

SCHEDULE TWELVE:

INDEPENDENT TRIBUNAL PROCEDURE

1.0 TRIBUNAL INFORMATION:

1.1 It is the responsibility of all parties involved in Field Charges to comply with the following:

All reported players and witnesses are to report to the Tribunal Venue no later than 15 minutes prior to the allocated time on the Tuesday after the match day. The exception to this would be if the charge carries a set penalty.

i] The Field Umpire has the option to bring a charge, carrying a set penalty, to Tribunal.

ii] If the Field Umpire has indicated a set penalty may be taken, prior to both Team Managers signing the Player Report Form, the Team Manager must confer with the reported player to find out if he wishes to accept the set penalty, or if he wishes to proceed to Tribunal.

iii] The Team Manager is to report to the Field Umpire, the decision of the player. It is at this point that both Team Managers sign the Player Report Form and inform the reported/witness player/s the outcome and also information on the Tribunal.

Under the exceptional circumstance should a Player be unable to attend the Independent Tribunal, the Member Club must advise the General Manager - Operations by 12:00pm on the first business day after the match. Failure to do so will result in a **penalty of \$100.00**.

Telephone Number: [03] 9553 5644

1.2 Unless notified otherwise Tribunal Hearings will be at:

**Southern Football Netball League Limited
2nd Floor Community Wing
Moorabbin Reserve
Linton Street
MOORABBIN VIC 3189**

Tuesdays commencing at 6:15 p.m., or such other day nominated.

1.3 **REGISTRATION.** On arrival at the Tribunal all parties should report their attendance to the official on duty.

2.0 TRIBUNAL RULES - GENERAL

- 2.1** The Independent Tribunal shall comprise persons appointed by the Board, which shall nominate a Chairperson and a Deputy Chairperson.
- 2.2** The CEO shall appoint a Tribunal Secretary.
- 2.3** The Independent Tribunal shall deal with all Field and/or referred Match Review Panel Charges, which must be heard and determined by a panel consisting of three persons, one of whom shall be designated to Chair the hearing.
- 2.4** No member of the Independent Tribunal shall have a direct or indirect connection with the League or any Club.
- 2.5** No member of the Independent Tribunal shall be eligible to be part of a Tribunal panel where there is any personal interest or conflict of interest.
- 2.6** The Independent Tribunal may determine, vary, regulate and enforce its own rules and procedures and other like matters in relation to any of its specified powers and functions, subject to the League By-Laws or any direction of the Board.
- 2.7** The Independent Tribunal may summon any Umpire, League Official, Club Official, Team Official, Player or Member of a Club to appear before it and, if required, to give evidence.
- 2.8** Hearings of the Tribunal shall commence at 6.15 p.m. on the Tuesday next following a report at a venue notified to Clubs from time to time by the General Manager - Operations, or at such other time or place as directed by the Tribunal Secretary.
- 2.9** Hearings of the Tribunal shall not be bound by the rules of evidence, nor shall video evidence other than a video approved by the League be admissible, otherwise procedural fairness must be exercised by the panel.
- 2.10** If a party concerned in a Tribunal hearing is permitted to be represented by an Advocate, the Advocate must have attended the SFNL Accreditation Seminar and not be a member of the legal profession.
- 2.11** A Tribunal panel may adjourn any matter for any period and for any reason as it sees fit save that if a person is suspended pending the period of the adjournment the hearing will be resumed at the earliest practicable time unless the suspended person consents otherwise.
- 2.12** All decisions including adjournments and determinations made by a Tribunal panel must be notified to the General Manager within forty-eight hours of being made.
- 2.13** No Club Official, Team Official, Player or Supporter shall abuse, threaten or assault any Official of the League, Investigation Officer, Member of the Independent Tribunal.
- 2.14** All clubs may present up to three independent witnesses for any case.

3.0 PROCEDURE AND EVIDENCE AT TRIBUNAL HEARINGS:

The following procedures are recommended with a view to bringing order and consistency to the way in which charges are heard by the various Tribunal panels.

