



Tribunal Quick Guide – 2017

This Quick Guide is designed to assist participants involved in the Tribunal process. The Guide is, however, no substitute for a thorough understanding of the applicable Competition By-laws and the Tribunal Rules and Tribunal Guidelines (**the Tribunal documents**).

The Tribunal documents should be fully understood by all participants in the Tribunal process, but particularly advocates appearing at the Tribunal.

If there is any inconsistency between this Quick Guide and the Tribunal documents, the Tribunal documents will prevail. In this Quick Guide, a reference to a reported person includes a person where the hearing follows a report or charge other than from a report from an Umpire, for example a citing.

Preparation for a tribunal

All witnesses should be interviewed, including the reported person, well prior to the hearing and certainly before a decision is made to accept or reject a Prescribed Penalty Offer (PPO). Additional penalties may apply where a PPO offer is rejected and there is an adverse finding by the Tribunal. Carefully select the witnesses who are to give evidence, not only in terms of the relevance of their evidence but also their ability to provide accurate and concise evidence.

It is the responsibility of the reported person's Club to arrange for all evidence to be available at the hearing, including such as a medical report.

All witnesses and documents

A party should prepare and bring to the hearing any diagrams that they intend to use or which may assist the Tribunal. There are specific rules in relation to the use of electronic recordings and these rules will be strictly applied. A copy of the recording must be provided to the AFLSJ by no later than noon on the day of the hearing in the case of an umpire's report.

A reported person must bring to the Tribunal a completed pre-sentence report.

The hearing

The Tribunal only accepts oral evidence. Statements from witnesses who are unable to attend will generally only be allowed in the most exceptional circumstances, and even then may only be accepted by the Tribunal for very limited purposes and given limited weight.

It is the responsibility of the party who wishes to call a witness to arrange for that witness to attend. Oral evidence by telephone will only be accepted in exceptional circumstances.

A legal practitioner cannot act as an advocate. The parent/guardian of a reported person or an Umpire cannot act as their advocate. An advocate cannot give evidence.

Reports are considered on their merits and not on technicalities.

At the commencement of the hearing, the advocate must advise the Tribunal as to how the reported person intends to plead, the number and availability of witnesses the reported person intends to call and whether there is any visual evidence.

Appendix 2 to the Guidelines and page 3 of the Quick Guide sets out the tribunal procedure in table form.

Witnesses may give their evidence by reading a prepared statement, or may be questioned by the advocate. All conversations must be related in direct speech. The exact words used, or as best the witness can recall, or words to the relevant effect, must be used. Witnesses are to give evidence of fact, not opinion.

Witnesses may be questioned by the opposing party but questions must be limited to the matters at hand. The Tribunal will control the questioning of witnesses.

Fairness demands that an opposing version of events or facts must be put to each witness, to allow the witness to respond to that alternative version of events or facts.

The parties are to make brief submissions at the conclusion of the hearing.

Penalty

Where there is a finding that the report is proven, or the reported person admits the report, the Tribunal will call on submissions from the reported person's advocate as to penalty. The Tribunal will rarely seek a submission from the Umpire's advocate on penalty.

Submissions on penalty must not ignore the finding of the report being proven or the plea admitting the report being proven. Any submission which challenges such a finding or plea will be rejected.

The Tribunal will determine the penalty in its absolute discretion. The penalty is to be recorded in writing and signed by the Presiding Member.

Where the penalty is or includes a period of suspension, the period may be expressed as either the number of matches from which, or alternatively the period of time during which, the Player or Official is precluded from participating. Where an Official is suspended, the Quick Guide is to be read appropriately to refer to an Official.

The Tribunal may defer, on terms or absolutely, the operation of any penalty or part thereof. This allows the Tribunal to impose a sentence which is suspended in whole or in part.

Where a period of suspension is expressed as a number of matches, a 'match' shall mean a competition match of the same age group or division in which the Player committed the offence, and shall also include as the one match, the matches in all grades in a particular round for which the Player would, but for the suspension, be eligible, whether played on the one day or not. Any suspension shall take effect from and include the next competition match following the suspension for which the Player would, but for the suspension, be eligible. The effect of this rule is that a Player cannot count towards his/her suspension matches in more than one grade in each round, even if he/she regularly "doubles up".

Where a period of suspension is expressed as a period of time, the period shall commence from the time the penalty is pronounced and conclude at midnight on the last day of the period.

