

TRIBUNAL 2009



INTRODUCTION

The reporting process and AFL Tribunal are critical parts of the AFL system. The amendments for 2009 were made following our annual review. Feedback from the 16 clubs and the AFL Players' Association on the new Tribunal system since its inception has been overwhelmingly positive and constructive. The basic structure of the system established in 2004 has not altered, and the changes for 2009 reflect feedback received and knowledge gained from the first four years of the system's operation.

A number of high quality submissions were received from clubs, the AFLPA, the AFL Umpires' Association and those currently involved in the Tribunal system at the end of the 2008 season.

These submissions were collated, with the changes considered and approved by a Tribunal review committee including Andrew McKay (Match Review Panel Chairman), Andrew Dillon (General Manager – Legal and Business Affairs), Rod Austin (Football Administration Manager), Jeff Gieschen (AFL Umpires Manager), Scott Taylor (Tribunal Secretary), Simon Clarke (Legal Counsel), Shane McCurry (Football Operations Officer), and myself.

The guiding principles of the Tribunal system introduced in 2005 are:

- To improve the efficiency of the Tribunal process by introducing a system whereby players can accept penalties without having to appear before the Tribunal;
- To promote the transparency and certainty of the process by introducing a table of offences;
- To achieve greater consistency in the reporting process by introducing a Match Review Panel through which all reports will proceed;
- To increase the number of respected former AFL players, coaches and umpires involved in the Tribunal and reporting processes;
- To reduce the damage done to the credibility of the Tribunal process by limiting victim players' evidence;
- To increase the range of representation available to players and the AFL by permitting legal representation;

- To increase the efficiency of dealing with melee and wrestling reports;
- To update and improve the technology available to the Match Review Panel and the Tribunal, and
- To lessen the financial barrier for appeals.

Key Outcomes

The following table outlines the key outcomes of the AFL Tribunal from 2004-08. The reformed system was implemented in 2005.

	2004*	2005	2006	2007	2008
Charges	173	150	137	150	128
Tribunal Hearings	123	26	32	42	22
Number of cases not sustained at Tribunal	40	6	11	12	6
Number of players accepting the penalty as set out by the Match Review Panel	-	124	105	108	106
Percentage of players accepting the Match Review Panel Classification	-	83%	77%	72%	83%
Matches lost through suspension	117	77	71	71	77
Financial sanctions	\$223,100	\$108,600	\$66,900	\$114,800	\$65,700
Reprimands (includes offences < 100 points)	0	21	36	38	31

* The previous Tribunal system was operating in 2004. The new Tribunal system was introduced in 2005.

We thank the clubs, the AFLPA and other members of the football community for their valuable input to this annual review.



Adrian Anderson
General Manager – Football Operations

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CHANGES TO BE INTRODUCED IN 2009

The basic structure of the system in place for the past four seasons will remain, with the following adjustments.

- Add the following charge to the Table of Offences – Demerit Points

Behaving in an abusive, insulting, threatening or obscene manner towards or in relation to an Umpire.

If a player or official was reported for any of the above conduct, the incident would be referred directly to the Tribunal for its determination.

- Add the following dot point under relevant factors 'Rough Conduct'

It is a Reportable Offence to intentionally, recklessly or negligently engage in rough conduct against an opponent which in the circumstances is unreasonable.

When determining whether or not the conduct was unreasonable, consideration should be given, but not limited, to whether the player is not, or would not reasonably be, expected to influence the contest.

- In the Tribunal guidelines confirm that under direct reference to the Tribunal "Where a player is referred directly to the Tribunal, the Tribunal may favourably consider a player's guilty plea, **however the player shall not be automatically entitled to a 25% discount**".

- Add the following wording to the Guidelines under relevant factors 'Impact' and 'Contact'.

IMPACT

In determining the level of impact regard shall be had 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. By way of an example, where a victim player as a result of the impact from the offending player is pushed into the path of a fast-moving third player, the impact to the victim player may be classified as high or severe, even though the level of impact between the offending player and the victim player was only low or medium.

CONTACT

Contact shall be classified as high or to the groin where a player's head or groin makes contact with another player or object such as the fence or the ground as a result of the actions of the offending player. By way of example, should a player tackle another player around the waist and as a result of the tackle, the tackled player's head made 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.



HOW THE SYSTEM WORKS

1. A report or referral is lodged

A report is the responsibility of the umpires officiating at AFL matches. Reports are referred to the Match Review Panel, chaired by Andrew McKay. The Match Review Panel will assess all reports and referrals made by: umpires, umpires' observers, the umpires' manager, the AFL General Manager – Football Operations, CEO of a competing club and the Match Review Panel itself, during its video review of all matches.

2. Match Review Panel decides if a reportable offence has occurred and the offence level

Following assessment of all reports, or referrals, the Match Review Panel will consider whether a player is to be charged with a reportable offence, taking into account three factors (Definitions and Guidelines page 10):

- Conduct (whether the conduct was intentional, reckless or negligent).
- Impact (whether the impact was severe, high, medium or low).
- Contact (whether the contact was high or to the groin or the body).

How the Match Review Panel is to assess these factors is noted in the guidelines. Once each factor above has been confirmed, the Match Review Panel will allocate the Level of Offence via the chart, Categorising the Level of Offences on page 6.

For example, if a player is reported for striking, the Match Review Panel will assess the report and, following the processes outlined in the guidelines, will decide on the level of conduct, impact and contact.

