

STATE & TERRITORY TRIBUNAL GUIDELINES



2023

1. APPLICATION

These *State & Territory Tribunal Guidelines (Guidelines)* apply to Australian Football State Leagues (and other leagues at the discretion of Controlling Bodies) conducted or administered by one of the following Controlling Bodies:

- (a) NSW/ACT: AFL (NSW/ACT) Commission Ltd ACN 086 839 385;
- (b) NT: AFL Northern Territory Limited ACN 097 620 525;
- (c) QLD: AFL Queensland Limited ACN 090 629 342;
- (d) SA: South Australian National Football League Inc ABN 59 518 757 737;
- (e) TAS: Football Tasmania Limited ACN 085 213 350;
- (f) Victoria: Australian Football League (Victoria) Limited ACN 147 664 579;
- (g) WA: West Australian Football Commission Inc ABN 51 167 923 136.

A Controlling Body may, at its discretion, apply part or all of these Guidelines to additional leagues conducted or administered by, or affiliated with, that Controlling Body.

Where these Guidelines are adopted by a Controlling Body, the players, coaches, officials, spectators, administrators and any other people reasonably connected to that Controlling Body (and the applicable State League or other league) will be required to comply with these Guidelines.

2. COMPETITION TRIBUNAL RULES

2.1 Appointment of Tribunal Members

The Controlling 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 Controlling 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 Controlling Body in its absolute discretion.

2.3 Qualifications of Tribunal Members

Except where the Controlling Body otherwise determines, a person shall not be appointed to the Tribunal if, in the twelve (12) months preceding the appointment, 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.

2.4 Resignation and Removal of Tribunal Members

- (a) A member of the Tribunal may resign by providing notice in writing to the Controlling Body.
- (b) The Controlling 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 Controlling 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 shall have the power to withdraw any charge or matter prior to or at any time during a hearing before the Tribunal.
- (c) 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) Subject to section 2.6(b), at any hearing before the Tribunal a Person charged with a Reportable Offence must:
- (i) appear in person; or
 - (ii) be represented by a barrister, solicitor or Club Officer.
- (b) Where a Person charged with a Reportable Offence is under the age of 16 years at the time of the alleged Reportable Offence:
- (i) the Person must be represented under section 2.6(a)(ii) (and such representative must not be a parent or guardian of the Person); and
 - (ii) a parent or guardian of the Person may attend any hearing before the Tribunal in place or in support of the Person.
- (c) 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

Except where otherwise determined by the Controlling Body, at any Tribunal hearing, the Tribunal shall comprise a minimum of three (3) and maximum of (5) persons (including the Chairperson) with the exact number of persons to be at the discretion of the Controlling Body.

2.8 Attendance at Tribunal Hearing

- (a) A Person who has been summoned to attend a Tribunal hearing, and/or that Person's representative, must attend at the time and place and in the manner (including by video or telephone conferencing) 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 Controlling Body.
- (c) A Person or representative wishing to attend the Tribunal hearing via video or telephone conferencing must first seek the approval of the Controlling Body.
- (d) If a Person issued with a Notice of Charge or other relevant notice, or that Person's representative, fails to appear at a Tribunal hearing 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 or that Person's representative.

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 the Chairperson 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 Controlling Body in writing by no later than 10.00am on the day after notification of the charge or matter (or such other time determined by the Controlling Body) and contains:
 - (i) the name and address of the witness (plus their qualifications and experience, for expert witnesses only); and
 - (ii) a summary of the substance of the evidence the Person proposes to adduce from the witness (including any expert 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 exceptional and compelling circumstances, as determined by the Controlling Body in its absolute discretion, will the Tribunal receive evidence from a Person who is not an Umpire or recorded on the Club official team sheet for a relevant Match.
- (d) Any video evidence which is not already in the possession of the Controlling Body must be submitted to the Controlling Body by Clubs at a time to be determined by the relevant Controlling Body.

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 Controlling Body and any other Person who has an interest in the proceeding (including, without limitation, the Reporting Officer and the Controlling 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) Subject to section 2.14(d), where a charge is sustained in respect of a Reportable Offence, the Tribunal must apply the sanction applicable to the Reportable Offence as per section 5.
- (d) The Tribunal may determine the appropriate sanction in its absolute discretion, without having regard to the sanctions referred to in section 5 where there are exceptional and compelling circumstances which make it inappropriate or unreasonable to apply those sanctions. Exceptional and compelling circumstances will exist where (at the discretion of the Tribunal):
 - (i) a Player has a verifiable exemplary record;
 - (ii) a Reportable Offence was committed in response to provocation;
 - (iii) a Reportable Offence was committed in self-defence; or
 - (iv) there are multiple Reportable Offences arising from the same event or course of conduct.
- (e) 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.
- (f) The Tribunal is not obliged to give reasons for any decision made by it under these Guidelines.
- (g) Where a charge is sustained against a Person under the age of 16 years at the time of the Reportable Offence, the Controlling Body shall not publish the decision of the Tribunal insofar that it is viewable by the general public without the express permission of the Person charged and their parent/guardian except that, to ensure effective administration of Competitions, access to such decisions and related sanctions will be available to the Controlling Body, and League and Club administrators who have access to Competition records.

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 Controlling Body or 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; 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,

the Person 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 Controlling 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 Controlling Body shall determine in its absolute discretion in any case, whether any public criticism is unfair, unreasonable or excessive.
- (c) Where the Controlling Body determines that any public criticism is unfair, unreasonable or excessive, the Controlling Body may impose a sanction in its absolute discretion.
- (d) Where a Person contravenes this Rule, the Person's Club may also be liable to a sanction at the discretion of the Controlling Body.

