

VAFUA Tribunal Process

Introduction

This guide has been produced for Members of the VAFUA to assist them when making a report in a VAFA game. It covers the initial incident, paperwork, procedures, and attending the tribunal. It also has advice from experienced leading VAFUA umpires and well respected, current serving tribunal chairman. The two chairmen you will hear from are 2 of the most senior Criminal Magistrates in the Victorian Legal System.

Making a Report

During a game there may come a time when you will be required to make a report. If this occurs the following is guide on what to expect.

1. As you witness the incident blow your whistle and trigger into the incident, if it is an offence against another player then there is potential for remonstrations from opposition players.
2. Keep your eye on the reported player and the player he has offended against. If you are able to note the numbers in your mind now then do so.
3. When you have any remonstrations that occurred under control make the report. From this point on take your time, get it right. The game won't start without you. Ask the player to come to you. Don't go chasing him around the ground. Tell his teammates to send him over if required, if he doesn't come tell his captain. Be confident, calm and controlled.
4. Tell the player he is reported and for what. Something like "I am reporting you for striking, do you understand that?" By asking him if he understands ensures there is no misunderstanding in what has occurred. Note down the player's number and at this stage show the player a red card or a black card. It is your sole discretion if the offence is worthy of a red card or a black card. A black card should only be issued when an extremely serious offence has occurred.
5. Inform the player of the penalty he is receiving and how long he is off the ground for. "Mate it's a red card for the report and you are off and can't be replaced for 12 minutes of playing time". If you don't get to this and the player goes off don't worry. Ensure that you do communicate it to the team runner and the first available opportunity.
6. Then attend the witness player. Inform him of what has occurred "I have reported Number 1 for striking you, do you understand that?". Note any response he gives. Also start to note any injuries or treatment this player is receiving. You can give this evidence later at the tribunal. If the player is in the middle of receiving serious medical treatment then don't worry about informing him of the report.

7. At the next break in play you get start making mental notes about the report. Think of the lead up play, where the ball was, where the incident occurred, who was around the ball, what directions the teams are kicking to, what conversation took place, what remonstrations occurred.
8. At the next ¼ break start making physical notes in your notebook of what occurred. I cannot emphasise enough how important notes are.
9. In criminal law matters Police are routinely cross examined on what occurred in an event. Without making notes to refresh memories their credibility and accuracy is strongly challenged and most likely will be defeated. By making notes at the time or immediately after an incident it gives you better recall of what occurred and will give you more credibility at the tribunal if you can show that you wrote everything down at the time or immediately after and are not just relying on free recall.
10. From this point on there is no more discussion about the report. Except with other VAFAUA umpires you are running with on the day. If other players from either team, official, coaches, spectators, vafa official asks you anything about the report except for what he is reported for then the reply you must give is “at this stage it’s before the independent tribunal so I can’t comment”. That is the only reply you give.

Notes

Refer to the tribunal DVD produced for a guide on making notes.

Paperwork

At the conclusion of the match you will be required to fill out a VAFA report form. No other person except for VAFAUA running umpires from that day should be allowed in the rooms. If a team manager knocks just tell them you are still doing the paperwork.

Again there is no rush, so take your time and get it right. Read the VAFA handbook and a VAFA report form to get an idea of what reportable offences there are.

A VAFA report form will look like this.

SPORTSCOVER
V.A.F.A. MAJOR SPONSOR

UMPIRE REPORT FORM
"SCHEDULE D"
(ONE FORM PER PLAYER REPORTED IN MATCH)

V.A.F.A. Copy

The following player was involved in a reportable incident during the A (SECTION) match on 10/4/2010
Old Xaverians v. Old Brighton

PLAYER SMITH, John NUMBER 1 CLUB Old Xaverians
SURNAME FIRST NAME SENIORS, RESERVES, U19, U18, CLUB XVIII

(as per Rule 106 of V.A.F.A. Rules)

(i) **Charges MAY be heard by Tribunal – Under-19 and Under-18 players must attend Tribunal** Prescribed Penalty