For the purposes of this following example, the Match Review Panel decided the contact was reckless, the impact high and the contact to the body. This equates to a level three offence.

Conduct	Impact	Contact	Activation Points	Level of Offence
Reckless	High	Body	6	3

From the Table of Offences – Demerit Points (page 7), a Level 3 striking offence equates to 225 demerit points. These are the base points and are subject to change in the following circumstances:

- Player has been suspended in the previous three AFL years.
- Player has a good record in the past five AFL years. Points will be deducted.
- Player enters an early guilty plea. Points will be deducted.

In some cases, a charge will go directly to the Tribunal, which will allocate demerit points at its discretion.

The player is notified of the level of the offence and, other than in cases referred directly to the Tribunal, he has the option to take an early guilty plea or to contest the charge at the Tribunal.

3. Player Options

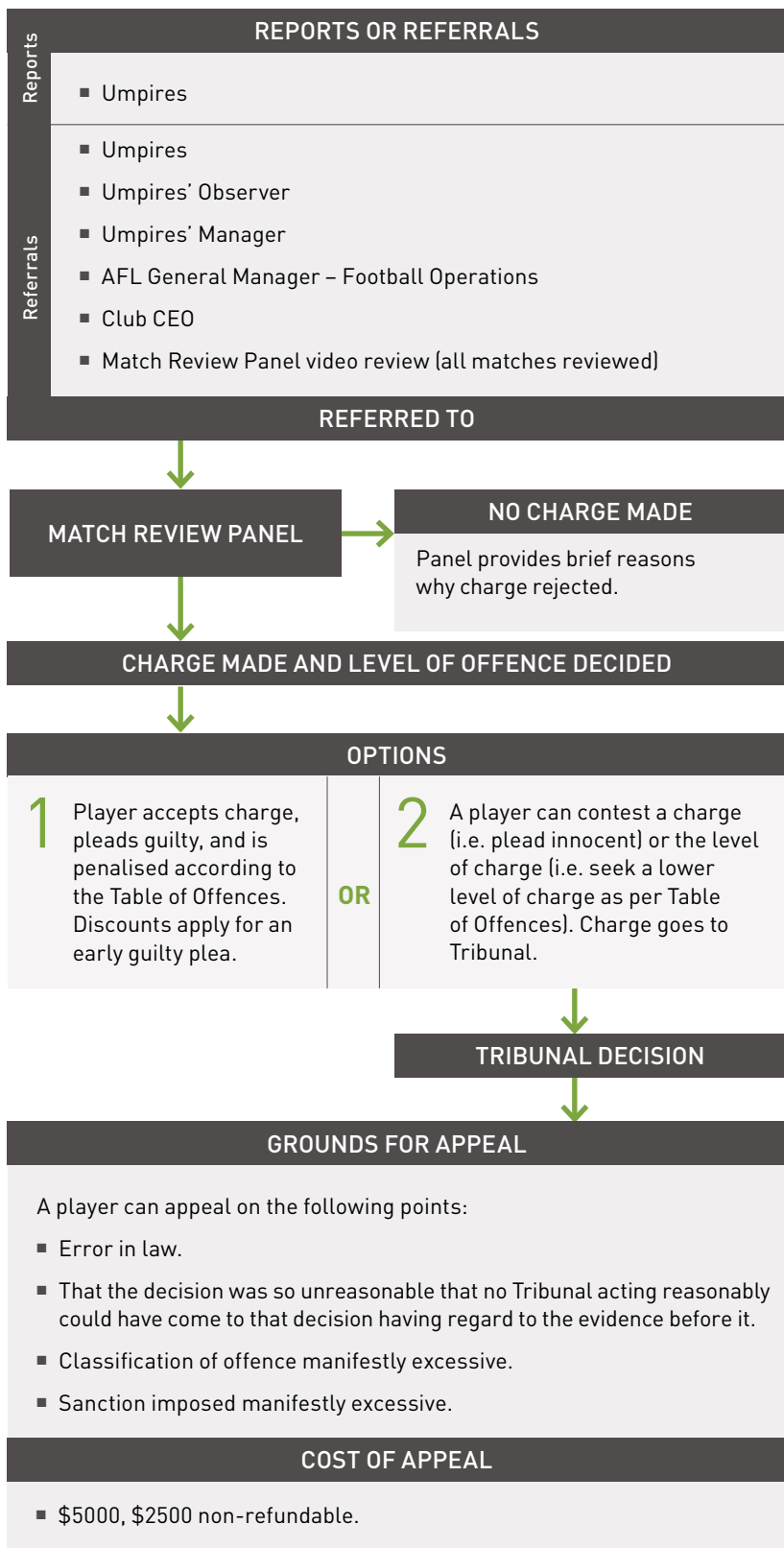
If a player takes an early guilty plea, the demerit points – including additions or subtractions – are subject to a 25% reduction.

A player may contest a charge or plead guilty to a lesser charge at any time, and players can have legal representation.

Victim players can give evidence only with the permission of the Tribunal Chairman.



THE REPORTING PROCESS



WHO DOES WHAT

Match Review Panel
Chairman: Andrew McKay
Members: Paul Broderick, Peter Carey

Role

- Analyse videos of all matches.
- Review reports or referrals made by designated officials.
- Make charges when satisfied that a reportable offence has occurred.
- Allocate penalty which player can accept or face the Tribunal.

