

NSWBA Congress Disciplinary & Ethics Regulations

Date of implementation: 2 January 2018

Bridge players should be:

- polite and courteous to partners, opponents and officials at all times;
- have respect for other people's rights to have different opinions;
- play in a proper, mature and inoffensive manner; and
- be aware of their obligations under [Laws 73 and 74](#) of the Laws of Duplicate Bridge.

These regulations describe the procedures to be adopted in reporting and dealing with breaches of the above code of conduct.

The NSWBA provides central secretarial services for the administration of these regulations. In the following, "written" and related terms mean by email and/or written on paper as the context permits.

The term "congress" refers to any of the types of events specified in regulation 1.1.

1 SCOPE

1.1 These regulations apply to players in the following events:

- a) Congresses conducted by affiliated clubs under the auspices of the NSWBA, whether played at a club's regular venue or some other location;
- b) State, Zonal and Regional Finals of NSW State Championships and any associated side-events;
- c) Regional Finals of GNOT qualifying events organised by the NSWBA.

1.2 These regulations do not apply to players in the following events:

- a) Regular club duplicate sessions (including club qualifying sessions of State Championships and the GNOT);
- b) ABF licensed events (*e.g.* Spring Nationals, Coffs Coast Gold Congress);
- c) Bridge Holidays and Cruises, whether conducted by an affiliated club or by an independent operator.

1.3 Complaints against directors, staff or organisers of events are not subject to these regulations. Such complaints should be submitted directly to the organising club of the congress.

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2 REPORTING A BREACH OF THE CODE OF CONDUCT

- 2.1 A complaint may be submitted by:
- Any player participating in a session during which an alleged breach occurs;
 - Any person affected by a breach occurring in or around the playing venue during the period of a congress;
 - The Director or Congress Organiser.
- 2.2 Complaints must be submitted to the Secretary of the NSWBA, either by email to secretary@nswba.com.au or in writing c/- the offices of the NSWBA.
- 2.3 A written complaint must reach one of the addresses specified in regulation 2.2 within seven (7) days of the date on which the breach is alleged to have occurred.
- 2.4 The NSWBA will notify the accused person(s) that a complaint has been submitted within 7 days of receiving said complaint.

3 GOVERNANCE

- 3.1 The Congress Disciplinary and Ethics Committee (the **Committee**) consists of up to 15 members, with a target composition of 2 from Sydney and 1 from every non-metropolitan region, as defined in the NSWBA's bylaws, currently:

Zone:	Outer Metropolitan	Northern	Southern & Western
	Central Coast Hunter Mountains	Far North Mid North Coast North Inland	Central West Far South Coast South Coast South West Southern Highlands

- 3.2 The initial Committee for 2018 will be appointed by the NSWBA Council. Thereafter, nominations will be taken once every 3 years, beginning in 2018. If there is more than one nomination from a region, a poll will be held in accordance with procedures set out in the by-laws and section 15(1)4 of the NSWBA's Constitution, at the same time and in a manner similar to the election of NSWBA Zonal Councillors.
- 3.3 The Committee selects a Chair from its members, annually, during January.
- 3.4 The Committee may appoint members to fill casual vacancies. Casual appointees remain Committee members until the next election.
- 3.5 Committee members may stand for re-election.
- 3.6 These regulations may be revised by the NSWBA Council as required from time to time. The Committee, the NSWBA Council or affiliated clubs may propose revisions.

