

NORTH WEST SYDNEY FOOTBALL LTD



**NWSF Code of Conduct
For Tribunal/Committee Members**

(Adopted July 2020)

SCOPE

This Code of Conduct is made under Clause 5.6 of the NWSF Grievance and Disciplinary Regulations (G&DR) and came into operation in July 2020. This Code of Conduct applies to all members of any Judiciary Body constituted by NWSF and appointed from time to time by NWSF (**The Board**).

PURPOSE

At NWSF our Judiciary Bodies play an integral role in maintaining lawfulness, fairness, openness and efficiency in the administration and resolution of complaints, grievances and appeals.

The proper functioning of NWSF requires that the decision-making process is ethical, robust and professional.

This Code of Conduct is intended to provide practical assistance to Members in performing their duties and in identifying and resolving matters under the jurisdiction of the Bodies. It also sets out the standards of behaviour expected of each Member.

COMPLIANCE WITH GOVERNING RULES

In addition to this Code of Conduct, Members must act in accordance with the following statutes, By-Laws and Regulations:

- FNSW's Constitution;
- FNSW's By-Laws; and
- FNSW's Policies, Regulations, including the FNSW Grievance & Disciplinary Regulations.
- NWSF's Policies, Regulations, including the NWSF Grievance & Disciplinary Regulations.

(together the **Governing Rules**).

To this end, Members must work with the Chair GPT and other Members of each Body to ensure:

- that the process of the Body is open and transparent;
- the Body is efficient and effective and its decisions are fair and reasonable having regard to all relevant facts and circumstances;
- proceedings are to be determined in an informal, expeditious and inexpensive manner;
- the quality and consistency of the Body's decision making; and
- that where practicable, Members participate in various committees and working groups organised by the Chair GPT; and
- availability to assist the Chair GPT to implement and promote the operational and strategic goals and objectives of NWSF.

GENERAL PRINCIPLES

NWSF has identified several major themes for Members in the performance of their duties.

In the performance of their duties, Members must demonstrate:

- fairness;
- integrity;
- impartiality;
- expertise; and
- timeliness.

FAIRNESS

At the most basic level, fairness refers to the obligation of Members to give all parties the opportunity to present their respective positions and to receive a determination or decision that diminishes the perception of bias.

More broadly all of the concepts addressed by this Code of Conduct contribute to the fairness of the process.

Members must:

- abide by the principles of natural justice and procedural fairness, in particular, by giving each party a reasonable opportunity to present their case and to answer the case against them;
- ensure the Body is accessible by being aware of barriers such as language, cultural background, literacy or disability which may impede a party in presenting their case;
- control the proceedings through the Chair in order to create an environment which is courteous and respectful of all participants while ensuring respect for the Tribunal process by participants;
- communicate in a clear, plain manner which can be understood by the parties;
- ensure proceedings are conducted in a manner which is transparent and which limits the perception of bias; and
- make decisions according to the Governing Rules, with due regard to fairness and equity and the substantial merits of the case.

INTEGRITY

Members will act in a manner which upholds the status and reputation of NWSF.

In performance of their duties Members must:

- conduct hearings and make decisions with diligence and honesty;
- be patient, courteous, tolerant and treat all parties, representatives, witnesses, interpreters, staff, other Members and any other with respect;
- protect parties and their representatives from any behaviour of other parties which may be threatening, discourteous or unprofessional, including behaviour which is unnecessarily aggressive or which is racist, sexist or shows religious or other bias; and

Members should refrain from commenting inappropriately on the operations of the other Members.

NON DISCLOSURE

All communications, phone calls, emails documents etc received as part of their Judiciary Duties are considered Confidential unless otherwise identified by the Chair GPT.

Judiciary members may not disclose any Confidential information to any person or to any outside body except to the Chair GPT and/or other Judiciary members of the Judiciary panel for which they are appointed. This specifically excludes other Judiciary members not engaged for that Judiciary panel.

IMPARTIALITY

A Member is prohibited from sitting, chairing or observing on an Appeals Tribunal hearing if he or she had sat on the GPT or any other tribunal or in relation to that matter.

In performance of their duties Members must:

- act impartially;
- avoiding conflicts of interest both real and apparent;
- carry out their duties as Members without bias and without yielding to external influences;
- always apply the provisions of the Governing Rules equally and without bias;
- undertake their responsibilities independently and free from influence external to proceedings;
- advise the parties of any matter which might give rise to a perception of bias and conflict of interest and determine whether in the circumstances it is appropriate to conduct the proceedings;
- refrain, save in exceptional circumstances, from any communication (either orally or in writing) or association during the course of proceedings with a party, legal representative or witness in the absence of the other party or parties or their representatives;
- refrain from discussing cases via any form prior to any hearing, or using privileged position in contacting Tribunal members when representing their Clubs in any matter at any time; and
- report to the Chair GPT any matters that may impact on perceptions of impartiality.