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 the Person 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 section 2.20(c) below. For the avoidance of doubt:

- (i) a Person suspended in a previous season cannot serve their 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 their suspension in their 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 their 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 the Person 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 their registered Club however such Matches will not count as part of the Person's suspension or disqualification.
- (e) Law 22.4 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 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 by the Controlling Body. 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 Controlling 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 by the Controlling Body;
- (b) lodge a copy of the Incident Referral Form together with the Match day paperwork with the Controlling Body;
- (c) Where a Club suspects that a Person may have committed a Reportable Offence, the Club may submit a written complaint to the Controlling Body, by no later than 5.00pm on the next business day after the relevant Match or other time as agreed by the Controlling Body. The Controlling Body may levy a fee for the administration of the referral (with the fee amount, if applicable, to be determined by the Controlling Body in its absolute discretion), which may be refunded if the Controlling Body determines, 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 Controlling Body.
- (e) Notwithstanding any other provision of these Guidelines, if an authorised person of a Controlling Body is of the opinion that a Person may have committed a Reportable Offence, that authorised person may report that Person by completing a Notice of Charge. The authorised person 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 Controlling Body may order an investigation into the alleged Reportable Offence in accordance with the *National Investigation Guidelines* (if applicable as determined by the Controlling Body). After receiving the Investigation Report produced in accordance with the *National Investigation Guidelines* (if applicable as determined by the Controlling Body):

- (a) if the Controlling 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 Controlling Body may issue a Notice of Charge to the charged Person and/or Club, as well as any other relevant Person involved in the incident;
- (b) if the Controlling 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 Controlling Body, the Controlling 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

- (a) Where a review of Match footage is deemed necessary by the Controlling Body, whether as a result of an Umpire Report, an Incident Referral Form, Investigation or any other reason whatsoever, the Controlling 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.
- (b) The Match footage shall be admissible evidence at the 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 early guilty plea penalty offered, in accordance with section 5 as amended from time to time, by no later than 5.00pm on the day of receipt of the Notice of Charge, or other time as determined by the Controlling Body.

3.7 Where Early Plea Not Available

Where the Match Review Panel or the Controlling 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 guilty plea, the Match Review Panel/Controlling 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). This written notification shall specify relevant particulars of the alleged offence, but if the Player is charged with a Classifiable Offence under section 5.2, the written notification need not specify an offence classification under section 5.2(b). In this instance the Tribunal will not be bound by the classification table in section 5.2(b) and will be at large in relation to penalty.

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

- (a) Subject to section 3.8(e), the 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 Controlling Body.
- (b) Subject to section 3.8(c), a Person who does not accept an early guilty 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 the entering of the guilty plea.
- (c) Should a Person plead guilty to a Reportable Offence subject to an alternative classification, and successfully contest the Notice of Charge at the Tribunal (such that the Tribunal determines to downgrade the charge), the Person will be entitled to receive a reduction in the sanction equivalent to the reduction obtained had the Player submitted an early guilty plea for that lesser offence.
- (d) Upon receipt of a Notice of Charge, the Controlling 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 Tribunal hearing.
- (e) The Controlling 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.
- (f) Despite the other provisions of this section 3.8, where a Person does not elect to accept an early guilty plea, a Controlling Body may in its discretion apply a standard penalty (ie without discount) rather than directly referring the matter to a Tribunal hearing.
- (g) Where the notification referred to in section 3.7 has been given by the Match Review Panel or the Controlling Body, the Person the subject of the Notice of Charge shall be entitled to

lodge a plea at the Tribunal hearing which may be considered by the Tribunal in the determination of any penalty.

3.9 Withdrawal of Charge

The Match Review Panel or the Reporting Officer 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 Controlling 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 Controlling Body, 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 Controlling Body may, from time to time, appoint persons to an Appeal Board.

4.3 Grounds for Appeal

Except where otherwise determined by the Controlling Body, a Person found guilty of a Reportable Offence by the Tribunal, or the Controlling Body may only 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;
 - (c) the classification of the level of the offence was manifestly excessive or inadequate; or
 - (d) that the sanction imposed was manifestly excessive or inadequate,
- (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) at the discretion of the Controlling Body, a panel of not more than six (6) persons who in the opinion of the Controlling 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 Controlling 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 Controlling Body otherwise determines, a person shall not be appointed to the Appeal Board if, in the twelve (12) months preceding the appointment, 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.

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 Controlling Body.
- (b) The Controlling Body may remove a person appointed to the Appeal Board at any time in its absolute discretion.

4.7 Representation

- (a) Subject to section 4.7(b), at any hearing before the Appeal Board a Person must:
 - (i) appear in person; or
 - (ii) be represented by a barrister, solicitor or Club Officer on such terms, if any, as the Chairperson directs.
- (b) Where a Person charged with a Reportable Offence is under the age of 16 years at the time of the alleged Reportable Offence:
 - (i) the Person must be represented under section 4.7(a)(ii) (and such representative must not be a parent or guardian of the Person); and
 - (ii) a parent or guardian of the Person may attend any hearing before the Appeal Board in place or in support of the Person.
- (c) 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, at the discretion of the Controlling Body, up to 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) up to two (2) Appeal Board Panel members.

4.9 Notice of Appeal

- (a) Except where otherwise determined by the Controlling Body, an appeal under these Guidelines shall be brought by lodging with the Controlling Body, by no later than 5.00pm on the day following the decision of the Tribunal, a duly completed Notice of Appeal in the form prescribed by the Controlling Body and, in the case of an appeal under section 4.3, shall be accompanied by payment to the Controlling Body of:
 - (i) the sum of 50% of a fixed fee to be determined by the Controlling Body (inclusive of Goods and Services Tax), which sum shall not be refundable in any circumstances; and
 - (ii) the remaining 50% the fixed fee (inclusive of Goods and Services Tax) which shall be dealt with in accordance with section 4.18 – 4.21.
- (b) The Controlling 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, or an appellant's representative, shall attend and appear before the Appeal Board at the date, time and in the manner (including by video or telephone conferencing) fixed for the hearing of the appeal. Where an appellant, or an appellant's representative, fails to attend before the Appeal Board, the Appeal Board may hear and determine the appeal in the absence of the appellant or the appellant's representative.
- (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 Controlling Body.
- (c) A Person or representative wishing to attend the Appeal Board hearing via video or telephone conferencing must first seek the approval of the Controlling 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, any payment made under section 4.9(a)(ii) shall be refunded on receipt by the Controlling Body of an appropriate tax invoice.

4.19 Unsuccessful Appeal

Where an appeal is not successful, any 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 Controlling Body in which case the payment under section 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 section 4.23(a), the Person's Club may also be liable to a sanction unless the Person establishes, to the reasonable satisfaction of the Controlling

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 Controlling Body shall determine in its absolute discretion and in any case, whether any public criticism is unfair, unreasonable or excessive.
- (c) Where the Controlling Body determines that any public criticism is unfair, unreasonable or excessive, the Controlling Body may impose a sanction in its absolute discretion.
- (d) Where a Person contravenes section 4.24(a), the Person's Club may also be liable to a sanction at the discretion of the Controlling Body.

