

WA Football Commission Community Football Tribunal Terms of Reference 2023



Tribunal Members sitting on the WAFC Community Football Tribunal are required to operate within the scope of the Terms of Reference outlined below.

GENERAL GUIDELINES

- All leagues and competitions have differing by-laws and therefore pre-tribunal prescribed penalty offers may differ based on local rules and by-laws.
- It is at the discretion of the Tribunal Chair as to whether video evidence will be permitted and considered.
- It is at the discretion of the Tribunal Chair as to whether an umpire is required to be present to give evidence at a hearing. Reporting umpires are permitted to attend hearings at their discretion or if they are directed to by their league or umpire association.
- The tribunal shall endeavour not to dismiss any case on the grounds of a technicality.
- The tribunal may amend the original charge to reflect the expectations of upholding the integrity of the game and its laws.
- The Tribunal Chair has the right to admit or refuse entry to any person wishing to attend a hearing of the Tribunal.
- The Tribunal will always take an umpires' witness statement or evidence as correct and accurate unless fairly and reasonably proven otherwise.
- The Tribunal will consist of 2 to 3 Tribunal Members for each case but may be reduced to 1 in extenuating circumstances.
- The tribunal will only hear classifiable or direct to tribunal charges.
- Low level offences cannot be contested at the tribunal.

ADVOCATES

- Any person attending a tribunal has the right to be supported by an advocate.
- The advocate's role is to attend as a support person for the attendee they are supporting, and if they are supporting a reported individual, they may be called upon to provide a character reference.
- Any advocate must be a club, league official or accredited coach but cannot be the parent or legal guardian of the player, nor are they permitted to be a practicing lawyer.

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- Parents and legal guardians are permitted to escort the player to the tribunal but are not permitted to attend the hearing.
- An advocate will not be able to produce an account of the incident, a witness statement or cross examine another attendee.

PROCEDURE

- The order of proceedings is at the discretion of the Tribunal Chair.
- A Tribunal may be adjourned at any time.
- Hearings are limited to the accused, victim, umpire and associated advocates. A second reporting umpire may be called on if required by the chair.
- All persons involved can request to provide evidence without other parties present, however the Tribunal Chair will have discretion as to whether this is allowed.

APPEALS – LAWS OF THE GAME

A league or a penalised player/club are the only two parties that can appeal a tribunal decision.

Appeal lodgements will be bound by local competition bylaws. In the event that no appeal criteria exist in local bylaws, the following criteria will apply:

- Grounds for Appeal:
 - A Person found guilty of a Reportable Offence by the Tribunal, or the Controlling Body may only appeal to the Appeal Board in respect of a decision made by the Tribunal under these Guidelines on one or more of the following grounds:
 - that there was an error of law;
 - that the decision was so unreasonable that no Tribunal acting reasonably could have come to that decision having regard to the evidence before it;
 - the classification of the offence was manifestly excessive or inadequate; or
 - that the sanction imposed was manifestly excessive or inadequate.
- An appeal panel will be established when a league or suspended player lodges an appeal request addressing the grounds of appeal.
- The appeal lodgement must be in by no later than 5:00pm on the day following the tribunal decision being handed down.

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- The appeal lodgement must be accompanied by with a \$500 bond (or other amount if stated in relevant league or competition's by-laws) by the player/club to their league. This bond will only be refunded if the appeal is withdrawn.
- Whether the grounds for appeal have been successfully met, will be determined by a majority vote after review by 3 independent WAFC staff members. This determination is final.
- The appeal panel will consist of a chairperson and up to two other panel members.
- The Appeal Panel Chair will assess the appeal request and has the sole right to determine whether the appeal hearing will take place upon assessment of whether the appeal request complies with the Grounds of Appeal.
- Appeal hearings act as the final decision of a matter and cannot be challenged.

PENALTIES

- The penalty handed down for a guilty classifiable offence must exceed the prescribed penalty offered to the reported person unless reasonably proven to be classified incorrectly.
- Suspended sentences may not form part of the suspension.
- If found guilty the penalty handed down should fall in line with the standard range of penalties 'first offence' section.
- The Tribunal Chair has the discretion to apply the 'second offence' loading to a person who has been found guilty of a reportable offence in the current or previous season where appropriate and reasonable.
- The Panel or Tribunal (as applicable) has the right to apply (at its absolute discretion) a loading of up to 100% for any Reportable Offence committed during a Grand Final.

