



ADELAIDE FOOTY LEAGUE

2017

TRIBUNAL REFERENCE MANUAL

ADELAIDE FOOTY LEAGUE

ORDER OF PROCEEDINGS FOR TRIBUNAL HEARINGS

- Appointment of Chairman
- The tribunal shall satisfy itself that the person charged has had details of the charge.
- Umpire's evidence.
- Cross-examination of Umpire by the tribunal.
- Cross-examination of Umpire by the Player and/or Delegate.
- Evidence of Umpire's witness.
- Cross-examination of umpire's witness.
- Plea of player
- Evidence of player.
- Cross-examination of player by tribunal
- Comment by the Umpire on the evidence submitted by the player at the discretion of the tribunal.
- Evidence of player's witness.
- Cross-examination of player's witness by the Tribunal.
- Comments by the Umpire on the evidence submitted by the player's witness at the discretion of the Tribunal.
- Submission by the player based upon the evidence presented.
- If a "Not Guilty" plea has been entered:
 - a) All people other than the Tribunal shall withdraw to allow the Tribunal to decide whether the charge is proven.
 - b) Upon reaching its decision the Tribunal shall recall the person charged and the umpire.
 - c) If the player is found "Not Guilty" the Tribunal will be declared closed.
- If the player is found "Guilty" or has entered a plea of "Guilty" the details of the player's record shall be read.
- The player or their Representatives may make a submission to the Tribunal on the question of penalty.
- All persons who have been called to give evidence shall remain present until all other evidence has been presented to the Tribunal.
- All parties shall again withdraw to allow the Tribunal to decide on what order is to be made.
- The player charged and their Representatives shall then be readmitted and informed of the decision.

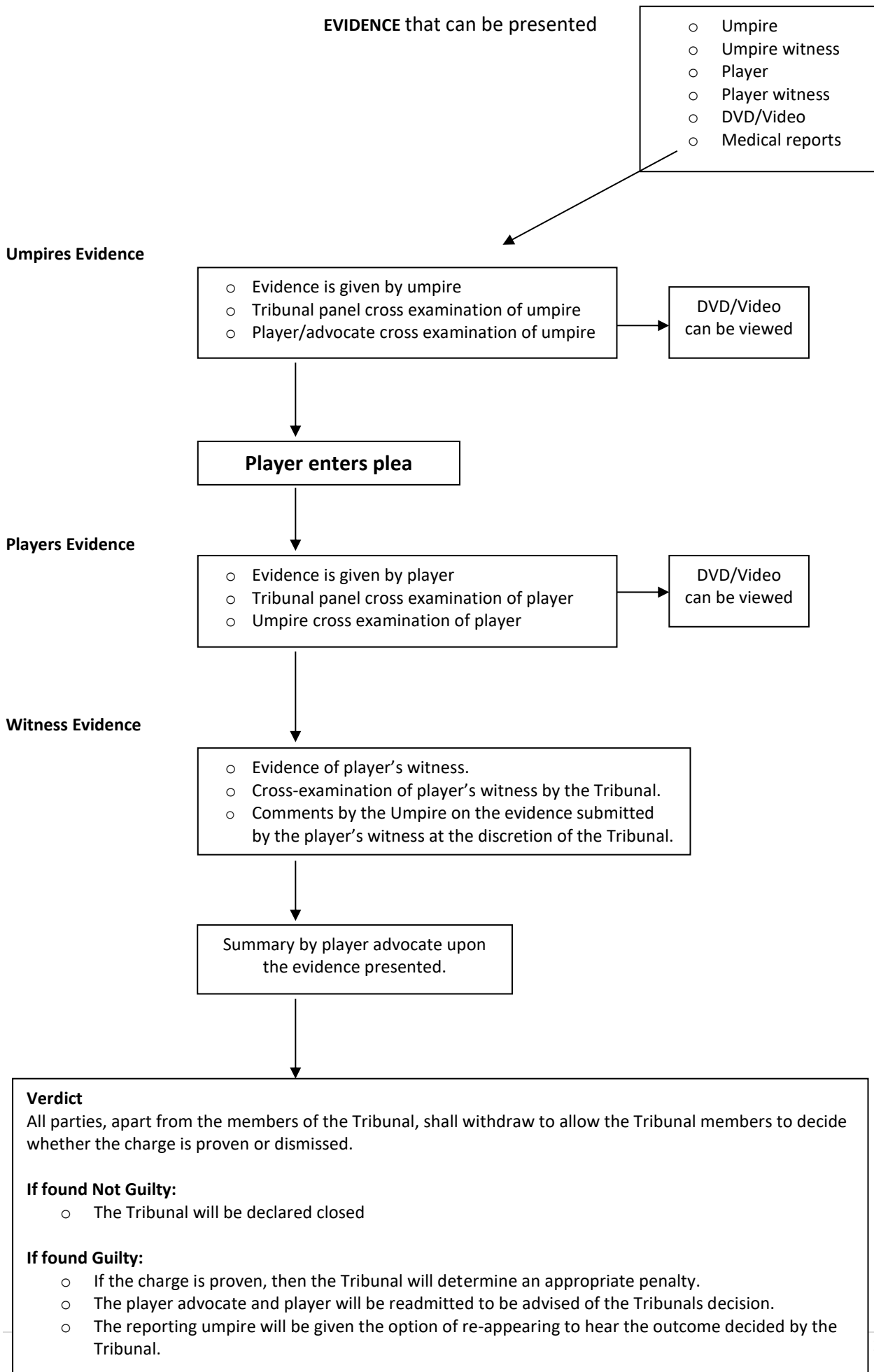
SPECIAL NOTES:

- Evidence must be taken even if the player pleads guilty.
- A plea is always required
- A plea can be taken at any time until evidence of player is given.
- At any time the Chairman and through them the other members of the tribunal may ask questions of the Umpire, player or witnesses.
- Any person who conducts themselves disrespectfully to the Tribunal during the hearing of a charge may be dealt with in such manner *as* the Tribunal in its absolute discretion shall deem fit.
- Members of the Media may be admitted at the discretion of the Chairman of the Tribunal.
- If two players are reported in the same incident they can be heard at the same time at the discretion of the Tribunal.
- It is not possible for a person to be a delegate appearing for the player and a witness giving evidence during the same hearing.

ADELAIDE FOOTY LEAGUE

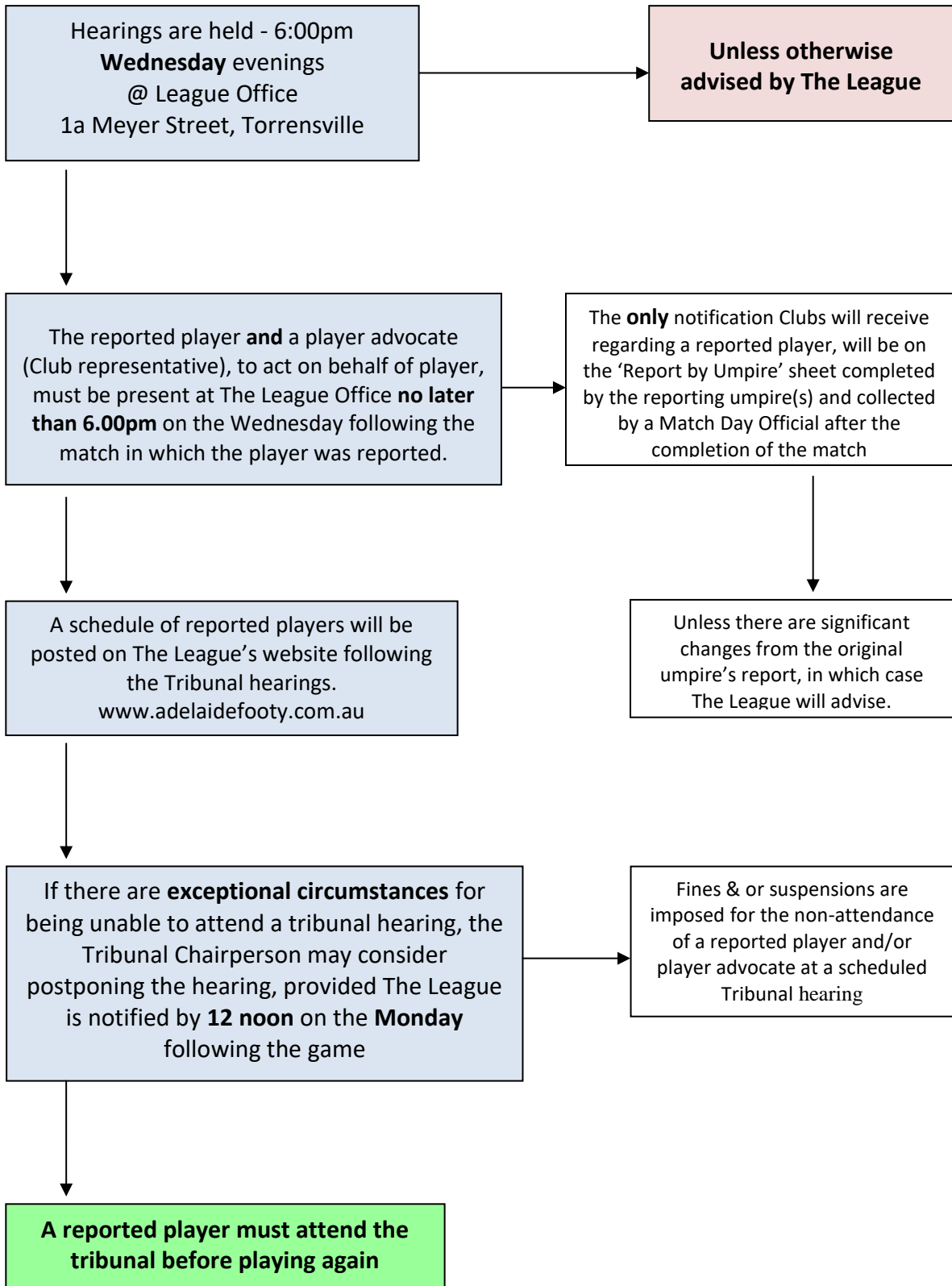
ORDER OF PROCEEDINGS FOR TRIBUNAL HEARINGS

DETAILS OF CHARGE/S ARE PRESENTED TO THE TRIBUNAL PANEL



ADELAIDE FOOTY LEAGUE

ORDER OF PROCEEDINGS FOR TRIBUNAL HEARINGS



ADELAIDE FOOTY LEAGUE

PRESCRIBED PENALTIES CATEGORY “A” REPORTS

Using abusive, insulting, threatening or obscene language, or an obscene gesture to any other person other than the officiating umpire.....	1 Match
Engaging in time wasting	1 Match
Throwing or pushing another player after that player has taken a mark, disposed of the football or after otherwise out of play	1 Match
Engaging in rough play against an opponent which in the circumstances is unreasonable	2 Match
Engaging in a melee, except where a player's sole intention is to remove a team mate from the incident ..	1 Match
Attempting to strike another player	2 Match
Attempting to trip another player whether by hand or arm	1 Match
Intentionally shaking a goal or behind post when another player is preparing to kick or is kicking for goal or after the player has kicked for goal and the ball is in transit.....	1 Match
Wrestling another player	1 Match
Wearing boots, jewellery and equipment prohibited under Law 9 of the Laws of Australian Football	1 Match
Any act of misconduct (wrongful, improper or not within the Laws of Australian Football).....	1 Match

TRIBUNAL PENALTY MECHANISM

The following mechanism is to be used when the Tribunal Commission finds a player guilty of an offence. It will categorise the level and severity of the offence by determining three (3) factors

- **Conduct** – whether the conduct was intentional, reckless or negligent (refer later for definition)
- **Impact/Circumstance** - whether the impact was severe high, medium or low. The circumstance of the impact may increase or reduce the penalty, i.e. in play, or behind the play.
- **Contact** - whether the contact was high, to the body, or to the groin (The area between the tops of the thighs and the abdomen).

