



BY-LAWS

FOOTBALL QUEENSLAND

Amended June 2023

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By-Law 1 – Election of Zone Committee Members

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.7 and 14 of the Company's Constitution. It is to be known as By- Law 1.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law provides for the election of Zone Committee members.

4 Eligibility – Zone Committee Member

1.1 Eligibility for election

A person is eligible to be a Zone Committee member if they are:

- (a) 18 years of age or over;
- (b) nominated according to paragraph 5.2 of this By-Law; and
- (c) not in breach of the Constitution or any By-Law.

1.2 Eligibility to vote

Subject to paragraph 5.1 of this By-Law, only Clubs that are assigned to a Zone may vote for the Zone Committee members for that Zone. Each Club shall have one vote for each Zone Committee member position for which an election is being held.

5 Elections generally

5.1 No right to multiple votes

Despite any other provision of this By-Law, at an election held for the purposes of this By-Law, an elector (being a Club's representative):

- (a) may vote at each election for which that elector is eligible to vote; but
- (b) must not cast more than one ballot in respect of the election for each Zone Committee member position.

5.2 Nominations

A person who is eligible for election according to paragraph 5.1 of this By-Law must be nominated by a Club qualified to vote in the relevant election according to paragraph 5.2. The nomination must be made by 2 persons authorised by that Club.

A nomination must be:

- (a) in writing in the form provided by the Company;
- (b) signed by the nominators (as representatives of a Club) and the nominee;
- (c) specify the Zone Committee position in respect of which the nominee is standing for election; and
- (d) be lodged at the location designated by the Company, by the closing time and date specified in the notice calling for nominations.

A Club may only nominate one candidate for membership of the Zone Committee.

5.3 Statements by candidates

Each candidate may provide the Company with a statement supporting their candidacy. Statements are to be received by the Company by the date for the close of nominations according to paragraph 5.2.

Statements which are received within time are to be made available to Clubs in the same way as ballot papers are made available under paragraph 5.6. The Directors need not make available a statement under this paragraph if it is more than 1,000 words long or is, in the opinion of the Directors, defamatory.

5.4 Need for a poll

If the number of candidates for election is equal to the number required to be elected, those candidates are taken to be elected and a declaration by the Directors to that effect is final.

If the number of candidates for election is less than the number required to be elected:

- (a) those candidates are taken to be elected and a declaration by the Directors to that effect is final; and
- (b) any vacant positions are to be filled by the Directors as casual vacancies.

If the number of candidates for election is greater than the number required to be elected, a poll will be held according to this By-Law.

5.5 Distribution of ballot papers

Ballot papers will be made available to eligible electors in the manner the Company thinks fit, including:

- (a) at the Company's office; and
- (b) on the Football Queensland website; or
- (c) on an electronic voting platform.

5.6 Voting

Voting is in the form of First-Past-The-Post. Votes are to be recorded on ballot papers as follows:

- (a) By placing a cross in the square opposite the names of your preferred candidates, no more than the number required to be elected
- (b) The candidate/s who polls the highest number of votes is elected

Clubs may only vote for the candidates standing in the Zone to which the Clubs is assigned.

5.7 Counting votes

- (a) One vote is to be allotted to a candidate for each vote recorded against that candidate's name;
- (b) In the event of an equal number of votes a fresh ballot is called for those candidates who tied.

5.8 Declaration of results

The Returning Officer will forward election results to the Directors as soon as possible after the result of an election is ascertained. As soon as possible after the Directors have received results of an election, they will:

- (a) declare the successful candidates elected;
- (b) notify all the candidates of the results of the election; and
- (c) publish the results in any manner they consider appropriate.

A declaration made by the Directors under this paragraph is final.

6 Term of office and casual vacancies

1.1 Term of office

Each Zone Committee member may serve a two (2) year term and is eligible for re-election or re-appointment for one (1) additional two (2) year term.

1.2 Casual vacancy or other shortfall in members

A casual vacancy on the Zone Committee may be filled by the Zone Committee. However, in filling a casual vacancy, the Zone Committee is to have regard to the results of the most recent election.

A person appointed under this paragraph holds office until the end of the term of the Zone Committee member in whose place they were appointed.

7 Timing of election of Zone Committee members

Elections for Zone Committee members will be conducted every year during the month of November.

By-Law 2 – Zone Committee

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.7 and 14 of the Constitution. It is to be known as By-Law 2.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes and prescribes the functions, membership, method of operation and obligations of Zone Committees.

4 Establishment

In accordance with Rule 3.7 of the Constitution, there are established Zone Committees of the Company for each Zone.

5 Functions and operation of the Zone Committee

5.1 Functions

Zone Committees have been established to:

- (a) determine the individual who will become second Member of the Company;
- (b) determine the individuals from the Zone Committee who will provide representation on each State Advisory Committee;
- (c) provide a direct conduit between each Zone's Clubs and the Company;
- (d) provide each Zone's Clubs and stakeholders with a voice in their dealings with the Company and strong representation for Clubs and registered participants in each Zone;
- (e) contribute to matters of significance to be addressed by the Company, including within relevant Zones; and
- (f) provide input into strategy development and delivery for Football in the State.

5.2 Transitional Zone Councils

For Zone Councils that are still in transition to the new governance structure, the role of that Zone Council is to administer Football within its Zone (until such time as the new governance structure is established) by:

- (a) delivering national and state development programs as directed the Company;
- (b) fostering development of Football within its Zone as directed by the Company;
- (c) conduction competitions approved by the Company;
- (d) identifying and securing safe facilities for the conduct of Football competitions within its Zone;
- (e) developing budgets for approval by the Company;
- (f) managing expenditures in line with the Zone budget approved the Company;
- (g) charging and collecting fees and levies approved by the Company and FA from registered participants and others involved in Football; and
- (h) enforcing the FA Statutes and the Football Queensland Statutes.

6 Zone Committee Members

6.1 Membership

In accordance with Rule 3.7 of the Constitution, each Zone Committee will comprise five (5) individuals elected by a vote of the Clubs of the relevant Zone, being:

- (a) the elected chair – who shall also serve as their Zone Committee’s State Committee member and as a Member of the Company; and
- (b) four (4) other individuals who will each serve on the other State Advisory Committees as determined by a decision of the Zone Committee.

6.2 Role of individual Zone Committee members

The role of individual Zone Committee members includes:

- (a) in the case of the chair of a Zone Committee and one other member of that Zone Committee elected to be a Member of the Company (**Zone Committee Member Representatives**):
 - (i) seek and maintain membership of the Company for so long as they remain a Zone Committee Member Representative;
 - (ii) upholding and promoting the objects of the Company and Football Australia;
 - (iii) in their capacity as a Member of the Company (1) attending all general meetings of the Company; and (2) receiving and consider all reports and business discussed at general meetings; and
 - (iv) representing the interests of their Zone at all Company meetings and functions;
- (b) representing their Zone on each State Advisory Committee;
- (c) maintaining strict confidentiality around the deliberations, processes and discussions of the Zone Committee;
- (d) attending regular meetings as required and actively participate in their Zone Committee’s work;
- (e) showing a genuine commitment towards the initiatives and outcomes being pursued by their Zone Committee;
- (f) contributing positively to working through identified challenges;
- (g) being committed to, and actively involved in, pursuing outcomes;
- (h) taking a perspective of all of Football in the State;
- (i) communicating and collaborating with the Clubs that their Zone Committee represents; and
- (j) not engaging with the media or third parties regarding the workings of their Zone Committee at any stage of that Zone Committee’s processes.

6.3 Election of Zone Committee Members

Zone Committee members shall be elected in accordance with the requirements of By-Law 1.

7 Proceedings

7.1 Meetings

The members of a Zone Committee must meet together for conducting their meetings in accordance with this By-Law.

7.2 Frequency of meetings

A Zone Committee must meet quarterly, at least four times each year.

7.3 Attendees at meetings

No-one, other than a Zone Committee member or an officer or delegate of the Company who attends in an ex officio capacity, is entitled to attend meetings of a Zone Committee unless invited to attend by the Zone Committee or their attendance is in accordance with this By-Law.

