



**FOOTBALL  
INTEGRATION  
DEVELOPMENT  
ASSOCIATION**

**SCHEDULE 8  
INDEPENDENT TRIBUNAL PROCEDURE  
(2025)**

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## **1. Guidelines**

- 1.1 It is the responsibility of all parties involved in the Independent Tribunal to comply with these procedures.
- 1.2 A Player or Club Official who has been reported by an approved Umpire of a match controlled or authorised by the Football Integration Development Association (FIDA) concerning the conduct of the player or a Club official before, during or after the match, must appear before the Independent Tribunal.
- 1.3 The League will convene an Independent Tribunal at the earliest convenience following the match during which a report occurred.
- 1.4 The League will endeavour to hold tribunal hearings online unless circumstances require the hearing to be held in person.
- 1.5 Subject to the further matters set out in these Rules, the Tribunal may regulate any proceedings brought before it in any such manner as it thinks fit.

## **2. Tribunal Rules**

### **2.1 Panel**

- 2.1.1 The Chairperson, Appeals Chairperson and members of the Independent Tribunal shall comprise of persons appointed by the League.
- 2.1.2 The Independent Tribunal shall deal with all Umpire and/or referred Match Review charges, which must be heard and determined by a Panel consisting of three (3) persons, one of whom shall be designated to Chair the hearing.
- 2.1.3 No member of the Independent Tribunal shall be eligible to be part of a Tribunal panel where there is any personal interest or conflict of interest.
- 2.1.4 No panel member of the Independent Tribunal shall have a direct connection with the League or any Club.

### **2.2 Powers**

- 2.2.1 The Independent Tribunal may determine, vary, regulate, and enforce its own rules and procedures and other like matters in relation to any of its specified powers and functions, subject to the League By-Laws, Football Competition Regulations, or any direction of the League.
- 2.2.2 The Independent Tribunal may summon any Umpire, League Official, Club Official, Team Official, Player, or Member of a Club to appear before it and, if required, to give evidence.
- 2.2.3 Hearings of the Tribunal shall not be bound by the rules of evidence, nor shall video evidence other than a video approved by the League be admissible, otherwise procedural fairness must be exercised by the panel.
- 2.2.4 The hearing before the Tribunal shall be:
  - i. Inquisitorial in nature; and
  - ii. Conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- 2.2.5 Any player who appears before the Tribunal, who has already refused to accept a “set penalty” and is subsequently found guilty of their charge shall automatically incur a penalty of one (1) week in addition to that of the set penalty, plus any additional punishment or penalty imposed by the Tribunal.

## **2.3 Conduct**

- 2.3.1 No Club Official, Team Official, Player, or Supporter shall abuse, threaten, or assault any Official of the League, Investigation Officer, Member of the Independent Tribunal. Any such breaches will be referred to the League.

## **2.4 Advocate**

- 2.4.1 All reported players, Club officials and witnesses must be represented by an advocate who must be an official of the club, and shall not be a qualified solicitor, barrister, or police prosecutor.
- 2.4.2 In the event of an advocate failing to attend a hearing in support of a player or Club official, that player or Club official may elect to continue with the hearing or request that the hearing is rescheduled to allow for an advocate to be present. Failure of an advocate to attend shall incur a fine.
- 2.4.3 The club selected advocate can **NOT** have been involved directly in the incident. In such an instance, the club will need to select an alternate club advocate person.

## **2.5 Witness**

- 2.5.1 All Clubs may present up to three independent witnesses for any case.
- 2.5.2 Any club intending to call witnesses in support of their player or Club official are to complete a 'witness information form', advising the General Manager Football Operations of the names of all witnesses, their role in relation to the Club they are supporting, and the general nature of their evidence by 12.00pm on the day prior to the Tribunal sitting they are attending
- 2.5.3 The Chairperson of the Tribunal may release witnesses as they see fit if they are satisfied that additional witnesses will not "value add" any further to current proceedings.

## **3. Evidence**

### **3.1 Video Evidence**

- 3.1.1 The usage of, and production of video evidence at Tribunal Hearings and/or League Investigations shall be permissible if such video evidence is forwarded to the General Manager Football Operations by no later than 5.00pm on the first working day immediately following the game in question.
- 3.1.2 The General Manager Football Operations will determine whether such video evidence is relatable to the actual hearing case and is permissible as evidence at the tribunal. The General Manager Football Operations may at their discretion refer the club submitted video evidence to the Chair for determination if it will be accepted in their hearing. The reported player / club and witness player / club will be given an opportunity to view the footage.
- 3.1.3 FIDA will retain all video evidence for future reference. Under no circumstances will any video be returned. All decisions by the General Manager Football Operations are final and no correspondence, whether verbal or written, will be considered regarding these decisions.
- 3.1.4 FIDA may demand and produce video evidence at their discretion.
- 3.1.5 An existing charge can be amended if added information is produced.

