



LACROSSE
VICTORIA



Match Day Disciplinary By-Law

Lacrosse Victoria Incorporated
Registration No A0026273K

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1. INTRODUCTION

1.1 Preamble

- (a) This Match Day Disciplinary By-law (“the By-law”) has been prepared to assist Lacrosse Victoria members in dealing with competition related offences and disputes which may arise in the conduct of lacrosse programs (trainings, interclub matches), competitions, tournaments and events throughout Victoria.
- (b) Incidents or issues identified as “out of competition” are to be facilitated as per the LV Disciplinary By-Law, see “LV Constitution”.

1.2 Adoption of this By-law

- (a) This by-law is made under rule 20.1 of the LV Constitution and comes into operation from 12 March 2019.
- (b) This by-law is binding on all members of the association, as per clause 8.8 (b) of the LV Constitution, and other persons or organisations which submit themselves to the jurisdiction of LV. This by-law and the procedures outlined are to govern both the conduct of LV members and all other affiliated organisations for their competitions and tribunals.
- (c) Any and all By-laws of the association previously made concerning Tribunals and commissioners are expressly rescinded. For the avoidance of doubt, all penalties handed down under the previous disciplinary by-laws shall continue to be recognised by the association.

1.3 Authority of Tribunal

- (a) LV has the power under its constitution to hear and determine charges made against persons, affiliated associations, teams or clubs arising from or related to lacrosse activities, matches and competitions conducted by:
 - I. The association itself; or
 - II. Its affiliated associations (referred to in this By-law as “Organising Bodies”)
- (b) LV and each affiliated association have the right to delegate the power of hearing and determining charges in accordance with the provisions of the By-law.
- (c) Where a matter arises for determination by a Tribunal it shall be dealt with at first instance by the Tribunal of the relevant affiliated association. Where an affiliated association has not convened a Tribunal in accordance with this By-law matters may be referred to the LV Tribunal with the consent of the General Manager of LV.
- (d) The Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person involved with lacrosse and / or the Organising Body (including, but not limited to players, coaches, teams, clubs, officials or spectators) in accordance with this By-law, regarding any incident arising from an activity conducted by an Organising Body. The incident may have occurred before, during or after the conduct of the activity, within the confines of the stadium, activity venue or its immediate surrounds, or elsewhere if directly related to a lacrosse activity of any sort.
- (e) In particular, the Tribunal shall have the power to deal, under this By-law, with behaviour that is lacrosse related and occurs or utilises a technological medium such as:

- I. Mobile phones;
 - II. Email or Instant Messaging services (including SMS);
 - III. Internet forums;
 - IV. Internet social networking sites (such as, but not limited to, Facebook, Twitter);
 - V. Other technologies that are a means of communication.
- (f) The Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by the relevant Organising Body.
- (g) The Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this By-law.
- (h) Delegation by GM
- I. The GM may delegate to any member of the staff of LV any of the GM's powers, duties or functions under this by-law, except this power of delegation.
 - II. Any delegation made by the GM must be made in writing.

1.4 **Respect of Determinations**

- (a) Subject only to the specified rights of appeal, a determination of the Tribunal or the Appeals Board (Determination) is final and binding on all parties. The parties must undertake to carry out the Determination without delay.
- (b) A failure to comply with a Determination within the manner or time as prescribed by that Determination is itself a breach of the Rules of Competition and the non-compliant party will be subject to further sanction as determined by the Board.
- (c) Any party who fails to pay another party a sum of money in full as required by a Determination may be:
- I. Fined;
 - II. Given a time limit in which to settle the debt; and
 - III. If the party the subject of the Determination is a Club, that Club will have 3 Championship points deducted from each of its teams in LV competitions if it has not paid by the time limit.

1.5 **Membership of Tribunal**

- (a) The Tribunal panel shall be appointed by the relevant Organising Body or Constituent Association and shall comprise of the following persons:
- I. a Tribunal chairperson who shall be a person of experience and skills suitable to the function of chairing the Tribunal and discharging the responsibilities set out in clause 1.6;
 - II. no fewer than three Tribunal members
- (b) In appointing Tribunal and Appeal Board members, Organising Bodies and Constituent Associations shall have regard to the desirability of pooling Tribunal

members with other associations with a view to maximising the expertise in handling disciplinary matters within the sport of lacrosse.

