

**SOUTHERN FOOTBALL NETBALL LEAGUE  
INCORPORATED**



**INDEPENDENT TRIBUNAL PROCEDURE  
UPDATED FEBRUARY 2021**

## **CONTENTS**

<b>1.</b>	<b>GUIDELINES</b>	<b>3</b>
<b>2.</b>	<b>TRIBUNAL RULES – GENERAL</b>	<b>3</b>
<b>3.</b>	<b>EVIDENCE</b>	<b>5</b>
<b>4.</b>	<b>PROCEDURE AT TRIBUNAL HEARINGS</b>	<b>6</b>
	<b>4.4 WHEN THE CHARGED PLAYER OR OFFICIAL PLEADS “GUILTY”</b>	<b>6</b>
	<b>4.5 WHEN THE CHARGED PLAYER OR OFFICIAL PLEADS “NOT GUILTY”</b>	<b>8</b>
<b>5.</b>	<b>WHEN A REPORT IS LAID BY THE LEAGUE FOLLOWING AN INVESTIGATION OR BY THE MATCH REVIEW PANEL</b>	<b>10</b>
<b>6.</b>	<b>ADDITIONAL NOTES</b>	<b>11</b>
<b>7.</b>	<b>APPEALS</b>	<b>11</b>

# **SOUTHERN FOOTBALL NETBALL LEAGUE INCORPORATED INDEPENDENT TRIBUNAL PROCEDURES**

## **1. GUIDELINES**

- 1.1 It is the responsibility of all parties involved in the Independent Tribunal to comply with these procedures.
- 1.2 A Player or a Club official who has been reported by an appointed Umpire of a match controlled or authorised by the Southern Football Netball League, concerning the conduct of the player or a Club official before, during or after the match, must appear before the Independent Tribunal.
- 1.3 The Independent Tribunal hearing will commence at or at such other time or place as directed by the Tribunal Secretary.
- 1.4 The Independent Tribunal hearing shall commence at 6:15pm on the first Wednesday following a report or at such other time as directed by the Tribunal Secretary.
- 1.5 The Independent Tribunal hearings will be held at the following venue or at such place as directed by the Tribunal Secretary:

**Southern Football Netball League Inc.  
2nd Floor Community Wing  
RSEA Park  
33 Linton Street MOORABBIN VIC 3189**

**Luke Henry**  
Tribunal Secretary  
M. 0433 355 516  
E. [luke.henry@sfnl.com.au](mailto:luke.henry@sfnl.com.au)

- 1.6 All reported persons and witnesses are to report to the Tribunal venue no later than fifteen (15) minutes prior to the allocated time of the hearing.
- 1.7 Under the exceptional circumstance should a required person 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 in which they were reported. Failure to do so will result in a penalty of **\$100.00**. The League shall attempt to make a satisfactory arrangement for all parties to attend a hearing.
- 1.8 Subject to the further matters set out in the Independent Tribunal Procedure, the League or Tribunal may regulate any proceedings brought before it in any such manner as it thinks fit and reserves the right to move a hearing to any other day.

## **2. TRIBUNAL RULES - GENERAL**

- 2.1 The Chairperson, Appeals Chairperson and members of the Independent Tribunal shall comprise of persons appointed by the CEO.

- 2.2 The League shall appoint a Tribunal Secretary.
- 2.3 The League shall appoint a League Prosecutor.
- 2.4 The Independent Tribunal shall deal with all Umpire 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.
- 2.5 No panel member of the Independent Tribunal shall have a direct or indirect connection with the League or any Club.
- 2.6 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.
- 2.7 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, Football Competition Regulations or any direction of the League.
- 2.8 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.
- 2.9 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 The hearing before the Tribunal shall be:
  - i. Inquisitorial in nature; and
  - ii. Conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- 2.11 All reported players, Club officials and witnesses must be represented by a Advocate who has completed the annual SFNL Club Advocate Training Course and shall not be a qualified member of the legal profession. In the event of an Advocate failing to attend a hearing in support of a report person or witness, that person may elect to continue with the hearing or request that the hearing is rescheduled to allow for an Advocate to be present.
- 2.12 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.
- 2.13 All decisions including adjournments and determinations made by a Tribunal panel must notify the General Manager - Operations.
- 2.14 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. Any such breaches will be referred to the League.
- 2.15 All Clubs may present up to three independent witnesses for any case.