7.4 Role of Company representatives in Zone Committee meetings

The Company shall be represented at Zone Committee meetings by the Company's Regional General Manager and Zone Manager, who shall attend those meetings in an *ex officio* capacity. The role of the Company's representatives in Zone Committee meetings includes:

- (a) providing secretarial support;
- (b) attending meetings in an ex officio capacity;
- (c) circulating agendas and any Committee papers;
- (d) ensuring meetings are run in accordance with this By-Law; and
- (e) preparing and circulating minutes of meetings to Zone Committee members, the Company's CEO and Clubs in the relevant Zone in accordance with this By Law.

7.5 Chair of meetings

Zone Committee meetings will be chaired by the elected chair of the Zone Committee. If the chair is not present and able and willing to act within 15 minutes after the time appointed for a meeting or has indicated their intention not to be present, able and willing to act, a member of the Zone Committee chosen by a majority of the members present shall act as chair of the meeting.

7.6 Agenda items

The agenda for Zone Committee meetings, with attached meeting papers, will be distributed at least seven working days prior to any scheduled meeting.

7.7 Decisions

- (a) Zone Committee decisions shall be made by a majority of votes of Zone Committee members present and entitled to vote.
- (b) By agreement of all Zone Committee members, out-of-session decisions may be made by circulating resolution (by email). All out-of-session decisions must be noted at the next scheduled meeting and recorded in the minutes of that meeting.

7.8 Minutes and meeting papers

- (a) The minutes of each Zone Committee meeting will be prepared by the Company. Full copies of the minutes, including attachments, will be provided to all Zone Committee members typically no later than three working days following each meeting.
- (b) Minutes of Zone Committee meetings will be further disseminated across Clubs within the relevant Zone.

7.9 Proxies to meetings

Proxies are not able to attend Zone Committee meetings on behalf of absent Zone Committee members. For the purposes of voting, where required, the absent Zone Committee member can, with the permission of the Chair, provide their proxy to an attending Zone Committee member.

7.10 Quorum requirements

A quorum for meetings will be the presence of at least three Zone Committee members and at least one representative of the Company.

7.11 Other procedural matters

In accordance with Rule 11.12 of the Constitution, the conduct of meetings of Zone Committees will otherwise be governed by the provisions of the Constitution relating to Directors meetings, insofar as they are capable of application.

8 Membership of the Company

8.1 Becoming a Member of the Company

In accordance with Rule 3.2 of the Constitution, the two members of each Zone Committee who shall be invited to become Members of the Company shall be:

- (a) the elected chair of each Zone Committee; and
- (b) one other member of the Zone Committee who must be elected by the members of the relevant Zone Committee.

These representatives agree:

- (c) to apply for membership of the Company; and
- (d) once admitted as a Member of the Company, to maintain that membership until their membership ceases under the Constitution or this By-Law.

8.2 Ceasing to be a member

A person automatically ceases to be a Member of the Company if:

- (a) their membership ceases under Rule 3.13 of the Constitution; or
- (b) they are not re-elected as a Zone Committee member according to By-Law 1; or
- (c) the Zone Committee that elected them according to paragraph 8.1 of this By-Law, elect another Zone Committee member to apply for membership of the Company in their place.

By-Law 3 – State Committee

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.10 and 14 of the Constitution. It is to be known as By-Law 3.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes and prescribes the functions, membership, method of operation and obligations of the State Committee.

4 Establishment

In accordance with Rule 3.10 of the Constitution, there is established the State Committee of the Company.

5 Functions

The State Committee is to advise the Chief Executive Officer and the Directors on matters relating to Clubs, Futsal, Facilities, Women and Girls and strategic Football matters. The State Committee will act as a conduit between the Company and the relevant stakeholder groups.

The Directors, the Chief Executive Officer or the Members may refer any matter relating to Clubs, Futsal, Facilities, Women and Girls and strategic Football matters to the State Committee for advice and recommendations.

6 Membership

In accordance with Rule 3.10(b) of the Constitution, the members of the State Committee will comprise the chairpersons of each of the Zone Committees.

7 Proceedings

7.1 Meetings

The members of the State Committee will meet at least two times per year (once per quarter) for conducting business, adjourning and otherwise regulating its meetings.

7.2 Chair of meetings

The members of the State Advisory Committee must elect one of its number as chair and the period for which the chair is to hold office will be 12 months.

7.3 Absence of chair at a State Committee meeting

The chair of the State Committee is entitled to preside at meetings of the State Committee. If the chair is not present and able and willing to act within 15 minutes after the time appointed for

a meeting or has indicated their intention not to be present, able and willing to act, a member of the State Committee chosen by a majority of the members present shall act as chair of the meeting.

7.4 Other procedural matters

In accordance with Rule 11.12 of the Constitution, the conduct of meetings of the State Committee will otherwise be governed by the provisions of the Constitution relating to Director's meetings, insofar as they are capable of application.

By-Law 4 – Clubs Committee

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.10 and 14 of the Constitution. It is to be known as By-Law 4.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes and prescribes the functions, membership, method of operation and obligations of the Clubs Committee.

4 Establishment

In accordance with Rule 3.10 of the Constitution, there is established the Clubs Committee of the Company.

5 Functions

The Clubs Committee is to advise the Chief Executive Officer and the Directors on matters relating to Club support, development, governance, regulation, participation, local competitions and other matters and issues relating to or impacting community football Clubs. The Clubs Committee will act as a conduit between the Company and the relevant stakeholder groups.

The purpose of the Clubs Committee will be to provide specific local advice to the Company to inform its decision making and execution of operational priorities in the respective functional areas.

The Directors or the Chief Executive Officer may refer any matter relating to Club support, development, governance, regulation, participation, local competitions and other matters and issues relating to or impacting community football Clubs to the Clubs Committee for advice and recommendations.

6 Membership

In accordance with Rule 3.10(d), the members of the Clubs Committees will comprise the persons elected according to By-Law 1 to each Zone Committee to serve as their Zone Committee's Clubs Committee representative.

7 Proceedings

7.1 Meetings

The members of the Clubs Committees will meet at least four times per year (once per quarter) for conducting business, adjourning and otherwise regulating their meetings.

7.2 Chair of meetings

For the inaugural Clubs Committee, the Directors will nominate the initial chair from the

members elected to of Clubs Committee, however, thereafter, the members of the Clubs Committee must elect one of their number as chair. The period for which the chair is to hold office will be 12 months.

7.3 Absence of chair at a Clubs Committee meeting

The chair of the Clubs Committee is entitled to preside at meetings of the Clubs Committee. If the chair is not present and able and willing to act within 15 minutes after the time appointed for a meeting or has indicated their intention not to be present, able and willing to act, a member of the Clubs Committee chosen by a majority of the members present shall act as chair of the meeting.

7.4 Other procedural matters

In accordance with Rule 11.12 of the Constitution, the conduct of meetings of the Clubs Committee will otherwise be governed by the provisions of the Constitution relating to Directors meetings, insofar as they are capable of application.

By-Law 5 – Facilities Committee

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.10 and 14 of the Constitution. It is to be known as By-Law 5.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes and prescribes the functions, membership, method of operation and obligations of the Sate Committee.

4 Establishment

In accordance with Rule 3.10 of the Constitution, there is established the Facilities Committee of the Company.

5 Functions

The Facilities Committee is to advise the Chief Executive Officer and the Directors on matters relating to Facilities requirements, demand, provision, utilisation, development and approaches to government. The Facilities Committee will act as a conduit between the Company and the relevant stakeholder groups.

The purpose of the Facilities Committee will be to provide specific local advice to the Company to inform its decision making and execution of operational priorities in the respective functional areas.

The Directors or the Chief Executive Officer may refer any matter relating to Facilities requirements, demand, provision, utilisation, development and approaches to government to the Facilities Committee for advice and recommendations.

6 Membership

In accordance with Rule 3.10(b) of the Constitution, the members of the Facilities Committee will comprise the persons elected according to By-Law 1 to each Zone Committee to serve as their Zone Committee's Facilities Committee representative.

