



TRIBUNAL AND APPEAL BOARD PROCEDURE

1. Purpose

This document prescribes the procedures for a matter coming before the Tribunal and Appeal Board.

2. Conduct of Matter

The matter before the Tribunal or Appeal Board shall be:

- a) inquisitorial in nature; and
- b) conducted with as little formality and technicality and with as much expedition as a proper consideration of the matter permits.

3. Procedural Obligations

At any hearing before the Tribunal or Appeal Board, the Tribunal or Appeal Board shall:

- a) provide any person whose interests may be directly or adversely affected by its decision an opportunity to be heard;
- b) hear and determine the matter before it in an unbiased manner; and
- c) make a decision that a reasonable body could honestly arrive at.

4. Rules of Evidence

The Tribunal and 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 any such manner as it thinks fit.

5. Onus of Proof

Subject to the By-Laws, no person appearing before the Tribunal or Appeal Board shall bear an onus of establishing that a person has or has not engaged in the alleged conduct.

6. Standard of Proof

The Tribunal and Appeal Board shall decide on the balance of probabilities whether a person has or has not engaged in the alleged conduct.

7. Decisions

- a) At the conclusion of its hearing, the Tribunal or Appeal Board may make such determinations, impose such penalties, make such orders and give such directions in each case as it in its absolute discretion thinks fit.
- b) The question before the Tribunal or Appeal Board must be decided according to the opinion of a majority of members constituting the Tribunal or Appeal Board.

8. Penalty

The Tribunal or Appeal Board may have regard to any matters which it considers relevant to the question of penalty and without limitation may consider:

- a. the seriousness of the reportable offence or matter sustained against the person;
- b. the injury sustained and effect upon the person against whom the reportable offence has been committed; and
- c. the prior record of reportable offences or conduct committed by the person.

9. Hearing on Penalty

Where a matter is sustained against the person and before imposing a penalty, the Tribunal or Appeal Board shall provide a person a reasonable opportunity to be heard on the question of penalty.

10. No Reasons

The Tribunal or Appeal Board is not obliged to give reasons for a decision made by it.

11. Questions of Law and Fact

In the hearing and determination of a matter, the Tribunal or Appeal Board shall decide all questions of law and fact without limitation shall determine;

- a) the meaning of any words relevant to a reportable offence under the Laws of Australian Football; and
- b) the meaning of any words contained in the Rules and By-Laws.

12. Determination of Appeal Board – Final and Binding

Any determination made by the Appeal Board shall be final and binding and a person shall not be entitled to appeal any determination of the Appeal Board.

13. Representation

- a) At any hearing before the Tribunal or Appeal Board, a Player, Witness or Umpire may:
 - i. represent himself or herself; or
 - ii. be represented by a registered official of the person's Affiliated Club/Umpires Association provided that person is not a legal practitioner.
- b) For the purposes of this clause, a legal practitioner means a person duly qualified to be admitted to practice as a barrister and solicitor of the Supreme Court of Victoria or a person with equivalent qualifications in any other State or Territory of Australia.

14. Validity of Hearing

- a. Where there is any procedural irregularity in the manner in which a matter has been brought before the Tribunal or Appeal Board, the Tribunal or Appeal Board may 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. Subject to Regulations 3 and 9 of this Procedure, any procedure or requirement regulating the function of the Tribunal or Appeal Board is directory in nature and a decision of the Tribunal or Appeal Board is not invalid by reason of that procedure or requirement not being fulfilled.

NOTICE OF APPEAL

To: The Secretary
AFL Masters Victorian Metropolitan Superules League Incorporated (the League)

I,
Of
(*player to complete)

OR

I,
Of

Being a registered official of.....Football Club
(* Club to complete)

OR

I,
OfGeneral Manager of League
(*General Manager of the League to complete)

give notice that I wish to appeal to the Appeal Board in respect of the decision made by the Tribunal / Board of Management (delete if inapplicable). I wish to appeal the decision in relation to:
(i) liability and sanction; or
(ii) sanction only

The Tribunal / Board of Management (delete if inapplicable) on (specified date) decided that (provide details of decision):

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