tables in Regulation 14).

11. Duties of TFA Authority after receiving a report

- (a) The TFA Authority shall appoint an officer to be responsible for the receipt of reports made under these Disciplinary Regulations and to carry out the duties in connection with such reports ("Hearings Officer"). The Hearings Officer may hold another position within the TFA Authority. Unless another person is appointed to this role, the Hearings Officer shall be the secretary of the TFA Authority.
- (b) The Hearings Officer shall have the following duties:
 - (i) Enter the details of the alleged offence(s) on the Incident Report form (Annexure A) or other form issued by the TFA Authority for that purpose as



soon as possible after the match or other activity, noting all the particulars in connection with the report.

- (ii) Submit the report to the Chair to determine the action to be taken, including making an offer under the Early Guilty Plea Framework and/or convening a Panel for a Hearing.
- (iii) Schedule the venue, time and date to be set aside for a Hearing.
- (iv) Convene a Panel to conduct the Hearing. The Hearings Officer must not be a member of the Panel.
- (v) Ensure that three (3) members of a Panel are present to deal with any matters referred to it for determination.
- (vi) Receive and refer to a Panel all material relating to any reports made under these Disciplinary Regulations.
- (vii) Ensure the availability of all forms required to be used in any proceedings of a Hearing.
- (viii) Notify the charged person, team or club of the report, as well as any other person involved in the report and all other match officials as soon as possible after the report is made and at least two (2) business days before the Hearing.
- (ix) Notify the charged person, team or club of the date, time and place of a Hearing.
- (x) If the notification under Regulation 11(b)(viii) is made by telephone, the Hearings Officer giving the notification shall immediately make a written record of the date, time and details of the telephone conversation.
- (xi) If the charged person is under the age of 18 years, or otherwise unable to represent themselves, they are to be advised that they have the right to have an adult (not being a legal practitioner (acting in that capacity)) with them at a Hearing as an adviser and that the adviser shall be allowed to ask questions.
- (xii) Provide the charged person, team or club with a copy of the Incident Report form. In carrying out this function the Hearings Officer shall:
 - (A) provide a copy of the Incident Report form to the charged person (or a representative of a charged team or club) within two (2) business days of the relevant match/activity at which the incident occurred; or
 - (B) if the TFA Authority does not have contact details for the charged person, team or club, make a copy of the Incident Report form available for collection by the charged person, team or club and notify the team manager of the requirement to collect the form.
- (xiii) Notify the reporting official and any other officials or witnesses required to be in attendance, of the date, time and place of a Hearing. Where such reporting



official is under 18 years of age, they are to be advised that they have the right to have an adult with them at a Hearing (not being a legal practitioner) as an adviser and that the adviser shall be allowed to ask questions.

- (xiv) Notify each of the above persons of the consequences of non-attendance at a Hearing and the procedure to be followed in each case.
- (xv) Notify the Chair that a report has been received, and to deliver to the Chair the Incident Report form and any other information relevant to the case.

12. Period between Report and Hearing

Excluding those who are serving an automatic two (2) match suspension incurred due to a Dismissal, a charged person, team or club shall be entitled to participate in Touch Football competitions conducted by the TFA Authority until such time as a Panel has heard and determined the report at a Hearing.

13. Early Guilty Plea Framework

- (a) The Incident Report form lodged by the reporting official shall be provided to the Chair.
- (b) The Chair may downgrade or upgrade the charge and the categorisation of the charge.
- (c) Taking into account the Incident Report and any investigation report, the Chair shall determine whether an early guilty plea should be offered to the charged person or if they should be referred directly to a Hearing.
- (d) The Chair may refer any person charged with an offence directly to a Hearing. A person who has been sanctioned for more than one offence (within the last 5 years) may be referred directly to a Hearing.
- (e) If the Chair determines that they will make an early guilty plea offer, they must write to the person who is the subject of the Incident Report and notify them of:
 - (i) details of the alleged conduct and the categorisation of the offence based on the tables in Regulation 14;
 - (ii) the penalty that may be imposed by a Panel if the offence was proven;
 - (iii) the reduced penalty offered to the person if they accept their conduct was in breach of the Disciplinary Regulations or other Touch Football rules (and enter an early guilty plea) and the proposed penalty without a Hearing;
 - (iv) that the person may accept the penalty offered, or dispute the alleged breach and/or the penalty, in which case the alleged offence will be referred to a Hearing under the Disciplinary Regulations; and
 - (v) that the person has two (2) business days, from the date of the letter to advise the TFA Authority of their choice under (iv).



