



AFL QUEENSLAND STATE JUNIOR FOOTBALL TRIBUNAL GUIDELINES

2020



1. Application

These AFL Queensland State Junior Football Tribunal Guidelines apply to Junior Football conducted or administered by AFL Queensland or its Affiliate Leagues.

Australian Football: players, coaches, officials, spectators, administrators and all people reasonably connected to AFL Queensland or its Affiliate Leagues must comply with these guidelines.

If any Australian Football: player, coach, official, spectator, administrator or other person reasonably connected to AFL Queensland or its Affiliate Leagues subject to the *AFL Queensland State Junior Football Rules and Regulations* and, if applicable, the *Association By-Laws (Rules)* is reasonably suspected to have breached the Rules of AFL Queensland or its Affiliate Leagues, a Tribunal may be conducted in accordance with these AFL Queensland State Junior Football Tribunal Guidelines.

AFL Queensland or its Affiliate League shall appoint a Tribunal Convenor to administer these guidelines (**AFLQ Tribunal Convenor**).

2. Tribunal Rules

2.1 Functions

The function of the Tribunal shall be to deal with the following:-

- (a) Charge/s with Reportable Offence; and
- (b) Disciplinary Matter/s – any matter/s with which the tribunal is empowered to deal other than a Reportable Offence – in accordance with the State Junior Football Rules and Regulations.

2.2 Appointment of Tribunal Members

AFL Queensland or its Affiliate League may, from time to time, appoint persons to the Tribunal.

2.3 Tribunal Members

The Tribunal shall consist of:

- (a) A Chairperson; and
- (b) A panel of persons who in the opinion of the Kids, Competitions & Transition Manager have appropriate qualifications to act as panel members as required under these Rules, and possess a sufficient knowledge of Australian Football (**Tribunal Panel**).

2.4 Qualifications of Tribunal Members

Except where the Kids, Competitions & Transition Manager determines, a person shall not be appointed to the Tribunal if that person:

- (a) has been a member of a Board of Directors of a Club;
- (b) has been a Coach or Assistant or Speciality Coach of a Club;
- (c) has been a Person of a Club;
- (d) has been an Employee of the AFL or a Club; or
- (e) has been a Player of a Club

in the twelve (12) months preceding the appointment.



2.5 Composition for Tribunal Hearing

Except where otherwise determined by the Kids, Competitions & Transition Manager, the Tribunal shall comprise three (3) persons (including the Chairperson).

2.6 Resignation and Removal of Tribunal Members

- (a) A member of the Tribunal may resign by providing notice in writing to AFL Queensland or its Affiliate League.
- (b) AFL Queensland or its Affiliate League may remove a Person appointed to the Tribunal at any time in its absolute discretion.

2.7 Reporting Officer

- (a) Subject to section 2.7 (b), AFL Queensland or its Affiliate League may, from time to time and in its absolute discretion, appoint one or more Reporting Officers to:
 - (i) advise the Tribunal of the particulars of the charge or matter before it;
 - (ii) review Match footage;
 - (iii) make submissions in relation to the charge or matter;
 - (iv) respond to any matters put in defence;
 - (v) ask questions of any Person appearing before the Tribunal;
 - (vi) call any Persons to give evidence as the Reporting Officer may consider necessary or desirable in the interests of general justice and fairness; and
 - (vii) address the Tribunal by way of summing up prior to any final submissions of the advocate of any Person charged or otherwise appearing to be dealt with by the Tribunal and prior to the Tribunal retiring to consider its finding.
- (b) The Reporting Officer shall have the power to withdraw any charge or matter prior to or at any time during a hearing before the Tribunal.
- (c) The Reporting Officer shall, with leave of the Tribunal, have the power to amend any charge, statement or notice of any matter to be determined by the Tribunal prior to or at any time during a hearing before the Tribunal.

2.8 Representation

At any hearing before the Tribunal a Person may:

- (i) be represented by an advocate. An advocate cannot be a barrister, solicitor, an agent with a legal qualification, or the relative of the Person; and
- (ii) not act as their own advocate.

Clubs must supply the name of the advocate to the AFLQ appointed Tribunal Convener by no later than midday on the day of the Tribunal.

