

**NORTHERN FOOTBALL
NETBALL LEAGUE
INCORPORATED**



**SCHEDULE 2:
INDEPENDENT TRIBUNAL
PROCEDURES**

**Adopted
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NORTHERN FOOTBALL NETBALL LEAGUE INCORPORATED
INDEPENDENT TRIBUNAL PROCEDURES

1. GUIDELINES

- 1.1 A player or a Club official who has been reported by an approved umpire of a match controlled or authorised by the Northern 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 on the Tuesday or Wednesday night following the match, at the Northern Football Netball League offices, Unit 11/10 – 14 Simms Road, Greensborough at a nominated time set by the League.
- 1.2 Any reported player or Club official (or Club of such member) who cannot attend a hearing of the tribunal on either a Tuesday or Wednesday night must inform the Football Operations Manager by 12.00 pm on the first working day after the match in which they were reported. The Football Operations Manager shall attempt to make satisfactory arrangement for all parties to be in attendance at a hearing.
- 1.3 Any Club wishing to contest the validity of a report is to contact the Football Operations Manager by 10.00 pm on their first working day after the match.
- 1.4 All reported players, Club officials and witnesses MUST be represented by an advocate who must be an official of the club, has completed the NFNL Advocate Training Course and shall not be a qualified solicitor, barrister, or police prosecutor. In the event of an advocate failing to attend a hearing in support of a player or Club official, that player or Club official may elect to continue with the hearing or request that the hearing is rescheduled to allow for an advocate to be present. Failure of an advocate to attend shall incur a fine as per Schedule 20.
- 1.5 Subject to the further matters set out in these Rules, the Tribunal may regulate any proceedings brought before it in any such manner as it thinks fit.
- 1.6 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.
- 1.7 The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record, but may inform itself as to any matter in any such manner as it thinks fit.
- 1.8 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 shall automatically incur a penalty of one week in addition to that of the set penalty, plus any additional punishment imposed by the Tribunal.
- 1.9 Witnesses: Any club intending to call witnesses in support of their player or Club official are to complete a ‘witness information form’, advising the Football Operations Manager of the names of all witnesses, their role in relation to the Club they are supporting, and the general nature of their evidence by 2.00pm on the day of the Tribunal sitting they are attending. A maximum of 3 witnesses per player is allowed for each tribunal hearing. Exemptions may be applied by the CEO under exceptional circumstances.
- 1.10 The Chairman of the Tribunal may release witnesses as he sees fit prior to hearing their evidence if he is satisfied that additional witnesses will not “value add” any further to current proceedings, with the consent of Club advocates.
- 1.11 The usage of, and production of video evidence at Tribunal Hearings and/or League Investigations shall be permissible if such video evidence is forwarded to the CEO by no later than 5.00 pm on the first

working day immediately following the game in question. If utilizing online footage through the NFNL Match Filming Program, the time and quarter of the incident must be supplied to the NFNL by the above deadline. If using independent footage, the footage must feature the entire quarter in which the incident occurred.

- 1.12 The CEO, or his appointee, will determine whether such video evidence is permissible as evidence at the tribunal. The reported player / club and witness player / club will be given an opportunity to view the footage.
- 1.13 The Northern Football Netball League will retain all video evidence for future reference. Under no circumstances will any video be returned. All decisions by the CEO or his appointee are final and no correspondence, whether verbal or written, will be considered regarding these decisions.
- 1.14 The Northern Football Netball League may demand and produce video evidence at their discretion.
- 1.15 *An existing charge can be amended if new information is produced.***

2. PROCEDURE AT HEARING

2.1 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:

- 2.1.1 The umpire(s) 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;
- 2.1.2 The tribunal chairman will ask those present to introduce or identify themselves;
- 2.1.3 The Tribunal chairman 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 chairman will then read the report specified and ask the charged player or official how he/she pleads with respect to each charge laid;
- 2.1.4 If video evidence is available, the video should be shown and the umpires and/or advocates asked to confirm that the video shown captures the incident(s) which has led to the report(s);
- 2.1.5 By the player pleading “guilty” to the charge or all charges, the player is “admitting” all of the elements that constitute the reportable offence(s);
- 2.1.6 The chairman should then invite the umpire to give a summary of the evidence so as to enable the Tribunal to determine the circumstances of the offence;
- 2.1.7 The umpire may be questioned by the Tribunal members so as to clarify any matter that the Tribunal is uncertain of;
- 2.1.8 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;
- 2.1.9 Upon completion of that cross- examination, the chairman should announce formally that the charge has been proven;
- 2.1.10 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;
- 2.1.11 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”;
- 2.1.12 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;
- 2.1.13 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 chairman or other members of the Tribunal seek that assistance;