- 3.1** All persons summoned to attend the tribunal hearings shall be called to enter the hearing room and the Chairperson will –
- 3.1.1** declare to those present that the hearing by the Independent Tribunal will now commence;
 - 3.1.2** advise those present of the names of the Independent Tribunal members;
 - 3.1.3** Invite all Advocates to announce their appearance;
 - 3.1.4** inquire whether there are any additional witnesses to be presented or any submissions to be made on procedure;
 - 3.1.5** read charges to the charged person one at a time and at the end of each charge ask whether the person pleads guilty or not guilty;
 - 3.1.6** ask all witnesses other than the reporting person, the person charged and the Club and Umpire's Advocates to leave the precincts of the hearing room;
 - 3.1.7** ask the reporting person to give her/his evidence of what happened in order to substantiate the charge laid;
 - 3.1.8** invite the Advocate of the person charged, or the person charged to question the reporting person;
 - 3.1.9** invite the Umpire's Advocate to examine the reporting person [limited only to asking questions to clarify, explain some point raised in cross-examination];
 - 3.1.10** invite Independent Tribunal members to question the reporting person;
 - 3.1.11** invite Advocates to ask questions of the reporting person arising from questions asked by Tribunal members;
 - 3.1.12** call other witness to give evidence in support of the charges laid and proceed in like manner to 3.1.8, 3.1.9, 3.1.10, 3.1.11 & 3.1.12;
 - 3.1.13** call the person allegedly offended against to give evidence and proceed in like manner to 3.1.8, 3.1.9, 3.1.10, 3.1.11 & 3.1.12;
 - 3.1.14** ask the person charged to give her/his evidence of what happened in defence of the charge laid [if he/she so desires];
 - 3.1.15** invite the Umpire's Advocate to question the person charged;
 - 3.1.16** invite questions of the person charged by her/his Club Advocate;
 - 3.1.17** invite Tribunal members to question the person charged;
 - 3.1.18** invite Club Advocates to ask questions arising out of those asked by Tribunal members;
 - 3.1.19** ask the Advocate of the person charged or the person charged at the completion of all evidence and cross examination to sum up arguments in defence against the charge, and to make any submissions that might influence the Tribunal findings;

- 3.1.20** ask the person charged, her/his Club Advocate, and the person allegedly offended against to sign a declaration that the Tribunal hearing was conducted in accordance with Tribunal rules and without prejudice to them;
- 3.1.21** if any person refuses to sign the declaration, ask the dissenter to identify where the rules have been breached or the prejudice has occurred and the Tribunal shall give due consideration to any such claim;
- 3.1.22** ask all parties to leave the precincts of the hearing room while the Tribunal considers whether the charges are proven or not proven;
- 3.1.23** invite all parties to return to the hearing room where the Tribunal Chairperson shall announce the Tribunal's decision on each charge;
- 3.1.24** invite the Club Advocate of the person charged, or the person charged if he/she is found guilty, to make submissions on penalty, produce character witnesses or tender documents in relation to character and the like;
- 3.1.25** ask all parties to leave the hearing room while the Tribunal considers penalty;
- 3.1.26** invite all parties to return to the hearing room and announce the penalty imposed; if in the event a player is found guilty of an offence, the Tribunal Chairman has the authority to impose a severe reprimand as a warning against such behaviour being repeated again. It is the intention of this reprimand that if the player committed a similar offence and subsequently found guilty by the Tribunal then that player would be suspended immediately without further warning via the severe reprimand.

3.2 In regard to the taking of evidence :-

- 3.2.1** witnesses shall be limited to statements based on what they experienced, saw or heard, and statements based upon hearsay shall not be accepted;
- 3.2.2** only questions relevant to what happened, or what was said or done shall be allowed;
- 3.2.3** questions to establish the truthfulness or credibility of witnesses in relation to their evidence may be allowed;
- 3.2.4** once an Advocate has received an answer from a witness in response to a question, the Chairperson shall restrain her/him from asking the question again;
- 3.2.5** if there is argument about whether a question is relevant or repetitious, the Chairperson shall give the benefit of the doubt and allow the question;
- 3.2.6** within the limitations of 3.2.1, 3.2.2, 3.2.3 & 3.2.4 above, Advocates should be allowed to present their case in the manner they think is most appropriate;
- 3.2.7** at the discretion of the Tribunal Chairperson, evidence given by any person or persons at a Tribunal hearing, may be recorded either in writing or on audio tape in which case the record should be prefaced with the following details
 - 3.2.7.1** the Charge File Number, the name of the reporting person, the name of the charged person and the nature of the charge;
 - 3.2.7.2** the date and location of the hearing;
 - 3.2.7.3** the names of the Tribunal Chairperson and the Tribunal members.

- 3.2.8** on audio tape the names of principal witnesses should be given immediately before each gives her/his evidence in chief;
 - 3.2.9** when evidence is recorded it should be retained by the Tribunal Secretary for a minimum period of six [3] months.
- 3.3** In regard to the re-opening of a Tribunal hearing, a formal request must be made in writing and received by the league within 48 hours of the original hearing. Only the club of the charged/suspended player may lodge such an appeal. A bond of \$1000 must be lodged with the office of the CEO when lodging the appeal and must be received by the deadline time/date as previously mentioned. The bond may be returned to the appealing club(s) upon resolution of the appeal, except in the case where it is determined that the appeal was frivolous or vexatious, in which case the CEO at his absolute discretion may retain whole or part of the bond.

The Tribunal must:

- 3.3.1** Be satisfied that any fresh evidence is cogent, plausible and relevant having regard to the evidence addressed at the original hearing;
- 3.3.2** Be able to identify the facts which the fresh evidence tends to prove or disprove;
- 3.3.3** Consider the inherent credibility of the fresh evidence, the veracity of the witness and/or the authority of the source from which the fresh evidence comes.