- (f) The person is entitled to either accept the alleged breach and reduced penalty or dispute the breach and/or penalty and request a Hearing, in their absolute discretion.
- (g) If the person accepts the alleged breach, they may make a submission for the categorisation of the level of the charge to be downgraded. This decision will be determined at the sole discretion of the Chair (or their nominee).
- (h) Following receipt of a response from the person to the notice in Regulation 13(e) or if no response is received within the time required, the Chair must notify the person that:
 - (i) their acceptance of the offence (early guilty plea) and penalty has been accepted and will be imposed and set out the effects of that suspension; or
 - (ii) the matter will be referred to a Hearing.
- (i) Where a person is guilty of the same offence within 12 months, two (2) matches will be added to the penalty on each subsequent occasion. If guilty of the same offence after 12 months and within 24 months, one (1) match will be added to the penalty on each occasion.
- (j) On request from the Chair, the Hearings Officer may send any notification required to be sent under this Regulation 13

14. Offences and Penalties

Offensive or Discriminatory Language or Gestures		Range of Suspensions	
Use of offensive, insulting, indecent, intimidating discriminatory or racist language or gestures, including religious, ethnic or sexist remarks		Two (2) matches to 25 years	
Level One	Level Two	Level Three	Level Four
One or two words or gestures carrying minor offence, possibly in frustration. Very minor offensive, but not insulting words directed to a match official, player, or any other person.	Minor offensive, insulting or abusive words, actions, or gestures. Minor offensive but not insulting words to a match official, player, or any other person.	Offensive, insulting or abusive words, gestures, or actions, including discriminatory, racist, religious, ethnic, or sexist remarks directed to a match official, player, or any other person	Discriminatory and abusive words, gestures, or actions, directed towards members of the LGBTQ+ community, racist, religious, ethnic, or sexist remarks directed to a match official, player, or any other person.
<i>Accept – Two (2) match suspension</i>	<i>Accept – four (4) match suspension</i>	<i>Accept – eight (8) match suspension</i>	<i>Accept – Six (6) month suspension</i>

<i>Challenge – minimum four (4) match suspension</i>	<i>Challenge – minimum eight (8) match suspension</i>	<i>Challenge – minimum 16 match suspension</i>	<i>Challenge – Minimum one (1) year suspension</i>
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Serious Foul Play	Physical Abuse		Range of Suspensions
	Incident involving striking (with ball or object included), kicking, elbowing or head butting, tripping, violent charging/tackling, fighting, spitting either on or off the field, against an opponent, teammate, or any other person. Involvement in a brawl or melee or fight. On field players running in to join a melee causing the incident to escalate but not if attempting to prevent a fight or shield a player. Off field persons running into a brawl or melee or fight and engaging in a brawl or melee.		Two (2) matches to 25 years
Level One	Level Two	Level Three	Level Four
Use of minimum force attempt to strike or push, possibly in frustration or retaliation. Minor attempt to strike an opponent without making contact. Continual swearing or sledging. Deliberate tripping/tackling.	Striking once or twice to the body or head with moderate force, in retaliation or in response to provocation.	One or more strikes to the head or body using strong force with a risk of causing injury, whether provoked or not. Involvement in a melee, brawl, or fight. Leaving the sub box to become involved in a melee, brawl, or fight. Players leaving the sub box to become involved in a melee, brawl, or fight incur an automatic five (5) match suspension that is not appealable.	The Chair has discretion to refer any Level Four incident of this nature directly to a Hearing. Incidents may include: Striking in any way, including kicking or stomping, with very strong force, whether provoked or not. Running in to take part and prolonging a melee, brawl, or fight. Striking with strong and or brutal force. Head butt, eye gauging or spitting on or at. Very aggressive and ongoing involvement in a brawl or melee
<i>Accept – Two (2) match suspension</i>	<i>Accept – Four (4) match suspension</i>	<i>Accept – Five (5) match suspension</i>	<i>Accept – eight (8) match suspension</i>