AFL Tribunal
Chairman: David Jones
Deputy Chairman: John Hassett
Jury: Emmett Dunne, Michael Sexton, Richard Loveridge, David Pittman, Wayne Schimmelbusch, Wayne Henwood and Stewart Loewe
Secretary: Scott Taylor
Anti-Doping Code Illicit Drug Policy Jury Appointees: Dr Susan White, Dr Andrew Garnham

Role

- Chairman and a jury for Tribunal.
- Chairman manages process and decides on points of law.
- Jury made up of three members (retired players) decides guilt or innocence and applies sanction as per Table of Offences (page 7).

GRADING THE OFFENCE

The following table has been constructed to clearly show the consequences of a player's guilt and to provide clear levels of charges. The Match Review Panel will assess the levels of the offence based on three factors: **conduct, impact and contact**.

It prescribes activation points that define the level of seriousness of an offence on a scale of 1 to 5 (column headed Level). The level then leads to a set number of demerit points (table on page 7) which will determine the sanction.

Note: Match Review Panel can always refer charges to the Tribunal for consideration.

CATEGORISING THE LEVEL OF OFFENCES

Relevant Factors			Activation Points	Level
Conduct (3 To 1)	Impact (4 To 1)	Contact (2 To 1)		
Intentional	Severe	High/Groin	9	TRIBUNAL
Intentional	Severe	Body	8	5
Intentional	High	High/Groin	8	5
Intentional	High	Body	7	4
Intentional	Medium	High/Groin	7	4
Intentional	Medium	Body	6	3
Intentional	Low	High/Groin	6	3
Intentional	Low	Body	5	2
Reckless	Severe	High/Groin	8	5
Reckless	Severe	Body	7	4
Reckless	High	High/Groin	7	4
Reckless	High	Body	6	3
Reckless	Medium	High/Groin	6	3
Reckless	Medium	Body	5	2
Reckless	Low	High/Groin	5	2
Reckless	Low	Body	4	1
Negligent	Severe	High/Groin	7	4
Negligent	Severe	Body	6	3
Negligent	High	High/Groin	6	3
Negligent	High	Body	5	2
Negligent	Medium	High/Groin	5	2
Negligent	Medium	Body	4	1
Negligent	Low	High/Groin	4	1
Negligent	Low	Body	3	1

TABLE OF OFFENCES – DEMERIT POINTS

Reportable Offence	Level 1	Level 2	Level 3	Level 4	Level 5
Striking	80	125	225	325	425
Kicking	125	250	400	550	750
Charging	125	225	325	425	550
Rough conduct	125	225	325	425	550
Contact with umpire (intentional or reckless only)	TRIBUNAL				
Striking or attempting to strike or spitting at or on an umpire	TRIBUNAL				
Behaving in an abusive, insulting, threatening or obscene manner towards or in relation to an umpire	TRIBUNAL				
Bumping or making forceful contact to an opponent from front-on when that player has his head down over the ball	125	250	400	550	750
Tripping	80	125	225	325	425
Attempt to strike/kick/trip	N/A	80	N/A	N/A	N/A
Misconduct (kneeing)	125	225	325	425	550
Misconduct (Head butt/contact with head including face)	80	125	225	325	425
Misconduct (eye gouging/unreasonable and unnecessary contact to the face)	125	225	325	425	550
Misconduct (stomping)	125	225	325	425	550
Misconduct (scratching)	80	125	225	325	425
Misconduct (unreasonable or unnecessary contact with injured player)	80	125	225	325	425
Any other act of serious misconduct	TRIBUNAL				
Misconduct (spitting on another person)	TRIBUNAL				

NOTE: For the purposes of the player rules including this table, misconduct may be intentional, reckless or negligent.

POINTS – CONSEQUENCES

Number of Points	Suspension (Matches)	Consequence
Less than 100	0	The player is reprimanded but not suspended from playing but carries the allocated points for one AFL year and they will be added to any future points allocated within that one AFL year.
Greater than 99, but less than 200	1	The player is suspended from playing in his next match, after which his total points reduce by 100. He carries the balance of the points for one AFL year. The residual points will be added to any future points allocated within that one AFL year.
Greater than 199, but less than 300	2	The player is suspended from playing in his next two matches, after which his total points reduce by 200. He carries the balance of the points for one AFL year. The residual points will be added to any future points allocated within that one AFL year.
Greater than 299, but less than 400	3	The player is suspended from playing in his next three matches, after which his total points reduce by 300. He carries the balance of the points for one AFL year. The residual points will be added to any future points allocated within that one AFL year.
Greater than 399, but less than 500	4	The player is suspended from playing in his next four matches, after which his total points reduce by 400. He carries the balance of the points for one AFL year. The residual points will be added to any future points allocated within that one AFL year.
Etc.	+	Etc.

