



## Tribunal Advocate Guidelines

## Contents

<b>1. Definitions and Acknowledgments</b>	Page 3
<b>2. The Role of the Tribunal</b>	Page 4
<ul style="list-style-type: none"><li>• Overview</li><li>• Independent Investigation Tribunal</li><li>• Composition of Tribunal</li></ul>	
<b>3. The Role of the Advocate</b>	Page 6
<ul style="list-style-type: none"><li>• Overview</li><li>• Key Responsibilities</li><li>• Considerations</li></ul>	
<b>4. Automatic Suspensions</b>	Page 8
<ul style="list-style-type: none"><li>• Overview</li><li>• Deciding whether to Contest the Charge</li></ul>	
<b>5. Tribunal Procedure</b>	Page 10
<ul style="list-style-type: none"><li>• Chronology of Proceedings</li></ul>	
<b>6. Preparing for a Tribunal Hearing</b>	Page 12
<ul style="list-style-type: none"><li>• Overview</li><li>• Technical Defenses</li><li>• Development of Questions</li><li>• Written Statements</li><li>• Use of Video Evidence</li><li>• Non-attendance by player, witness or umpire</li></ul>	
<b>7. The Plea – Guilty or Not guilty</b>	Page 16
<ul style="list-style-type: none"><li>• Overview</li></ul>	
<b>8. League Investigations</b>	Page 17
<ul style="list-style-type: none"><li>• Lodging a Complaint and Bond</li><li>• CEO Discretion</li><li>• Referral to Investigation Officer</li><li>• Non-compliance</li><li>• Investigation Timeline</li></ul>	
<b>9. Appeals</b>	Page 20
<ul style="list-style-type: none"><li>• Pre-requisites</li><li>• Lodging an Appeal</li></ul>	
<b>10. Useful Links</b>	Page 22

1. Definitions

**Advocate** – A person who speaks in support or defence of a club, player or official appearing before the EFNL in relation to any disciplinary matter.

**Appeals Board** – A committee appointed by the Board to hear any appeal from a decision of the Tribunal, Junior Committee, Grievance Committee and Permit Committee.

**Board** – Is the Board of the Eastern Football Netball League.

**CEO** – Is the Chief Executive Officer of the EFNL.

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

**EFNL** – Is the Eastern Football Netball League.

**Grievance Committee** – A sub-committee appointed by the Board to hear relevant cases.

**GM-FO** – Is the General Manager- Football Operations of the EFNL.

**Investigation Committee** – A sub-committee appointed by the Board to hear relevant cases.

**Investigation Officer** – Is a person appointed by the Eastern Football Netball League to investigate a matter.

**League** – Is the Eastern Football Netball League (EFNL).

**Player** – Is a person registered by the EFNL to play Australian Football for a particular club in a current EFNL season.

**Tribunal** – Is the Eastern Football Netball League Independent Tribunal.

**Umpire** – Is an official appointed by the EFNL to undertake umpiring duties for specific EFNL games in any season.

**Acknowledgments**

These guidelines have been developed by the EFNL as a resource for use by its member clubs in representing club members in disciplinary matters in the EFNL. The EFNL would like to thank Brian Hillier, Amelia Burgess, Mervyn Lindsay and Tim Finemore for their assistance in the development of this resource.

## **2. The Role of the Tribunal**

### **Overview**

The Tribunal plays a critical role in maintaining the spirit and sportsmanship in which the game of Australian Football is played. Games played under the control of the EFNL are governed by the Rules, Regulations and By-Laws of the EFNL and the Laws of Australian Football ("Rules").

The Laws of Australian Football are intended to explain how a Match of Australian Football is played and seek to attain the following objectives:

- (a) To ensure that the game of Australian Football is played in a fair manner and a spirit of true sportsmanship; and
- (b) 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 the rules of the game are adhered to, the Tribunal has a vital role in minimizing and eradicating any negative conduct and incidents which reflect poorly on the league, its players, officials and spectators.

### **Independent Investigation Tribunal**

#### **EFNL Rule 20**

The Board shall appoint an Independent Investigation Tribunal to be known as "The Tribunal":

- (i) To hear and determine any reports made by any approved umpire of matches controlled or authorised by the League, concerning the conduct of a player or official before, during or after any match;
- (ii) To conduct its hearings in such manner and at such times and places as it thinks fit; and
- (iii) To hear and determine any other matter referred to it by the Board.