### **3.2 Regarding the taking of evidence:**

- 3.2.1 Witnesses shall be limited to those listed on the official team sheet for that game, unless approved by the General Manager Football Operations prior to the Tribunal sitting.
- 3.2.2 Witnesses may only include statements based on what they experienced, saw, or heard, and statements based upon hearsay shall not be accepted.
- 3.2.3 Only questions relevant to what happened, or what was said or done shall be allowed.
- 3.2.4 Questions to establish the truthfulness or credibility of witnesses in relation to their evidence may be allowed.
- 3.2.5 Once the Club Advocate or League Prosecutor has received an answer from a witness in response to a question, the Chairperson shall restrain her/him from asking the question again.
- 3.2.6 If there is argument about whether a question is relevant or repetitious, the Chairperson shall give the benefit of the doubt and allow the question.
- 3.2.7 Within the limitations of the Independent Tribunal Procedures, the Club Advocate or League Prosecutor should be allowed to present their case in the manner they think is most appropriate.

## **4. Procedure at Tribunal Hearings**

- 4.1 The following procedures are recommended with a view to bringing order and consistency to the way in which charges are heard at the Tribunal.

### **4.2 When the Charged Player or Official pleads “Guilty”**

If the charged player or official pleads guilty to the charges laid against them, the following procedure should be followed:

- 4.2.1 The umpire(s) and his/her witnesses together with the charged player or official, their witnesses and advocate will be called to the Tribunal room by the Tribunal Facilitator.
- 4.2.2 The Tribunal Chairperson will ask those present to introduce or identify themselves.
- 4.2.3 The Tribunal Chairperson will then detail the specifics of the match from which the report (or investigation) arose and confirm with the parties that those particulars are correct. The Chairperson will then read the report specified and ask the charged player or official how he/she pleads with respect to each charge laid.
- 4.2.4 If video evidence is available, the video should be shown, and the umpires and/or League Prosecutor and Advocate asked to confirm that the video shown captures the incident(s) which has led to the report(s).
- 4.2.5 By the player or official pleading “guilty” to the charge or all charges, the player or official is “admitting” all the elements that constitute the reportable offence(s).
- 4.2.6 The Chairperson should then invite the reporting person (umpire or League Prosecutor) to give a summary of the evidence to enable the Tribunal to determine the circumstances of the offence.
- 4.2.7 The Tribunal members may question the umpire to clarify any matter that the Tribunal is uncertain of.

- 4.2.8 The charged player's or official's Advocate may cross-examine the umpire to clarify anything that was left uncertain in the umpire's summary. In conducting the cross-examination, the advocate must keep in mind that the player has pleaded guilty to the charge.
- 4.2.9 Upon completion of that cross-examination, the Chairperson should announce formally that the charge has been proven.
- 4.2.10 If the charged player's or official's Advocate desires to let that player or official make a statement about the circumstances surrounding the reportable offence or to make a formal apology to the offended player, then the charged player or official should be allowed to do so at this time; but that statement should not be seen as an opportunity to deny the allegations made, to attack the evidence of the umpire or to raise fresh defences. If that is the intention of the advocate, the plea should have been "not guilty."
- 4.2.11 The charged player's or official's Advocate should then be invited to make submissions (including the calling of character witness and reading reference letters) about the penalty that the tribunal should impose, that is, the Advocate should bring to the Tribunal's attention particular matters about the charged player or official that the Tribunal should consider in determining penalty.
- 4.2.12 Upon the completion of the Advocate's submission as to penalty, the tribunal room must be cleared of all persons and the Tribunal members then carefully consider and determine the penalty to be imposed; it can again review the video of the incident and for this purpose and this purpose only, allow a member of the League to operate the video equipment if the Chairperson or other members of the Tribunal seek that assistance.
- 4.2.13 In doing so, the Tribunal must impose any penalty that the League has prescribed to be imposed. For instance, the Tribunal must suspend a player for at least one match. "Suspended sentences" cannot be imposed, nor may "reprimands" be given. In deciding penalty, the Tribunal should consider the following factors amongst others that might be relevant:
- i. The charged player's or official's prior history as a footballer or official.
  - ii. The seriousness of the offence and the nature and extent of any injury sustained by the "offended player."
  - iii. The number of games played by the player.
  - iv. The contribution that the charged player or official has made to their club, to the League and/or to Australian Football generally.
  - v. Any involvement by the charged player or official to training or coaching programs, especially those involving training or coaching underage teams.
  - vi. Any remorsefulness shown by the charged player and/or whether there was an apology from the charged player.
  - vii. The guilty plea made by the charged player or official.
  - viii. Any evidence received from character witnesses; and
  - ix. All the circumstances surrounding the offence.