2.9 Representative

Where the Chairperson is of the opinion that a representative of a Person appearing before the Tribunal has failed to observe directions of the Chairperson or otherwise acted in a contemptuous, irresponsible or discourteous manner, the Chairperson may withdraw leave for that person to represent the Person and if appropriate, adjourn the proceedings to enable the Person to obtain fresh representation.



2.10 Attendance at Tribunal Hearing

- (a) At any hearing before the Tribunal, the charged person must attend at the time and place specified in the Notice of Charge or other notice.
- (b) In addition to the Person charged and their advocate, the following persons may be required to be present at a Tribunal:-
 - (i) Umpire
 - (ii) Umpire's Advocate
 - (iii) Offended Person (if applicable)
 - (iv) Offended Person's Advocate (if applicable)
 - (v) Witness (limit of one (1) Witness only) – may be represented by Person's Advocate. In the instance of a Tribunal hearing for a Person charged with a Reportable Offence, the Witness must be listed on the official team sheet for the match.
- (c) Clubs must supply the name of the Witness to the AFLQ appointed Tribunal Convener by no later than midday on the day of the Tribunal.
- (d) If a required person fails to appear at the time and place specified in the Notice of Charge or other notice, the Tribunal may proceed to hear and Tribunal Members may determine the charge or matter and any sanction in the absence of the person.

2.11 Procedure and Evidence

- (a) Subject to the further matters set out in this Rule, the Tribunal may regulate any proceedings brought before it in such a manner as the Chairperson thinks fit.
- (b) Any Person required to attend the Tribunal may submit written Witness Statements, provided that such statements are submitted to the Tribunal Convener at least twenty-four (24) hours prior to the Tribunal hearing.
- (c) Clubs may submit video evidence to the AFLQ Tribunal Convener. Such evidence must be submitted at least twenty-four (24) hours prior to the Tribunal hearing. Video of the isolated incident will be accepted, however, a full unedited copy of the match must also be submitted.

2.12 Conduct of Hearing

- (a) Tribunal hearings shall be conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- (b) The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record and may inform itself as to any matter in any such manner as it thinks fit.
- (c) The Chairperson may make any guidelines not inconsistent with these Guidelines that he or she thinks appropriate for the practice and procedure of a hearing. Any such guideline shall be directory in nature and no decision of the Tribunal shall be invalidated by reason of a guideline not being followed.
- (d) Subject to section 2.12 (e), in accordance with natural justice principles the Tribunal shall:
 - (i) provide any Person whose interest will be directly and adversely affected by its decision, a reasonable opportunity to be heard;
 - (ii) hear and determine the matter before it in an unbiased manner; and
 - (iii) make a decision that a reasonable Tribunal could honestly arrive at.
- (e) Whilst the Tribunal will endeavour to hear and determine any charge or matter referred to it before the Person's Club is next scheduled to compete, to the extent that the rules of natural justice require that:
 - (i) a Person be given adequate notice of or sufficient time to prepare for a hearing; or



- (ii) the Tribunal hearing be scheduled at a time which does not affect the Person's or the Person's Club's preparation for the next scheduled Match,
- those requirements are expressly excluded from these Guidelines.

2.13 Challenge to Jurisdiction, Formalities of Report and Other Technical Matters

Where a Person intends at a hearing of the Tribunal to:

- (a) challenge the jurisdiction of the Tribunal to deal with a matter;
- (b) challenge the constitution of the Tribunal;
- (c) challenge the formalities of the laying of any charge; or
- (d) raise any other matter requiring a legal or technical interpretation,

the Person intending to do such things must provide full written particulars of all relevant matters and forward a copy of those particulars to the AFLQ Tribunal Convenor and any other Person who has an interest in the proceeding (including, without limitation, the Reporting Officer and AFL Queensland or its Affiliate League) by midday on the day after notification of the charge or matter to be heard by the Tribunal.

2.14 Standard of Proof

- (a) The Tribunal shall decide on the balance of probabilities whether a Reportable Offence against a Person has been sustained.
- (b) The standard of proof in the case of a Disciplinary Matter shall be comfortable satisfaction.

2.15 Onus of Proof

Unless otherwise provided in the Rules, no person appearing before the Tribunal shall bear an onus of establishing that an alleged offence has been committed.