7 Proceedings

7.1 Meetings

The members of the Facilities Committee will meet at least four times per year (once per quarter) for conducting business, adjourning and otherwise regulating their meetings.

7.2 Chair of meetings

For the inaugural Facilities Committee, the Directors will nominate the initial chair from the members elected to the Facilities Committee, however, thereafter, the members of the

Facilities Committee must elect one of their number as chair. The period for which the chair is to hold office will be 12 months.

7.3 Absence of chair at a Facilities Committee meeting

The chair of the Facilities Committee is entitled to preside at meetings of the Facilities Committee. If the chair is not present and able and willing to act within 15 minutes after the time appointed for a meeting or has indicated their intention not to be present, able and willing to act, a member of the Facilities Committee is to be chosen by a majority of the members present shall act as chair of the meeting.

7.4 Other procedural matters

In accordance with Rule 11.12 of the Constitution, the conduct of meetings of the Facilities Committee will otherwise be governed by the provisions of the Constitution relating to Directors meetings, insofar as they are capable of application.

By-Law 6 – Futsal Committee

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.10 and 14 of the Constitution of the Company. It is to be known as By-Law 6.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes and prescribes the functions, membership, method of operation and obligations of the Futsal Committee.

4 Establishment

In accordance with Rule 3.10 of the Constitution, there is established the Futsal Committee of the Company.

5 Functions

The Futsal Committee is to advise the Chief Executive Officer and the Directors on matters relating to the support, development and growth of futsal and the delivery of programs in support of futsal clubs, coaches and other stakeholders. The Futsal Committee will act as a conduit between the Company and the relevant stakeholder groups.

The purpose of the Futsal Committee will be to provide specific local advice to the Company to inform its decision making and execution of operational priorities in the respective functional areas.

The Directors, the Chief Executive Officer or the Members may refer any matter relating to the support, development and growth of futsal and the delivery of programs in support of futsal clubs, coaches and other stakeholders to the Futsal Committee for advice and recommendations.

6 Membership

In accordance with Rule 3.10(b) of the Constitution, the members of the Futsal Committee will comprise persons elected according to By-law 1 to each Zone Committee to serve as their Zone Committee's Futsal Committee representative.

7 Proceedings

7.1 Meetings

The members of the Futsal Committee will meet at least four times per year (once per quarter) for conducting business, adjourning and otherwise regulating their meetings.

7.2 Chair of meetings

For the inaugural Futsal Committee, the Directors will nominate the initial chair from the members elected to the Futsal Committee, however, thereafter, the members of the Futsal

Committee must elect one of their number as chair. The period for which the chair is to hold office will be 12 months.

7.3 Absence of chair at a Futsal Committee meeting

The chair of the Futsal Committee is entitled to preside at meetings of the Futsal Committee.

If the chair is not present and able and willing to act within 15 minutes after the time appointed for a meeting or has indicated their intention not to be present, able and willing to act, a member of the Futsal Committee is to be chosen by a majority of the members present to act as chair of the meeting.

7.4 Other procedural matters

In accordance with Rule 11.12 of the Constitution, the conduct of meetings of the Futsal Committee will otherwise be governed by the provisions of the Constitution relating to Directors meetings, insofar as they are capable of application.

By-Law 7 – Women and Girls Committee

1 Status

This By-Law is made by the Directors under the powers conferred on them by Rules 3.10 and 14 of the Constitution. It is to be known as By-Law 7.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes and prescribes the functions, membership, method of operation and obligations of the Sate Committee.

4 Establishment

In accordance with Rule 3.10 of the Constitution, there is established the Women and Girls Committee of the Company.

5 Functions

The Women and Girls Committee is to advise the Chief Executive Officer and the Directors on matters relating to the growth, development and inclusion of women and girls in football. The Women and Girls Committee will act as a conduit between the Company and the relevant stakeholder groups.

The purpose of the Women and Girls Committee will be to provide advice to the Company to inform its decision making and execution of operational priorities in the respective functional areas.

The Directors or the Chief Executive Officer may refer any matter relating to the growth, development and inclusion of women and girls in football to the Women and Girls Committee for advice and recommendations.

6 Membership

In accordance with Rule 3.10(b) of the Constitution, the members of the Women and Girls Committee will comprise the persons elected according to By-law 1 to each Zone Committee to serve as their Zone Committee's Women and Girls Committee representative.

7 Proceedings

7.1 Meetings

The members of the Women and Girls Committee will meet at least four times per year (once per quarter) for conducting business, adjourning and otherwise regulating their meetings.

7.2 Chair of meetings

For the inaugural Women and Girls Committee, the Directors will nominate the initial chair from the members elected to the Women and Girls Committee, however, thereafter, the members of the Women and Girls Committee must elect one of their number as chair. The period for which the chair is to hold office will be 12 months.

7.3 Absence of chair at a Women and Girls Committee meeting

The chair of the Women and Girls Committee is entitled to preside at meetings of the Women and Girls Committee. If the chair is not present and able and willing to act within 15 minutes after the time appointed for a meeting or has indicated their intention not to be present, able and willing to act, a member of the Women and Girls Committee is to be chosen by a majority of the members present shall act as chair of the meeting.

7.4 Other procedural matters

In accordance with Rule 11.12 of the Constitution, the conduct of meetings of the Women and Girls Committee will otherwise be governed by the provisions of the Constitution relating to Director's meetings, insofar as they are capable of application.

By-Law 8 – Zones

1 Status

This By-Law is made by the Directors under the powers conferred on them by the Company's Constitution. It is to be known as By-Law 8.

2 Interpretation

Words and phrases defined in the Constitution have the same meanings in this By-Law, which is to be read in conjunction with (and subject to) the Constitution.

3 Purpose

This By-Law establishes the Zones and identifies their boundaries.

4 The Zones

The Zones and their boundaries are those identified in the attachment to this By-Law.

5 Company must assign Clubs to Zones

The Company must:

- (a) maintain a register of all Clubs; and
- (b) assign each Club to a Zone; and
- (c) record that fact in the register.

By-Law 9 – Tribunals

1. Introduction

- 1.1 This By-Law is made by the Directors under the powers conferred on them by Clause 15 of the Constitution. It is to be known as By-Law 9.
- 1.2 This By-Law is supplementary to the FA National Grievance Procedure By-Law as amended from time to time.
- 1.3 Any capitalised terms used in this By-Law shall have the meaning given to them in Schedule 1
- 1.4 Any communication to Football Queensland in relation to any matter under this By-Law must be made in writing, via email, to the email addresses set out in Schedule 2.
- 1.5 All prescribed forms referred to in this By-Law can be located on the Football Queensland website and are also set out in Schedule 2.

2. Objectives of By-Law

- 2.1 To ensure that the game of football is played in accordance with the Laws of the Game.
- 2.2 To ensure that the game of football is played competitively and fairly in accordance with the principles of true sportsmanship.
- 2.3 To provide an independent, fair and effective system that sets out procedures for the administration and determination of one or more of the following, involving Members:
 - (a) any Grievances;
 - (b) all incidents;
 - (c) disciplinary matters, insofar as not able to be addressed by the Association Member in accordance with the Association Member Rules and Regulations;
 - (d) all disputes, whether relating to the conduct on field, off-field or otherwise;
 - (e) appeals; and
 - (f) all matters relating to conduct.
- 2.4 To ensure consistency and transparency of approach are evident and present in all aspects of handling matters listed in subsection 2.3 above involving Members under this By-Law.

3. Jurisdiction Of By-Law

- 3.1 This By-Law shall apply exclusively to facilitate the expeditious and fair resolution of the matters listed in subsection 2.3 above.
- 3.2 Pursuant to this By-Law, Football Queensland has jurisdiction over Members in relation to the matters listed in subsection 2.3 above.
- 3.3 Each Member shall submit exclusively to the jurisdiction of Football Queensland and this By-Law and agree that until it has exhausted the procedures set out in this By-Law, it will not attempt to resolve matters listed in subsection 2.3 above by recourse to FA or a court of law.