- (c) A person appointed as a Tribunal Member or Appeals Board member may be removed from the Panel of Tribunal Members at the discretion of the GM. The GM must adequately justify their decision to the organising body committee of management.
- (d) Where a Tribunal chairperson or Tribunal member resigns or is dismissed such that a vacancy exists on the Tribunal, the management committee of the relevant Organising Body or Constituent Association shall act to fill such vacancy by appointing a replacement for that position as soon as is reasonably practical to do so.
- (e) Wherever possible, matters referred to the Tribunal for determination shall be heard by three members of the Tribunal as determined by the Tribunal chairperson, however a quorum of the Tribunal shall be two (2) members.
 - I. Where the Tribunal is constituted by 3 persons then it will be sufficient for a majority of those persons to agree on the decision.
 - II. Where the Tribunal is constituted by 2 persons the Chairperson shall have a casting vote.
- (f) A person shall not be appointed to a Match Tribunal if they:
 - I. are a current member, officer or official of one of the clubs involved in this tribunal, or
 - II. are a LV Director, or LV Employee, or
 - III. are a party to or in any way directly involved in a matter to be heard by the Tribunal, or
 - IV. otherwise has any relationship with any party to the matter such that that person is or may reasonably be seen to be not independent.
 - V. If a Tribunal Member becomes aware that he/she has a relationship with any party to the matter of a nature that they believe they may reasonably be seen to be not independent, then they must withdraw from the Tribunal.
- (g) No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.
- (h) A Match Tribunal Coordinator (or Minute Secretary) may be present, but the Match Tribunal Coordinator (or Minute Secretary) has no vote on the matter before the Match Tribunal if they are not an appointed Tribunal member.

1.6 Responsibilities of Tribunal Chairperson

- (a) Without limiting the duties of the Tribunal chairperson as set out under the various clauses of this By-law, a person appointed to the position of Tribunal chairperson shall have the following responsibilities:
 - I. to ensure accurate records are kept of all of the Tribunal's proceedings and decisions and to make such records available to the Organising Body upon request;

- II. to communicate to the Organising Body the results of hearings of the Tribunal;
- III. to chair hearings of the Tribunal or to ensure that such task is delegated to a member of the Tribunal;
- IV. to raise with any proposed Tribunal member any potential or possible conflict of interest which may arise from time to time.

1.7 Recordings of Tribunals proceedings and determinations

- (a) The method of recording the proceedings of the Tribunal shall be at the discretion of the Tribunal chairperson.
- (b) All findings of a Tribunal shall be in writing and any determinations provided to the Associations and recorded in the relevant player's personal record.
- (c) All findings and determinations of a Tribunal shall be kept with the secretary of the association or their delegate.

2. DEFINITIONS

“Classifiable offence” means any offence which is listed in this by-law as an offence that can be classified by the organising body.

“Club Associate(s)” means one or more of the following, whether individually or collectively:

- I. Club Office Bearers;
- II. Club Officials (coach, team manager, anyone who is officially associated with the Club).
- III. Players of a Club;
- IV. Members of a Club;
- V. Supporters of a Club including spectators at a Game who unless otherwise identified with a Club shall be deemed to be supporters of the Home Club;
- VI. Any person(s) involved with and/or who contributes to the game of Lacrosse in any capacity.
- VII. Club(s).

“Committee of management” means the governing body as appointed under the organisations constitution to oversee the management of the sport in its jurisdiction, ordinarily it is used interchangeably with meaning and referring to the “Board”.

“Determinations” means the findings and sanction as determined by a match tribunal, appeals board or organising body in review of a report.

“Findings” means the findings of fact on any report that is to be taken as the record of what action of misconduct occurred and the detail of the events concerned.

“General Manager (GM)” is used in reference to the delegated staff member to enact the by-law on behalf of the committee of management, an alternative title may be used from time to time for this individual.

“Investigations officer” means the person appointed by the organising body to review any report that requires investigation to determine the basis of the report where further information is required in order to determine how the report is to be dealt with according to this by-law.

“Legal practitioner” refers to a person holding a practicing certificate as a lawyer.

“Member” is used interchangeably to refer to those parties as defined as a “club associate”.

“Misconduct” has a wide meaning and generally is any conduct which could be regarded as unacceptable or unsportsmanlike by other participants in the match or where it had the effect or potential to prejudice the reputation of any person, club or lacrosse or to bring the game of lacrosse into disrepute.

“Notifications” means the official correspondence by the organising body to an individual subject to a report.

“Organising bodies” is used to refer to the controlling body for a competition or the sport of lacrosse in its jurisdiction. Most commonly in reference to the state association or other governing body.

“Out of competition” refers to events or actions which do not occur at times this by-law is defined to cover and are normally associated as occurring when lacrosse is not being played but relates to an incident occurring connected to the organising body.

“Reportable Offences” means any act or incident that is defined in this by-law as being required to be reported or as determined to be reportable by the organising body.

“Reports” means the completed form detailing an incident or event that can be defined as a reportable offence under this by-law.

“Reputable person” means a person determined to be honest, genuine and credible that is trustworthy to lodge a report.

“Requestor” means a person who is seeking that a sanction imposed on them is reviewed and reconsidered.

3. REPORTS AND NOTIFICATIONS

3.1 Reports by officials

- (a) Any Organising Body Game official including bench officials who has been so empowered by the relevant Organising Body, shall be entitled to report any person, team or club which, in the opinion of the official has committed an offence under this By-law.
- (b) The official shall notify the player(s) or person concerned advising them that they have been reported, if practicable to do so at the time of the incident.
- (c) The official, if practicable, shall make a note on the scoresheet prior to signing the end result of the game, that a player has been reported, this note shall be as simple as writing “Reported” next to the name of the player(s) concerned.