The Tribunal may deal with any report or matter that has been referred to it as it thinks fit and it may impose whatever penalty it deems appropriate in the circumstances (and in accordance with the Rules).

The decision of the Tribunal shall be binding on players, officials and the EFNL.

## **Composition of Tribunal**

Each Tribunal is made up of 3 independent persons: the Chairperson, the Secretary and a Member. The Tribunal Chairperson is responsible for ensuring the hearing is conducted correctly, as determined by the league and the Rules. It is the chairperson who will control the proceedings and, for example, may allow or disallow certain lines of questioning.

## **General Information**

The tribunal generally sits on each Tuesday of the football season, from 7pm. A tribunal may be convened on a night other than a Tuesday should it be needed.

Hearing times are placed on the EFNL website by 4pm on the Monday following each game. The charged player, any witnesses and umpires are listed, along with the time of the hearing and which tribunal the case will be heard in. It is the responsibility of the player and the club to ensure they know what time their case is on.

As a general rule, 30 minutes is allocated for cases involving an umpire and a single charged player (e.g. an abusive language charge), while 45 minutes is allowed for a case involving an umpire, a charged player and a witness (e.g. a striking charge). More time allocated to hear investigations, as they generally involve a larger number of witnesses.

As an independent body, the decisions of the Tribunal are binding on all parties, including the EFNL, so the decision cannot be overturned by the Board, CEO, GM-FO, Umpires or other administration.

## **Key Points**

1. The tribunal is an independent body.
2. The tribunal has powers to deal with any charge as they see fit.
3. Decisions are based on the balance of probability, not beyond reasonable doubt.

### **3. The Role of the Advocate**

#### **Overview**

All players, clubs and officials appearing before the Tribunal are required to be accompanied by a club advocate, who shall not be a qualified legal practitioner. 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 preparation of a defense 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 person against whom the charge is laid, the victim and the umpire are all entitled to be represented by their own advocate. The advocate acts as the voice of the person he/she is representing. The advocate must be prepared to ask and answer any questions on their players/umpires 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/umpire and any witnesses that may be appearing on their behalf.

#### **Key Responsibilities**

The key responsibilities of the advocate are to:

- Prepare the evidence necessary to present a case.
- Ask any relevant questions of all witnesses during the course of the hearing.
- Ensure the person he/she is representing is 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.

#### **Considerations**

As an advocate, avoid an ad hoc approach. Be prepared and have in mind an end result, a theory or concept of what version or explanation of events you want the Tribunal to accept. The Tribunal is more likely to accept a version or argument if it is presented in a coherent, consistent, credible and probable manner.

Be confident with your approach and manner. Telling the Tribunal it's your "first time" or that you are "new to this" 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 preplan the questions you would like to ask.

Cross examination which merely repeats evidence to reinforce a point should be avoided.

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 of your player.

Some important considerations for cross examination are:

1. Be brief
2. Use short questions and plain words
3. Try and use leading questions which elicit only yes/no answers
4. Don't argue with the umpire/witness
5. Try not to let the witness explain

#### For the Charged Player's Advocate

During your final summation, clearly describe the events around the incident in question 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.

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 over react to the decision or penalty imposed.

## **4. Automatic Suspension or Contest the Charge**

### **Overview**

Following the game where a report has been made, the umpire may elect to offer the player a Set Penalty (See attachments). This is for certain incidents and carries automatic suspensions of between 1 and 2 weeks. If the player elects to accept the set penalty, he/she is not required to attend the Tribunal and is suspended from playing immediately for the length of the set penalty accepted. However, the umpire may also elect to send the report direct to the Tribunal.

Whether or not the set penalty has been accepted by the player, his club and umpire, the CEO or his appointee may refer any report to the Tribunal. This may happen in the case of a player with a history of reportable offences, or if further information regarding the charge is made available that suggests the set penalty accepted may be inappropriate and the charge warrants a full hearing of the Tribunal (e.g. Significance of injury to player discovered at a later date).

EFNL By-Law 22.6 (e) states that "Should any party not apply for the prescribed penalty, the umpire will note the dissenting party on the report sheet". This means that in the unlikely circumstance that the club of the witness disagrees with the umpire that a set penalty has been offered and believes the case warrants a hearing of the tribunal, they can inform the umpire of this.

The club and player, after receiving a copy of the report, have 15 minutes to decide whether or not to accept the set penalty or contest the charge at the tribunal. It is during this time that an honest appraisal of guilt or innocence is critical.

