



## **Independent Tribunal**

- 1.1 The MSJFL Tribunal is an independent body.
- 1.2 All reports of breaches of the current Laws Of Australian Football deemed reportable offences will be referred to the Tribunal Secretary and will be finally heard and determined by the Tribunal.
- 1.3 At the sole discretion of the MSJFL Executive, any breaches of MSJFL rules, by-laws or codes of conduct involving any player or club official deemed serious enough to require sanction may be referred to the Tribunal Secretary and may be finally heard and determined by the Tribunal. Alternatively, these alleged breaches may be dealt with by the MSJFL Executive.
- 1.4 The MSJFL Executive may also elect to deal independently with any Club regarding any behavioral issues of any players, officials or spectators.
- 1.5 The MSJFL will appoint a Tribunal Secretary who will assist with all administrative matters and all communication with Clubs and the Umpiring Department.

## **Tribunal Constitution**

- 2.1 The Tribunal will be constituted by a minimum of three members selected from a pool of appropriately qualified and trained personnel. At the commencement of each sitting, the Tribunal shall appoint a chairperson for that sitting. Decisions will be by majority. The required standard of proof is on the balance of probability.
- 2.2 The MSJFL Executive may, at its discretion, allocate an appropriate honorarium to Tribunal members.
- 2.3 It is customary that the Tribunal will convene on Wednesday evenings at the Moorleigh Reserve Pavilion, Bignell Road, East Bentleigh, Vic. commencing at 7.30 p.m. However, the Tribunal may be convened on any date and time and at any place as deemed necessary by the Tribunal Secretary.

## **Conduct of Proceedings**

- 3.1 The tribunal has the power to regulate its own proceedings.
- 3.2 Any hearing before the Tribunal shall be:
  - Inquisitorial in nature; and
  - Conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- 3.3 The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record, and may inform itself as to any matter in any such manner as it thinks fit.

- 3.4 It is customary that the hearing will follow the following structure;
- Introduction of all persons by the Tribunal Chairman
  - The Reading of the Report(s)
  - Reported Player enters their plea.
  - All Witness except the Reporting Umpire leave the hearing
  - Any Video Evidence Available Is Played

Umpires Advocate presents case for the Reporting Umpire

- (a) Evidence of Reporting Umpire – assisted by Umpires Advocate
- (b) Evidence of other Umpires
- (c) Evidence of other witnesses called by Umpires Advocate
- (d) Evidence of Player allegedly offended against

Players Advocate presents case for the Reported Player

- (e) Evidence of witnesses for the Reported Player
- (f) Evidence of the Reported Player
  - Closing Submission Umpires Advocate
  - Closing Submission Reported Players Advocate
  - Tribunal may retire to consider a finding
  - Tribunal resume and deliver finding

If the report is sustained;

- Summary of reported players history by Reported Players Advocate
- Submission on penalty by Reported Players Advocate
- Submission on penalty by Umpires Advocate
- Tribunal will retire to consider penalty
- Tribunal resumes and delivers penalty

Note: Tribunal members may;

- Ask questions at any time, and
- Give direction to Advocates as to particular aspects of evidence the Tribunal is most interested in, thereby requesting Advocates to examine those issues with witnesses and to address those issues in submissions.

- 3.5 Parents of any player up to and including Under 12's may remain inside the tribunal for the evidence of their child, otherwise at the discretion of the tribunal Chairman. Parents so permitted shall remain silent unless called upon by the Chairman.
- 3.6 The Tribunal may permit the presence of any observer at the discretion of the Chairman.
- 3.7 The Tribunal will not accept video evidence unless:
- (a) the party (being a Club or the Umpiring Department) intending to rely on such evidence has provided a copy to the Moorabbin Saints Junior Football League and the opposing party (being a Club or the Umpiring Department) by 6pm on the Tuesday prior to the hearing; and
  - (b) The Tribunal is satisfied as to the authenticity and source of the video; and
  - (c) The Tribunal is satisfied that the video footage has not been enhanced in any way.
- 3.8 All video evidence provided will become the property of the Moorabbin Saints Junior Football League and will not be returned.

- 3.9 All reported players, officials and witnesses must be represented by an accredited advocate who must be an official of the club, and must not have attained a Law Degree.
- 3.10 Commencing 2009, all club Advocates appearing before the Tribunal must have participated in Advocates accreditation training conducted by the MSJFL. It is the responsibility of all Clubs to ensure they have access to sufficient numbers of accredited Advocates.
- 3.11 The Tribunal may find any reported person guilty of a more appropriate offence than that for which they are reported, if in the opinion of the Tribunal the other offence is proven.

