

NSWBA Congress Disciplinary & Ethics Regulations

Date of implementation: 2 January 2018

Latest amendments: 3 July 2019

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 serious breaches of the above code of conduct. Less serious breaches may be reported to the NSWBA Recorder recorder@nswba.com.au.

The NSWBA provides central secretarial services for the administration of these regulations.

In the following, "written" and related terms mean via email, via completion of designated on-line forms, via on-line publication, 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 club organising the event.

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2 GOVERNANCE

- 2.1 The Congress Disciplinary and Ethics Committee (the **Committee**) consists of up to 12 members, with a target composition of 3 from every Zone, as defined in the NSWBA's by-laws, currently
- Metropolitan Zone
 - Outer Metropolitan Zone
 - Southern and Western Zone
 - Northern Zone:
- Ideally, the Committee members will be drawn from different regions and clubs within each Zone.
- 2.2 The initial Committees for 2018 and 2019 will be appointed by the NSWBA Council. Thereafter, nominations will be taken once every 3 years, beginning in 2019. If there are more than three nominations from a Zone, an election will be held in accordance with procedures set out in the by-laws and section 15(4) of the NSWBA's Constitution, at the same time and in a manner similar to the election of NSWBA Zonal Councillors.
- 2.3 Membership of the Committee will be displayed on the NSWBA website at <http://www.nswba.com.au/clubs/disciplinarypanel.asp?M=7>
- 2.4 The Committee selects a Chair from its members during January immediately following the election. The Chair remains in that position until the next election.
- 2.5 The NSWBA Council may appoint members to fill casual vacancies. Casual appointees remain Committee members until the next election.
- 2.6 Committee members may stand for re-election.
- 2.7 The Committee, the NSWBA Council or affiliated clubs may propose revisions to these regulations as required from time to time. Substantive changes must be approved by resolution of the NSWBA Council. Minor changes may be approved by the Chairman of the CDEC.

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3 REPORTING A BREACH OF THE CODE OF CONDUCT

- 3.1 A complaint may be submitted by:
- a) Any player participating in a session during which an alleged breach occurs;
 - b) Any person affected by a breach occurring in or around the playing venue during the period of a congress;
 - c) The Director or Congress Organiser.
- 3.2 Anyone wishing to lodge a complaint must do so according to the guidelines described in the document *CDEC Complainant Guidelines*. This document can be obtained from the Congress Organiser or downloaded from the NSWBA website at <http://www.nswba.com.au/cdeccomplaint/>. The complaint must be submitted to the Secretary of the NSWBA, either by email to cdec@nswba.com.au or in writing to CDEC, c/- the offices of the NSWBA.
- 3.3 The Secretary will immediately acknowledge receipt of all complaints. Any complainant who has not received an acknowledgement within 2 days of submission should follow up with the NSWBA office@nswba.com.au.
- 3.4 On receipt of the complaint, the NSWBA Secretary will obtain the email addresses and phone numbers of all parties mentioned in the complaint, as well as those of the Tournament Director and Congress Organiser. The Secretary will forward the complaint and all contact information to the Chair of the Committee.
- 3.5 A written complaint must reach one of the addresses specified in #3.2 within seven days of the date on which the breach is alleged to have occurred.
- 3.6 Any complaint received by the Secretary that does not meet the timelines specified in #3.5 will be forwarded to the Chairman of the NSWBA who may authorise the Committee to investigate the complaint as per these regulations.
- 3.7 The Secretary of the NSWBA will notify the subject(s) of the complaint that a complaint has been submitted within 7 days of receiving said complaint.

4 THE INVESTIGATIVE AND DISCIPLINARY PROCESSES

- 4.1 The Chair of the Committee will assign a member of the Committee as the Investigating Officer to conduct the initial investigative process. The Chair will also appoint further Committee members to assist in the disciplinary process.
- 4.2 The Investigating Officer will obtain, in writing, recollections from all relevant parties.
- 4.3 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 will determine the exact penalty within the range set, and in accordance with any separately developed penalty guidelines. Previous offences committed in events conducted by the ABF or other State or Territory Bridge Associations/Federations will be considered in assessing the penalty imposed.

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- 4.4 The subject(s) of the complaint, the complainant(s), the NSWBA Recorder, the ABF, and all clubs affiliated with the NSWBA will be informed in writing of any penalty imposed.
- 4.5 The Investigating Officer creates a report containing all communications (verbatim) relevant to the case in chronological order and including summaries of discussions amongst the Disciplinary panel. This report is then placed into the CDEC dropbox. Access to the CDEC dropbox is limited to the current CDEC Committee members, the Chairman and Secretary of the NSWBA and the Chairman of the NSWBA Tournament Committee.
- 4.6 The NSWBA Council may authorise sections of the written report to be released to club officials and/or the Tournament Director if it believes such action will improve procedures in the future.

5 THE APPEAL PROCESS

- 5.1 Having been informed of the outcome, the subject of the complaint may appeal the decision and request a Disciplinary Hearing to be held before a separately convened Hearing Committee. The request must be submitted to the Secretary of the NSWBA in writing within seven (7) days of being informed of the penalty imposed, and set out in detail the reasons and grounds for requesting a Hearing.
- 5.2 The Hearing Committee will consist of between 3 and 5 members, as appointed by the Chairman of the NSWBA. Members of the CDEC and people present when the alleged offence occurred are specifically excluded from being on the Hearing Committee.
- 5.3 In the period between an applied suspension and the outcome of the Disciplinary Hearing, the subject of the complaint may only continue playing at congress events at the discretion of the Chairman of the NSWBA.
- 5.4 The subject of the complaint 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 subject of the complaint disputes facts found during the initial disciplinary process, witnesses may give evidence on matters relevant to the findings of fact.
- 5.5 The Hearing Committee has the option of finding there is no requirement for a penalty, 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.
- 5.6 The results of the Hearing Committee will be conveyed in writing to the Chairman of the CDEC and the Secretary of the NSWBA and thence distributed in accordance with #4.4 and #4.5.

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6 MANDATORY PENALTIES

- 6.1 A person found guilty of committing an offence will be subject to the Mandatory Penalties as listed in Table 1. Previous offences include those committed at any ABF Licensed event or any Congress or Championship held under the auspices of an Australian State or Territory Bridge Association/Federation.
- 6.2 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.
- 6.3 Suspension applies explicitly to all events listed in #1.1.
- 6.4 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, accessible to Congress Organisers and NSWBA Licenced Congress Directors. Entries from the suspended player(s) must not be accepted for any congress to be held within the period of suspension.
- 6.5 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.
- 6.6 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.
- 6.7 All or part of the penalty for a first offence may be suspended for a period, as is deemed fit.
- 6.8 No part of a penalty may be suspended for a second or subsequent offence committed within seven (7) years of a first offence.
- 6.9 Any suspended penalty imposed for a first offence must be added to the penalty for a second offence, provided the period for which the suspended penalty was imposed has not expired.
- 6.10 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.
- 6.11 For the purpose of second and subsequent offences, an offence will remain on the person's record for seven (7) years.
- 6.12 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	Other offences not specifically covered above, including any behaviour contrary to Law 74.	D	D	D