



# TRIBUNAL ADVOCATES HANDBOOK

2024  
For WFNL Club Distribution

*This manual is to assist all advocates appearing before the WFNL Tribunal and should not be used as a replacement for the WFNL By-Laws and Rules, or the AFL National Community Policy Handbook.*

## DEFINITIONS:

**Advocate** – A person who speaks in support or argues on behalf of a club, player or official appearing before the WFNL Independent Tribunal in relation to any disciplinary matter.

**Appeals Board** – A Board established by the WFNL, to consider decisions made by a League Independent Tribunal.

**Board** – Is the Board of Management of the Western Football Netball League.

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

**Investigation Officer** – Is an AFL qualified person appointed by the WFNL to investigate a matter.

**MRO** – Match Review Officer for the WFNL

**OM** – Is the Operations Manager of the WFNL

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

**Required Person** - Can refer to any of the following; player, member, spectator or official

**Tribunal** – Is the WFNL Independent Tribunal, a permanent sub-committee of the WFNL Board.

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

**WFNL** – Is the Western Football Netball League, sometimes referred to as the League.

## 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 WFNL, as well as, the conduct of administrators, members and spectators are governed by the Rules, Regulations and By-Laws of the WFNL 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:

- o to ensure that the game of Australian Football is played in a fair manner and a spirit of true sportsmanship; and
- o 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 pivotal role in minimizing and eradicating any negative conduct and incidents which reflect poorly on the league, its players, officials and spectators.

### Composition & Powers:

An Independent Tribunal consisting of no less than three (3) members who are not connected with any clubs of the League, and the decision and penalties imposed by such Independent Tribunal shall be final.

Five members is the maximum number of any hearing, and three members shall form a quorum. This Independent Tribunal will deal with players and officials reported in accordance with the appropriate rules of AFL Victoria, the WFNL, including Code of Conduct breaches, and the Laws of Australian Football as well as any appeal disputes that may arise from such rules. They may also sit in judgement on any dispute or matters at the direction of the Board. It has the power to determine and impose penalties.

**Refer to 17.5.1 & 17.5.2 in the WFNL Statement of Rules**

## **ROLE OF THE TRIBUNAL:**

### **Charges before the Tribunal:**

The Independent Tribunal shall deal with all charges against officials, players, spectators or members, who may give unsatisfactory evidence. Three members of such Independent Tribunal may grant a re-hearing of any matter dealt with by it, and decided upon, if, in its absolute discretion, it thinks necessary or advisable to do so, and that the fresh evidence or facts proposed to be submitted would or might have led to a decision different from that arrived at.

### **Penalties & Referrals:**

The Independent Tribunal shall also hear charges referred to it by the Operations Manager, Board or Investigation Officer and has the power to determine and impose penalties.

### **Tribunal Secretary:**

The Tribunal Secretary or appointed substitute shall represent the League in presenting charges to the Independent Tribunal and may summon or arrange for any persons to appear to give evidence on the hearing of any charges against a player.

### **Advocates:**

Any person to appear before the Independent Tribunal shall have the right to be represented at the inquiry. A charged player must have an advocate on all occasions. Advocates must not be members of the Legal Profession. Failure to comply may result in a fine at the tribunals discretions.

### **Concurrent Matches and Penalties:**

Any person having been suspended by the Independent Tribunal shall be eligible to resume playing after their team has played the number of matches equivalent to the suspension period in the competition they were suspended in, providing that they otherwise would be eligible to play in such game or games.

## **ROLE OF THE TRIBUNAL:**

### **Failing to Appear:**

Any required or reported person failing to appear before the Tribunal when advised to do so without an acceptable reason may be dealt with by the Tribunal as it sees fit. Required persons charged with an offence **MUST** attend the Independent Tribunal meeting. If necessary the meeting will be adjourned and the player or official penalized as the Tribunal deems appropriate until attendance is confirmed.

### **Appeals Board:**

**Refer to WFNL Statement of Rule Section 19.**

## 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. The advocate cannot give evidence. If the advocate is a witness, then he/she must not act as the advocate for any/all of the hearing. If there is no other advocate available then that person cannot give evidence.

