



**2016  
Fact Sheet**

# **Tribunal and Investigations**

# INDEX TO FACT SHEET

## TRIBUNAL

1. General
2. Prescribed Penalty
  1. Procedure to accept the minimum prescribed penalty
3. Player charged by VAFA on video
4. Hearings
  1. Procedure for persons required to be in attendance
  2. All parties to remain in attendance at Tribunal hearings
  3. Reporting umpire unable to attend
  4. Statutory Declarations
  5. Failure to attend or submit a Statutory Declaration
  6. Reported player's witnesses
  7. Use of video at Tribunal
  8. Tribunal matters that Clubs require to be heard
  9. Unobserved incidents
  10. Advocates
  11. Appeals
  12. Appeal hearings
  13. Penalties
5. Rules of Procedure at Tribunal hearings

## INVESTIGATIONS

1. Club protests, disputes or complaints against other persons, players or Clubs
2. Melee procedure for 2016

## Independent Tribunal

### 1. General

1. Club secretaries, team managers and officials must familiarise themselves with the Tribunal procedures and ensure all players attending the Tribunal understand the procedures and are instructed accordingly.
2. All parties that must be in attendance will be listed on the VAFA website by 5pm on the Tuesday afternoon following the match.
3. Any changes made will be notified to the respective parties by the VAFA through phone or email.
4. Non-attendance by any required player concerned will be dealt with by the Tribunal, in some cases resulting in a period of suspension.
5. Club officials who are the subject of an umpire's report (on an official report sheet) will have the report heard by an Investigation Committee and not a Tribunal.

### 2. Prescribed Penalty.

All players are encouraged to accept the minimum prescribed penalty. If a player does so, he will receive a one match reduction from the set Prescribed Penalty.

A guilty plea by players who must attend a Tribunal hearing (e.g. a player with a history during the past two seasons or players reported for a Category (ii) offence on the report form) will receive a 1 match reduction in the penalty imposed by the Tribunal.

#### Procedure to accept the minimum prescribed penalty

1. The club secretary of the representing player must contact Brian Goodman, VAFA Tribunal & Investigation Coordinator (9537 6700) by no later than 12 noon on the Tuesday following the match.
2. The Tribunal & Investigations Co-ordinator will decide whether the player can accept the minimum prescribed penalty or is required to attend a Tribunal hearing.
  - (a) The decision will be based on the player's prior history and the nature of the report.

- (b) If a player has a prior history (ie. a suspension) during the current season and/or during the two seasons before the current season, he will not be granted the prescribed penalty.
3. The VAFA Administration will contact the club 3.00 p.m. that same Tuesday to advise if the minimum prescribed penalty has been granted.
4. Tribunal & Investigations Co-ordinator will advise umpires and the witness's club secretary after 3.00 p.m. that same Tuesday whether the prescribed penalty has been granted.

**If the prescribed penalty is not granted, all parties must attend the Tribunal as it has been decided that the case must be heard.**

### **3. Player charged by VAFA on video**

1. Match Video aims to be on VAFA TV within 24hrs of the completion of the match. If this is not the case then please contact the VAFA Media & Communications Coordinator, Nick Armistead ([nick@vafa.com.au](mailto:nick@vafa.com.au)).
2. Clubs wishing to have reports made from incidents captured on video (not reported by the umpires) must notify the VAFA by 12 noon on Monday following the match, with a copy of the video (or details of the quarter and approximate time to enable the incident to be viewed on VAFA TV) and the prescribed video review fee of \$200. The other Club must also be notified at the same time of the request for a video report.
3. The VAFA will review the video and if it considers appropriate, lay a report and notify both Clubs by 5pm on the Monday.
4. Hearing of the report will proceed on the Wednesday evening following the same procedure as other reportable incidents. In the case of video reports, the reported player will have until 3.00 pm on the Tuesday to notify the VAFA of his consents to the imposition of a prescribed penalty (if available).

