



TRIBUNAL 2023





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INTRODUCTION

The systems and processes that underpin the operations of the AFL Tribunal (**Tribunal**) are fundamental to the AFL competition. There have been a number of amendments to these systems and processes for 2023 following our annual review.

The guiding principles of the Tribunal system are:

- » To prioritise the health and safety of AFL players;
- » To operate a simple system which is fair and reasonable and can be understood readily by the industry and wider public;
- » To achieve greater consistency in the reporting process via a Match Review Officer (MRO);
- » To promote appropriate outcomes by processing lower-level offences via the MRO, and higher-level offences via the Tribunal;
- » To promote the transparency and certainty of the process by detailing various Reportable Offences and determining the severity (and corresponding sanctions) for those offences;
- » To promote efficiency of the Tribunal process by allowing Players, where appropriate, to accept and challenge penalties without having to appear before the Tribunal;
- » To provide a fair and efficient Tribunal process with minimal formality;
- » To provide Players with the opportunity to contest a charge by permitting legal representation; and
- » To provide Players with prescribed avenues of appeal in respect of MRO and Tribunal determinations.

The following table outlines the key outcomes of the Tribunal from 2013-2022. As outlined in the table, some of the key statistics for 2022 were:

- » 88% of Players charged with a Reportable Offence accepted the charge determined.
- » 26 Tribunal hearings were held, compared to 29 in 2021.
- » Seven cases were not sustained at the Tribunal, which was an increase of two cases from 2021.
- » One case was successfully appealed, as against three cases in 2021 (of which one was successful).
- » 38 Players were suspended, as against 26 in 2021.



- » 49 matches were lost through suspension, compared with 42 in 2021.
- » \$172,000 in low-level financial sanctions imposed, compared with \$229,000 in 2021.
- » \$90,000 in fixed financial sanctions imposed, as against \$87,500 in 2021.

ANDREW DILLON

Executive General Manager Football Operations,
Legal & Integrity | General Counsel

Australian Football League

	2013	2014	2015	2016	2017	2018	2019	2020*	2021	2022
Charges	157	183	196	201	160	272	188	207	212	211
Tribunal hearings	15	15	11	5	5	27	19	26	29	26
No. of cases not sustained	2	5	1	1	1	5	1	5	5	7
Appeals	0	2	0	0	1	2	1	1	3	1
No. of Players accepting prescribed penalty	142	168	185	196	155	245	169	181	183	185
% of Players accepting prescribed penalty	90%	92%	97%	99%	98%	93%	92%	89%	86%	88%
No. of Players suspended	59	55	36	30	38	36	26	21	26	38
Matches lost through suspension	104	75	57	45	66	64	28	30	42	49
Fixed financial sanctions (\$)	93,550	96,350	95,000	112,500	50,500	209,000	106,000	62,250	87,500	90,000
Low-level financial sanctions (\$)	-	-	77,500	75,000	89,000	161,000	178,000	107,500	229,000	172,000
Reprimands	33	41	-	-	-	-	-	-	-	-

*Please note that the 2020 figures are raw figures from the 2020 AFL Premiership Season which was impacted by COVID-19. In order to account for the shorter season and reduced match time for a more accurate comparison, a scaling factor of 1.56 should be applied. Additionally, fines for fixed financial sanctions and low-level financial sanctions were halved in 2020, compared with 2019 to 2022.

The previous Tribunal system operated from 2005-2014. The revised Tribunal system was introduced for the 2015 season.

1 / CHANGES INTRODUCED FOR 2023

The following elements of the Tribunal system have been modified for 2023:

(A) INTENTIONAL CONTACT WITH AN UMPIRE

A Player may now be found guilty of Intentional Contact with an Umpire by pushing or holding an opponent into an umpire or their direct path, consistent with the wording for the offence of Careless Contact with an Umpire. Further, where contact with an umpire is forceful but only incidental (i.e. is not otherwise demonstrative, disrespectful or aggressive), the MRO 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).

(B) FORCEFUL FRONT-ON CONTACT

It is no longer necessary for a victim Player's head to be "down" over the ball in order for the charge to be sustained - it is only necessary for the Player's head to be over the ball.

(C) POTENTIAL TO CAUSE INJURY FOR BODY CONTACT

The MRO now 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) STRIKING WITH AN OPEN HAND

Wording has been included to clarify that a Strike can occur with an open hand.

(E) WRESTLING AND ENGAGING IN A MELEE

The offences of Wrestling and Engaging in a Melee have been combined into one offence.

(F) UNREASONABLE OR UNNECESSARY CONTACT TO THE EYE REGION

The "eye region" has been defined to be "in the vicinity of the eye socket".

(G) FINES FOR LOW-LEVEL CLASSIFIABLE OFFENCES

The increase in fines for multiple low-level Classifiable Offences will apply to the previous two AFL years or in the period from Round 1 of the 2023 AFL Season to the most recent low-level Classifiable Offence, whichever period commenced later.

(H) ACCEPTANCE OF CHARGES BY 11AM

If a Club does not accept a charge or submit a Notice of Early Plea by 11am (Melbourne time) on the following business day, the Club will be deemed to have accepted the charge, unless the AFL agrees to an extension of the 11am deadline.

(I) VISION EXAMPLES

In addition to the prescribed vision examples and incidents charged by the MRO within the same season, the Tribunal can also have regard to any incident which was not charged by the MRO but which was publicly explained (i.e. as to the reason no charge was laid).

(J) DETERMINATIONS ON WRITTEN SUBMISSIONS

In respect of a hearing on written submissions of a challenge to a financial sanction, if a Club wishes to introduce evidence of a person that requires leave of the Chairperson, or other evidence that is not expressly contemplated by the Guidelines/Regulations, the Club must provide notice by 11am on the day after notification of the charge and the matter may not proceed by way of a determination on written submissions and instead must be subject to a hearing by the Tribunal unless AFL consents to the matter being determined on written submissions.

(K) APPEAL BOARD GUIDELINES

A new process and timetable for the conduct of Appeal Board hearings has been included.

(L) DIRECTIONS/INSTRUCTIONS AND JURY/PANEL

To better reflect the functioning of the Tribunal and the role of respective participants following structural and other changes made in 2022, references to "directions" have been replaced with references to "instructions" and the references to the Tribunal "Jury" have been replaced with references to the Tribunal "Panel", and the existing directions process set out in the Guidelines has been amended.

(M) ERROR OF LAW AS A GROUND OF APPEAL

An error of law only constitutes a ground of appeal of a Tribunal decision if the error of law had a material impact on the Tribunal's decision.

(N) EVIDENCE FROM AN UMPIRE

If a Club/Player wants to call evidence from an umpire, contact may only be made through the MRO Secretary. Clubs are not permitted to reach out directly to umpires in relation to the Tribunal process without making such requests through the AFL.





2 / HOW THE SYSTEM WORKS

2.1 THE REPORTING PROCESS

(A) LODGEMENT OF A REPORT OR REFERRAL

The Match Review Officer (MRO) will assess all reports and referrals lodged in respect of potential Reportable Offences. A Notice of Report may be lodged by an officiating Umpire for the relevant match. A referral may be lodged by the officiating Umpires, Umpire Observers, the National Head of Umpiring, the AFL Executive General Manager Football Operations, an authorised representative of a club competing in the relevant match, or the MRO post video review of all matches.

In relation to Notices of Report lodged with the MRO, the MRO may contact the Umpire who completed and lodged the Notice of Report prior to deciding whether to charge the Player with the Reportable Offence(s) referred to in the Notice of Report.

(B) DETERMINATION OF TYPE OF OFFENCE AND APPROPRIATE CHARGE (IF ANY)

Following review of each report or referral, the MRO in conjunction with the AFL Executive General Manager Football Operations will determine whether the Player is to be charged with a Reportable Offence and, if so, the appropriate type of Reportable Offence. There are three types of Reportable Offences, being:

- » A Classifiable Offence (graded in accordance with section 3.1);
- » A Direct Tribunal Offence (referred by the MRO directly to the Tribunal - see section 3.2); or
- » A Fixed Financial Offence (determined in accordance with section 3.3).