2.16 Decision and Sanctions

- (a) The decision of the Tribunal shall be determined by a majority of the sitting Tribunal.
- (b) Subject to section 2.12, the Tribunal may determine any matter in any such manner as it thinks fit.
- (c) In dealing with a Disciplinary Matter, the Tribunal may in the hearing and determination of any matter:
 - (i) Impose a sanction upon any person for a breach of the Rules;
 - (ii) Give any judgment or decision or make such order as in the Tribunal's opinion the justice of the hearing requires.
- (d) Subject to section 2.16(d)(i) where a charge is sustained in respect of a Reportable Offence, the Tribunal must apply the sanction applicable to the Reportable Offence as per AFL Queensland State Junior Football Rules and Regulations – Reportable Offences, 'Sanctions for Classifiable and Low-Level Offences'.
 - (i) The Tribunal may determine the appropriate sanction in its absolute discretion, without having regard to the sanctions referred to in AFL Queensland State Junior Football Rules and Regulations – Reportable Offences, 'Sanctions for Classifiable and Low-Level Offences', where there are exceptional and compelling circumstances which make it inappropriate or unreasonable to apply those sanctions. Exceptional and compelling circumstances will exist where (at the discretion of the Tribunal):
 1. a Player has a verifiable exemplary record;
 2. a Reportable Offence was committed in response to provocation;
 3. a Reportable Offence was committed in self-defence; or
 4. there are multiple Reportable Offences arising from the same event or course of conduct.
- (e) The Tribunal is not obliged to give reasons for any decision made by it under this Rule.



2.17 Validity of Charge and Hearings

- (a) Where there is a procedural irregularity in the making of a charge or any other matter, the Tribunal 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.
- (b) Without limitation, the Chairperson may direct that a Notice of Charge be amended to ensure that a matter before the Tribunal is decided according to its merits and not on the basis of a technicality. The power to amend shall include the power to substitute another charge.
- (c) A decision of the Tribunal is not invalid because of any defect or irregularity in, or in connection with, the appointment of a Tribunal member.
- (d) Subject to sections 2.12(e), 2.14 and 2.15, any procedure or requirement regulating the function of the Tribunal is directory in nature and a decision of the Tribunal is not invalid by reason of that procedure or requirement not being fulfilled.

2.18 Co-operation with Tribunal

- (a) Subject to section 2.18(b), a Person shall appear before the Tribunal, if requested to do so by AFL Queensland or its Affiliate League, or the Tribunal.
- (b) The Chairperson may excuse a Person from appearing before the Tribunal if the Chairperson is of the opinion that the Person is suffering from an injury or medical condition that would prevent that Person's attendance.
- (c) Any Person who appears before the Tribunal and who in the opinion of the Tribunal has:
 - (i) failed to fully co-operate with the Tribunal;
 - (ii) failed to truthfully answer any questions asked by the Reporting Officer or the Tribunal;
 - (iii) failed to provide any document in that Person's possession or control relevant to the matter to be determined by the Tribunal following a request by the Tribunal; and/or
 - (iv) makes any false or misleading statement or makes a statement or acts in a manner calculated to or which is likely to mislead,shall be dealt with by the Tribunal as it, in its absolute discretion, thinks fit.

2.19 Prohibited Conduct

- (a) A Person who has been issued with a Notice of Charge or other notice, or any Person acting on behalf or in concert with a Person who has been issued with a Notice of Charge or other notice, shall not contact or procure another to contact a Person who is or ought reasonably to be regarded as a Person required to give evidence before the Tribunal, where that contact is intended to or may otherwise mislead the Tribunal or unfairly affect the conduct of the Tribunal hearing.
- (b) No Person shall publicly comment on:
 - (i) the contents of a Notice of Charge or other notice prior to the conclusion of any determination by the Tribunal and/or completion of the matter or
 - (ii) an Incident Referral form and any matter touching upon or concerning an incident referral until that matter has been dealt with by the Tribunal,unless the Person establishes, to the reasonable satisfaction of AFL Queensland or its Affiliate League, that such public comment was not intended to influence or affect the conduct of the Tribunal hearing.
- (c) A Person who contravenes this Rule shall:
 - (i) be deemed to have engaged in conduct which is unbecoming and prejudicial to the interests of a just and fair hearing; and
 - (ii) be dealt with by the Tribunal as it, in its absolute discretion, thinks fit.



