

ADDENDUM TO WRFL BY-LAWS

Issue Date: 22 March 2016

The following extracts from previous WRFL Constitution and Statement of Rules are subject to review by the Rules Review Sub-Committee for modification/inclusion in WRFL By-laws.

Pending completion of that review, these matters will be deemed to apply as WRFL By-laws, subject to any contrary provision of the:

- Statement of Purposes (Revision 1, 5 June 2012);
- Statement of Rules (Revision 2, 23 October 2012); and
- Revised By-laws (Issue date 22 March 2016)

IMPORTANT NOTICE TO ALL CLUBS AND WRFL OFFICIALS – 17 April 2013

WRFL Rules and By-laws

After a lengthy process of review overseen by the Rules Review Sub-Committee, a new and revised Statement of Rules (replacing the previous Constitution and Statement of Rules) was adopted by unanimous vote of member clubs at a Committee of Management meeting held 5th June 2012. The Statement of Rules is the document that sets out the governance arrangements for the League, and as such does not include matters of an operational nature that are more appropriately the subject of regulations or By-laws.

A further process of review by the Rules Review Sub-Committee and WRFL staff led to a resolution of the Board on 15th April 2013 to adopt a revised set of By-laws (issue date 4th April 2013). The revised By-laws were based largely on the old By-laws, categorised under logical subject headings, renumbered and corrected for obvious editorial errors. Much duplication of the Laws of Australian Football was deleted from the revised By-laws. A limited number of material changes were included in the revised By-laws (these changes were widely distributed in table format for the information of clubs at a special general meeting on 26 March 2013).

Both the new Statement of Rules and revised By-laws can be viewed/downloaded from the WRFL website ('Documents' tab).

It was acknowledged at the time of publication of the revised By-laws that some matters included in the old Constitution and Statement of Rules had not been picked-up in either of the new Statement of Rules or revised By-laws. These matters were mainly associated with the processes pertaining to the operation of the Tribunal, IHC and Appeals Board; to some financial arrangements; and to media policy. The governance arrangements relating to the judicial bodies have been included in the new Statement of Rules. The outstanding process matters will be more appropriately included in the new By-laws in due course.

Listed below are all of the matters from the old Constitution and Statement of Rules that have yet to be included in the new Statement of Rules and/or By-laws. It is intended that these matters will be subject to ongoing review, with a view to developing recommendations for their eventual inclusion in the revised By-laws as appropriate.

Review of the outstanding matters listed below will complete the initial review and overhaul of WRFL Rules and By-laws. In the meantime, all member clubs and other WRFL stakeholders are advised that all of the matters listed below will continue to apply and to be binding on all parties. If clarification or assistance is required relating to interpretation of Rules and/or By-laws, please contact the CEO for advice.

A. Old Constitution provisions not yet included in new Rules / By-laws

Article II, Section 2, Clause 13:

The President shall receive for services an honorarium, which will neither increase nor diminish during the period for which he/she has been elected, and he/she shall not receive within that period any other payment from the WRFL.

B. Old Statement of Rules provisions not yet included in new Rules / By-laws

- 2.12** No member club, or member club official, or member of member club, or registered player, trainer or umpire shall, through any form of the media, criticise the League, any official of the League, any other member club, the League's Constitution, Regulations or these Rules. In default, any such member club may be charged with bringing the league into disrepute. Such a charge can be heard by the Independent Hearings Committee ("IHC") or Tribunal and a final not exceeding \$1,000.00 may be applied.

6. CHARGES MADE UNDER ARTICLE IV OF THE WRFL CONSTITUTION

*Refers to charges
against Board members
and judiciary officers.*

Where a charge has been under any part of Article IV, the following procedures shall apply:

- 6.1** The charges must be provided in writing detailing the allegations to the Chief Executive Officer (CEO) of the WRFL. The Chief Executive Officer (CEO) shall provide these to the President (or Vice-President) of the WRFL or the Chair (or Deputy Chair) of the Tribunal, who will act in accordance with Article IV.
- 6.2** The panel will provide a copy of the allegations to the member club, Executive member or Judicial member against whom the allegations are made. The respondent may provide a reply to the allegations in writing to the panel within a time prescribed by the panel.
- 6.3** The panel may interview any other person it deems relevant to its investigation and may take into account any other information to assist it in its inquiries. The panel will complete its report to the President or Tribunal Chair within 21 days of appointment to investigate the allegations.
- 6.4** The report shall detail the allegations, the reply of the respondent and any other information gathered in the course of the investigation. A summary of evidence shall be provided in the report together with conclusions and recommendations.
- 6.5** In addition to the report provided the President or Tribunal Chair, a copy of the report will be provided to the complainant and the respondent. The WRFL will retain a copy of the report for not less than 5 years.
- 6.6** The complainant and the respondent shall have the right to address the Committee of Management in consideration of the matter before any final decision is made as to penalty or dismissal of allegations.