4. Formation Of Tribunals

Authority to establish the General Tribunal and Appeals Tribunal

- 4.1 The authority to establish the General Tribunal and Appeals Tribunal is vested in the Directors pursuant to clause 15 of Football Queensland's Constitution.

Appointment and Composition

- 4.2 The Directors shall appoint a General Tribunal and Appeals Tribunal consisting of such person(s) as the Directors from time to time deem fit.
- 4.3 The Directors shall appoint the Chairperson of the General Tribunal and Appeals Tribunal.
- 4.4 The General Tribunal shall sit with a minimum of one (1) member and a maximum of three (3) members, as the circumstances may require and as the Directors deem fit.
- 4.5 The Appeals Tribunal shall sit with three (3) members.
- 4.6 A person appointed as a Tribunal or Appeals Tribunal member may be removed from the Tribunal or the Appeals Tribunal as the circumstances may require and as the Directors deem fit.
- 4.7 The decisions of the Directors in subsections 4.2 to 4.6 above shall be in the absolute discretion of the Directors and are not capable of appeal.

Qualifications

- 4.8 Each member of the General Tribunal and Appeals Tribunal shall have the appropriate knowledge and/or experience of the FA Rules and Regulations and Football Queensland Rules and Regulations.
- 4.9 A person shall not be appointed to the General Tribunal or Appeals Tribunal if that person:
- (a) has served in the previous twelve (12) months or is currently:
 - (i) a director of Football Queensland;
 - (ii) a member of the executive committee or board of an Association Member or Club;
 - (iii) a president or vice-president of an Association Member or Club;
 - (iv) a coach of a Club;
 - (v) an operator of a centre; or
 - (vi) a general manager (or equivalent thereof) of an Association Member or Club;
 - (b) is a party to or in any way directly or indirectly interested in a matter to be heard; or
 - (c) otherwise has any relationship with any party to the matter such that that person is or may be seen to be not independent or impartial.

5. Jurisdiction Of The General Tribunal

- 5.1 The General Tribunal will be responsible for hearing and determining:
- (a) charges of Misconduct and/or Disrepute;
 - (b) Grievances between Members; and
 - (c) any other matter that the Directors consider important to the interests of football in the State. A decision to refer such a matter to the General Tribunal shall be in the absolute discretion of the Directors and is not capable of appeal.
- 5.2 Where applicable, the relevant Application Fees for matters set out in subsection 5.1 are set out in Schedule 4.

6. Charges Of Misconduct And/Or Disrepute

Investigation and Charge

6.1 Football Queensland may investigate any matter which in their opinion is relevant to whether or not a charge of Misconduct and/or Disrepute ought to be laid.

6.2 An investigation may be initiated on the basis of:

- (a) a written report or complaint of a Member; and/or
- (b) any other evidence which Football Queensland consider to be credible.

A decision to initiate an investigation is in the absolute discretion of Football Queensland and not subject to any right of appeal.

6.3 Such investigation may be carried out by Football Queensland as it sees fit and Members:

- (a) are required to cooperate fully with Football Queensland in the conduct of that investigation within the timeframe specified in any correspondence issued by Football Queensland; and
- (b) consent that any information provided may be used as evidence in bringing a charge under this section.

6.4 At any time, Football Queensland may determine whether any charge of Misconduct and/or Disrepute is to be laid and in relation to such charge whether:

- (a) it is to be referred to the General Tribunal; or
- (b) it is to be dealt with by mediation under this By-Law; or
- (c) it is to be dealt with by any combination of the above;
- (d) no action is to be taken; or
- (e) it is to be dealt with in any other manner which Football Queensland deems appropriate,

and such determination shall be at the absolute discretion of Football Queensland and is not capable of appeal.

Notice of Charge

6.5 If a charge has been laid by Football Queensland, it will issue a Notice of Charge against the Member. The Notice of Charge shall set out, amongst other things, details of the charge.

6.6 A Member charged must submit a completed and signed Notice of Response (Prescribed Form 1) and any other supporting evidence to competitions@footballqueensland.com.au by the time specified in the Notice of Charge.

6.7 A Notice of Response enables the Member charged to select, amongst other things, whether it wishes to:

- (a) plead guilty or not guilty to the charge(s);
- (b) accept the reports attached to the Notice of Charge;
- (c) provide written statements or other such evidence; and
- (d) be represented by a lawyer or support person.

6.8 A Member who pleads guilty in a Notice of Response may be eligible for leniency by a Tribunal in respect of a sanction.

Deemed guilty plea and acceptance of reports

6.9 Unless there are exceptional circumstances (to be determined by the Directors in their absolute discretion), if Football Queensland does not receive a properly completed and signed Notice of Response together with supporting evidence by the time specified in the Notice of Charge then the Member is deemed to have:

- (a) pleaded guilty to the charge(s) set out in the Notice of Charge; and
- (b) accepted the reports set out in the Notice of Charge.

6.10 **The Three Strike Policy** applies to clubs where instances of abuse or misbehaviour directed at referees or other members of the football community are reported.

- (a) Each strike will have specific consequences, including point deductions, fines, and public notifications on Football Queensland's website.
- (b) Strikes will remain valid and on the club's record for 12 months from the date of the offence.
- (c) There will be no appeal after a strike has been issued.
- (d) In the event of accumulating more than three strikes within a 12-month period, further penalties may be imposed, including termination of affiliation, removal from competitions, and additional fines.

7. Grievances

Written notice and reply

7.1 Prior to referring any Grievance to Football Queensland, any Complainant(s) must:

- (a) provide the Respondent(s) with a written notice containing sufficient details of the Grievance; and
- (b) allow the Respondent(s) at least seven (7) working days to reply.

7.2 The Respondent's reply must include reasons for any disagreement with the details of the Grievance.

7.3 If a reply is not received within seven (7) working days of the written notice, or the Grievance is not otherwise resolved, the Complainant may in writing refer the Grievance to Football Queensland in accordance with subsection 7.4.

Lodgment of Grievance

7.4 Except in the case of a dispute arising under any applicable FA Statutes which are required to be addressed separately under the FA Grievance Resolution Regulations, and in order to lodge a Grievance to Football Queensland, the Complainant must:

- (a) provide a copy of the written notice and reply (if any) as noted in subsections 7.1 and 7.2 above to competitions@footballqueensland.com.au;
- (b) provide a completed and signed Grievance Form (Prescribed Form 2) to competitions@footballqueensland.com.au;
- (c) provide any supporting evidence; and
- (d) pay the Application Fee set out in Schedule 4,

within fourteen (14) working days after issue of the notice in subsection 7.1.

7.5 The time limits set out above are strict. Unless there are exceptional circumstances (to be determined by the Directors in their absolute discretion), if Football Queensland does not receive a completed and signed Grievance Form and payment of the Application Fee by the time specified in subsection 7.4, then the Member has waived his or her right to file a Grievance with Football Queensland.

Acceptance of Grievance

- 7.6 Football Queensland will only refer a Grievance to the General Tribunal if:
- (a) the Complainant(s) complies with the steps outlined in subsections 7.1 and 7.4 above; and
 - (b) the subject matter of the Grievance has not been or is not being dealt by Football Queensland under sections 6 or 11.
- 7.7 Football Queensland may decide, in its absolute discretion, not to refer the Grievance to the General Tribunal or to dismiss any Grievance which it determines is a Vexatious Claim.

8. Matters Important To Interests Of State Football

- 8.1 In relation to any other matter that the Directors consider important to the interests of football in the State, Football Queensland has absolute discretion to determine the procedures for:
- (a) investigating the matter;
 - (b) issuing any formal charges, requiring exchange of written notices and replies and lodgement of forms;
 - (c) directing the relevant parties to mediation; and/or
 - (i) referring the matter to the General Tribunal for hearing,
- as generally prescribed in sections 6, 7 and 9.