### **Deciding whether to contest the Charge**

If an umpire has offered a set penalty, the decision as to whether or not to contest the charge at the Tribunal should be taken very seriously. Some factors to consider when deciding whether or not to accept the set penalty may be:

1. The number of umpires that reported the player
2. The severity of the incident
3. An honest appraisal of guilt or innocence
4. The possibility of a more severe penalty

The fact that the player has been reported and an umpire has offered one or two weeks suspension demonstrates what one credible witness believes the severity of the indiscretion deserves. Should the charge appear before the tribunal, this evidence will be presented. Once a player decides to contest the charge, preparation for the hearing should begin immediately.

If after the game the player has decided to challenge the charge at the tribunal, but later decides that it is in his/her best interests to accept the set penalty, the club should contact the EFNL GM-FO as early as possible and at the latest by midday on Monday to advise of this. As long as the umpire is still happy for the set penalty to be offered and no other information surrounding the charge has come to light, this is usually able to be accommodated.

If the player has accepted the set penalty after the game, they cannot change their mind at a later time and the penalty applies immediately.

### **Key Points**

1. Not all reportable offences can be offered a set penalty.
2. A set penalty is offered at the discretion of the umpire.
3. Even if a set penalty has been offered and accepted, the EFNL may decide to refer the case to the tribunal. This will generally be advised on the Monday morning following the game.
4. If you decide on game day to contest the charge and later change your mind and wish to accept the set penalty, contact the EFNL GM-FO by midday Monday to discuss.

### **Note**

All suspensions are served in the grade to which the player was playing at the time of the infringement.

For example:

If a player incurs a two match penalty playing in the seniors during the last round of the year, he misses the next two senior grade matches. If the seniors are not playing in the finals, this means rounds 1 and 2 of the next season. If the reserves team is playing finals, even if the player qualifies under finals eligibility rules, he cannot play as he has to miss the next two senior games, which is next season.

## 5. Tribunal Procedure

### Chronology of Proceedings

The Tribunal of the EFNL has a standing Procedure which is followed for each case. An example of this is shown below. Times where the reported players advocate is able to question parties have been underlined. A flow chart has also been attached (see page 22).

1. Read Charge (*if 2 players/officials reported the Tribunal may hear the charges together*)  
(*if applicable, advocate to notify the chairman of any witnesses or challenge the validity of the report*)
2. Determine factual data - the player's identity, number and club, date of game, ground where it occurred, etc.
3. Plea - guilty or not guilty (if approved prior to hearing, video evidence is viewed by all parties)
4. Witnesses asked to leave room  
**Umpire, umpires advocate, reported player, his advocate and witness advocate remain in room.**
5. Hear umpire's\investigation officer's evidence
6. All advocates question umpire\investigation officer
7. Questions to umpire\investigation officer by Tribunal – if deemed necessary
8. Player to give evidence (not mandatory)
9. Player questioned by Tribunal  
**Umpire\umpire advocate\investigation officer allowed to ask questions of player at discretion of chairman.**
10. Reported player's advocate may re examine the reported player  
*if desired*
11. Call witness to give evidence  
**At this time no further evidence from umpire\investigation officer, player or their advocates will be accepted.**
12. Question witness (Tribunal)
13. Question witness (Reported players advocate)
14. **Witness advocate and umpires advocate** are entitled to ask witness questions - but are not required to do so.  
*if applicable*
15. Defence witness and other witnesses called individually
16. Question witness(es) (Tribunal)

17. Question witness (Reported players advocate)
18. Question witness (Witness players advocate, umpires advocate)
19. Excuse umpire\witness\investigation officer (unless involved in other matters)
20. Player advocate sums up evidence and speaks on behalf of player and can address the tribunal on the issue of guilt/innocence and appropriate penalty
21. All parties asked to leave room while evidence is considered and decision is made
22. Tribunal confer for penalty (if any)
23. Parties recalled to the Tribunal room and decision announced - penalty notification form is given to the player (if any)

## 6. Preparing for a Tribunal Hearing

### Overview

The beginning of any preparation should be a review of the report sheet to confirm and understand the charge. While it is important the umpire has reported the player/official for the appropriate offence, this in itself should not form the base of your defence, as there is scope within the powers of the Tribunal in the Rules of the EFNL to ensure reported offences are heard by the Tribunal.