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.

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 their player/umpire and any witnesses that may be appearing on their behalf.

### Key Responsibilities:

The key responsibilities of the advocate are to:

- o prepare the evidence necessary to present a case, this should be done as soon as it is known that the person has been reported, eg: after the game
- o ensure no hats/caps/beanies are worn in the Tribunal
- o ask any relevant questions of all witnesses during the course of the hearing
- o ensure the person they are representing is aware of the rules and procedures of the Tribunal
- o ensure all parties (including themselves) behave in the appropriate manner at all times when appearing before the Tribunal.

## ROLE OF THE ADVOCATE:

### Tips for Advocates:

As an advocate, avoid an ad hoc or casual approach. Be prepared and have in mind an end result, a concept of what version of events you want the Tribunal to accept. The Tribunal is more likely to accept an argument if it is presented in a coherent, consistent, credible and probable manner. Be confident with your approach and manner. Telling the Tribunal; “this is your first time as an advocate,” during the hearing will not help the player you are defending. Instead, advise the tribunal prior to the hearing that it is your first time and raise any questions prior about the conduct of the evening if necessary. 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 pre-plan the questions you would like to ask.

Cross examination which merely repeats evidence, or asking the same question in a different form, 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 or innocence of your player.

Some important considerations for cross examination are:

- o be brief – don’t ask lengthy questions
- o try and use closed questions which elicit only yes/no answers
- o don’t argue with the umpire, witnesses or tribunal members
- o do not give the witness an invitation to explain (use closed questioning)
- o the Team Manager should advise the advocate, no later than Sunday PM of any Tribunal cases

### For the Charged Player’s Advocate:

During your final summary, clearly describe the events around the incident 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.

*(The framework of your summary can be pre-prepared and expanded once witnesses have given their evidence.)*

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.

## 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 basis of your defence, as there is scope within the powers of the Tribunal to ensure reported offences are heard by the Tribunal. If an error is made in the charge, the Tribunal can amend the charge to be as it should have been in the first instance.

### Establishing your Case

As an advocate you should sit down with the charged player/official/member 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 strategy 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 may include:

- o position of the player(s)/official(s) on the ground
- o vision in relation to the incident of those involved
- o type and position of contact made
- o anything that was said by those involved in the incident at the time it occurred.
- o the reaction of the victim to the incident; and
- o 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;

- o the position of the umpire at the time of the reportable offence
- o the position of the ball at the time of the reportable offence
- o part(s) of the body that contact was made with and part(s) of the body that contact was made to,
- o reaction of those involved in the reportable offence (team mates)
- o whether the game was stopped or play continues
- o factors which may have provoked the reportable offence, and
- o adherence to the process and procedures of the WFNL Rules and By-Laws.

Prepare thoroughly with your player/witness the questions you are to ask and the answers they will give so there are no surprises throughout the Tribunal hearing.



## PREPARING FOR A TRIBUNAL HEARING:

### **Written Statements:**

Written statements and Statutory Declarations can be used and read as evidence at the discretion of the Tribunal Chairperson, but any such documents presented must be submitted no later than 3.00pm on the day of the hearing.

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 they say they were knocked out and has missed days of work as a result, a doctors certificate or the like should be produced to support this claim.

### **Use of Video Evidence:**

Unless otherwise directed by the CEO, any party wishing to produce video evidence must have provided to the League a copy of such video (unedited) by no later than 3.00pm on the day of the hearing; and to other affected parties no later than two (2) hours prior to the scheduled time of the hearing. If required, the party wanting to rely on the video evidence must supply the necessary equipment to enable the Tribunal to view the full video and that equipment should include slow motion and pause facilities. Video evidence must not be edited to exclude anything relevant to the incident(s) subject to the hearing; nor to present any distortion of facts.

**(Refer to Appendix D to WFNL By-Laws)**

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

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. It is the preference of the Tribunal to use video calls where possible, i.e. Facetime, WhatsApp, Zoom.