The MRO will inform the Player's club whether or not that Player has been charged with a Reportable Offence and, if so, the type of offence and corresponding sanction for that charge. The MRO will provide reasons where it determines that a Player the subject of a report or referral is not to be charged with a Reportable Offence.

(C) OPTIONS AVAILABLE TO A PLAYER CHARGED WITH A REPORTABLE OFFENCE

A Player charged with a Reportable Offence may:

- » Submit an early guilty plea by 11am (Melbourne time) on the day following notification of the charge to the Player's Club, in which case the relevant sanction for the Reportable Offence will apply subject to any reduction available as a result of the early guilty plea (see applicable reductions in section 3); or
- » Contest a charge or plead guilty to a lesser charge by 11am (Melbourne time) on the day following notification of the charge to the Player's Club, in which case a Tribunal hearing will be convened for which the Player may engage legal representation.

If a Player does not submit an early plea, elect to contest the charge or plead guilty to a lesser charge by 11am (Melbourne time) on the day following notification of the charge or such later time as determined by the AFL, the Player will be deemed to have pleaded guilty to the Reportable Offence, in which case the relevant sanction for the Reportable Offence will apply.

(D) TRIBUNAL HEARINGS

The Tribunal will hear a charge for which a Player has pleaded not guilty or has pleaded guilty to a lesser charge. The Tribunal may find the Player guilty of the original charge or lesser charge, or may find the Player not guilty of any charge. The Tribunal will determine the appropriate sanction for the ultimate Reportable Offence it finds a Player to have committed (if any). The outcome of the hearing will be communicated by the Tribunal Chairperson with a brief verbal explanation outlining the reasons for the decision, developed in conjunction with the Tribunal Panel members.

For challenges to financial sanctions, the charged Player may elect to have the matter decided by a single legally trained Tribunal Panel member on the basis of written submissions only. A reason for the decision will also be provided. However, if a Club wishes to introduce evidence of a person that requires leave of the Chairperson under these Guidelines or the AFL Regulations, or other evidence that is not expressly contemplated by these Guidelines or the AFL Regulations, the Club must provide notice by 11am (Melbourne time) and the matter must be subject to a hearing by the Tribunal and not determined on

written submissions unless AFL consents to the matter being determined on written submissions.

A Victim Player who has suffered harm as a result of the alleged offence may give evidence prior to or at the Tribunal hearing, but only with the permission of the Tribunal Chairperson.

For Classifiable Offences resulting in fixed one, two or three-match suspensions, if a Player elects to challenge the charge at the AFL Tribunal there will be a \$10,000 cost levied on their club in the event the challenge is unsuccessful, which will be considered Football Department Expenditure (i.e. included in the "soft cap") for the purpose of Rule 50 of the AFL Rules.

(E) AN APPEAL OF A DECISION OF THE TRIBUNAL

A Player or the AFL General Counsel may appeal the decision of the Tribunal to the Appeal Board on one or more of the following grounds:

- » An error of law that had a material impact on the decision of the Tribunal has occurred;
- » The decision of the Tribunal is so unreasonable that no Tribunal acting reasonably could have come to that decision having regard to the evidence before it;
- » The classification of the offence by the Tribunal was manifestly excessive or inadequate; or
- » The sanction imposed by the Tribunal was manifestly excessive or inadequate.

In addition, Regulation 20 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 Regulation 20.20(b)).

The cost of an appeal will be \$5,000, with the full appeal and tribunal fee refundable in the event of a successful appeal. In the event of an unsuccessful appeal, the amount of \$5,000 will be considered Football Department Expenditure (i.e. included in the "soft cap") for the purpose of Rule 50 of the AFL Rules.

Where a Player or the AFL General Counsel appeals a decision of the Tribunal to the Appeal Board, the following process will apply:

- » The Player or General Counsel (as applicable) must submit the Notice of Appeal by 12pm (Melbourne time) on the next business day following the decision of the Tribunal. This deadline must be strictly adhered to.
- » The parties will adhere to the following timetable:
 - » Appellant's outline of submissions to be provided to the Respondent by 9am (Melbourne time) on the Thursday of the week of the Tribunal's decision; and
 - » Respondent's outline of submissions to be provided to the Appellant by 3pm (Melbourne time) on the Thursday of the week of the Tribunal's decision.
 - » Appeal Board materials will be provided to the Appeal Board by 3.30pm (Melbourne time) on the Thursday of the week of the Tribunal's decision.
- » The Appeal Board hearing will be conducted at 5pm (Melbourne time) on the Thursday of the week of the Tribunal's decision, subject to availability of Appeal Board members.
- » During the Appeal Board hearing, Counsel for the AFL and the Player may each supplement their outline of submissions with oral submissions of no longer than 45 minutes in length.
- » The Appellant must not depart from the grounds of appeal as set out in the Appellant's outline of submissions.
- » The Chairperson of the Appeal Board may determine to conduct the Appeal in such manner as the Chairperson of the Appeal board thinks fit, including by exercising discretion to vary the process set out above.

2.2 THE MRO AND THE TRIBUNAL

(A) MRO

Match Review Officer: Michael Christian

Secretary: Hamish Anderson

Role

- » Review reports or referrals lodged by Umpires and other designated officials.
- » Analyse available video of all potential Reportable Offences.
- » Make charges when satisfied that a Reportable Offence has occurred.
- » Determine the appropriate classification of Classifiable Offences.
- » Refer relevant offences to the Tribunal where applicable.
- » Advise Players of any charges and the corresponding sanction for that charge (which a Player may accept or contest at the Tribunal).
- » Provide reasons in respect of any reports or referrals which do not progress to a charge.

(B) TRIBUNAL & APPEAL BOARD

Tribunal/Appeal Board Chairs:

Jeff Gleeson KC, Renee Enbom KC and Murray Kellam KC

Secretary: Matthew Whitaker

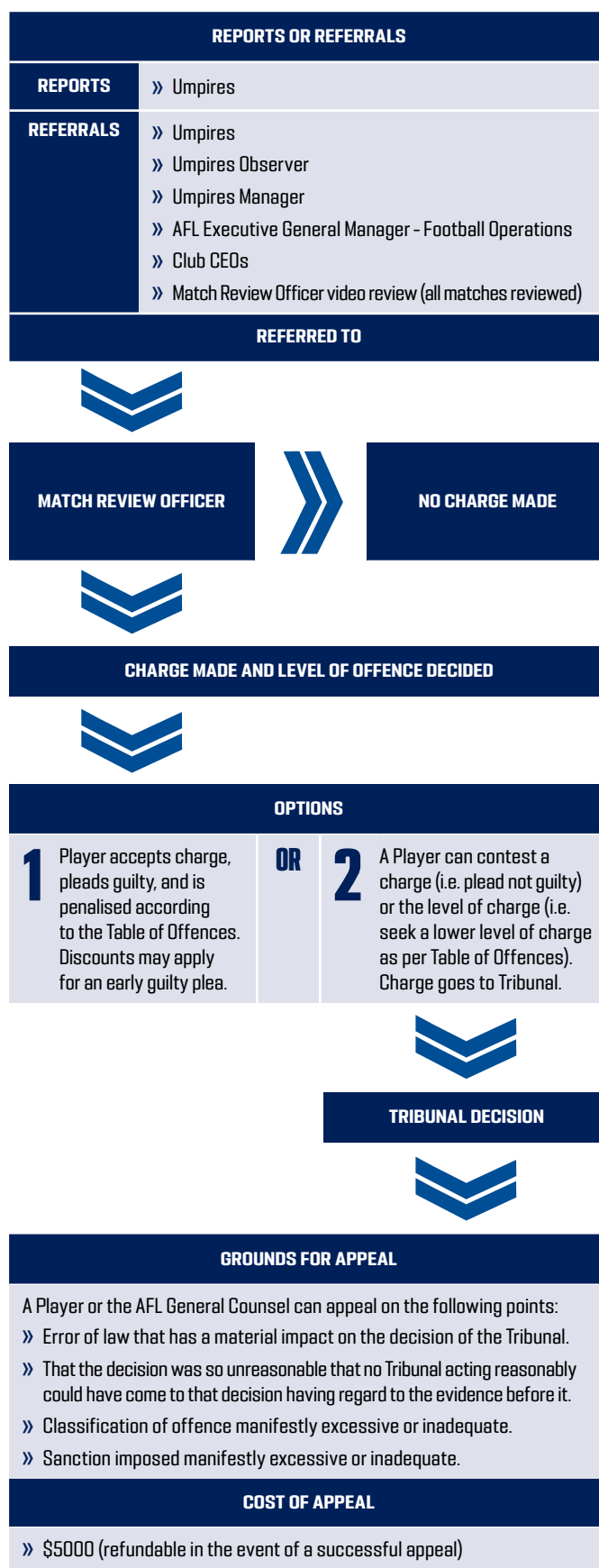
Role of the Tribunal

- » The Tribunal convenes to hear contested Reportable Offences, Direct Tribunal Offences and those Classifiable Offences which are sufficiently serious to be referred to the Tribunal.
- » The Tribunal is comprised of a Chairperson and two Tribunal Panel members, except in the event the Player elects to have the matter decided by a single legally trained Tribunal Panel member on the basis of written submissions only.
- » The Chairperson manages process and decides on points of law.
- » The Tribunal (including the Chairperson) determines whether the Reportable Offence occurred and applies an appropriate sanction (if applicable).
- » The Chairperson will communicate Tribunal outcomes with a brief verbal explanation outlining the reasons for the decision, developed in conjunction with the Tribunal Panel members.

Role of the Appeal Board

- » The Appeal Board convenes to hear appeals of matters from the Tribunal.
- » The Appeal Board is comprised of a Chairperson and two members.
- » The Chairperson manages the process of the appeal.
- » The Appeal Board determines the points of Law and whether the ground(s) of appeal is successful.
- » Members of the Appeal Board for a hearing cannot be the same members that sat on the matter at the Tribunal.

THE REPORTING PROCESS



3 / REPORTABLE OFFENCES

A Reportable Offence occurs where a Person or Player commits any of the offences set out in Law 22.2.2 of the Laws of Australian Football (the **Laws**) or any other offence referred to in Regulation 16.9 of the AFL Regulations (the **Regulations**). Broadly speaking, there are three categories of Reportable Offences, being:

- » Classifiable Offences;
- » Direct Tribunal Offences; and
- » Fixed Financial Offences.

See section 4 of these Tribunal Guidelines for further information in relation to Reportable Offences.

3.1 CLASSIFIABLE OFFENCES

(A) WHICH REPORTABLE OFFENCES ARE CLASSIFIABLE OFFENCES?

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

CLASSIFIABLE OFFENCES
Striking
Kicking
Kneeing
Charging
Rough Conduct
Forceful Front-On Contact
Headbutt or Contact Using Head
Unreasonable or Unnecessary Contact to the Eye Region
Unreasonable or Unnecessary Contact to the Face
Tripping

(B) GRADING CLASSIFIABLE OFFENCES

The MRO will grade Classifiable Offences in accordance with the following table:

CONDUCT	IMPACT	CONTACT	SANCTION
Intentional	Severe	High/Groin	4+ Matches (Tribunal)
		Body	3+ Matches (Tribunal)
	High	High/Groin	3 Matches
		Body	2 Matches
	Medium	High/Groin	2 Matches
		Body	1 Match
	Low	High/Groin	1 Match
		Body	Fine*
Careless	Severe	High/Groin	3+ Matches (Tribunal)
		Body	2+ Matches (Tribunal)
	High	High/Groin	2 Matches
		Body	1 Match
	Medium	High/Groin	1 Match
		Body	Fine*
	Low	High/Groin	Fine*
		Body	Fine*

*Refer (e) on next page for the low-level fine structure.

As indicated in the table above, the determination of a sanction for a Classifiable Offence will be made based on an assessment of whether:

1. The Conduct is Intentional or Careless;
2. The Impact is Severe, High, Medium or Low; and
3. The Contact with the other Player/person is High/Groin or to the Body.

Accordingly, an offence assessed by the MRO to be of a lower level will generally attract a fine as a sanction. On the other hand, an offence assessed by the MRO to be of a higher level will attract a fixed one, two or three-match suspension. For more serious Classifiable Offences, offences which do not fit the Classification Table, Classifiable Offences committed by a Player that has a bad record (particularly for similar previous offences) or in the absolute discretion of the MRO, the Player will be referred by the MRO to the Tribunal (which will determine an appropriate sanction at its discretion). For incidents referred directly to the Tribunal, serious intentional actions and/or Serious Misconduct will be subject to greater sanctions commensurate with the potential to cause serious injury and/or the potential to prejudice the reputation of any person, club or the AFL or bring the game of football into disrepute.

Example: A Player is reported for Striking (a Classifiable Offence). In considering the report, the MRO will assess the level of Conduct, Impact and Contact. The MRO determines:

- » The Conduct was Careless, but not Intentional;
- » The Impact of the Strike was High; and
- » The Contact was to the Body of the opposition Player.

CONDUCT	IMPACT	CONTACT	SANCTION
Careless	High	Body	1 Match

For more information on how the MRO and Tribunal assess Classifiable Offences, please refer to section 4.2 of these Tribunal Guidelines.

(C) REDUCTIONS IN SANCTION FOR AN EARLY GUILTY PLEA

For Classifiable Offences where the sanction is fixed at one, two or three-matches of suspension, there is no reduction in sanction for an early guilty plea. The sanction for a low-level Classifiable Offence (those resulting in a fine) will be decreased by a fixed percentage where a Player submits an early guilty plea (refer section 3.1(e) next page).

(D) CONTESTING A CLASSIFIABLE OFFENCE CHARGE

A Player charged with a Classifiable Offence may contest that charge at the Tribunal in its entirety or may seek to downgrade the charge. A Player who successfully contests a charge will not receive a sanction or will receive a lesser sanction in respect of the charge (as per Regulation 19.6(e)). The Tribunal may also determine that the relevant offence should be classified differently under the Table of Offences (refer Regulation 19.6(a)(i)). If exceptional and compelling circumstances apply which would make it inappropriate or unreasonable to apply the outcome of the classification under the Table of Offences, the Tribunal may impose a sanction (or no sanction) in its absolute discretion (refer Regulation 19.6(a)(ii)).

Successful contest: If a Player successfully contests the classification of a charge at the Tribunal (such that the Tribunal determines to downgrade the charge), he will be entitled to receive the sanction for that lesser offence.

Example: Player Smith is charged with Rough Conduct, which was graded as Intentional, High Impact and Body Contact by the MRO. Player Smith decides that he is guilty of Rough Conduct, but that the conduct was Careless, not Intentional. He challenges this at the Tribunal and is successful, which reduces the sanction to a one match suspension. Because the grounds on which he appealed were successful, his club is not levied \$10,000.

Partially successful contest: A Player who contests two or more aspects of a charge, but who is only successful in one aspect may be sanctioned with a downgraded charge, however the challenge will be regarded as unsuccessful and for Classifiable Offences resulting in fixed one, two or three-match suspensions his club will be levied \$10,000, \$5,000 of which will be considered Football Department Expenditure (i.e. included in the "soft cap") for the purpose of Rule 50 of the AFL Rules.

Example: Player Smith is charged with Rough Conduct, which was graded as Intentional, High Impact and Body Contact by the MRO, resulting in a two-match suspension. Player Smith decides to challenge both the Conduct (Intentional to Careless), as well as the Impact (High to Medium). If Player Smith was only successful challenging one aspect, his charge would be downgraded to a one-match suspension, however the challenge will still be regarded as unsuccessful and his club will be levied \$10,000 but only \$5,000 of which will be considered to be Football Department Expenditure.

