

NATIONAL MATCH TRIBUNAL GUIDELINES

February 2015

1 APPLICATION

These *National Match Tribunal Guidelines (Guidelines)*, if formally adopted, apply to an Australian Football league that is conducted or administered by:

- (a) a State or Territory league or body that is affiliated with the AFL, including:
 - i. NSW/ACT: AFL (NSW/ACT) Commission Ltd ACN 086 839 385;
 - ii. NT: AFL (Northern Territory) Ltd ACN 097 620 525;
 - iii. QLD: AFL (Queensland) ACN 090 629 342;
 - iv. SA: South Australian Football League Inc ABN 59 518 757 737;
 - v. TAS: AFL (TAS) ACN 135 346 986;
 - vi. Victoria: Australian Football League (Victoria) ACN 147 664 579;
 - vii. WA: West Australian Football Commission Inc ABN 51 167 923 136);
or
- (b) an entity or body that is affiliated with (or licensed by) an Affiliated State or Territory Body.

(Football Body)

Where these Guidelines are adopted by a Football Body, the players, coaches, officials, spectators, administrators and any other people reasonably connected to that Football Body will be required to comply with these Guidelines.

2 COMPETITION TRIBUNAL RULES

2.1 Appointment of Tribunal Members

The Football Body may, from time to time, appoint persons to the Tribunal.

2.2 Tribunal Members

The Tribunal shall consist of:

- (a) a Chairperson; and
- (b) a panel of persons who in the opinion of the Football Body possess a sufficient knowledge of Australian Football (**Tribunal Panel**).

Persons appointed to the roles in section 2.2(a) and 2.2(b) may be rotated from hearing to hearing, as determined by the Football Body in its absolute discretion.

2.3 Qualifications of Tribunal Members

Except where the Football Body otherwise determines, a person shall not be appointed to the Tribunal if that person:

- (a) has been a member of a Board of Directors of a Club;
- (b) has been a coach or assistant or specialty coach of a Club;
- (c) has been a Person of a Club; or
- (d) has been an employee of the AFL or a Club,

in the twelve (12) months preceding the appointment.

2.4 Resignation and Removal of Tribunal Members

- (a) A member of the Tribunal may resign by providing notice in writing to the Football Body.
- (b) The Football Body may remove a Person appointed to the Tribunal at any time in its absolute discretion.

2.5 Reporting Officer

- (a) Subject to section 2.5 (b), the Football Body may, from time to time and in its absolute discretion, appoint one or more Reporting Officers to:
 - (i) advise the Tribunal of the particulars of the charge or matter before it;
 - (ii) review Match footage;
 - (iii) make submissions in relation to the charge or matter;
 - (iv) respond to any matters put in defence;

- (v) ask questions of any Person appearing before the Tribunal;
 - (vi) call any Persons to give evidence as the Reporting Officer may consider necessary or desirable in the interests of general justice and fairness; and
 - (vii) address the Tribunal by way of summing up prior to any final submissions of the advocate of any Person charged or otherwise appearing to be dealt with by the Tribunal and prior to the Tribunal retiring to consider its finding.
- (b) The Reporting Officer must not be an employee of, or associated with, the Football Body or any Club.
 - (c) The Reporting Officer shall have the power to withdraw any charge or matter prior to or at any time during a hearing before the Tribunal.
 - (d) The Reporting Officer shall, with leave of the Tribunal, have the power to amend any charge or statement of any matter to be determined by the Tribunal prior to or at any time during a hearing before the Tribunal.

2.6 Representation

- (a) At any hearing before the Tribunal a Person charged with a Reportable Offence may:-
 - (i) appear in person; or
 - (ii) subject to leave of the Chairman, be represented by a barrister, solicitor or agent on such terms, if any, as the Chairman directs.
- (b) Where the Chairperson is of the opinion that a Person or representative of a Person appearing before the Tribunal has failed to observe directions of the Tribunal or otherwise acted in a contemptuous, irresponsible or discourteous manner, the Chairperson may dismiss the Person or Person's representative and if appropriate, adjourn the proceedings to enable the Person to obtain fresh representation.

2.7 Composition for Tribunal Hearing

At any Tribunal hearing, the Tribunal shall comprise a minimum of three (3) and maximum of (5) persons (including the Chairperson).

2.8 Attendance at Tribunal Hearing

- (a) A Person who has been summoned to attend a Tribunal hearing must attend at the time and place notified on the Notice of Charge or other relevant notice.
- (b) The Tribunal hearing will be held in the State or Territory of the charged Person's registered Club, unless otherwise advised or approved by the Football Body.
- (c) A Person wishing to attend the Tribunal hearing via video conferencing must first seek the approval of the Football Body.

- (d) If a Person issued with a Notice of Charge or other relevant notice fails to appear at the notified time and place, the Tribunal may proceed to hear and determine the charge or matter and any sanction, in the absence of that Person.