The EFNL has worked hard over a long period of time to establish an excellent reputation of the conduct and manner in which games in the competition are played. Maintaining this reputation and integrity is of the utmost importance to all involved in the league.

### Technical Defenses

Under the rules, reports are determined on facts, not unmeritorious technicalities. Provision has been made to ensure that this approach is taken by empowering the Tribunal to amend clerical deficiencies in reports.

#### EFNL Rule 15.2

*15.2 The Tribunal may deal with any report or matter referred to it as it thinks fit and it may impose whatever penalty it deems appropriate in the circumstances of each report upon any player or official directly or indirectly related with the report or reference from the Board upon any player or official directly or indirectly relates with the report and the League shall give effect to all penalties imposed by the Tribunal.*

In reality, if cases were able to be decided on technicalities, then the League Executive 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.

As an advocate you should sit down with the charged player/official 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 theory or concept in support of your defence and determine what questions that will need to be asked of your player/official, the umpire, the victim and any witnesses to support this theory.

### Development of Questions

Typical questions to ask of your player/official when preparing for the Tribunal 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 the EFNL Rules 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.

Advise your player/witness to always:

1. Tell the truth as he 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.
2. Maintain eye contact with the Tribunal members and questioner.
3. Speak clearly and speak at a rate and volume to allow you to be heard and understood.
4. Dress appropriately.
5. CONCESSIONS made by the player during questioning by the tribunal or prosecutor may give the player credibility.

### **Written Statements**

Statutory declarations and written statements are generally not allowed as evidence, but 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 defense, 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.

## **Use of Video Evidence**

The use of, and production of video evidence at Tribunal Hearings and/or EFNL Inquiries shall be permissible if such video evidence is forwarded to the General Manager - Football Operations by no later than 5.00 pm on the Monday immediately following the game in question.

The EFNL CEO, or his appointee, will determine whether such video evidence is permissible as evidence at the Tribunal.

The EFNL reserves the right to retain all admitted video evidence for future reference. Under no circumstances will any admitted video evidence be returned. All decisions by the EFNL CEO or his appointee are final and no correspondence, whether verbal or written, will be considered regarding these decisions.

Any club permitted to use video evidence at the Tribunal may be required to provide a television monitor and dvd/video recorder (which has a slow motion facility) for the Tribunal hearing. The EFNL has access to these but if more than two cases being heard at the same time all had video footage then a club may be required to supply this.

Where video evidence is submitted, parties relevant to the case may have the right to view the video evidence prior to the hearing at a suitable time organised with and at the discretion of the General Manager - Football Operations.

## **Non-attendance by Player, Witness or Umpire**

The procedures for when a player, witness or umpire do not appear is:

1. If an umpire does not appear – the case should be postponed.
2. If the victim does not appear – the reported player/official should be offered the opportunity to postpone the case.
3. If a reported player/official does not appear – the case will be heard in his/her absence.
4. If a reported player/official AND his advocate do not appear – the player/official will be suspended until such time as he does appear.

Where a player has been suspended until he appears, any matches missed will be deemed to be IN ADDITION to any suspension incurred.

Where a player/official, victim or umpire cannot attend in person but is available over the telephone, it is at the discretion of the Tribunal Chairperson as to whether or not the case will continue with evidence to be given over the phone.

## **Key Points**

1. The most important part of being an advocate is being prepared.
2. Don't try and get your player off on a technicality, as rules are in place to ensure this can't happen and it will waste everyone's time.
3. Video evidence must be presented to the EFNL by 5.00 pm on Monday prior to the hearing and may be available for all parties to view.

## 7. The Plea – Guilty or Not guilty

### Overview

When deciding on a plea, the advocate and player should take into consideration the following points:

1. What occurred leading up to the reportable offence?
2. What evidence will be presented at the Tribunal, including injuries to witnesses?
3. Are there any mitigating circumstances?
4. Was a Set Penalty offered by the umpire?
5. What is the penalty that may be imposed should a 'guilty' finding be upheld?
6. The player/official's past record, and the impact this may have on the penalty should a 'guilty' finding be upheld.
7. An honest appraisal of innocence or guilt.

It should be remembered that the **Tribunal bases its decision on the balance of probability and not, as is the burden of proof in criminal courts, beyond reasonable doubt.** This means that the Tribunal considers whether or not it is more probable than not that the offence occurred.

### Key Point

1. An independent official (umpire) has reported the player in the belief they are guilty of a reportable offence under the laws of the game. It is the responsibility of the club to prove they are incorrect.