9. Mediation

- 9.1 At first instance, charges of Misconduct and/or Disrepute or Grievances shall be dealt with by mediation, unless Football Queensland believes that the charges or Grievance should be referred to the General Tribunal immediately. Any immediate referral by Football Queensland (that is, to bypass mediation) shall be in its absolute discretion and is not capable of appeal.
- 9.2 The mediation shall be:
- (a) facilitated by an independent person who shall act as a mediator for the purpose of attempting to reach agreement for the resolution of the charges or Grievance; and
 - (b) attended by the Members along with a representative of Football Queensland.
- 9.3 The mediator shall be:
- (a) a person who, in the opinion of Football Queensland, is appropriately qualified to conduct the mediation, and may include a member of the Institute of Arbitrators & Mediators Australia or other similar body, or a legal practitioner; and
 - (b) appointed by Football Queensland. Such an appointment shall be in its absolute discretion and is not capable of appeal.
- 9.4 Unless otherwise determined by Football Queensland, any costs involved in the mediation, including the costs of the mediator, shall be borne equally by the parties to the Grievance.
- 9.5 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.

- 9.6** The mediation shall commence within fourteen (14) working days after the issue of a Notice of Charge or submission of a Grievance Form, unless otherwise determined by Football Queensland in its absolute discretion.
- 9.7** Mediation shall continue for a period no longer than thirty (30) working days.
- 9.8** Unless agreement has been reached within fourteen (14) working days of the start of the mediation, Football Queensland will refer the matter to the General Tribunal in accordance with this By-Law.
- 9.9** Any failure by a Member to attend mediation convened in accordance with this section when reasonably requested by Football Queensland to do so and without reasonable excuse shall amount to Misconduct. Football Queensland may refer such matters to the General Tribunal for determination in accordance with section 6.

10. General Tribunal Hearing And Determination

Procedures for hearing

- 10.1** The procedures for a General Tribunal hearing shall be governed by section 15.

Provision and form of Determination

- 10.2** The General Tribunal Determination will be in accordance with majority opinion of the Tribunal members. In the event the General Tribunal is sitting with two (2) members, the opinion of the Chairperson shall prevail.
- 10.3** The types of sanctions that the General Tribunal may issue as part of its Determination are set out in Schedule 3 and may include (but not limited to) a finding, directive, suspension, banning, fine or such other action as reasonably determined by the General Tribunal.
- 10.4** If a fine is imposed, the General Tribunal shall determine the terms of payment.
- 10.5** Any failure to comply with the General Tribunal Determination is itself a breach of this By-Law, and may be considered in contempt of a Tribunal pursuant to subsection 15.34.
- 10.6** A Determination must:
- (a) contain the name(s) of the General Tribunal member(s);
 - (b) be made in writing;
 - (c) provide the reasons on which the Determination is based;
 - (d) contain the terms of the Determination - such as timeframes in which a fine must be paid;
 - (e) be signed by the Chairperson of the Tribunal;
 - (f) contain the date on which, and the place where, the Determination was made; and
 - (g) be promptly provided to the parties and within fourteen (14) working days of the completion of the hearing.

Correction of a Determination

- 10.7** Within five (5) working days of the issuance of a Determination, either party (including an Affected Party) to a hearing may submit a request to correct in the Determination any computation, clerical or typographical errors, or any other errors of a similar nature.

The above request for a correction shall be submitted to

integrity@footballqueensland.com.au.

If the General Tribunal considers the request to be justified, it will make the correction and reissue the Determination to the parties.

10.9 Within five (5) working days of the issuance of a Determination, and in addition to subsections 10.7 to 10 (inclusive) above, the General Tribunal may on its own initiative correct in the Determination any computation, clerical or typographical errors, or any other errors of a similar nature.

10.10 Any correction must be in writing and communicated to the parties.

10.11 Upon the expiry of five (5) working days from issuance of a Determination, the parties are deemed to have accepted the accuracy of the Determination.

10.12 The Determination takes effect from the date of issue, notwithstanding any subsequent correction(s) to same.

Publication and Confidentiality

10.13 Subject to any term of a Determination imposing confidentiality or any other legal requirements, any Determination or suspensions may be disclosed on the Football Queensland website.

10.14 All evidence and information provided in proceedings of the General 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.

11. Appealing To The Appeals Tribunal

Initiating an appeal

11.1 The General Tribunal Determination or Association Appeals Committee decision may be appealed to the Appeals Tribunal, pursuant to this section 11 and subject to the further requirements set out in subsections 11.5 to 11.8 below.

11.2 A Member wishing to appeal to the Appeals Tribunal must:

- (a) provide a completed and signed Notice of Appeal (Prescribed Forms 3 or 5 as appropriate to the relevant subject matter)
to integrity@footballqueensland.com.au
- (b) provide any supporting material as required by the Notice of Appeal; and
- (c) pay the Application Fee, as per Schedule 4,

within seven (7) working days of being issued the relevant Determination or decision.

11.3 The time limits set out above are strict. Unless there are exceptional circumstances (to be determined by the Directors in their absolute discretion), if Football Queensland does not

receive a completed and signed Notice of Appeal, supporting documentation and payment of the Application Fee by the time specified in subsection 11.2, then the Member has waived his or her right to appeal a decision of the Tribunal.

Limited grounds of appeal

11.4 The limited grounds of an 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 the General Tribunal or an Association Appeals Committee;
- (c) the decision or Determination of the General Tribunal or Association Appeals Committee was affected by actual bias;
- (d) the decision or Determination was one that was not reasonably open to the General Tribunal or Association Appeals Committee having regard to the evidence before same; or
- (e) severity, only where the decision or Determination of the General Tribunal or Association Appeals Committee imposed a sanction of at least:
 - (i) a Fixture suspension of six (6) or more Fixtures; or
 - (ii) a time suspension of three (3) or more months; or
 - (iii) a fine of two and a half thousand dollars (\$2,500) or more; or
 - (iv) a loss of six (6) or more Competition points; or
 - (v) expulsion from a Competition.

Appeal against a General Tribunal Determination in relation to a Grievance

11.5 As to an appeal from a General Tribunal Determination in relation to a Grievance, leave from the Appeals Tribunal must first be granted before the appeal can proceed, as outlined in the following procedure:

- (a) Any Notice of Appeal of a decision of a General Tribunal (Prescribed Form 3) in relation to a Grievance received by Football Queensland must be referred, within three (3) working days of receipt, to the Chairperson of the Appeal Tribunal for determination as to whether leave should be granted for the appeal to proceed.
- (b) The Chairperson of the Appeal Tribunal shall determine, within seven (7) working days of receipt of a Notice of Appeal referred under subsection 9.4(b), whether leave to appeal should be granted and the outcome of such determination shall be communicated in writing to the party lodging the appeal within ten (10) working days of the lodging of the Notice of Appeal.
- (c) In determining whether leave to appeal should be granted (in whole or in part), the Chairperson of the Appeal Tribunal 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 General Tribunal 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.
- (d) If the Appeals Tribunal decides that leave to appeal should not be granted, it may, in its absolute discretion recommend that all or part of the Appeal Fee should be refunded.
- (e) 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 Appeals Tribunal.

Appeals against a decision of an Association Appeals Committee

11.6 In addition to the limitations set out under subsection 11.4, the Appeals Tribunal will only hear and determine a matter involving an appeal from an Association Appeals Committee where the matter has proceeded in accordance with and exhausted the Association Member's Rules and Regulations - including, but not limited to, being initially heard before the Association Disciplinary Committee.

11.7 A party wishing to appeal a decision of an Association Appeals Committee to the Appeals Tribunal must provide sufficient documentation to demonstrate that the matter has proceeded in accordance with and exhausted the Association Member's Rules and Regulations before it can be appealed to the Appeals Tribunal.

11.8 A decision made by the Appeals Tribunal under subsection 11.6 is final and is not capable of appeal.

12. Jurisdiction Of The Appeals Tribunal

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

- (a) the General Tribunal; and
- (b) an Association Appeals Committee.