<i>Challenge – minimum four (4) match suspension</i>	<i>Challenge – minimum six (6) match suspension</i>	<i>Challenge – minimum seven (7) match suspension</i>	<i>Challenge – minimum ten (10) match suspension</i>
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Serious Foul Play	Physical Abuse or Intimidation of a Referee or Official		Range of Suspensions
			12 matches to 30 years
Level One	Level Two	Level Three	Level Four
<i>Not applicable.</i> <i>There is no level 1 charge for physical abuse or intimidation of a referee or official. The seriousness of this act means any charge will be graded as level 2, 3 or 4.</i>	Threatening or intimidating a referee by word or action.	Deliberate tripping. Pushing with open hand or shoulder or hip or body. Striking with ball or another object.	Striking with a closed fist or open hand Punching. Elbowing. Head butting. Eye Gouging. Kicking
	<i>Accept – 12 match suspension</i>	<i>Accept – One (1) year suspension</i>	<i>Accept – 20-year suspension</i>
	<i>Challenge – minimum 20 match suspension</i>	<i>Challenge – minimum two (2) year suspension</i>	<i>Challenge – minimum 30-year suspension</i>

Spitting at a player, referee or another person	Any act of spitting at or onto another person		Range of Suspensions
			Two (2) matches to 25 years
Level One	Level Two	Level Three	Level Four
Minor act of spitting.	Spitting towards, but not onto a person.	Spitting on the lower body of another person	Spitting on the upper body of another person
<i>Accept – Three (3) match suspension</i>	<i>Accept – four (4) match suspension</i>	<i>Accept – six (6) match suspension</i>	<i>Accept – Ten (10) match suspension</i>

<i>Challenge – minimum five (5) match suspension</i>	<i>Challenge – minimum eight (8) match suspension</i>	<i>Challenge – minimum ten (10) match suspension</i>	<i>Challenge – Minimum 20 match suspension</i>
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Misconduct and Bringing the Game into Disrepute	Any act of cheating, breaching the Code of Conduct, breaching Sport Policies, actions not in the spirit of the game or bringing the game into disrepute.		Range of Suspensions Two (2) matches to 25 years
Level One	Level Two	Level Three	Level Four
Repeatedly calling Phantoms, Professional fouls, including to deny a try, and repeated infringements.	Breach of the Code of Conduct, bring the game into disrepute. Abusing a team or affiliate/regional/state official or referee	Aggressively abusing a team or affiliate/regional/state official or referee Fighting with spectators, deliberately misleading the disciplinary committee (in addition to original suspension). Inciting spectators, spitting toward spectators, making inappropriate gestures towards spectators.	Initiating or encouraging a breach of the playing conditions or tournament conditions or association rules. Playing or performing team duties when under suspension (in addition to original suspension)
<i>Accept – Two (2) match suspension</i>	<i>Accept – four (4) match suspension</i>	<i>Accept – Eight (8) match suspension</i>	<i>Accept – Three (3) month suspension</i>
<i>Challenge – minimum four (4) match suspension</i>	<i>Challenge – minimum seven (8) match suspension</i>	<i>Challenge – minimum 12 match suspension</i>	<i>Challenge – Minimum six (6) month suspension</i>

CONDUCT OF HEARINGS

15. Attendance at Hearings

- (a) The following persons shall be required to attend a Hearing conducted under these Disciplinary Regulations:

- (i) the charged person or the president, secretary, manager or other delegate representing a charged team or club;
 - (ii) the reporting official(s);
 - (iii) any other person involved in the report;
 - (iv) witnesses as indicated by the reporting official or charged person and as notified by the Hearings Officer; and
 - (v) any other witness required by the Panel.
- (b) The following persons shall be entitled to attend a Hearing as required by the TFA Authority or charged person:
 - (i) where a team or club has been charged with an offence, any player of that charged team or club;
 - (ii) witnesses called to give evidence by a charged person, team or club;
 - (iii) witnesses called to give evidence by the reporting official(s);
 - (iv) where the charged person or reporting official is under the age of 18 years, an adult adviser; and
 - (v) support persons, where the matter is of an LGBTQIA+ nature or multi-cultural of nature.
- (c) The following persons shall be entitled to attend a Hearing with the permission of the Chair:
 - (i) TFA Authority representatives; and
 - (ii) any other person.
- (d) The Chair may invite any other person they believe will assist the Panel.

16. No legal representation

Legal representatives or legal advocates are not permitted to appear before or attend a Hearing.

17. Non-attendance at Hearings

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



- (i) adjourned; or
- (ii) convened in another way in accordance with Regulation 18(a).

This decision will be solely at the discretion of the Hearings Officer (or the Chair if already convened).

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

18. Procedures of a Hearing

- (a) The Panel shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or any other technology) provided that it does so in accordance with these Disciplinary Regulations.
- (b) For the purpose of Regulation 18, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- (c) In the event of a team or club being reported, one (1) member of the team or club shall act as spokesperson for the team or club provided that an individual member of that team or club may elect to speak on their own behalf.
- (d) At the commencement of a Hearing, the Chair shall identify the members of the Panel and determine whether the charged person is present to answer the charge(s) set out in the report.
- (e) The charged person and the reporting official(s) shall be notified of their right to remain in the Hearing until all evidence is presented but not to be present while the Panel considers its findings and determines an appropriate penalty (if any). The Chair



has discretion to hear evidence in private with the Panel should they deem it necessary due to the alleged charge involving a minor (under the age of 18), LGBTQIA+ harassment, for cultural reasons or for other reasons.

- (f) The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- (g) The charged person shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents their intention.
- (h) The charged person shall be asked whether they intend to contest the charge(s).
- (i) If the charged person does not contest the charge(s), the Chair may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Panel requires it.
- (j) If the charged person contests the charge(s), then the Chair shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with these Regulations) to leave the room and to wait to be called to give their evidence.
- (k) The reporting official (or the adviser to a reporting official who is a minor) shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Panel in its discretion. The charged person or their adviser may ask questions of the reporting official or any witness called.
- (l) Each witness shall be entitled to leave the Hearing after giving evidence unless otherwise directed by the Panel. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Chair.
- (m) The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Panel in its discretion. Reporting officials or the adviser to a reporting official who is a minor may ask questions of the charged person or any witness called.
- (n) The Panel is empowered to question any person giving evidence. If the Panel determines that any witness is giving deliberately false or misleading evidence, they may:
 - (i) make such finding at the original Hearing; or
 - (ii) require such person to attend a further Hearing to respond to the allegations; and

such person is liable to penalty by the Panel for obstructing the Hearing procedures.

- (o) Where a person under the age of 18 exercises their right to have an adult observer or adviser present in accordance with these Disciplinary Regulations, a reasonable opportunity for consultation between the minor person and the observer/adviser shall be provided by the Panel.