3.2 Reports by reputable individuals

- (a) Individuals other than the game officials may lodge a report using the required form and comply with the requirements under clause 3.3

3.3 Requirements of reports

- (a) The reporting official or reputable individual making the report shall complete the report using the relevant form available from time to time on the website of the organising body or directly from the organising body and submit this with the organising body as directed on the form.
- (b) The report is to be submitted in writing in complete detail and using the required form to the Organising Body which must be received no later than 12pm on the first Monday after the conclusion of the match.

3.4 Review and processing of reports

- (a) The organising body shall review and consider all reports on their merits. The organising body may investigate any matter which in its opinion is relevant to whether or not a charge of Misconduct ought to be laid. Such investigation may be initiated on the basis of the report of an Accredited Referee or Umpire appointed to the match, a complaint by a Club, a report of any other person, or on the basis of any other evidence which in the opinion of the organising body is credible.
- (b) Notwithstanding any other provision within these rules the organising body may determine that they will deal with, or continue to deal with, a matter in accordance with this section (3.4) in order to further the objects of the organising body.
- (c) At any time the organising body may determine whether any charge or report of Misconduct is to be laid and in relation to such charge or report whether:
 - I. It is to be referred to the Match Tribunal; or
 - II. It is to be investigated further by the organising body or person approved by the organising body
 - III. It is to be dealt with by mediation or
 - IV. It is to be dealt with by any combination of the above, or
 - V. No action is to be taken; or
 - VI. It is to be dealt with in any other manner which the organising body deems appropriate;
- (d) and such determination shall be at the absolute discretion of the organising body and not be capable of review by any party.

3.5 Notifications

- (a) Following receipt of reports that are complete in form, the organising body shall provide a notification of the decision in how the matter will be dealt by 3 pm Monday each week, in accordance with the directions in clause 3.4 and 4.2.
- (b) The Organising Body shall require each team entered in competitions to designate on the entry form the address, telephone number and email address or other

electronic contact details of the club and team secretary, or manager, to be used for notification of reports.

4. INVESTIGATION AND DETERMINATION OF CHARGES

4.1 Investigations

- (a) The Organising body will assign an Investigations Officer to review any report it requires further information on before determining what action is appropriate to deal with the report.
- (b) The organising body in its sole discretion may dismiss or choose not to investigate any matter which it determines is a vexatious claim.
- (c) Appointment of Investigations Officers shall be made by the Organising Body from an approved list of individuals.
- (d) Role of the Investigation Officer.
 - I. Investigations Officers will investigate any matters referred to them from the organising body and will advise the organising body what action should be taken.
 - II. Such investigations may be carried out by the investigations officer and all parties are required to cooperate fully with the investigations officer.
 - III. Investigations are to be completed as soon as practicable but must be completed within 7 days of the report being investigated was first received by the organising body.
- (e) Following an investigation, the outcome of the report shall be determined by the organising body in accordance with clause 3.4.

4.2 Determination of type of offence and appropriate charge(s)

- (a) Only the Organising Body, its General Manager (GM) or a member of the Organising bodies staff designated by the GM may bring a charge or report on behalf of the organising body against a Club Associate or a Match Official.
- (b) Following review of a report or investigation the organising body shall determine whether the individual shall be charged with a reportable offence, and if so the appropriate type of reportable offence.
- (c) There are two types of reportable offences:
 - I. A classifiable offence – graded according to this By-law
 - II. A direct to tribunal offence – as determined in this By-law
- (d) In the event that a report does not result in a charge being laid, the reporting official may have one opportunity to request a reconsideration of this decision if the determination has been made without an investigations officer having reviewed the report.

5. PROCESS FOLLOWING DETERMINATION OF OFFENCE AND CHARGE(S)

5.1 Notification of determination on a report

- (a) The organising body shall advise the individual member and their club whether or not that player has been charged with a reportable offence and if so the type of offence and corresponding base sanction for that charge. Where the organising body determines that no charges or no further action will be made of a report, they will provide reasons for this decision in writing to the person making the report and the reported individual(s).
- (b) This notification shall include a copy of the report form and report from any investigation.

5.2 Opportunity to accept the charge and sanction (early plea)

- (a) For classifiable offences that are not directly referred to the tribunal a player has the opportunity accept the charge and plead guilty and accept the corresponding sanction.
- (b) The charged individual must advise the organising body within 24 hours of the determination of charge and penalty provided. Failure to respond or a request to contest the charge will result in the charge being referred directly to the tribunal.
- (c) If the player makes an early plea the corresponding reduction of sanction shall be applied. And the sanction formally notified according to the notification requirements of this by-law.
- (d) A player may accept and make an early plea on the charge but still contest the stipulated sanction. And the organising body may still refer an early plea to a tribunal for determination of the appropriate sanction if they are unable to determine this.