2.20 Sanction on Club

In addition to any sanction or determination made in respect of a Person under section 2.19, the Tribunal may impose a sanction on that Person's Club as they in their absolute discretion think fit, except where the Club satisfies the Tribunal that the conduct of the Person was not entered into with the consent, acquiescence or knowledge of the Club.

2.21 Criticism of Tribunal Decision

- (a) No Person or Club shall make any unfair, unreasonable or excessive public criticism of a Tribunal decision or of any Tribunal Member or any other matter touching or concerning the Tribunal or a determination made by it.
- (b) AFL Queensland or its Affiliate League shall determine in its absolute discretion in any case, whether any public criticism is unfair, unreasonable or excessive.
- (c) Where AFL Queensland or its Affiliate League determines that any public criticism is unfair, unreasonable or excessive, AFL Queensland or its Affiliate League may impose a sanction in its absolute discretion.
- (d) Where a Person contravenes this Rule, the Person's Club may also be liable to a sanction at the discretion of AFL Queensland or its Affiliate League.

2.22 Person Suspension

- (a) A Person who accepts a Set Penalty, or is suspended or disqualified by the Tribunal, shall serve such suspension or disqualification in the team in the age group/competition in which he played immediately prior to such suspension or disqualification.
- (b) Unless otherwise specified by the Tribunal in exceptional circumstances, where a Person is suspended or disqualified by the Tribunal or accepts a Set Penalty, such suspension or disqualification shall apply to all Australian football competition Matches, subject to Rule 2.22(c) below. For the avoidance of doubt:
 - (i) a Person suspended in a previous season cannot serve his/her suspension in any pre-season fixtures and off-season fixtures;
 - (ii) a Person suspended in a junior competition graduating to a senior competition shall serve his/her suspension in his/her new competition;
 - (iii) a Person transferring from another league shall carry any suspensions with him/her; and
 - (iv) a Person suspended during a split round cannot serve his/her suspension in that same round in another competition (including representative football).
- (c) Unless otherwise specified by the Tribunal in exceptional circumstances, a suspended Person will not be eligible to play representative football if the representative fixture occurs while the Person is serving the suspension. If the suspended Person was selected in the representative team prior to being suspended then he foregoes playing in the representative fixture if the fixture occurs during the time of the suspension. In this situation the representative fixture does not count as part of the suspension.
- (d) A Person who accepts a Set Penalty or is suspended or disqualified by the Tribunal, may still participate in practice/training Matches with his/her registered Club however such Matches will not count as part of the Person's suspension or disqualification.
- (e) *Laws of Australian Football 'Sanctions and Suspensions'* shall apply in relation to all Persons suspended by the Tribunal or accepting a Set Penalty.



3. REPORTING PROCEDURES

3.1 Reports

The following people shall be authorised (Authorised Person) to report any player or official who commits or engages in conduct which may constitute a reportable offence in accordance with Laws of Australian Football:-

- Any Competition Umpire (such power is restricted to the actual match to which the umpire is appointed); or
- Any member of the Affiliate League Board (if applicable); or
- Any member of the Competition staff.

3.2 Notice of Charge

As soon as practical after the completion of a Match, an umpire shall complete a Notice of Charge. The umpire shall:

- (a) categorise the Reportable Offence having regard to the categories of Reportable Offences, as set out in the AFLQ State Junior Football Rules and Regulations;
- (b) include the Notice of Charge in the match day paperwork submitted to the Competition Manager after the completion of the match (if applicable); and
- (c) retain a copy of the Notice of Charge.

It is the responsibility of the Team Manager to ascertain from the umpire(s), no later than 10 minutes after each match, whether there have been any reports. If there has been a report, he/she is to ensure that a copy of the 'Notice of Charge' for each charge is given to their club.

Notwithstanding any other provision of these Rules, if an authorised person of AFL Queensland or its Affiliate Leagues is of the opinion that a Person may have committed a Reportable Offence, that Authorised Person may report that Person by completing a Notice of Charge. The Authorised Person shall provide a copy of the Notice of Charge to the charged Person, their Club, any other Person and the Club of any other person directly involved with the charge.