ATTENDANCE

- A Person who has been summoned to attend a Tribunal hearing, and/or that Person's representative, must attend at the time and place and in the manner (including by video or telephone conferencing) notified on the Notice of Charge or other relevant notice.
- A Person or representative wishing to attend the Tribunal hearing via video or telephone conferencing must first seek the approval of the Tribunal Chair.
- If a Person issued with a Notice of Charge or other relevant notice, or that Person's representative, fails to appear at a Tribunal hearing at the notified time and place, the Tribunal

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(at the discretion of the Chair) may proceed to hear and determine the charge or matter and any sanction, in the absence of that Person or that Person’s representative.

STANDARD RANGE OF PENALTIES

Offence	First Offence	Second Offence
Striking	2-10 weeks	4 – 20 weeks
Kicking or Kneeing	2-10 weeks	4 – 20 weeks
Stomping	2-10 weeks	4 – 20 weeks
Charging, Rough Conduct or Forceful Front-on Contact	2-10 weeks	4 – 20 weeks
Headbutt or contact using head	2-10 weeks	4 – 20 weeks
Eye-gouging/unreasonable or unnecessary contact to the eye region	2-10 weeks	4 – 20 weeks
Unreasonable or unnecessary contact to the face	1-5 weeks	2-10 weeks
Scratching	1-5 weeks	2-10 weeks
Tripping	2-10 weeks	4 – 20 weeks
Intentional contact with an umpire	4 weeks – 2 years	Life Ban
Striking an umpire	2 years – 10 years	Life Ban
Spitting on or at an umpire	1 year – 5 years	Life Ban
Spitting on another person	2 – 10 weeks	4 – 20 weeks
Attempting to strike an umpire	1 year – 5 years	Life Ban
Instigator of a Melee	2 – 10 weeks	4 – 20 weeks
Behaving in an abusive, insulting, threatening or obscene manner towards or in relation to an umpire	2 – 10 weeks	4 – 20 weeks

APPEALS – BYLAW & POLICY BREACHES

Appeal lodgements will be bound by local competition bylaws. In the event that no appeal criteria exist in local bylaws, the following criteria will apply:

Grounds for Appeal:

- Clubs are entitled to appeal penalties and / or decisions made by Competitions for any breach of the Competition’s Rules on the grounds that the club’s application for appeal meets any one of the following criteria:

- an error in the application of a rule has occurred;
- the decision is so unreasonable that no decision maker acting reasonably could have come to that decision having regard to the evidence before it; or
- the sanction imposed was manifestly excessive or inadequate.

Request to Appeal

- The club requesting an appeal must provide submissions in writing and addressed to WAFC requesting to appeal a penalty. Appeal submission must be submitted within 48 hours of receiving notification of the penalty and must be accompanied by a \$500 fee. Any appeal submissions received after this time will not be considered by the Appeal Panel.
- The club must outline on what basis the penalty meets the appeal criteria outlined above in its appeal submission.
- If additional time is required to provide further evidence to support the appeal, this must be noted in the submissions and must be supplied before the Appeal Panel meets.
- If an appeal is ultimately successful and penalty imposed by WAFC is reduced by the Appeal Panel, the club will be refunded 50% of the appeal fee (being \$250).

Composition of the Appeal Panel

- The Appeal Panel will consist of no less than three (3) persons, who must consist of the following:
 - the WAFC Integrity Department Member (Chairperson); and
 - two (2) relevant WAFC Community Competition Staff or Community Football Tribunal Members.
- All members of the Appeal Panel must be independent to the case and original penalty.

Appeal Hearing

- The Appeal Panel will meet prior to the appeal proceeding, review all the evidence presented before it (including the club's submissions) and determine whether the club's appeal submissions meet the appeal criteria outlined above.
- The Appeal Panel has the sole discretion and power to determine whether a case should be heard or not on the basis that it does or does not meet the appeal criteria. If an appeal is not allowed the Appeal Panel must notify the club as soon as reasonably

practicable and provide written reasoning why the appeal request does not meet the Appeal Criteria.

- If the Appeal Panel determines that an appeal will not be heard, then the club will have no further right of appeal and must accept the penalty originally imposed by WAFC.
- The appeal will be considered by the Appeal Panel based solely on written submissions. The club will not be entitled to attend appeal hearings.
- In making its determination, the Appeal Panel may refer to any information it thinks fit or believes is relevant to the case before it.
- The Appeal Panel must not substitute its own opinion for that of the original decision maker's merely because it would have exercised its discretion in a manner different from the way the original decision maker exercised its discretion.

Appeal Decision

- The Appeal Panel shall not dismiss any case on grounds of technicality.
- The Appeal Panel will decide as to whether the original penalty is in breach of one of the appeal criteria.
- The Appeal Panel will determine the final and appropriate penalty. No further appeals are permitted.
- The WAFC will communicate the decision of the Appeal Panel back to the club within a reasonable period after the decision has been made.