



EASTERN FOOTBALL NETBALL LEAGUE
INDEPENDENT TRIBUNAL PROCEDURE

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EASTERN FOOTBALL NETBALL LEAGUE 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 EFNL, 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 EFNL offices, 256 Scoresby Road, Boronia at a nominated time. The League may also at its discretion hold Tribunal Hearings via an online platform such as Teams if deemed appropriate by the GM FO's.
2. 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 FO's by 12pm on the first working day after the match in which they were reported. The Tribunal Chairman may permit a witness to provide evidence via phone or digital online solution if unable to attend in person.
3. All reported players, officials and witnesses **MUST** be represented by an advocate who must be an official of the club and shall not be a qualified solicitor or barrister.
4. The usage of, and production of video evidence 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 his appointee, will determine whether such video evidence is permissible as evidence at the tribunal.

The EFNL will retain all video evidence for future reference. Under no circumstances will any footage be returned. All decisions by the Chief Executive Officer or his 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.

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 his advocate if applicable.
2. If an advocate intends calling any other witnesses during the hearing, then it is his responsibility to advise the Tribunal Chairman before the commencement of the case. Similarly, if an advocate intends challenging the validity of a report, then it is his responsibility to also advise the Tribunal Chairman before the hearing commences.
3. A reported player or official will be asked to stand whilst the Tribunal Secretary reads the charge. The procedure is as follows

TRIBUNAL SECRETARY: "Are you player"?"

PLAYER:gives his reply.

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

PLAYER:gives his reply.

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

PLAYER:delivers his plea - (Guilty / Not Guilty).

TRIBUNAL SECRETARY: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 evidence other being given. All parties shall remain while the video evidence is being viewed.

4. At this time, the witness is requested to leave whilst evidence is taken from the umpire and the player.
5. The umpire, reported player, his advocate and the witness's advocate are always present.
6. The umpire is asked to deliver his 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 his 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 Chairman.
9. After the Tribunal Chairman has satisfied himself 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 his 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 they will be asked to retire and not speak to other witnesses.
12. The Tribunal Chairman 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.

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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. Should the player be found guilty the Tribunal will ask all parties to leave the room to consider the penalty. At this point in the process the Tribunal will have access to the player's playing history, which must be contained in a sealed envelope. The player Advocate and the player deemed guilty of an offence are required to be present for the penalty determination.
15. 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 his 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. All the circumstances surrounding the offence;
 - 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 and in writing through a penalty notification form and placed on the league website under the tribunal tab the following day.

Note:

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

- (a) Suspend the player or official until he appears.
- (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.

Players, 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.