

WFNL Tribunal and IHC Procedure Guidelines

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GENERAL

- 1.1 WFNL Rules provide that the Board shall appoint an “Independent Tribunal” (Tribunal) and an “Independent Hearing Committee” (IHC). The Rules specify the purposes, powers and quorum requirements of the Tribunal and IHC; and the manner of appointment of members.
- 1.2 The Rules require that the Board shall appoint not less than six (6) members to each of the Tribunal and IHC; and shall appoint a Chairperson to each body. As there is no provision to the contrary in the Rules, the Board may choose to appoint the same persons to each of the Tribunal and IHC panels. Where this is the case, the Board shall appoint separate Chairpersons to each of the Tribunal and IHC.
- 1.3 This appendix to WFNL By-laws summarises the procedure guidelines to be followed in hearings of the Tribunal and IHC. As guidelines, they are general in nature and subject to interpretation and variation at the discretion of the Chairperson of any hearing of either body. In all cases, any provision contained in WFNL Rules must be followed.

INDEPENDENT TRIBUNAL & IHC GUIDELINES

The League will hold tribunal and IHC hearings in person at the following venue:

Western Bulldogs HQ, Whitten Oval, Footscray

The Independent Tribunal and IHC hearing’s shall commence no earlier than 6:00pm on the first Wednesday following a report or at such other time as directed by the League.

The League also has the ability to schedule Tribunal & IHC Hearings at their discretion and may include online hearings if necessary.

- 2.1 The League may appoint a League Tribunal Prosecutor to tribunal hearings. The role of the League Tribunal Prosecutor is to present the case for the League to the Tribunal and relevant parties. Their role is also to be the advocate for the Umpire/s.
- 2.2 The League may appoint a Secretary to the Tribunal & IHC. The Secretary shall support the Tribunal & IHC with administrative duties such as;
 - 2.2.1 supervising parties waiting to enter the hearing room and ensuring that such parties are informed of the likely timing of their appearance before the Tribunal & IHC.
 - 2.2.2 preparing and managing the order of cases to be deliberated
 - 2.2.3 ensuring that written reports of all cases, as authorised by the Tribunal Chairperson, are delivered to the attention of the CEO as soon as possible following completion of any hearing
 - 2.2.4 other duties as directed from time-to-time by the Tribunal or IHC.
 - 2.2.5 The Secretary shall not participate in deliberation and/or determination of any matter before the Tribunal or IHC and should not be present in the hearing room during any hearing unless directed otherwise by the Chairperson for a specific purpose.
- 2.4 Any hearing before the Tribunal or IHC shall be:
 - 2.4.1 inquisitorial in nature; and
 - 2.4.2 conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.

EVIDENCE

- 3.1 The Tribunal & IHC is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record but may inform itself as to any matter in any such manner as it thinks fit.
- 3.2 Unless otherwise directed by the League, any party wishing to produce video evidence must have provided to the League a copy of such video (unedited) by no later than 12.00pm on the day of the hearing. The League will share supplied vision to all parties prior to the hearing.
- 3.3 If required, the party wanting to rely on the video evidence must supply the necessary full video and may include slow motion that will be played in the hearing.
- 3.4 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.
- 3.5 In the event that the Tribunal or IHC should determine that video evidence has been edited or amended to unfairly influence its veracity, the video evidence will be dismissed by the Tribunal or IHC and the matter reported to the WFNL with the Tribunal or IHC's recommendation as to any penalty(s).

- 3.6 Where the Tribunal or IHC considers that video evidence is capable of sustaining or defeating a reportable offence, the Tribunal may make a finding against a person solely on the basis of that video evidence.