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.

APPENDIX 1 – Reportable Offences

1. Application

- (a) This Appendix 1 sets out the different categories of Reportable Offences and appropriate sanctions and courses of action in respect of Reportable Offences.
- (b) The categories of Reportable Offences are as follows:
 - (i) Classifiable Offences (Clauses [2](#) and [3](#) of this Appendix 1);
 - (ii) Direct Tribunal Offences (Clause [4](#) of this Appendix 1); and
 - (iii) Low-level Offences (Clause [5](#) of this Appendix 1).
- (c) This Appendix 1 is to be used by a Controlling Body (including any Match Review Panel, Match Review Officer or other person(s) responsible for assessing a Reportable Offence) to determine the appropriate category of offence, sanction or course of action prior to any Tribunal involvement under the State and Territory Tribunal Guidelines.

[Guidance note: Examples of Reportable Offences committed in the AFL/AFLW Competition are listed in Appendix 2. The AFL will make vision of these examples available to Controlling Bodies from time to time.]

2. Classifiable Offences

(a) Which Reportable Offences are Classifiable Offences?

A Classifiable Offence is a Reportable Offence specified in Table 1 below which may be graded by a Controlling Body in order to determine an appropriate base sanction for that Reportable Offence.

Table 1 – Classifiable Offences
Charging
Unreasonable or Unnecessary Contact to the Eye Region
Forceful Front-On Contact
Headbutt or Contact Using Head
Kicking
Kneeing
Rough Conduct
Striking
Tripping
Unreasonable or Unnecessary Contact to the Face

(b) **Grading Classifiable Offences**

- (i) Unless otherwise specified in this Policy Handbook, a Controlling Body must grade a Classifiable Offence in accordance with Table 2 below:

Table 2 – Classification Table				
Conduct	Impact	Contact	Base Sanction	Early Guilty Plea
Intentional	Severe	High/Groin/Chest	5+ Matches (Tribunal)	N/A
		Body	4+ Matches (Tribunal)	N/A
	High	High/Groin/Chest	4 Matches	3 Matches
		Body	3 Matches	2 Matches
	Medium	High/Groin/Chest	3 Matches	2 Matches
		Body	2 Matches	1 Match
	Low	High/Groin/Chest	2 Matches	1 Match
		Body	1 Match	Fine and/or Reprimand
Careless	Severe	High/Groin/Chest	4+ Matches (Tribunal)	N/A
		Body	3+ Matches (Tribunal)	N/A
	High	High/Groin/Chest	3 Matches	2 Matches
		Body	2 Matches	1 Match
	Medium	High/Groin/Chest	2 Matches	1 Match
		Body	1 Match	Fine and/or Reprimand
	Low	High/Groin/Chest	1 Match	Fine and/or Reprimand
		Body	1 Match	Fine and/or Reprimand

[Guidance note: Where 'Tribunal' is noted above, the matter will be referred directly to the Tribunal.]

- (ii) If applicable, a Controlling Body may grade a Classifiable Offence in accordance with the specific classification table adopted by the relevant Controlling Body provided such table has been approved by the AFL.
- (iii) For a Controlling Body to arrive at a grading set out in Table 2, the Controlling Body must use the interpretation provisions set out in Clause [3](#) of this Appendix 1 to assess whether:
 - (A) the Conduct is Intentional or Careless;
 - (B) the Impact is Severe, High, Medium or Low; and
 - (C) the Contact with the other Person is High/Groin/Chest or to the Body.
- (iv) A Controlling Body may refer a Classifiable Offence directly to the Tribunal on the basis that:
 - (A) it is a Classifiable Offence which the Controlling Body has graded as Severe Impact (together with any Contact or Conduct grading); or
 - (B) it is a Classifiable Offence which attracts a base sanction that the Controlling Body finds inappropriate.

[Guidance note: Refer to clause 3.7 of the State and Territory Tribunal Guidelines. See also Clause [4](#) (Direct Tribunal Offences) of this Appendix 1.]
- (v) References to 'Chest' in this Appendix 1 apply to Persons participating in female Competitions only.

3. Determining the grading of Classifiable Offences

(a) Grading Conduct

- (i) The Conduct will be graded as Intentional or Careless.
- (ii) Intentional Conduct
 - (A) A Person intentionally commits a Classifiable Offence if the Person engages in the conduct constituting the Reportable Offence with the intention of committing that Reportable Offence.
 - (B) An intention is a state of mind and may be formed on the spur of the moment.
 - (C) Whether or not a Person intentionally commits a Reportable Offence depends upon the state of mind of the Person when the Person engages in the conduct with which they are charged. What the Person did is often the best evidence of their intention. In some cases, the evidence that the conduct itself provides may be so strong as to compel an inference of what the Person's intent was, no matter what they may say about it afterwards. If the immediate consequence of conduct is obvious and inevitable, the deliberate engaging of the conduct carries with it evidence of an intention to produce the consequence.

- (D) As an example, a strike will be regarded as Intentional where a Person delivers a blow to another Person with the intention of striking them.
- (E) The state of a Person's mind is an objective fact and has to be proved in the same way as other objective facts. The whole of the relevant evidence has to be considered. It is necessary to weigh the evidence of the Person as to what their intentions were along with whatever inference as to their intentions can be drawn from their conduct and/or other relevant facts. The Person may or may not be believed. Notwithstanding what the Person says, it may be able to be concluded from all the material that the Person intentionally engaged in the conduct constituting the Reportable Offence.

(iii) Careless Conduct

- (A) A Person's conduct will be regarded as Careless where it constitutes a breach of the duty of care owed by the Person. Each Person owes a duty of care to other Persons not to engage in conduct which will constitute a Reportable Offence being committed against those Persons.
- (B) To constitute 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.
- (C) Further, a Person will be careless if they breach their duty to take reasonable care to avoid conduct which can be reasonably foreseen to result in a Reportable Offence.