5.3 Period between report and tribunal

- (a) A charged person/team or anyone representing a charged person/team is not permitted to contact a reporting official or other parties involved in the reported incident, excluding their own witnesses from the time in which they are informed that a report will be submitted and the tribunal hearing.
- (b) A charged person, team or club shall be entitled to participate in lacrosse competitions conducted by the Organising Body until such time as the Tribunal has heard and determined the report.

6. MEDIATION

6.1 Mediation meeting

- (a) In relation to any alleged Report or other matter, LV may require a Club Associate to attend a meeting with LV and an independent person who shall act as a mediator for the purpose of attempting to reach agreement as to how such allegations are to be dealt with.
- (b) Such meeting shall be conducted on a without prejudice basis and the mediator shall have no power to impose any decision on any of the parties.
- (c) A failure by a Club Associate to attend such a meeting when requested with reasonable excuse shall amount to Misconduct.

- (d) Unless agreement is reached at such a meeting and recorded in writing and signed by the parties, LV may in its complete discretion, decide to refer any allegations of Misconduct or other matters to the Match Tribunal.
- (e) LV must not refer a charge to the Match Tribunal unless it has made reasonable attempts to allow the subject of the charge to be heard prior to the charge being laid, when the matter was directed to be dealt with by mediation.

7. CONDUCT OF THE MATCH TRIBUNAL

7.1 Attendance at Tribunal hearings

- (a) The following persons shall be required to attend a Tribunal hearing conducted under this by-law:
 - I. the charged person;
 - II. the president, secretary or other delegate representing a charged team or club;
 - III. the reporting official(s);
 - IV. any other person involved in the report;
 - V. witnesses as indicated by the reporting official or charged person to be notified by the organising body;
 - VI. any witness required by the Tribunal;
 - VII. A representative of the organising body.
- (b) The following persons shall be entitled to attend a Tribunal hearing as appropriate:
 - I. any adult adviser to a charged person or reporting official.
- (c) The following persons shall be entitled to attend a Tribunal hearing with the permission of the Tribunal:
 - I. approved representatives of the media
 - II. Any other person
- (d) Legal representatives or advocates are permitted to appear before the Tribunal where leave to appear has been granted by the Tribunal chairperson.

7.2 Pre-Tribunal Hearing Procedure

- (a) If the organising body refers a matter to the tribunal or a charged player wishes to contest a charge, then the following requirements must be met:
 - I. All individuals required to be in attendance as per clause 7.1 shall be notified of the time, date and place at which the hearing shall take place. (This shall normally be each Thursday at 6.30 pm at Sports House.)
 - II. Any additional information or statements not previously provided to the player at the time the charge was laid in accordance with clause 5.1.
- (b) Any party involved or attending a tribunal may make written representations to the Match Tribunal and/or appear before the Match Tribunal to make submissions.

- (c) If the charged person is under the age of 18 years, or otherwise unable to represent him or herself, then they are to be advised that they have the right to have an adult (not being an appointed legal practitioner) with or for them at the Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions;

7.3 Conduct of the Match Tribunal – early plea or contested sanction

- (a) In accordance with clause 5.2(d) a match tribunal may then proceed to determine the penalty to be imposed based on the evidence presented.
- (b) Where the matter before the Tribunal is a charge referred by the organising body then a representative of the organising body must attend to present all relevant evidence obtained by the organising body regarding the Charge
- (c) The Tribunal may conduct the hearing in any manner as it sees fit including but not limited to by way of teleconference or video conference and may, if it considers it appropriate, allow an amendment to the charges or adjourn the hearing provided that:
 - I. all parties affected are given a reasonable opportunity to be heard.
 - II. the hearing is conducted with as little formality and technicality and with as much expedition as proper consideration of the matters before it permits.
 - III. The Tribunal will adhere to the rules of natural justice and provide flexibility, while not bound by practices or procedures applicable to court proceedings, to ensure all information and relevant evidence is considered it deems appropriate.
 - IV. The Tribunal at its sole discretion may determine a matter before it in the absence of any parties, in exceptional circumstances.

7.4 Conduct of the Match Tribunal – direct referral or contested charge

- (a) The Tribunal may follow these procedures unless in all of the circumstances of the case the Tribunal determines it is not practical to do so provided always that the principles of natural justice are observed:
 - I. At the commencement of a hearing, the chairperson shall identify the members of the Tribunal and determine whether the charged person is present to answer the charge(s) set out in the report.
 - (A) A party may be represented by a person with legal qualifications only upon application to the Tribunal.
 - II. The charged person shall be asked whether they accept the members of the Tribunal as impartial and independent, or whether they wish to raise any objection in relation to any member. If the objection is found by the Tribunal to be valid, then the Tribunal member shall stand down for the duration of the hearing.
 - III. The charged person and the reporting official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Tribunal considers its findings and determines an appropriate penalty (if any).
 - IV. The chairperson shall advise all those persons present of the method of recording the hearing.