UMPIRE TO TICK APPROPRIATE BOX

| | |
|---|-----------|
| <input type="checkbox"/> Time-wasting | 1 match |
| <input type="checkbox"/> Interference with a player kicking for goal | 1 match |
| <input type="checkbox"/> Disputing an umpire's decision | 1 match |
| <input type="checkbox"/> Assault of another person | 4 matches |
| <input type="checkbox"/> Abusive or insulting language | 2 matches |
| <input type="checkbox"/> Audible obscenity | 1 match |
| <input type="checkbox"/> Shaking a goal post | 1 match |
| <input type="checkbox"/> Throwing an opponent | 2 matches |
| <input type="checkbox"/> Violently pushing an opponent | 2 matches |
| <input type="checkbox"/> Attempting to strike | 1 match |
| <input checked="" type="checkbox"/> Striking a player (NB see section (ii) below) | 2 matches |
| <input type="checkbox"/> Charging an opponent | 2 matches |

When you come to the part of selecting the box appropriate for the penalty it is the umpire's sole decision if the charge is serious enough to elect that the matter must be heard by the tribunal. This means that a player cannot elect to take the prescribed penalty.

All under 19 players must attend the tribunal.

It is a V.A.F.A. directive that all reports for abuse of an umpire or abusive language to an umpire MUST be heard by a tribunal. This means that they cannot take the prescribed penalty. You will tick the box to have it heard by a tribunal.

Where it comes to the 'details' section of the report less is better. Keep it very simple.

"Details of the incident are as follows" – Here is a sample of what you should write "Player John Smith, number 1, Old Xaverians was reported for striking player Tom BROWN, Number 3, Old Brighton".

Elbowing (of a serious nature)
 Eye-gouging (of a serious nature)
 Head-butting (of a serious nature)
 Spitting (of a serious nature)

*NOTE: It is the umpire's sole discretion as to whether striking/attempting to trip/tripping/elbowing, eye-gouging, headbutting and spitting is category (i) or (ii).

DETAILS:
 I was officiating as Field/Boundary/Goal umpire. During the 2nd quarter the incident indicated
 Details of the incident are as follows.

player John Smith, number 1, Old Brighton was reported for striking player Tom Brown, number 3, Old Brighton

UMPIRE'S SIGNATURE: *[Signature]* NAME: (PRINT CLEARLY)

UMPIRES: Tick this box if you consider the incident in this instance is serious enough
 CLUB (NOT CLUB OF REPORTED PLAYER): Tick this box if your club considers the matter should be referred to the Tribunal. (For this option to be exercised a bond of \$200 must be lodged following the match. Such bond to be refunded at the discretion of the Tribunal Chair)

| | |
|-----------------------------|-------|
| CLUB ACKNOWLEDGEMENT | PLEA: |
|-----------------------------|-------|

That is it. Don't go into details about if it was with the left hand or right hand or what point of the ground it was at.

Just the players names and the offence. That is it, An example of an abusive language charge is "Player Charlie Bloggs, Number 7, Old Haileybury, was reported for abusive language towards an umpire."

That is it. Don't go into what they said or what occurred anymore than what you wrote down.

Sign the report form and then check it. After you have checked it, give it to another umpire to check. After they have checked it, you can then call in the team managers. If there is a witness player try to have the 2 team mangers there at the same time. When the managers are present read out the report with something like "Thanks guys, we have had a report in today's game and it is as follows, player John SMITH, Number 1, Old Xaverians was reported in the 4th quarter for striking player Tom BROWN, number 3, Old Brighton".

Then get each manager to sign the report sheet and then separate the copies. The blue copy goes to the reported players club, the yellow to the witness, if any, and the pink is your copy.

Put the white master report form in the match day paperwork envelope.

Now is a really good time to finalise your notes.

Procedures

As you have had a report occur in your match, the after match paper work must be hand delivered to Elsternwick Park.

Brian Goodman must be called at your earliest convenience to notify him of the report.

Then hand deliver the paperwork. The paper work must be at VAFA headquarters by no later than 9.00a.m. Monday morning.

If a player elects to take the prescribed penalty you will not be required to attend the tribunal. Sue Anderson or someone from the VAFA will call you on Monday. If you don't hear from her then you will be required to attend. Check the VAFA website to see if you are required.

If you are under 19 then the VAFAUA will have an advocate attend with you. A list of the advocates for the season will be listed in the VAFAUA rooms. The advocate will make contact with you to speak about your report.

Attending the Tribunal

Appearance – When attending the tribunal before you even walk through the door give some thought to your appearance. You want to project a professional image. Your appearance will go a long way to have the tribunal accept your evidence as credible and professional. Bear in mind that the reported player, if they are serious about trying to beat the charge, will most likely wear a suit. If you can wear a suit and tie then do it. It is professional. If you can't do that then look for an umpires association polo top with slacks. Avoid wearing jeans.