2.9 General Conduct of Hearing

- (a) Tribunal hearings shall be conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- (b) The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record and may inform itself as to any matter in any such manner as it thinks fit.
- (c) The Chairperson may make any guidelines not inconsistent with these Guidelines that he or she thinks appropriate for the practice and procedure of a hearing. Any such guideline shall be directory in nature and no decision of the Tribunal shall be invalidated by reason of a guideline not being followed.
- (d) Subject to section 2.9 (e), in accordance with natural justice principles the Tribunal shall:
 - (i) provide any Person whose interest will be directly and adversely affected by its decision, a reasonable opportunity to be heard;
 - (ii) hear and determine the matter before it in an unbiased manner; and
 - (iii) make a decision that a reasonable Tribunal could honestly arrive at.
- (e) Whilst the Tribunal will endeavour to hear and determine any charge or matter referred to it before the Person's Club is next scheduled to compete, to the extent that the rules of natural justice require that:
 - (i) a Person be given adequate notice of or sufficient time to prepare for a hearing;
or
 - (ii) the Tribunal hearing be scheduled at a time which does not affect the Person's or the Person's Club's preparation for the next scheduled Match,

those requirements are expressly excluded from these Guidelines.

2.10 Evidence

- (a) Any Person required to attend before the Tribunal may request to adduce witness evidence at the Tribunal hearing, provided that such a request is submitted to the Football Body in writing by no later than 10.00am on the day after notification of the charge or matter, and contains:
 - (i) the name and address of the witness;
 - (ii) the qualifications and experience of the expert witness, if applicable; and

- (iii) the substance of the evidence it is proposed to adduce from the witness.
- (b) Unless permission is granted by the Chairperson, a Person shall not adduce the evidence of a witness unless that Person complies with section 2.10(a) above.
- (c) Only in compelling and exceptional circumstances, as determined by the Football Body in its absolute discretion, will the Tribunal receive evidence from a Person who is not recorded on the Club official team sheet for a relevant Match.
- (d) Any video evidence which is not already in the possession of the Football Body must be submitted to the Football Body by Clubs by no later than midday on the day of the hearing.

2.11 Challenge to Jurisdiction, Formalities of Report and Other Technical Matters

Where a Person intends at a hearing of the Tribunal to:

- (a) challenge the jurisdiction of the Tribunal to deal with a matter;
- (b) challenge the constitution of the Tribunal;
- (c) challenge the formalities of the laying of any charge; or
- (d) raise any other matter requiring a legal or technical interpretation,

the Person intending to do such things must provide full written particulars of all relevant matters and forward a copy of those particulars to the Football Body and any other Person who has an interest in the proceeding (including, without limitation, the Reporting Officer and the Football Body) by midday on the day after notification of the charge or matter to be heard by the Tribunal.

2.12 Standard of Proof

The Tribunal shall decide on the balance of probabilities whether a Reportable Offence or other charge against a Person has been sustained.

2.13 Onus of Proof

No Person appearing before the Tribunal shall bear an onus of establishing that an alleged offence has been committed.

2.14 Decision of the Tribunal

- (a) The decision of the Tribunal shall be determined according to the opinion of a majority of the sitting Tribunal.
- (b) Subject to section 2.9, the Tribunal may determine any matter in any such manner as it thinks fit.
- (c) Where a charge is sustained in respect of a Reportable Offence, the Tribunal shall impose such sanction as it, in its absolute discretion, thinks fit. The Tribunal may have

regard to the Reportable Offences tables, as set out in section 5 below, in reaching a determination as to the sanction to be imposed.

- (d) Where a charge is sustained with respect to a charge or matter not involving a Person or a Reportable Offence, the Tribunal may, subject to any contrary provisions in any relevant Code, Policy, Rules or Regulations, impose such sanctions as it, in its absolute discretion, thinks fit.
- (e) The Tribunal is not obliged to give reasons for any decision made by it under these Guidelines.

2.15 Validity of Charge and Hearings

- (a) Where there is a procedural irregularity in the making of a charge or any other matter, the Tribunal shall still hear and determine the matter unless it is of the opinion that the irregularity has caused or may cause injustice if the matter was heard.
- (b) Without limitation, the Chairperson may direct that a Notice of Charge be amended to ensure that a matter before the Tribunal is decided according to its merits and not on the basis of a technicality. The power to amend shall include the power to substitute another charge.
- (c) A decision of the Tribunal is not invalid because of any defect or irregularity in, or in connection with, the appointment of a Tribunal member.
- (d) Subject to sections 2.9(e), 2.12 and 2.13, any procedure or requirement regulating the function of the Tribunal is directory in nature and a decision of the Tribunal is not invalid by reason of that procedure or requirement not being fulfilled.