15. FINANCIAL

- ~~15.1 All League fees and charges incurred by each affiliated Senior/Junior clubs will be payable as an annual management fee to be published in the budget at the Annual General Meeting each year and is payable as follows:~~

*Addendum
By-law 15
deleted 22
March 2016.
Refer to new
By-law 6.5.*

~~Payable by the 31st March 10%;
the 30th April 30%; 20%
the 31st May 20%; 30%
the 30th June 20%; and
by the 31st July 20% (balance due); or~~

*2nd & 3rd instalment
payments amended
March 2013 to assist
club cash flows.*

~~as may be determined by the executive as being a payment to the financial benefit of the member clubs having regard to their ability to raise funds at various times during the year.~~

~~— All other money (properties, fines) is payable at the end of the month immediately following the invoice date.~~

- ~~15.2 The Executive shall prepare a zero (0) deficit budget for each financial year.~~

- ~~15.3 Any un financial member club will have no credit but remain bound by the Constitution, Rules and Regulations of the WRFL and in particular the rule requiring the use of the property division.~~

- ~~15.4 All member clubs participating in final series matches must be financial with the League before the conclusion of the home and away matches and before each final match that the member club plays in. In the event that a member club is not financial seven (7) days before the commencement of the finals and each final thereafter, the League shall, remove all or any of its teams from their position in the final series matches and promote the next entitled financial teams in their place to participate in the final series.~~

- ~~15.5 The failure of any member club to meet its financial commitments and obligations to the League will mean that member club will not be playing for match points until all their outstanding financial debts to the WRFL are met. If any member club is un financial to the extent of playing for no points, or outside of the~~

allowable trading period (one month), all member clubs will be informed in writing (disclosing the amount outstanding) within one week of either arising and put on the agenda for the next Committee of Management meeting.

- ~~15.6~~ In the event of any member club being un-financial on 31st December, the member clubs permit to play in the following season in the WRFL will be suspended and it will not be included in that season's fixture.
- ~~15.7~~ Member clubs whose transmission of funds to the League by cheque, electronic method or any other means are returned by their Bank as "not sufficient funds" or "return to payee" or for any other reason is not paid, will be charged the fees charged by that bank, and a fine of up to \$100.00 be imposed on that member club by the League for each transaction. Any points won by a member club during its period of being un-financial will be withdrawn by the League and shall not be re-credited.
- ~~15.8~~ All member clubs shall forward to the Chief Executive Officer (CEO) no later than 31st December each year, copies of their Annual Reports, Profit and Loss Statements and Balance Sheets for the immediate past year. Failure to forward the said report and financials to the League will result in the member clubs credit being revoked until such time as the Annual Reports, Profit and Loss Statements and Balance Sheets for the immediate past year have been lodged.
- ~~15.9~~ Any member club that disputes liability for any payment is required to make the payment to the League and notify the Chief Executive Officer (CEO) of a "disputed payment". Failure to lodge such payment will mean the member club is un-financial. The Chief Executive Officer (CEO) shall investigate the dispute, make a determination and, if it is held that the member club was not liable, then such a payment will be refunded in full.
- ~~15.10~~ The Committee of Management will retain the sole authority to approve levies, charges, fines and other financial encumbrances on the member clubs.

20. INVESTIGATION OFFICER

- 20.1** The Executive may appoint Investigation Officers who must hold no other position with the League. Investigation Officers shall:
- (a) investigate any matter referred by the Executive of the League and report direct to the Executive on the findings;
 - (b) have the right to interview the following in order to investigate any matter referred by the Executive:
 - (i) member club officials, players, members of member clubs, public spectators, and field, boundary, goal or emergency umpires; and
 - (ii) to attend any game as directed by the Chief Executive Officer (CEO) or GM - Football Operations.
- 20.2** The Executive of the League may appoint a member of the Executive to carry out the role of the Investigation Officer for the purpose of a particular investigation which the Executive deems proper and that member shall have all the powers of the Investigation Officer given herein.
- 20.3** All member clubs, member club officials, players and member club members shall assist fully any investigation conducted by the investigation officer and neither the member clubs, officials, players or club members shall obstruct or hinder the Investigation Officer in the execution his/her duties in carrying out any investigation under these rules.
- 20.4** If any member club, member club official, player or member club member does not co-operate with the investigation officer in the investigation of matter referred by the Executive of the League, the member club shall be notified by the League to co-operate with the investigation officer. If after three (3) full

working days the notification is not rectified, the Executive may lay appropriate charges to be heard by the IHC. The following penalties can apply if found guilty at this hearing:

- (a) a member club shall be fined a sum of up to \$500.00;
- (b) a member club official, the member club shall be fined up to \$500.00 and/or suspended as acting in any form as an official for a period of not less than 5 matches in which the club plays;
- (c) a player, the member club shall be fined up to \$500.00 and/or suspended for a period of not less than five (5) matches in which the member club plays; and
- (d) a member of a member club, the member club shall be fined a sum of up to \$500.00.