(b) **Grading Impact**

- (i) The Impact will be graded as Low, Medium, High or Severe. In an assessment as to the level of Impact, the following factors will be considered:
 - (A) the extent of force and, in particular, any injury sustained by the Person who was offended against (as set out in the relevant Medical Report).
 - (B) the absence of injury does not preclude the classification of Impact as Low, Medium, High or Severe;
 - (C) the potential to cause injury must be factored into the potential to cause injury, particularly in relation to the following conduct:
 - (1) intentional strikes, such as those with a swinging clenched fist, raised forearm or elbow;
 - (2) high bumps, particularly with significant head contact and/or momentum;
 - (3) any head-high contact with a Player who has their head over the ball, particularly when contact is made from an opponent approaching from a front-on position;

- (4) forceful round-arm swings that make head-high contact to a Player in a marking contest, ruck contest or when tackling;
 - (5) any contact that occurs when the other Person should not reasonably be expecting or is not reasonably prepared for contact (i.e. contact off the ball);
 - (6) any dangerous tackle.
- (D) Low Impact is the minimum impact required for a Classifiable Offence which requires more than just negligible impact. However, the potential to cause injury may result in an upgrade to the level of Impact, including from negligible to a higher level of Impact;
 - (E) strong consideration will be given to the distance the incident occurs from the ball and the expectation of contact of the other Person (especially in the case of intentional strikes);
 - (F) consideration will be given not only to the impact between the offending Person and the other Person, but also any other impact to the other Person as a result of that impact; *[Guidance note: For example, where the other Person as a result of the impact from an offending Person is pushed into the path of a fast-moving third Person, the impact to the other Person may be classified as High or Severe Impact, even though the level of impact between the other Person and offending Person was only Low or Medium Impact.]*
 - (G) the body language of the offending Person in terms of flexing, turning, raising or positioning the body to either increase or reduce the force of impact; and
 - (H) the following Table 3 sets out base level Impact guidelines and provides a summary of applicable base level Impact guidelines for Low, Medium, High and Severe Impact incidents:

Table 3 – Impact guidelines	
Low	<p>Player: Minimal or no impact on the Match - the Player continued to play the majority of the Match and suffered no or minimal ongoing issues.</p> <p>Person (other than Player): Person continued in their relevant capacity in relation to the Match for the majority of the Match and suffered no or minimal ongoing issues.</p> <p>The Impact grading may be raised under the potential to cause injury provisions in this Appendix 1.</p>

Medium	<p>Player: Clearly some impact on the Player, and/or the Player left the field for a lengthy period of time, and/or some possible lower level ongoing treatment(s) required.</p> <p>Person (other than Player): Clearly some impact on the Person, and/or the Person was prevented from continuing in their official capacity in relation to the Match for a lengthy period of time, and/or some possible lower level ongoing treatment(s) required.</p> <p>The Impact grading may be raised under the potential to cause injury provisions in this Appendix 1.</p>
High	<p>Player: Major impact on the Player, and/or the Player was unable to participate in the remainder of the Match, and/or major ongoing issues that require medical intervention and/or may miss some Matches.</p> <p>Person (other than Player): Major impact on the Person, and/or the Person was unable to continue in their official capacity in relation to the Match for the remainder of the Match, and/or major ongoing issues that require medical intervention and/or may miss some Matches.</p> <p>The Impact grading may be raised under the potential to cause injury provisions in this Appendix 1.</p>
Severe	<p>Person (including Player): Major impact and serious injury to the Person, and/or likely to miss a significant number of Matches.</p>

(c) **Grading Contact (High/Groin/Chest, Body)**

- (i) High Contact is not limited to contact to the head and includes contact above the shoulders.
- (ii) A classification of High Contact may apply to a Careless or Intentional Dangerous Tackle (refer to Clause [7\(f\)\(iii\)](#) of Appendix 1 below) which has the potential for injury to be caused through dangerous high contact with the ground and where high contact does not actually occur.
- (iii) 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, including the testicles and vulva.
- (iv) Contact to the Chest means contact to the breast(s) of the other Person (females only).
- (v) Where contact is both High and to the Body, it will usually be classified as High Contact.
- (vi) Where contact is both to the Chest and to the Body, it will be classified as Contact to the Chest (females only).
- (vii) Contact will be classified as High, to the Groin or, in the case of females only, to the Chest, where a Person's head, groin or chest makes contact with another Person or object such as the fence or the ground as a result of the

actions of the offending Person. By way of example, should a Person tackle another Person around the waist and as a result of the tackle, the tackled Person's head makes forceful contact with the fence or the ground the Contact in these circumstances would be classified as High, even though the tackle was to the body.

- (viii) The Controlling Body has the discretion to grade contact as Body contact rather than High contact where the Body impact would result in a more significant sanction.

(d) Impact of a bad record on Classifiable Offence

- (i) The sanction for Classifiable Offences may be increased where a Person has a bad Disciplinary History.
- (ii) Where a Person has been found or pleaded guilty to two low-level Classifiable Offences within a 12 month period (those Classifiable Offences with a base sanction of 1 match as per Table 2), any third or subsequent low-level Classifiable Offence (with a base sanction of 1 match as per Table 2) within the same 12 month period (as at the date of the offence) will result in a base sanction of 2 matches, with the Person able to accept 1 match with an Early Guilty Plea. For the avoidance of doubt, the Low-level Offences referred to in Clause [5](#) of this Appendix 1 will not be affected by this bad record provision.
- (iii) A Controlling Body has the power pursuant to Section [3.7 of the State and Territory Tribunal Guidelines](#), to directly refer a Person to the Tribunal as a result of the Person's bad Disciplinary History. In this instance the Tribunal will not be bound by Table 2. Evidence in relation to the record of a Person may be tendered to the Tribunal without the leave of the Chairperson.

(e) Reduction in base sanction for an Early Guilty Plea

The base sanction for a Classifiable Offence will be decreased where a Person submits an Early Guilty Plea (if available). As per Table 2:

- (i) an Early Guilty Plea in respect of a Classifiable Offence with a fixed base sanction of a two, three or four Match suspension will result in a one Match reduction in that suspension; and
- (ii) an Early Guilty Plea in respect of a Classifiable Offence with a base sanction of a one Match suspension will result in a reprimand and/or fine (at the discretion of the Controlling Body).