Arriving – When you arrive at Elsternwick Park go to the down stairs social room's area of the main building. Tell the VAFA officer your name, then take a seat. All of the other players and umpires who have reports will be down here. If you are under 19 your advocate will guide you through the process. When all players for your case are present you will eventually be called upstairs to a tribunal room.

The Tribunal

The VAFA tribunal consists of 3 members. When you walk in you will see the 3 members sitting across a table from you. The person in the middle is the chairman. Always address this person as "Mr Chairman" or "Madam Chairwoman" as it dictates. It affords respect to the position. The other two members on either side should be addressed as 'Sir' or 'Mamm'. These are the people you will be giving your evidence to.

Sit down in the seat directed to by the tribunal chairman. Most likely this will be in the middle seat. The reported player and the witness, if there is one, will most likely be directed to sit either side of you.

The tribunal chairman will then read the charge and ask the player if he is guilty or not guilty.

If the player pleads guilty the witness may be excused and the tribunal will hear a summary of your evidence of the incident before determining an appropriate penalty.

If the player pleads not guilty then the witness will be asked to leave the room and you will then give your evidence.

Giving Evidence

Giving evidence is not easy. It takes practice. What you are required to do is to communicate to three people who haven't observed an incident a detailed description of what occurred.

This is where, hopefully, you have made your notes and can then produce them to assist you in giving evidence. It also shows to the tribunal that you are truly professional and are going to give the best possible evidence to them. Before producing your notes ask the chairman for permission to refer to your notes. Say something like "Mr Chairman I made notes of the incident at the time it occurred to help me recall, with the tribunal's permission I'd request permission to refer to them now"

The tribunal chairman will then allow you to produce your notes. It shows a sign of respect to the tribunal by asking for permission.

When you give your evidence start with the lead up to the incident, including which direction teams were kicking, where the incident occurred. There will be a white board on the table. If you feel it will help the tribunal then you should use it as the tribunal like to see where the incident occurred.

Then go about describing what occurred. Something like "I then saw player Smith run out of the pack and strike player BROWN to the head with his fist. He did it very quickly and it was like a boxer throws a short jab. He hit player BROWN with his right fist to his left cheek. When this occurred I was no more than 15 meters away. "

With that sentence you have just described what occurred to the tribunal in a direct and professional matter. Then go onto describe any remonstrations that occurred, any conversation you have with the reported player, any medical treatment the witness received including if he left the ground.

An example of the conversation that is good is something like. "I then informed player SMITH that I was reporting him for striking and asked if he understood that. He then said 'I was in that pack and he smacked me in the back of the head, that's why I went after him'.

You should also state how far you were from play, if you had an unobstructed view of the incident.

When you have finished giving evidence the reported player will then get a chance to question you. This is only a chance for the player to question any of your evidence, not chance for them to start their evidence.

Your answers here are very important. Listen to what they are asking. If they try and suggest things like "how could you see as I would say that there were heaps of players in between you and the incident".

Answer it confidently and refute it directly with “no, that’s incorrect I had a clear uninterrupted view of the incident, I am certain of what I saw.”

When something is put to you that is incorrect or suggesting something that did not occur then refute it. “No that’s not what occurred Mr Chairman”.

When you are giving evidence or answering questions put to you by a player or the tribunal never, ever use these words.

“I think it was...”

“I don’t know but...”

“I’m pretty sure...”

“I’m fairly certain...”

“I’m not quite sure but...”

All of these phrases used in your evidence WILL lead to the charge being dismissed.

The tribunal want to see certainty in umpires giving evidence.

Then tribunal members will then ask you questions. Again be confident in your responses. Responses such as “yes Mr Chairman as I said in my evidence I was no more than 15 meters away”, “I clearly saw the incident”, “Yes I am certain”.

If there is a witness player they will then be brought in and asked to give their version of events. Again listen. Players will sometimes try and adhere to the unwritten rule of looking after the reported player by playing down the impact or give a less truthful version of events. Don’t be alarmed if this occurs. The tribunal knows this happens.

Listen for key phrases the witness uses. There is a possibility that the players have spoken to each other and will make their evidence extremely similar. This is called collusion and it is illegal. If this has occurred their evidence will sound too alike. A smart tribunal will pick up on this.