20.5 The Investigations Officer shall complete a report no later than three weeks from the date on which the matter is reported to the Chief Executive Officer (CEO) or the GM - Football Operations. The Executive may grant an extension of time in exceptional circumstances upon application to them in writing setting out the reasons for the delay in the investigation and any other relevant matter.

20.6 Any charge arising out of the investigation must be laid within one week of the report being finalised.

20.7 Any person charged under this rule shall be given at least 72 hours advance notice of the hearing of the matter. Witnesses, such as umpires, must be given no less than 48 hours advance notice of any request for them to appear before the Tribunal/IHC.

20.8 After investigating an allegation, the Investigations Officer shall lodge with the Chief Executive Officer (CEO) all relevant documents and a notice in writing setting out the results of his/her investigation, including the Investigations Officer's opinion as to whether the player, official member club or club member under investigation has breached the Laws of Australian Football, the Rules or the Regulations of the WRFL and whether the matter should be dealt with by the Executive or the Tribunal/IHC. The Executive will consider the Investigations Officer's recommendation and may deal with the matter itself or refer the matter to the Tribunal/IHC for hearing and determination.

20.9 In any matter referred to the Tribunal/IHC under this rule the Investigations Officer shall personally appear before the Tribunal/IHC to lay the necessary charges and assist the Tribunal/IHC in the presentation of the matter.

21. INDEPENDENT INVESTIGATION TRIBUNAL

21.1 ~~Persons appointed by the process described in the Constitution will be called upon to sit as members of either the Tribunal or the IHC. The Tribunal shall hear all Notices of Reports lodged by umpires, umpire's advisers (at a match as an emergency or an observer) and or officers of the league appointed under rules 12.8. and 20 by the Executive from reportable offences committed on a match day, or any matters referred to it by the Executive.~~

*Refer to new
Statement of
Rules, clause
17 et al.*

21.2 ~~The Tribunal or IHC shall consist of:~~

- ~~(a) a Chairperson and a Deputy Chairperson each of whom may be a Legal Practitioner or former or sitting Magistrate; and~~
- ~~(b) a panel of not less than ten (10) persons who in the opinion of the Executive possess a knowledge of Australian Rules football or hold other relevant knowledge or skills ("Panel Members").~~

21.3 ~~If for any period and for any reason a member is absent or unable to attend a hearing of the Tribunal or IHC, the Executive may appoint a person who in its opinion is a suitable replacement.~~

21.4 ~~A member of the Tribunal or IHC may resign by providing notice in writing to the Chief Executive Officer (CEO) of the League and the Executive will then appoint a replacement under rule 21.1.~~

~~21.5 A member of the Tribunal or IHC may be removed by the process described in the Constitution.~~

21.6 The Executive shall appoint a Secretary to the Tribunal and IHC, who can be a member of a club however his/her duties do not involve sitting on any hearing or hearings he/she is not a member of the Tribunal and is under the control and direction of the Chairperson of the Tribunal.

21.7 The Secretary shall:

- (a) perform any function prescribed in these rules;
- (b) assist the Tribunal and IHC in the efficient and proper running of matters coming before it;
- (c) at the direction of either the Chairperson or Deputy Chairperson advise panel members to attend for hearings; and
- (d) perform other functions as directed from time to time by the Tribunal or IHC.

21.8 ~~On any occasion when a Notice of Report or matter is brought before the Tribunal, the Tribunal shall comprise three (3) persons being:~~

- ~~(a) the Chairperson or in the Chairperson's absence a Deputy Chairperson who shall act as Chairperson or a member appointed by the Chairperson or Deputy Chairperson to chair a particular panel; and~~
- ~~(b) two (2) panel members.~~

~~— The Tribunal so constituted shall conduct a hearing in respect of the Notice of Report or matter.~~

21.9 Regulate own procedure: subject to the further matters set out in this rule 21, the Tribunal may regulate any proceedings brought before it in any such manner as it thinks fit.

21.10 The hearing before the Tribunal shall be:

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

21.11 The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record, but may inform itself as to any matter in any such manner as it thinks fit.

21.12 Any party wishing to produce video evidence must have provided to the League a copy of the video/DVD (unedited) by no later than 3.00pm on the day prior to the hearing. The party wanting to rely on the video/DVD must supply the necessary equipment to enable the Tribunal to view the full video/DVD and that equipment should include slow motion and pause facilities. The author of the full video/DVD must be present at the hearing to verify that the video/DVD has not been tampered with in any way. Where the Tribunal considers that video evidence is capable of sustaining or defeating a reportable offence, the Tribunal may make a finding against a person solely on the basis of that video/DVD evidence.