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4 THE DISCIPLINARY PROCESS

- 4.1 All complaints will be directed by the Secretary of the NSWBA to the Chair of the Committee, who will assign a member of the Committee as the Investigating Officer to conduct the initial disciplinary process. The Chair has discretion to appoint further Committee members to assist in the process (for example if the complainant and accused live in different regions).
- 4.2 The Investigating Officer will interview the complainant, the accused person(s) and any other relevant parties. If the complaint is sustained (the standard is “comfortable satisfaction”), the Mandatory Penalties as listed in Table 1 will be applied. The Investigating Officer, in consultation with any other appointed Committee members and the Chair of the Committee and the NSWBA Councillor in charge of Rules and Ethics, will determine the exact penalty within the range set, and in accordance with any separately developed penalty guidelines. The accused person(s), the complainant(s), the ABF Recorder and all clubs affiliated with the NSWBA will be informed in writing accordingly.
- 4.3 Having been informed of the outcome, the accused may appeal the decision and request a Disciplinary Hearing to be held before a separately convened Hearing Committee, which will consist of between 3 and 5 members of the Committee or other co-opted people, as appointed by the Chair, excluding the original Investigating Officer(s). In such an event, the reasons and grounds for requesting a Hearing are to be set out in detail. The request must be submitted to the Secretary of the NSWBA in writing within seven (7) days of being informed of the sentence imposed.
- 4.4 In the period between an applied suspension and the outcome of the Disciplinary Hearing, the accused may only continue playing at congress events at the discretion of the Chairman of the NSWBA.
- 4.5 The accused is entitled to be represented before the Hearing Committee by a lawyer or by a financial member of a bridge club affiliated with the NSWBA. If the accused disputes facts found during the initial disciplinary process, witnesses may give evidence on matters relevant to the findings of fact.
- 4.6 The Hearing Committee has the option of acquitting the player, varying the applied penalty within the ranges specified in Table 1, or modifying the offence under which the player is charged and applying the appropriate mandatory penalty for the modified offence. An appeal considered by the Hearing Committee to be frivolous or vexatious may attract an increased penalty within the range specified in Table 1.

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5 MANDATORY PENALTIES

- 5.1 Should a person be found guilty of committing an offence, the Mandatory Penalties as listed in Table 1 shall be applied.
- 5.2 The start date of any suspension will be determined by the Chair of the Committee having regard to any disruption to pending congresses and any other relevant considerations.
- 5.3 Suspension applies explicitly to all events listed in regulation 1.1.
- 5.4 All NSWBA affiliated clubs will be informed of the suspension and a list of suspended players and their periods of suspension will be maintained on the NSWBA's website. Entries from the suspended player(s) must not be accepted for any congress to be held within the period of suspension.
- 5.5 At the discretion of the NSWBA Council, any club allowing a suspended player to compete in a congress may be refused approval to hold one or more congresses in the next calendar year.
- 5.6 If a person is found guilty of more than one offence, committed on the same occasion, all or part of the penalties may be applied concurrently at the discretion of the Committee.
- 5.7 All or part of the sentence for a first offence may be suspended for a period, as is deemed fit.
- 5.8 No part of a sentence may be suspended for a second or subsequent offence committed within seven (7) years of a first offence.
- 5.9 Any suspended sentence imposed for a first offence must be added to the sentence for a second offence, provided the period for which the suspended sentence was imposed has not expired.
- 5.10 If a person is found guilty of any subsequent offence even if other than the type of offence of which the person was first guilty, it shall be deemed to be a second offence unless the person can show reason why it should not be so.
- 5.11 For the purpose of second and subsequent offences, an offence will remain on the person's record for seven (7) years.
- 5.12 In the table of Mandatory Penalties:
 - a) "D" indicates that the penalty is discretionary;
 - b) "L" indicates a lifetime suspension;
 - c) "W" indicates a warning;
 - d) numbers indicate the number of weeks of suspension.

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Table 1 – MANDATORY PENALTIES

	Offence	Penalty for 1st offence	Penalty for 2nd offence	Penalty for 3rd or later offence
1	Verbal abuse of an opponent or partner	W-12	4-24	8-52
2	Verbal abuse of a Director	2-12	4-24	8-52
3	Making any racial, religious or cultural remark or comment to which offence might reasonably be taken	W-12	4-24	8-52
4	Use of crude or abusive hand signals or gestures	W-4	2-8	4-24
5	Threat of assault or physical interference	W-12	4-24	8-52
6	Physical interference without intent to cause grievous bodily harm	8-12	12-52	52-L
7	Physical interference with intent to cause grievous bodily harm	L		
8	Wilful damage or abuse of playing cards, scoresheets, bidding pads, Bridgemates or other equipment or property	W-12	2-24	4-52
9	Persistent non-premeditated breaches of the Laws of Bridge with the effect of gaining an unfair advantage and/or unauthorized information	4-12	12-24	12-52
10	Deliberate, and disguised or concealed, violation of the laws of bridge intended to improve one's score	26-208	L	
11	Breach of congress venue policies or operating permit requirements (where it is reasonable to presume the player to expect or be aware of such policies or requirements)	W	W-2	2-4
12	Playing in a congress whilst suspended	D	D	D
13	Making vexatious and repeated complaints against a player or pair	W	D	D
14	Any other offence not specifically covered by any of the above	D	D	D