12.2 Where applicable, the relevant Application Fees for matters set out in subsection 12.1 are set out in Schedule 4.

13. Appeals Tribunal Hearing And Determination

Procedures for hearing

13.1 The procedures for an Appeals Tribunal hearing shall be governed by section 15.

Provision and form of Determination

13.2 The Appeals Tribunal Determination will be in accordance with majority opinion of the Appeals Tribunal members.

13.3 The Appeals Tribunal has the power to:

- (a) dismiss, allow in whole or part, or vary (whether by way of reduction or increase) a decision including any sanction or penalty imposed by the Lower Body; or
- (b) impose any sanction, measure or make any order the Appeals Tribunal thinks fit or a decision that the Lower Body could have imposed under this By-Law or the Association Member's Rules and Regulations.

13.4 A failure to comply with the Appeals Tribunal Determination is itself a breach of this By-Law and may be considered in contempt of a Tribunal pursuant to subsection 15.34.

13.5 A Determination must:

- (a) contain the name of the Appeals Tribunal members;
- (b) be made in writing;
- (c) provide the reasons on which the Determination is based;
- (d) contain the terms of the Determination - such as timeframes in which a fine must be paid;
- (e) be signed by the Chairperson of the Appeals Tribunal;
- (f) contain the date on which, and the place where, the Determination was made; and
- (g) be promptly provided to the parties and within fourteen (14) working days of the completion of the hearing.

Correction of a Determination

13.6 Within five (5) working days from issue of a Determination, either party (including an Affected Party) to a hearing may submit a request to correct in the Determination any computation, clerical or typographical errors, or any other errors of a similar nature.

13.7 The above request for a correction shall be submitted to tointegrity@footballqueensland.com.au

13.8 If the Appeals Tribunal considers the request to be justified, it will make the correction and reissue the Determination to the parties.

13.9 Within five (5) working days of the issuance of a Determination, and in addition to subsections 13.6 to 13.8 (inclusive) above, the Appeals Tribunal may on its own initiative correct in the Determination any computation, clerical or typographical errors, or any other errors of a similar nature.

13.10 Any correction must be in writing and communicated to the parties.

13.11 Upon the expiry of five (5) working days from issuance of a Determination, the parties are deemed to have accepted the accuracy of the Determination.

13.12 The Determination takes effect from the date of the initial issue, or in the event of a correction, the date of the subsequent reissue.

Publication and Confidentiality

13.13 Subject to any term of a Determination imposing confidentiality or any other legal requirements, any Determination or suspensions may be disclosed on the Football Queensland website.

13.14 All evidence and information provided in proceedings of the Appeals 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.

14. Appealing To FA

14.1 Only where a party has exhausted all avenues of appeal within Football Queensland may that party appeal the Appeals Tribunal Determination to FA.

14.2 Any such appeal to FA is via and subject to the FA Statutes.

14.3 Subject to subsections 14.1 to 14.2 above, the Appeals Tribunal Determination shall be final and binding on the parties, and no party may take any action in any court, tribunal or other equivalent forum to challenge such a determination or seek to have it varied in any way.

15. Hearing Procedure for Tribunals

Responsibility of Football Queensland

15.1 Where a Tribunal is required to convene a hearing, Football Queensland shall:

- (a) set a date, time and venue for the hearing;
- (b) issue a Notice of Proceedings; and
- (c) convene a Tribunal in accordance with this By-Law.

Submissions and evidence

15.2 The parties must provide to Football Queensland a copy of any written submissions, materials, documents or other evidence it intends to rely on in the hearing as per the following timeframes:

For a General Tribunal hearing

- (a) initiating party - at the time of submitting a Notice of Response (Prescribed Form 1), the due date specified in the Notice of Charge, the Grievance Form or any other date as advised by Football Queensland; and
- (b) responding party - at least two (2) business days before the start of the hearing.

For an Appeals Tribunal hearing

- (c) initiating party - at the time of submitting a Notice of Appeal (Prescribed Forms 3 or 4 as appropriate to the relevant subject matter) or any other date as advised by Football Queensland; and
- (d) responding party - at least two (2) business days before the start of the hearing.

15.3 All written submissions, materials, documents or other evidence supplied to Football Queensland must be sent to:

- (a) for a General Tribunal hearing - integrity@footballqueensland.com.au and
- (b) for an Appeals Tribunal hearing - integrity@footballqueensland.com.au.

15.4 Unless there are exceptional circumstances (to be determined by the Directors in their absolute discretion), Football Queensland will not accept any late written submissions, materials, documents or other evidence submitted after the stated deadline for same.

15.5 All written submissions, materials, documents or other evidence supplied to Football Queensland will be provided to the other parties (including an Affected Party) involved in the hearing.

Affected Party

15.6 A Member submitting a Grievance Form or Notice of Appeal must state whether there is any other Member who may be affected by the decision based on the relief sought.

15.7 If a Member has not identified an Affected Party, a Tribunal may require that any relevant document be given to another Member(s) if it is of the view that the outcome of the hearing may affect the interests of that Member(s).

15.8 Football Queensland may, in its absolute discretion, consider itself an Affected Party for the purposes of this subsection if it considers that the determination of a matter may affect the interests of Football Queensland, FA or may bring the game into Disrepute or damage the reputation and goodwill of the game.

15.9 An Affected Party provided with notice under this subsection may participate in the hearing as an Affected Party and may make submissions. The Affected Party is bound by any decision.

15.10 If an Affected Party provided with notice elects to not participate in a hearing, that Affected Party cannot subsequently initiate a Grievance or Notice of Appeal under this By- Law in relation to the same subject matter.

Legal Representation

15.11 A party (including an Affected Party) shall have the right to be represented by a lawyer at a Tribunal hearing.

Parent/Guardian

15.12 A party must be accompanied at a Tribunal hearing by a parent or legal guardian if he or she is under the age of eighteen (18) years.

Non-attendance

15.13 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 determined in that party's absence, including as to Determination on the merits and/or sanction. An *ex parte* Determination made by a Tribunal has the same force and effect as if it was made after a full hearing before a Tribunal.

15.14 If any party or witness that fails to attend a Tribunal hearing without exceptional circumstances or sufficient cause, that party or witness shall be deemed to have committed Misconduct and may be subject to sanction under section 6.

Adjournment

15.15 A party may apply in writing to a Tribunal at least two (2) working days before the start of a 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.

Stay of proceedings

15.16 On application by a party (including an Affected Party) or Football Queensland, a Tribunal may order a stay of proceedings (with or without conditions).

General conduct of Tribunal hearings

15.17 A Tribunal will not be bound by the rules of evidence usually applicable to proceedings in courts of law.

15.18 All hearings must be conducted in accordance with the principles of natural justice.

15.19 A Tribunal may conduct the hearing in any matter as it sees fit provided that:

- (a) all parties are given a reasonable opportunity to be heard; and
- (b) the hearing is conducted with as little formality and technicality and with as much expedition as proper consideration of the matters before it permits.

15.20 A Tribunal is empowered to:

- (a) take evidence subject to subsection 15.21. The admissibility and weight to be given to any evidence in a hearing shall be at the absolute discretion of a Tribunal;
- (b) require the attendance of any Member to give evidence;
- (c) require the production of any document, information or other evidence in whatever form held by any Member; and
- (d) inform itself on any matter or thing in order to properly carry out its function in accordance with this By-Law.

15.21 Unless there are exceptional circumstances (to be determined by the Appeals Tribunal), in determining any appeal under subsections 11.4(d), 11.4(e) or 11.5, the Appeals Tribunal shall not consider new evidence to that which was before the Lower Body whose decision is being appealed.

15.22 To the extent that a matter relating to the procedures of a Tribunal is not provided for by this By-Law, the Chairperson of a Tribunal may issue appropriate directions for the conduct of any matter or hearing.

Disclosure of Tribunal members

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

Challenge of jurisdiction or of a Tribunal member

15.24 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.

15.25 If an objection to the Tribunal's jurisdiction is not raised within a Member's Notice of Response or Notice of Appeal, that Member is deemed to have accepted the Tribunal's jurisdiction in the subject matter.

15.26 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.

15.27 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.