21.13 The Tribunal shall allow any evidence or witness to be lead or called before it at any hearing providing the party wanting to lead the evidence or call the witness shall, not later than 12noon on the day of the hearing, lodge with the Secretary at the League office a statement in writing containing:

- (a) the nature of the evidence and its relevance;
- (b) the name of the witness;

- (c) the substance of the evidence to be given by the witness;
- (d) evidence that is direct evidence on the matter before the Tribunal, not character evidence or evidence the witness has been told about by somebody else; it must be evidence of his/her own knowledge or it will not be allowed.

This rule does not apply to any witness directed to attend a hearing by the umpire on the day of the match in which the report was made.

21.14 Where a matter is referred to the Tribunal for an alleged contravention of the WRFL Anti-Doping rules or Racial or Religious Vilification rules, the Tribunal shall follow the provisions and guidelines contained in the WRFL Anti-Doping rules or Racial or Religious Vilification rules and if there are none, develop such for use thereafter.

21.15 The Chairperson of the Tribunal may make guidelines, not inconsistent with the Rules and Regulations of the WRFL, for the practice and procedure with respect to a hearing and shall give a set, in writing to the Chief Executive Officer (CEO) of the League to be given to the clubs.

21.16 The Tribunal shall:

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

21.17 The Tribunal shall decide on the balance of probabilities whether a reportable offence or matter against a person has been sustained. No person appearing before the Tribunal shall bear an onus of establishing that the alleged reportable offence has been committed.

21.18 The Tribunal has the power to deal with any person appearing before it whether charged with an offence or not and may impose any penalty it deems fit against any person for any form of misconduct before the Tribunal or within the presence of the Tribunal including any witness the Tribunal believes has lied to it in the giving of his/her evidence. Any witness called and the person reported who fails to appear before the Tribunal when directed to shall be suspended for playing or acting in any way as an official or otherwise within the League until he/she appears before the Tribunal and explain his/her absence (the Tribunal may at its sole discretion accept a written explanation from such person and excuse him/her from attending and it may at its own discretion accept written evidence if the witness/person has been so excused or it may adjourn the hearing and waive the suspension provided for herein).

21.19 Majority decision: the question before the Tribunal must be decided according to the opinion of a majority of members constituting the Tribunal.

21.20 At the conclusion of its hearing, the Tribunal may make such determination, impose such penalties, make such orders and give such directions in each case as it in its absolute discretion thinks fit.

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

- (a) the seriousness of the reportable offence sustained against the person;
- (b) the injury sustained (if any) and effect upon the person against whom the reportable offence has been committed (if relevant);
- (c) the prior record of reportable offences committed by the person; and
- (d) in so far as they are relevant, the objectives of the Rules and Regulations of the WRFL.

21.22 Where a report is sustained against a person and before imposing any penalty, the Tribunal shall provide that person a reasonable opportunity to make submissions on the question of penalty, and the penalty shall be published in the appropriate media and/or website.

21.23 The Tribunal is not obliged to give reason for any decision made by it under this rule but shall keep minutes of the hearing should any appeal be lodged. If requested by the Appeal Board, minutes to be provided to the Appeal Board.

21.24 A person who has been charged with a reportable offence may be represented by a Club Advocate before the Tribunal, the IHC pointed to represent the League/Executive must be a member of the club the reported player belongs and hold a current Judicial Permit. The conduct of the Advocate is answerable to the Tribunal, IHC or Appeal Board and he/she is to be co-operative and courteous and truthful at all times when appearing and if not, the hearing body can direct him/her to leave the hearing.

The WRFL may be represented at the hearing of any matter before the Tribunal, IHC or Appeal Board by any person it deems fit, including a legally qualified person, who holds a WRFL Judicial Permit.

Umpires may be represented at hearings of the Tribunal, IHC, or Appeal Board by an Advocate who holds a current Judicial Permit.

21.25 Report and Hearings

- (a) Where there is any procedural irregularity in the making of a report including without limitation the time when the report was made, the nature of the charge laid, or the procedure at the hearing, the Tribunal shall still hear and determine the matter unless it is of the opinion that the irregularity has caused or may cause injustice if the matter was heard.
- (b) A decision of the Tribunal is not invalid because of any defect or irregularity in, or in connection with, the appointment of a Tribunal member.
- (c) Subject to rule 21, any procedure or requirement regulating the function of the Tribunal is discretionary in nature and a decision of the Tribunal is not invalid by reason of that procedure or requirement not being fulfilled.

