

## Frequently asked Questions about the Football West Tribunal

### How did the Football West Decide the initial penalty?

When Football West receives a Referee Incident Report, Football West reviews the report and assess whether the reported conduct amounts to any of the offences set out in the Table of Offences in the Disciplinary and Grievance Regulations.

Football West then applies the Reduced Penalty as set out in the Table of Offences and issues the Disciplinary Infringement Notice.

### I want to contest the Disciplinary Infringement Notice I have received, what do I do?

The Club must complete a Tribunal Hearing Request form which is found on the Football West website. It must be signed by the Club President or Secretary and lodged with Football West by no later than 5:00pm, 5 Business Days after receiving the Disciplinary Infringement Notice.

### How much does it cost?

The following application fees are payable after the tribunal hearing if the charge is upheld.

- NPL Seniors, State League \$550
- Amateur, Metropolitan Masters and Women's Leagues \$550
- NPL Juniors, Junior Boys, Junior Girls and Miniroos Leagues \$220

If the charge is not upheld or downgraded the Club does not pay the tribunal fees.

### When does the Reduced Penalty in the Table of Offences apply?

The reduced Penalty is applied when the Disciplinary Infringement Notice is issued. If you challenge the notice at a tribunal hearing and the charge is upheld, then the Tribunal must impose the Fixed Penalty (See Article 19(19) of the D&G Regulations).

#### Example

A Club Associate is charged with Offence 12 and goes to a tribunal hearing. The Club Associate is found guilty of the charge. The penalty on the Disciplinary Infringement Notice was AMS plus 4 Matches but because the Club Associate was found guilty of the offence by the Tribunal the penalty increases to AMS plus 6 Matches.

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| 12 | Uses threatening or intimidating language and/or gestures toward a Match Official | AMS plus 4 Matches | AMS plus 6 Matches |
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### Can I have a representative at the hearing?

Yes, and they may be a legal practitioner. However, you will need to attend the hearing even if your representative is speaking on your behalf.

#### Will the Referee be attending, and can I ask them questions?

There is no requirement for referees to attend Tribunal Hearings under the Football West Disciplinary and Grievance Regulations.

It is important to note that Article 7 of the Regulations states that:

- Facts contained in the Match Officials' reports are presumed to be accurate.
- Proof of inaccuracy of the report may be provided by any party.
- If there is any discrepancy in the reports from various Match Officials and there are no means of regarding incidents that occurred on the field of play and the Match Commissioner's report is considered authoritative regarding incidents that took place outside the field of play.

Referees may choose to give evidence at the hearing either in person or by telephone. If they do, you can ask them questions through the Chair of the Tribunal Panel.

### What decisions can the Tribunal make?

If you choose to have your matter determined by the Tribunal, after hearing all of the evidence the Tribunal may:

- Make a finding that the offence has not been proven in which case it may remove or decrease any additional suspension that may have been imposed.
- Make a finding that the offence has been proven in which case the Tribunal may, in its discretion, increase the penalty or impose any additional sanctions on the Club Associate or Club as it sees fit.
- Make a finding that the Club Associate or Club is guilty of a different offence in which case, if the Tribunal in its discretion sees fit, it may impose any sanctions on the Club Associate or Club as it sees fit.
- Make such other findings as required by the nature of the hearing.

### When does suspension commence?

If you have been found guilty of an offence which imposes a suspension, your suspension will commence from the date you receive the tribunal's decision unless you choose to appeal the decision within the 5-day time limit for lodging an appeal.

### I'm not happy with the Tribunal's decision, can I appeal?

A tribunal decision can be appealed but only on the following grounds

- You were not afforded a reasonable opportunity to be heard.
- The decision was affected by bias.
- The decision was not reasonably open to the Tribunal to make having regard to the evidence before the Tribunal

An appeal hearing is not an opportunity to re-hear the matter because you did not agree with the Tribunal's decision. We recommend that you carefully consider whether one of the 3 grounds for appeal applies before lodging an appeal.

#### Important to remember:

The Tribunal's role is to determine whether you or the Club committed an offence under the table of offences. It is important to address the alleged offence in your request for a tribunal hearing. The tribunal panel will consider all of the evidence and then make their determination.