*Note: The above are only a few examples of what the Tribunal could consider in deciding penalty. Of course, there may be others.*

- 4.2.14 Once the Tribunal has determined the penalty, the charged player or official, together with their Advocate, and League Prosecutor are called back into the Tribunal room and the penalty is read out to the player.

#### 4.3 **When the Charged Player or Official Pleads “Not Guilty”**

- 4.3.1 A charged player or official should plead “not guilty” when:
- i. He/they denies the allegations made by the umpire or investigator; or
  - ii. There has been procedural irregularity in the laying of the charges (especially investigation reports); or
  - iii. The charged player or official wants to raise specific defences.

If the charged player or official pleads “not guilty” to the charges laid against them, the following procedure shall be followed.

- 4.3.2 The umpire(s) and his/her witnesses and Advocate together with the charged player or official, their witnesses and advocate will be called to the Tribunal room by the Tribunal Facilitator.
- 4.3.3 The Tribunal Chairperson will ask those present to introduce or identify themselves.
- 4.3.4 The Tribunal Chairperson will then detail the specifics of the match from which the report (or investigation) arose and confirm with the parties that those particulars are correct. The Chairperson will then read the report specified and ask the charged player or official how he/she pleads with respect to each charge laid.
- 4.3.5 If video evidence is available, the video should be shown, and the umpires and/or League Prosecutor and Advocate asked to confirm that the video shown captures the incident(s) which has led to the report(s).
- 4.3.6 The League Prosecutor then commences the League’s case. The umpire who made the report should be the first witness to give his/her evidence regarding the incident(s) which has led to the report being made.
- 4.3.7 The umpire can be asked questions by the Tribunal members.
- 4.3.8 The charged player’s or official’s Advocate can “cross-examine the umpire.
- 4.3.9 The League Prosecutor should be allowed (if desired by that Advocate) to “reexamine” the umpire with respect to any matter arising from cross examination.
- 4.3.10 When the examination, cross examination and any re-examination is complete, the umpire is excused from any further part in the hearing unless, for good reason, the Tribunal or any of the advocates need that umpire to stay.
- 4.3.11 The next witness for the League (usually another umpire who made the report or the “offended player”) then should give their evidence.
- 4.3.12 The same procedure applies with respect to their examination, cross-examination, and any re- examination.
- 4.3.13 This process should be followed for all other witness for the League.
- 4.3.14 When all witnesses have given their evidence, the League Prosecutor should announce the closure of the League’s case.
- 4.3.15 When all witnesses have given their evidence, the League Prosecutor should announce the closure of the League’s case.

- 4.3.16 Each witness, including the charged player or official, is examined by the defence advocate, cross-examined by the League advocate and re-examined by the defence Advocate. Of course, the Tribunal can also ask questions of each of the defence witnesses.
- 4.3.17 Once each party has given their evidence, they may each be excused from any further part of the hearing unless, for good reason they have been requested to stay.
- 4.3.18 Once all the evidence has been given by the defence, the parties will be asked to summarise their respective cases; the League Prosecutor will usually commence and then followed by the Advocate for the defence. The summary is not to be a means of re-stating the evidence all over again; rather, the summary is to be used for the purpose of highlighting the strengths and weaknesses of the respective cases. That is, to highlight the strength of one party's case and to highlight the weakness of the other party's case.
- 4.3.19 Once the summary of the cases is completed, the Tribunal Chairperson will ask all persons to leave the Tribunal room so that the Tribunal can commence its deliberations.
- 4.3.20 Once the deliberations are completed, the charged player or official, their advocate and the League advocate are called back into the Tribunal room whereupon the finding of guilt or innocence is disclosed to all present.
- 4.3.21 If the charged player or official is found "not guilty," the case is over, and all presents should clear the Tribunal room immediately so that the next case can begin.
- 4.3.22 If the charged player or official is found "guilty," that party's Advocate should be allowed to present matters in mitigation of penalty. This can include the calling of character witnesses, reading of reference letters and general submissions made by the advocate.
- 4.3.23 Upon completion of evidence as to character, again the Tribunal room is cleared of all persons and the Tribunal members consider the appropriate penalty. Again, the Tribunal must have regard to any mandatory sanctions that the League has set out in its rules.
- 4.3.24 The Tribunal must impose any penalty that the League has prescribed to be imposed. For instance, the Tribunal must suspend a player for at least one match. "Suspended sentences" cannot be imposed. In deciding penalty, the Tribunal should consider the following factors amongst others which may be relevant:
- i. The charged player's or official's prior history as a footballer or official.
  - ii. The seriousness of the offence and the nature and extent of any injury sustained by the "offended player."
  - iii. The number of games played by the player.
  - iv. The contribution that the charged player or official has made to their club, or to the League (FIDA).
  - v. Any involvement by the charged player or official to training or coaching programs, especially those involving training or coaching underage teams.
  - vi. Any remorsefulness shown by the charged player and/or whether there was an apology from the charged player.