21.26 Any appeal against a decision of the Tribunal shall be conducted in accordance with rule 23 of these rules.

21.27 An official or player shall not contact or arrange for another person to contact a member of another member club or spectator who is or ought likely to be regarded as a person required to give evidence before the Tribunal, where that contact is intended to or may otherwise influence the evidence given or affect the conduct of the Tribunal hearing in a manner which is unfair or creates prejudice to any party to such hearing or the Tribunal itself. A person who contravenes this rule shall: -

- (a) be deemed to have engaged in conduct which is unbecoming and prejudicial to the interests of a just and fair hearing; and
- (b) be dealt with by the Tribunal as the Tribunal in its absolute discretion thinks fit.
- (c) in addition to any penalty or determination made in respect of this conduct the Tribunal may impose a penalty on such official's or players club as the Tribunal in its absolute discretion thinks fit, save where the club satisfies the Tribunal that the conduct of the official or player was not entered into with the consent, acquiescence or knowledge of the club.

It is legitimate for an advocate to contact a witness or potential witness in order to determine whether that person is able to give evidence that may assist the Tribunal, or whether that person was a witness to an incident at all. In this context, it is legitimate to ask the witness what evidence he/she can give.

- 21.28** No member club, official of member club or member of member club, player or other person associated with a member club shall make any public criticism of a Tribunal decision or of any Tribunal Member or any other matter touching or concerning the Tribunal or a determination made by it.

First Offence up to \$100.00 fine of the member club

Subsequent Offence up to \$500.00 of the member club

- 21.29** ~~Any advocate appearing before the Tribunal, IHC or Appeal Board must hold a current Judicial Permit issued by the WRFL.~~

New By-law 35

- (a) ~~A judicial permit may be obtained on application to the Chief Executive Officer (CEO) of the WRFL his/her relevant experience or reasons for seeking a permit, submitted no later than four weeks before the commencement of the first senior WRFL game of the season.~~
- (b) ~~A Judicial Permit will be granted for a period of three (3) years, and must be renewed upon expiry.~~
- (c) Two (2) weeks before the commencement of the first Senior WRFL game each season, Advocates will be required to attend an advocates training course conducted by the WRFL, and produce at that time a copy of all relevant tribunal rules, hearing procedures and forms. If an Advocate fails to do this, he/she cannot appear before the Tribunal until copies of those documents are produced by the Advocate to the Chief Executive Officer (CEO) or a nominee of the Chief Executive Officer (CEO).
- (d) If in the view of the hearing body an advocate conducts him/herself in the course of a hearing in an improper manner, or a manner likely to bring the WRFL into disrepute, the Chairperson of the hearing body may report the advocate's conduct to the Chief Executive Officer (CEO) of the WRFL, and recommend that his/her permit be revoked.
- (e) The WRFL Executive will issue the criteria for appointment of persons as Advocates under this rule no later than six (6) weeks prior to the commencement of each season.

22. INDEPENDENT HEARING COMMITTEE ("IHC")

**New Rules
18.1 & 18.5**

- 22.1** ~~The IHC to determine all protests, charges and disputes between clubs, charges laid by persons other than by umpires in the course of a game, transfer of player issues and other matters requiring a hearing and/or investigation. The members of the IHC shall be appointed in accordance with the Constitution.~~
- 22.2** ~~A quorum of the IHC shall be three (3) members.~~
- 22.3** The IHC shall deal with any protests, charges and disputes referred to it, and have the power to impose fines only in the case of clubs, and fines, suspension or disqualification in the case of players, officials or members. Where the IHC or the Executive of the WRFL believes that a matter may require a penalty more severe than those specified in this rule, or a penalty other than one specified in this rule, the matter should be referred directly to the Executive to make a determination.
- 22.4** All clubs, club officials and players referring protests, charges and disputes to the IHC shall have the matter in writing in the hands of the GM - Football Operations by 5.00pm on the Tuesday following the occurrence, clearly outlining the matter and the reasons for the protest, charge or dispute. A fee of \$100.00 will be added to the club's account (which shall be refunded providing that the reference to the IHC was not frivolous, as deemed by the IHC). The GM - Football Operations shall notify the club or persons complained of by the following Wednesday at 5.00pm of the complaint within.
- 22.5** When a charge has been made by one (1) member club against another member club of playing an unqualified or an ineligible player, the member club charged shall be responsible for the appearance of such player before the IHC and failure to so produce such player shall be taken as prima facie evidence of the charge.

- 22.6** In the event of a dispute or protest arising from or concerning the correct age of a player the onus shall be on the player and his/her club to produce satisfactory documentary evidence as to his/her age.
- 22.7** The IHC shall have the power to resolve any issue not specifically dealt with by the Rules and Regulations of the WRFL and all decisions of the Committee shall be binding subject to the appeal provisions in rule 23.
- 22.8** Rule 21.9 to rule 21.28 apply to the IHC and where appearing the word "Tribunal" shall be read as "Independent Hearing Committee".