- (p) Where the charged person makes video evidence available to the Panel, it may, at the discretion of the Chair, be presented. The onus of providing suitable viewing equipment such as a computer, DVD player or television set shall lie with the person requesting that the evidence be presented before the Hearing.
- (q) At the conclusion of all evidence and submissions the Chair shall ask the charged person, the reporting official and all other persons present to leave the room while the Panel considers its findings.
- (r) If the Panel is not satisfied that the charge has been proven, however, is satisfied that a lesser charge has been established, then the Panel may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- (s) Subject to Regulation 18(t), where it appears to the Panel that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Panel may amend the charge(s) and proceed to make a finding. Further, the Panel has the right to direct that a person other than the charged person be charged with an offence under these regulations on the basis of evidence presented before it during the course of conducting a hearing.
- (t) Where charges have been amended under Regulation 18(s), the Panel shall adjourn the Hearing unless the charged person consents to it proceeding at that time.
- (u) Subject to Regulation 18(r), if the Panel is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proven. Otherwise the charge shall be dismissed.
- (v) If a charge has been admitted or found proven by the Panel the charged person shall be informed of the finding. The Panel shall then be informed of any previous convictions against the charged person.
- (w) The charged person should then be given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room (again). Subject to the determination of the Panel, mitigating circumstances may include previous good behaviour, other commitments to Touch Football such as coaching or refereeing, being relatively new to the sport or other explanation of the conduct.
- (x) The Panel shall then determine the penalty to be imposed (if any) and shall recall the charged person and reporting official to advise them of the penalty. The Chair shall also notify the Hearings Officer of the decision of the Panel.
- (y) The decision of the Panel shall be given in the presence of all, by the Chair, unless otherwise determined by the Chair. Where the Chair determines it is not appropriate for the decision to be delivered at the hearing in the presence of all, the:
 - (i) Chair must inform the Hearings Officer of the Panel's decision within one (1) business day; and



- (ii) Hearings Officer must inform the charged person of the Panel's decision within a further one (1) business day.
- (z) The Panel is not obliged to give oral or written reasons for any decision made by it under these Disciplinary Regulations.
- (aa) A record of the hearing will be retained by the TFA Authority in the form set out in Annexure A.

OFFENCES AND PENALTIES

19. Penalty

- (a) As noted in Regulation 3(f), a Panel shall have the power to suspend, disqualify, reprimand, fine, bond, ban, impose a suspended sentence, deduct competition points or otherwise deal with any person found to have committed an offence under these Disciplinary Regulations. The tables in Regulation 14 set out minimum penalties. Any penalty imposed by a Panel must meet the minimum penalties set in Regulation 14. A Panel may impose a more significant penalty at its discretion and may otherwise deal with any person found to have committed an offence in any way it considers appropriate.
 - (i) A suspended sentence allows a Panel to suspend all or part of a period of suspension for a specified period of time. During the relevant period of time, if the person who has breached the Disciplinary Regulations is found to have committed a further breach (or enters an early guilty plea accepting a breach), the suspended sentence will be applied in addition to any new penalty.
- (b) A penalty handed down under these Disciplinary Regulations shall commence from the date of a Hearing unless otherwise expressly directed by a Panel. A Panel has the discretion to rule that a penalty will be suspended for the number of days/weeks/months which fall between seasons or during any season break.
- (c) Where a Panel imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- (d) A Panel may consider a charged person's prior convictions or any other matter it considers relevant in determining a penalty to be handed down.
- (e) A charged person who has been convicted of an offence and received a penalty under these Disciplinary Regulations shall not play, coach, referee, officiate or otherwise participate in Touch Football activities as directed by the Panel until the penalty has been served to the satisfaction of the TFA Authority.

APPEALS

20. Right of Appeal

- (a) The following persons shall have the right to appeal a decision of a Panel:

- (i) a person who has been subject to disciplinary proceedings where the charge was found to have been proven or where they admitted the charge;
 - (ii) the complainant who made a complaint that resulted in a Hearing; or
 - (iii) an involved TFA Authority.
- (b) The Appeal Hearing shall be conducted by TFA, NSWTA or QTA in whichever location the Hearing took place, or TFA or the NST if determined by TFA under Regulation 21(e).
- (c) The decision of either the Appeal Panel at an Appeal Hearing, or the NST appeals division (if referred by TFA), shall be final and shall not be subject to further appeal.