- 2.16 The Chairperson of the Tribunal may release witnesses as they see fit if they are satisfied that additional witnesses will not “value add” any further to current proceedings.

### **3. EVIDENCE**

- 3.1 The CEO, or their appointee, will determine whether such video evidence is permissible as evidence at the Tribunal. Such video evidence must be League approved and submitted to the League by the first business day following the match. The reported person / Club and witness / Club will be given an opportunity to view the footage.
- 3.2 Regarding 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 the Club Advocate or League Prosecutor 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 the Independent Tribunal Procedures, the Club Advocate or League Prosecutor should be allowed to present their case in the manner they think is most appropriate.
- 3.3 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:
- 3.3.1 The Charge File Number, the name of the reporting person, the name of the charged person and the nature of the charge;
  - 3.3.2 The date and location of the hearing;
  - 3.3.3 The names of the Tribunal Chairperson and the Tribunal members.
  - 3.3.4 On audio tape the names of principal witnesses should be given immediately before each gives her/his evidence;
  - 3.3.5 When evidence is recorded it should be retained by the League for a minimum period of three [3] months.

#### **4. PROCEDURE AT TRIBUNAL HEARINGS**

- 4.1 The following procedures are recommended with a view to bringing order and consistency to the way in which charges are heard at the Tribunal.
- 4.2 On arrival at the Tribunal all parties should report their attendance to the Tribunal Secretary on duty.
- 4.3 All parties are to await further instruction by the Tribunal Secretary.

#### **4.4 WHEN THE CHARGED PLAYER OR OFFICIAL PLEADS "GUILTY"**

If the charged player or official pleads guilty to the charges laid against them, the following procedure should be followed:

- 4.4.1 The umpire(s), League Prosecutor and his/her witnesses together with the charged player or official, their witnesses and advocate will be called to the Tribunal room by the Tribunal Secretary;
- 4.4.2 The Tribunal Chairperson will ask those present to introduce or identify themselves;
- 4.4.3 The Tribunal Chairperson will then detail the specifics of the match from which the report (or investigation) arose and confirm with the parties that those particulars are correct. The Chairperson will then read the report specified and ask the charged player or official how he/she pleads with respect to each charge laid;
- 4.4.4 If video evidence is available, the video should be shown, and the umpires and/or League Prosecutor and Advocate asked to confirm that the video shown captures the incident(s) which has led to the report(s);
- 4.4.5 By the player or official pleading "guilty" to the charge or all charges, the player or official is "admitting" all of the elements that constitute the reportable offence(s);
- 4.4.6 The Chairperson should then invite the reporting person (umpire or League Prosecutor) to give a summary of the evidence so as to enable the Tribunal to determine the circumstances of the offence;
- 4.4.7 The umpire may be questioned by the Tribunal members so as to clarify any matter that the Tribunal is uncertain of;
- 4.4.8 The umpire may be cross-examined by the charged player's or official's Advocate so as to clarify anything that was left uncertain in the umpire's summary. In conducting the cross-examination, the advocate has to keep in mind that the player has pleaded guilty to the charge;
- 4.4.9 Upon completion of that cross- examination, the Chairperson should announce formally that the charge has been proven;
- 4.4.10 At this time, the Tribunal can have access to the charged player's or official's tribunal history. Such history should be in a sealed envelope and must not be opened until there is a formal finding of guilt;