Unsuccessful contest: A Player who unsuccessfully contests a charge will receive the original sanction, and for Classifiable Offences resulting in fixed one, two or three-match suspensions his club will be levied \$10,000 (subject to the Tribunal's discretion to classify the charge differently), which will be considered Football Department Expenditure (i.e. included in the "soft cap") for the purpose of Rule 50 of the AFL Rules.

(E) MULTIPLE LOW-LEVEL CLASSIFIABLE OFFENCES

Where a Player commits multiple low-level Classifiable Offences in the previous two AFL years or in the period from Round 1 of the 2023 AFL Season to the most recent low-level Classifiable Offence, whichever period commenced later, each of which attracts a sanction of a fine (as per the table in section 3.1(b)), that sanction (and sanction following an early guilty plea) for the second, third and subsequent low-level Classifiable Offences will be as follows:

LOW-LEVEL CLASSIFIABLE OFFENCE	SANCTION	EARLY GUILTY PLEA
First offence	\$3000	\$2000
Second offence	\$5000	\$3000
Third and subsequent offences	\$8000	\$5000

(F) IMPACT OF A BAD RECORD ON CLASSIFIABLE OFFENCES

The sanction for Classifiable Offences will not be automatically increased where a Player has a bad record. However, the MRO has the power to directly refer the Player to the Tribunal in their absolute discretion under Regulation 16.12(i)(vi)(A), which includes as a result of a bad record at AFL or State League level. Evidence in relation to the record of a Player can be tendered to the AFL Tribunal without the leave of the Chairperson when the charge is directly referred to the Tribunal.

(G) IMPACT OF A GOOD RECORD

Players will not automatically receive a reduced sanction for a good record. However, if a Classifiable Offence is contested or referred to the Tribunal, a Player with an exemplary record may argue that their good record constitutes exceptional and compelling circumstances under Regulation 19.6(a)(ii) (which would make it inappropriate to apply the consequences in Appendix 1 of the AFL Regulations to the determined classification). This record refers only to matches played at AFL or State League level and leave of the Tribunal Chairperson is not required to tender evidence in relation to this issue. In such circumstances, the Tribunal would determine the appropriate sanction in its absolute discretion.

3.2 DIRECT TRIBUNAL OFFENCES

(A) WHICH REPORTABLE OFFENCES ARE DIRECT TRIBUNAL OFFENCES?

Direct Tribunal Offences are those Reportable Offences (specified in the table below) which are referred by the MRO directly to the Tribunal for determination without grading (i.e. without an assessment of the offence using the Classification Table):

DIRECT TRIBUNAL OFFENCES
Intentional Contact with an Umpire
Eye Gouging
Stomping
Striking an Umpire
Spitting on or at an Umpire
Spitting on Another Person
Attempting to Strike an Umpire
Behaving in an Abusive, Insulting, Threatening or Obscene Manner Towards or in Relation to an Umpire
Serious Misconduct

(B) DETERMINATION OF DIRECT TRIBUNAL OFFENCES

The Tribunal will determine Direct Tribunal Offences as it would any other offence which is referred to it (see section 2.1(d) and 5 for more information in relation to Tribunal hearings).

(C) TRIBUNAL SANCTIONS

The Tribunal will determine the appropriate sanction for a Direct Tribunal Offence in its absolute discretion. The Chairperson will communicate Tribunal outcomes with a brief verbal explanation outlining the reasons for the decision, developed in conjunction with the Tribunal Panel members.

3.3 FIXED FINANCIAL OFFENCES

Fixed Financial Offences are Reportable Offences which attract a fixed financial sanction only (as per the following table).

FIXED FINANCIAL OFFENCES	SANCTION (EARLY GUILTY PLEA SANCTION IN BRACKETS)		
	FIRST OFFENCE	SECOND OFFENCE	THIRD & SUBSEQUENT OFFENCES
Abusive, Insulting, Threatening, Obscene Language Towards or in Relation to an Umpire	\$2500 (\$1500)	\$3500 (\$2000)	\$5000 (\$3500)
Instigator of a Melee/Wrestle	\$2500 (\$1500)	\$3500 (\$2000)	\$5000 (\$3500)
Spitting at Another Player	\$2500 (\$1500)	\$3500 (\$2000)	\$5000 (\$3500)
Striking	\$2500 (\$1500)	\$3500 (\$2000)	\$5000 (\$3500)
Unreasonable or Unnecessary Contact with an Umpire	\$2500 (\$1500)	\$3500 (\$2000)	\$5000 (\$3500)
Attempting to Strike/Kick/Trip	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Careless Contact with an Umpire	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Disputing a Decision	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Engaging in a Melee	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Obscene Gesture	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Pinching	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Scratching	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Tripping	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Unreasonable or Unnecessary Contact with an Injured Player	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Engaging in a Melee/Wrestle	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Staging	\$1500 (\$1000)	\$2500 (\$1500)	\$4000 (\$2500)
Interfering with a Player Kicking for Goal	\$1000 (\$500)	\$1500 (\$1000)	\$2500 (\$1500)
Not Leaving the Playing Surface	\$1000 (\$500)	\$1500 (\$1000)	\$2500 (\$1500)
Shaking a Goalpost	\$1000 (\$500)	\$1500 (\$1000)	\$2500 (\$1500)
Time Wasting	\$1000 (\$500)	\$1500 (\$1000)	\$2500 (\$1500)
Any Other Act of Misconduct that is not a Classifiable Offence or Direct Tribunal Offence	The financial sanction for a first, second, third or subsequent act of misconduct will be determined by the MRO in its absolute discretion.		

The increased sanctions for second, third or subsequent Fixed Financial Offences will only apply where a Player has been found guilty of the same Fixed Financial Offence within the previous two AFL years.

3.4 MULTIPLE REPORTABLE OFFENCES IN THE ONE MATCH

If a Player is found guilty of two or more Reportable Offences arising from the one match, the sanctions for those offences will be added together to form the final sanction handed to that Player. If any of the two or more Reportable Offences arising from the one match have a sanction of a fine, they will be considered individually in the application of section 3.1(e).

Example: Player Clarke is charged with two offences - Kneeing (sanction of one match) and Striking (sanction of two matches). Player Clarke is found guilty of the two charges after challenging them at the Tribunal. The result would mean that Player Clarke would be suspended for three matches.

3.5 OFFENCES INCURRED IN THE AFL GRAND FINAL

Reportable Offences which arise out of the AFL Grand Final will attract the same sanction as normal except as follows:

- » If the offence ordinarily attracts a sanction of two or more matches, then it will be referred directly to the Tribunal, where the Tribunal will determine the appropriate sanction in its absolute discretion (penalty at large).
- » The sanction for the following Fixed Financial Offences will be doubled:
 - » Engaging in a Melee/Wrestle;
 - » Instigator of a Melee/Wrestle

4 / FURTHER EXPLANATION OF KEY TERMS AND ISSUES

4.1 AFL REGULATIONS

These Tribunal Guidelines endeavour to provide guidance in respect of the AFL Regulations. The Reportable Offences are governed by and in accordance with Appendix 1 of AFL Regulations. Terms defined in AFL Regulations will have the same meaning in these Tribunal Guidelines unless the context requires otherwise.

4.2 DETERMINING THE CLASSIFICATION OF CLASSIFIABLE OFFENCES

As noted in section 3.1 of these Tribunal Guidelines, in order to determine the appropriate sanction for a Classifiable Offence, the MRO will seek to determine whether:

- » The Conduct is Intentional or Careless;
- » The Impact is Severe, High, Medium or Low; and
- » The Contact is High/Groin or to the Body.

Video examples of incidents relating to Conduct, Impact and Contact have been distributed to AFL Clubs and are also contained in Schedule 2 of these Tribunal Guidelines.