FIXED FINANCIAL SANCTIONS

Reportable Offence	Sanction		
	1st Offence	2nd Offence	3rd & Subsequent Offences
Negligent contact with umpire	\$2600 (\$1950)	\$3800 (\$2850)	\$5000 (\$3750)
Misconduct (spitting at another player)	\$2600 (\$1950)	\$3800 (\$2850)	\$5000 (\$3750)
Melee	\$1600 (\$1200)	\$2800 (\$2100)	\$4000 (\$3000)
Misconduct (Instigator of Melee)	\$2400 (\$1800)	\$3600 (\$2700)	\$4800 (\$3600)
Wrestling	\$1200 (\$900)	\$2400 (\$1800)	\$4000 (\$3000)
Abusive, insulting, threatening, obscene language	\$1200 (\$900)	\$2400 (\$1800)	\$4000 (\$3000)
Obscene gesture	\$1200 (\$900)	\$2400 (\$1800)	\$4000 (\$3000)
Disputing decision	\$1200 (\$900)	\$2400 (\$1800)	\$4000 (\$3000)
Pinching	\$1200 (\$900)	\$2400 (\$1800)	\$4000 (\$3000)
Interfering with player kicking for goal	\$800 (\$600)	\$1600 (\$1200)	\$2400 (\$1800)
Hitting roof	\$800 (\$600)	\$1600 (\$1200)	\$2400 (\$1800)
Shaking goalpost	\$800 (\$600)	\$1600 (\$1200)	\$2400 (\$1800)
Time wasting	\$800 (\$600)	\$1600 (\$1200)	\$2400 (\$1800)
Prohibited boots, jewellery, equipment	\$800 (\$600)	\$1600 (\$1200)	\$2400 (\$1800)
Not leaving playing surface	\$800 (\$600)	\$1600 (\$1200)	\$2400 (\$1800)
Any misconduct not referred to in the Table of Offences	TO BE DETERMINED BY MATCH REVIEW PANEL		

NOTE: If the player elects to take the prescribed early plea 25% deduction, he will be sanctioned the amount in brackets.

HOW POINTS ARE CALCULATED

Additions for prior offences and reductions for clean record are made on base points. Residual points carried forward are added after additions are made for prior offences. Discounts for early pleas apply to the total points after discounts or additions have been made.

Additions

A player will receive a 10% loading for an offence for each match that he has been suspended in the previous three AFL years. The maximum weighting a player can receive for offences in the past three AFL years will be capped at 50%.

Number of matches suspended in previous three AFL years					
	1 Match	2 Matches	3 Matches	4 Matches	5+ Matches
% Loading	10%	20%	30%	40%	50%

Residual points are added after all other additions are made.

Example: Player Jones was suspended for one match in 2006 and one match in 2007. In 2009, he is charged with a Level 2 rough conduct offence; a 20% loading is then added to the base points for those prior offences.

Base points: 225

Add 45 points (20% for prior offences): $225 + 45 = 270$

Deduct 67.5 points (25% early guilty plea): $270 - 67.5 = 202.5$

Jones can accept 202.5 points with an early guilty plea.

Deductions

25% of the base points shall be deducted if the player has not been found guilty of any reportable offence within the previous five AFL years. If the player's only reportable offence(s) in the previous five AFL years have been financial sanctions, he still qualifies for the 25 per cent deduction. If a player takes an early guilty plea, the demerit points, including additions or deductions, are subject to a 25% reduction.

Example: Player Smith has been on an AFL club list since 2004. He was fined for wrestling in 2007 and for engaging in a melee in 2008. In 2009 he is charged with a Level 3 striking offence (225 points).

Player Smith qualifies for the 25% deduction for a good record and he submits an early guilty plea.

Base points: 225

Deduct 25% (56.25) for good record: $225 - 56.25 = 168.75$

Deduct further 25% (42.19) for early guilty plea: $168.75 - 42.19 = 126.56$

He would be suspended for one match with 26.56 residual points carried over for one AFL year. He would also have a 10% loading for three AFL years.

Contesting at tribunal

If a player contests the level of the charge at the Tribunal and is successful, he will still receive a 25% reduction for the guilty plea.

Example: Player Smith, in the previous example, decides he is guilty of striking, but that the conduct was reckless, not intentional, as graded by the Match Review Panel. He challenges this at the Tribunal and is successful, which reduces the charge to a Level 2 strike (125 points). He still qualifies for the 25% reduction for the guilty plea.

Base points: 125

Deduct 25% (31.25) for good record: $125 - 31.25 = 93.75$. Deduct a further 25% (23.44) for early guilty plea: $93.75 - 23.44 = 70.31$. Smith will carry 70.31 residual points for one AFL year.

Contesting Two or More Factors

If a player contests two or more of the relevant factors at the AFL Tribunal and does not succeed on each matter then he will not receive a 25% reduction for the guilty plea.

Example: Player Smith decides to challenge both the conduct (intentional to reckless) and the contact (high to body) but is successful in just one. In this instance he does not qualify for the 25% reduction for the guilty plea.

Base points: 125

Deduct 25% for good record (31.25): $125 - 31.25 = 93.75$

Two or More Offences In The One Match

If a player is found guilty of two or more reportable offences from the one match and the residual points from each offence total more than 100 points the player will be suspended for an additional match until the carry over points are under 100 points.

Example: Player Smith is charged with 2 offences

1. Rough Conduct Level 1 125 points

2. Striking Level 2 125 points.

Player Smith had a 20% loading as a result of a two-week suspension within the previous three years and also had 27.5 carry over points from within the previous one AFL year.

Smith was found guilty of the rough conduct charge resulting in 177.50 points

125 (base points) + 25 (20% loading) + 27.5 (carry over points)

He was secondly found guilty of the striking charge resulting in 150 points

125 (base points) + 25 (20% loading)

Note: The 27.5 carry over points are only applicable to the first charge and cannot be added to both.