- 4.4.11 If the charged player's or official's Advocate desires to let that player or official make a statement about the circumstances surrounding the reportable offence or to make a formal apology to the offended player, then the charged player or official should be allowed to do so at this time; but that statement should not be seen as an opportunity to deny the allegations made, to attack the evidence of the umpire or to raise fresh defences. If that is the intention of the advocate, the plea should have been "not guilty";
- 4.4.12 The charged player's or official's Advocate should then be invited to make submissions (including the calling of character witness and reading reference letters) about the penalty that the tribunal should impose, that is, the Advocate should bring to the Tribunal's attention particular matters about the charged player or official that the Tribunal should consider in determining penalty;
- 4.4.13 Upon the completion of the Advocate's submission as to penalty, the tribunal room must be cleared of all persons and the Tribunal members then carefully consider and determine the penalty to be imposed; it can again review the video of the incident and for this purpose and this purpose only, allow a member of the League to operate the video equipment if the Chairperson or other members of the Tribunal seek that assistance;
- 4.4.14 In doing so, the Tribunal must impose any penalty that the League has prescribed to be imposed. For instance, the Tribunal must suspend a player for at least one match. **"Suspended sentences" cannot be imposed, nor may "reprimands" be given.** In deciding penalty, the Tribunal should consider the following factors amongst many others that might be relevant:
- i. The charged player's or official's prior history as a footballer or official;
  - ii. The seriousness of the offence and the nature and extent of any injury sustained by the "offended player";
  - iii. The number of games played by the player;
  - iv. The contribution that the charged player or official has made to his club, to the League and/or to Australian Football generally;
  - v. Any involvement by the charged player or official to training or coaching programs, especially those involving training or coaching underage teams;
  - vi. Any remorsefulness shown by the charged player and/or whether there was an apology from the charged player;
  - vii. The guilty plea made by the charged player or official;
  - viii. Any evidence received from character witnesses; and
  - ix. All of the circumstances surrounding the offence;

**Note:** *The above are only some examples of what the Tribunal should consider in deciding penalty. Of course, there may be many others.*

- 4.4.15 Once the Tribunal has determined the penalty, the charged player or official, together with their Advocate, and League Prosecutor are called back into the Tribunal room and the penalty is read out to the player;
- 4.4.16 Ask the person charged, their Advocate, and the League Prosecutor to sign a declaration that the Tribunal hearing was conducted in accordance with the Independent Tribunal Procedures and without prejudice to any parties involved in the hearing;

- 4.4.17 If any person refuses to sign the declaration, ask the dissenter to identify where the procedures have been breached or the prejudice has occurred, and the Tribunal shall give due consideration to any such claim;
- 4.4.18 As soon as the declaration is signed, the Tribunal room should be cleared of all persons present so as to allow the next case to commence.

#### **4.5 WHEN THE CHARGED PLAYER OR OFFICIAL PLEADS “NOT GUILTY”**

- 4.5.1 A charged player or official should plead “not guilty” when:
- I. He/they denies the allegations made by the umpire or investigator; or
  - II. There has been procedural irregularity in the laying of the charges (especially investigation reports); or
  - III. The charged player or official wants to raise specific defences.

If the charged player or official pleads “not guilty” to the charges laid against them, the following procedure shall be followed:

- 4.5.2 The umpire(s) and his/her witnesses and Advocate together with the charged player or official, their witnesses and advocate will be called to the Tribunal room by the Tribunal secretary;
- 4.5.3 The Tribunal Chairperson will ask those present to introduce or identify themselves;
- 4.5.4 The Tribunal Chairperson will then detail the specifics of the match from which the report (or investigation) arose and confirm with the parties that those particulars are correct. The Chairperson will then read the report(s) specified and ask the charged player or official how he/she pleads with respect to each charge laid;
- 4.5.5 If video evidence is available, that video evidence should be shown, and the umpire and/or advocates asked to confirm that the video captures the incident(s) which has led to the report(s);
- 4.5.6 The League’s case is then commenced by the League Prosecutor. The umpire who made the report should be the first witness to give his/her evidence regarding the incident(s) which has led to the report being made;
- 4.5.7 The umpire can be asked questions by the Tribunal members;
- 4.5.8 The umpire can be “cross-examined” by the charged player’s or official’s Advocate;
- 4.5.9 The League Prosecutor should be allowed (if desired by that Advocate) to “re-examine” the umpire with respect to any matter arising from cross examination;
- 4.5.10 When the examination, cross examination and any re-examination is complete, the umpire is excused from any further part in the hearing unless, for good reason, the Tribunal or any of the advocates need that umpire to stay;
- 4.5.11 The next witness for the League (usually another umpire who made the report or the “offended player”) then should give their evidence;