(f) No automatic reduction for exemplary record

- (i) A Person will not receive an automatic reduced base sanction for their exemplary Disciplinary History.
- (ii) If a Classifiable Offence is contested or referred to the Tribunal, a Person with a verifiable exemplary Disciplinary History may argue that their Disciplinary History constitutes exceptional and compelling circumstances under Section [2.14 \(d\) of the State and Territory Tribunal Guidelines](#) (which may make it inappropriate to apply the sanctions in Table 2 to the determined classification). In such

circumstances, the Tribunal may determine the appropriate sanction in its absolute discretion.

(g) **Multiple offences in a single Match**

Where a Person is found guilty of multiple Reportable Offences from a single match, the individual sanctions must be added together to form the final sanction applicable to the Person.

(h) **Injury**

The Controlling Body and the Tribunal can inquire and receive information as to the nature and extent of any injury suffered by a Person in relation to a Reportable Offence. The nature and extent of injury may be a relevant factor in determining the level of Impact, Contact and in some instances, the nature of the Conduct. A Club must provide a Medical Report upon request by the Controlling Body or Tribunal.

4. Direct Tribunal Offences

(a) **Which Reportable Offences are Direct Tribunal Offences?**

Direct Tribunal Offences are those Reportable Offences which are referred by the Controlling Body directly to the Tribunal for determination without grading (i.e. without an assessment of the Reportable Offence using Table 2), including the following Reportable Offences:

Table 4 – Direct Tribunal Offences
Attempting to Strike an Umpire
Behaving in an Abusive, Insulting, Threatening or Obscene Manner Towards or in Relation to an Umpire
Eye Gouging
Intentional Contact with an Umpire
Spitting on Another Person
Spitting on or at an Umpire
Stomping
Striking an Umpire
Serious Misconduct

(b) **Determination of Direct Tribunal Offences**

The Tribunal will determine a Direct Tribunal Offence in accordance with State and Territory Tribunal Guidelines. The Tribunal will determine the appropriate sanction for a Direct Tribunal Offence in its absolute discretion.

5. Low-level Offences

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

Low-level Offences are the following low-level Reportable Offences which, having regard to the provisions of this Clause 5 and Clause 7 of Appendix 1, do not require classification (i.e. do not require an assessment of the Reportable Offence using Table 2):

Table 5 – Low-level Offences
Attempt to Strike / Kick / Trip
Careless Contact with an Umpire
Disputing Decision
Instigator of a Melee / Wrestle
Interfering with a Player Kicking for Goal
Unreasonable or Unnecessary Contact with an Injured Player
Unreasonable or Unnecessary Contact with an Umpire
Not Leaving the Playing Surface
Obscene Gesture
Pinching
Prohibited Boots, Jewellery or Equipment
Scratching
Shaking, Climbing or Interfering with Goal or Behind Post
Spitting at Another Player
Staging
Striking
Kicking
Time Wasting
Tripping
Using Abusive, Insulting or Obscene Language Towards or in relation to an Umpire
Using Abusive, Insulting or Obscene Language

Engaging in a Melee / Wrestle
Any Other Act of Low-Level Misconduct which is not a Classifiable Offence or Direct Tribunal Offence

(b) **Sanctions for Low-level Offences**

- (i) Unless otherwise specified in this Policy Handbook, for Low-level Offences a Controlling Body must impose the base sanctions (with a reduced sanction for an Early Guilty Plea) set out in Table 6 below:

Table 6 – Low-level Offence Base Sanctions			
1st & 2nd Low-level Offence		3rd & Subsequent Low-Level Offence	
Base Sanction	Early Guilty Plea	Base Sanction	Early Guilty Plea
1 Match	Reprimand	2 Matches	1 Match

- (ii) If applicable, a Controlling Body may impose base sanctions for Low-level Offences in accordance with the specific Low-level Offence sanctions table adopted by the relevant Controlling Body provided such table has been approved by the AFL.
- (iii) A reference to second, third and subsequent Low-level Offences is a reference to a second, third or subsequent Low-level Offence occurring at any time in the previous 12 months (as at the date of the current offence). The second, third or subsequent Low-level Offence need not be the same offence as the first or any other Low-level Offence. For the avoidance of doubt, a prior offence other than a Low-level Offence will not count as a first offence for the purposes of the above Table 5.
- (iv) A Controlling Body may refer a Low-level Offence directly to the Tribunal on the basis that it is a Low-level Offence which attracts a base sanction that the Controlling Body finds inappropriate.

6. Reportable Offences in a Grand Final

The Controlling Body or Tribunal (as applicable) may apply (at its absolute discretion) a loading of up to 100% in relation to the base sanction for any Reportable Offence committed during a Grand Final.

7. Other factors regarding certain Reportable Offences

(a) **General**

- (i) The Laws of the Game sets out a non-exhaustive list of specific Reportable Offences in Law 22.2.2 as well as providing for various categories of permitted contact which will not constitute a Reportable Offence (for example, legally using a hip, shoulder, chest, arms or open arms, providing

the football is no more than five metres away, and contact which is incidental to a marking contest where a Player is legitimately marking or spoiling or attempting to mark or spoil the football).

- (ii) The Laws of the Game define certain Reportable Offences, but provide that in interpreting/classifying Reportable Offences, words, terms or phrases which are not defined in the Laws of the Game will be given their ordinary meaning.
- (iii) This Clause [7](#) provides guidance in relation to the characteristics of particular Reportable Offences and other relevant factors.

(b) **Striking, Kicking**

- (i) Striking and kicking are interpreted in accordance with their ordinary meaning. A strike would usually be by hand, arm or elbow and would generally not apply to other contact using the body. A strike can also occur with an open hand. A kick is generally applied to contact by foot or leg.
- (ii) A strike or kick requires more than negligible impact to be a Classifiable Offence.
- (iii) Where a strike or kick does not have more than negligible impact, it is open to a Controlling Body to charge a Person with Striking or Kicking under Table 5 where it is satisfied that notwithstanding the result, the intention of the Person was to commit a Reportable Offence. Where no contact is made, a Controlling Body may charge a Person with an Attempt to Strike or Kick, which are both Low-level Offences.