23. APPEAL FROM TRIBUNAL AND INDEPENDENT HEARING COMMITTEE DECISIONS

23.1 Rule Paramount

Rule 23 prescribes the procedures for an appeal commenced by a person in respect of a decision made by the Tribunal under rule 21.20 and the IHC or the Executive. To the extent that any other rule to the contrary exists in these rules, rule 23 shall prevail.

- 23.2** An aggrieved party may appeal to the Appeal Board in respect of a decision made by either the Executive, the Tribunal or the IHC provided the appeal is brought no later than 2.00pm Eastern Standard Time two working days after which the decision appealed against was made and given to the party aggrieved or that persons club or 2.00pm on the second day after knowledge of the decision.
- 23.3** The Executive may appeal to the Appeal Board in respect of a decision made by either the Tribunal or the IHC provided the appeal is brought no later than 2.00pm Eastern Standard Time two (2) working days after a meeting of the Executive first after which the decision appealed against was made and given to the League club (that is at 2.00pm on the second day after knowledge of the decision).
- 23.4** An appeal under rule 23.2 or rule 23.3 shall be lodged with the GM - Football Operations at League headquarters in writing in a form clearly setting out the matter, the decision appealed against and the grounds of the Appeal. The written notice shall be accompanied with (in relation to an appeal under rule 23.2 only):
- (a) payment to the League of the sum of \$250.00, which sum shall not be refundable; and
 - (b) a payment of the further sum of \$500.00 which sum shall be refundable within the rules herein set out.
- 23.5** Notice of Appeal shall be lodged by delivering it or transmitting by facsimile or email to the League headquarters with it being addressed to the GM - Football Operations. The money required will be invoiced to the member clubs account, or can be provided for by a cheque from the member club or an individual.
- 23.6** Upon receipt of a Notice of Appeal, the GM - Football Operations shall:
- (a) fix the date, time and place for the hearing of the appeal as soon as practicable provided that the appeal shall be heard if possible before the appellant's club is next scheduled to compete; and
 - (b) advise all parties interested in the appeal in writing of those particulars.
- 23.7** The Appeal Board may vary the time or place specified under rule 23.6 and upon doing so shall immediately provide all parties interested in the appeal written notice of any such variation.

- 23.8** An appellant shall attend and appear before the Appeal Board at the date, time and place fixed for the hearing of the appeal. Where an appellant fails to attend before the Appeal Board, the Appeal Board may still hear and determine the appeal in the appellant's absence.
- 23.9** The Appeal Board shall:
- (a) provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;
 - (b) hear and determine the matter before it in an unbiased manner; and
 - (c) make a decision that a reasonable body could honestly arrive at.
- 23.10** Subject to rule 23.11 (b), where the Executive/Tribunal/IHC imposes a penalty that prevents the appellant from participating in a match, the appellant shall serve that penalty pending the determination of the appeal.
- 23.11** Subject to rule 23.12, the Appeal Board may of its own motion or upon application of any party to the appeal, order:
- (a) that an appeal be adjourned;
 - (b) a stay of the execution of the penalty imposed by the Tribunal pending the determination of the appeal.
- 23.12** The Appeal Board shall make an order under rule 23.11 (b) only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if an appropriate order was not made. In determining that question, the Appeal Board shall without limitation have regard to:
- (a) the merits of the appeal and the appellant's prospects of success;
 - (b) the interests of the other clubs and players;
 - (c) the effect on the result of the League competition; and
 - (d) the need to permit due and proper administration of these Rules and Regulations of the WRFL.
- 23.13** The Appeal Board shall deal with the appeal as a new hearing as if it were hearing the matter for the first time. The Appeal Board may have regard to the record of the proceeding before the Executive/Tribunal/IHC as previously constituted, including a record of any accurate evidence taken in the hearing the appeal relates to.
- 23.14 Regulate Own Procedure**
- The Appeal Board may regulate any proceedings brought before it in any such manner as it thinks fit, which must be consistent with rules 21.9 - 21.29.
- 23.15** The hearing before the Appeal Board shall be:
- (a) inquisitorial in nature; and
 - (b) conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- 23.16** The Appeal Board is not bound by the rules of evidence or by practices and procedures applicable to Courts of Record, but may inform itself as to any matter in any such manner as it thinks fit.