- 4.5.12 The same procedure applies with respect to their examination, cross-examination and any re- examination;
- 4.5.13 This process should be followed for all other witness for the League;
- 4.5.14 When all witnesses have given their evidence, the League Prosecutor should announce the closure of the League's case;
- 4.5.15 At this time, the charged player's or official's advocate will then commence the case for the defence by calling the charged player or official or any of their witnesses to give evidence. It does not matter who is called first;
- 4.5.16 Each witness, including the charged player or official, is examined by the defence advocate, cross- examined by the League advocate and re-examined by the defence Advocate. Of course, the Tribunal can also ask questions of each of the defence witnesses;
- 4.5.17 Once each party has given their evidence, they may each be excused from any further part of the hearing unless, for good reason they have been requested to stay;
- 4.5.18 Once all the evidence has been given by the defence, the parties will be asked to summarise their respective cases; the League Prosecutor will usually commence and then followed by the Advocate for the defence. The summary is not to be a means of re-stating the evidence all over again; rather, the summary is to be used for the purpose of highlighting the strengths and weaknesses of the respective cases. That is, to highlight the strength of one party's case and to highlight the weakness of the other party's case;
- 4.5.19 Once the summary of the cases is completed, the Tribunal Chairperson will ask all persons to leave the Tribunal room so that the Tribunal can commence its deliberations;
- 4.5.20 Once the deliberations are completed, the charged player or official, their advocate and the League advocate are called back into the Tribunal room whereupon the finding of guilt or innocence is disclosed to all present;
- 4.5.21 If the charged player or official is found "not guilty", the case is over, and all present should clear the Tribunal room immediately so that the next case can begin;
- 4.5.22 If the charged player or official is found "guilty," that party's Advocate should be allowed to present matters in mitigation of penalty. This can include the calling of character witnesses, reading of reference letters and general submissions made by the advocate;
- 4.5.23 At this time, the sealed letter containing the player's or official's history should be opened by the Chairperson so as to ascertain the player's or official's history; if there is a history, the Tribunal may question the player or official about that history;
- 4.5.24 Upon completion of evidence as to character, again the Tribunal room is cleared of all persons and the Tribunal members consider the appropriate penalty. Again, the

Tribunal must have regard to any mandatory sanctions that the League has set out in its rules;

4.5.25 The Tribunal must impose any penalty that the League has prescribed to be imposed. For instance, the Tribunal must suspend a player for at least one match. **“Suspended sentences”** cannot be imposed. In deciding penalty, the Tribunal should consider the following factors amongst many others which may be relevant:

- i. The charged player’s or official’s prior history as a footballer or official;
- ii. The seriousness of the offence and the nature and extent of any injury sustained by the “offended player”;
- iii. The number of games played by the player;
- iv. The contribution that the charged player or official has made to his club, to the League and/or to Australian Football generally;
- v. Any involvement by the charged player or official to training or coaching programs, especially those involving training or coaching underage teams;
- vi. Any remorsefulness shown by the charged player and/or whether there was an apology from the charged player;
- vii. The plea made by the charged player or official;
- viii. Any evidence received from character witnesses; and
- ix. All the circumstances surrounding the offence.