The following is a guide to how the MRO and Tribunal will interpret these three factors.

(A) CONDUCT

In considering a charge in respect of a Classifiable Offence, there will be a determination as to whether the Player's conduct has been Intentional or Careless. If the Player's conduct is found to fall short of being careless, no charge will be laid against the Player.

Intentional conduct

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

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.

For example, a strike will be regarded as Intentional where a Player delivers a blow to an opponent with the intention of striking 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. If the matter is heard by the Tribunal, the Tribunal will 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. Notwithstanding what the Player says, the Tribunal may be able to conclude from the whole of the evidence that he intentionally committed the act constituting the Reportable Offence.

Careless conduct

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

An example of careless conduct would 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 carelessness.

(B) IMPACT

Consideration will be given as to whether the Impact is Low, Medium, High or Severe. In determining the level of Impact, regard will be had to several factors.

Firstly, consideration will be given to the extent of force and in particular, any injury sustained by the Player who was offended against. The absence of injury does not preclude the classification of impact as Severe.

Secondly, the potential to cause injury must be factored into the determination of Impact, particularly in the following cases:

- » Intentional strikes, such as those with a swinging clenched fist, raised forearm or elbow;
- » High bumps, particularly with significant head contact and/or Player momentum;
- » Any head-high contact with a Player who has his head over the ball, particularly when contact is made from an opponent approaching from a front-on position;
- » Forceful swings that make head-high contact to a Player in a marking contest, ruck contest or when tackling;
- » Any contact that occurs when the Victim Player should not reasonably be expecting or is not reasonably prepared for contact (i.e. contact off the ball); and
- » Any dangerous tackle.

In the case of any intentional strike, strong consideration will be given to the distance the incident occurs from the ball and the expectation of contact of the Victim Player.

Thirdly, consideration will be given not only to the impact between the offending Player and the Victim Player, but also any other impact to the Victim Player as a result of such impact. 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, consideration will be given to the body language of the offending Player in terms of flexing, turning, raising or positioning the body to either increase or reduce the force of impact.

It should be noted that Low Impact is the minimum impact required for a Classifiable Reportable Offence and this requires more than just a negligible impact. The MRO may however consider the potential to cause injury to upgrade Impact from negligible to a higher level of Impact.

(C) CONTACT

The MRO will consider whether Contact to the Victim Player was High/to the Groin or to the Body. In the interests of protecting the health and welfare of Players, sanctions for head-high contact and contact to the groin will be more severe.

High contact is not limited to contact to the head and includes contact above the shoulders.

A classification of High contact may apply for a Careless or Intentional Dangerous Tackle (refer section 4.3(e)(3) below) which has the potential for injury to be caused through dangerous high contact with the ground but where high contact does not actually occur.

Contact to the Groin includes contact to the crease or hollow at the junction of the inner part of each thigh with the trunk together with the adjacent region and including the testicles.

Where contact is both High and to the Body, the MRO will usually 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.

However, the MRO has the discretion to grade contact as Body contact rather than High contact where the Body impact would result in a more significant sanction.

4.3 REPORTABLE OFFENCES

The Laws set 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 shall 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 attempting to mark the football).

The Laws define certain offences such as Charging and Engaging in a Melee/Wrestle, however they provide that in interpreting Reportable Offences, words, terms or phrases which are not defined in the Laws shall be given their ordinary meaning. The following provides some further guidance in relation to what constitutes particular Reportable Offences.

(A) STRIKING, KICKING

Striking and kicking are interpreted in accordance with their commonly understood meaning. A strike would usually be by hand, arm or elbow and will 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.

Under the Classifiable Offences, a strike or kick requires more than negligible impact. Where a strike, for example, does not have more than negligible impact, it is still open to the MRO to charge a Player with Striking under the Fixed Financial Offences table where it is satisfied that, notwithstanding the result, the intention was to commit an act constituting a Reportable Offence. Where no contact is made, the MRO can charge a Player with an Attempt to Strike or Kick, which are also Fixed Financial Offences.

(B) CLASSIFICATION OF CERTAIN STRIKES

For the purpose of these Guidelines, all Players should note that the following factors are considered when determining the classification of a Striking offence:

Intent: Notwithstanding any other part of these Guidelines, 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.

Impact: Notwithstanding any other part of these Guidelines, 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 Victim Player.

(C) MISCONDUCT

Misconduct has a wide meaning and generally is any conduct which would be reasonably regarded as unacceptable or unsportsmanlike 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.

Acts of Serious Misconduct 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 MRO in his absolute discretion.

(D) FORCEFUL FRONT-ON CONTACT

Bumping or making forceful contact to an opponent from front-on when that opponent has his head over the ball is a Reportable Offence. Unless Intentional, such actions will be deemed to be Careless, unless:

- » The Player was contesting the ball and it was reasonable for the Player to contest the ball in that way; or
- » The bump or forceful contact was caused by circumstances outside the control of the Player which could not reasonably be foreseen.

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.

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 over the ball for the purposes of this Law.

(E) ROUGH CONDUCT

Rough Conduct is interpreted widely in relation to any conduct which is unreasonable in the circumstances. It is a Reportable Offence to intentionally or carelessly engage in Rough Conduct against an opponent which in the circumstances is unreasonable.

Without limiting the wide interpretation of Rough Conduct, particular regard shall be had to the following officially recognised forms of Rough Conduct.

1. Rough Conduct (High Bumps)

The AFL Regulations provide that a Player will be guilty of Rough Conduct where in the bumping of an opponent (whether reasonably or unreasonably) the Player causes forceful contact to be made with any part of his body to an opponent's head or neck. Unless Intentional, such conduct will be deemed to be Careless, unless:

- » The Player was contesting the ball and it was reasonable for the Player to contest the ball in that way; or
- » The forceful contact to the opponent's head or neck was caused by circumstances outside the control of the Player which could not be reasonably foreseen.

In the interests of Player safety, the purpose of the rule dealing with high bumps is to reduce, as far as practicable, the risk of head injuries to Players and this purpose needs to be kept firmly in mind by all Players and will guide the application of the rule.

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.

For the purpose of these Guidelines, head clashes that result when a Player 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.

2. Rough Conduct (Bumps to the Body)

It should be noted that even if the rule relating to high bumps does not apply (for example in the case of a bump to the body), a Player may still be guilty of Rough Conduct if his conduct was unreasonable in the circumstances. In determining whether any bump was unreasonable in the circumstances, without limitation, regard may be had to whether:

- » The degree of force applied by the person bumping was excessive for the situation;
- » The Player being bumped was in a vulnerable position; and
- » The Player could reasonably expect the contact having regard to his involvement in play or ability to influence the contest.

3. Rough Conduct (Dangerous Tackles)

The application of a tackle may be considered Rough Conduct which is unreasonable in the circumstances. In determining whether the application of a tackle constitutes a Reportable Offence and whether the offence is Careless or Intentional, without limitation, regard may be had to the following factors, whether:

- » The tackle consists of more than one action, regardless of whether the Player being tackled is in possession of the ball;
- » The tackle is of an inherently dangerous kind, such as a spear tackle or a tackle where a Player is lifted off the ground;
- » The Player being tackled is in a vulnerable position (e.g. arm(s) pinned) with little opportunity to protect himself;
- » An opponent is slung, driven or rotated into the ground with excessive force.

4. Rough Conduct (Contact Below the Knees)

Under the Laws of Australian Football, it is prohibited to make contact with an opponent below the knees. Players who keep their feet are vulnerable to serious injury from opponents who lunge, dive or slide toward them and make contact below the knees. It is the purpose of these guidelines to protect such Players from the risk of foreseeable injury. A Player may be guilty of Rough Conduct if he makes contact below the knees of an opponent and does so in a manner which is unreasonable in the circumstances. It is not a defence that the Player who made the prohibited contact was contesting the ball or was first to the ball. The primary responsibility of Players with respect to contact below the knees is to avoid the risk of foreseeable injury. In determining whether any contact below the knees is unreasonable in the circumstances, regard may be had to:

- » The degree of momentum and/or force involved in the contact;
- » Whether the Player causes contact below the knees by sliding with his foot, feet, knee or knees in front of him;
- » Whether the opposition Player 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
- » Whether the Player making contact had any realistic alternative ways of approaching the contest or situation.