CONDUCT DEFINITIONS

Negligence

Definition of 'negligent' – A player negligently commits a reportable offence if the relevant conduct constitutes a breach of the duty of care owed by the player to all other players. Each player owes a duty of care to all other players to not engage in conduct which will constitute a reportable offence being committed against that other player. In order to constitute such a breach of that duty of care, the conduct must be such that a reasonable player would realise the conduct was reportable and avoid doing it.

Negligence is constituted by a person's breach of duty to take reasonable care to avoid acts which can be reasonably foreseen to result in a reportable offence. While Australian Football is a contact sport, players owe a duty of care to others not to cause and to avoid illegal contact.

An extra onus applies to protect players from serious neck injuries when they have their head down over the ball and to protect players from bumps to the head. Bumping or making forceful contact to an opponent from front-on when that opponent has their head down over the ball, unless intentional or reckless, will be deemed to be negligent, unless:

- a. the player was contesting the ball and did not have a realistic alternative way to contest the ball; or
- b. the bump or forceful contact was caused by circumstances outside the control of the player which could not reasonably be foreseen.

An example of negligent contact may be where a player collides with another player who has taken a mark and where contact occurs just after the mark has been taken. The offending player has a duty of care to avoid any contact which would constitute a reportable offence by slowing their momentum as much as they reasonably can and a failure to do so constitutes negligence.

Recklessness - More serious conduct is known as recklessness.

Definition of 'reckless' – A player recklessly commits a reportable offence if they engage in conduct that they realise has a real likely hood in resulting in a reportable offence being committed or that a reasonable player would realise may result in the reportable offence being committed but nevertheless proceeds with that conduct not caring whether or not that conduct will result in the commission of the reportable offence. The reckless commission of a reportable offence does not require any wish that the reportable offence be committed.

A player who without looking swings their arm backwards in a pack and strikes an opposing player in the face may be said not to have intended to strike their opponent but their conduct was reckless because it can be inferred from their action that they realised that their arm might make contact. The guideline relating to inferring a state of mind with respect to intentional offences has application to determining if the player acted recklessly.

Intentional

Definition of 'intentional' – A player intentionally commits a reportable offence if the player engages in the conduct constituting the reportable offence with the intention of committing that conduct. An intention is a state of mind. Intention may be formed on the spur of the moment. The issue is whether it existed at the time at which the player engaged in the conduct.

For example, where a player delivers a blow to an opponent with the intention of striking them. Whether or not a player intentionally commits a reportable offence depends upon the state of mind of the player when they do the act with which he is charged. What the player did is often the best evidence of the purpose they had in mind. In some cases, the evidence that the act provides may be so strong as to compel an inference of what their intent was, no matter what they may say about it afterwards. If the immediate consequence of an act is obvious and inevitable, the deliberate doing of the act carries with it evidence of an intention to produce the consequence. Thus it could not realistically be concluded that a player who behind the play and whilst facing their opponent punched them to the face did not intend to strike them. The state of a player's mind is an objective fact and has to be proved in the same way as other objective facts. The whole of the relevant evidence has to be considered. When considering the issue the Tribunal must weigh the evidence of the player as to what their intentions were along with whatever inference as to their intentions can be drawn from their conduct or other relevant facts. The player may or may not be believed by the Tribunal. Notwithstanding what the player says, the Tribunal may be able to conclude from the whole of the evidence that they intentionally committed the act constituting the reportable offence.

Impact

There are four categories of impact – severe, high, medium and low.

Low impact requires more than just negligible impact. Most reportable offences require at least low impact and a collision or incident involving negligible force will not ordinarily result in a charge.

In determining the level of impact, regard will be given to the extent of force and in particular, any injury sustained by the player who was offended against. Regard will also be had to the potential to cause serious injury such as in the following cases:

- any head-high contact with a player who has their head over the ball, particularly when contact is made from an opponent charging from a front-on position;
- forceful round arm swings that make head-high contact to a player in a marking contest, ruck contest or when tackling;
- use of an elbow or raised forearm to strike an opponent;
- spear tackles;
- driving an opponent into the ground when their arms are pinned.

In determining the level of impact regard shall be given not only to the impact between the offending player and the victim player, but also the result of the impact to the victim player as a result of such impact.