Rough Conduct charge 177.50

Striking Charge 150

Total Points $327.50 = 3$ matches + 27.5 carry over points

The result would mean that player Smith would be suspended for three matches and carry forward 27.5 points for one AFL year.

Grand Final

For any reportable offences sustained during the AFL Grand Final, the base points shall be added again after the points have been calculated in accordance with any additions or reductions (for good record) and finally increased by adding any residual points carried forward. Early plea discount can then apply.

Example: Player Thomson is charged with a Level 3 strike during the 2009 Grand Final. He was suspended for one match in 2008. Points are calculated as follows:

Base points: 225

Additional 22.5 points (additional 10% for prior record)

$225 + 22.5 + 225$ (for Grand Final offence) = 472.5

Thomson can accept 354.38 points with an early guilty plea.

State League Competitions

In the case of an AFL registered player incurring a suspension in a state league associated with the AFL competition, for any period within the previous five AFL years and while an AFL registered player, the player shall not be entitled to the 25% deduction for his good record in the AFL competition. However, for suspension in state leagues, the percentage additions shall not apply.

Example: Player Jackson was suspended for two matches in the SANFL in 2007 after being dropped by his AFL club and he has no other prior offences over a 10-year AFL career.

If reported in the AFL he will not qualify for a 25% reduction for a good record however he will not receive a 20% loading for the SANFL suspension.

Referring To Tribunal

The Match Review Panel may refer any matter to the Tribunal if it considers it appropriate to do so, based on the circumstances of the offence, the record of any player involved, any suspected mitigating factors or any other unusual features of any report.

Example: A player is charged with a Level 5 strike (425 points). The Match Review Panel is not satisfied the sanction according to the Table of Offences – Demerit Points is sufficient. It refers the charge to the AFL Tribunal.

AFL Year

A reference to any previous period of AFL years shall be a reference to the period calculated retrospectively from the round in which a player has been found guilty of a reportable offence or reportable offences. For instance, where a player has been found guilty of a reportable offence or reportable offences in round 10 in 2009, the previous period of three-to-five AFL years shall be the period commencing from and including round 10 in 2006 and 2004 respectively.



DEFINITIONS AND GUIDELINES

(AMENDED – JANUARY, 2009)

The following definitions and guidelines are published to assist AFL clubs, players, the media and members of the public to understand the way in which the Match Review Panel and AFL Tribunal will approach the determination of levels and points attributable to the reportable offences set out in the tables starting on page 7 of this document and other matters relating to the reporting process and the Tribunal and appeals.

In assessing the level of a reportable offence (1-5), the Match Review Panel will take into account three relevant factors:

- conduct;
- impact; and
- contact.

Video examples of incidents relating to conduct, impact and contact have been distributed to AFL clubs. Following is a guide to how the Match Review Panel and Tribunal will interpret these three factors.

Conduct

A reportable offence occurs where any of the offences set out in Law 19.2.2 of the Laws of Australian Football ("the Laws") or any other offence referred to in player Rule 22.9.1(b), is committed. Many of the offences in the Laws require the offending contact to be either intentional, reckless or negligent. Those terms are not defined in the Laws but are defined in the footnotes to Appendix 1 of the Player Rules and what follows is an explanation and some examples of how the Match Review Panel and the Tribunal will apply those concepts.

The table on page 6 (Categorising the Level of Offences) provides for the classification of conduct as either intentional, reckless or negligent conduct. Intentional acts are regarded as more serious than reckless acts and reckless acts are regarded as more serious than negligent acts. Mere accidental conduct will not constitute a reportable offence.

Negligence

Definition of 'negligent' – A player negligently commits a reportable offence if the relevant conduct 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 to not engage in conduct which will constitute a reportable offence being committed against that other player. 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.

Negligence is constituted by a person's breach of duty to take reasonable care to avoid acts which can be reasonably foreseen to result in a reportable offence. While Australian Football is a contact sport, players owe a duty of care to others not to cause and to avoid illegal contact.

An extra onus applies to protect players from serious neck injuries when they have their head down over the ball and to protect players from bumps to the head. Bumping or making forceful contact to an opponent from front-on when that opponent has his head down over the ball, unless intentional or reckless, will be deemed to be negligent, unless:

- a. the player was contesting the ball and did not have a realistic alternative way to contest the ball; or
- b. the bump or forceful contact was caused by circumstances outside the control of the player which could not reasonably be foreseen.

The definition of negligent also contains specific wording relating to bumps to the head (see rough conduct section starting page 12).

An example of negligent contact may be where a player collides with another player who has taken a mark and where contact occurs just after the mark has been taken. The offending player has a duty of care to avoid any contact which would constitute a reportable offence by slowing his momentum as much as he reasonably can and a failure to do so constitutes negligent.

Recklessness

More serious conduct is known as recklessness.

Definition of 'reckless' – A player recklessly commits a reportable offence if he engages in conduct that he realises or that a reasonable player would realise may result in the reportable offence being committed but nevertheless proceeds with that conduct not caring whether or not that conduct will result in the commission of the reportable offence. The reckless commission of a reportable offence does not require any wish that the reportable offence be committed.

This does not require proof that the player turned his mind to the risk.