- 23.17** Any party wishing to produce video/DVD evidence must have provided to the League a copy of the video/DVD (unedited) by no later than 3.00pm on the day prior to the hearing. The party wanting to rely on the video/DVD must supply the necessary equipment to enable the Appeal Board to view the full video/DVD and that equipment should include slow motion and pause facilities. The author of the full video/DVD must be present at the hearing to verify that the video/DVD has not been tampered with in any way. Where the Appeal Board considers that video/DVD evidence is capable of sustaining or defeating a reportable offence, the Appeal Board may make a finding against a person solely on the basis of that video/DVD evidence.
- 23.18** The Appeal Board shall allow any evidence or witness to be lead or called before it at any hearing providing the party wanting to lead the evidence or call the witness shall, not later than 12noon on the day of the hearing lodge for the GM - Football Operations at the League office a statement in writing containing:
- (a) the nature of the evidence and its relevance;
 - (b) the name of the witness;
 - (c) the substance of the evidence to be given by the witness;
 - (d) evidence that is direct evidence on the matter before the Appeal Board not character evidence or evidence the witness has been told about by somebody else, it must be evidence of his/her own knowledge or it will not be allowed.
- 23.19** The Appeal Board may confirm, reverse or modify the decision appealed against that is the subject of the appeal and make such orders and give such directions in such manner as it in its absolute discretion thinks fit.
- Rules 21.21 and 21.22 shall apply to appeals before the Appeal Board and any reference in those rules to the "Tribunal" shall be read as a reference to the "Appeal Board".
- 23.20** The question on appeal before the Appeal Board must be decided according to the opinion of a majority of the members constituting the Appeal Board.
- 23.21** The Appeal Board is not obliged to give reasons for any decision made by the Appeal Board.
- 23.22** On the hearing of an appeal the appellant shall bear the onus of showing on the balance of probabilities that the Reportable Offence or matter should be dismissed or sustained or that the penalty was inappropriate, as the case may be.
- 23.23** Parties appearing must do so personally or by way of an Advocate who must be a member of the affiliated body the party is a member of or is representing the WRFL, and holds a WRFL Judicial Permit.
- 23.24** Parties may be represented by a Legal Practitioner if there are exceptional and compelling circumstances and the Appeal Board agree to in their sole discretion. The WRFL may be represented by a Legal Practitioner in any case.
- 23.25** Where the Appeal Board upholds an appeal and reverses the decision appealed against, the payment made under rule 23.4. (b) shall be refunded.
- 23.26** Where the Appeal Board:
- (a) dismisses an appeal and considers that an appeal was frivolous or vexatious or commenced for an improper purpose; or dismisses the appeal but increases the penalty first imposed; the payment made under rule 23.4.(b) shall not be refunded.
 - (b) dismisses an appeal but considers that the appeal was not frivolous or vexatious or commenced for an improper purpose; or decreases the penalty imposed by the Executive/Tribunal/IHC; it may

order at its absolute discretion that all or part of the payment made under rule 23.4.(b) be refunded to the appellant.

- 23.27** An appellant may without penalty, apart from the non-refundable Appeal Lodgement Fee as per rule 23.4.(a), abandon an appeal by giving notice in writing to the GM - Football Operations.

Where an appellant abandons his/her appeal during the conduct of the appeal and the Appeal Board considers that the appeal was frivolous or vexatious or commenced for an improper purpose, the Appeal Board may order in its absolute discretion that all or part of the payment made under rule 23.4.(b) not be refunded. For the purposes of this rule, the "Conduct of the Appeal" is to be deemed to commence the moment a date for the hearing has been set.

23.28 Validity of Charge and Hearings

- (a) Where there is any procedural irregularity in the manner in which an appeal has been brought, the Appeal Board may still hear and determine the appeal unless it is of the opinion that the irregularity has caused or may cause injustice if the appeal was heard.
 - (b) A decision of the Appeal Board is not invalid because of any defect or irregularity in, or in connection with, the appointment of an Appeal Board member.
 - (c) Subject to rules 23.9, any procedure or requirement regulating the function of the Appeal Board is discretionary in nature and a decision of the Appeal Board is not invalid by reason of that procedure or requirement not being fulfilled.
- 23.29** Rules 21.24, 21.27 and 21.28 shall apply to all appeals or matters coming before the Appeal Board and any reference to the "Tribunal" shall be read as a reference to the "Appeal Board".
- 23.30** Consistent with the process described in the Constitution, persons shall from time to time be appointed to a board to be known as the Appeal Board.