## **8. EFNL Investigations**

### **Lodging a Complaint and Bond**

In accordance with the Rules, a club may raise a Complaint with the office of the CEO concerning any act, matter or thing involving any club, registered player or official (“Complaint”).

The Complainant must lodge the Complaint with the office of the CEO by no later than 4:00 pm on Tuesday (following Saturday games) or Wednesday (following Sunday games) after the date when the incident giving rise to the Complaint is alleged to have occurred. The Complainant should provide copies of all relevant documents and/or a detailed description of the event and circumstances within the knowledge of the Complainant that gave rise to the complaint.

A bond of \$250.00 must be lodged with the office of the CEO when lodging the Complaint and must be received by the deadline time/date as previously mentioned. The bond may be returned to the Complainant upon resolution of the Complaint in accordance with the Rules and By-laws, except in the case where it is determined that the Complaint was frivolous or vexatious, in which case the CEO at his absolute discretion may retain whole or part of the bond. An administration fee of five penalty units will be withheld from the bond. In the case of a Complaint being referred to the Tribunal which results in a player/official being found guilty, the club to which the guilty party belongs will also be charged the administration fee.

It is important that clubs demonstrate due diligence on any complaint prior to requesting an investigation with the EFNL. This should involve talking to the player(s) involved and any potential witnesses to gain a thorough understanding of the events that have taken place. An investigation is NOT limited to the complaint made by a club, so if during the investigation, allegations come to light in relation to the behaviour or actions of the complainant, these may also be investigated.

Investigations are generally only requested for serious indiscretions that have not been seen by the umpire or have not been reported.

### **CEO Discretion**

At his absolute discretion, the CEO may refer the Complaint to either the Grievance Committee, the Investigations Committee or, to mediation, so that they may hear and determine the matter.

If the office of the CEO receives more than one Complaint on the same matter, the CEO at his discretion may treat all subsequent Complaints in the same manner as the initial Complaint and shall inform the body to which the matters were referred of the new complaint.

The CEO may refer a matter to the Investigation Officer of his own motion.

### **Referral to Investigation Officer**

The Investigation Officer may investigate any matter which has been deemed relevant by the CEO to the question of whether or not a person may have committed a reportable incident.

For the purpose of conducting an investigation, upon request by the Investigation Officer, any player, club official or member shall:

- (a) Fully cooperate with the Investigation Officer;
- (b) Truthfully answer any questions asked by the Investigation Officer; and
- (c) Provide any document in that person's possession, power or control relevant to the Investigation, whether requested to do so or not by the Investigation Officer.

### **Non-Compliance**

A person who:

- (a) Fails to observe and comply with an investigation; or
- (b) Who provides any information that is false or misleading or likely to mislead, or has acted in a manner that is false or misleading or likely to mislead,

shall be deemed to have been involved in conduct which is unbecoming or prejudicial to the interests of the EFNL and shall be liable to a sanction as determined by the Board in its absolute discretion.

After consideration of the report submitted by the Investigation Officer, at his discretion, the CEO may refer the matter the subject of the Investigation to the Investigation Committee for further investigation. Alternatively, the CEO may complete, on behalf of the EFNL, an authorized report sheet of a reportable incident identified by the Investigation Officer, and refer the matter to the Tribunal.

If a report is made and the matter is referred to the Tribunal, any witnesses nominated by the EFNL will be required to attend. The hearing will be conducted as a normal hearing. The Investigation Officer will appear before the Tribunal as a witness. The Tribunal will base its decision on the evidence presented to it on the night of the hearing.

As investigations usually result from incidents that have not been seen by an umpire, the umpire may or may not be required to attend the hearing. This is at the discretion of the Investigator and/or CEO.

If the incident is captured clearly on video then the investigator may recommend a charge be laid direct from the video.

## **Important**

Where a player and club is the subject of an investigation, it is usually as a result of the club requesting the investigation having sufficient evidence to warrant an investigation, including witnesses and video footage. Any investigation against a player, official or club should be taken very seriously and preparation for the defence of the player, official or club should begin immediately upon notification that an investigation is to be conducted. You should ensure that the facts behind the incident are known and that all witnesses are ready and willing to talk to the investigator.

