

2022 Grievance, Disciplinary, and Tribunal By-Law 11
Summary of Changes
General

Change	Supporting Detail
Multiple changes to incorrect cross references, spelling and grammar fixes and correction of inconsistent use of definitions and terms.	
Multiple changes to include Match Officials as being subject to sanctions.	
Multiple change to clarify the difference between Red Card Offences and Misconduct Offences and definition of their respective penalties as Red Card Penalties and Misconduct Penalties.	The difference between these was previously unclear in places.
Inclusion of a new definition of Laws.	Avoids multiple differing references.
Section 3.1	Clarification about who can issue offences, being a newly termed "FV Designate". Previously this was ambiguous and referred to FV generally.
Section 3.4	Clarification that attempts to influence regarding the GDT are not permitted against FV staff and any investigator, not simply the Discipline Department.
Section 3.4(b)	Removal of an incorrect reference.
Section 4.12(e)	Moved to section 7.8 to sit alongside the others dealing with Tribunal powers.
Section 5.1(d)	Clarification that FV is not able to itself levy point deductions for Misconduct Offences – this can only be done by the Tribunal.
Section 5.5	Simplification of drafting (and removal of similar provision at Schedule 3) dealing with repeat offences.
Section 7.1(b)	Clarification that determination of a conflict of interest is by FV.
Section 7.3(b)	Permits FV to make oral submissions and examine persons at hearings. FV is regularly asked to do so in order to assist the Tribunal but the current drafting on this issue presents practical difficulties.
Section 7.3(g)	Clarification regarding the test for legal representation at Tribunal.
Section 7.8(f)	Amendment to reflect provisions elsewhere that FV may choose to publish decisions which include the names of minors. This reflects current position.
Section 10.4	Amendment to clarify that FV's rights are reserved in relation to mediation outcomes agreed by the parties.
Schedule 2 Part B	Removal of BR Code penalties which no longer fall under GDT.
Schedule 3 (a) – (d)	Removal as have been incorporated elsewhere.

Process Improvements

Feedback has been received that the current misconduct investigation and tribunal process takes too long to complete. In response FV has determined to move to weekly processes in order to standardise approach and provide consistency and certainty to the community as well as to reduce the time from incident to resolution.

Changes have been made to the GDT to accommodate the below.

Offence	Process Change
Red Card Offence	<ul style="list-style-type: none"> • Subject to receipt of Red Card Reports by 5pm Tuesday, Red Card Offences issued no later than 1pm Wednesday. • Deadline to submit appeal at 1pm on Friday. • If appealed, intention is to be heard at following Wednesday tribunal. • Red Card Reports received after 5pm Tuesday will be dealt with the following week on the same terms.
Misconduct Offence	<ul style="list-style-type: none"> • Subject to receipt of Misconduct Reports by 5pm Monday, requests for response sent to clubs no later than 5pm Tuesday. • Clubs to provide written response by 5pm Friday. • Subject to response and any further investigation, Misconduct Offences issued by 5pm Monday. • Clubs have until 5pm Thursday to appeal. • If appealed, intention is to be heard at following Wednesday tribunal. • Misconduct Reports received after 5pm Monday will be dealt with the following week on the same terms.

Customer Service Improvements

Change	Supporting Detail
Section 7.4(b)	Amendment to provide a timeline for notification to referees where their attendance is required (in person or via phone/video conference).
Sections 7.7(a)(iii) and 7.8(g)	Amendment to require Tribunals to provide written reasons for their decision and sanction in a standard form at Schedule 5. This is aimed at creating a body of case law that can assist the tribunal and parties and to improve consistency of decision making and penalties.
Section 7.8(b)	Amendment to ensure that those charged are ensured a right to be heard on penalty in the event that the Tribunal's decision is postponed to a later date.
Section 7.8(e)	Amendment to reflect language previously at Schedule 3 requiring the Tribunal to consider impact on minors.
Section 7.10	Amendment to clarify position on suspended sentences and to ensure consistency with FFA National Disciplinary Regulations.
New clause 10.1(c)	Requires FV to notify parties and referees regarding the outcome of tribunals.
Appeal Form	Amendment to clarify the grounds of appeal available to parties.

Changing Behaviours

Following concerning trends in recent seasons, FV is keen to seek to bolster respect across the game and has made a number of changes on this basis as follows:

Change
<p>Increase in the length of bans for discriminatory, homophobic, racist, religious, ethnic or sexist language, including different bans for first and second offences based on age.</p> <ul style="list-style-type: none"> • The current 9 match ban will remain for first time offenders under 18, whilst it will increase for offenders who are 18 and over to 13 matches. • Subsequent offences will attract 17 match bans. • Mandatory educational courses.
<p>Mandatory anger management courses for more serious violent offences – R5/4 and MP4D.</p>
<p>The trigger for automatic referrals to Tribunal for Red Card Offences and Misconduct Offences has been raised from 12 matches to 18 matches to allow for certain serious offences to be dealt with by FV more swiftly (acknowledging that parties will still be able to refer these to Tribunal if they so choose).</p>
<p>Increase the Recommended Penalty for spitting offences by 2 matches.</p>