It should be noted that even where the contact is not made below the knees of the opposition Player but to another part of an opponent's body, a Player may still be guilty under the general definition of Rough Conduct for making unreasonable contact by sliding or dropping in to an opponent with their knees or feet first.

(F) CONTACT WITH AN UMPIRE

1. Intentional Contact with an Umpire

Contact with an Umpire that is aggressive, forceful, demonstrative or disrespectful will be deemed intentional and the Player will be directly referred 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.

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.

Where contact with an umpire is forceful but only incidental (i.e. it is not otherwise aggressive, demonstrative or disrespectful), the MRO 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).

2. 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 and subject to a fixed financial sanction.

3. Careless Contact with an Umpire

Contact with an Umpire by a Player will be regarded as careless when it constitutes a breach of the duty of care owed by the Player to the Umpire. Regard will be had to the following factors when determining if the contact is careless:

- » Whether contact occurs at a centre bounce or ball up;
- » Whether the Player has set up behind the Umpire;
- » Whether the Player has taken a path that intersects the Umpire's exit line from a stoppage;
- » The force of the contact;
- » Whether the Umpire's decision-making is impeded;
- » Whether the Umpire goes to ground as a result of the contact; and
- » Any mitigating factors (effort to avoid contact, offline bounce or throw, pushed by an opponent into the Umpire's path etc).

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

A charge of Careless Contact with an Umpire will be subject to a fixed financial sanction.

(G) MELEE

1. Engaging in a Melee/Wrestle

A Melee/Wrestle is defined as an incident involving Players and/or Officials 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 AFL. The offence of Engaging in a Melee/Wrestle is subject to a fixed financial sanction. Regard will be given to the following factors when determining if a Player is charged with Engaging in a Melee/Wrestle:

- » The duration the Player is involved in the Melee/Wrestle;
- » The vigour applied by the Player;
- » Whether the Melee/Whether occurs at a break in play, particularly at quarter breaks and half time; and
- » Whether the Player contributed to an escalation of the Melee/Wrestle.



2. Instigator of a Melee/Wrestle

Instigator of a Melee/Wrestle is defined as where the Player's conduct results in retaliatory action which leads to a Melee or Wrestle. The offence of Instigator of Melee/Wrestle is in addition to the offence of Engaging in a Melee/Wrestle which may have the effect of a Player being found guilty of both offences.

(H) STAGING

Staging can include, but is not limited to excessive exaggeration of contact in an unsportsmanlike manner. Staging is a Reportable Offence as it may:

- » Affect umpires' decision-making;
- » Incite a melee; and/or
- » Not be in the spirit of the game (unsportsmanlike).

(I) TRIPPING

In determining whether a trip constitutes a Reportable Offence, regard will be had to how fast the opponent was moving, whether the trip was by hand or by foot/leg and whether contact was made with a swinging motion.

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 MRO to charge a Player with Tripping under the Fixed Financial Offences table where it is satisfied that notwithstanding the result, a Reportable Offence was committed. Where no contact or minor contact is made, the MRO can charge a Player with an Attempt to Trip, which is also a Fixed Financial Offence.

4.4 PROCEDURAL AND OTHER MATTERS

(A) AFL YEAR

A reference to any previous period of AFL Years will 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. 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 AFL Regulations) are calculated retrospectively from the date of the match or sanction for those matches. For instance, where a Player has been found guilty of a Reportable Offence or Reportable Offences in Round 10 in 2023, the previous period of

two AFL Years shall be the period commencing from and including Round 10 in 2021.

(B) CHARGES IN THE ALTERNATIVE

Generally, the MRO will not charge a Player for a specific offence and another offence in the alternative. Regulation 19.10(b) provides that the Tribunal may allow charges to be amended prior to or at any time during a hearing before the Tribunal and this ensures 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.

(C) CLASSIFIABLE OFFENCES DIRECTLY REFERRED TO THE TRIBUNAL

Regarding Classifiable Offences directly referred to the Tribunal, the MRO may classify the relevant factors of Conduct, Impact and Contact or alternatively directly refer the matter to the Tribunal ungraded.

The Tribunal in its absolute discretion may determine that the relevant Reportable Offence should be classified differently, and in such cases will apply the consequences according to that classification (as per Regulation 19.6(a)(i)).

(D) OTHER DIRECT REFERRALS TO THE TRIBUNAL

In addition to the Direct Tribunal Offences referred to in section 3.2, the MRO or the Executive General Manager Football Operations may in their absolute discretion having regard to all the circumstances refer a notice of charge to the Tribunal for determination (see Regulation 16.12(i)(vi)(A)). In such circumstances the Player will not have the option of an early plea however the Tribunal may favourably consider a Player's guilty plea.

The MRO may refer a matter to the Tribunal under Regulation 16.12(i)(vi)(A) where, for example, it is not able to determine a matter based on the evidence before it. It is noted that the MRO has 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 MRO can still classify offences, as it sees fit.

The MRO 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 (particularly for similar previous offences), any suspected mitigating factors or other unusual features of any report.

(E) EXCEPTIONAL AND COMPELLING CIRCUMSTANCES

Where there are exceptional and compelling circumstances which make it inappropriate or unreasonable to apply financial or suspension sanctions that would usually apply to a particular Classifiable Offence, the Tribunal may impose any sanction it considers appropriate (as per Regulation 19.6(a)(ii)).

Exceptional and compelling circumstances may arise where:

- (i) A Player has an 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 that arise from the same event or course of conduct.

(F) MITIGATING CIRCUMSTANCES

In determining the appropriate classification to be given to a Reportable Offence, the MRO will not take into account any provocation or whether a Player was acting in self-defence. However, while the Tribunal will generally apply the sanction corresponding to a particular offence, the Tribunal has the power in exceptional and compelling circumstances to substitute another outcome if it is appropriate in all the circumstances to do so.

(G) INJURY

The MRO 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, 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.

(H) INTRA-CLUB MATCHES

The AFL will not report Players in respect of conduct which occurs in intra-club matches, except where an incident relates to an umpire (in which case the MRO will deal with this matter as it sees fit).

5 / GUIDELINES FOR TRIBUNAL HEARINGS

5.1 INTRODUCTION

- » The AFL Tribunal (the Tribunal) is established pursuant to the AFL Regulations (the Regulations) to hear and determine charges brought before it under the Regulations.
- » The guidelines contained in this section 5 have been made pursuant to Regulation 19.2(g) of the Regulations and are published to guide AFL Clubs, Players and their representatives in relation to various aspects of the operation of the Tribunal. They are also used to guide the Tribunal in relation to legal matters they may be required to consider.
- » These guidelines support the Regulations but are not a substitute for them and may from time to time be varied or expanded to cover other matters. Before having any involvement with the Tribunal, Clubs, Players and their representatives should ensure that they are conversant with the relevant Laws of the Game and the Regulations, particularly Regulation 19 which governs the operation of the Tribunal.
- » As required by Regulation 19.3 of the AFL Regulations, the Tribunal must accord natural justice in its operation albeit cognisant that procedural fairness is a flexible obligation that requires the adoption of fair procedures that are appropriate and adapted to the circumstances of a sporting tribunal and of the particular case. The content of the requirement of natural justice is also informed by the requirement that the Tribunal's processes should be fair and efficient with minimal formality; and expressly acknowledging that the Tribunal is not conducting court proceedings.