- V. A Tribunal member or the Tribunal chair must read out each charge in the presence of all persons entitled to be present.
- VI. The charged person shall be asked whether the charge(s) is understood, and the reporting official asked whether the charge correctly represents their intention.
- VII. The person charged, if present, must be asked to indicate whether they:
 - (A) Admit the charge(s)
 - (B) Admit part of the charge(s) but wish to bring in other evidence
 - (C) Deny the charge(s)
- VIII. If the charged person admits the charge(s), the chairperson may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Tribunal requires it.
- IX. If the charged person admits part of the charges the chairperson may read a short summary of the facts and ask the charged person to identify what is admitted. Those facts will then be accepted by the Tribunal and no witnesses need be called to give evidence on those matters unless the Tribunal requires it.
- X. If the charged person denies the charges then the chairperson shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with this by-law) to leave the room and to wait to be called to give their evidence. An adviser may not also be a witness.
- XI. The reporting official shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. The charged person or their adviser may ask questions of the reporting official or any witness called.
- XII. Each witness shall be entitled to leave the Tribunal hearing after giving evidence unless otherwise directed by the Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Tribunal.
- XIII. The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. Reporting officials or the adviser to a reporting official who is a minor, may ask questions of the charged person or any witness called.
- XIV. The Tribunal is empowered to question any person giving evidence.
- XV. Where a person exercises their right to have an adult adviser present in accordance with this by-law, an opportunity for consultation shall be provided.
- XVI. Video evidence may be presented at the absolute discretion of the Tribunal.

- XVII. Where the author of a document relied upon by a party is not present to be questioned about that document, the Tribunal may attach such weight as it deems appropriate to the document.
- XVIII. The parties may call evidence from such witnesses as are permitted by the Tribunal and all such witnesses can be subject to questioning by the other party or members of the Tribunal. Where a witness is not present at the hearing either in person or via video link or other telecommunication method to be questioned about his or her evidence, the Tribunal may attach less weight to that evidence as it sees fit.
- XIX. Witnesses and submissions may be called subject to the approval of the number of witnesses to be called by the tribunal in its discretion.
- XX. The Tribunal may either on its own motion or on an application by a party adjourn the hearing of any matter on such terms as it sees fit.
- XXI. At the conclusion of all of the evidence and submissions the chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Tribunal considers its findings.
- XXII. If the Tribunal is not satisfied that a particular charge has been proved but is satisfied that a lesser charge has been established, then the Tribunal may find such lesser charge established and shall apply a penalty applicable to the lesser charge.
- XXIII. Where it appears to the Tribunal that the organising body has made an error in laying the wrong charge or omitted charges that should have been laid, the Tribunal may direct the organising body review these based on evidence presented. In this instance the Tribunal may dismiss the charges as presented, but this does not preclude the organising body from laying new charges related to the matter based on the Tribunal's advice. Further, the Tribunal has the right to direct the organising body that a person other than the charged person be charged with an offence under this by-law on the basis of evidence presented before it during the course of conducting a hearing.
- XXIV. Where charges have been directed to be amended under clause 7.4(a)XXIII, the Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
- XXV. The charged person, reporting official and any witnesses may be present when the decision of the Tribunal is given by the Tribunal chairperson. If the charged person is not present the Tribunal chairperson shall ensure that the decision is conveyed to the charged person by the most expedient means.
- XXVI. Subject to clause 7.4(a)XXII, if the Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- XXVII. If a charge has been found proven by the Tribunal the charged person shall be informed of the finding. Any previous convictions against the charged person should then be laid before the Tribunal.
- XXVIII. The charged person is then given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room a second time. The charged person may, with the consent of the Tribunal Chairperson, call witnesses or submit written

statements or references for consideration by the Tribunal on the decision of penalty.

- XXIX. Where a Club is found guilty of any charge which arises either wholly or partly out of the conduct of a Club Associate (s) the Tribunal may, when considering the question of penalty, take into account any steps taken by the Club to:
- (A) Identify such Club Associate(s) and/or.
 - (B) Minimise the risk of a repetition of such behaviour by the relevant Club Associate(s)
 - (C) Where such steps have been taken, they must be advised to the tribunal prior to penalty being handed down
- XXX. The Tribunal shall then determine the penalty to be imposed (if any) and shall recall the charged person and reporting official to advise of the penalty.
- XXXI. The Tribunal is not obliged to give reasons for any decision made by it under this By-law.
- XXXII. A charged person who has been convicted of an offence and received a penalty under this By-law shall not play, coach, referee or otherwise take part in lacrosse activities as directed by the Tribunal until the penalty has been served to the satisfaction of the Organising Body. However, a decision of the Tribunal does not prevent a person carrying out duties directly related to their employment.