### **4. Hearings**

1. Procedure for persons required to be in attendance:  
All players reported or named in connection with the incident plus reporting umpires and witnesses

Procedure:

- (a) Be present at Elsternwick Park at 7 p.m. for Under 19 or Under 18 players, the remainder 7.30 p.m. on the Wednesday following the match.
- (b) Report to the Tribunal Assistant at the ground floor function room on arrival to obtain the hearing time. Times are given upon order of arrival.
- (c) The hearing will be conducted once all relevant persons are in attendance.
- (d) All persons shall remain on the ground floor function room and shall only attend the Tribunal upon call.

2. All parties to remain in attendance at Tribunal Hearings

Witnesses and reporting umpires may be requested to remain at the tribunal hearing until all evidence has been presented.

3. Reporting Umpire unable to attend

The Tribunal hearing shall be postponed until next week.

- (a) The reported player can play until the tribunal hearing is conducted;
- (b) However the hearing must take place by the second Wednesday after the game.

4. Statutory Declarations

- (a) Statutory Declarations may be accepted if any party to a report (reported player, witnesses or umpires), is unable to attend due to work or study commitments, illness or injury.
- (b) If a person wishes to lodge a statutory declaration for non-attendance.
  - (i) The person must notify Brian Goodman Tribunal & Investigations Co-ordinator as early as possible.
  - (ii) Statutory declaration must be lodged with the VAFA by 12 noon Wednesday (day of hearing) to the Tribunal & Investigations Coordinator. The Statutory Declaration must set out.
    - The reason for non-attendance to the hearing

- Full description of the incident (or incidents) being the subject of the report.
- (c) The Tribunal Coordinator shall forward the statutory declaration to the reported player.
  - (d) A decision shall be made whether the hearing shall take place in the absence of the person.
  - (e) The Tribunal will continue as normal if decision is made to proceed with the hearing in absence of the person.
  - (f) If it is decided that the absentee must be present, the hearing will be postponed to a time before the next match.
  - (g) If a player cannot attend the tribunal due to sudden illness or injury, he must contact the Tribunal Assistant (Cliff Bastow) before 7 p.m. on 9537 6777 or 0466 237 000.

5. Failure to attend or submit a statutory declaration

Any reported player who fails to attend or submit a Statutory Declaration as outlined above, or to give notice as above:

- (a) Players may have the charge or charges heard in his absence.
- (b) Non-attendance may incur a period of suspension for the player or a fine for the player's club.
- (c) A witness, who fails to attend or submit a Statutory Declaration or to give notice as above, may be dealt with as the Tribunal thinks fit.
- (d) Any reported player, witness or umpire who has a legitimate request for an early hearing e.g. work or study commitments, must submit request by telephone to the Tribunal & Investigations Co-ordinator by no later than 12 noon on the day of the hearing.

6. Reported player's witnesses

A reported player may call a witness (or witnesses within reason) to assist in his defence of the charge or charges against him.

- (a) The witness:
  - (i) Must have actually seen the incident concerned, and be able to give material evidence in regard to the charge.

- (ii) Is not permitted to give a character reference on behalf of the accused player.
- (b) To bring in a Witness:  
Notification must be given to the Tribunal Chairman at the commencement of the hearing if the reported player wishes to call any witnesses. Witnesses and player(s) offended against are warned that if the Tribunal considers evidence to be of a misleading or unsatisfactory nature they may be charged accordingly and dealt with by the Tribunal.

7. Use of video at Tribunal

(a) **Premier – Premier C**

- (i) If a player or club wishes to make use of the match recording commissioned by the VAFA, he or it must so advise the VAFA by 3.00pm on the Tuesday after the match. The portion or portions of the match recording on which it is intended to rely must be identified so that it can be viewed by the other persons involved, including the reporting umpire(s).