- 2.1.14 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 under age 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;
 - x. Once the Tribunal has determined the penalty, the charged player or official, together with their advocate, are called back into the Tribunal room and the penalty is read out to the player;
 - xi. As soon as the penalty is read out to the player, the Tribunal room should be cleared of all persons present so as to allow the next case to commence.

2.2 When the Charged Player or Official Pleads "Not Guilty"

A charged player or official should plead "not guilty" when:

- He/they denies the allegations made by the umpire or investigator; or
- There has been procedural irregularity in the laying of the charges (especially investigation reports); or
- 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:

- 2.2.1 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;
- 2.2.2 The tribunal chairman will ask those present to introduce or identify themselves;
- 2.2.3 The Tribunal chairman 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 chairman will then read the report(s) specified and ask the charged player or official how he/she pleads with respect to each charge laid;
- 2.2.4 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);

- 2.2.5 The League's case is then commenced by the League's Advocate. 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;
- 2.2.6 The umpire can be asked questions by the tribunal members;
- 2.2.7 The umpire can be "cross-examined" by the charged player's or official's advocate;
- 2.2.8 The League's advocate should be allowed (if desired by that advocate) to "re-examine" the umpire with respect to any matter arising from cross examination;
- 2.2.9 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;
- 2.2.10 The next witness for the League (usually another umpire who made the report or the "offended player") then should give their evidence;
- 2.2.11 The same procedure applies with respect to their examination, cross-examination and any re-examination;
- 2.2.12 This process should be followed for all other witness for the League;
- 2.2.13 When all witnesses have given their evidence, the advocate for the League should announce the closure of the League's case;
- 2.2.14 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;
- 2.2.15 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;
- 2.2.16 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;
- 2.2.17 Once all of the evidence has been given by the defence, the parties will be asked to summarise their respective cases; the League advocate 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;
- 2.2.18 Once the summary of the cases is completed, the Tribunal chairman will ask all persons to leave the tribunal room so that the Tribunal can commence its deliberations;
- 2.2.19 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;
- 2.2.20 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;

- 2.2.21 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;
- 2.2.22 At this time, the sealed letter containing the player’s or official’s history should be opened by the chairman 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;
- 2.2.23 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;
- 2.2.24 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 under age 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.

- 2.2.25 Once the Tribunal has reached a decision as to penalty, the charged player or official, their advocate and the League advocate are called back into the Tribunal room whereupon the penalty is disclosed to those present.

2.3 When a Report is Laid by the League Following an Investigation or by the Match Review Panel

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:

- 2.3.1 In the case of an investigation report, the investigator may act as the League’s advocate who should not be examined or cross examined except for good reason and at the sole discretion of the Chairman;
- 2.3.2 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;

- 2.3.3 If a case is referred to the Tribunal by the Match Review Panel (MRP):
- i. The case shall be presented by an independent person appointed by the CEO;
 - ii. If called by the charged player's or official's advocate, umpires must be allowed 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;
 - iii. The role of the presenter is to present the case for the League to the tribunal and relevant parties;
 - iv. The presenter cannot be questioned by the tribunal panel or advocates.

3. ADDITIONAL NOTES

- 3.1 If players, officials or witnesses do not attend the Tribunal when requested, the Tribunal may:
- i. Suspend the player or Club official until they appear;
 - ii. Impose a fine and/or suspension in accordance with Schedule 20.
- 3.2 Individuals found guilty by the Tribunal will, in addition to any penalty applied, be liable to a fine in accordance with Schedule 20;
- 3.3 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;
- 3.4 The League shall be represented by an advocate 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.
- 3.5 Where a player is reported and sent-off in a match, the record of the send-off will be removed if the player is found not guilty by the NFNL tribunal.
- 3.6 Appeals may be heard in accordance with the Statement of Rules (section 18 – Appeals)