

FOOTBALL WEST

Tribunal Procedures FAQ



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How do FW decide the initial penalty?

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

Football West then applies the Penalty asset 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 (prescribed form 5) 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 5:00 pm, 5 Business Days after receiving the Disciplinary Infringement Notice.

Please also review the Disciplinary and Grievances Regulations.

How much does it cost?

The following application fees must be paid when submitting the request for a hearing or the request will be denied.

All Senior Competition **\$550**

All Junior Competition **\$330**

If the charge is not upheld or the Tribunal directs it, the hearing fee will be refunded.

When does the reduced penalty in the Table of Offences apply?

The reduced Penalty is applied when the Disciplinary Infringement Notice is issued by Football West. If you challenge the notice at a tribunal hearing and the charge is upheld, then the Tribunal may impose the Tribunal Penalty (See Schedule 1 – Table of offences in the D&G Regulations).

Example

A Club Associate is charged with Offence 21 and takes the matter to a tribunal hearing. The Club Associate is found guilty of the charge. The penalty on the Disciplinary Infringement Notice issued by Football West 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.

| Offence | Offence Description | Penalty | Tribunal |
|---------|---|----------------|------------------------|
| 21 | Uses threatening or imitation language and/or gestures towards a match official | AMS +4 Matches | Penalty AMS +6 Matches |

Can I have a representative at the hearing?

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

*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. Following an Appeal Hearing the Football West process is completed. In exceptional circumstances FA may elect to hear an appeal from the Football West Appeals Tribunal.

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 the evidence and then make their determination.

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. You may request that the referee attend but please note you may be charged for their travel costs.

It is important to note that Article 15 (6) of the Regulations states that:

- Facts contained in the Match Officials' reports are presumed to be accurate for the purpose of any action taken in relation to alleged misconduct.
- The onus is on the party challenging the facts set out in an Official Match Report to establish on the balance of probabilities, that the facts are inaccurate or otherwise misrepresent the incident, conduct or event.

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 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). Any suspension you have served in the meantime will be counted towards the serving of your suspension.

When you request a tribunal hearing, Football West will determine whether you will be allowed to play while the hearing is pending. Please note that in certain circumstances, such as an offence against a match official, you may not be allowed to play prior to the hearing. Any determination Football West makes in relation to these matters is final.

Can I appeal the Tribunal decision?*

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.