7.5 Question of penalty

- (a) The Tribunal may have regard to any matters which it considers relevant to the question of penalty and, without limitation, may consider:
- I. The seriousness of the conduct with which the party is charged or found guilty of by the Tribunal;
 - II. Any loss or damage sustained or likely to be sustained by any party including but not limited to the organising body howsoever arising from the conduct;
 - III. Evidence of the Tribunal history of the party charged;
 - IV. The extent to which the party has made efforts to prevent the conduct from occurring;
 - V. Insofar as they are relevant, the objectives of the LV Constitution.
- (b) A Tribunal may take into account a charged person's prior convictions in determining a penalty to be handed down provided the penalty does not exceed the maximum penalties assigned to offences.
- (c) The Tribunal has the discretion to rule that a penalty apply only in relation to a particular competition, however this shall only be done in exceptional circumstances.
- (d) The Tribunal has the discretion to apply suspended sentences as part of a penalty provided that they do not exceed the maximum penalties assigned to offences. It is recommended that suspended sentences remain in place for a period of 12 months.

- (e) If a charged person faces another Tribunal in the period in which the suspended sentence is in place (i.e. 12 months) and is found guilty the suspended sentence will be added to whatever penalty is handed down.

7.6 Non-attendance at Tribunal hearings

- (a) If any charged person (or representative of a charged team or club) fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Tribunal in the absence of the charged person, team or club, provided that the Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- (b) A charged person, team or club or reporting official may apply to the organising body GM to have a Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This will be at the discretion of the GM (or the Tribunal if already convened) and if the application is granted a new date shall be fixed.
- (c) A charged person who is unable to attend a Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person intends on pleading guilty, subject to the Tribunal receiving a letter of consent from the charged person containing the person's guilty plea to the charges contained in the report and any statement that person would have given to the Tribunal had he or she attended the hearing.
- (d) If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.
- (e) If a reporting official fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Tribunal in the absence of the reporting official, provided that the Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- (f) If a reporting official or Organising Body official inadvertently fails to carry out any duties listed in clause 7.2, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Tribunal shall take the failure into account and make suitable allowance.

8. SUSPENSIONS

8.1 Definition and Scope

- (a) A Suspension from a Match is a ban on taking part in a Match in any capacity, which includes but not limited to participating in any capacity as a Club Associate, or attending in the technical/bench area.
- (b) A Suspension on a Club Associate must be served in consecutive fixtures for which the Club Associate is eligible (including if necessary in the following competition season and/or Finals Matches) the Club Associate participates in.
- (c) In the case of all Suspensions until the Suspension is served a Club Associate must not participate in any other fixture at any level in LV competitions.
- (d) A Suspension arising out of a Finals Match which is not served in full in that finals series shall be carried over to the following competition season in which the Club Associate participates. For avoidance of doubt the suspension carried over can only

be served in a season in which the individual plays at least one match after completing the suspension.

- (e) If a Match is postponed prior to its commencement, such Match will not be classified as a match served under a Suspension unless
 - I. The match which is abandoned after commencement, or forfeited, shall count as a Match served under a Suspension unless:
 - (A) Any Club or team to which the suspended Club Associate belongs was responsible for the facts that led to the abandonment or forfeit.
 - (B) An incident leading to the abandonment or forfeit of a fixture is referred to the Tribunal.
- (f) All suspensions must be served in full, even those subject to an appeal until the Appeals Board determines the matter.
- (g) Where charges arising from one particular incident are heard together and the Tribunal finds the person or team guilty of more than one offence, it may impose a single penalty, being not more than the maximum penalty for the total maximum penalties of the offences, or it may impose individual penalties for each offence.
- (h) A penalty handed down under this clause shall commence from the date of the Tribunal finding unless otherwise expressly directed by the Tribunal. Penalties should wherever possible be expressed to be calendar weeks as opposed to number of matches. The Tribunal has the discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break or for other reason such as intended absence of the person overseas or interstate.
- (i) Where a Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- (j) Persons on a first offence shall have this taken into account when assessing the penalty to be handed down

9. APPEALS

9.1 Definition and Scope

- (a) Subject to this By-Law a party subject to a determination of the Match Tribunal may appeal such to the Appeals Board.
- (b) A party subject to a determination of the Match Tribunal who does not appear at the hearing of the Tribunal shall have no right of appeal under clause 9.1(a) above unless such non-appearance is due to an exceptional circumstance such as health, accident, death, or other extraordinary situation accepted by the organising body. The onus to establish such exceptional circumstances shall be on the party who did not appear at the hearing of the Tribunal. Work, alleged non-receipt of Notice of Tribunal, and sport related commitments shall not ordinarily be deemed an exceptional circumstance.
- (c) The organising body shall establish an Appeals Board to hear appeals under this By-Law or appeals allowed under any other organising body Regulation, By-Law or Policy. The Appeals Board shall be constituted by such persons as the organising body sees fit.

- (d) The appointment, composition and authority of the Appeals Board shall be in compliance with clause 1.2, 1.3, 1.5, 1.6, 1.7 of this By-law with such modifications as are necessary as though a reference to Tribunal therein was a reference to Appeals Board.