(c) **Classification of certain strikes**

The following factors will be considered when determining the classification of the Reportable Offence of Striking:

- (i) Intent: Notwithstanding any other part of this Policy Handbook, the fact that an act of striking occurred behind the play or off the ball or during a break in play or with a raised forearm or elbow is usually consistent with the strike being intentional.
- (ii) Impact: Notwithstanding any other part of this Policy Handbook, any Careless or Intentional strike which is of an inherently dangerous kind and/or where there is a potential to cause serious injury (such as a strike with a raised elbow or forearm) will usually not be classified as Low Impact even though the extent of the actual physical impact may be low. Such strikes will usually be classified at a higher level commensurate with the nature and extent of the risk of serious injury involved. Strong consideration will also be given to the distance the incident occurs from the ball and the expectation of contact of the other Player.

(d) **Misconduct**

- (i) Misconduct has a wide meaning and generally is any conduct which would be reasonably regarded as unacceptable or unsportsmanlike or where it has the effect or potential to prejudice the reputation of any Person, Club or Controlling Body or to bring the game of Australian Football into disrepute.

- (ii) Acts of Serious Misconduct will be referred directly to the Tribunal.
- (iii) Any other act of Misconduct will be a Low-level Offence unless the Controlling Body determines that:
 - (A) the Low-level Offence sanction is inappropriate; and
 - (B) the act of Misconduct is not Serious Misconduct,

in which case the Controlling Body may impose a sanction of either a 2 Match or 3 Match suspension, with the relevant Person entitled to receive a reduction in the sanction equivalent to the reduction applicable in Table 2 with an Early Guilty Plea (i.e. a 2 Match suspension reduced to a 1 Match suspension with an Early Guilty Plea).

(e) **Forceful Front-On Contact**

- (i) Bumping or making forceful contact to an opponent from front-on when that opponent has their head over the ball is a Reportable Offence. Unless Intentional, such conduct will be deemed Careless except where:
 - (A) the Player was contesting the ball and it was reasonable for the Player to contest the ball in that way; or
 - (B) the bump or forceful contact was caused by circumstances outside the control of the Player which could not reasonably be foreseen,

in which case such conduct will not constitute a Reportable Offence.

- (ii) Any Careless or Intentional Forceful Front-On Conduct where High Contact has been made and that has the potential to cause injury will usually be graded at a minimum as Medium Impact, even though the extent of the actual physical impact may be low.
- (iii) A Player may bump another Player's body from side-on but any contact forward of side-on will be deemed to be front-on. A Player with their head down in anticipation of winning possession of the ball or after contesting the ball will be deemed to have their head over the ball for the purposes of this Clause [7\(e\)](#).

(f) **Rough Conduct**

Rough Conduct is interpreted widely and may be any contact which is unreasonable in the circumstances.

It is a Reportable Offence for a Person to intentionally or carelessly engage in Rough Conduct against another Person which is unreasonable in the circumstances. Without limiting the wide interpretation of Rough Conduct, regard will be had to the following recognised forms of Rough Conduct:

- (i) Rough Conduct (High Bumps)

A Person will be guilty of Rough Conduct where in the bumping of another Person (whether reasonably or unreasonably) the Person causes forceful contact to be made with any part of their body to that Person's head or neck.

Unless Intentional, such conduct will be deemed to be Careless, except where:

- (1) the Person was contesting the ball and it was reasonable for the Person to contest the ball in that way; or
- (2) the forceful contact to the other Person's head or neck was caused by circumstances outside the control of the Person which could not be reasonably foreseen,

in which case such conduct will not constitute a Reportable Offence.

Any high bump which constitutes Rough Conduct that has the potential to cause injury will usually be graded at a minimum as Medium Impact, even though the extent of the actual physical impact may be low.

The purpose of Clause [7\(f\)\(i\)](#) of Appendix 1 is to, as far as practicable, minimise the risk of head injuries to Persons and this purpose must be front of mind for all Persons and will guide the application of the Clause.

For the purposes of this Policy Handbook, head clashes that occur when a Person has elected to bump are circumstances that can reasonably be foreseen. Players will ordinarily be liable if they elect to bump if not contesting the ball.

(ii) Rough Conduct (Bumps to the Body)

If Clause [7\(f\)\(i\)](#) does not apply (for example, in the case of a bump to the body), a Person may still be guilty of Rough Conduct if the Person's conduct was unreasonable in the circumstances. In determining whether a bump was unreasonable in the circumstances the following factors will be considered (without limitation):

- (A) whether the degree of force applied by the Person bumping was excessive for the circumstances;
- (B) whether the Person being bumped was in a vulnerable position; and
- (C) whether the Person could reasonably expect the contact having regard to the Person's involvement in play or ability to influence the contest.

(iii) Rough Conduct (Dangerous Tackles)

The application of a tackle may be considered Rough Conduct where the tackle is unreasonable in the circumstances. In determining whether the application of a tackle constitutes a Reportable Offence and whether the tackle is Careless or Intentional, the following factors will be considered (without limitation):

- (A) whether the tackle consists of more than one action, regardless of whether the Person being tackled is in possession of the ball;
- (B) whether the tackle is of an inherently dangerous kind, such as a spear tackle or a tackle where a Player is lifted off the ground;

- (C) whether the Person being tackled is in a vulnerable position (for example, arm(s) pinned) with little opportunity to protect themselves; and
- (D) whether the Person being tackled is slung, driven or rotated into the ground with excessive force.

(iv) **Rough Conduct (Contact Below the Knees)**

Under the Laws of the Game, making contact with an opponent below the knees is prohibited. A Person who keeps their feet is vulnerable to serious injury from other Persons who lunge, dive or slide toward them and make contact below the knees. This Clause 7(f)(iv) aims to protect such Persons from the risk of foreseeable injury. A Person may be guilty of Rough Conduct if the Person makes contact below the knees of another Person and does so in a manner which is unreasonable in the circumstances. It is not a defence that the Person who made contact below the knees was contesting the ball or was first to the ball. The primary responsibility of Persons with respect to contact below the knees is to avoid the risk of foreseeable injury. In determining whether contact below the knees is unreasonable in the circumstances, the following factors will be considered:

- (A) the degree of momentum and/or force involved in the contact;
- (B) whether the Person causes contact below the knees by sliding with their foot, feet, knee or knees in front of them;
- (C) whether the other Person was in a position that was vulnerable to contact below the knees (for example, standing over the ball or approaching from the opposite direction); and
- (D) whether the Person making contact had any realistic alternative ways of approaching the contest or situation.