### **Laying of Reports**

- 4.1 Reports may be laid by any MSJFL Umpire, any member of the MSJFL Umpiring Department or any member of the MSJFL Executive Committee.
- 4.2 Reports may be laid up until 8pm on the day following the match or incident. Clubs must be notified of any report by this time.
- 4.3 In the case of a report laid later than 8pm on the day the match or alleged offence occurred, the date and time set for a Tribunal hearing will be at the sole discretion of the Tribunal Secretary.
- 4.4 Where Clubs seek and are granted any deferral or adjournment of a Tribunal hearing, the reported player or official shall not be eligible to participate in any matches conducted by the MSJFL or any league or association affiliated with AFL Victoria until such time as the reported person has appeared before the Tribunal. Where exceptional circumstances exist, Clubs may apply in writing to the MSJFL Secretary for an exemption to this ban. The MSJFL Secretary will be the sole judge and their decision will be final and binding.
- 4.4 The reporting Umpire or the Umpires advocate may withdraw any charge(s) at any time prior to the commencement of a hearing.
- 4.5 The Tribunal Secretary will contact each Club Secretary for all reported players and any witnesses to ensure the club and the individuals are aware of the report.
- 4.6 The Club Secretary of as reported player or official have up until 6pm on Monday to advise the Tribunal Secretary of their decision to take a set penalty or to appear at the Tribunal on Wednesday night. The notification period may be extended at the sole discretion of the Tribunal Secretary.
- 4.7 The Club Secretary of any reported player or official who is either;
  - (i) compulsory required to appear at the Tribunal; or
  - (ii) who has elected to appear at the Tribunalmust advise the Tribunal Secretary of the following information;
  - (a) How many witnesses they propose to call, and
  - (b) Any other evidence they wish to introduce. (e.g. Video evidence)

- 4.8 The Tribunal may as a result of any hearing recommend that a charge or additional charges be laid against any person. Such charge must be laid by 8 pm on the Monday night following the Tribunal hearing.

#### **Reports Laid as a Result of Investigations**

- 5.1 The MSJFL may at any time conduct an investigation upon the recommendation of the Secretary into any allegation of a reportable offence or serious misconduct by any person. If the investigation concludes that reportable offences or serious misconduct may have occurred, the Secretary may lay an appropriate charge or charges. Such charge or charges will then be heard and determined by the MSJFL Tribunal.
- 5.2 Such charge or charge(s) must be laid within 7 days of the conclusion of the investigation.

#### **Failure to Appear**

- 6.1 In the event that a player, witness or official does not attend the Tribunal when required, the Tribunal may:-
- Suspend the player or official until they appear, or,
  - Hear the case in their absence and
  - Impose a penalty in their absence
- 6.2 Clubs who do not supply an accredited advocate may be fined by the Tribunal.

#### **Misleading or Unsatisfactory Evidence**

- 7.1 The tribunal may deal with any person who in its opinion;
- misleads the tribunal, or
  - fails without reasonable excuse to appear when directed, or
  - whose conduct during the hearing is, in the opinion of the tribunal, unsatisfactory.
- 7.2 In such circumstances the Tribunal may penalise an individual or the Club with whom the individual is associated or both.

#### **Tribunal Penalties**

- 8.1 The MSJFL Executive will provide guidelines to the Tribunal as to the range of penalties considered by the MSJFL Executive to be appropriate for various reportable offences.
- 8.2 The Tribunal may apply any sanctions or penalties it sees fit.
- 8.3 The Tribunal will be the sole adjudicator of penalty based upon an assessment of all the circumstances. Advocates for the reported player and the umpire will be offered the opportunity to make submissions to the Tribunal on appropriate penalty.

- 8.4 Sanctions and Penalties may include;
- i Suspending a player from participating in matches conducted by the MSJFL or any league or association affiliated with AFL Victoria
  - ii Suspending any person from officiating or participating in any match conducted by the MSJFL or any league or association affiliated with AFL Victoria
  - iii A direction that a reported player or official is to participate in or undertake an activity that the Tribunal deems appropriate. For example to perform duties as an Umpire or to perform a community service activity.
  - iv A monetary fine applied to an individual player or official.
  - v A monetary fine applied to a Club.
  - vi An order banning a player or official from attending or officiating at any specific or all MSJFL matches.
- 8.5 Penalty or sanction may be a combination of any or all of the above.
- 8.6 Any penalty involving a period of match suspension may be wholly or partially suspended for a period of time as determined by the Tribunal. For example a 3 match penalty may be wholly suspended until the conclusion of the season.
- 8.7 The Tribunal may also impose the payment of Tribunal Costs on either a Club or the Umpiring Department. Revenue raised from this penalty is directly applied to the costs of running the Tribunal.
- 8.8 Any person who fails to abide by any penalty imposed by the Tribunal will be dealt with by the MSJFL Executive.

## Appeals

- 9.1 All decisions of the Tribunal shall be final and binding on all parties, including the MSJFL, save that any club or person affected by any such decision may, where fresh evidence not available at the time of the Tribunal hearing has subsequently come to light, appeal any such decision by lodging with the Secretary within 7 days of the decision a written Notice of Appeal together with a non-refundable fee of \$200.00. The written Notice of Appeal must set out:
- i **The grounds for the appeal; and**
  - ii **The nature of the fresh evidence sought to be relied upon; and**
  - iii **The reason why the fresh evidence was not available at the time of the Tribunal hearing.**
- 9.2 Any valid Notice of Appeal shall be referred to the Executive Committee for determination as deemed appropriate.



**CARL RUSSO**  
**MSJFL SECRETARY**