### **Being an Advocate:**

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.

## DETERMINING A GUILTY OR NOT GUILTY PLEA:

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

- o an honest appraisal of innocence or guilt!
- o what occurred leading up to the reportable offence?
- o what evidence will be presented at the Tribunal, including injuries to witnesses?
- o are there any mitigating circumstances?
- o was a Set Penalty offered by the umpire?
- o what is the penalty that may be imposed should a 'guilty' finding be upheld?
- o the player/official's past record, and the impact this may have on the penalty should a 'guilty' finding be upheld.

It should be remembered that the Tribunal bases its decision on the balance of probability. This means that the Tribunal considers whether or not it is more probable than not that the offence occurred.

## **PROCEDURE & EVIDENCE:**

Advocates should make their players/officials understand that any person who attends must fully cooperate, answer truthfully, act in a courteous manner and provide any documents the tribunal requests. If any of these conditions are contravened the tribunal has the power to impose any sanctions it sees fit.

### **Standard of Proof:**

The Tribunal shall decide on the balance of probabilities whether a reportable offence or other charge against a Person has been sustained.

### **Onus of Proof:**

The term “onus of proof” refers to the duty of the umpire/investigation officer/ MRO to make out the case against the charged player/administrator/official/spectator /member, and to prove to the Tribunal that the case has been established. The general principle is that the reporting person/body has the onus of proof. This means that it is up to the umpire/league to prove their case against the charged person. However in some situations, the charged player bears the onus of proof if they want to rely on a defence.

### **Conduct of Tribunal**

The Independent Tribunal is conducted with as little formality and technicality and with as much expedition as the proper consideration of the matters before it permits. 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 Member, Registered Player or Official directly or indirectly related with the report or reference from the Board and the League shall give effect to all penalties imposed by the Tribunal.

### **No Reason:**

The Independent Tribunal is not obliged to give reasons for its decisions, nor can these decisions be discussed with the League as it is an Independent Committee.

## TIPS FOR ADVOCATES:

- o After the game, if a player/official is reported, the Team Manager, player/official or Coach must advise the Umpire whether they will take the “Automatic” or go to the Tribunal (provided that the report does not stipulate that the matter is going directly to the Tribunal). Refer: Section 3.14.4.2 of WFNL By-Laws
- o Advocate contacts player/official to discuss charge(s) in detail and to determine if there are any witnesses or not (no later than Monday). Ensure that the WFNL is advised of any witnesses that will be appearing at the Tribunal. This must be done by 12pm on the day of the hearing. Refer: 21:13 of Addendum to WFNL By-Laws
- o Based on the discussions with the player/official, if the player (not the official) decides to take the “automatic” (only if previously offered), contact the WFNL and accept the “automatic” by no later than 5:00pm on the Monday. Refer: Section 3.14.4.2 of WFNL By-Laws
- o Meeting with the player/official on the night of the Tribunal for the 1st time to discuss the charges is not a good idea. It does not help you, the player/official or the Club
- o Make sure the player/official is totally briefed before entering the Tribunal – do not entice the player/official to tell lies. This could lead to further penalties to the player and/or fines to the Club. Refer: 21:18 of Addendum to WFNL By-Laws
- o Make sure that the player/official and yourself do not collaborate with witnesses before the Tribunal hearing. The Tribunal has zero tolerance to this. Penalties will be handed down to those individuals involved and the Club itself. Refer: 21:27 of Addendum to WFNL By-Laws
- o Don't try and sell to the Tribunal or send signals of despair or disbelief as this can be interpreted the wrong way and offenders will be dealt with accordingly. Refer: 21:18 of Addendum to WFNL By-Laws
- o Take your time when asking questions. There is no time limit
- o Do not try to intimidate the umpires or any witnesses at any time. Refer: 21:24 of Addendum to WFNL By-Laws
- o Make sure that all person's involved display honesty when giving evidence at the Tribunal. If it is felt that anyone is misleading the Tribunal, penalties will be handed down to those individuals involved and the Club itself. Refer: 21:18 of Addendum to WFNL By-Laws