For example, where a victim player as a result of the impact from the offending player is pushed into the path of a fast-moving third player, the impact to the victim player may be classified as high or severe, even though the level of impact between the offending player and the victim player was only low or medium.

In addition to the effect on the victim player, the body language of the offending player in terms of flexing, turning, raising or positioning the body to either increase or reduce the force of impact, will be taken into account. The absence of injury does not preclude the classification of impact as severe.

Consideration will also be given to the circumstances in which the impact is made. For example if impact is made behind the play, the tribunal may increase the level of impact.

Contact

Under the Level of Offences table, contact can be classified as high, groin or body contact.

High contact is not limited to contact to the head and includes contact above the shoulders. There may be a correlation between contact and impact to the extent that, for example, a strike to the stomach will be classified as body contact but its impact will be classified towards the high end of the scale if the effect was to reduce the player's ability to participate in the match.

Contact to the groin shall include contact to the crease or hollow at the junction of the inner part of each thigh with the trunk together with the adjacent region and including the testicles.

In classifying contact, regard will be given to the point of contact and where contact is both high and to the body, the Tribunal will classify the contact as high.

Contact shall be classified as high or to the groin where a player's head or groin makes contact with another player or object such as the fence or the ground as a result of the actions of the offending player. For example, should a player tackle another player around the waist and as a result of the tackle, the tackled player's head made forceful contact with the fence or the ground the contact in these circumstances would be classified as high, even though the tackle was to the body.

IMPACT CATEGORIES/CIRCUMSTANCE

There are four (4) categories of impact:- **severe, high, medium and low.**

In determining the level of impact, consideration will be given to the extent of force and in particular, any injury sustained by the player who was offended against. Consideration will also be given to the potential to cause serious injury, e.g. strike with elbow.

In addition to the extent of the injury on the victim, the body language of the offending player will also be taken into consideration, e.g. flexing, turning, raising or positioning the body to either increase or decrease the force of impact.

The absence of injury does not necessarily preclude the classification of the impact as severe.

Consideration will also be given to the circumstances in which the impact is made. If impact is made behind play, the Tribunal may, at its absolute discretion, take it into account.

CONTACT CATEGORIES

There are three (3) categories of contact: high, groin or body

High

Includes any contact above the shoulder

Groin

Includes the inner part of each upper thigh together with the adjacent region and including the testicles.

Body

Includes any/all parts of the body not covered under "high" and/or "groin".

In categorising contact, consideration will be given to the point of contact. Where contact is both high and to the body, the contact will be classified as high. For example, should a player tackle another player around the waist and as a result of the tackle the victim player's head makes forceful contact with the ground (or another player) then the contact in these circumstances would be classified as high, even though the tackle was to the body.

LEVEL OF OFFENCE

Once the level of offence has been determined it will be used in calculating the match penalty.

Accompanying tables (pages 10 and 11) should be used as a guide only. The Tribunal, at its absolute discretion, may increase or reduce match penalties dependent upon circumstances surrounding each reportable offence.

Tribunal discretion is most likely to occur (but not necessarily be limited to) the following offences:

- Any act of serious misconduct
- Kicking
- Bumping or making forceful contact when the player has their head down over the ball.
- Any intentional act with severe/high impact and high contact
- Intentional contact with an Umpire**
- Behaving in an abusive, threatening, or obscene manner toward, or in relation to an Umpire**

****Offences against Umpires are considered to be serious and as such match penalties are to be at the absolute discretion of the Tribunal**

Penalty reductions may be considered by the Tribunal, at its absolute discretion, for the following:-

- Early guilty plea and/or genuine remorse shown by offending player
- Offending player has not been found guilty of any reportable offence within the last five (5) SAAFL/SAWFL years.