WITNESSES

- 4.1 The Tribunal and IHC shall allow any evidence or witness to be lead or called before it at any hearing providing the party wanting to lead the evidence or call the witness shall, not later than 12:00pm on the day of the hearing, lodge with the League office a notice in writing the name(s) of the witness(es).
- 4.2 This above provision does not apply to any witness directed to attend a hearing by the umpire on the day of the match in which the report was made.
- 4.3 for Tribunal Hearings Witnesses shall be limited to those listed on the official team sheet for that game and only include statements based on what they experienced, saw or heard, and statements based upon hearsay shall not be accepted;
- 4.4 Where a matter is referred to the Tribunal or IHC for an alleged contravention of the WFNL Anti-Doping rules or Racial or Religious Vilification rules, the Tribunal shall follow the provisions and guidelines contained in the WFNL Anti-Doping rules or Racial or Religious Vilification rules and if there are none, develop such for use thereafter.
- 4.5 The umpire making charge(s); the alleged offending player(s) and/or official(s); and player(s) and/or person(s) offended against, whose name or names appear on the charges sheet, shall all attend the Tribunal at which the charge made by the umpire shall be heard.
- 4.6 In the event of any party not being in attendance at the Tribunal by the specified time, it will be the sole prerogative of the Tribunal to deal with or defer the hearing as they deem fit. Any alteration to these arrangements will be officially conveyed to all parties in sufficient time to permit them to be present at the time and place to be indicated in the amending notice.
- 4.7 Umpire(s) may direct on their report charge(s) for the attendance of any player in a match to appear at the meeting of the Tribunal as a witness and if not in attendance such player may be dealt with as the Tribunal deems fit.

PROCEDURE

- 5.1 The Chairperson of the Tribunal and IHC may make guidelines, not inconsistent with the Rules and By-laws of the WFNL, for the practice and procedure with respect to a hearing and shall give a set, in writing to the Chief Executive Officer (CEO) of the League for information to member clubs.
- 5.2 The Tribunal and IHC shall:
- 5.2.1 provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;
 - 5.2.2 hear and determine the matter before it in an unbiased manner; and
 - 5.2.3 make a decision that a reasonable Tribunal could honestly arrive at.

- 5.3 The Tribunal and IHC shall decide on the balance of probabilities whether a reportable offence or matter against a person or member club has been sustained.
- 5.4 The Tribunal and IHC has the power to deal with any person or member club appearing before it whether charged with an offence or not and may impose any penalty it deems fit against any person or member club for any form of misconduct before the Tribunal / IHC or within the presence of the Tribunal / IHC including any witness the Tribunal or IHC believes has lied to it in the giving of their evidence.
- 5.5 Any witness called and any person charged who fails to appear before the Tribunal or IHC when directed to shall be suspended from playing or acting in any way as an official or otherwise within the League until they appear before the Tribunal / IHC and explain their absence.
- 5.6 The Tribunal / IHC may at its sole discretion accept a written explanation from such person and excuse him/her from attending and it may at its own discretion accept written evidence if the witness/person has been so excused or it may adjourn the hearing and waive the suspension provided for herein.
- 5.7 Any question before the Tribunal or IHC must be decided according to the opinion of a majority of members constituting the Tribunal / IHC panel for that hearing.
- 5.8 At the conclusion of its hearing, the Tribunal / IHC may make such determination, impose such penalties, make such orders and give such directions in each case as it in its absolute discretion thinks fit and also in accordance with the WFNL By-Laws or Competition Regulations.
- 5.9 The Tribunal / IHC may have regard to any matters, which it considers relevant to the question of penalty and without limitation may consider:
 - 5.9.1 the seriousness of a reportable offence sustained against a person;
 - 5.9.2 the injury sustained (if any) and effect upon the person against whom the reportable offence has been committed (if relevant);
 - 5.9.3 the prior record of reportable offences committed by the person; and
 - 5.9.4 in so far as they are relevant, the objectives of the Rules and By-laws of the WFNL.
- 5.10 Where a report is sustained against a person and before imposing any penalty, the Tribunal or IHC shall provide that person a reasonable opportunity to make submissions on the question of penalty, and the penalty shall be published in the appropriate media and/or website.
- 5.11 The Tribunal and IHC is not obliged to give reason(s) for any decision(s) made by it but shall keep notes of the hearing for reference should any appeal be lodged. If requested by the Appeal Board, notes may be provided to the Appeal Board.
- 5.12 Where a tribunal or IHC hearing involves Junior Grade player/s, the reported player has the option to sit out of the room during witnesses or the victim's players/s statement. This option will be at the discretion of the tribunal panel in consultation with the reported club/s advocate.