2.16 Co-operation with Tribunal

- (a) Subject to section 2.16(b), a Person shall appear before the Tribunal, if requested to do so by the Tribunal.
- (b) The Chairperson may excuse a Person from appearing before the Tribunal if the Chairperson is of the opinion that the Person is suffering from an injury or medical condition that would prevent that Person's attendance.
- (c) Any Person who appears before the Tribunal and who in the opinion of the Tribunal has:
 - (i) failed to fully co-operate with the Tribunal;
 - (ii) failed to truthfully answer any questions asked by the Reporting Officer or the Tribunal;
 - (iii) failed to provide any document in that Person's possession or control relevant to the matter to be determined by the Tribunal following a request by the Tribunal; and/or

- (iv) makes any false or misleading statement or makes a statement or acts in a manner calculated to or which is likely to mislead,

shall be dealt with by the Tribunal as it, in its absolute discretion, thinks fit.

2.17 Prohibited Conduct

- (a) A Person who has been issued with a Notice of Charge, or any Person acting on behalf or in concert with a Person who has been issued with a Notice of Charge, shall not contact or procure another to contact a Person who is or ought reasonably to be regarded as a Person required to give evidence before the Tribunal, where that contact is intended to or may otherwise mislead the Tribunal or unfairly affect the conduct of the Tribunal hearing.
- (b) No Person shall publicly comment on:
 - (i) the contents of a Notice of Charge prior to the conclusion of any determination by the Tribunal and/or completion of the matter, as the case may be; or
 - (ii) a Notice of Investigation and any matter touching upon or concerning an Investigation under these Guidelines, until completion of such investigation and/or relevant determination by the Tribunal,

unless the Person establishes, to the reasonable satisfaction of the Football Body, that such public comment was not intended to influence or affect the conduct of the Tribunal hearing or the process of the investigation, as the case may be.

- (c) A Person who contravenes this Rule shall:
 - (i) be deemed to have engaged in conduct which is unbecoming and prejudicial to the interests of a just and fair hearing; and
 - (ii) be dealt with by the Tribunal as it, in its absolute discretion, thinks fit.

2.18 Sanction on Club

In addition to any sanction or determination made in respect of a Person under section 2.17, the Tribunal may impose a sanction on that Person's Club as they in their absolute discretion think fit, except where the Club satisfies the Tribunal that the conduct of the Person was not entered into with the consent, acquiescence or knowledge of the Club.

2.19 Criticism of Tribunal Decision

- (a) No Person or Club shall make any unfair, unreasonable or excessive public criticism of a Tribunal decision or of any Tribunal Member or any other matter touching or concerning the Tribunal or a determination made by it.
- (b) The Football Body shall determine in its absolute discretion in any case, whether any public criticism is unfair, unreasonable or excessive.

- (c) Where a Person contravenes this Rule, the Person's Club may also be liable to a sanction.

2.20 Person Suspension

- (a) A Person who is suspended or disqualified by the Tribunal shall serve such suspension or disqualification in the grade in which he played immediately prior to such suspension or disqualification.
- (b) Unless otherwise specified by the Tribunal in exceptional circumstances, where a Person is suspended or disqualified by the Tribunal, such suspension or disqualification shall apply to all Australian football competition Matches, subject to Rule 2.20(c) below. For the avoidance of doubt:
 - (i) a Person suspended in a previous season cannot serve his suspension in any pre-season fixtures or off-season fixtures;
 - (ii) a Person suspended in a junior competition graduating to a senior competition shall serve his suspension in his new grade;
 - (iii) a Person transferring from another league shall carry any suspensions with him; and
 - (iv) a Person suspended during a split round cannot serve his suspension in that same round in another grade (including representative football).
- (c) Unless otherwise specified by the Tribunal in exceptional circumstances, a suspended Person will not be eligible to play representative football if the representative fixture occurs while the Person is serving the suspension. If the suspended Person was selected in the representative team prior to being suspended then he foregoes playing in the representative fixture if the fixture occurs during the time of the suspension. In this situation the representative fixture does not count as part of the suspension.
- (d) A Person suspended or disqualified by the Tribunal may still participate in practice/training Matches with his registered Club however such Matches will not count as part of the Person's suspension or disqualification.
- (e) Law 19.4 of the *Laws of the Game* shall apply in relation to all Persons suspended by the Tribunal.

3 REPORTING PROCEDURES

3.1 Umpire Report

If an Umpire has a good faith belief that a Person or spectator has committed a Reportable Offence during a Match, the Umpire shall inform the Person that they have been reported:

- (a) at the time of the incident;
- (b) before the commencement of the next quarter; or
- (c) where the incident occurs in the final quarter, as soon as is reasonably possible after the completion of the final quarter.

An Umpire may inform the captain, acting captain or Official of the Club with which the reported Person is registered of the report, where it is impractical to inform the Person who has been reported.

3.2 Notice of Charge

As soon as practical after the completion of the Match, the Umpire shall complete a Notice of Charge in the form prescribed. The Umpire shall:

- (a) categorise the Reportable Offence having regard to the categories of Reportable Offences (and, where applicable, the grading of a Reportable Offence), as set out in section 5 below;
- (b) include the Notice of Charge in the Match day paperwork submitted to the Football Body at the completion of the Match; and
- (c) retain a copy of the Notice of Charge.