Where contact is not made below the knees of the other Person but to another part of that Person's body, a Person may still be guilty under the general definition of Rough Conduct for making unreasonable contact by sliding or dropping into another Person with their knees or feet first.

(g) **Contact with an Umpire**

(i) **Intentional Contact with an Umpire**

- (A) Contact with an Umpire that is aggressive, forceful, demonstrative or disrespectful will be deemed intentional and the Person will be referred directly to the Tribunal. In determining the sanction for Intentional Contact with an Umpire, the Tribunal must have regard to the number of elements of the offence (aggressive, forceful, demonstrative and/or disrespectful) which are established.
- (B) A Player may also be charged with the offence of Intentional Contact with an Umpire by pushing or holding an opponent into an Umpire or their direct path.
- (C) Where contact with an umpire is forceful but only incidental (i.e. it is not otherwise aggressive, demonstrative or disrespectful), the

Controlling Body has the discretion to not charge the Player with Intentional Contact with an Umpire (resulting in a direct referral to the Tribunal) and instead charge the Player with Careless Contact with an Umpire (but provided such Contact is not otherwise disrespectful, demonstrative or aggressive).

(ii) Unreasonable or Unnecessary Contact with an Umpire

Where contact with an Umpire is not aggressive, forceful, demonstrative or disrespectful but could otherwise be regarded as intentional, it will be classified as Unreasonable or Unnecessary Contact with an Umpire which is a Low-level Offence.

(iii) Careless Contact with an Umpire

A charge of Careless Contact with an Umpire is a Low-level Offence. In determining whether the contact was careless, the following factors will be considered:

- (A) whether contact occurs at a centre bounce or ball up;
- (B) whether the Person has set up behind the Umpire;
- (C) whether the Person has taken a path that intersects the Umpire's exit line from a stoppage;
- (D) the force of the contact;
- (E) whether the Umpire's decision making is impeded;
- (F) whether the Umpire goes to ground as a result of the contact;
- (G) any mitigating factors (for example, effort to avoid contact, offline bounce or throw, pushed by opponent into Umpire's path).

A Player may also be charged with the offence of Careless Contact with an Umpire by pushing or holding another Person into an Umpire or their direct path.

(h) **Umpire abuse**

Using Abusive, Insulting or Obscene Language Towards or in relation to an Umpire will be a Low-level Offence unless the Controlling Body determines that:

- (i) the Low-level Offence sanction is inappropriate; and
- (ii) the conduct does not constitute the Direct Tribunal Offence of Behaving in an Abusive, Insulting, Threatening or Obscene Manner Towards or in Relation to an Umpire,

in which case the Controlling Body may impose a sanction of either a 2 Match, 3 Match or 4 Match suspension, with the relevant Person entitled to receive a reduction in the sanction equivalent to the reduction applicable in Table 2 with an Early Guilty Plea (i.e. a 2 Match suspension reduced to a 1 Match suspension with an Early Guilty Plea).

(i) **Using Abusive, Insulting or Obscene Language**

Using Abusive, Insulting or Obscene Language will be a Low-level Offence unless the Controlling Body determines that:

- (i) the Low-level Offence sanction is inappropriate; and
- (ii) the conduct does not constitute the Direct Tribunal Offence of Serious Misconduct,

in which case the Controlling Body may impose a sanction of either a 2 Match or 3 Match suspension, with the relevant Person entitled to receive a reduction in the sanction equivalent to the reduction applicable in Table 2 with an Early Guilty Plea (i.e. a 2 Match suspension reduced to a 1 Match suspension with an Early Guilty Plea).

(j) **Melee**

- (i) Engaging in a Melee/Wrestle

A Melee/Wrestle is defined as an incident involving Persons who are grappling or otherwise struggling with one another, and which is likely to bring the game of Australian Football into disrepute or prejudice the interests or reputation of the Controlling Body. In determining if a Person's conduct constitutes Engaging in a Melee/Wrestle, the following factors will be considered:

- (A) the duration the Person is involved in the Melee/Wrestle;
- (B) the vigour applied by the Person;
- (C) whether the Melee/Wrestle occurs at a break in play, particularly at quarter breaks and half time;
- (D) whether the Person contributed to an escalation of the Melee/Wrestle; and
- (E) the role of the Person (for example, Player or Football Official).

- (ii) Instigator of a Melee/Wrestle

Where a Person's conduct results in retaliatory action which leads to a Melee/Wrestle, that Person's conduct may constitute a Reportable Offence of Instigator of a Melee/Wrestle. The Reportable Offence of Instigator of Melee/Wrestle is separate to the Reportable Offence of Engaging in a Melee/Wrestle and a Person may be found guilty of both Reportable Offences.

(k) **Staging**

Staging includes excessive exaggeration of contact in an unsportsmanlike manner. In determining whether a Person's conduct constitutes the Reportable Offence of Staging, the following factors will be considered:

- (i) whether the conduct affected, or was likely to affect, the Umpire decision-making;

- (ii) whether the conduct incited a melee; and/or
- (iii) whether the conduct was in the spirit of the game.

(l) **Tripping**

- (i) Tripping is interpreted in accordance with its ordinary meaning. In determining whether a Person's conduct constitutes the Reportable Offence of Tripping, the following factors will be considered:
 - (A) how fast the opponent was moving;
 - (B) whether the trip was by hand or by foot/leg; and
 - (C) whether contact was made with a swinging motion.
- (ii) To constitute a Classifiable Offence, Tripping requires more than negligible impact. Where a trip does not have more than negligible impact, it is still open to the Controlling Body or Tribunal to charge a Person with Tripping under Table 5 where it is satisfied that notwithstanding the result, a Reportable Offence was committed. Where no contact or minor contact is made, the Panel can charge a Person with an Attempt to Trip, which is a Low-level Offence.

APPENDIX 2 – Example Reportable Offences

The following incidents are examples of Reportable Offences which were processed in accordance with these Guidelines. Vision of these incidents is available on request to the AFL.

