



LACROSSE
VICTORIA



Match Day Disciplinary By-Law

Lacrosse Victoria Incorporated
Registration No A0026273K

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1. INTRODUCTION

1.1 Match Tribunal and Disciplinary Regulations

- (a) The Lacrosse Victoria (LV) Match Tribunal and Disciplinary Regulations are to facilitate the expeditious resolution of disciplinary actions for misdemeanours occurring at LV sanctioned games, competitions and tournaments.
- (b) Incidents or issues identified as “out of competition” are to be facilitated as per LV Disciplinary By-Law.
- (c) These procedures are to govern both the conduct of LV members and all other affiliated organisations for their competitions and tribunals.

2. INVESTIGATION AND CHARGES

2.1 Right to bring a charge or report to the Match Tribunal

- (a) Only LV, its General Manager (GM) or a member of LV staff designated by the GM may bring a charge or report on behalf of LV against a Club Associate or a Match Official.
- (b) LV 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 LV is credible.
- (c) Notwithstanding any other provision within these rules the GM or their delegate may determine that LV will deal with, or continue to deal with, a matter in accordance with this section in order to further the objects of LV.
- (d) At any time LV may determine whether any charge of Misconduct is to be laid and in relation such charge whether:
 - (i) It is to be referred to the Match Tribunal; or
 - (ii) It is to be investigated further by LV or person approved by the GM (refer Rule 4)
 - (iii) It is to be dealt with by mediation (refer Rule 5); 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 LV deems appropriate;

and such determination shall be at the absolute discretion of LV and not be capable of review by any party.

3. PROCEDURES FOR MAKING A REPORT

3.1 Reporting by a Field Official

- (a) The official shall notify the player(s) concerned advising him/her/them of the grounds for the report and shall also notify the bench officials unless the incident occurs after the final whistle for cessation of play. Following the match, the field official will provide to the player(s) reported or club official a written account of the alleged offence(s).
- (b) An Accredited referee or umpire must not report a player unless the referee or umpire considers that, in all the circumstance, the dispositions available to the referee or umpire under the Rules of Lacrosse do not adequately address the severity of the misconduct the subject of the charge.

3.2 Reporting by Bench Officials or Head Coaches

- (a) The bench official or head coach shall call a time out (uncharged at the next dead ball and notify the head field official of the player(s) being reported. The head field official shall then notify the player(s) reported and the bench officials.
- (b) Following the match the bench official or head coach will provide to the player(s) reported or club officials a written account of the alleged offence(s).
NOTE: Players reported by bench officials or head coaches may continue to play.
- (c) The reporting official is to submit a report in writing to the Lacrosse Victoria Office which must be received no later than 5pm on the second business day after the conclusion of the match. The report must be submitted via the LV report template provided on the website and must be completed in full for any further action to be taken.
- (d) Any person wishing to give evidence either for or against the accused must notify the Lacrosse Victoria Office by no later than 5pm on the second business day after the conclusion of the match.

4. APPOINTMENT OF INVESTIGATIONS OFFICER(S)

4.1 Authority of the General Manager

- (a) The GM of Lacrosse Victoria will appoint a list of persons who may from time to time, be invited to investigate matters pursuant to this rule.

4.2 Role of the Investigation Officer

- (a) Investigations Officers will investigate any matters referred to them from LV and will advise LV what action should be taken as per rule 2.1.4.
- (b) Such investigations may be carried out by the investigations officer and all parties are required to cooperate fully with the investigations officer.

5. MEDIATION

5.1 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 matter to the Match Tribunal.
- (e) LV in its sole discretion may dismiss or choose not to investigate any matter which it determines is a vexatious claim.
- (f) 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.

6. MATCH TRIBUNAL

6.1 Appointment of the LV Match Tribunal

- (a) LV shall appoint a Panel of Match Tribunal Members consisting of such person or persons as LV shall from time to time deem fit (Tribunal Members).
- (b) LV will appoint Tribunal Members to conduct a Tribunal at its absolute discretion in accordance with this By-Law.
- (c) 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 or interested 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.
- (d) A person appointed as a Tribunal 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 LV Board.

6.2 Composition of the LV Match Tribunal

- (a) The Match Tribunal shall consist of a Tribunal Chairperson, plus two other Members but will sit with a minimum of 2 members.
- (b) In special cases where the Match Tribunal Chairperson sees fit, other experts may be called to sit on the Tribunal.
- (c) The party reported or charged shall have the right to object to a particular member of a Match Tribunal hearing the matter, providing an objection is received on the basis of bias.

- (d) 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.

6.3 Jurisdiction of the Match Tribunal

- (a) The Tribunal shall have jurisdiction in respect of:
 - (i) any charge referred to it by LV including but not limited to a charge involving a person has submitted to the jurisdiction of LV.
 - (ii) any request by a Club Associate to review any sanction.
 - (iii) any other matter in respect of which the Match Tribunal is given jurisdiction by LV.