A player who without looking swings his arm backwards in a pack and strikes an opposing player in the face may be said not to have intended to strike his opponent but his conduct was reckless because it can be inferred from his action that he realised that his arm might make contact or alternatively a reasonable player in his position would have realised that such contact might be made. The guideline relating to inferring a state of mind with respect to intentional offences has application to determining if the player acted recklessly. However, even if it is not established that the player realised the risk, he will have acted recklessly if a reasonable player in his position would have realised the risk.

In the example given under negligent above, if a player collides with another player who has marked the ball, in circumstances where there is some further time after the mark has been taken, and where he blindly continued on, to contact the player taking the mark, then the act would best be described as reckless.

Intentional

Definition of 'intentional' – A player intentionally commits a reportable offence if the player engages in the conduct constituting the reportable offence with the intention of committing that offence. An intention is a state of mind. Intention may be formed on the spur of the moment. The issue is whether it existed at the time at which the player engaged in the conduct.

For example, where a player delivers a blow to an opponent with the intention of striking him. Whether or not a player intentionally commits a reportable offence depends upon the state of mind of the player when he does the act with which he

is charged. What the player did is often the best evidence of the purpose he had in mind. In some cases, the evidence that the act provides may be so strong as to compel an inference of what his intent was, no matter what he may say about it afterwards. If the immediate consequence of an act is obvious and inevitable, the deliberate doing of the act carries with it evidence of an intention to produce the consequence. Thus it could not realistically be concluded that a player who behind the play and whilst facing his opponent punched him to the face did not intend to strike him. The state of a player'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. When considering the issue the Tribunal Jury must weigh the evidence of the player as to what his intentions were along with whatever inference as to his intentions can be drawn from his conduct or other relevant facts. The player may or may not be believed by the Tribunal Jury. Notwithstanding what the player says, the Tribunal Jury may be able to conclude from the whole of the evidence that he intentionally committed the act constituting the reportable offence.

Video examples of respective incidents which are negligent, reckless or intentional, are available. The Laws provide for various categories of permitted contact which shall not constitute a reportable offence.

Such contact includes 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 attempting to mark the football. Tackling and shepherding in accordance with the Laws obviously do not constitute a reportable offence.

Impact

There are four categories of impact – severe, high, medium and low. Low impact requires more than just 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.

In determining the level of impact, regard will be had to the extent of force and in particular, any injury sustained by the player who was offended against. Regard will also be had to the potential to cause serious injury such as in the following cases:

- any head-high contact with a player who has his head over the ball, particularly when contact is made from an opponent charging from a front-on position;
- forceful round arm swings that make head-high contact to a player in a marking contest, ruck contest or when tackling;
- use of an elbow or raised forearm to strike an opponent;
- spear tackles;
- driving an opponent into the ground when his arms are pinned.

In determining the level of impact regard shall be had 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. By way of an example, where a victim player as a result of the impact from the offending player is pushed into the path of a fast-moving third player, the impact to the victim

player may be classified as high or severe, even though the level of impact between the offending player and the victim player was only low or medium.

In addition to the effect on the victim player, 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, will be taken into account. The absence of injury does not preclude the classification of impact as severe.

Video depictions of incidents ranging in impact from severe through high, to medium and finally low, will be available.

Contact

The AFL is determined to protect the health and welfare of players by specifying strict sanctions for illegal, head-high contact and contact to the groin.

Under the Categorising the Level of Offences table, contact can be classified as high, groin or body contact. High contact is not limited to contact to the head and includes contact above the shoulders. There may be a correlation between contact and impact to the extent that, for example, a strike to the stomach will be classified as body contact but its impact will be classified towards the high end of the scale if the effect was to reduce the player's ability to participate in the match.

Contact to the groin shall include 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.

In classifying contact, regard will be had to the point of contact and where contact is both high and to the body, the Match Review Panel will classify the contact as high.

Contact shall be classified as high or to the groin where a player's head or groin makes contact with another player or object such as the fence or the ground as a result of the actions of the offending player. By way of example, should a player tackle another player around the waist and as a result of the tackle, the tackled player's head made 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.

Reportable offences

The Laws set out specific reportable offences in Law 19.2.2. There are others.

The Laws define certain offences such as charging and melees, however they specifically provide that in interpreting reportable offences, words, terms or phrases which are not defined in the Laws shall be given their ordinary meaning.

Striking, kicking, etc, therefore are interpreted in accordance with their commonly understood meaning. A strike would usually be by hand, arm or even head and will generally not apply to other contact using the body. A kick is generally applied to contact by foot or leg. Rough conduct is interpreted widely in relation to any contact which is unreasonable or unnecessary in the circumstances.

Misconduct has a wide meaning and generally is any conduct which would be regarded as unacceptable by other participants in the match or where it had the effect or potential to prejudice the reputation of any person, club or the AFL or to bring the game of football into disrepute. Some specific examples of misconduct are now set out in the Table of Offences.

DEFINITIONS AND GUIDELINES

(CONTINUED)

Serious misconduct offences will be referred directly to the Tribunal. However any other act of misconduct will be subject to a fixed financial sanction to be determined by the Match Review Panel.

A strike or kick, as opposed to an attempt to strike or kick, requires more than negligible impact. Where a strike, for example, does not make more than negligible contact, it is still open to the Match Review Panel to charge a player for attempting to strike where it is satisfied that notwithstanding the result, the intention was to connect with greater force.

All attempts to strike, kick, trip shall be allocated 80 demerit points.