Standard of proof

15.28 A Tribunal shall make Determinations on the balance of probabilities.

Costs generally

15.29 The parties to a Tribunal hearing shall pay their own costs unless the Tribunal determines otherwise.

15.30 In a hearing, the Tribunal may award the costs it considers appropriate on:

- (a) the application of a party to the proceeding; or
- (b) its own initiative.

15.31 In deciding whether to award costs, and the amount of the costs, the Tribunal may have regard to the following:

- (a) the outcome of the hearing;
- (b) the conduct of the parties to the proceeding before and during the hearing;
- (c) the nature and complexity of the hearing;
- (d) any legal costs incurred by a party (including an Affected Party), a Tribunal or Football Queensland;
- (e) the relative strengths of the claims made by each of the parties to the hearing;
- (f) any contravention of the FA Statutes or Football Queensland Statutes by a party to the proceeding; and

15.32 anything else the Tribunal considers relevant. A party to a proceeding is not entitled to costs only because the Tribunal made an order or orders in a party's favour.

15.33 The power of the Tribunal to award costs under this By-Law is in addition to the Tribunal's power to award costs under any other provision of the FA Statutes and Football Queensland Statutes.

Contempt in the face of a Tribunal

- 15.34** A person appearing before a Tribunal must not:
- (a) insult a member of a Tribunal in relation to the exercise of the powers or functions 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 Tribunal is sitting;
 - (d) fail to comply in full with an order or Determination of a Tribunal; or
 - (e) do any other act or thing that would, if a Tribunal were a court of record, constitute a contempt of a Tribunal.

15.35 If a Tribunal considers that a person has breached subsection 15.34, then it may impose sanctions as it sees fit in accordance with this By-Law or make recommendations to Football Queensland to issue a Notice of Charge pursuant to section 6.

Tribunal may hear proceedings regardless of related criminal or disciplinary action

- 15.36** A Tribunal may 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.

Immunity

15.37 The parties to any charges or proceedings brought under this By-Law, and their respective witnesses, agree not to institute or maintain any proceedings, or bring any claim against Football Queensland, a Tribunal or member of a Tribunal, in respect of any act or omission during the course of a hearing or arising out of any charge, Determination or findings made.

Settlement and termination of hearing

15.38 The parties are encouraged to reach settlement at any time up to the making of a Determination at conclusion of a hearing.

- 15.39** If the parties agree on a settlement before a Determination is made, a Tribunal may:
- (a) issue an order for termination of the hearing; or
 - (b) if requested by the parties and accepted by the Tribunal, record the settlement in the form of a Determination on agreed terms. The Tribunal is not obliged to give reasons for such an award.

15.40A Determination on agreed terms has the same status and effect as any other Determination on the merits of the case.

- 15.41** A Tribunal must issue an order for termination of a hearing if the:
- (a) charges of Misconduct and/or Disrepute, Grievance, appeal against a General Tribunal Determination or Association Appeals Committee Determination are withdrawn by the relevant party;
 - (b) the parties submit a joint written notice agreeing to termination of the hearing; and

- (c) continuation of the hearing has for any other reason become unnecessary or impossible, in accordance with subsection 15.42 below.

15.42 If the continuation of a hearing becomes unnecessary or impossible before a Determination is made, a Tribunal must inform the parties of its intention to issue an order for termination for the hearing. A Tribunal has the power to issue such an order unless a party raises justifiable grounds for objection.

15.43 A copy of the signed order for termination must be provided to the parties.

Legal advice

15.44A 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.

Football Queensland staff

15.45 Football Queensland staff shall not be required to provide evidence at a hearing (whether oral or written) unless Football Queensland is an Affected Party to a hearing or a Tribunal considers otherwise.

16. Financial Default

16.1 Further to subsections 10.5 and 13.4 above and in the event that:

- (a) the General Tribunal or Appeals Tribunal issues a Determination which requires a Member to pay any amount by a due date; and
- (b) the Member fails to make the subject payment by the due date, the Member shall be liable:
- (c) to pay interest on the outstanding amount from the due date until the date of actual payment at the existing Reserve Bank of Australia's interest rate for each month, or part of a month, during which any such payment was overdue; and
- (d) for further sanction or penalty to be determined by the Directors. A determination under this subsection is at the absolute discretion of the Directors and is not capable of appeal.

17. General

Interpretation

17.1 In this By-Law and unless the contrary intention appears, reference to:

- (a) one gender includes the other genders
- (b) the singular includes the plural and the converse;
- (c) a person, corporation, trust, partnership, unincorporated body or other entity includes any of them;
- (d) a party includes the party's executors, administrators, successors and permitted assigns;
- (e) legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.

- (f) "*including*" and similar expressions are not words of limitation;
- (g) where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning; and
- (h) headings are for convenience only and do not affect the interpretation of this By-Law.

Severability

17.2 If it is held by a Court of competent jurisdiction that:

- (a) any part of this By-Law is void, voidable, illegal or unenforceable; or
- (b) this By-Law would be void, voidable, illegal or unenforceable unless any part of this By-Law were severed,

then that part of this By-Law will be severed from, and will not affect or derogate from, the enforceability or validity of any rights or obligations under the By-Law, or the continual operation of the remainder of this By-Law .

Limitation Period

17.3 A Tribunal will not hear any Grievances, appeals, incidents, disciplinary, dispute and conduct matters involving Members if more than two (2) years have lapsed.

17.4 The limitation period starts:

- (a) From the day on which the subject incident or conduct took place;
- (b) If the subject incident or conduct is recurring, from the day on which the most recent action was committed;
- (c) If the subject incident or conduct took place over a period of time, from the day on which the action ended.

17.5 Notwithstanding the above, a Grievance, appeal, incident, disciplinary, dispute and conduct matter involving corruption has no limitation period.

Substantial compliance

17.6 No proceedings before a Tribunal will be invalidated for:

- (a) any defect, whether of substance or form, in any notice, report or determination; or
- (b) non-compliance with any term of this By-Law, unless the Tribunal so determines in its absolute discretion.

Notice

17.7 A party notifying or giving notice under this By-Law must notify in writing and in English.

17.8 As per subsection 1.3 above, and to ensure efficiency of disciplinary and conduct matters, any notices to Football Queensland must be made via email to the relevant email addresses set out in Schedule 2.

17.9 For convenience, any notices between the parties should preferably be made via email. However, this preference does not exclude the use of other methods of notification (such as hand delivery, post or facsimile) if the circumstances so require – for example, due to size of the documents.

17.10 Generally, a notice will be taken to be received:

- (a) If delivered by hand to the recipient's address, on the date of delivery as long as delivery is acknowledged in writing by the recipient;
- (b) If sent by post, three (3) working days after posting; or
- (c) if sent by email or facsimile on a working day at the recipient's, on the date of transmission, or if sent on a non-working day at the recipient's location, on the next working day, provided that the sender's email or facsimile machine records a successful transmission.

17.11 Unless otherwise specified, all notices must be received by close of business on a working day at the recipient. If received after close of business, it will be deemed to have been received by the next working day.