- 5.12 Where there is any procedural irregularity in the making of a report including without limitation the time when the report was made, the nature of the charge laid, or the procedure at the hearing, the Tribunal or IHC shall still hear and determine the matter unless it is of the opinion that the irregularity has caused or may cause injustice if the matter was heard.
- 5.13 A decision of the Tribunal or IHC is not invalid because of any defect or irregularity in, or in connection with, the appointment of a Tribunal or IHC member.
- 5.14 Subject to WFNL Rules and By-laws, any procedure or requirement regulating the function of the Tribunal / IHC is discretionary in nature and a decision of the Tribunal or IHC is not invalid by reason of that procedure or requirement not being fulfilled.
- 5.15 Any appeal against a decision of the Tribunal or IHC shall be conducted in accordance with WFNL Rules and By-laws.
- 5.16 No member club official or player shall contact or arrange for another person to contact any member, player, official or spectator of another member club who is or ought likely to be regarded as a person required to give evidence before the Tribunal / IHC, where that contact is intended to or may otherwise influence the evidence given or affect the conduct of the Tribunal / IHC hearing in a manner which is unfair or creates prejudice to any party to such hearing or the Tribunal or IHC itself. A person who contravenes this rule shall:
- 5.16.1 be deemed to have engaged in conduct which is unbecoming and prejudicial to the interests of a just and fair hearing; and
- 5.16.2 be dealt with by the Tribunal / IHC as the Tribunal or IHC in its absolute discretion thinks fit.
- 5.17 In addition to any penalty or determination made in respect of this conduct the Tribunal / IHC may impose a penalty on such officials' or players' club as the Tribunal / IHC in its absolute discretion thinks fit, save where the club satisfies the Tribunal / IHC that the conduct of the official or player was not entered into with the consent, acquiescence or knowledge of the club.
- 5.19 If the Player wishes to challenge the set penalty, then they must appear before the Independent Tribunal. If the Player is unsuccessful in downgrading the charge at the tribunal, then Player will receive a penalty greater than they would have if they had accepted the set penalty. The club will also be levied a penalty of twenty (20) penalty units.
- 5.20 The Tribunal and IHC will not offer reprimands or suspended sentences to player/s or official/s.
- 5.18 It is legitimate for an advocate to contact a witness or potential witness in order to determine whether that person is able to give evidence that may assist the Tribunal / IHC, or whether that person was a witness to an incident at all. In this context, it is legitimate to ask the witness what evidence he/she can give.

- 5.19 No member club, official of member club or member of member club, player or other person associated with a member club shall make any public criticism of a Tribunal or IHC decision or of any Tribunal or IHC Member or any other matter touching or concerning the Tribunal or a determination made by it.
- 5.19.1 First Offence up to fifty (50) penalty units fine to the member club
- 5.19.2 Subsequent Offence up to one hundred (100) penalty units to the member club.
- 5.20 In each case where the Tribunal delivers a verdict of “guilty” to a charge against any registered player, member club, member club official or member of a member club, a fine of five (5) penalty units shall be imposed on the member club.

ADVOCATES / JUDICIAL PERMIT HOLDERS

- 6.1 A person who has been charged with a reportable offence may be represented before the Tribunal / IHC Hearing by a Club Advocate who must:
- 6.1.1 be a member of the club to which the reported player belongs; and
- 6.1.2 hold a current WFNL Judicial Permit or attended the WFNL Club Advocates session.
- 6.2 The conduct of any Advocate is answerable to the Tribunal and IHC and he/she must be co-operative, courteous and truthful at all times when appearing. If not, the Tribunal can direct him/her to leave the hearing.
- 6.3 a club advocate shall not be a qualified solicitor, barrister or police prosecutor EXCEPT with prior approval of the League no later than 24 hours prior to the Tribunal or IHC hearing and approval shall be granted ONLY where the League is satisfied in his/her absolute discretion that the hearing panel comprises at least one (1) member who is legally qualified and that the circumstances warrant representation of a legally qualified Advocate.
- 6.4 In any case where a delay in the hearing date results from difficulty in assembling a hearing panel with appropriate legal qualification, the charged player or official shall remain suspended from playing and/or official duties until such time as the hearing takes place.
- 6.5 If in the view of the hearing body an advocate conducts themselves in the course of a hearing in an improper manner, or a manner likely to bring the WFNL into disrepute, the Chairperson of the hearing body may report the advocate’s conduct to the Chief Executive Officer (CEO) of the WFNL, and recommend that the person in question may be unable to continue as a club advocate going forward.
- 6.6 The League may be represented at the hearing of any matter before the Tribunal or IHC by any person it deems fit, including a legally qualified person.
- 6.7 Umpires will be represented at hearings of the Tribunal by an Umpires Advocate or League Tribunal prosecutor.