If alternative vision to VAFA match footage is to be used the recording must be burned to a DVD or preferably as a file on a USB stick (in format \*.mp4).

- (ii) If a player or club wishes to make use of some other match recording –  
Such complete recording, with the portion or portions on which it is intended to rely identified, must be lodged with the VAFA by 3.00pm on the Tuesday after the match;  
The VAFA will advise the other persons involved in the report of the intended use of the match recording, and provide such other persons with the opportunity to view the match recording prior to the hearing.
- (iii) No match recording other than that identified or submitted pursuant to sub-paragraphs (i) or (ii) can then be produced or relied upon.

(b) ***Division 1 - Division 4***

If a player or club wishes to make use of a match recording at a tribunal hearing -

- (i) Such complete match recording, with the portion or portions on which it is intended to rely identified, must be lodged by 3.00pm on the Tuesday after the match. Recording must be burned to a DVD or preferably as a file on a USB stick (in format \*.mp4) Clubs will be required to supply their own video equipment to support any other video format. This must be presented prior to the hearing.
- (ii) The VAFA will advise the other persons involved in the report of the intended use of the match recording, and provide such other persons with the opportunity to view the match recording prior to the hearing.
- (iii) If there is a match recording of a Division 1 – Division 4 match commissioned by the VAFA, such can be relied upon if the procedure relevant to Premier – Premier C matches be complied with.
- (iv) No match recording other than that submitted can then be produced or relied upon.

8. Tribunal matters that clubs require to be heard

- (a) If a club wishes that a report made by an umpire must be heard by a tribunal, the club officials must indicate this preference on the report form, when the paperwork is completed after the match.
- (b) A bond of \$200 then must be lodged with the VAFA by noon on the Tuesday following the match.

9. Unobserved incidents

When an unobserved incident report is made by an umpire and is supported by the lodgement of a club complaint from the same incident, the matter will still be resolved before a tribunal.

In this hearing, the player charged and the offended player will be entitled to an advocate who shall not be –



- (a) A witness in the complaint;
- (b) A member of a police force, the holder of a degree in law or a Barrister or Solicitor of any State or Territory of the Commonwealth of Australia.

10. Advocates

- (a) A reported player may appear before the Tribunal with or without an advocate.

The player's advocate shall be the Secretary of the reported player's Club OR a person duly appointed in writing by the Secretary.

- (b) An umpire may appear before the Tribunal either on his or her own or with a person who may act as his or her advocate.
- (c) Where the reported player or umpire appears with an advocate, the advocate
  - (i) may ask questions on behalf of the reported player of any witness called before the Tribunal;
  - (ii) may ask questions of the reported player;
  - (iii) may make oral submissions subject to the direction of the chairman to the Tribunal on behalf of the reported player.
- (d) The following persons are ineligible to act as a player's advocate;
  - (i) a member of a police force,
  - (ii) a holder of a degree in Law
  - (iii) a Barrister and Solicitor of the Supreme Court of any State of the Commonwealth of Australia.
  - (iv) a witness in the hearing
- (e) An umpire's advocate shall be a member of the VAFA Umpires Association who is not a member of a police force, who is not the holder of a degree in law, and who is not a Barrister or Solicitor of the Supreme Court of any State or Territory of the Commonwealth of Australia."

11. Appeals

- (a) Tribunal decisions can be appealed only –
  - (i) if the charge against the player is one within part (ii) of the Report of Umpires form (Schedule D of the VAFA Rules) under the heading “Charges MUST be heard by Tribunal”;
  - (ii) if any suspension arising from a charge in Rounds 16, 17 or 18 of the first round or in the second round would prevent the player from participating in round two matches (finals).
  - (iii) if any suspension would cause the player to have suspensions (whether in the VAFA and/or other competitions) totalling 16 or more matches.
- (b) Appeals must be lodged by 3pm on the day following the hearing along with an appeal fee of \$750. If the appeal is successful, \$500 of the fee will be refunded.  
Provided that, if the appeal is brought pursuant to subparagraph a (ii), the prescribed appeal fee shall be \$1000, and if such appeal be successful the amount of \$750 shall be refunded.