21. Grounds for Appeal

- (a) There shall be no appeal from a decision made by a Panel at a Hearing unless the person seeking to Appeal ("Appellant") satisfies the Appeal Chair (appointed in accordance with Regulation 23), in their sole discretion, that:
 - (i) significant new or additional evidence has become available; or
 - (ii) they are challenging the severity of the sanction.
- (b) All appeals shall be submitted in accordance with Regulation 22.
- (c) Subject to Regulation 21(d) TFA shall consult with the TFA Authority and shall appoint an officer to be responsible for the management and handling of an appeal of a decision of a Panel at a Hearing and to carry out the duties in connection with such Appeals ("Appeals Officer").
- (d) The Appeals Officer may hold another position within the TFA Authority and may also be the Hearings Officer. Unless another person is appointed to the role by TFA, the Appeals Officer shall be the Secretary of the TFA Authority.
- (e) TFA may conduct, hear and determine the appeal (but is not obliged to do so) or if permitted, refer the appeal to the NST appeals division under Regulation 21(f). On request from TFA, either NSWTA or QTA shall conduct, hear and determine the appeal. All obligations and powers relating to the appeal as set out in these Disciplinary Regulations will apply and bind TFA, NSWTA and QTA.
- (f) If permitted under the NST Legislation, TFA may in its sole discretion, refer an appeal to the NST. TFA may only refer an appeal to the NST where the decision is an NST Eligible Matter or is not an NST Excluded Matter. If TFA refers a decision that is neither an NST Eligible Matter nor NST Excluded Matter and the matter is not approved for hearing by the NST, TFA may choose to either conduct the appeal itself or refer the appeal back to NSWTA or QTA for hearing.

22. Notice of Appeal



- (a) The Appellant must:
 - (i) Lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with TFA by email: tfaappealofficer@touchfootball.com.au within five (5) business days of receipt of the Notification of Findings letter following the Hearing. In doing so they must use the Notice of Appeal form at Annexure A.
 - (ii) Pay the appeal fee of \$400.00 to TFA when lodging the Notice of Appeal.
- (b) The appeal fee does not apply in the case of appeals lodged by minors and may be waived (in any other case) in the sole discretion of TFA.
- (c) An Appellant shall be notified by TFA within five (5) business days of receipt of the Notice of Appeal and payment of the appeal fee as to whether an Appeal Hearing is to be granted, the name and email address of the Appeals Officer and the time, date and place of the Appeal Hearing, in the event that it is granted.

23. Appeal Hearing

- (a) If an appeal is granted and TFA successfully refers the matter to the NST, the appeal hearing will take place in accordance with the NST Legislation, except that Regulation 25 applies to the appeal with the words "Appeal Panel" replaced by "NST".
- (b) For all other appeals, the remainder of this Regulation 23 applies.
- (c) If an Appeal Hearing is granted under Regulation 21, the Appeals Officer shall convene an Appeal Panel to conduct and determine the Appeal Hearing in accordance with these Disciplinary Regulations. Subject to Regulation 23(d) any Appeal Hearing must be held within 15 business days of receipt of the Notice of Appeal.
- (d) Where an Appeal Hearing is not held within 15 business days of receipt of the Notice of Appeal through no fault of the Appellant, any sanction imposed by the Panel following the Hearing shall be suspended and the Appellant may participate in any relevant competition until the Appeal Hearing is held.
- (e) An Appeal Panel shall consist of three (3) persons appointed by the TFA Authority from time to time to conduct Appeal Hearings as required by the TFA Authority.
- (f) The TFA Authority must not appoint any of the Panel members who were involved in the Hearing of a matter which is the subject of an appeal.
- (g) The Appeal Chair shall be nominated by the Appeals Officer.

24. Serving of Penalties

- (a) Subject to Regulation 24(b)(ii) and 23(d), where a Panel imposes a penalty that prevents the Appellant from participating in Touch Football, the Appellant shall serve that penalty pending the determination of the appeal.



- (b) Subject to Regulation 24(c), the Appeal Panel may of its own motion or upon application of any party to the appeal, order:
 - (i) that an Appeal Hearing is adjourned; or
 - (ii) a stay of the execution of the penalty imposed by the Panel pending the determination of the Appeal Panel.
- (c) The Appeal Panel shall make an order under Regulation 24(b) at its sole discretion where it is satisfied that there are exceptional and compelling circumstances. In determining that question, the Appeal Panel shall without limitation have regard to the:
 - (A) merits of the appeal and the Appellant's prospects of success;
 - (B) interests of other teams, clubs and players; and
 - (C) effect on the results of the competition.