5.2 EVIDENCE OF VICTIM PLAYER

- » Regulation 19.14(a) of the Regulations provides that at any hearing before the Tribunal, no person shall call evidence from a person against whom a Reportable Offence is alleged to have been committed (Victim Player) without leave of the Chairperson.
- » The discretion under Regulation 19.14(a) cannot be exercised arbitrarily. The determining factor is whether the interests of justice require that leave be given. Leave will be granted if the Chairperson is satisfied that the Player's case will be prejudiced or disadvantaged if the Victim Player's evidence is not called.
- » Thus, in seeking leave, it will be necessary to be able to outline the evidence it is anticipated the Victim Player will give if called and how the Player's case will be prejudiced or disadvantaged if that evidence is not called. It is important that contact be made with the Victim Player to ascertain what evidence that Player will be able to give. The Regulations do not prohibit contact being made with a Victim Player to ascertain his account of the incident. They do preclude any attempt to influence that account, to put words into his mouth. Leave will not be given to enable fishing exercises to be undertaken in the hope that some evidence of assistance might be forthcoming from the Victim Player.
- » Should it be intended to seek leave, details of the basis of the application should be provided to the Secretary of the Tribunal by 11am (Melbourne time) on the day of the hearing. Unless otherwise requested, the Chairperson will determine the application at the commencement of the hearing. To be able to determine the application before the hearing clear and comprehensive details of the basis of the application need to be provided.
- » On the making of an application for leave to call a Victim Player, the Secretary of the Tribunal will request the Player pursuant to Regulation 19.16(a) of the Regulations to appear before the Tribunal. That appearance must be personally or by video link. If the application for leave is not determined until the commencement of the hearing the Victim Player will need to be at the hearing or available via video/teleconference link to give evidence if the application is granted.
- » Pursuant to Regulation 19.16(b), the Chairperson may excuse the Victim Player from appearing personally or by video link if the Chairperson is of the opinion that the Player is suffering from any injury or medical condition that would prevent the Player from attending. If the Victim Player was so excused his evidence can be taken by telephone link. Particulars of any application to be excused pursuant to Regulation 19.16(b) should be provided to the

Secretary of the Tribunal by 11am (AEDT/AEST) on the day of the hearing. These particulars should provide sufficient details of the injury or medical condition, preferably through a Doctors Certificate to enable the Chairperson to properly consider the application and decide whether the Player should be excused.

5.3 ALLEGATION AGAINST OTHER PLAYER – FAIRNESS TO THAT PLAYER

If an allegation is to be made of illegal, improper or unsportsmanlike conduct on the part of another Player as part of a defence case, the Player making the allegation must inform the other Player and the Tribunal Secretary in writing by 11am (Melbourne time) on the day of the Tribunal hearing of the substance of the allegation. Subject to the guideline relating to Victim Player evidence, if fairness requires, such a Player may be called by Tribunal Counsel to give evidence.

5.4 EVIDENCE OF UMPIRES

Tribunal Counsel will not necessarily call the umpires. Should it be desired that an umpire be called by either Tribunal Counsel or the Player, the Secretary of the Tribunal should be informed by 11am (Melbourne time) on the day of the hearing. He will then arrange for the attendance of the umpire either personally, by video or telephone link. In these circumstances, the umpire would then be called at the hearing by Tribunal Counsel or the Player's Advocate (as applicable).

Contact with an umpire may only be made through the MRO Secretary. Clubs and Players are not permitted to reach out directly to umpires in relation to the Tribunal process without making such requests through the MRO Secretary.

5.5 VIDEO EVIDENCE OF OTHER INCIDENTS

- » The Player or Tribunal Counsel may rely before the Tribunal on any incident contained in that AFL Season's prescribed video examples (refer Schedule 2) that is said to be comparable to the incident in respect of which the Player is charged or otherwise relevant to a matter in issue. The prescribed video examples are examples only and the Tribunal is not bound by any previous decision of a Tribunal with respect to a video example.
- » It will not be necessary to obtain the leave of the Chairperson to adduce a prescribed video example as evidence. However, the Chairperson may give some instructions to the Tribunal Panel as to the use of such evidence. Subject to such instructions it will be a matter for the Tribunal as to the assistance such evidence provides and the weight to be given to it.
- » The Player or Tribunal Counsel may also seek leave to rely on video examples of incidents charged by the MRO and/or determined by the Tribunal, and incidents which were not charged by the MRO but for which a public explanation was provided by the MRO as to why no charge was laid, within the same season as the relevant incident which are truly comparable to the incident in question. Where the Player or Tribunal Counsel seeks to rely on a video example of an incident which is not truly comparable, the Chairperson may either refuse leave to rely on it, or grant leave and instruct the Tribunal Panel members to disregard it.
- » Adequate notice should be given to the Secretary of the Tribunal of any prescribed video example sought to be relied upon so he can arrange for that video evidence to be ready to be played at the hearing.
- » The Tribunal will not receive video evidence of any other incidents.

5.6 SANCTION – EXCEPTIONAL AND COMPELLING CIRCUMSTANCES

- » Regulation 19.6(a)(ii) provides that where there are exceptional and compelling circumstances which would make it inappropriate to apply the consequences in Appendix 1 to the classification that has been determined by the Tribunal for an offence, the Tribunal may impose such sanction or sanctions as they in their absolute discretion think fit.
- » Should it be submitted that there are exceptional and compelling circumstances which would make it inappropriate to apply the consequences in Appendix 1 to the classification, relevant particulars of the submission should be provided to the Secretary of the Tribunal by 11am on the day of the hearing.



6 / INSTRUCTIONS FOR TRIBUNAL PANEL MEMBERS

6.1 GENERAL INSTRUCTIONS

In all cases the Tribunal members, including the Chairperson, will apply the following in making their decision:

- » The Tribunal members are the only judges of the facts in the case. They should decide the case upon the evidence - the oral evidence from any witness, the video evidence and any documentary evidence.
- » The Tribunal members should bear in mind that video films shown in slow motion may give an impression that is different to an action, or actions, that happen quickly in a brief period of time, and they should bear in mind the difference between slow time and real time.
- » The Tribunal members should not decide the case according to prejudice, bias, sympathy, gossip or anything else. If there has been any television, radio or press publicity, the Tribunal must totally disregard it. The Tribunal members should totally disregard any comment about the case by any coach, club member, commentator or any other person.
- » The Tribunal members must act independently and impartially.
- » The Tribunal members must consider all the evidence in the case. Each Tribunal member will give each part of the evidence the importance which they think as a judge it should be given. Each Tribunal member will accept what they believe is true and should be accepted, reject what they disbelieve - and in accordance with the weight they give to such evidence, as they accept, each Tribunal member will determine what in their judgement are the true facts.
- » In assessing the evidence and determining the facts each Tribunal member must make use of their common sense and their experience of life. Those Tribunal Panel Members who have also had substantial experience over a long period of time as footballers may also make use of that experience. Each Tribunal member should judge the evidence fairly and impartially in the light of their common sense, their experience of life and, where appropriate, their experience as footballers.

- » Any comment or argument of Tribunal Counsel and the Player's Advocate or Counsel is of course not evidence. It is intended to help the Tribunal members form a view of the evidence, but no more. If a Tribunal member disagrees with it, they will discard it.
- » A Tribunal member must be satisfied on the Balance of Probabilities that any alleged Reportable Offence or Grading has been established against the Player. That is the Tribunal member must be clearly satisfied that it is more probable than not that he committed the alleged offence or that the alleged Grading applies. The Player does not have to establish anything.
- » Although the Tribunal's verdict does not have to be unanimous, the Tribunal should endeavour to be unanimous - that is all Tribunal members agreed. However if the Tribunal cannot all agree, their verdict can be by a majority of the Tribunal. That is where two Tribunal members are agreed.

The General Instructions are a set of principles that the Tribunal will be required to apply in making their decision. The General Instructions will be taken to have been read by the Tribunal Panel Members and the Chairperson and will be deemed to have been applied by the Tribunal in making their determination.