3.3 Referral of Incident

Where an Umpire suspects that a Person may have committed a Reportable Offence, the Umpire must, as soon as practical after completion of that Match and on the day of the Match:

- (a) complete an Incident Referral Form in the form prescribed;
- (b) lodge a copy of the Incident Referral Form together with the Match day paperwork with the Football Body;
- (c) Where a Club suspects that a Person may have committed a Reportable Offence, the Club may submit a written complaint to the Football Body, by no later than 5.00pm on the next business day after the relevant Match, together with a fee of \$250 (inclusive of Goods and Services Tax) which may be refunded if the Football Body determines, in its absolute discretion, that the Person who is the subject of the written complaint may have committed a Reportable Offence.
- (d) A complaint lodged in accordance with section 3.3(c) cannot be withdrawn by the Club after it has been lodged with the Football Body.

- (e) Notwithstanding any other provision of these Guidelines, if the Football Body is of the opinion that a Person may have committed a Reportable Offence, the Football Body may report that Person by completing a Notice of Charge. The Football Body shall provide a copy of the Notice of Charge to the charged Person, their Club, any other Person and the Club of any other Person directly involved in the charge.

3.4 Investigation

The Football Body may order an investigation into the alleged Reportable Offence in accordance with the *National Investigation Guidelines* (if applicable). After receiving the Investigation Report produced in accordance with the *National Investigation Guidelines* (if applicable):

- (a) if the Football Body believes in good faith that the Person and/or Club has committed a Reportable Offence in accordance with these Guidelines (and having regard to the *Laws of the Game*), the Football Body may order the Person and/or Club to appear before a Match Tribunal;
- (b) if the Football Body believes in good faith that the Person and/or Club has otherwise breached a national policy that may be in place from time to time, including the *National Member Protection Policy*, or the *Rules & Regulations* (and, if applicable, the *By-Laws*) of the Football Body, the Football Body may order the Person and/or Club to appear before a Disciplinary Tribunal in accordance with the *National Disciplinary Tribunal Guidelines* (if applicable).

3.5 Match Footage Review

Where a review of Match footage is deemed necessary by the Football Body, whether as a result of an Umpire Report, an Incident Referral Form, Investigation or any other reason whatsoever, the Football Body may appoint any number of Persons, in its sole discretion, to review the Match footage (**Match Review Panel**). If the Match Review Panel determines that the incident under review is a Reportable Offence, the Match Review Panel shall issue a Notice of Charge to the charged Person and that Person's Club, as well as any other relevant Person involved in the incident.

The Match footage shall be admissible evidence at the Match Tribunal hearing.

3.6 Person May Enter Early Plea

Subject to section 3.8, where a Person has received a Notice of Charge relating to a Reportable Offence, that Person may elect to plead guilty to the offence and accept the base penalty offered, in accordance with Rule 4 as amended from time to time, by no later than 5.00pm on the day of receipt of the Notice of Charge.

3.7 Where Early Plea Not Available

Where the Match Review Panel or the Football Body (as the case may be) determines in its absolute discretion, that a Notice of Charge should be determined by the Tribunal without the Person having the option to enter an early plea, the Match Review Panel/Football Body shall

provide written notification to that effect to the Person, in which case the Person shall be dealt with by the Tribunal in accordance with section 3.8(a)(iii).

3.8 Persons Who Do Not Accept An Early Plea, Other Persons and Other Reportable Offences

- (a) The Match Tribunal shall deal with the Notice of Charge where:
 - (i) a Person does not elect to accept an early guilty plea in accordance with section 3.6;
 - (ii) a person other than a Person is the subject of the Notice of Charge; or
 - (iii) notification referred to in section 3.7 has been given by the Match Review Panel or the Football Body.
- (b) A Person who does not accept an early plea in accordance with 3.8(a)(i) shall not be entitled to any reduction in the penalty set out in the Notice of Charge, including but not limited to discounts based on a clean record or the entering of the guilty plea.
- (c) Upon receipt of a Notice of Charge, the Football Body shall fix and give notice to the reported Person's Club and any other Person or Club directly involved, of the date, time and place for the Match Tribunal hearing.
- (d) The Football Body may vary the date, time and place of hearing by notice in writing to the reported Person's Club and any other relevant party.

3.9 Withdrawal of Charge

The Match Review Panel or the Football Body as the case may be, may withdraw any Notice of Charge at any time prior to a Tribunal hearing by lodging a written notice with the Football Body.

3.10 Relationship to Laws of the Game

These Guidelines shall be read in conjunction with the *Laws of the Game* but to the extent of any inconsistency, these Guidelines shall prevail.

4. COMPETITION APPEAL RULES

4.1 League Tribunal and Appeal Rules Paramount

- (a) These Guidelines prescribe the procedures for an appeal commenced by a Club or Person in respect of a decision made by the Tribunal under these Guidelines.
- (b) To the extent that anything within these Guidelines is inconsistent with any other player rule, regulation or by-law, the provisions of these Guidelines shall prevail.