**Note:** *The above are only some examples of what the Tribunal should consider in deciding penalty. Of course, there may be many others.*

4.5.26 Once the Tribunal has reached a decision as to penalty, the charged player or official, their Advocate and the League Prosecutor are called back into the Tribunal room whereupon the penalty is disclosed to those present;

4.5.27 Ask the person charged, their Advocate, and the League Prosecutor to sign a declaration that the Tribunal hearing was conducted in accordance with the Independent Tribunal Procedures and without prejudice to any parties involved in the hearing;

4.5.28 If any person refuses to sign the declaration, ask the dissenter to identify where the procedures have been breached or the prejudice has occurred, and the Tribunal shall give due consideration to any such claim;

4.5.29 As soon as the declaration is signed, the Tribunal room should be cleared of all persons present so as to allow the next case to commence.

## **5. WHEN A REPORT IS LAID BY THE LEAGUE FOLLOWING AN INVESTIGATION OR BY THE MATCH REVIEW PANEL**

5.1 The above procedures are to be followed with respect to a report laid by the League following an investigation or a report laid by the Match Review Panel; however, the following additional points are to be noted:

5.1.1 In the case of an investigation report, the appointed Investigator may act as the League Prosecutor who should not be examined or cross examined except for good reason and at the sole discretion of the Chairperson;

- 5.1.2 If a case is referred to the Tribunal by the Match Review Panel (MRP), the case shall be presented by the appointed League Prosecutor;
- 5.1.3 The role of the League Prosecutor is to present the case for the League to the Tribunal and relevant parties;
- 5.1.4 The League Prosecutor cannot be questioned by the Tribunal panel or Advocates; and
- 5.1.5 If called by the charged player's or official's Advocate, umpires must be available to give evidence. To deny a request from that party for the umpire to give evidence would be a clear breach of the rules of Natural Justice.

## **6. ADDITIONAL NOTES**

- 6.1 Any player who appears before a the Tribunal, who has already refused to accept a "Set Penalty" and is subsequently found guilty of their charge must receive a penalty greater than they would have if they had accepted the set penalty per the Football Competition Regulations.
- 6.2 If a player, official or witness does not attend the Tribunal when requested, the Tribunal may impose any penalty in accordance with SFNL By-Law 28 – Penalties, including but not limited to:
  - I. Suspending the player or Club official until they appear; and/ or
  - II. Impose a fine and/or suspension
- 6.3 Individuals, who in the opinion of the Tribunal, have delivered unsatisfactory evidence to the hearing can, and will, be dealt with at the discretion of the Tribunal by fine and/or suspension;
- 6.4 The League shall be represented by a League Prosecutor who will present the case for the League. The "offended player" will also be represented by that Advocate as will any other witness for the League that may be called to give evidence.

## **7. APPEALS**

- 7.1 Any appeal against a decision of the Independent Tribunal shall be made in accordance with SFNL By-Law 13 – Appeals.
- 7.2 Only the Member Club of the suspended player or official may lodge an appeal against the decision of the Independent Tribunal to impose a penalty of a four (4) match or greater suspension and must do so in writing and forwarded to the – League within two (2) business days of the original case being heard.
- 7.3 A bond of One Thousand Dollars (\$1,000.00) shall be lodged with the League at the same time as lodging the appeal.
- 7.4 The appeal shall state the grounds of appeal relied upon and the League must:
  - i. Be satisfied that any fresh evidence is cogent, plausible and relevant having regard to the evidence addressed at the original hearing;

- ii. Be able to identify the facts which the fresh evidence tends to prove or disprove;
  - iii. 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.
- 7.5 A party may only lodge one (1) appeal with respect to the original verdict of the Independent Tribunal.
- 7.6 The bond, less an administration fee of two hundred and fifty dollars (\$250.00), will be returned to the appealing club upon resolution of the appeal, except in the case where it is determined that the appeal was frivolous or vexatious, in which case the League will retain the whole amount.
- 7.7 In the case of an appeal from the decision of the Independent Tribunal, the appeal will be dealt with by the Appeals Tribunal at the next available hearing.