PENALTY GUIDELINES

	Striking/Undue Rough Play			Kicking/Headbutting
Conduct	Impact/ Circumstance	Contact	Match Penalty (Guideline Only)	Match Penalty (Guideline Only)
Intentional	Severe	High/Groin	8 - 10	10 - 12
Intentional	Severe	Body	7 - 9	9 - 11
Intentional	High	High/Groin	6 - 8	8 - 10
Intentional	High	Body	5 - 7	7 - 9
Intentional	Medium	High/Groin	4 - 6	6 - 8
Intentional	Medium	Body	4 - 5	5 - 7
Intentional	Low	High/Groin	3 - 4	4 - 6
Intentional	Low	Body	2 - 3	3 - 5
Reckless	Severe	High/Groin	5 - 6	6 - 8
Reckless	Severe	Body	5 - 6	6 - 8
Reckless	High	High/Groin	4 - 5	5 - 7
Reckless	High	Body	4 - 5	5 - 7
Reckless	Medium	High/Groin	3 - 4	4 - 6
Reckless	Medium	Body	2 - 3	3 - 5
Reckless	Low	High/Groin	1 - 2	2 - 4
Reckless	Low	Body	1 - 2	2 - 4
Negligent	Severe	High/Groin	4 - 5	5 - 7
Negligent	Severe	Body	4 - 5	5 - 7
Negligent	High	High/Groin	3 - 4	4 - 6
Negligent	High	Body	3 - 4	4 - 6
Negligent	Medium	High/Groin	2 - 3	3 - 5
Negligent	Medium	Body	1 - 2	2 - 4
Negligent	Low	High/Groin	1 - 2	2 - 4
Negligent	Low	Body	1 - 2	2 - 4
Tripping another person by foot or leg				2 - 4
Charging another person				3 - 5
Engaging in a melee				3 - 6
Spitting at or on another person				5 - 8
Pinning the arms of another and driving their head and or upper body to the ground				3 - 6
Attempting to kick another person				3 - 4
Attempting to trip another person by foot or leg				2 - 3

NOT WITHSTANDING THE ABOVE GUIDELINES

ALL PENALTIES WILL BE AT THE DISCRETION OF THE TRIBUNAL

Offences against an umpire

Intentionally, negligently or recklessly making contact with an umpire	Discretion of Tribunal
Attempting to make contact with or strike an umpire	Discretion of Tribunal
Using abusive, insulting, threatening or obscene manner towards or in relation to an umpire	3 - 8
Behaving in an abusive, insulting, threatening or obscene manner towards or in relation to an umpire	3 - 8
Disputing a decision of an umpire or failing to leave the playing field when directed to so by an umpire	2 - 4

NOT WITHSTANDING THE ABOVE GUIDELINES

ALL PENALTIES WILL BE AT THE DISCRETION OF THE TRIBUNAL

The above penalties are for players only.

Penalties against officials/coaches will be at the discretion of The Tribunal and will be considered exponentially more serious.

