



**COMMUNITY
FOOTBALL**

Tribunal Handbook 2023

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1. Definitions

Advocate – A person who speaks in support or argues on behalf of a club, player or official appearing before a Tribunal in relation to any disciplinary matter.

Appeal Hearing – An independent Tribunal formed by the SANFL to hear appeals from the decisions of League Independent Tribunals.

Controlling Body – Any Affiliated League, the South Australian National Football League (SANFL), and the Australian Football League (AFL).

Official – is an honorary or paid person holding an official position with a particular registered Club at a point in time.

Match Review Officer/Panel – a person(s) who reviews both umpire or club reports and charges player's who have breached any rules & regulations.

Player – is a person registered to play Australian Football for a particular club in a current season.

SANFL – The South Australian National Football League.

Tribunal – is an independent tribunal formed by an Affiliated League or SANFL.

Umpire – is an official appointed by an Affiliated League/Club to undertake umpiring duties for specific games in a season.

2. Role of the Tribunal

2.1 Overview

The Tribunal plays a critical role in maintaining the spirit and sportsmanship in which the game of Australian Football is played. Games played as well as the conduct of administrators, members and spectators are governed by the *Community Football Rules & Regulations*, *League Constitutions* and *By-Laws*, the *Laws of Australian Football* (“Rules”), and *State & Territory Tribunal Guidelines*. The Laws of Australian Football are intended to explain how a Match of Australian Football is played and seek to attain the following objectives:

- To ensure that the game of Australian Football is played in a fair manner and a spirit of true sportsmanship; and
- To prevent injuries to players participating in a Match so far as this objective can be reasonably achieved in circumstances where Australian Football is a body contact sport.

By playing its role in ensuring that rules of the game are adhered to, the Tribunal has a pivotal role in minimising and eradicating any negative conduct and incidents which reflect poorly on the League, its players, officials and spectators.

2.2 Composition & Powers:

An independent Tribunal shall exercise its powers in accordance with the *State & Territory Tribunal Guidelines*, the *SANFL Community Football Rules & Regulations* and the League’s *By-Laws* (if necessary). Unless otherwise determined by the Controlling Body, at any Tribunal Hearing, the Tribunal shall comprise of a minimum of three (3) and a maximum of (5) persons (including the Chairperson) with the exact number of persons to be at the discretion of the Controlling Body. The decision of the Tribunal shall be determined according to the opinion of a majority of the sitting Tribunal and may determine the appropriate sanction in its absolute discretion.

2.3 Charges before the Tribunal

The Independent Tribunal shall deal with all charges against officials and players. The Tribunal may grant a re-hearing of any matter dealt with by it, and decided upon, if, in its absolute discretion, it thinks necessary or advisable to do so, and that the fresh evidence or facts proposed to be submitted would or might have led to a decision different from that arrived at.

2.4 Advocates

At any hearing before the Tribunal a Person charged with a reportable offence must appear before the Tribunal or be represented by an advocate. Where a Person is charged with a Reportable Offence and is under the age of 16 years at the time of the alleged offence, the Person must be represented (and such representation must not be a parent or guardian of the person) and a parent or guardian of the Person may attend in support of the person.

2.5 Failure to Appear

If a Person issued with a Notice of Charge or other relevant notice, fails to appear at the Tribunal hearing at the notified time and place, the Tribunal may proceed to hear and determine the charge or matter and impose a sanction, in the absence of that Person or that Person's representative.

2.6 General Conduct of Hearing

Tribunal hearings shall be conducted with as little formality and technicality and as much expedition as a proper consideration of the matters before it permits. The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts and may inform itself as to any matter in any such manner as it thinks fit. Every Tribunal must be recorded either via video or microphone.

