

NEW SOUTH WALES BRIDGE ASSOCIATION

REGULATIONS FOR APPEALS

A. APPEALS COMMITTEE

Function of Regulations

- 1.1 Each tournament conducted by the NSWBA shall have an Appeals Committee (the "Appeals Committee").
- 1.2 The function of the Appeals Committee is to adjudicate all appeals from rulings of Tournament Directors directing NSWBA Tournaments.
- 1.3 The objective of the Committee is to provide a courteous and attentive forum for a fair hearing.
- 1.4 These Regulations should be read together with the Supplementary Regulations, which apply to the event. In the case of an inconsistency between these regulations and the Supplementary Regulations, these regulations prevail.

Membership of an Appeals Committee

- 2.1 In default of a provision for membership by the Supplementary Tournament Regulations, the NSWBA Appeals Convener or their delegate ("Convener") appoints members to the Appeals Committee.
- 2.2 Ideally an Appeals Committee has five members. The Supplementary Tournament Regulations may provide for the quorum of an Appeal Committee. In default of such a provision, the quorum is three.
- 2.3 Appeal Committee members must declare any conflict of interest and, unless the Convener deems the conflict to be insignificant, the member is disqualified.
- 2.4 No party is entitled to challenge, either peremptorily or for cause, the credentials of any Appeals Committee member.
- 2.5 The Convener, or a member of the Appeals Committee appointed by the Convener, acts as the Chair of the Committee for each appeal.
- 2.6 The Convener may invite any neutral person to be an observer.
- 2.7 In the absence of the Convener and any Chair appointed by the Convener, the Committee members should select one of their number to act as Chair.
- 2.8 Appeals Committee members are expected to:
 - a) be impartial
 - b) present the appearance of impartiality
 - c) refrain from camaraderie with any party involved in the appeal during the period from the lodgment of the appeal to the communication of the decision
 - d) treat all proceedings of the Appeals Committee as privileged and confidential and refrain from discussion of any associated matters with persons other than members of the Appeals Committee.
- 2.9 The Regulating Authority, Tournament Organiser or Convener of Appeals Committees may appoint a scribe to record and publish the proceedings of any appeal.
- 2.10 As far as is practical, appeals are to be heard at a fixed time and place specified by the Convener of the Appeals Committee.

B. FORM AND TIME OF APPEAL

- 3.1 All appeals must be notified in person to, and submitted in writing through the Tournament Director whose decision is the subject of the appeal or through the Chief Tournament Director.
- 3.2 The recommended Appeals Form is attached.
- 3.3 An appeal must be lodged within the time specified in the Supplementary Regulations. In the absence of such specification, the following time limits apply.
 - a) In the course of a multi-session event the time for lodging an appeal is prior to the commencement of the next session.
 - b) In the case of a single session event or the last session of a multi-session event or match, (Law 92B) the time is 30 minutes after the official score has been made available for inspection. (The Director should ensure that this time is displayed.)
 - c) Appeals relating to scores must be lodged within the above time limits or 30 minutes after a ruling is made and announced, whichever is the later.
- 3.4 The Appeal Form lodged with the Director must be signed by both partners in a pairs event, or by the captain in a teams event and must contain the following information:
 - a) the parties identified by pair number or team number and, preferably, by name
 - b) the board number, dealer, vulnerability and whether screens were in use
 - c) a record of the hands and the bidding showing all alerts
 - d) the appellant's submission identifying disputed facts and indicating, if the Appeals Advisor was approached, the advice received
 - e) a record of the Director's decision including an indication of whether there was an infraction of the Laws of Bridge and whether there is a factual dispute
 - f) the respondent's submission including a statement about disputed facts, if any
 - g) whether the Appeals Advisor was consulted and assessed that the appeal had significant merit.

Treatment of Appeals without Significant Merit

- 4.1 Contestants who pursue an appeal that the Appeals Committee deems “frivolous” or “without significant merit” are subject to a procedural penalty according to the scale fixed by the ABF's National Authority from time to time.
The current penalties are shown below in paragraph 8.2
- 4.2 In determining whether to deem an appeal “without significant merit” the Appeals Committee must take into consideration the standard and experience of the appellants.
- 4.3 An appeal should not be deemed to be “without significant merit” if the Appeals Advisor indicated that the appeal had a reasonable chance of success.