SCHEDULE 1: Definitions

"Attribute" means race, colour, religion, language, politics, national or ethnic origin, gender, transgender, sexual orientation, age, marital status, pregnancy or intellectual or physical impairment or any other attribute specified under commonwealth or state legislation;

"Affected Party" means a party (including Football Queensland) who may be affected by a decision based on the relief sought by a Member submitting a Notice of Appeal or Grievance Form under this By-Law;

"Appeals Tribunal" means the Tribunal responsible for hearing and determining appeals set out in section 11 to 12;

"Appeals Tribunal Determination" means a Determination made by the Appeals Tribunal pursuant to section 13;

"Application Fees" means the applicable fees to appear before the General Tribunal and Appeals Tribunal, as set out in Schedule 4;

"Association Appeals Committee" means the highest judicial body of an Association Member;

"Association Member" means those admitted from time to time as association members of Football Queensland under the Football Queensland Constitution, which includes but is not limited, to:

- (a) a Zone and/or Competition Administrator;
- (b) any council, committee panel or other bodies constituted by same; and
- (c) any association recognised under the Football Queensland Constitution as being responsible for participation in all forms of football within a Zone;

"Association Disciplinary Committee" means the disciplinary body of an Association Member responsible for issuing suspensions and reviewing disciplinary decisions;

"Association Member Rules and Regulations" mean any rules, regulations, by-laws, policies, procedures, directives, codes of conduct and guidelines developed, promulgated and implemented by an Association Member;

"Benefit" means money, gift, advantage, consideration or any other benefit or reward, whether in cash or kind;

"By-Law" means this By-Law 11 as amended from time to time;

“Chairperson” means a chairperson of a Tribunal appointed under section 4.3;

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

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

“Competitions” means any or all of the football matches or competitions conducted by Football Queensland including both outdoor and futsal and may include a Championship and Premiership component;

Competition Administrator” means the entity responsible for the conduct and staging of a Competition;

“Complainant” means the person(s) initiating a Grievance;

“Cup” means a tournament or event conducted by Football Queensland which includes, but is not limited to, the Football Queensland Cup played in the State in accordance with the Football Queensland Rules and Regulations;

“Determination” means a decision made by a Tribunal in accordance with this By-Law;

“Directors” mean some or all of the directors of Football Queensland appointed or elected from time to time in accordance with the Football Queensland Constitution;

“Disrepute” means conduct such as, but not limited to:

- (a) discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of an Attribute;
- (b) harassment, including sexual harassment or any unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances;
- (c) offensive behaviour, including offensive, obscene, provocative or insulting gestures, language or chanting;
- (d) provocation or incitement of hatred or violence;
- (e) spectator or crowd violence;
- (f) intimidation of Match Officials, which may take the form of (but is not restricted to) derogatory or abusive words or gestures toward a Match Official or the use of violence or threats to pressure a Match Official to take or omit to take certain action regardless of where such action is taken;
- (g) forgery and falsification, including creation of a false document, forgery of a document or signature, the making of a false claim or providing inaccurate or false information on a prescribed form;
- (h) corruption, including offering a Benefit or an advantage to a Player or an Official in an attempt to incite him or her to violate FIFA Statutes, FA Statutes;
- (i) abuse of position to obtain personal benefit;
- (j) commission or charge of a criminal offence; or
- (k) any other conduct, behaviour or statement that materially injures the reputation and goodwill of Football Queensland or football generally;

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

“FA Statutes” means the statutes and any accompanying standing orders, by-laws and

regulations governing football in Australia as promulgated by FA from time to time;

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

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

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

“Fixture” means a meeting of clubs as scheduled in all grades applicable;

“Football Activity” means any activity of a football nature which takes place on the field of play, playing area or within the external surrounds of a ground or venue;

“Football Queensland” means Football Queensland Ltd ACN 063 925 333 which is the governing body for football and futsal in the State;

“Football Queensland By-Laws” means the by-laws of Football Queensland as amended from time to time;

“Football Queensland Competition” means any or all of the football matches, tournaments, events or competitions owned or conducted by Football Queensland, including outdoor and futsal;

“Football Queensland Constitution” means the Constitution of Football Queensland as amended from time to time;

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

“General Tribunal” means the Tribunal responsible for hearing and determining matters under sections 5 to 8 (inclusive);

“General Tribunal Determination” means a decision made by the Tribunal pursuant to section 10;

“Grievance” means a claim, complaint or disagreement by, against or between members;

“Grievance Form” means Prescribed Form 2, used for initiating a Grievance against a Member under section 7;

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

“Lower Body” means the General Tribunal, Association Disciplinary Committee or Association Appeals Committee;

“Match” means any match played in a Football Queensland Competition, Cup, Premiership, other event or tournament under Football Queensland’s control;

“Match Official” means a referee, assistant referee, fourth official, assessor, match commissioner, any person in charge of safety or any other person appointed by FA, Football Queensland, a Referee’s Body, an Association Member or a Club to assume responsibility in connection with a Match;

“Member” means for the purposes of this By-Law an Association Member, a Club, a Referee’s Body or a Participant;

“Misconduct” means any act or omission by a Member which:

- (a) constitutes a breach of the FIFA Statutes and Regulations;
- (b) constitutes a breach of the FA Rules and Regulations;
- (c) constitutes a breach of the Laws of the Game;
- (d) constitutes a breach of a Football Queensland Rules and Regulations (including this By-Law) unless a document contains a provision or provisions for dealing with any breach thereof;
- (e) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;

- (f) participates and assists, or arranges the participation or assistance of others, in any match-fixing, gambling or betting activities in relation to a Match;
- (g) is unsportsmanlike or unprofessional;
- (h) brings or may bring the game into Disrepute or damage the reputation and goodwill of the game; or
- (i) in the opinion of Football Queensland, is or may be prejudicial to the interests or reputation of either the game of football in the State, Football Queensland or any of its sponsors;

“Notice of Appeal” means the relevant prescribed form submitted by a party to Football Queensland wishing to appeal a decision of the General Tribunal (Prescribed Form 3) or Association Appeals Committee (Prescribed Form 4);

“Notice of Charge” means a Notice submitted by Football Queensland charging a Member with Misconduct and/or Disrepute pursuant to this By-Law;

“Notice of Proceedings” means a notice issued by Football Queensland to the parties subject to a hearing;

“Notice of Response” means Prescribed Form 1 submitted by a Member having being charged with Misconduct and/or Disrepute pursuant to this By-Law;

“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 FA, junior or senior or an amateur or professional;

“Premiership” means the round robin Matches (both home and away, outdoor and futsal) in which a team competes during a Season in accordance with the Football Queensland Rules and Regulations;

“Referee’s Body” means a body made up of Match Officials who provide services to Football Queensland or an Association Member;

“Respondent” means the person(s) responding to a Grievance;

“Season” means from the commencement of a Football Queensland Competition to the conclusion of a Football Queensland Competition, unless otherwise directed by Football Queensland and includes both outdoor and futsal;

“Spectator” means any person who attends to view a Match;

“State” means the state of Queensland;

“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 or an Association Member;

“Tribunal” means the General Tribunal or Appeals Tribunal;

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

“Zone” means a geographical area as created by Rule 3.6 of Football Queensland’s Constitution and defined in By-Law 9 of Football Queensland’s By-Laws.

SCHEDULE 2: Email Addresses and Prescribed Forms

Prescribed Form	Email address to send to
Grievance Form - Prescribed Form 1	integrity@footballqueensland.com.au
Notice of Response - Prescribed Form 2	
Notice of Appeal of a decision of a General Tribunal - Prescribed Form 3	
Notice of Appeal of a decision of an Association Appeals Committee - Prescribed Form 4	

SCHEDULE 3: Types of Sanctions

The following sanctions may be imposed by the Tribunal:

- (a) a reprimand;
- (b) a fine or costs;
- (c) deduction or loss of competition points;
- (d) ban on the registration or transfer of any Player(s) for a specified period of time;
- (e) annulment of registration of a Player(s);
- (f) suspension from participation in a Match, Fixture, event, tournament or Competition;
- (g) exclusion, suspension or expulsion from a Competition;
- (h) ban on playing at a particular stadium, ground or centre;
- (i) annulment of the result of the Match;
- (j) relegation to a lower division;
- (k) requiring return of an award;
- (l) ban from the dressing room and/or substitutes bench or entering a stadium, ground or centre; and/or
- (m) such other disciplinary sanctions or measures as is appropriate in all the circumstances, including as prescribed in the FIFA Statutes, FA Statutes and Football Queensland Statutes.

SCHEDULE 4: Application Fees

General Tribunal

Nature of matter	Fee
Application for a Grievance other than a contractual dispute arising from a Player's professional contract under the FA Grievance Procedure By-Law	\$500

Appeals Tribunal

Nature of matter	Fee
Appeal from a decision of an Association Appeals Committee	\$750
Appeal from a decision of a General Tribunal	\$750

Fees are non-refundable except in circumstances outlined in subsection 11.5 of this By-Law (appeal in relation to a General Tribunal Determination relating to a Grievance) and at the Appeals Tribunal's absolute discretion.