The Tribunal in accordance with the principles of natural justice (fair hearing) shall:

- Directly read out the Charge at the start of the Hearing and ensure that the accused understands the charges;
- Provide any person whose interest will be directly and adversely affected by its decisions, a reasonable opportunity to be heard;

- Hear and determine the matter before it in an unbiased manner; or
- Make a decision that a reasonable Tribunal could honestly arrive at.
- Take into account any exceptional and compelling circumstances that may exist such as a player's exemplary record, the offence was committed in response to provocation, self-defence or that there are multiple offences arising from the same event or course of conduct.

2.7 Standard of Proof

The Tribunal shall decide on the balance of probabilities where a Reportable Offence or other charge against a Person has been sustained.

2.8 Penalties & Referrals

The Independent Tribunal in respect of a Reportable Offence, must apply a sanction applicable, in accordance with Section 5 of the *State and Territory Tribunal Guidelines*, the *Community Football Rules & Regulations* or in accordance with any *League By-Laws*. The Independent Tribunal may also hear charges referred to it by the League or Club President, Board, League Executive or Match Review Officer (MRO). The Tribunal is not obliged to give reasons for any decision made by it.

2.9 Person Suspended

A person who is suspended or disqualified by the Tribunal shall serve such suspension or disqualification in the grade in which the Person played immediately prior to such suspension or disqualification.

3. Investigation

3.1 Reporting Procedures

In Accordance with the Rules of the Controlling Body, an Umpire or Club may report an incident that is contrary to the Laws of the Game or any other Regulations in any given Round to a Match Review Officer/Panel.

If the Match Review Officer/Panel determines that the incident under review is a Reportable Offence, the Match Review Panel shall issue a Notice of Charge to the charged Person and that Person's Club, as well as any other relevant Person's involved in the incident.

Please Note that timings of Umpire Report, Club Reports and Notice of Charge will be governed by the Controlling Body

3.2 Person May Enter Early Plea

Where a Person has received a Notice of Charge relating to a Reportable Offence, that Person may elect to plead guilty to the offence and accept the early guilty plea penalty offered (lesser penalty).

3.3 Where Early Plea is not available

Where the Match Review Officer/Panel determines in its absolute discretion, that a Notice of Charge should be determined by the Tribunal without the Person having the option to enter an early guilty plea, the Match Review Officer/Panel shall refer such matter direct to the Tribunal.

Certain offences that may be referred directly to tribunal include attempting to Strike an umpire, behaving in an abusive manner towards an umpire, eye gouging, spitting, stomping, and serious misconduct

3.4 Persons who do not Accept Early Plea

Where a Person does not accept an early guilty plea, that Person shall not be entitled to any reduction in the penalty set out in the Notice of Charge. Person's may also plead guilty to certain elements of the offence but contest others. An example is that a Person may not contest that the impact and contact but does contest the fact that it was not Intentional but instead Carless.

4. The Role of the Advocate

4.1 Overview

All players, clubs and officials appearing before the Tribunal are required to be accompanied by a club advocate. In normal circumstances, persons appearing before the Tribunal cannot act as their own advocate. Effective advocacy is no less a skill than effective coaching and clubs are encouraged to give thought as to who will represent a reported player during any season.

With set penalties available, the presentation of advice for a player begins the moment a report has been made so it is important the club advocate is involved as early as possible.

The advocate acts as the voice of the person they are representing. The advocate must be prepared to ask and answer any questions on their players behalf and to raise any issues and evidence relevant to the case being heard.

It is critical that the advocate understands how the Tribunal operates, knows the responsibilities of all involved and conveys this information to his player and any witnesses that may be appearing on their behalf.

4.2 Key Responsibilities

The key responsibilities of the advocate are to:

- Provide advice to the player on their course of action and its potential consequences,
- Prepare the evidence necessary to present the case,
- Ask any relevant questions of all witnesses during the course of the hearing,
- Ensure the person they are representing are aware of the rules and procedures of the Tribunal,
- Ensure all parties (including themselves) behave in the appropriate manner at all times when appearing before the Tribunal.