C. DUTIES OF THE DIRECTOR

5.1 The Director must:

- a) confirm that the captain (teams) or both members of the partnership (pairs) concur in appealing
- b) record on the Appeal Form the reasons for the ruling together with any other relevant comments
- c) provide a copy of the written appeal to the respondents to give them the opportunity to note any disputed facts and to make their own submissions
- d) submit the appeal to the chair of the Appeals Committee
- e) advise the parties of the time and place fixed for hearing the appeal
- f) when the appeal has been decided, advise the parties and the scorer of the result.

D. CONDUCT OF THE APPEAL

6.1 The Convener of the Appeals Committee appoints an Appeals Committee, which may include the Convener of the Appeals Committee and nominates the Chair of the Committee.

6.2 Appeals are heard in the presence of the parties. However, where a party has been notified of the time and place of the appeal but fails to arrive within five minutes of the specified time, the appeal proceeds in the absence of that party.

6.3 The standing orders for Appeals Committees are:

- a) the appeal is heard in private with all present seated
- b) the Chair introduces the members of the committee and any observers, explains the procedure and cautions that any harassment of parties after the decision may result in disciplinary action
- c) the Director identifies the appellants and respondents
- d) no person may speak unless and until s/he is recognised by the Chair and then must address the Committee
- e) without interruption the Director states the facts, the ruling and, if required, its basis in Law

(An appropriate form of narrative is “I was called to the table by..... to consider a situation involving..... The facts related were..... I ruled, according to Law, that)
- f) the Chair establishes whether the facts are agreed
- g) the Appellant(s) states the case indicating if necessary any disagreement with the facts stated by the Director and puts their argument
- h) the Respondent(s) state their case in rebuttal indicating, if necessary, any disagreement with the facts stated by the Director and may put an argument

- i) the Committee, and the opposing parties, may ask questions for clarification during a presentation and, if necessary, other questions after a witness's presentation
- j) the Appellants and then the Respondents present their final statements
- k) all parties except observers withdraw while the Committee deliberates on the matter
- l) the Chair notifies the decision to the Director who has the duty of advising the captains or one player from each side and the scorer of the decision.

E. APPEAL COMMITTEE DECISIONS

- 7.1 The appeal is decided by a simple majority. In case of equality of votes the Chair has a casting as well as a deliberate vote.
- 7.2 If the appeal is dismissed the Appeals Committee determines whether the appeal had any merit and decides whether to award a procedural penalty.
- 7.3 The Chair records
 - a) the Committee's decision including its reasons
 - b) any penalty for a "frivolous" appeal
 - c) the members of the Committee
 - d) any dissent(s) from the majority decision.
- 7.3 All members of the committee sign the Form
- 7.4 The Chair of each Appeals Committee returns the Appeals Form to the Convener of the Appeals Committee.
- 7.5 At the conclusion of each NSWBA Tournament, the Convener of the Appeals Committee forwards all Appeal Forms for appeals decided at that tournament to the NSWBA Office Manager to be retained as part of the NSWBA's record.

F. PROCEDURAL PENALTIES

- 8.1 The NSWBA has decided to impose score penalties rather than financial penalties when the Committee considers an appeal "frivolous" or "without significant merit".
- 8.2 In NSWBA events the penalty that an Appeals Committee can award is:
 - 10 IMPs (i.e. In an knockout match) *or*
 - 15% of the total VPs available (i.e. 3 VPs using the WBF scale) *or*
 - 15% of the maximum IMPs available (e.g. 5 IMPs/VPs for the ANC teams) *or*
 - 1/2 a top in an event scored by MP *or*
 - A penalty equivalent (in the scoring method) to one of the above

G. FURTHER APPEALS

- 9.1 There shall be no appeal from any decision of an Appeals Committee where duly constituted and conducted in accordance with these Regulations.
- 9.2 Any question raised in writing as to the due constitution or proper procedure of an Appeals Committee (no other form of question shall be permitted and such questions must be raised within 24 hours of the giving of the decision or one hour after the posting of final results whichever shall be the earlier) shall be determined by the NSWBA Council whose decision shall be final. If an Appeals Committee is found not to have been duly constituted or to have failed to follow in substance the procedures set out in these Regulations, its determinations shall be null and void and the appeal or reference shall be heard *de novo* by a duly constituted Appeals Committee.