In November 2006 the AFL Commission approved a new reportable offence in the Laws of the Game as follows:

19.2 Reportable Offence

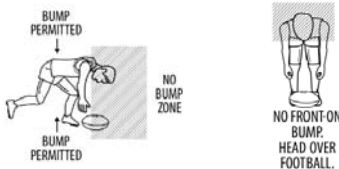
19.2.2 Specific Offences

(g) Intentionally, recklessly or negligently...

(xi) Bumping or making forceful contact to an opponent from front-on when that player has his head down over the ball.

Note:

- A player can bump an opponent's body from side-on but any contact forward of side-on will be deemed to be front-on.
- A player with his head down in anticipation of winning possession of the ball or after contesting the ball will be deemed to have his head down over the ball for the purposes of this law.



Rough conduct

It is a Reportable Offence to intentionally, recklessly or negligently engage in rough conduct against an opponent which in the circumstances is unreasonable.

When determining whether or not the Conduct was unreasonable, consideration should be given, but not limited, to whether the player is not, or would not reasonably be, expected to influence the contest.

Without limiting the ordinary meaning of the above words, a player shall engage in rough conduct, which in the circumstances is unreasonable, where in bumping an opponent he causes forceful contact to be made to an opponent's head or neck. Unless intentional or reckless, such conduct shall be deemed to be negligent unless the player did not have a realistic alternative to:

- contest the ball;
- tackle; or
- shepherd in a manner which was reasonable in the circumstances.

In determining whether there was a realistic alternative to shepherd in a manner which was reasonable in the circumstances, regard will be given to:

- whether the degree of force applied by the person bumping was excessive for the situation;
- whether the player being bumped was actively involved in the passage of play;
- the distance the player applying the bump has run to make contact;
- whether the player being bumped is in a position to protect himself or is in a vulnerable position;
- whether an elbow is part of the contact;
- whether the player bumping jumps or leaves the ground to bump.

The onus is placed on a player who elects to bump to do so legitimately. He has a duty to avoid significant contact to an opponent's head or neck where reasonably possible.

Charges in the alternative

The Match Review Panel will generally not charge a player for a specific offence and another offence in the alternative.

Player Rule 23 provides that the Tribunal may allow charges to be amended at any time during the hearing before the Tribunal (Player Rules 23.9.2 and 23.14) and the Match Review Panel expects that those rules will apply to ensure that in an appropriate case, based on the evidence before the Tribunal, a charge will be amended if necessary. To avoid any doubt, the power to amend a charge includes the power to substitute another charge.

Charges

The Match Review Panel shall set out details of the relevant factors including conduct, impact and contact as well as the score and level (where applicable) in respect of all charges referred to the Tribunal.

Where a player has the opportunity to take an early plea and does not do so, the Tribunal will hear the matter and while there is a presumption that the Tribunal will adopt the classification of the Match Review Panel, where the Tribunal determines that the relevant reportable offence should be classified differently, it will apply the points consequences according to that classification.

Where there are exceptional and compelling circumstances which make it inappropriate or unreasonable to apply the points consequences to the relevant classification, the Tribunal may impose any sanction it considers appropriate.

Mitigation

In determining a level to be given to a reportable offence, the Match Review Panel will not take into account any provocation or whether a player was acting in self-defence. Ordinarily those are matters which would be relevant to any sanction to be imposed and while the Tribunal will generally apply the level classification of the Match Review Panel and the prescribed points consequences, there is power in exceptional and compelling circumstances for the Tribunal to substitute another outcome, if it is appropriate in all the circumstances to do so.

Injury

The Match Review Panel and the Tribunal can inquire and receive information as to the nature and extent of any injury suffered by a player in relation to a reportable offence.

The nature and extent of injury may be a relevant factor in determining the level of impact, point of contact and in some instances, the nature of the conduct.

Clubs must provide a medical report within three hours of a request to do so.

Points

In determining the points relevant to the level determined by the Match Review Panel, the discount for an early plea shall apply to the points relating to the relevant offence, after the adjustments referred to at the foot of the Categorising the Level of Offences table.

There shall be no increase in base points where a player has been found guilty of a reportable offence within the preceding three AFL years and where the only sanction applied was a financial sanction.

If within the preceding three AFL years, a player has been found guilty of a reportable offence or reportable offences or taken an early plea resulting in suspension, various percentages of the base points are added, up to a maximum of 50%.

Clubs and players should be aware that the sanctions applicable to players found to have committed a reportable offence are significantly affected by a player's prior history. Players should be aware of the compounding consequences which apply in the event that they are subsequently found guilty of a reportable offence and suspended.

25% of the base points in the table shall be deducted if a player has not in the preceding five years:

- been suspended or reprimanded for any reportable offence; or
- been suspended or reprimanded for a reportable offence by a State League associated with the AFL competition.

The reference to AFL years refers to years in which the player was a registered AFL player.

The preceding number of AFL years is defined as the equivalent round in the relevant previous year of the pre-season competition or the home and away competition. In the case of the finals, it is calculated by reference to the same week number in the previous final series. Other individual matches such as representative matches, exhibition matches or practice matches which are subject to the AFL rules, are calculated retrospectively from the date of the match or reprimand in those matches.

A player will be entitled to a 25% discount for taking an early plea in accordance with Rule 22.12.8(c)(i), however, in calculating the total to which that 25% discount applies, any points carried over from a previous offence will be added and the 25% discount applied to the grand total of all adjustments including the addition of carried forward points.