12. Appeal hearings:

The Appeal Tribunal, comprising the Chairman of the Appeal Tribunal and members of the Tribunal who did not participate in the initial hearing shall conduct a hearing.

- (a) The date and time for Appeals will be advised by the VAFA. Every effort will be made to have Appeals dealt with expeditiously.
- (b) If the appeal is not heard before the next round of matches, the player cannot play any matches until the hearing is conducted. The matches missed will be included in any penalty imposed.
- (c) At the hearing of an appeal from a decision of the Tribunal, evidence not called at the original hearing shall not be permitted unless the Chairman or presiding Member of the Appeal Tribunal is satisfied that good reason has been shown as to why such evidence was not called at the original hearing.

13. Penalties:
- (a) If a player has been found guilty of a previous offence during the past five years, this will be taken into account when setting the penalty.
  - (b) A Tribunal does not account for prior history during the hearing of a case.

## 5. Rules of procedure at Tribunal hearings

1. The Tribunal shall consist of at least two persons all of whom shall be members of the Independent Tribunal appointed in accordance with the Articles of Association of the Victorian Amateur Football Association.
2. A brief written report of the offence or offences shall be in the hands of the Chief Executive Officer of the Association by midnight on the second clear day after the match otherwise the charge or charges shall lapse.
3. In the event of either or both Clubs participating in the match failing to provide an official to acknowledge the existence of the report the charge or charges may only be declared void at the discretion of the Tribunal.
4. The Tribunal shall elect a Chairman from amongst those of its members present.
5. Upon assembly and after the Tribunal has elected a Chairman the person who made the report and all persons named in the brief written report shall be summoned before the Tribunal.
6. The Tribunal Chairman shall ask the reported player if he was Number ... of the ... Football Club on the day stated and shall ask similarly of the other person or persons named in the brief written report. All except the person who made the report and the reported player shall retire until recalled.
7. The Brief written report shall be read aloud by the Chairman who shall be in possession of the team sheets and any other relevant documents.
8. After reading the report the Chairman shall ask the reported player to plead "guilty" or "not guilty" to the offence or offences.
9. When the reported player has pleaded the Chairman he shall ask the person who made the report to amplify his written words after which he

may be questioned by the reported player and the Tribunal as they desire.

10. The person who made the report may now call such witnesses as he may wish who may be questioned by that person, the reported player and the Tribunal as they desire.
11. Each reported person who has been called to give evidence shall remain present until all other evidence has been presented to the Tribunal.
12. Any other person or persons mentioned in the report may be called in turn and asked to give their versions of the incident and may be questioned by the person making the report, the reported player and the Tribunal as they desire.
13. The Chairman shall then ask the reported player to give his version of the incident after which he may be questioned by the person making the report and the Tribunal, as they desire.
14. The reported player may now call such witnesses as he may wish who may be questioned by the reported player, the person making the report and the Tribunal, as they desire.
15. After the person making the report, the reported player, all other persons mentioned in the report and all witnesses have delivered their evidence, the person making the report and the reported player shall be given the opportunity to summarise their cases and when the Tribunal is satisfied that it has all the evidence it can reasonably obtain to reach a decision, the Tribunal shall consider the case and record its findings and such penalty or penalties if any to be imposed.
16. When the Tribunal has recorded its findings all persons concerned shall re-assemble and the Chairman shall state its findings and such penalty or penalties if any to be imposed.
17. If the reported player gives consent to the Tribunal to investigate his alleged offence or offences in his absence and submits a statutory declaration of his case the following additional rules shall be observed as and where applicable:
  - (a) The Chairman of the Tribunal shall pronounce a plea on behalf of the player in the light of the statutory declaration by the player of his case.