7 MATCH TRIBUNAL PROCEDURE

7.1 Pre-Tribunal Hearing Procedure

- (a) If LV determines to refer a charge to the Match Tribunal it shall notify all persons who may be affected by the Match Tribunal's decision of the following
 - (i) the time, date and place at which the hearing will take place.
 - (ii) sufficient details of the allegations against the party charged to enable the party to prepare a response to the allegations.
 - (iii) details of any document or other evidence (e.g. video evidence) which will be relied upon in support the charge.
 - (iv) that the party may make written representations to the Match Tribunal and/or appear before the Match Tribunal to make submissions.
- (b) Persons cited to appear before the Match Tribunal are to be advised in writing of the charge(s) against them.

7.2 Notice to Admit

- (a) The cited member, upon receiving notification of the report or charge, may choose to admit the report or charge and accept an early plea.
- (b) If the person or persons reported or charged choose to admit the report or charge then they must do so in writing to the LV GM within 2 business days of receiving notification of the charge.

7.3 Conduct of the Match Tribunal – Notice to Admit

- (a) If a notice to admit is submitted to the Match Tribunal then the hearing shall 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 LV then a representative of LV must attend to present all relevant evidence obtained by LV regarding the Charge. LV must attend all other matters heard by a Tribunal in order to assist the Tribunal.
- (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 is not bound by the rules of evidence or by the practices or procedures applicable to courts of record but may inform itself as to any matter and in such manner it deems appropriate that the Tribunal adheres to the rules of natural justice.
- (iv) The Tribunal at its sole discretion may determine a matter before it in the absence of any parties.

7.4 Conduct of the Match Tribunal Meeting

- (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 a Tribunal member or the Tribunal chair must read out each charge
 - (ii) The person charged, if present, must be asked whether or not they plead guilty or not guilty
 - (iii) The parties must be invited to give to the Tribunal a summary of the matters on which they wish to rely.
 - (iv) A party may be represented by a person with legal qualifications only upon application to the Tribunal.
 - (v) The Tribunal may require any witnesses who are not parties to the matter to go outside the hearing room until they are called upon to give evidence.
 - (vi) 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.
 - (vii) 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.
 - (viii) Evidence may be given in person or by way of a telephone or video link.
 - (ix) If video evidence is to be relied on then the Tribunal must view all of the relevant sections of that video evidence.
 - (x) Submissions made by the relevant parties to a hearing shall be considered by the Tribunal at its discretion.
 - (xi) 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.

7.5 At the completion of the evidence;

- (a) The parties shall leave the hearing room if requested by the Tribunal.
- (b) The Tribunal will consider all the evidence and submissions made during the hearing and make a determination on the balance of probabilities with respect to whether or not the charge or charges or matter have been proven.
- (c) The Tribunal may determine that the party charged is guilty of the offence charged but at a lesser grading or is guilty of a different offence provided that if the Tribunal considers a different offence may have been committed it must give the party charged an opportunity to put any evidence in relation to that different offence that it wishes to.
- (d) Where the Tribunal is constituted by 3 persons then it will be sufficient for a majority of those persons to agree on the decision.
- (e) Where the Tribunal is constituted by 2 persons the Chairperson shall have a casting vote.

8 PENALTIES AND SANCTIONS

8.1 Findings of the Tribunal

- (a) If the Tribunal finds that;
 - (i) The charge or charges have been proved then prior to imposing any penalty or sanction it must invite the parties to make submissions to the Tribunal on the question of what penalty or sanction, if any, ought to be imposed
 - (ii) LV or its representatives may make submissions to the Tribunal on the question of what penalty or sanction, if any, ought to be imposed.
 - (iii) 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

8.2 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 LV 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

9. SUSPENSIONS

9.1 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 at the level at which the incident giving rise to the Suspension occurred (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.
- (e) If a Match is postponed prior to its commencement, such Match will not be classified as a match served under a Suspension unless
- (f) Match which is abandoned after commencement, or forfeited, shall count as a Match served under a Suspension unless
 - (i) Any Club or team to which the suspended Club Associate belongs was responsible for the facts that led to the abandonment or forfeit.
 - (ii) An incident leading to the abandonment or forfeit of a fixture is referred to the Tribunal.

10. APPEALS TRIBUNAL

10.1 Definition and Scope

- (a) Subject to this By-Law a party subject to a determination of the Tribunal may appeal such to the LV Appeals Board.
- (b) A party subject to a determination of the Match Tribunal or the who does not appear at the hearing of the Tribunal shall have no right of appeal under clause 10.1 above unless such non-appearance is due to an exceptional circumstance such as health, accident, death, or other extraordinary situation accepted by LV. 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) LV shall establish an Appeals Board to hear appeals under this By-Law or appeals allowed under any other LV Regulation, By-Law or Policy. The Appeals Board shall be constituted by such persons as LV sees fit.
- (d) Subject to clauses 10.2 the provisions of clause 12 shall apply to the appointment, composition and procedures of the Appeals Board with such modifications as are necessary as though a reference to Tribunal therein was a reference to Appeals Board.