Where a player successfully persuades the Tribunal that the reportable offence should be classified lower than the level determined by the Match Review Panel and where the player has pleaded guilty to the offence as reclassified, the player in that circumstance will be entitled to an early plea discount.

For players reported during the Grand Final, the points will be calculated in accordance with the table, with the various adjustments set out at the foot of the table and after all amounts have been calculated, the base demerit points shall then again be added to that calculated total. Increasing the number of points by adding the base again after all other calculations for reports during Grand Finals, is an indication of the need to protect the image and reputation of the AFL competition during its most important showcase event.

Direct reference to the AFL Tribunal

Where the Match Review Panel determines on the basis of the evidence before it that it is not able to determine with sufficient certainty, the relevant factors set out in the Categorising the Level of Offences table in respect of any reportable offence, or for any other reason, the Match Review Panel may refer the matter to the AFL Tribunal in accordance with Player Rule 22.12.9 in which case, the player shall not have the option of an early plea. Where a player is referred directly to the Tribunal, the Tribunal may favourably consider a player's guilty plea, however the player shall not be automatically entitled to a 25% discount.

The rules have been amended to allow the Match Review Panel greater investigative powers for the purpose of ensuring so far as is possible and regardless of the apparent conclusiveness or otherwise of any video, that the Match Review Panel can still classify offences, as it sees fit.

The Match Review Panel may also refer a matter to the Tribunal if it considers it appropriate to do so based on the circumstances of the offence, the record of any player involved, any suspected mitigating factors or other unusual features of any report such as a king hit 'off the ball' on an unsuspecting opponent.

Other matters

Appeals – New Evidence

Appeals are available in relation to an error of law, a grossly unreasonable decision, manifestly excessive classification or manifestly excessive sanction. The Appeal Rule 24 however provides that an appellant can seek leave of the Appeal Board to produce fresh evidence provided the appellant can convince the Appeal Board that the evidence sought to be produced could not by reasonable diligence, have been obtained prior to the conclusion of the Tribunal hearing and where that evidence is of sufficient value that had it been presented before the Tribunal, the Tribunal would have reached a different decision [see Rule 24.21(b)].

Umpires

The Match Review Panel shall contact an umpire who completes and lodges a Notice of Report with the Match Review Panel prior to deciding whether to charge a player with a reportable offence referred to in the Notice of Report.

PERSONNEL 2009

Match Review Panel

Chairman – Andrew McKay

244 matches, one premiership, best and fairest, captain, Carlton.

Four-time All-Australian; represented South Australia on six occasions.

Paul Broderick

262 matches Richmond and Fitzroy; best and fairest Richmond.

Peter Carey

307 matches as a field umpire; All-Australian (1992), four Grand Finals.

Tribunal

Chairman – David Jones

Retired County Court Judge.

Deputy Chairman – John Hassett

Retired County Court Judge.

Tribunal Jury Members

Emmett Dunne

129 matches with Richmond and Western Bulldogs; premiership with Richmond; Tribunal member since 1996.

Richard Loveridge

136 matches and two premierships with Hawthorn. Tribunal member since 1999.

Stewart Loewe

321 matches, best and fairest, captain, Team of the Century, St Kilda. Three-time All-Australian. Tribunal Member since 2005.

David Pittman

131 matches, two premierships, Adelaide. Five-time South Australian representative. Tribunal Member since 2006.

Wayne Schimmelbusch

306 matches, captain, two premierships, Team of the Century, former coach, Kangaroos. Tribunal Member since 2005.

Wayne Henwood

79 matches with Sydney and Melbourne, three-time Western Australian representative, Tribunal Member since 2007.

Michael Sexton

200 matches, one premiership, Carlton. Two-time All-Australian.

Tribunal Panel Members

Dr Susan White, Dr Andrew Garnham

Anti-Doping Code/Illicit Drug Policy jury appointees.

Secretary – Scott Taylor

Appeals Board

Chairman – Peter O'Callaghan QC

Chairman since 1987.

Deputy Chairman – Brian Collis QC

Former AFL Tribunal Chairman (1998-2004).

Panel

Brian Bourke

AFL Life Member

Tribunal/Appeal Board member since 1976.

Michael Green

146 matches, four premierships, Richmond.

Tribunal/Appeal Board member since 1998.

John Schultz

188 matches, five best and fairests, 1960 Brownlow Medal,

Team of the Century, Western Bulldogs. Tribunal/Appeal Board member since 1969.

John Winneke, AC RFD QC RANR

50 matches and one premiership with Hawthorn (1961)

Secretary – Scott Taylor

Legal Counsel

Jeff Gleeson SC

Tribunal Counsel since 2008.

Andrew Tinney

Tribunal Counsel since 2005.

Investigations Officers

Allan Roberts

Former Assistant Commissioner of Police in Victoria and Queensland. Investigation Officer since 2005.

John Coburn

Detective Sergeant, Victoria Police; AFL Reporting Officer and Investigations Officer since 1997.

Bill Kneebone

Former Detective Sergeant, Victoria Police, current member of Racing Appeals and Discipline Board for Racing Victoria. Investigation Officer since 2005.

Graeme McDonald

Former Assistant Commissioner of Police in Victoria. Former Member of the Casino and Gambling Board of Victoria. Investigation Officer since 2007.



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