4.2 Appointment

The Football Body may, from time to time, appoint Persons to an Appeal Board.

4.3 Grounds for Appeal

A Person, Club and/or the Football Body, may appeal to the Appeal Board in respect of a decision made by the Tribunal under these Guidelines on one or more of the following grounds:

- (a) that there was an error of law;
 - (b) that the decision was so unreasonable that no Tribunal acting reasonably could have come to that decision having regard to the evidence before it; and/or
 - (c) that the sanction imposed was manifestly excessive,
- (each, a **Ground**).

4.4 Appeal Board Members

- (a) The Appeal Board shall consist of:
 - (i) a Chairperson (**Chairperson of the Appeal Board**); and
 - (ii) a panel of not more than six (6) Persons who in the opinion of the Football Body possess a sufficient knowledge of Australian Football (**Appeal Board Panel**).
- (b) Persons appointed to the roles in section 4.4(a)(i) and (ii) may be rotated from hearing to hearing, as determined by the Football Body in its absolute discretion.
- (c) Any Appeal Board member, who has also been appointed a member of a Tribunal Panel and who did not comprise the Tribunal for the matter that is the subject of the appeal, shall be eligible for selection for the appeal hearing.

4.5 Qualifications of Appeal Board Members

Except where the Football Body otherwise determines, a Person shall not be appointed to the Appeal Board if that Person:

- (a) has been a member of a Board of Directors of a Club;
- (b) has been a Coach or assistant or specialty Coach of a Club; or
- (c) has been a Player of a Club; or

- (d) has been an employee of the AFL or Club,
in the twelve (12) months preceding the appointment.

4.6 Resignation and Removal of Appeal Board Members

- (a) A member of the Appeal Board may resign by providing notice in writing to the Football Body.
- (b) The Football Body may remove a Person appointed to the Appeal Board at any time in its absolute discretion.

4.7 Representation

- (a) At any hearing before the Appeal Board a Person may:
 - (i) appear in person; or
 - (ii) subject to leave of the Chairman, be represented by a barrister, solicitor or agent on such terms, if any, as the Chairman directs.
- (b) Where the Chairperson is of the opinion that a Person or representative of a Person appearing before the Appeal Board has failed to observe directions of the Appeal Board or otherwise acted in a contemptuous, irresponsible or discourteous manner, the Chairperson may dismiss the Person or Person's representative and if appropriate, adjourn the proceedings to enable the Person to obtain fresh representation.

4.8 Composition of Appeal Board

On any occasion when an appeal is brought before the Appeal Board, the Appeal Board shall comprise three (3) Appeal Board members being:

- (a) the Chairperson of the Appeal Board or, in the Chairperson's absence, a member of the Appeal Board Panel who shall act as Chairperson; and
- (b) two (2) Appeal Board Panel members.

4.9 Notice of Appeal

- (a) An appeal under these Guidelines shall be brought by lodging with the Football Body, by no later than 5.00pm on the day following the decision of the Tribunal, or other time as agreed by the Football Body, a duly completed Notice of Appeal in the form prescribed and, in the case of an appeal under section 4.3, shall be accompanied by payment to the Football Body of:
 - (i) the sum of \$250.00 (inclusive of Goods and Services Tax) towards the costs of the appeal, which sum shall not be refundable in any circumstances; and
 - (ii) the further sum of \$250.00 (inclusive of Goods and Services Tax) which shall be dealt with in accordance with section 4.18 – 4.21.

- (b) The Football Body shall fix a date, time and place for the hearing before the Appeal Board, as soon as practicable after the lodgement of the Notice of Appeal, and shall advise all parties interested in the appeal of those particulars.
- (c) The Appeal Board may, at any time prior to the hearing, vary the date, time or place specified in the Notice of Appeal and upon doing so shall, as soon as practicable, provide all parties interested in the appeal with written notice of such variation.

4.10 Attendance

- (a) An appellant shall attend and appear before the Appeal Board at the date, time and place fixed for the hearing of the appeal. Where an appellant fails to attend before the Appeal Board, the Appeal Board may hear and determine the appeal in the appellant's absence.
- (b) The Appeal Board hearing will be held in the State or Territory of the appellant's registered Club, unless otherwise advised or approved by the Football Body.
- (c) A Person wishing to attend the Appeal Board hearing via video conferencing must first seek the approval of the Football Body.
- (d) A Reporting Officer may attend and appear before the Appeal Board at the date, time and place fixed for the hearing of the appeal. Where a Reporting Officer fails to attend before the Appeal Board, the Appeal Board may hear and determine the appeal in the absence of that Reporting Officer.

