



**OUTER EAST FOOTBALL NETBALL
INDEPENDENT TRIBUNAL PROCEDURE**

Procedure enacted in Season 2022

OUTER EAST FOOTBALL NETBALL COMPETITIONS INCORPORATED

INDEPENDENT TRIBUNAL PROCEDURE

GUIDELINES:

1. A player or an official who has been reported by an approved umpire of a match controlled or authorised by the OEFN, concerning the conduct of the player or an official before, during or after the match, must appear before the Independent Tribunal on the Tuesday night following the match, at the OEFN offices, 95 Colchester Road, Kilsyth at a nominated time. The OEFN may also at its discretion hold Tribunal Hearings at other venues and dates from time to time or via an online platform if deemed appropriate by the GM FO's.
2. **Conduct of Hearing and Attendance**
A hearing before a League Independent 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.
3. All witnesses and infringed players notified on the report must appear on the evening at the time as nominated. Any player that cannot attend a hearing should advise the GM Operations by 12pm on the first working day after the match in which they were reported. The Tribunal Chairperson may permit a witness to provide evidence via phone or digital online solution if unable to attend in person.
4. All reported players, officials and witnesses **MUST** be represented by an advocate who should be an official of the club and shall **not** be a qualified solicitor or barrister.
5. **Rules of Evidence**
Not Bound by Rules of Evidence. A League Independent Tribunal or Area Appeal Committee is not bound by the rules of evidence or practices and procedures applicable to courts of record but may inform itself as to any matter and in such manner as it thinks fit.
6. **Video Evidence – League Independent Tribunal**
Where a League Independent Tribunal is conducting a hearing into a reportable offence or other alleged conduct of a person and it considers that video evidence is capable of determining the reportable offence or alleged conduct, the League Independent Tribunal may after hearing evidence make a finding solely on the basis of that unaltered video evidence.
7. The usage of, and production of video evidence that is NOT official league footage at Tribunal Hearings shall be permissible provided such video evidence is forwarded to the GM FO's by no later than 5.00pm on the Monday immediately following the game in question.

The Chief Executive Officer, or their appointee, will determine whether such video evidence is permissible as evidence at the tribunal.

The OEFN will retain all video evidence for future reference. Under no circumstances will any footage be returned. All decisions by the Chief Executive Officer or their appointee are final and no correspondence, whether verbal or written, will be considered regarding these decisions.

Any club given permission to use video evidence at the tribunal shall provide a copy to the League and bring the original copy along to the tribunal hearing. The Tribunal will provide a notebook and screen to play the footage during the hearing.

8. **Adjournment.** In the event that an adjournment is sought by a charged player, because of legal action, such player will be automatically ineligible to play or participate in any official match until such charges have been heard.

PROCEDURE AT HEARING:

1. The Tribunal will call the following:
 - (a) The reported player's or official's name first and their advocate.
 - (b) Witnesses and advocate (if necessary)
 - (c) The umpire making the report and their advocate if applicable.
2. If an advocate intends calling any other witnesses during the hearing, then it is their responsibility to advise the Tribunal Chairperson before the commencement of the case. Similarly, if an advocate intends challenging the validity of a report, then it is their responsibility to also advise the Tribunal Chairperson before the hearing commences.
3. A reported player or official may be asked to stand whilst the Chairperson reads the charge. The procedure is as follows:

TRIBUNAL CHAIRPERSON: "Are you player"?"

PLAYER/OFFICIAL:gives their reply.

TRIBUNAL CHAIRPERSON: "On(date) you participated in the game-vs-, Division ..., Grade ..., Game and wore number guernsey for(team)?"

PLAYER/OFFICIAL:gives their reply.

TRIBUNAL CHAIRPERSON: "You are charged with - (charge is read). How do you plead?"

PLAYER/OFFICIAL:delivers their plea - (Guilty / Not Guilty).

TRIBUNAL CHAIRPERSON:advises the Tribunal of the player's or official's plea.

If video evidence has been approved in accordance with the guidelines, it will be viewed by the Tribunal prior to any other evidence being given. All parties shall remain while the video evidence is being viewed.

4. At this time, the witness will leave the room whilst evidence is taken from the umpire and the player.
5. The umpire, reported player, their advocate and the witness's advocate shall remain in attendance.
6. The umpire is asked to deliver their version of the incident and is questioned at length by the Tribunal.
7. The advocates are then invited to question the umpire if they desire.
8. The reported player then gives their evidence in front of the umpire and may be questioned by the Tribunal and both advocates. The umpire may ask questions, at the discretion of the Tribunal Chairperson.
9. After the Tribunal Chairperson has satisfied that all evidence from the reported player or official and the umpire has been collected, the witness will be recalled to the Tribunal Room.

At this time, no further evidence from either the umpire or the reported player or official will be accepted.

10. The witness will be asked to give their version of the incident and will be questioned by the Tribunal. Both advocates will be entitled to question the witness.
11. At this time, any witnesses that the player or official may have for their defence should be called. After giving evidence and being questioned by the Tribunal and advocates they will be asked to retire and not speak to other witnesses.

12. The Tribunal Chairperson will then invite the advocate of the reported player or official to sum up the evidence and speak on the behalf of the player or official.
13. The Tribunal will ask the parties to retire and when a decision has been reached the umpire, reported player or official and advocate will be invited back to the Tribunal and the decision advised. Thus: "After hearing all evidence, the Tribunal has found the player" (Guilty or not guilty).
14. The charged player, their Advocate and all Tribunal members are to complete and sign the Acknowledgement paperwork.
15. Should the player be found guilty the Tribunal will ask all parties to leave the room whilst it considers the penalty. At this point in the process the Tribunal will have access to the player's playing history. The player Advocate and the player deemed guilty of an offence are required to be present for the penalty determination. All other parties may leave if they so wish.
16. Tribunal should consider the following factors and many more:
 - 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. Whether the incident is deemed careless or deliberate, the level of contact (H/M/L) and the point of contact (Head/Body).
 - iv. The number of games played by the player;
 - v. The contribution that the charged player or official has made to their club, to the League and/or to Australian Football generally;
 - vi. Any involvement by the charged player or official to training or coaching programs, especially those involving training or coaching underage teams;
 - vii. Any remorsefulness shown by the charged player and/or whether there was an apology from the charged player;
 - viii. The plea made by the charged player or official;
 - ix. Any evidence received from character witnesses; and
 - x. Such other circumstances surrounding the offence as are considered relevant by the Tribunal;
 - xi. 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;

The result of the case will also be delivered verbally.

Note:

If players or officials do not attend the Tribunal when requested, the Tribunal may: -

- (a) Suspend the player or official until they appear.
- (b) Hear the case in their absence.
- (c) Impose a fine and/or suspension.

The above applies also to witnesses who do not appear. Clubs who do not supply an advocate may be fined by the Tribunal.

- xii. Players, who in the opinion of the Tribunal, have delivered unsatisfactory evidence to the hearing and/or conduct themselves in an unsatisfactory manner at the Tribunal can, and will, be dealt with at the discretion of the Tribunal by fine and / or suspension. These sanctions may be directed to the club or the player/official themselves.