4.3 Tips for Advocates

As an advocate, avoid an ad hoc or casual approach. Be prepared and have in mind an end result, a concept of what version of events you want the Tribunal to accept. The Tribunal is more likely to accept an argument if it is presented in a coherent, consistent, credible and probable manner. Be confident with your approach and manner. Telling the Tribunal; “this is your first time as an advocate,” will not help the player you are defending.

You will be responsible for asking any questions or raising issues you consider important, as the Tribunal members may or may not choose to ask questions of the umpires, player or witness. As a result, you will need to pre-plan the questions you would like to ask.

Be prepared and take notes throughout the hearing. These can be used as important references for later questioning. Use these answers to clarify and create doubt around the guilt or innocence of your player.

Some important considerations for cross examination are:

- Be brief – don’t ask lengthy questions;
- Try and use closed questions which elicit only yes/no answers;
- Do not argue with the umpire, witnesses or tribunal members;
- Attempt to use closed questioning.

4.4 For the Charged Player’s Advocate

During your final summation, clearly describe the events around the incident and why there is doubt around the guilt or severity of guilt on your player’s behalf.

You may also choose to include some pertinent information with regard to the person’s history in the game. (The framework of your summation can be pre-prepared and expanded once witnesses have given their evidence).

An appearance at the Tribunal is a stressful time for all victims, witnesses, umpires and the reported player. Speak to your player/official and explain the tribunal process. It is

important that no matter what the outcome of the hearing it is important to not overreact to the decision or penalty imposed.

4.5 Advocating on behalf of the League

Don't assume the tribunal members are cognisant of every rule or regulation. Provide direct quotes from the relevant rules and use examples when explaining your argument. Provide the rules as evidence in a coherent and logical fashion. Where appropriate have these ready to hand to the tribunal members.

5. Preparation for Tribunal Hearing (Advocate)

5.1 Deciding whether to contest the Charge

Factors to consider when deciding whether or not to accept the set penalty may be:

- An honest appraisal of guilt or innocence;
- The severity or consequence of the incident; or
- The possibility of a more severe penalty.

Please note that, it is not advised to base your respective submissions through technicalities and muddying the facts.

Once a player decides to contest the charge, preparation for the hearing should begin immediately. If after being charged, the player has decided to challenge the charge at the tribunal, but later decides that it is in their best interests to accept the set penalty, the club should contact the Controlling Body (potentially Football Operations Coordinator if applicable) as early as possible.

5.2 Technical Defences

Under the rules, reports are determined on facts, not technicalities. Provision has been made to ensure that this approach is taken by empowering the Tribunal to amend clerical deficiencies in reports. In reality, if cases were able to be decided on technicalities, then the Board would simply re-open the case as an Investigation and further charges may be laid as a result of this. This would result in another hearing with all the same parties involved and perhaps even more witnesses to strengthen the case of the league/umpire.

5.3 Establishing your Case

As an advocate you should sit down with the charged player and establish the events surrounding the reported offence and discuss possible defences. This may in fact, lead you to decide on pleading guilty, or will at least allow you to define a strategy in support of your defence and determine what questions that will need to be asked of your player, the umpire, the victim, and any witnesses to support this theory.

5.4 Development of Questions

Typical questions to ask of your player may include:

- Position of the player(s)/official(s) on the ground;
- Vision in relation to the incident of those involved;
- Type and position of contact made;
- Anything that was said by those involved in the incident at the time it occurred;
- The reaction of the victim to the incident; and
- Was the contact intentional, reckless or negligent?

Through this process a list of questions for each of the persons you may cross examine should be established. Some of these may include:

- The position of the umpire at the time of the reportable offence;
- The position of the ball at the time of the reportable offence;
- Part(s) of the body that contact was made with and part(s) of the body that contact was made to;
- Reaction of those involved in the reportable offence (team mates);
- Whether the game was stopped or play continues;
- Factors which may have provoked the reportable offence, and
- Adherence to the process and procedures of *Community Football Rules & Regulations* and *By-Laws*.