- (b) The statutory declaration of the player shall be read by the Chairman.
  - (c) Such persons who are mentioned by the player whom he would have called to give evidence on his behalf shall be called and may be questioned by the person making the report and the Tribunal as they desire.
- 18.
- (a) A reported player may appear before the Tribunal either on his own behalf or with a person who may act as his advocate. Such player's advocate shall be the Secretary of the reported player's Club or a person duly appointed in writing by the Secretary.
  - (b) An umpire may appear before the Tribunal either on his or her own behalf or with a person who may act as his or her advocate
  - (c) Where the reported player or umpire appears with an advocate, the advocate -
    - (i) may ask questions on behalf of the reported player of any witness called before the Tribunal;
    - (ii) may ask questions of the reported player;
    - (iii) may make oral submissions subject to the direction of the Chairman to the Tribunal on behalf of the reported player.
  - (d) No person shall act as a player's advocate who is a witness in the hearing, is a member of a police force, who is the holder of a degree in Law or who is a Barrister and Solicitor of the Supreme Court of any State of the Commonwealth of Australia.
19. Subject to any direction of the Chairman of the Tribunal, the reporting umpire and witnesses are required to remain at the Tribunal hearing until the completion of the evidence.
20. An umpire's advocate shall be a member of the VAFA Umpires Association who is not a member of a police force, who is not the holder of a degree in law, and who is not a Barrister or Solicitor of the Supreme Court of any State or Territory of the Commonwealth of Australia.
21. At the hearing of a complaint by the Tribunal other than a report by an umpire, the player charged and the player allegedly offended against shall be entitled to an advocate who shall not be –

- (a) a witness in the complaint;
  - (b) a member of a police force, the holder of a degree in law or a Barrister or Solicitor of any State or Territory of the Commonwealth of Australia.
22. Any recording of a VAFA game made by or at the direction of the Association shall be available for use by both the reporting umpire or umpires and by the reported player, and shall be admissible in evidence at the hearing of a charge or complaint by the Tribunal.

# Investigations

## 1. Club protests, disputes or complaints against other persons, players or Clubs:

Rule 124 provides that any protest or complaint, that a person, player or Club wishes to be investigated by the Board or its delegated sub-committee against any other person or player or Club shall be submitted to the Chief Executive Officer of the Association or his delegate not later than 12 noon on the Monday following the match in which the same is alleged to have arisen. In exceptional circumstances the Chief Executive Officer may extend the date for submission of any request for investigation to 12 noon on the Wednesday following the match.

The protest or complaint must be accompanied by a fee of \$200.00. If more than one protest is made relating to different incidents the fee shall be greater than \$200.00 and shall be determined by the Association.

The hearing of a protest, complaint or charge shall take place before the appropriate body at a time and venue as notified by the Chief Executive Officer (or his delegate). Wherever possible, hearings must be held prior to the next round of matches. A hearing may be adjourned or deferred only if in the opinion of the Chief Executive Officer or the body hearing the matter the circumstances giving rise to the request for adjournment or deferral are exceptional.

Should the CEO consider it an appropriate issue, he shall conduct a preliminary inquiry to the matter, and then determine whether charges should be referred to the Board or to a Tribunal.

## 2. Melee procedure for 2016

1. The Umpire charges Club(s) with a melee(s) on Match-day.
2. The VAFA offers the Club(s) the minimum prescribed penalty (if applicable) by noon Monday; the club then must respond by 9 a.m. Tuesday morning.

**Note, umpires on match days cannot grant the prescribed penalty.**

3. Minimum prescribed penalties for melees:
- For a team's first offence in the season
    - Minor** – minimum of \$150
    - Major** – minimum of \$300
  - For a team's second offence during the season
    - Minor** – minimum of \$250
    - Major** – minimum of \$500
  - For a team's third or subsequent offence during the season
    - Minor** – minimum of \$400
    - Major** – minimum of \$750