25. Proceedings of an Appeal Hearing

- (a) The Appeal Panel and persons appearing at the Appeal Hearing are bound by the same procedures under these Disciplinary Regulations as if the Appeal Hearing was a Hearing of a matter at first instance.
- (b) The Appeals Officer shall forward records of the Hearing in which the matter the subject of the Appeal was heard at first instance to the Appeal Chair of the Appeal Panel.
- (c) The Appeal Panel shall have the discretion to conduct the Appeal Hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under Regulation 21.
- (d) An Appeal Panel shall have the power to:
 - (i) dismiss the appeal;
 - (ii) uphold the appeal;
 - (iii) impose any of the penalties set out in these Disciplinary Regulations; or
 - (iv) reduce, increase or otherwise vary any penalty imposed by the initial Panel at the Hearing, in such manner as it thinks fit.
- (e) The Appeal Panel is not obliged to give oral or written reasons for its decision.
- (f) At the conclusion of the appeal, the Appeal Chair shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeal Panel. The Appeal Chair shall also notify the Appeals Officer of the decision of the Appeal Panel.

26. Refund of Appeal Fee



The Appeal Panel shall have the discretion to refund the appeal fee payable under Regulation 22(a)(ii) and shall do so where the appeal results in the charge being dismissed or reduced.

27. Costs

Each party to an appeal shall bear their own costs.

28. Limited Rights of Appeal

The decision of either the Appeal Panel at the Appeal Hearing, or the NST appeals division (if referred by TFA), is final and binding on the parties.

MISCELLANEOUS

29. Relationship with Criminal Matters

- (a) If, during a Hearing or Appeal Hearing or an investigation under these Disciplinary Regulations, it becomes known that a criminal charge has been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the Hearing, Appeal Hearing or investigation, the Panel, Appeal Panel and/or the TFA Authority may rule that further action be deferred until completion of the criminal charge.
- (b) In making a determination under Regulation 29(a), the Panel or Appeal Panel and/or TFA Authority shall have regard to the need to ensure the ongoing safety of players, referees and other persons involved in the TFA Authority.

30. Natural Justice

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

31. Recognition of Penalties Across TFA Members

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

ANNEXURE A

Notification Templates

1. [Incident Report Form](#)
2. [Incident Report – Additional Information Request](#)
3. [Notification of Suspension \(automatic two match ban\)](#)
4. [Notification of Early Guilty Plea Offer](#)
5. [Notification of Hearing](#)
6. [Notification of Warning](#)
7. [Notification of Findings](#)
8. [Record of Hearing](#)
9. [Notice of Appeal](#)
10. [Notification of Appeal Hearing](#)



ANNEXURE B

National Sports Tribunal Matters

1. NST Eligible Matters and NST Excluded Matters

The following are NST Eligible Matters and NST Excluded Matters, as defined on page 5 of these Disciplinary Regulations.

If the NST Legislation is amended after 1 July 2020, the following definitions are automatically updated to reflect the NST Legislation, without the need for TFA to amend these Disciplinary Regulations, to incorporate the new definitions.

2. NST Eligible Matters

- (a) Disputes about athlete eligibility or selection, however described in the constituent documents of the TFA Authority;
- (b) Disciplinary disputes, including but not limited to disputes relating to disciplinary action taken, or proposed to be taken, under a member protection policy of a Touch Football Authority; and
- (c) Disputes relating to disciplinary action taken, or proposed to be taken, by a Touch Football Authority against another Touch Football Authority, where the second Touch Football Authority is a body corporate.

3. NST Excluded Matters

- (a) Disputes relating to remuneration or other benefits payable to an individual under a contract for services, or relating to the termination of a contract for services with an individual, except where those disputes arise in connection with an alleged breach of a disciplinary rule of a Touch Authority;
- (b) Employment disputes, except where those disputes arise in connection with an alleged breach of a disciplinary rule of a Touch Football Authority;
- (c) Anti-doping disputes;
- (d) Disputes occurring in the field of play, however described or occurring; and
- (e) Disputes of any kind in which damages as a remedy are being sought from another party to the dispute.