Prepare thoroughly with your player/witness the questions you are to ask and the answers he will give so there are no surprises throughout the Tribunal hearing.

5.5 Players & Witness tips:

- Tell the truth as he/she knows it to be: don't guess, don't speculate, if you can't remember say so, don't be evasive and don't tell half-truths.
- Maintain eye contact with the Tribunal members and questioner.
- Speak clearly and speak at a rate and volume to allow you to be heard and understood.
- Dress appropriately

- Concessions made by the player during questioning by the tribunal or prosecutor may give the player credibility.

5.6 Written Statements

Written statements and Statutory Declarations can be used and read as evidence.

However, any such documents presented may be admitted at the discretion of the Tribunal Chairperson.

Written medical evidence, however, should be presented to validate an injury referred to in a player's defence, as a victim or in cross examination. For example, if in a player's evidence as a witness he says he was knocked out and has missed days of work as a result, a doctor's certificate or the like should be produced to support this claim.

5.7 Video Evidence

At a Tribunal Hearing, video evidence may be produced where there is genuine and clear footage available from either the prosecution or defence. Video evidence should be displayed to the Tribunal in a clear manner via a projector or monitor (which has a slow-motion function). Adequate notice should be given by the person to the Controlling Body of any prescribed video sought to be relied upon. It will be a matter for the Tribunal to determine the assistance such evidence provides, and the weight given to it. The Tribunal will not consider video evidence related to any other incidents that do not pertain to the charge in question. For Example, a recording via a mobile phone of an unrelated incident that happens during the match in question should not be admitted as evidence.

6. Appeal Process (SANFL)

6.1 Overview

A person, official or spectator may appeal a decision by an Independent Tribunal to SANFL. The provisions that govern such an appeal are outlined in sections 11 and 11A of the *Community Football Rules & Regulations*.

6.2 Appeal for Six (6) or more Matches

Pursuant to Section 11 of the *Community Football Rules & Regulations*, a person suspended by a Tribunal for six (6) or more matches may appeal to SANFL with respect to the following grounds:

- That there was an error of law;
- That the decision was so unreasonable that no Tribunal acting reasonably could have come to that decision having regard to the evidence before it; and
- That the sanction imposed was manifestly excessive.

Such appeal must be lodged to the League within 28 days of the suspension being imposed and accompanied by a sum of \$2,500 towards the cost of the appeal (non-refundable). A further sum of \$1,500 (refundable) will also be required as well as copies and records of the Independent Tribunal Hearing in which the matter was originally heard.

SANFL will then organise a time and place for the hearing, which is conducted again without the constraints of the rules of evidence. However, it is important to note that an Appeal is not a re-hearing, as such fresh evidence cannot be produced without seeking leave from the Tribunal.

6.3 Appeal for Inadequate Sanction

An Affiliated League Club may submit a complaint (the Complaint) to the Community Football Manager in relation to:

- An unreasonable tribunal acquittal ruling; or
- A manifestly inadequate penalty as a result of a tribunal hearing; or
- An early guilty plea penalty or the offer and acceptance of a prescribed penalty; or

- The failure to charge an offence.

The Complaint must be directed in writing to SANFL and issued within a period of seven (7) days after the decision or failure to charge after the offence has been committed. The Complaint request must also set out the facts and be accompanied by \$250.

The Integrity and Compliance Manager will then investigate the matter and report back in writing within seven (7) days (can extend to fourteen [14]) to Community Football. The Community Football Manager will then decide if an appeal shall be heard.

If it is decided that an Appeal shall be heard, an additional sum of \$500.00 shall be payable by the Complainant. SANFL will then organise a time and place for the hearing, which is conducted again without the constraints of the rules of evidence. However, it is important to note that an Appeal is not a re-hearing and as such fresh evidence cannot be produced with seeking leave from the Tribunal first.