4.11 General Conduct of Appeal Hearing

- (a) Subject to the further matters set out in these Guidelines, the Appeal Board may regulate any proceedings brought before it in such manner as the Chairperson of the Appeal Board thinks fit.
- (b) The Appeal Board is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record, but may inform itself as to any matter in such manner as it thinks fit.
- (c) Subject to section 4.11(d), in accordance with natural justice principles the Appeal Board shall:
 - (i) provide any Person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;
 - (ii) hear and determine the matter before it in an unbiased manner; and
 - (iii) make a decision that a reasonable body could honestly arrive at.
- (d) Whilst the Appeal Board will endeavour to hear and determine any charge or matter referred to it before the appellant's Club is next scheduled to compete, to the extent that the rules of natural justice require that:

- (i) a Person be given adequate notice of or sufficient time to prepare for an appeal;
or
- (ii) the appeal be scheduled at a time that does not affect the appellant's or the appellant's Club's preparation for the next scheduled Match,

those requirements are expressly excluded from these Guidelines.

4.12 Review

- (a) The Appeal Board shall hear all appeals by way of a review of the evidence presented before the Tribunal and determine whether one or more of the Grounds have been established.
- (b) Neither the appellant nor Reporting Officer may produce fresh evidence at the hearing of an appeal without leave of the Appeal Board.
- (c) If an appellant or Reporting Officer seek leave to produce fresh evidence, the Appeal Board shall not grant such leave unless:
 - (i) the evidence could not by reasonable diligence have been obtained by the appellant or Reporting Officer prior to the conclusion of the hearing before the Tribunal; and
 - (ii) the evidence is of sufficient probative value that, considered with other evidence which was before the Tribunal, the Tribunal would have reached a different decision.

4.13 Onus and Standard on Appeal

On the hearing of an appeal the appellant shall bear the onus of establishing, on the balance of probabilities, one or more Grounds.

4.14 Decision of Appeal Board

- (a) Any question on appeal before the Appeal Board shall be decided according to the opinion of a majority of those constituting the Appeal Board.
- (b) Where the Appeal Board determines that one or more Grounds have been established, the Appeal Board may confirm, reverse or modify the decision of the Tribunal and make such orders and give such directions in such manner as it thinks fit.
- (c) The Appeal Board is not obliged to give reasons for any decision made by it under these Guidelines.

4.15 Person to Serve Sanction

Subject to section 4.16(b), where the Tribunal imposes a sanction that prevents the appellant from participating in a Match, the appellant shall serve that sanction pending the determination of the appeal.

4.16 Power to Adjourn

Subject to section 4.17, the Appeal Board may, of its own motion or upon application of any party to the appeal, order:

- (a) that an appeal be adjourned; and/or
- (b) a stay of the execution of the sanction imposed by the Tribunal pending the determination of the appeal.

4.17 Exceptional and Compelling Circumstances

The Appeal Board shall make an order under section 4.16 only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unreasonable if an order was not made. In determining that question, the Appeal Board shall without limitation have regard to:

- (a) the merits of the appeal and the appellant's prospects of success;
- (b) the interests of other Clubs and Persons;
- (c) the effect on the results of the Competition; and
- (d) the need to permit the due and proper administration of Australian Football.

4.18 Successful Appeal

- (a) For the purposes of this section, an appeal is successful if, and only if the Appeal Board determines that one or more Grounds has been established.
- (b) Where an appeal is successful, the payment made under section 4.9(a)(ii) shall be refunded on receipt by the Football Body of an appropriate tax invoice.

4.19 Unsuccessful Appeal

Where an appeal is not successful, the payment made under section 4.9(a)(ii) shall not be refunded, unless the matter involves a monetary sanction and the Appeal Board determines that it would be manifestly unjust and unfair not to refund the whole or part of such payment in which case, the whole or part may be refunded.

4.20 Costs

Notwithstanding section 4.9(a), each party to an appeal shall bear their own costs.

4.21 Abandon Appeal

- (a) Subject to section 4.21(b), an appellant may abandon an appeal prior to any hearing by giving written notice to the Football Body in which case the payment under Rule 4.9(a)(ii) shall be refunded.
- (b) Where an appellant abandons the appeal during the conduct of the appeal, the payment made under section 4.9(a)(ii) shall not be refunded.

4.22 Validity of Appeal and Hearings

- (a) Where there is any procedural irregularity in the manner in which an appeal has been brought, the Appeal Board may still hear and determine the appeal unless it is of the opinion that the irregularity has caused or will cause injustice if the appeal was heard.
- (b) A decision of the Appeal Board is not invalid because of any defect or irregularity in, or in connection with, the appointment of an Appeal Board Member.
- (c) Subject to sections 4.11(c) and (d), any procedure or requirement regulating the function of the Appeal Board is directory in nature and a decision of the Appeal Board is not invalid by reason of that procedure or requirement not being fulfilled.

4.23 Prohibited Conduct

- (a) No Club or Person shall publicly comment on the contents of a Notice of Appeal prior to the determination by the Appeal Board or conclusion of the matter, as the case may be.
- (b) Where a Person contravenes this Rule, the Person's Club may also be liable to a sanction unless the Person establishes, to the reasonable satisfaction of the Football Body, that such public comment was not intended to influence or affect the conduct of the Appeal Board hearing.

