



OUTER EAST FOOTBALL NETBALL COMPETITIONS INCORPORATED

INDEPENDENT TRIBUNAL PROCEDURE

Outer East Football Netball has adopted the AFL's National Community Football Policy Handbook. The procedures guidelines list below are aligned with or in addition to NCFPH rule 25.0. NCFPH 25.0 should be read first before considering the guidelines listed below.

GUIDELINES:

1. A player or official who has been served a notice of charge by OEFN without the provision or having declined the provision of an early guilty plea offer, concerning the conduct of the player or an official before, during or after a match, must appear before the Independent Tribunal. The Tribunal hearing will take place at the time and address determined in the notice of hearing (OEFN Tribunal hearings will commonly take place the competitions head offices and on Wednesday evenings). The OEFN may also at its discretion hold Tribunal Hearings via an online platform if deemed appropriate by the GM Operations.
2. **Conduct of Hearing and Attendance**
A hearing before a OEFN 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 reported players or officials (Charged Person) **MUST** appear in person and be represented by an advocate who should be an official of the club and shall **not** be a qualified solicitor or barrister. If a charged Person appears in person and elects not to be represented in accordance with Section 25.3(b)(i)(B) of the NCFPH, then the charged Person may act as their own advocate.
4. The following persons must attend a Tribunal hearing at the date, time and place/forum (including by video or telephone conferencing if approved by the OEFN) notified by OEFN:
 - (A) the charged Person and their representative;
 - (B) any Football Official, Player, parent or guardian of a Player if requested to do so by OEFN or Tribunal;
 - (C) any person nominated and permitted to give evidence under Section 25.3(e) of the NCFPH;
 - (D) a Disciplinary Officer nominated by OEFN under Section 24(a) of the NCFPH, or club/umpire advocate.
5. If any person who is required to attend a Tribunal under Section 25.3(c) of the NCFPH, fails to appear at a Tribunal hearing at the notified date, time and place/forum, the Tribunal may proceed to hear Page 1 of 5 determine the matter and impose any sanction in the absence of that person or postpone the Tribunal hearing provided that Section 25.5 of the NCFPH will apply to a charged Person for the period of any postponement (as if the charged Person was suspended).
6. **Rules of Evidence**
Not Bound by Rules of Evidence. The OEFN Independent Tribunal 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.

7. Video Evidence – Independent Tribunal

Where an OEFN 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 OEFN Independent Tribunal may after hearing evidence make a finding solely on the basis of that unaltered video evidence.

8. The usage of, and production of video evidence that is NOT official OEFN footage at Tribunal Hearings shall be permissible provided such video evidence is forwarded to the GM FO's by no later than 12.00pm on the day of the tribunal hearing.

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 OEFN 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.

PROCEDURE AT HEARING:

- The Tribunal will call the following:
 - The reported player's or official's name first and their advocate.
 - Disciplinary Officer and Witnesses.
 - Or in the absences of a Disciplinary Officer attending the hearing, the umpire making the report and their advocate and/or the offended against person and their club advocate, if applicable.
- If the Disciplinary Officer or 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.
- 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. When a charged person is considering their plea of Guilty or Not Guilty, the following should form part of these considerations:
 - (a) Not Guilty – The person is stating that nothing happened and that the charge is false.
 - (b) Guilty – The charged person is stating that they did commit an offence but that the actual offence charge is incorrect (ie, should be wrestling not Rough Conduct) OR that the grading of the charge is incorrect (ie: Medium impact not High impact).
5. The procedure of hearing evidence shall be:
 - (a) Umpire/Investigation officer;
 - (b) Offended against person/witnesses;
 - (c) Charged player/witnesses.
6. General order of questions to each witness shall be:
 - (a) Disciplinary Officer or club advocate for that person;
 - (b) Opposing persons advocate;
 - (c) Tribunal panel members.
7. 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
8. The Tribunal Chairperson will then inform those attending the hearing of the appeals process and timelines.
9. The charged player, their Advocate and all Tribunal members are to complete and sign the Acknowledgement paperwork.
10. When a plea of Not Guilty was made (Skip to point 10 if a plea of Guilt was made) - 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).
11. Should the player be found guilty the Tribunal will ask the following:
 - (a) Ask the Tribunal secretary to read the player's playing/suspension history;
 - (b) Ask the charge persons advocate if they wish to submit a plea on behalf of the person.
12. All parties are then requested to leave the room whilst the Tribunal panel reside over a penalty. The player Advocate and the player deemed guilty of an offence are then required to be present when the penalty is handed down. All other parties may leave if they so wish.

The result of the case will also be delivered verbally.

13. Person's attending a Tribunal hearing, who in the opinion of the Tribunal, have delivered unsatisfactory evidence to the hearing, didn't attend the hearing when requested 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.
14. The OEFN administration staff will enter the result of the tribunal hearing into the competition management system, at a time, as soon as practical following the hearing.