## **Investigation Timeline**

An example of what a timeline for an investigation may be is:

1. Saturday or Sunday - Game played, incident occurred.
2. Monday/Tuesday/Wednesday - Investigation requested and granted if sufficient evidence. Written request and bond must be lodged by 4.00 pm on due date.
3. Wednesday - Investigator appointed by EFNL and makes contact with clubs.
4. Thursday training - Investigator goes to club requesting investigation to interview witnesses.
5. Tuesday of following week - Investigator goes to club subject of investigation to interview witnesses.
6. Wednesday – Friday- Report submitted by Investigator to CEO.
7. Friday - Charge laid by the CEO if sufficient evidence.
8. Tuesday (being 16/17 days after the incident) - All parties and witnesses to appear at Tribunal hearing as per normal reportable offence.

## **Key Points**

1. Written request and \$250 bond must be in by due time for a request for an investigation to be considered.
2. All players must cooperate with the Investigator or risk penalties from the EFNL Board.
3. If one of your player's actions is subject to an investigation, take it seriously and start preparing for it straight away. It won't just "go away" and generally means that the club whom requested the investigation has credible evidence against your player.
4. Don't try and defend the indefensible.

## 9. Appeals

A decision of the Tribunal may be appealed pursuant to EFNL Rule 16.1 – 16.13.

### **Pre-requisites**

An appeal of the decision of the Tribunal can only be made where all of the following pre-requisites are satisfied:

- (A) the decision of the determining body being appealed from imposes a penalty upon a player or official of a member club in excess of a four week suspension; or
- (B) the decision of the determining body being appealed from imposes a penalty upon a player or official of a member club of a four week or less suspension; or
- (C) in a matter where the decision of the determining body does not involve the suspension of a player or a member of club officials or a fine but some other penalty and the appealing party alleges the decision of the determining body is harsh and unreasonable in all of the circumstances;
- (D) the appealing party lodges with the Chief Executive Officer at the time of lodging the appeal an amount of 20 penalty units, except if lodged under pre-requisite (B) whereby a bond of 100 penalty units is payable, by way of security to be dealt with as the Appeal Board directs.

Until the Appeals Board has heard the appeal, any decision of the determining body being appealed from shall apply and be performed and discharged.

### **Lodging an Appeal**

A person wishing to appeal must lodge the appeal with the CEO by 5.00 pm on the third day after the decision of the determining body has been made, with the first day being counted as the day of the decision being communicated.

The notice of appeal lodged with the CEO must in writing:-

- (a) Identify the decision appealed from;
- (b) Set out the grounds of appeal; and
- (c) Set out the persons who will be called in support of the grounds of appeal, together with a short summary of the evidence they will give.

### **An Appeal, not a Re-Hearing**

An appeal should not be confused with a re-hearing, which will not be granted. This is why it is critical that clubs are fully prepared every time a player or official appears before the Tribunal, as it is more than likely the only opportunity to present your case. The grounds of the appeal must be sufficient enough for the appeal to be granted and include such areas as the appearance of new evidence that could not have been able to be produced at the time of the original hearing or incorrect procedure being followed by the Independent Tribunal.

The Appeals Board may deal with any appeal in such manner as it thinks fit and may impose whatever penalty it considers appropriate in the circumstances upon any party to the appeal.

**The decision of the Appeals Board shall be final and binding on all parties.**

### **Key Points**

1. The appeal must be lodged with the CEO by 5.00 pm on the third day after the decision of the determining body has been made, with the first day being counted as the day of the decision being communicated. This means that if you are suspended at the tribunal on a Tuesday night, the appeal must be in by 5.00 pm on Thursday.
2. There must be legitimate grounds for an appeal as a simple re-hearing due to a clubs lack of initial preparation will not be granted.
3. A player remains suspended pending the appeal process.
4. Bond must be lodged at time of appeal request.

## 10. Useful Links

### **EFNL By-Laws**

The EFNL By-Laws are a set of governing rules on how games played in the EFNL are to be conducted. There are generally changes and updates to these each year and they are available from the EFNL website.

EFNL website [www.EFNL.org.au](http://www.EFNL.org.au)

→ Resources

→ By Laws & Laws

<https://efnl.org.au/by-laws/>

### **Laws of Australian Football**

The Laws of Australian Football are updated on a yearly basis with rule changes. They are available from the AFL website.