4.24 Criticism of Appeal Board Decision

- (a) No Club or Person shall make any unfair, unreasonable or excessive public criticism of a decision of the Appeal Board or of any member of the Appeal Board or any other matter touching or concerning the Appeal Board or a determination made by it.
- (b) The Football Body shall determine in its absolute discretion and in any case, whether any public criticism is unfair, unreasonable or excessive.
- (c) Where a Person contravenes this Rule, the Person's Club may also be liable to a sanction.

4.25 Exhaust Internal Appeal

A Club or Person shall exercise their right of appeal under these Guidelines and have any appeal heard and determined by the Appeal Board before commencing any relevant proceedings or becoming a party to any relevant proceedings in a court of law.

5 REPORTABLE OFFENCES

5.1 Application

This section 5 provides some guidelines as to the different categories of Reportable Offences and the appropriate sanctions and courses of action which might be taken in respect of such offences.

These guidelines are designed primarily to be used by a Match Review Panel (or some other person or persons responsible for assessing a report or referral to determine the appropriate sanction or course of action prior to any Tribunal involvement) (**Panel**) at the discretion of that Panel.

Where there is no Panel, the Tribunal may adopt these guidelines (at their absolute discretion) to assist in assessing the particular alleged offence and appropriate sanctions for such an offence.

5.2 Classifiable Offences

(a) Which Reportable Offences are Classifiable Offences?

Classifiable Offences are those Reportable Offences (specified in the table below) which may be graded by a Panel in order to determine an appropriate base sanction for that offence.

Classifiable Offences
Striking
Kicking
Kneeing
Stomping
Charging
Rough Conduct
Forceful Front-On Contact
Headbutt or Contact Using Head
Eye-Gouging / Unreasonable or Unnecessary Contact to the Eye Region
Unreasonable or Unnecessary Contact with an Injured Player
Scratching
Tripping

(b) Grading Classifiable Offences

A Panel may grade Classifiable Offences in accordance with the following table:

Conduct	Impact	Contact	Base Sanction	Early Guilty Plea
Intentional	Severe	All	Tribunal	N/A
	High	High/Groin	Tribunal	N/A
		Body	3 Matches	2 Matches
	Medium	High/Groin	3 Matches	2 Matches
		Body	2 Matches	1 Match
	Low	High/Groin	2 Matches	1 Match
		Body	1 Match	Reprimand
Careless	Severe	All	Tribunal	N/A
	High	High/Groin	3 Matches	2 Matches
		Body	2 Matches	1 Match
	Medium	High/Groin	2 Matches	1 Match
		Body	1 Match	Reprimand
	Low	High/Groin	1 Match	Reprimand
		Body	1 Match	Reprimand

Note: For the avoidance of doubt, where a Classifiable Offence occurs behind play, a Panel may at its absolute discretion determine that the offence ought to be referred directly to the Tribunal on the basis that it is a Classifiable Offence which attracts a base sanction that the Panel finds inappropriate (see Direct Tribunal Offences in section 5.3(a)).

1 Conduct (Intentional, Careless)

Intentional conduct:

A Player intentionally commits a Classifiable Offence if the Player engages in the conduct constituting the Reportable Offence with the intention of committing that offence.

Careless conduct:

A Player's conduct will be regarded as Careless where it constitutes a breach of the duty of care owed by the Player to all other Players. Each Player owes a duty of care to all other Players, Umpires and other persons (as applicable) not to engage in conduct which will constitute a Reportable Offence being committed against that other Player, Umpire or other person (as applicable). In order to constitute such a breach of that duty of care, the conduct must be such that a reasonable Player would not regard it as prudent in all the circumstances. Further, a Player will be careless if they breach their duty to take reasonable care to avoid acts which can be reasonably foreseen to result in a Reportable Offence.

2 Impact (Low, Medium, High or Severe)

In determining the level of impact, regard will be had to several factors.

Firstly, consideration will be given to the extent of force and in particular, any injury sustained by the Player who was offended against.

Secondly, strong consideration will be given to the potential to cause injury. For example, contact to the head will generally have more impact than contact to the body if the force used is similar.

Thirdly, consideration will be given not only to the impact between the offending Player and the victim Player, but also any other impact to the victim Player as a result of such impact.

In addition, consideration will be given to the body language of the offending Player in terms of flexing, turning, raising or positioning the body to either increase or reduce the force of impact. The absence of injury does not preclude the classification of impact as Severe.

Low impact (which is the minimum impact required for a Classifiable Offence to constitute a Reportable Offence) requires more than just a negligible impact. Most Reportable Offences require at least low impact and a collision or incident involving negligible force will not ordinarily result in a charge.

3 Contact (High/Groin, Body)

High contact is not limited to contact to the head and includes contact above the shoulders. Contact to the Groin includes contact to the crease or hollow at the junction of the inner part of each thigh with the trunk together with the adjacent region and including the testicles.

Where contact is both High and to the Body, the Match Review Panel will classify the contact as High.