9.2 Right of Appeal

- (a) There shall be no appeal from a decision of the Match Tribunal unless the charged person (“Appellant”) satisfies the Organising bodies GM, or their nominee, in that person’s sole discretion, that one or more of the following grounds of appeal is satisfied:
 - I. That significant new or additional evidence has become available, which is likely to make a material difference to the decision of the Tribunal; or
 - II. That the penalty imposed by the Tribunal is not in accordance with the provisions of this By-law; or
 - III. That the Tribunal failed to follow procedures or requirements of this By-law to the significant detriment of the person seeking the appeal.
- (b) The Organising Body may appeal a decision of the Tribunal on the grounds that the penalty imposed by the Tribunal is inadequate.

9.3 Notice of Appeal and Fee

- (a) Any party subject to a decision of a match tribunal must lodge a notice of appeal within two business days of the decision, as referenced by the date and time the decision is notified.
- (b) A notice of appeal is formally lodged by lodging with the organising body, in writing, a duly completed and signed Notice of Appeal in the form set out on the organising bodies website (or from the organising body) and payment of the appeal fee set at \$300 AUD.
- (c) An Appellant shall be notified as soon as is reasonably possible after receipt of the Notice of Appeal as to whether an appeal hearing is to be granted and the time, date and place of the Appeal hearing, in the event that it is granted.
- (d) An Organising Body wishing to appeal under clause 9.2(b) must:
 - I. Provide the charged person with details of why they consider the penalty to be inadequate and setting out what penalty the Organising Body believes would have been adequate
 - II. Provide an undertaking to pay the charged persons reasonable costs of the Appeal Tribunal if the organising body’s appeal is not upheld.

9.4 Appeal Hearing

- (a) An appellant shall attend and appear before the Appeals Board at the date, time and place fixed for hearing of the appeal. Where an appellant fails to attend before the Appeals Board, the Appeals Board may hear and determine the appeal in the appellant’s absence.
- (b) The Appeals Board shall:

- I. Provide any person whose interests would be directly and adversely affected by its decision a reasonable opportunity to be heard;
 - II. Determine the matter before it in an unbiased manner; and
 - III. Make a decision that a reasonable body could honestly arrive at.
- (c) Where the appeal is in relation to a Suspension, such Suspension shall remain in place pending the determination of the appeal.
 - (d) The Appeals Board must rehear the matter on its merits as a new hearing with relevance to the grounds for the appeal being lodged.
 - (e) Subject to the matters set out in this By-Law the Appeals Board may regulate any proceedings brought before it in such manner as it sees fit.
 - (f) The hearing before the Appeals Board shall be:
 - I. Inquisitorial in nature;
 - II. A new hearing on the merits; and
 - III. Conducted with as little formality and technicality and with as much expedition as the proper consideration of the matters before it permits.
 - IV. If the Appeals Board in a particular matter is constituted by more than one person, the question(s) on appeal before the Appeals Board must be decided according to the opinion of the majority of the members of the Appeals Board hearing the matter. Where the Appeals Board consists of only two persons, the Chairperson shall have a deciding vote if necessary.
 - (g) In the case of all offences, conduct or omissions the Appeals Board may impose such penalty or sanction as it sees fit.
 - (h) Make such other findings as is required by the nature of the appeal that are allowed within the rules of this by-law.

9.5 Appeals Board Decisions

- (a) Subject to clause 9.4(b) a decision of the Appeals Board shall be final and binding on the parties and no party may take any action in any court or tribunal or other forum to challenge such decision or seek to have it varied in any way.
- (b) A request may be made to the Organising bodies committee of management that shows that clause 9.4(b) has not been met and by its absolute sole discretion grant a re-hearing of the appeal.

10. REQUEST FOR REVIEW OF SUSPENSIONS

10.1 Eligibility requirement

- (a) Only an individual subject to a suspension greater than 12 months may apply for a review of their suspension.
- (b) A person who has served at least 12 months of a period of suspension (the requestor), imposed by one of the following, may request the organising body to convene an appeal board to consider whether that person should be released from that suspension (request).

- I. The organising body Match Tribunal;
- II. A Disciplinary Panel (which suspension was not the subject of an appeal); or
- III. An appeal board;

10.2 Request for review

- (a) A request must be made in writing and:
 - I. Include details of the penalty imposed on that person and details of the incident which gave rise to the penalty;
 - II. Include details of the penalty imposed on that person and details of the incident which gave rise to the penalty;
 - III. Set-out the reasons why the suspension should be lifted; and
 - IV. include statutory declarations which evidence facts which supports those reasons.
- (b) Any request for appeal received by the organising body will be referred to the committee of management for consideration.
- (c) If a request has been made in compliance with clauses 10.1 and 10.2, the organising body must, within two (2) business days of receipt of that request, provide to the Secretary of the committee of management:
 - I. A copy of the request; and
 - II. A copy of any document in the possession of the organising body which relate to the process which resulted in the suspension the subject of the request.

