



# TRIBUNAL GUIDELINES

Reported Person



SEPTEMBER 2025

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# INTRODUCTION

If you have been reported, you are now required to attend a tribunal. We understand many people are unfamiliar with this process and the following information should assist you in understanding the proceedings.

Tribunals are typically arranged for more serious offences (minor offences are managed through an early and often reduced penalty offer to a reported person or team).

Whether you agree with the charges against you or not, it is recommended you attend the tribunal hearing. All tribunals are conducted under the Basketball Victoria Tribunal By-Laws.



## INTRODUCTION (CONTD.)

### **HOW DO I PREPARE FOR THE HEARING?**

You should read the Report Form to make sure you are fully aware of the charges against you. The maximum penalty that can be applied against you is detailed beside the charge. Charges against officials will incur higher penalties than charges against non-officials.

You are responsible for locating your own witness(es) and requesting they either attend the hearing or provide a witness statement. You are only permitted one witness to attend the hearing unless you have sought permission from the Association and any written statements should be submitted at least 24 hours prior to the hearing.

### **SHOULD I HAVE A REPORT?**

Yes, if you haven't received a report which outlines the charges against you, please contact your Association to request a copy. The Report sets out the individual charges as well as description of the events.

You might like to prepare a statement to read as we understand it can be intimidating to recall and order all the events on the spot.

Keep your evidence to only the events that you have seen, heard or felt and don't include information that other people have shared with you.

### **WHAT IF THERE IS VIDEO FOOTAGE?**

If there is video footage of the report, you may be entitled to see this before the hearing, or it may be shown during the hearing. However in some circumstances this may not be authorised to be shared (in particular any sharing of CCTV footage that belongs to a venue that BV or its affiliated Associations does not own or manage).

### **CAN I BRING A WITNESS?**

Yes, you are permitted to bring a witness who can present their version of any events to the tribunal. Typically only one witness is permitted for a reported person and you should let the Hearings Officer know when you confirm your attendance.

### **WHAT DO I DO IF I HAVE EVIDENCE TO SUBMIT?**

If you have any evidence you would like to submit it should be consolidated and sent to the Hearings Officer well before the tribunal and no later than 24 hours before the hearing. Your evidence will be sent to the officials and/or opposing person as well as to the tribunal panel, so please ensure that there are no personal contact details included in any of your evidence.

### **WHAT IF I CAN'T ATTEND?**

If you don't attend your tribunal hearing, the tribunal can proceed in your absence. An adjournment is not granted on the grounds of inconvenience or family commitments and will only be considered for very serious reasons.

If you don't communicate your attendance with the Hearings Officer and you don't attend the tribunal, further penalties can be added.

### **CAN I PARTICIPATE IN BASKETBALL WHILE I WAIT FOR A TRIBUNAL?**

Yes, in most cases you can continue to participate in your usual basketball activities unless you have received a specific ban from the Tribunal.

# ATTENDING THE HEARING

## WHAT TIME DO I ATTEND?

Please make sure you arrive at least 10 minutes early before the scheduled start time of the hearing.

The referees or officials will also be waiting for the tribunal to commence and we recommend you don't engage with them and keep yourself at a separate distance.

## CAN I HAVE A SUPPORT PERSON?

If you want to have a parent or support person attend, this is recommended and they will be able to sit in the hearing and observe, however they will not be allowed to address the tribunal.

## WHAT IF I AM UNDER 18 YEARS OF AGE?

If you are under 18 years of age, you are able to have an adult representative called an advisor. The role of the advisor is to assist the reported person but the advisor cannot give the reported person's evidence of the event, only the reported person can do that. We suggest your advisor be a parent, coach or any other adult that you feel comfortable and safe with.

## WHO ELSE ATTENDS THE HEARING?

Those who attend the hearing are:

- 2 or 3 tribunal panel members
- The referees
- Any witnesses supporting the referee's report
- The reported individual or a representative of a reported team
- Any witnesses supporting the reported individual or team
- The support people of the referees and/or reported individual/representative
- Other observers may be in attendance to monitor the proceedings, but they may be removed if it is deemed they are detrimental or disruptive to the hearing.

## WHERE ARE THE HEARINGS?

The hearings are held either in person at the location advised by the Association or online through a video link and you will be given the location when you are notified of the hearing details. Typically they are held at a conference room of a stadium or local venue when they are conducted in person.

If you are attending an online hearing it's important to be in a private space where you can easily be seen and heard by the tribunal with no background noise and no one else present unless they are identified and approved by the Chairperson.

## HOW LONG DOES A HEARING GO FOR?

This regularly changes depending on the complexity of a report. It is usually around 45 minutes, but can be quicker if the reported people plead guilty and accepts responsibility, or it could be longer if it is multiple reports with many witnesses to hear from.