(c) Impact of a Bad Record on Classifiable Offences

A one match additional penalty will be added to the base sanction of a Classifiable Offence for a bad record, being where a Player:

- has been suspended for one or more matches in the past 12 months (as at the date of the offence) for any other Classifiable Offence(s);
- has received one or more reprimands in the past 12 months (as at the date of the offence) for any Classifiable Offence(s); or
- has been suspended for a total of two or more matches in the past 24 months (as at the date of the offence) for any Classifiable Offence(s).

For the avoidance of doubt:

- (a) for the purposes of determining whether or not a Player has a bad record pursuant to the above bad record classifications:
 - (i) suspensions dating back to 2013 and 2014 will be included when assessing a Player's suspensions in the past 12 or 24 months; and
 - (ii) carry-over points incurred from an offence dating back to 2014 will be regarded as a reprimand when assessing a Player's number of reprimands in the past 12 months;
- (b) if a one match additional penalty has been added to the base sanction, the total penalty can be reduced by one match if the Player submits an early guilty plea; and
- (c) the Low-level Offences referred to in section 5.4 will not be affected by the above bad record provisions,

(d) Reductions in base sanction for an early guilty plea

The base sanction for Classifiable Offences will be subsequently decreased where a Player submits an early guilty plea. As per the classification table in section 5.2(b) above:

- an early guilty plea in respect of a Classifiable Offence with a base sanction of two or three matches will result in a one match reduction in the suspension; and
- an early guilty plea in respect of a Classifiable Offence with a base sanction of one match will result in a reprimand.

(e) No reduction for Good Record

Players will no longer receive a reduced base sanction for a good record.

5.3 Direct Tribunal Offences

(a) Which Reportable Offences are Direct Tribunal Offences?

Direct Tribunal Offences are those Reportable Offences (specified in the table below) which are referred by a Panel (or otherwise) directly to the Tribunal for determination without grading (ie without an assessment of the offence using the Classification Table):

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

(b) Determination of Direct Tribunal Offences?

The Tribunal will determine Direct Tribunal Offences (as with any other Reportable Offence) in accordance with section 2.

5.4 Low-level Offences

(a) What Reportable Offences are Low-level Offences?

Low-level Offences are the following low-level Reportable Offences which do not require classification:

Low-level Offences
Attempt to strike, kick, trip
Careless contact with an Umpire
Spitting at another Player
Melee
Instigator of Melee
Staging
Wrestling
Using abusive, insulting, obscene language towards or in relation to an Umpire
Obscene gesture
Disputing decision
Pinching
Interfering with Player kicking for goal
Shaking goal post
Time wasting
Prohibited boots, jewellery, equipment
Not leaving playing surface
Any other act of low-level misconduct which is not a Classifiable Offence or Direct Tribunal Offence

(b) What Reportable Offences are Low-level Offences?

Low-level Offences attract the following base sanctions (with a reduced sanction for an early guilty plea):

First Low-level Offence		Second & Subsequent Low-level Offences	
Base Sanction	Early Guilty Plea	Base Sanction	Early Guilty Plea
1 Match	Reprimand	2 Matches	1 Match

Note: A reference to second and subsequent Low-level Offences is a reference to a second or subsequent Low-level Offence occurring at any time in the previous 12 months (as at the date of the current offence). If a player has been found guilty of an offence other than a Low-level Offence this will not count as a first offence for the purposes of the above table.

5.5 Grand Final

The Panel or Tribunal (as applicable) has the right to apply (at its absolute discretion) a loading of up to 100% for any Reportable Offence committed during a Grand Final.

6 DEFINITIONS

AFL means the Australian Football League ACN 004 155 211 or any State Body or individual engaged to operate on behalf of the AFL.

Club means a club fielding a team in the Competition.

Competition means any Australian Football competition, conducted by the Football Body.

Laws of the Game means the *Laws of Australian Football* as administered and controlled by the AFL, as amended from time to time.

Match means any Australian football Match played between or directly or indirectly involving any Club.

Notice of Charge means the formal notice provided to a Person informing them that they are being charged with a Reportable Offence or other breach of the *Rules and Regulations* and/or *Laws of the Game*.

Officer means, as defined in the Corporations Law and without limitation, the Club president, chairman, vice president, vice chairman, general manager, chief executive, football manager, coach, any board or committee member and any servant or agent who makes or participates in the making of decisions that affect the whole, or a substantial part, of the business of the Club.

Person means a servant or agent of a Club, Player, coach, assistant coach, trainer, runner, Officer, medical officer, employee, independent contractor or volunteer of a Club or any other Person within the purview of these Guidelines.

Reportable Offence means any reportable offence identified in the *Laws of the Game* or any offence under the *Rules and Regulations* of the Football Body, as amended from time to time, including without limitation the reportable offences contained in section 5 as well as a breach of the *National Anti-Doping Code*, the *National Vilification & Discrimination Policy* or the *National Member Protection Policy*.

Reporting Officer means a person appointed by the Football Body to present evidence in support of the charge or matter, respond to matters put in defence and address the Tribunal at any hearing.

Umpire includes a field, boundary, goal and emergency umpire.