



## A Referees' Guide to Tribunals

### Introduction

Basketball Victoria has passed Tribunals By-laws to prescribe the manner in which reports are made and the matters then heard by a Tribunal. There are Tribunals established across the State.

The By-laws are made for the protection of all participants in basketball. There is particular emphasis in the offences under the By-laws on protection of officials, with considerably heavier penalties for offences committed against officials. They can be accessed at <http://basketballvictoria.com.au/wp-content/uploads/2016/02/By-laws-from-printer.docx>.

### When to Report

Any serious or persistent breach of the by-laws should be reported. Any disqualifying foul should normally lead to a report. However, a good referee will not lay too many reports in their careers. Most times bad behaviour can be avoided by the referee keeping tight control of the match and nipping any bad behaviour in the bud. Good communication and anger management skills can assist a referee in maintaining control. Of course, referees themselves should never lose their cool. A calm exterior from the referee can have a calming effect on an angry player, coach or spectator.

If a player complains of something occurring which a referee has not seen, such as an incident behind play, clearly the referee cannot lay a report. However, there is an investigating power under the By-laws enabling the appointment of an investigator who can make a report based on the account of eye-witnesses. Accordingly, if a referee receives such a complaint, the referee supervisor or an association official; should be informed, preferably in writing.

### How to Report

Basketball Victoria has prepared a Report Form listing the offences which a referee may report for. Referees should ensure that they have the current form as they do change from time to time. The latest version was written in April 2016.

All the relevant detail should be filled in on the front of the report. Give careful consideration as to what offences to allege against the reported person or team. It is better to add in too many offences than to miss a relevant offence. It is the Tribunal's job to decide which offences are relevant and which ones are not. In normal circumstances, every report should have Bringing Basketball into Disrepute, Gross Breach of Code of Conduct and Unsportsmanlike Behaviour ticked as offences.

On the reverse of the Report Form, your description of the events which led to the report should be as comprehensive as possible. This enables both the Tribunal and the reported person or team to have a clear understanding of the circumstances leading to the report and what is being alleged. It also acts as a reminder for you in case there is some significant delay in the Tribunal being convened.

If a referee is uncertain whether a report should be made or what to put into the report, advice should be sought from the referee supervisor or other senior official. A report should be made as soon as possible after the event which led to it. It would normally be expected no later than 48 hours after the incident. If it is not, the referee should expect to have to explain to the Tribunal why the report was late. In all but the most extraordinary circumstance, the report should be laid before the referee has left the stadium.

The referee should also consider if it is a minor matter and if they believe it is, should indicate it on the front of the Report Form above where the referees' names appear. This will then be considered by the Tribunal Chair who may make an offer to the reported person of a lower penalty than may normally be given and if accepted, will mean there is no need for a hearing. The final decision whether or not to make an Alternative Procedure offer rests with the Tribunal Chair. If an offer is made and accepted the person then has a prior offence recorded against their name.

## **Preparing for the Hearing**

Preparation for the hearing is just as important as the hearing itself. The referee should refresh their memory from the Report Form just to make sure it is accurate and as a reminder of what occurred.

If the referee has not yet turned 18 years of age, they may bring along an adult adviser to assist them before the Tribunal. The adviser can be a parent, a senior referee or any other adult the referee believes may be able to assist them in the hearing. The role of the adviser is to assist the referee but the adviser cannot give the referee's evidence of the event, only the referee can do that.

Consideration needs to be given as to whether any witness is required to be asked to attend. Both referees must attend unless excused by the Tribunal. In addition to the referees, they may bring one witness and if the Tribunal allows it, more than one. The referee needs to ponder what is needed to properly inform the Tribunal of the detail of the incident. If there is a "victim" of the incident, the "victim" should be asked to attend to give evidence. All witnesses should be encouraged to write out what they saw as soon as possible after the incident. This includes the second referee. Again, this helps keep the detail fresh in their minds and ensure time doesn't obscure the memory. If the Tribunal doesn't allow more than 1 witness, the other witnesses may put in their written statements.

## **At the Hearing**

There are certain procedures that the Tribunal must follow at the hearing. Whilst the Tribunals are normally conducted in an informal manner, ultimately how they are run is at the discretion of the Tribunal and in particular, the chairperson. The hearing will commence with the Tribunal chairperson introducing the Tribunal members and asking the reported person or the representative of a reported team if there is any objection to any of the Tribunal members hearing the matter. It is rare that an objection is taken but occasionally there is a "history" between a member and the reported person or the referee may be a close relative of a member. If objection is taken, the Tribunal members will discuss the objection in private and make a decision on whether the Tribunal member may hear the matter or stand down. These matters are normally sorted out before the hearing with members facing a situation where it would be inappropriate to sit, disqualifying themselves.

The Tribunal chairperson will then read the charges and ask the reported person if they understand them and ask the referee if the charges reflect what was intended. If the referee has decided that the charges are incorrect or more charges should have been laid, the Tribunal will allow an

amendment but unless the reported person agrees to the hearing proceeding at that time, it may be deferred until another day. This is to allow the reported person proper time to prepare a defence.

The Tribunal chairperson will then ask the reported person to plead guilty or not guilty to each of the charges. If the plea is guilty, the referee's job is clearly much easier with probably no evidence to be given, other than to confirm the information in the report.

Once the pleas have been given, and if there is a not guilty plea, all witnesses are excluded from the hearing room. The reporting official and the reported person and any observers may stay in the room for the entire hearing.

The reporting referee then gives evidence and may be questioned at any time by the Tribunal members and at the end of the evidence by the reported person or if they are juniors, by their advisers.

This is repeated with the other referee and any witness called by the referees.

Following this the reported person gives evidence and may be questioned by the reporting referee at the end of their evidence. Similarly this is repeated with any witness called by the reported person.

At the end of all the evidence, the Tribunal may give the referee and the reported person an opportunity to make a final statement to the Tribunal.

All persons will then be asked to leave the room while the Tribunal considers its decision. If the Tribunal finds the reported person guilty of any charge it will then give the reported person and very occasionally the referee, an opportunity to make a submission on the appropriate penalty.

The Tribunal will then again ask everyone to leave whilst the Tribunal sets the penalty.

## **Appeals**

The only person to whom an appeal is available is the reported person, and then on very limited grounds. Harshness of the penalty is not one of those grounds, unless the penalty set is higher than the maximum penalty allowed by the Bylaws.

Very few appeals are allowed, but where they are, there will need to be a rehearing and the whole process starts again.

Unless there is a rehearing, once the Tribunal has delivered its decision, the referee's interest in the matter is over. Referees should not take decisions personally, but should accept the Tribunal's verdict. The referee's job is to make the report and present the evidence to sustain the report. They have no personal stake in the outcome and should perform their duties to the best of their abilities then walk away, no matter what the result.

In exceptional circumstances an Association can call for a review of a Tribunal decision if the Executive Committee believes the Tribunal has made a serious error in a finding of not guilty or the penalty is grossly inadequate. The request will then be reviewed by 3 independent Tribunal members who may order a rehearing.