## ATTENDING THE HEARING (CONTD.)

### START OF THE HEARING

There are certain procedures that the Tribunal must follow at the hearing. While 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 following is the process of the hearing:

### INTRODUCTION OF TRIBUNAL PANEL MEMBERS

The hearing will commence with the 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 conflict of interest or history between a member and the reported person or the referee. 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. It is rare for a Tribunal member to stand down. More commonly the nature of the objection is simply noted and the Tribunal continues. These matters are normally sorted out before the hearing with members facing a situation where it would be inappropriate to sit and disqualifying themselves.

### READING AND PLEA TO CHARGES

The 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.

The 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 may not need to provide evidence, 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.

If the reported person pleads guilty to all charges, the Tribunal chairperson may keep everyone in the room and run a more informal process.

### REPORTING REFEREE GIVES EVIDENCE

If the report is thorough, sometimes the Chairperson will ask if the referee has anything to add to the written report. The reporting referee may not wish to add any detail, or may have a few notes to clarify the report. Tribunal members may ask questions to further clarify their understanding of the incident.

The reporting referee may then be questioned on their evidence by the reported person, usually through the Chairperson (or if they are under 18 years of age, by their advisors). Questions must be courteous and may not draw attention to perceived errors of a referee. The Chairperson will interrupt if questions do not relate to the evidence. In some cases where the incident was heated, the Chair may advise the reported person to include their questions in the form of a statement when they give their own evidence. This assists in the tone of the hearing, but also protects the reported person from a contempt charge.

The Tribunal members will also help with the questions designed to reduce the pressure of the situation.

The Tribunal members may interrupt during the evidence and questioning. This is not to be disrespectful, but to seek clarification or keep the evidence on track.

## ATTENDING THE HEARING (CONTD.)

### **NON-REPORTING REFEREE AND WITNESSES GIVE EVIDENCE**

The non-reporting referee is called into the room and gives his/her version of events, and then any other witnesses who support the report form, usually within 15 minutes. The non-reporting referee and witnesses may then be questioned on their evidence by the reported person (or if they are under 18 years of age, by their advisor).

The tribunal members may interrupt during the evidence and questioning. This is not to be disrespectful, but to seek clarification or keep the evidence on track.

### **REPORTED PERSON GIVES EVIDENCE**

Next, the reported person gives evidence (usually in the form of a statement which is read out).

The reporting referee is then permitted to ask questions of the reported person, generally through the Chairperson. The Chairperson may ask questions in order to determine evidence which is in dispute, and which evidence is agreed.

The tribunal members may interrupt during the evidence and questioning. This is not to be disrespectful, but to seek clarification or keep the evidence on track.

### **REPORTED PERSON'S WITNESS GIVES EVIDENCE**

The reported person's witness(es) are then called to give evidence and may be questioned by the reporting referee at the end of their evidence.

### **OTHER EVIDENCE**

If there is other evidence, such as video footage, the tribunal may choose to share it with everyone now, or they may look at evidence privately later on using the evidence provided as a reference point

### **END OF ALL GIVEN EVIDENCE**

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. The Chairperson will sometimes summarise the points of difference prior to deliberations.

### **TRIBUNAL MEMBERS DECIDE GUILTY OR NOT GUILTY OF CHARGES**

All persons will then be asked to leave the room while the Tribunal considers its decision on each charge.

### **IF REPORTED PERSON IS FOUND GUILTY OF ANY CHARGE/S**

The Tribunal will call everyone back into the room and 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 final submission on the appropriate penalty. This includes previous charges against the reported person, years played, other responsibilities such as coaching and umpiring, other sports played etc. Very occasionally the referee will also be asked for a statement regarding the impact of the incident on their own duties.

### **TRIBUNAL MEMBERS DECIDE PENALTY OF GUILTY CHARGES**

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

### **FINAL PENALTY**

The Tribunal will call everyone back into the room to inform the reported person of the penalty decided. The reported person will be given appropriate paperwork and asked to leave while the referees are usually asked to wait behind to allow separation.

The panel may use this as an opportunity for insight or feedback to the referees.

# APPEALS

The only person who can appeal a decision is the reported person, and only on very limited grounds. Very few appeals are granted, but where they are, there will need to be a rehearing. The information on how to appeal will be on correspondence received at the tribunal or by email.

## **WHO DO I TALK TO IF I HAVE MORE QUESTIONS?**

If you require further clarification please refer to the Tribunal By-Laws or contact your Hearings Officer.

This is a summary only and Basketball Victoria Tribunal By-Laws override any discrepancy.