10.3 Decision on requests to review suspensions

- (a) The committee of management shall consider only the documents provided pursuant to clause 10.2(c) and advise the requestor whether an appeal board shall be convened to consider that request.
- (b) If the committee of management advises the requestor that an appeal board should or should not be convened, the committee of management must within two (2) business days of the decision give notice in writing to the requestor (by ordinary post sent to the address given in the request) that the request has been granted or refused.
- (c) If the secretary of the committee of management advises the GM that an appeal board should be convened, the GM must within two business days of the receipt of that advice convene an appeal board of three persons, comprising a Chairperson and two other members drawn from the list of persons approved by the organising body pursuant to clause 1.5 to consider and determine the request.
- (d) The GM must give notice in writing of the date, time and venue fixed for the hearing of the request to the requestor (by registered post sent to the address given in the request). The date and time fixed for the hearing of the request must be at least ten (10) business days after the date on which the notice, under clause 10.3(b), is posted.

10.4 Conduct of hearing

- (a) In hearing a request, an appeal board is bound by the Rules of natural justice but may otherwise regulate its proceedings.
- (b) A requestor may at the hearing of a request, may seek to adduce evidence not previously submitted with the request but such new evidence must be submitted in the form of statutory declarations to the GM at least two (2) business days before the time fixed for the hearing.
- (c) An appeal board may waive compliance with clause 10.4(b) and permit such evidence to be adduced subject to any conditions it considers appropriate.

10.5 Decision

- (a) After hearing the request, an appeal board may decide to:
 - I. Lift the suspension;
 - II. Reduce the period of suspension to be served;
 - III. Lift the suspension, or reduce the period of suspension to be served, subject to any conditions it considers appropriate; or
 - IV. Refuse the request.
- (b) An appeal board must announce its decision prior to the conclusion of the hearing.

11. REPORTABLE OFFENCES AND PENALTIES

11.1 Reportable offences

- (a) A reportable offence occurs where a person or player commits any of the offences set out in this by-law or the rules of lacrosse or any other offence referred to the tribunal by the organising body.
- (b) Broadly there are two categories of reportable offences:
 - I. Classifiable offences
 - II. Direct tribunal offences

11.2 Classifiable offences

- (a) The following table details the nature and type of offences that are classifiable offences. It is important to note this is not an exhaustive nor exclusive list of offences that can be determined as classifiable offences by the organising body.

Classifiable Offences

Breach of code of conduct

Charging

Coaching, refereeing, playing, score bench, duties while under suspension

Conduct which brings the game into disrepute

Deliberately endangering the safety, health, of the players, spectators, officials (incidents involving blood/body fluids)

Disputing the decision(s) of a referee and umpire

Eye-Gouging / Unreasonable or Unnecessary Contact to the Eye Region

Failure to attend a tribunal without proper cause when notified
Failure to cooperate in, or hindering an investigation or hearing under this by-law
Fighting
Forceful Front-On Contact
Headbutt or Contact Using Head
Intimidating or bullying a person or attempting do so
Kicking or attempting to kick
Kneeing
Obscene gestures
Public criticism of officials, coaches or players related to lacrosse activities
Rough Conduct
Scratching
Spitting
Stomping
Striking or attempt to strike
Tripping
Unreasonable or Unnecessary Contact to the Face
Unsportsmanlike conduct

(b) Grading classifiable offences

- I. Grading of classifiable offences shall be determined by the organising body without guidance for 2019 (this is while a grading guidance is developed).

11.3 Direct to tribunal offences

- (a) The following table details the nature and type of offences that are direct to tribunal offences. It is important to note this is not an exhaustive nor exclusive list of offences that can be determined as direct to tribunal offences by the organising body.

Direct Tribunal Offences

Attempting to Strike an Umpire
Behaving in an Abusive, Insulting, Threatening or Obscene Manner Towards or in Relation to an Umpire
Intentional Contact with an Umpire
Spitting on Another Person
Spitting on or at an Umpire
Striking an Umpire
Any Classifiable Offence or Low-Level Offence which attracts a base sanction that the organising body finds inappropriate
Any Other Act of Serious Misconduct which the organising body considers appropriate to refer to the Tribunal

12. MISCELLANEOUS

12.1 Relationship with criminal matters

- (a) If during a Tribunal hearing an investigation under this By-law it becomes known that criminal charges have been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, the Tribunal and / or the Organising Body may rule that further action be deferred

until completion of the criminal charges, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.

- (b) In making a determination under clause 12.1(a), the Tribunal and / or Organising Body shall have regard to the need to ensure the ongoing safety of players, referees and other persons involved in the Organising Body.

12.2 Natural Justice

- (a) To the extent that the principles of natural justice are not included in the provisions set out in this By-law they are expressly excluded.

12.3 Recognition of penalties across Associations

- (a) Each organising Body acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by the disciplinary tribunals of all other Organising Bodies, lacrosse associations, leagues and competitions which are affiliated with Australian Lacrosse Australia and or its Constituent Associations.

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