After their evidence you will get a chance to question them. Only a few question is best as the tribunal will ask a lot of questions. If you do want to question the witness a good few are “why did you have to go off? What medical treatment did you receive? How many weeks will you miss as a result of the injury you received? What did you start remonstrating with player SMITH? Why did you say ‘he hit me’ when I made the report.

The reported player will then get a chance to tell his version of events. Don’t interrupt just listen. You know the truth so wait for the area where the truth gets blurred and the player will start to tell a differing version of events. Remember that you are dealing with 3 very experienced members of the tribunal who see this every week. They will pick up on it too.

At the conclusion of the reported players evidence you will be asked by the tribunal if you have any question about the players evidence.

Only a few or none are best. You don't want to start questioning the player and give him a defence through your questions. The tribunal will be keen to question the players so it is best to let them do it. An experienced magistrate and tribunal members will see straight through a concocted story very quickly.

If you do feel questioning the player would help then something along the lines of these can help.

If there has been a big reaction by opposition players to the incident then ask the player why that would occur. Ask how did the opposition player get his injury and be forced to leave the field after that incident. If they have given evidence about not remembering the point of impact then ask them why they can remember the lead up and what occurred after but not the point of impact.

Ask them if they spoke to the witness after the incident. If they say yes then ask them why. If he says 'to apologise' then ask why he needed to apologise.

Remember only a few questions are best.

The tribunal will then ask the reported player if they have any other witnesses. If they do, the witnesses will then be brought in and will give their evidence. Don't worry if they have a witness. The fact they are bringing someone in is a big gamble. The tribunal knows that this evidence is already tainted. By that I mean that it is not independent. And will know that the witness has already spoken to the club. Again listen very closely to what they say and see if the evidence sounds too similar. When you get your chance to question them ask them which club they support, why were they there that day. Do any of your sons play football with that club? Who are the only independent people present there that day? With these questions you can blow their credibility right out the door from the beginning and show that their evidence can't be trusted.

After all witnesses have been called the tribunal chairman will then ask you to summarise your case.

Summary

Have your summary in your mind and ready. Something like

"Mr Chairman you've heard my evidence tonight. I observed a reportable striking incident by player SMITH and for that reason I made the report. I had a clear uninterrupted view of the incident and I am certain of what occurred."

If the witness player's version supports your version then say it.

"Player BROWNS recall of events I believe corroborates my evidence."

If a witness has been produced then here is where you question their independency. "Mr chairman I believe that Witness X produced by Old Xaverains is unreliable in that he is a tainted witness. He is from their club and his evidence may be compromised by motivations for the club."

The reported player will then be given a chance to summarise his case.

Take note here. This is not the time for the player to lead evidence about what a great guy he is. And how he has never been reported before, how he is a state player, all Australian, feeds sick children and helps old ladies across the street.

The case must be determined on the evidence presented. Not character evidence. The tribunal chairman should stop him. If he doesn't then interrupt with;

"Mr Chairman I believe it is inappropriate at this time for character evidence to be given".

It should then be stopped. If it doesn't then it is the tribunals decision to hear it.

After the players has summarised his case you will be then asked to leave the room with all of the players. Most likely the witness will be excused and won't have to come back. Sometimes the tribunal will exclude you and you won't be required to come back.

When they have reached a decision they will call you back to the room and will give a verdict of guilty or not guilty.

If a verdict of not guilty is reached then thank the tribunal members and leave.

If the player is found guilty it is now time for the player to give character evidence about how great a guy they are and their exemplary record.

Sometimes you will be asked to leave the room whilst the tribunal determines a penalty before being asked to come back in. Quite often they will have already determined a penalty and will give it straight away.

At the conclusion thank the tribunal members and then leave.

Conclusion

Attending the tribunal can be a daunting experience for a first time. But proper planning including taking notes can take away a lot of the stress. Often umpires are critical of a tribunals decision when a players is found not guilty. Quite often it is the umpires evidence that can be the reason for the decision. Often the umpire has used phrases such as "I think so" or "I'm pretty sure" or the like.

Remember, it is not our job to determine guilt or innocence. It is our job to give the best possible evidence to the tribunal. Whatever the decision is reached after that is not our worry. If you have given your evidence to the best of your ability then walk away with your head held high knowing you have upheld the VAFA and VAFAUA values.