- vii. The guilty plea made by the charged player or official.
- viii. Any evidence received from character witnesses; and
- ix. All the circumstances surrounding the offence.

*Note: The above are only a few examples of what the Tribunal could consider in deciding a penalty. Of course, there may be others.*

- 4.3.25 Once the Tribunal has reached a decision as to penalty, the charged player or official, their Advocate and the League Prosecutor are called back into the Tribunal room whereupon the penalty is disclosed to those present.

## **5. When a Report is laid by the League following an Investigation or by the Match Review Officer**

- 5.1 The above procedures are to be followed with respect to a report laid by the League following an investigation or a report laid by the Match Review Panel; however, the following additional points are to be noted:
  - 5.1.1 In the case of an investigation report, the appointed Investigator may act as the League Prosecutor who should not be examined or cross examined except for good reason and at the sole discretion of the Chairperson.
  - 5.1.2 If a case is referred to the Tribunal by the Match Review Officer (MRO), the appointed League Prosecutor shall present the case.
  - 5.1.3 The Tribunal panel or Advocates cannot question the League Prosecutor; and
  - 5.1.4 If called by the charged player's or official's Advocate, umpires must be available to give evidence. To deny a request from that party for the umpire to give evidence would be a clear breach of the rules of Natural Justice.

## **6. Additional Notes**

- 6.1 Any player who appears before the Tribunal, who has already refused to accept a "Set Penalty" and is subsequently found guilty of their charge must receive a penalty greater than they would have if they had accepted the set penalty per the Football Competition Regulations.
- 6.2 If a player, official or witness does not attend the Tribunal when requested, the Tribunal may impose any penalty in accordance with FIDA By-Law 21 – Penalties, including but not limited to:
  - i. Suspending the player or Club official until they appear; and/ or
  - ii. Impose a fine and/or suspension.
- 6.3 Individuals, who in the opinion of the Tribunal, have delivered unsatisfactory evidence to the hearing can, and will, be dealt with at the discretion of the Tribunal by fine and/or suspension.
- 6.4 The League shall be represented by a League Prosecutor who will present the case for the League.
- 6.5 The "offended player" may be represented by a club advocate as consideration to their disability.

## **7. Appeals**

- 7.1 Any appeal against a decision of the Independent Tribunal shall be made in accordance with FIDA By-Law 16 – Appeals.
- 7.2 Only the Member Club of the suspended player or official may lodge an appeal against the decision of the Independent Tribunal to impose a penalty of a four (4) match or greater suspension and must do so in writing and forwarded to the – League within one (1) business days of the original case being heard.
- 7.3 A bond of Five-Hundred Dollars (\$500.00) shall be lodged with the League at the same time as lodging the appeal.
- 7.4 The appeal shall state the grounds of appeal relied upon and the League must:
  - 7.4.1 Be satisfied that any fresh evidence is cogent, plausible, and relevant having regard to the evidence addressed at the original hearing.
  - 7.4.2 Be able to identify the facts which the fresh evidence tends to prove or disprove.
  - 7.4.3 Consider the inherent credibility of the fresh evidence, the veracity of the witness and/or the authority of the source from which the fresh evidence comes.
  - 7.4.4 Present on the League’s initial tribunal findings and the basis for how the charge was graded and how they decided on the penalty.
- 7.5 A party may only lodge one (1) appeal with respect to the original verdict of the Independent Tribunal.
- 7.6 The bond, less an administration fee of one hundred and fifty dollars (\$150.00), will be returned to the appealing club upon resolution of the appeal, except in the case where it is determined that the appeal was frivolous or vexatious, in which case the League will retain the whole amount.
- 7.7 In the case of an appeal from the decision of the Independent Tribunal, the appeal will be dealt with by the Appeals Tribunal at the next available hearing.