[Laws of the Game](#)

**11.     Attachments**

Tribunal Procedure

Tribunal Advocates Preparation Sheet

Tribunal Procedure Flow Chart

Player/Official Report Sheet

## TRIBUNAL PROCEDURE

- 1. Read Charge (*if 2 players reported may hear charges together*)  
*(if applicable, advocate to notify chairman of witnesses or challenge to validity of report)*
- 2. Determine factual data, identity, number, club, date ground etc
- 3. Plea, guilty or not guilty (if approved prior to hearing, video evidence is viewed by all parties)
- 4. Witnesses asked to leave room  
**Umpire, umpires advocate, reported player, his advocate and witness advocate remain in room.**
- 5. Hear umpire's\investigation officer's evidence
- 6. All advocates question umpire\investigation officer
- 7. Questions to umpire\investigation officer by Tribunal – if deemed necessary
- 8. Player to give evidence (not mandatory)
- 9. Player questioned by Tribunal  
**Umpire\umpire advocate\investigation officer allowed to ask questions of player at discretion of chairman.**
- 10. Reported player's advocate may re examine the reported player  
*if applicable*
- 11. Call witness to give evidence  
**At this time no further evidence from umpire\investigation officer, player or their advocates will be accepted.**
- 12. Question witness (Tribunal)
- 13. Question witness (Reported players advocate)
- 14. **Witness and umpires advocates** are entitled to ask witness questions  
*if applicable*
- 15. Defence witness and other witnesses called individually

## TRIBUNAL PROCEDURE

- 16. Question witness (Tribunal)
- 17. Question witness (Reported players advocate)
- 18. Question witness (Witness players advocate ,umpires advocate)
- 19. Excuse umpire\witness\investigation officer (unless involved in other matters)
- 20. Player advocate sums up evidence speaks on behalf of player which may include submissions on guilt/innocence and an appropriate penalty
- 21. All parties asked to leave room while evidence is considered and decision is made
- 22. Tribunal to refer to blue book for penalty guidelines
- 23. Parties recalled to tribunal room and decision announced - penalty notification form handed out