In addition, Members should:

- if engaged in another profession, occupation or business, take care to ensure that those activities do not undermine the discharge of their responsibilities as a Member; and
- refrain from engaging in partisan political activity which is directly related to the work of the Body and which may impinge upon the perception of impartiality of the Member or the Body.

EXPERTISE

Members must maintain and exercise a reasonable level of skill and knowledge relevant to the discharge of their duties.

Members should:

- keep informed of developments in substantive and procedural matters within the jurisdiction of the Body;

- ensure wherever possible that decisions are consistent with previous decisions of the Tribunal and provide detailed reasons where they are not followed;
- not create any policy in its decision making. It may recommend to the Chair GPT the adoption of policies, but this must be communicated outside any decision or determination; and
- support and encourage the development of colleagues.

TIMELINESS

Members must resolve matters in a timely manner in order to ensure that Body's proceedings are efficient, effective and inexpensive.

In the conduct of proceedings Members must:

- clearly identify the issues in dispute and orders sought;
- facilitate settlement of some or all of the matters in dispute;
- adjourn matters only when necessary;
- ensure that evidence is given as concisely as possible, while still allowing full ventilation of all relevant issues; and
- deliver reserved decisions and provide written reasons promptly in accordance with the NWSF Grievance & Disciplinary Regulations or as directed by the Chair GPT.

COMPLAINTS HANDLING PROCEDURE

Complaints

An allegation that a Member has breached this Code of Conduct (**Complaint**) may be made by the following persons:

- a Director of NWSF;
- a participant in a matter before a Body; or
- a Member of NWSF.

(each a **Complainant**).

Complaints Handling Process

A Complaint shall be dealt with in accordance with the procedures set out below:

Written complaints

A Complaint must:

- be in writing;
- specify which section of this Code of Conduct is alleged to have been breached and contain particulars of the alleged breach; and
- include any available supporting material.

Referral of complaint to the Chair GPT

A Complaint should be marked "confidential" and submitted to the Chair GPT of NWSF, or in the case of the Chair GPT being the subject of a complaint, to the NWSF Chairperson.

Trivial or frivolous complaints

If the Chair GPT determines that the complaint is trivial, vexatious or frivolous, the Chair GPT may dismiss the complaint without referring the complaint to the relevant Member. The

Chair GPT must promptly notify the complainant in writing of any determination to dismiss a complaint under this paragraph.

Further action

Unless the Chair GPT determines that a complaint is trivial, vexatious or frivolous, as soon as practicable after receiving the complainant, the Chair GPT:

- must notify the relevant Member of the complaint and forward a copy of the complaint to the relevant Member with that notice;
- must allow the relevant Member not less than five (5) Business Days after the date of the notice to comment on the complaint; and
- may request the relevant Member to provide a written response in relation to the complaint within seven (7) Business Days after the date of the notice or such later date as is specified in such notice.

Initial review

After receiving and considering the relevant Member's comment or response to a complaint, the Chair GPT should either:

- dismiss the complaint (in which case the Chair GPT must promptly notify the complainant and the relevant Member of the Chair GPT's decision to dismiss the complaint); or
- refer the complaint to the NWSF Board (in which case the Chair GPT must promptly notify the complainant and the relevant Member of the Chair GPT's decision to make that referral).

Investigation by the Board

Upon the referral by the Chair GPT to the Board of a complaint, the Board will investigate the complaint to determine whether or not in the opinion of the Board a breach of this Code of Conduct has occurred and, if so, the appropriate sanctions to be applied in the circumstances.

The Board will:

- give consideration to the serious consequences of a finding that there has been a breach of this Code of Conduct by the relevant Member; and
- make a finding whether in their opinion a breach of this Code of Conduct has occurred on the basis of the balance of probabilities.

Right to be heard

When the Board is considering whether there has been a breach of this Code of Conduct or the sanctions which are appropriate, the Board must notify the relevant Member and give the relevant Member a right to be heard by the Board; however, the Board is not obliged to allow the relevant Member to be legally represented. Following the investigation of the complaint, the Board must allow the complainant and the relevant Member a right of reply. The Board must act fairly, promptly and without bias in making decisions.

Sanctions

If the Board finds that there has been a breach of this Code of Conduct then, having regard to the severity of such a breach, the Board should then impose such sanctions as it considers appropriate which may include (but are not limited to) one or more of the following:

- remove a Member from a matter;

- suspend a Member from conducting any further matters on any Body of NWSF until further notice; or
- terminate a Member's appointment to any Body.

AGREEMENT

I confirm that my appointment as a Member of a Body established under NWSF's Constitution is subject to this Code of Conduct and I agree I have read and understood this Code of Conduct and agree to act to be bound by its terms.

Name: _____

Signature: _____

Date: _____