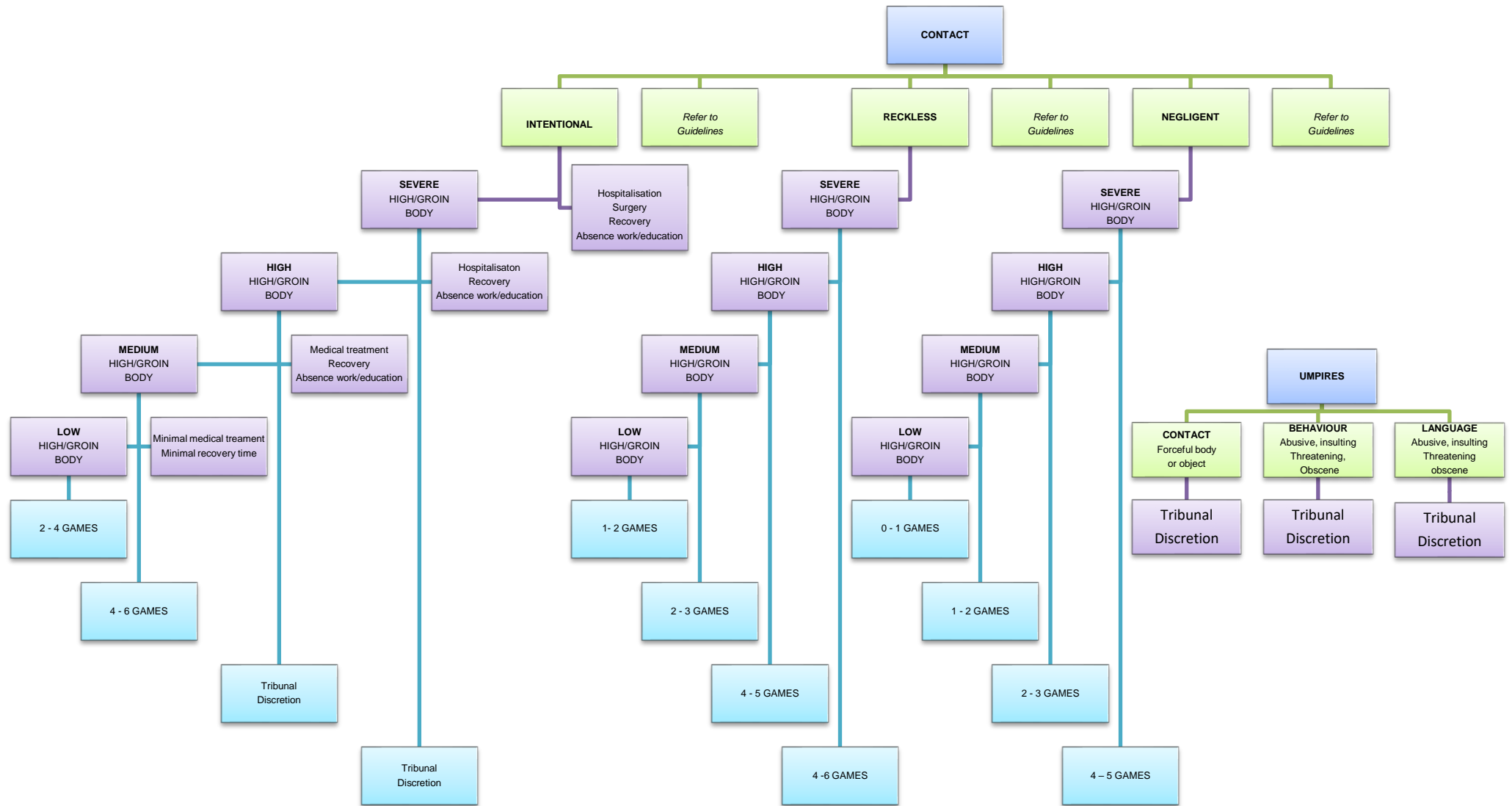
The Tribunal reserves the right to adjourn to consider any penalty and deliver the finding at a later point in time but no later than 5:00 pm the following day.

Suspended Penalties

Suspended penalties may be considered with the following guidelines

1. The suspended player has not been found guilty at any previous Tribunal.
2. The offence (if striking) is not considered intentional, high/severe or high/groin.
3. The suspended portion is no greater than 50% of the total penalty of any penalty.
 - a. Should a player be suspended for four matches and a suspended penalty is considered, it can be no more than 2 matches suspended e.g. 2 served and 2 suspended is accepted but NOT 1 served and 3 suspended.
 - b. Simile 5 matches – 3/2, 4/1 but NOT 2 served and 3 suspended
 - c. 2 matches (minor offences) - can be judged 1 served and 1 suspended
 - d. Simile 5 matches – 3/2, 4/1 but NOT 2 & 3 suspended
 - e. 2 matches (minor offences) - can be judged 1 and 1 suspended
4. All Suspended penalties will be for a period of 3 years

PENALTY GUIDELINES



TRIBUNAL SUMMARY OF REPORTABLE OFFENCE

AND MATCH PENALTY

The Chairman of each Tribunal Commission is to provide a summary of the reportable offence detailing the classification of conduct, impact/circumstance, and contact.

The Chairman of the Tribunal Commission should also summarize any extenuating circumstances which may result in the increase of or reduction in, the match penalty.

ADELAIDE FOOTY LEAGUE WEBSITE ADVICE RE MATCH PENALTIES

Adelaide Footy League Website advice on match penalties should include:-

- Classification of level of offence in relation to conduct, impact/circumstance, and contact
- Very brief description of any extenuating circumstances resulting in increase, or reduction, in match penalty.

This should provide transparency to all Adelaide Footy League Clubs in determination of match penalties by the Tribunal Commission.