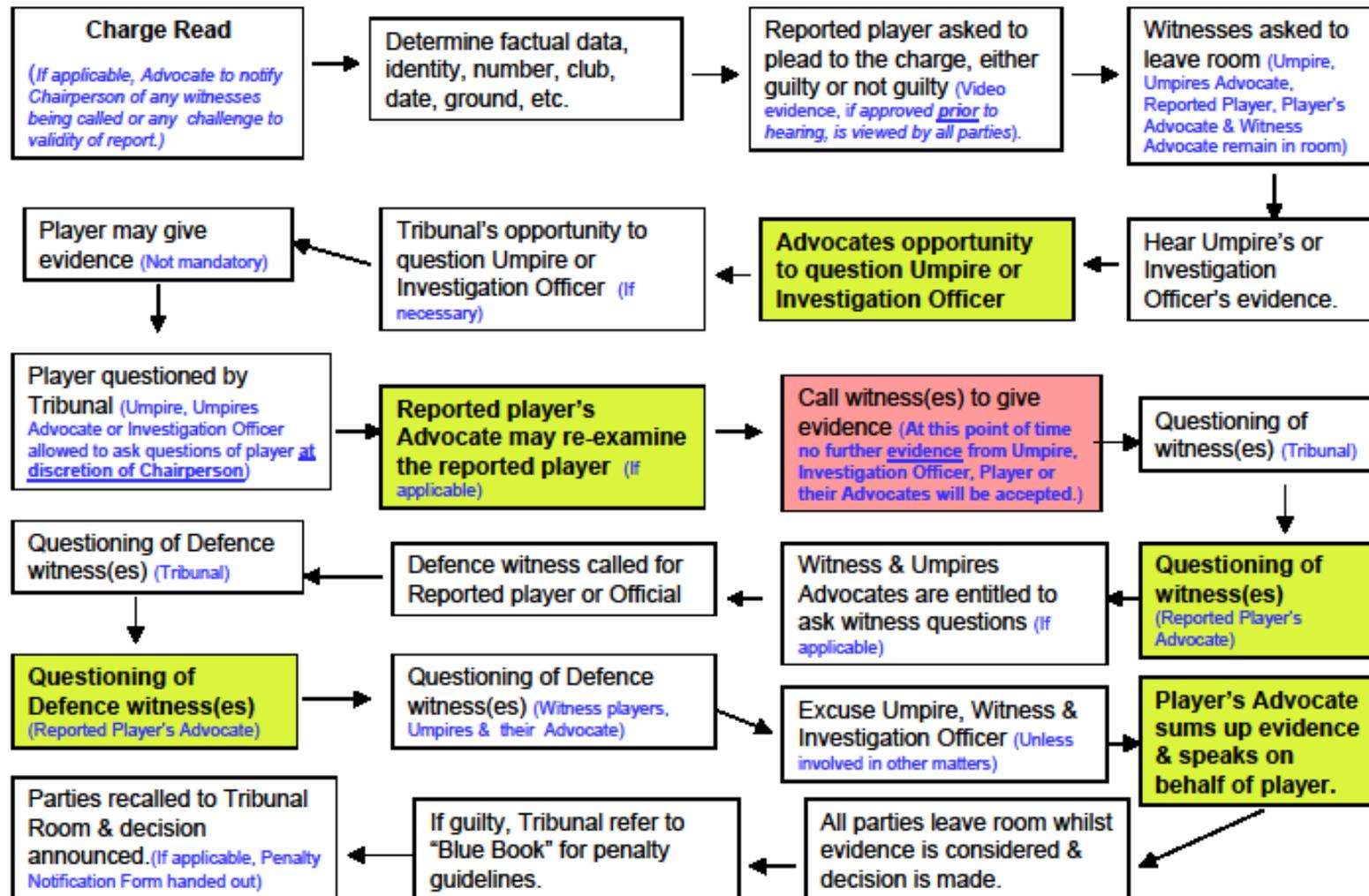








# EFL Tribunal Procedure





**EASTERN  
FOOTBALL  
LEAGUE**

## PLAYER/OFFICIAL REPORT SHEET

**UMPIRES PLEASE NOTE: One report form per Player/Official Report to be used and relevant boxes are to be ticked.**

Pink Copy – To EFL by Midday Monday  
 Yellow Copy – Reported Player/Official Club

Blue Copy – Umpires to retain  
 Green Copy – Witness Club

MATCH: \_\_\_\_\_ V. \_\_\_\_\_ DATE: \_\_\_\_\_

DIVISION	ONE	TWO	THREE	FOUR	COMBINED	A	B	C					
GRADE	SENIOR	RESERVE	U/18	VETS	U/16	U/15	U/14	U/13	U/12	U/11	U/10	U/9	U/8
PLAYER/OFFICIAL NAME			NUMBER			CLUB							

UMPIRES REPORT IN WRITING REQUIRED TO BE MADE PURSUANT TO BY-LAWS OF THE EFL:

REPORTABLE OFFENCE:	DIRECT TO TRIBUNAL	SET PENALTY OFFERED (TO PLAYERS ONLY)
Engaging in time wasting		1 match
Intentionally shaking a goal post before, during or after a shot at goal		1 match
Using abusive, insulting, threatening or obscene language		1 match
Failing to leave the playing surface when directed by field umpire		1 match
Wearing unacceptable equipment		1 match
Disputing a decision of an umpire		1 match
Throwing or pushing another player after that player has taken a mark, disposed of the football or after the football is otherwise out of play		1 match
Bumping or making forceful contact from front on		2 matches
Tripping or attempting to trip		2 matches
Striking or attempting to strike		2 matches
Charging another person		2 matches
Engaging in unreasonable rough conduct against an opponent		2 matches
Using language or behaving in a manner that is abusive, insulting, threatening or obscene towards an umpire		2 matches
Misconduct		2 matches
<b>Player/Official must attend the Independent Tribunal for charge to be heard</b>		SET PENALTY ACCEPTED
Intentionally, recklessly or negligently making contact with or striking an umpire		CHARGED PLAYER YES / NO
Attempting to make contact with or strike an umpire		
Kicking or attempting to kick		WITNESS (IF APPLICABLE) YES / NO
Spitting at or on another person		

**DETAILS OF REPORT:**  
 I was officiating as Field / Boundary / Goal / Emergency Umpire during the \_\_\_\_\_ quarter, when an incident occurred. The play was in the vicinity of the \_\_\_\_\_.

Player / Official \_\_\_\_\_ was reported for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

UMPIRES SIGNATURE: \_\_\_\_\_ NAME (please print): \_\_\_\_\_

CHARGED CLUB DELEGATE SIGNATURE: \_\_\_\_\_ NAME (please print): \_\_\_\_\_

WITNESS CLUB DELEGATE SIGNATURE: \_\_\_\_\_ NAME (please print): \_\_\_\_\_  
 (IF APPLICABLE)