3.3 Referral of Incident

Where an umpire suspects that a person may have committed a Reportable Offence, the Umpire must, as soon as practical after completion of that Match and on the day of the Match contact the Umpire Coach to discuss the incident and determine if the incident needs to be referred. If the Umpire and Umpire Coach determine the incident is to be referred, the Umpire Coach must:

- (a) Complete an Incident Referral form; and
- (b) Lodge a copy of the Incident Referral form to the Competition Manager.

Where a club suspects that a Person may have committed a Reportable Offence the Club may request an investigation in accordance with the 'AFL Queensland State Junior Football Investigation Guidelines'.

3.4 Person May Enter Early Plea (Accept Set Penalty)

- (a) Subject to section 3.5, where a Person has received a Notice of Charge relating to a Reportable Offence, that Person may elect to plead guilty to the offence and accept the early guilty plea penalty (Set Penalty) offered (if applicable), in accordance with AFL Queensland State Junior Football Rules and Regulations – Reportable Offences, '*Sanctions for Classifiable and Low-level Offences*' as amended from time to time, by no later than midday on the first business day following the match.
- (b) If a Set Penalty is offered but not accepted by any party by no later than midday on the first business day following the match, the Competition Manager shall refer the Notice of Charge to the AFLQ Tribunal Convenor.



3.5 Where Early Plea (Set Penalty) Not Available

Where the Reporting Officer or Kids, Competitions & Transition Manager (as the case may be) determines in their absolute discretion, that a Notice of Charge should be determined by the Tribunal without the Person having the option to enter an early guilty plea, written notice shall be provided to the Person, in which case the Person shall be dealt with by the Tribunal in accordance with 3.6(a)(iii). This written notice shall specify particulars of the alleged offence, but if the Person is charged with a Classifiable Offence, the written notification need not specify an offence classification.

3.6 Persons Who Do Not Accept An Early Plea (Set Penalty), Other Persons and Other Reportable Offences

- (a) Subject to section 3.6(e), the Tribunal shall deal with the Notice of Charge where:
 - (i) a Person does not elect to accept an early guilty plea in accordance with section 3.4;
 - (ii) a person other than a Person is the subject of the Notice of Charge; or
 - (iii) notification referred to in section 3.5 has been given by the Reporting Officer or the Kids, Competitions & Transition Manager.
- (b) Subject to section 3.6(c), a Person who does not accept an early guilty plea in accordance with 3.6(a)(i) shall not be entitled to any reduction in the penalty set out in the Notice of Charge, including but not limited to discounts based on the entering of the guilty plea.
- (c) Should a Person plead guilty to a Reportable Offence subject to an alternative classification, and successfully contest the Notice of Charge at the Tribunal (such that the Tribunal determines to downgrade the charge), the Person will be entitled to receive a reduction in the sanction equivalent to the reduction obtained had the Player submitted an early guilty plea for that lesser offence.
- (d) Upon receipt of a Notice of Charge, the AFLQ Tribunal Convenor shall fix and give notice to the reported Person's Club of the date, time and place for the Tribunal hearing. It is the club's responsibility to inform the Person or other related parties of the Tribunal details.
- (e) AFL Queensland or its Affiliate League may vary the date, time and place of hearing by notice in writing to the reported Person's Club and any other relevant party.
- (f) Despite the other provisions of this section 3.6, where a Person does not elect to accept an early guilty plea, AFL Queensland or its Affiliate League may in its discretion apply a standard penalty (ie without discount) rather than directly referring the matter to a Tribunal hearing.
- (g) Where the notification referred to in section 3.5 has been given, the Person who is the subject of the Notice of Charge shall be entitled to lodge a plea at the Tribunal hearing which may be considered by the Tribunal in the determination of any penalty.

3.6 Withdrawal of Charge

The Reporting Officer or the Kids, Competitions & Transition Manager as the case may be, may withdraw any Notice of Charge at any time prior to a Tribunal hearing.

4. APPEAL RULES

4.1 Application of Appeal Rules

AFL Queensland and its Affiliate Leagues adopt the 'State & Territory Tribunal Guidelines' Competition Appeal Rules for appeals in respect of all decisions made by the Tribunal under these Guidelines.

4.2 NOTICE OF APPEAL

The fixed fee shall be five hundred dollars (\$500).



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