24. APPEAL BOARD

- 24.1** The Appeal Board shall hear all Notices of Appeal lodged by any player, member club, any other affected party with standing to bring an appeal or the Executive in relation to any hearings under the Rules of the WRFL.
- 24.2** The Appeal Board shall consist of:
- (a) Chairperson who shall be a Legal Practitioner or former or sitting Magistrate; and
 - (b) a panel of not less than four (4) persons who in the opinion of the Executive possess a knowledge of Australian Rules football and who shall consist of at least one (1) Legal Practitioner ("Board Members").
- 24.3** If for any period and for any reason a member is absent or unable to attend a hearing of the Appeal Board, the Executive may appoint a person who in its opinion is a suitable replacement.
- 24.4** A member of the Appeal Board may resign by providing notice in writing to the Chief Executive Officer (CEO) of the League and the Executive will then appoint a replacement under rule 21.1.
- 24.5** A member of the Appeal Board may be removed by the process described in the Constitution.
- 24.6** On any occasion when a Notice of Report or matter is brought before the Appeal Board, the Appeal Board shall comprise three (3) persons being:

- (a) the Chairperson or in the Chairperson's absence the Deputy Chairperson who shall act as Chairperson; (provided however if neither the Chairperson or Deputy Chairperson is unable to act then a panel member appointed for that night only); and
- (b) Two (2) panel members (one (1) legal and one (1) football),

24.7 The Chairperson of the Appeal Board may make guidelines, not inconsistent with these rules, for the practice and procedure with respect to applications to and hearings by the Appeal Board.

25. RACIAL AND RELIGIOUS VILIFICATION

25.1 No player in his/her capacity as a player of a member club or, in the course of carrying out his/her duties or functions as or incidental to a player of a member club or any director, officer, servant or agent of a member club (including without limitation any coach, assistant coach, trainer, medical officer, runner or person entitled to enter the arena during the course of or prior to or during any break in play in any match) shall act towards or speak to any other person in a manner, or engage in any other conduct which threatens, disparages, vilifies or insults another person ("the person vilified") on the basis of that person's race, religion, colour, descent or national or ethnic origin.

25.2 In the event that it is alleged that a person has contravened rule 25.1, an umpire, member club or player may by 5.00pm on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing with the person appointed from time to time by the WRFL as the Investigation Officer for the purposes of this rule.

25.3 The Investigation Officer shall:

- (a) inform the person alleged to have contravened rule 25.1 of the complaint and provide that person with an opportunity to respond to it;
- (b) arrange for the complaint to be conciliated and take all steps necessary for the complaint to be conciliated.

25.4 Where the Investigation Officer is of the opinion that the matter has not been resolved by conciliation, the Investigation Officer shall:

- (a) in the case of a player, refer the complaint to the Tribunal to be dealt with as a reportable offence;
- (b) in the case of any other member club official/person (associated with a WRFL club), refer the complaint to the WRFL Executive.

25.5 Where a person, alleged to have previously contravened rule 25.1, has been charged with an offence under this rule (or an equivalent provision), the Investigation Officer may refer the complaint directly to the Tribunal to be dealt with as a reportable offence. In the case of a player or directly to the WRFL Executive in the case of any other member club official/person (associated with a WRFL club).

25.6 In the event that a complaint is referred to the Tribunal or the WRFL Executive under rule 25.4, no evidence shall be given to or accepted by the Tribunal or the WRFL Executive relating to anything said or done in any conciliation carried out pursuant to rule 25.3.

25.7 The Investigation Officer shall use their best endeavours to ensure that conciliation of a complaint under rule 25.3 is completed by 5.00pm on the third working day following the day on which the incident is alleged to have occurred.

25.8 In any case where the Investigation Officer determines to refer the complaint to the Tribunal or the WRFL Executive, the complaint shall be referred in time for the Tribunal or the WRFL Executive as the case may

be to deal with it by no later than the fourth working day following the day on which the incident is alleged to have occurred.

- 25.9** Any time limit for the doing of anything referred to in this rule may be extended by the Executive if in the opinion of the Executive it is just and reasonable to do so.
- 25.10** In the event that a complaint under these rules in respect of conduct engaged in by a person is found to have been proven by the Tribunal or where the Executive determines that a person the subject of a complaint has been involved in conduct which is unbecoming or prejudicial to the interests of the League, the member club employing, engaging or otherwise associated with the person at the time of the conduct shall be deemed to be vicariously liable for the conduct of the person and shall pay to the League a penalty determined by the Executive which is not to exceed \$2,000.00.
- 25.11** Rule 25.10 does not apply to a contravention by a person if in the opinion of the Executive the member club took all reasonable steps to prevent persons employed, engaged or otherwise associated with the member club from engaging in the conduct which contravened the vilification rules.
- 25.12** In the case of conciliation, members of the legal profession will not act on behalf of member clubs/officials or players.
- 25.13** Any public statements as to the outcomes of conciliation must be made by the WRFL Publicity Officer and/or the WRFL Chief Executive Officer (CEO) only.

27. DISPUTES AND MEDIATION BETWEEN MEMBER CLUBS

- 27.1** Where a dispute exists between member clubs that is not provided for in the Constitution, Rules or Regulations, either party to the dispute may refer the matter to the Executive for mediation. The Executive can determine to mediate or refer the matter to the Tribunal or Independent Hearing Committee (as appropriate) for determination.