The onus is on Tribunal Counsel and the Player's Advocate to raise in their submissions or otherwise (e.g. by putting a matter to a witness including the charged Player) any matters that they wish to be considered by the Tribunal that are not already expressly provided for in these Guidelines or the AFL Regulations. If Tribunal Counsel or the Player's Advocate does not raise a specific matter in submissions or otherwise, save in exceptional circumstances, the absence of that matter being raised in submissions or otherwise will not be a ground for appeal.

There is no requirement for the Chairperson to restate or summarise any matters that are expressly dealt with in these Guidelines or AFL Regulations, nor the submissions or the evidence adduced by the parties.



6.2 SPECIFIC INSTRUCTIONS

These will be given when appropriate to do so. Matters that may be the subject of specific instructions where relevant include:

- » Elements of the Reportable Offence
- » Conduct
- » Impact
- » Contact
- » Evidence of Victim Player
- » Absence of reaction by Umpires or adjacent Players
- » Exemplary record
- » Prior offences
- » Attempt to commit a Reportable Offence
- » Exceptional and compelling circumstances
- » Video evidence

If the Player's Advocate or the Tribunal Counsel does not ask for instructions to be made/given on a specific matter, save in exceptional circumstances, the absence of instructions on that matter will not be a ground for appeal.

SCHEDULE 1: FULL LIST OF REPORTABLE OFFENCES

CLASSIFIABLE OFFENCES
Striking
Kicking
Kneeing
Charging
Rough Conduct
Forceful Front-On Contact
Head-butt or Contact Using Head
Unreasonable or Unnecessary Contact to the Eye Region
Unreasonable or Unnecessary Contact to the Face
Tripping
DIRECT TRIBUNAL OFFENCES
Intentional Contact with an Umpire
Eye-Gouging
Stomping
Striking an Umpire
Spitting on or at an Umpire
Spitting on Another Person
Attempting to Strike an Umpire
Behaving in an Abusive, Insulting, Threatening or Obscene Manner Towards or in Relation to an Umpire
Serious Misconduct
FIXED FINANCIAL SANCTIONS
Abusive, Insulting, Threatening, Obscene Language Towards or in Relation to an Umpire
Attempt to Strike, Kick, Trip
Instigator of Melee/Wrestle
Spitting at Another Player
Striking
Unreasonable or Unnecessary Contact with an Umpire
Careless Contact with an Umpire
Disputing Decision
Engaging in a Melee/Wrestle
Obscene Gesture
Pinching
Scratching
Tripping
Unreasonable or Unnecessary Contact with an Injured Player
Wrestling
Interfering with Player Kicking for Goal
Not Leaving Playing Surface
Shaking Goalpost
Time Wasting
Staging

SCHEDULE 2: EXAMPLES OF REPORTABLE OFFENCES

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

CLASSIFIABLE OFFENCES
STRIKING
Example 1 - Nicholas Blakey on Jeremy Cameron (Round 2, 2022) Careless Conduct, Low Impact, Body Contact
Example 2 - Rhys Mathieson on Kysaiah Pickett (Finals Week 1, 2021) Careless Conduct, Low Impact, High Contact
Example 3 - Marlion Pickett on Brandon Starcevich (Round 10, 2021) Careless Conduct, Medium Impact, High Contact
Example 4 - Junior Rioli on Sam De Koning (Round 14, 2022) Intentional Conduct, Low Impact, Body Contact
Example 5 - Lance Franklin on Trent Cotchin (Round 11, 2022) Intentional Conduct, Low Impact, High Contact
Example 6 - Nathan Wilson on Cody Weightman (Round 12, 2021) Intentional Conduct, Low Impact, Groin Contact
Example 7 - Jason Horne-Francis on Joshua Kelly (Round 13, 2022) Intentional Conduct, Medium Impact, High Contact
Example 8 - Kyle Hartigan on Samuel Walsh (Round 10, 2021) Intentional Conduct, High Impact, High Contact
KNEEING
Example 9 - Mason Cox on Brandon Starcevich (Round 5, 2022) Careless Conduct, Low Impact, Body Contact
Example 10 - Tom McDonald on Lachlan Plowman (Round 9, 2021) Intentional Conduct, Low Impact, Body Contact
ROUGH CONDUCT
Example 11 - Lachlan Hunter on Liam Shiels (Round 22, 2021) Careless Conduct, Low Impact, Body Contact
Example 12 - Darcy Tucker on Zach Merrett (Round 9, 2021) Intentional Conduct, Low Impact, Body Contact
ROUGH CONDUCT (HIGH BUMPS)
Example 13 - James Rowbottom on Zach Merrett (Round 9, 2022) Careless Conduct, Medium Impact, High Contact
Example 14 - Patrick Ryder on Will Day (Round 4, 2022) Careless Conduct, High Impact, High Contact
Example 15 - Patrick Dangerfield on Jake Kelly (Round 1, 2021) Careless Conduct, Severe Impact, High Contact
EXCEPTION: CONTESTING THE BALL
Example 16 - Thomas Green on Ned McHenry (Round 7, 2022)
EXCEPTION: CIRCUMSTANCES OUTSIDE CONTROL
Example 17 - Patrick Dangerfield on Brad Crouch (Round 22, 2021)
ROUGH CONDUCT (DANGEROUS TACKLES)
Example 18 - Isaac Heeney on Jye Caldwell (Round 16, 2022) Careless Conduct, Low Impact, High Contact
Example 19 - Jordan De Goey on Patrick Dangerfield (Round 3, 2022) Careless Conduct, Medium Impact, High Contact
Example 20 - Scott Lycett on Ned McHenry (Round 8, 2021) Careless Conduct, Severe Impact, High Contact

FORCEFUL FRONT-ON CONTACT
Example 21 - Samuel Frost on Brandon Ellis (Round 11, 2022) Careless Conduct, Medium Impact, High Contact
EXCEPTION: CONTESTING THE BALL
Example 22 - Jordan Dawson on Darcy Cameron (Round 2, 2022)
UNREASONABLE OR UNNECESSARY CONTACT TO THE EYE REGION
Example 23 - Andrew Brayshaw on Jarrod Berry (Round 21, 2021) Intentional Conduct, Low Impact, High Contact
TRIPPING
Example 24 - Angus Brayshaw on Connor Menadue (Round 7, 2021) Careless Conduct, Low Impact, Body Contact
Example 25 - Steven May on Ian Hill (Round 5, 2022) Intentional Conduct, Low Impact, Body Contact
DIRECT TRIBUNAL OFFENCES
ANY OTHER ACT OF SERIOUS MISCONDUCT WHICH THE MRO CONSIDERS APPROPRIATE TO REFER TO THE TRIBUNAL
Example 26 - Jack Viney on Samuel Collins (Round 20, 2021)
Example 27 - Sam Swikowski on Jack Ginnivan (Round 10, 2022)
INTENTIONAL CONTACT WITH AN UMPIRE
Example 28 - Toby Greene (Finals Week 1, 2021)
FIXED FINANCIAL SANCTIONS
CARELESS CONTACT WITH AN UMPIRE
Example 29 - Callum Mills (Round 4, 2021)
Example 30 - Jeremy Cameron (Round 18, 2022)
ENGAGING IN A MELEE/WRESTLE
Example 31 - Collingwood v Port Adelaide (Zak Butters, Taylor Adams, Jeremy Finlayson, Jack Ginnivan) (Round 20, 2022)
Example 32 - Ben Ainsworth and Noah Answerth (Round 19, 2022)
STAGING
Example 33 - Mitchell McGovern (Round 22, 2022)
OTHER MISCONDUCT
Example 34 - Jeremy McGovern on Jack Viney (Round 9, 2022)
Example 35 - Nicholas Murray on Will Hayward (Round 19, 2022)
STRIKING (FIXED FINANCIAL)
Example 36 - Rhys Mathieson on Sam Mayes (Round 7, 2021)
TRIPPING (FIXED FINANCIAL)
Example 37 - Zachary Williams on Aaron Naughton (Round 2, 2022)





TRIBUNAL 2023

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