10.2 Time and Notice of Appeal

- (a) No later than 4:00pm on the second business day after the time at which notification of the relevant decision was given calculated by reference to the date and time recorded on the email by which notice was given.
- (b) By lodging with LV, in writing, a duly completed and signed Notice of Appeal in the form set out on the LV website and payment of the appeal fee set out in the Schedule (Appeal Fee).

10.3 The Notice of Appeal shall specify:

- (a) Whether the appeal is against the findings made by the Tribunal; and/or
- (b) Whether the appeal is against the severity of the penalty or outcome imposed by the Match Tribunal.
- (c) Such other details as set out in the relevant Form

10.4 The Notice of Appeal may be lodged with LV by:

- (a) Delivering it; or
- (b) Transmitting by facsimile or email

10.5 Notification

- (a) Upon receipt of the Notice of Appeal LV shall:
 - (i) Fix a date, time and place for the hearing of the appeal as soon as practicable; and
 - (ii) Advise all parties interested in the appeal in writing of these particulars and any amendment to these particulars.

10.6 Appeal Hearing

- (b) 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.
- (c) 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.
- (d) Subject to clause 10.6.4 where the appeal is in relation to a Suspension, such Suspension shall remain in place pending the determination of the appeal.
- (e) The Chairperson of the Appeals Board may, on application by a party to the appeal or of its own motion:
 - (i) Order that the appeal be adjourned;
 - (ii) Stay the execution of any sanction imposed on the appellant pending the determination of the appeal.
- (f) The Appeals Board may only make an order pursuant to clause 10.6.4 where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if an order was not made.
- (g) The Appeals Board must rehear the matter on its merits as a new hearing.
- (h) 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.
- (i) 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 permit.
 - (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.
 - (v) In the case of all offences, conduct or omissions the Appeals Board may impose such penalty or sanction as it sees fit.
 - (vi) Make such other findings as is required by the nature of the appeal

10.7 Appeals Board Decisions

- (a) Subject to clause 10.6.2 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.

11. REQUEST FOR REVIEW OF SUSPENSIONS

11.1 Eligibility requirement

- (a) A person who has served at least 12 months of a period of suspension (the requestor), imposed by

- (i) Lacrosse Victoria;
- (ii) A Disciplinary Panel (which suspension was not the subject of an appeal); or
- (iii) An appeal board;

may request the GM to convene an appeal board to consider whether that person should be released from that suspension (request).

11.2 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) Set-out the reasons why the suspension should be lifted; and
 - (iii) include statutory declarations which evidence facts which supports those reasons.
- (b) Any request for appeal received by the GM will be referred to Chairperson for consideration.
- (c) If a request has been made in compliance with Rules 11.1 and 11.2, the GM must, within two (2) business days of receipt of that request, provide to the Chairperson:
 - (i) A copy of the request; and
 - (ii) A copy of any document in the possession of LV which relate to the process which resulted in the suspension the subject of the request.

11.3 Chairperson's decision

- (a) The Chairperson shall consider only the documents provided by the GM pursuant to Rule 11.2.3 and advise the GM whether an appeal board should be convened to consider that request.
- (b) If the Chairperson advises the GM that an appeal board should not be convened, the GM must within two (2) business days of the receipt of that advice give notice in writing to the requestor (by ordinary post sent to the address given in the request) that the request has been refused.

11.4 Notice of Appeal's board

- (a) If the Chairperson 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 the Chairperson and two other members drawn from the list of persons approved by LV pursuant to Rule 10.2 to consider and determine the request.
- (b) 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 Rule 11.36, is posted.

11.5 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 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 Rule 11.5.2 and permit such evidence to be adduced subject to any conditions it considers appropriate.

11.6 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.

12. GENERAL INFORMATION RELATING

12.1 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 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 may be subject to further sanction.
- (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 referred to in paragraph 17.3(b).

12.2 Notification

- (a) Except where specifically referred to, LV will endeavour to provide notification to all relevant parties as quickly as possible in relation to all matters.

12.3 Delegation by GM

- (a) The GM may delegate to any member of the staff of LV any of the GM's powers, duties or functions under this Part, except this power of delegation.
- (b) Any delegation made by the GM under Rule 12.3.1 must be made in writing.

12.4 LV to keep records

- (a) LV must maintain a register of the result of every hearing of a Disciplinary Panel including:
 - (i) The name of the person charged;
 - (ii) Whether the person pleaded guilty or contested the charge; and
 - (iii) The decision of the Disciplinary Panel, including the terms of any penalty imposed.

LACROSSE
VICTORIA