A suspended person may not, during his/her period of suspension, participate in any match in the capacity of Player, runner or trainer, nor shall he/she officiate within the enclosed playing surface (or, where there is no enclosed playing surface, within five metres of the boundary line), but may attend a game and observe as a spectator only. Players are not permitted within the confines of the playing surface, and must not act as runner, water carrier or in any other capacity. Subject to any direction from the Tribunal, an Official may participate in any official capacity at their Club on non-match days.

Subject to any direction by the Tribunal, where the Tribunal imposes a suspended sentence, the period of the sentence is suspended, subject to good behaviour by the Player or Official. If the Player or Official is found guilty by the Tribunal of any subsequent offence committed during the period of the suspended sentence or, in the case of a Player, a PPO is accepted which results in a match suspension, the suspended sentence will be added to any sentence imposed by the Tribunal for the subsequent offence or as a result of the Prescribed Penalty.

Where a reported person requests that a PPO offer be dealt with by the Tribunal, and the Tribunal is of the opinion that the PPO to the Player was reasonable in all the circumstances and does not reduce the penalty, the Tribunal will impose an extra one match penalty in addition to the penalty offered by AFL Sydney Juniors, or the penalty imposed by the Tribunal, whichever is the greater.

In the event of a dispute as to the games or matches covered by a suspension, the dispute is to be referred to AFL Sydney Juniors (AFLSJ) for determination. AFLSJ may seek the advice of the Tribunal or the Executive Group.

Where a Player receives notice of an automatic playing suspension as provided by the By-laws and requests the automatic suspension be referred to the Tribunal for hearing, the Tribunal may impose such conditions on the Player as it deems appropriate, pending the hearing. The Tribunal may, following the hearing, affirm or vary the suspension, (including increasing the suspension) or apply any other penalty as it deems appropriate. Where the Tribunal is of the opinion that the automatic playing suspension was reasonable in all the circumstances, the Tribunal will impose a suspended sentence at least equal to the automatic match playing suspension imposed on the Player, such suspended sentence to remain in force for a period of 12 months from the date of the Tribunal hearing or to the equivalent round in the following season.

PROCEDURE FOR HEARING AN UMPIRE'S REPORT

TRIBUNAL OPENED. REPORTED PERSON AND UMPIRE IDENTIFIED. REPORT READ TO PLAYER, WHO IS ASKED TO PLEAD 'ADMIT OR 'NOT ADMIT' TO THE REPORT

The player's advocate does not plead on the player's behalf

A. PLAYER DOES NOT ADMIT TO CHARGE OR REPORT

1. WITNESSES ASKED TO LEAVE THE ROOM
2. UMPIRE'S EVIDENCE (WITH ASSISTANCE OF ADVOCATE (IF NEED BE))
3. UMPIRE QUESTIONED BY PLAYER'S ADVOCATE
4. UMPIRE MAY BE QUESTIONED BY TRIBUNAL AT ANY TIME
5. PLAYER'S EVIDENCE (WITH ASSISTANCE OF ADVOCATE (IF NEED BE))
6. PLAYER QUESTIONED BY UMPIRE'S ADVOCATE
7. PLAYER MAY BE QUESTIONED BY TRIBUNAL AT ANY TIME
8. UMPIRE ALLOWED TO CLARIFY EVIDENCE THROUGH ADVOCATE
9. UMPIRE'S WITNESSED CALLED:
 - questioned by umpire's advocate
 - questioned by player's advocate
 - clarification by umpire's advocate
 - Umpire witnesses may be questioned by Tribunal at any time
10. PLAYER ALLOWED TO CLARIFY EVIDENCE THROUGH ADVOCATE
11. PLAYER'S WITNESSES CALLED:
 - questioned by player's advocate
 - questioned by umpire's advocate
 - clarification by player's advocate
 - Player witnesses may be questioned by tribunal at any time
12. ADVOCATES SUM UP
13. TRIBUNAL RETIRES TO CONSIDER FINDING

REPORT DISMISSED

OR

PLAYER FOUND GUILTY

A. PLAYER ADMITS TO CHARGE OR REPORT

1. WITNESSES ASKED TO LEAVE THE ROOM
2. PLAYER'S EVIDENCE
3. UMPIRE'S EVIDENCE
 - which should just supplement or traverse player's account of what he has admitted to
4. UMPIRE AND PLAYER QUESTIONED AS NEED REQUIRES
5. WITNESSES CALLED AND EXAMINED

PROCEED TO B.