CLASSIFIABLE OFFENCES	
Striking	<p>Example 1 – Nicholas Blakey on Jeremy Cameron (Round 2, 2022) Careless Conduct, Low Impact, Body Contact</p> <p>Example 2 – Elle Bennetts on Hayley Miller (Round 1, 2021) Careless Conduct, Low Impact, Body Contact</p> <p>Example 3 – Rhys Mathieson on Kysaiah Pickett (Finals Week 1, 2021) Careless Conduct, Low Impact, High Contact</p> <p>Example 4 – Marlion Pickett on Brandon Starcevich (Round 10, 2021) Careless Conduct, Medium Impact, High Contact</p> <p>Example 5 – Junior Rioli on Sam De Koning (Round 14, 2022) Intentional Conduct, Low Impact, Body Contact</p> <p>Example 6 – Lance Franklin on Trent Cotchin (Round 11, 2022) Intentional Conduct, Low Impact, High Contact</p> <p>Example 7 – Nathan Wilson on Cody Weightman (Round 12, 2021) Intentional Conduct, Low Impact, Groin Contact</p> <p>Example 8 – Jason Horne-Francis on Joshua Kelly (Round 13, 2022) Intentional Conduct, Medium Impact, High Contact</p> <p>Example 9 – Kyle Hartigan on Samuel Walsh (Round 10, 2021) Intentional Conduct, High Impact, High Contact</p>
Kneeing	<p>Example 10 – Mason Cox on Brandon Starcevich (Round 5, 2022) Careless Conduct, Low Impact, Body Contact</p> <p>Example 11 – Blake Acres on Changkouth Jiath (Round 13, 2022) Intentional Conduct, Low Impact, Body Contact</p> <p>Example 12 – Gemma Houghton on Tahlia Randall (Round 9, 2021) Intentional Conduct, Low Impact, Body Contact</p>
Rough Conduct	<p>Example 13 – Lachlan Hunter on Liam Shiels (Round 22, 2021) Careless Conduct, Low Impact, Body Contact</p> <p>Example 13 – Demi Liddle on Stephanie Cain (Round 6, 2021) Careless Conduct, Low Impact, Body Contact</p> <p>Example 14 – Darcy Tucker on Zach Merrett (Round 9, 2021) Intentional Conduct, Low Impact, Body Contact</p>
Rough Conduct (High Bumps)	<p>Example 15 – Hannah Scott on Chloe Molloy (Round 6, 2021) Careless Conduct, Low Impact, High Contact</p>

	<p>Example 16 – James Rowbottom on Zach Merrett (Round 9, 2022) Careless Conduct, Medium Impact, High Contact</p> <p>Example 17 – Patrick Ryder on Will Day (Round 4, 2022) Careless Conduct, High Impact, High Contact</p> <p>Example 18 – Patrick Dangerfield on Jake Kelly (Round 1, 2021) Careless Conduct, Severe Impact, High Contact</p> <p>EXCEPTION: CONTESTING THE BALL</p> <p>Example 19 – Thomas Green on Ned McHenry (Round 7, 2022)</p> <p>EXCEPTION: CIRCUMSTANCES OUTSIDE CONTROL</p> <p>Example 20 – Patrick Dangerfield on Brad Crouch (Round 22, 2021)</p>
Rough Conduct (Dangerous Tackles)	<p>Example 21 – Isaac Heeney on Jye Caldwell (Round 16, 2022) Careless Conduct, Low Impact, High Contact</p> <p>Example 22 – Kiara Bowers on Anne Hatchard (Round 3, 2021) Careless Conduct, Low Impact, High Contact</p> <p>Example 23 – Jordan De Goey on Patrick Dangerfield (Round 3, 2022) Careless Conduct, Medium Impact, High Contact</p> <p>Example 24 – Madison Prespakis on Sarah Hosking (Round 4, 2021) Careless Conduct, Medium Impact, High Contact</p> <p>Example 25 – Scott Lycett on Ned McHenry (Round 8, 2021) Careless Conduct, Severe Impact, High Contact</p>
Forceful Front-On Contact	<p>Example 26 – Lucy Single on Alicia Janz (Round 5, 2021) Careless Conduct, Low Impact, High Contact</p> <p>Example 27 – Samuel Frost on Brandon Ellis (Round 11, 2022) Careless Conduct, Medium Impact, High Contact</p> <p>EXCEPTION: CONTESTING THE BALL</p> <p>Example 28 – Jordan Dawson on Darcy Cameron (Round 2, 2022)</p>
Unreasonable or Unnecessary Contact to the Eye Region	<p>Example 29 – Andrew Brayshaw on Jarrod Berry (Round 21, 2021) Intentional Conduct, Low Impact, High Contact</p>
Tripping	<p>Example 30 – Angus Brayshaw on Connor Menadue (Round 7, 2021) Careless Conduct, Low Impact, Body Contact</p> <p>Example 31 – Steven May on Ian Hill (Round 5, 2022) Intentional Conduct, Low Impact, Body Contact</p>

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DIRECT TRIBUNAL OFFENCES	
Any Other Act of Serious Misconduct which the MRO Considers Appropriate to Refer to the Tribunal	Example 32 – Jack Viney on Samuel Collins (Round 20, 2021) – two match suspension Example 33 – Sam Swikowski on Jack Ginnivan (Round 10, 2022) – two match suspension
Intentional Contact with an Umpire	Example 34 – Toby Greene (Finals Week 1, 2021) – 6 match suspension

LOW-LEVEL OFFENCES	
Careless Contact with an Umpire	Example 35 – Callum Mills (Round 4, 2021) Example 36 – Jeremy Cameron (Round 18, 2022)
Engaging in a Melee or Wrestle	Example 37 – Collingwood v Port Adelaide (Zak Butters, Taylor Adams, Jeremy Finlayson, Jack Ginnivan) (Round 20, 2022) Example 38 – Ben Ainsworth and Noah Answerth (Round 19, 2022) Example 39 – Madison Prespakis and Brianna Davey (Round 1, 2021)
Staging	Example 40 – Mitchell McGovern (Round 22, 2022)
Other Misconduct	Example 41 – Jeremy McGovern on Jack Viney (Round 9, 2022) Example 42 – Nicholas Murray on Will Hayward (Round 19, 2022)
Striking	Example 43 – Rhys Mathieson on Sam Mayes (Round 7, 2022)
Tripping	Example 44 – Zachary Williams on Aaron Naughton (Round 2, 2022) Example 45 – Greta Bodey on Jessica Duffin (Round 8, 2021)