



## REPORTABLE OFFENCES – PRESCRIBED PENALTIES- TRIBUNAL OFFENCES

### 1 APPLICATION

This document provides some guidelines as to the different categories of Reportable Offences and the appropriate sanctions and courses of action in respect of such offences.

These guidelines are designed primarily to be used by a Match Review Panel (or some other person or persons responsible for assessing a report or referral to determine the appropriate sanction or course of action prior to any Tribunal involvement) (**Panel**) at the discretion of that Panel.

The person responsible for the functions of a Match Review Panel are undertaken in AFL Sydney Juniors by the Regulatory manager or their delegate.

Where there is no Panel, the Tribunal shall adopt these guidelines in assessing the particular alleged offence and appropriate sanctions for such an offence.

### 2 CLASSIFIABLE OFFENCES

#### (a) Which Reportable Offences are Classifiable Offences?

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

Classifiable Offences *
Charging
Eye-Gouging / Unreasonable or Unnecessary Contact to the Eye Region
Forceful Front-On Contact
Headbutt or Contact Using Head
Kicking
Kneeing
Rough Conduct
Scratching
Stomping
Striking
Tripping
Unreasonable or Unnecessary Contact to the Face

\* Classifiable Offences are in the AFL Sydney Juniors By-Laws, Prescribed Penalty/ Prescribed Penalty Offer

**(b) Grading Classifiable Offences**

A Panel may grade Classifiable Offences in accordance with the following table:

Conduct	Impact	Contact	Base Sanction	Early Guilty Plea
Intentional	Severe	All	Tribunal	N/A
	High	High/Groin	Tribunal	N/A
		Body	3 Matches	2 Matches
	Medium	High/Groin	3 Matches	2 Matches
		Body	2 Matches	1 Match
	Low	High/Groin	2 Matches	1 Match
		Body	1 Match	Reprimand
Careless	Severe	All	Tribunal	N/A
	High	High/Groin	3 Matches	2 Matches
		Body	2 Matches	1 Match
	Medium	High/Groin	2 Matches	1 Match
		Body	1 Match	Reprimand
	Low	High/Groin	1 Match	Reprimand
		Body	1 Match	Reprimand

Where a Classifiable Offence occurs behind play, a Panel may at its absolute discretion determine that the offence ought to be referred directly to the Tribunal on the basis that it is a Classifiable Offence which attracts a base sanction that the Panel finds inappropriate (see Direct Tribunal Offences in section 3 (a)).

**1. Conduct (Intentional, Careless)**

**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 or she does the act with which they are charged. What the Player did is often the best evidence of the purpose they had in mind. In some cases, the evidence that the act provides may be so strong as to compel an inference of what their intent was, no matter what they 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 them.

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 their intentions were along with whatever inference as to their intentions can be drawn from their 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 the Player intentionally committed the act constituting the Reportable Offence.

**Careless conduct:** A Player's conduct will be regarded as Careless where it 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 (as applicable). 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.

## **2. Impact (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.

Secondly, strong consideration will be given to the potential to cause injury, particularly in the following cases:

- intentional head-high 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/her head over the ball, particularly when contact is made from an opponent approaching from a front-on position;
- forceful round arm swings that make head-high contact to a Player in a marking contest, ruck contest or when tackling;
- spear tackles; and
- driving an opponent into the ground when his/her arms are pinned.

The absence of injury does not preclude the classification of impact as Severe.

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.

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. The absence of injury does not preclude the classification of impact as Severe.

Low impact (which is the minimum impact required for a Classifiable Offence to constitute a Reportable Offence) requires more than just a negligible impact. Most Reportable Offences require at least low impact and a collision or incident involving negligible force will not ordinarily result in a charge.

## **3. Contact (High/Groin, Body)**

High contact is not limited to contact to the head and includes contact above the shoulders. 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 Match Review Panel will classify the contact as High.

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

### **(c) Impact of a Bad Record on Classifiable Offences**

A one match additional penalty will be added to the base sanction of a Classifiable Offence for a bad record, being where a Player has been suspended for a total of two or more matches in the past 24 months (as at the date of the offence) for any Classifiable Offence(s).

A Player will be suspended for one match where they are sanctioned with a reprimand and the Player has already received one or more reprimands in the past 12 months (as at the date of the offence).

For the avoidance of doubt:

- if a one match additional penalty has been added to the base sanction, the total penalty can be reduced by one match if the Player submits an early guilty plea; and
- the Low-level Offences referred to in section 4 will not be affected by the above bad record provisions.

**(d) Reductions in Base Sanction for an Early Guilty Plea**

The base sanction for Classifiable Offences will be subsequently decreased where a Player submits an early guilty plea. As per the classification table in section 2(b) above:

- an early guilty plea in respect of a Classifiable Offence with a base sanction of two or three matches will result in a one match reduction in the suspension; and
- an early guilty plea in respect of a Classifiable Offence with a base sanction of one match will result in a reprimand or fine (at the discretion of the Controlling Body).

**(e) No Automatic Reduction for Good Record**

Players do not receive an automatic reduced base sanction for a good record. However, if a Classifiable Offence is contested or referred to the Tribunal, a Player with an exemplary record could argue it constitutes exceptional and compelling circumstances (which would make it inappropriate to apply the sanctions in this document to the determined classification). In such circumstances, the Tribunal would determine the appropriate sanction in its absolute discretion.

**3 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 a Panel (or otherwise) directly to the Tribunal for determination without grading (ie without an assessment of the offence using the Classification Table):

Direct Tribunal Offences
Attempting to Strike an Umpire
Behaving in an Abusive, Insulting, Threatening or Obscene Manner Towards or in Relation to an Umpire
Intentional Contact with an Umpire
Spitting on Another Person
Spitting on or at an Umpire
Striking an Umpire
Any Classifiable Offence or Low Level Offence which attracts a base sanction that a Panel finds inappropriate
Any Other Act of Serious Misconduct which the Panel considers appropriate to refer to the Tribunal

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

The Tribunal will determine Direct Tribunal Offences (as with any other Reportable Offence) in accordance with the Tribunal Rules.

#### 4 LOW – LEVEL OFFENCES

##### (a) Which Reportable Offences are Low-Level Offences?

Low-level Offences are the following low-level Reportable Offences which do not require classification:

Low-level Offences
Attempt to strike, kick, trip
Careless contact with an Umpire
Disputing decision
Instigator of Melee
Interfering with Player kicking for goal
Making unreasonable or unnecessary contact with an injured Player
Melee
Not leaving playing surface
Obscene gesture
Pinching
Prohibited boots, jewellery, equipment
Shaking goal post
Spitting at another Player
Staging
Time wasting
Using abusive, insulting, obscene language towards or in relation to an Umpire
Using abusive, insulting, or obscene language
Wrestling
Any other act of low-level misconduct which is not a Classifiable Offence or Direct Tribunal Offence

##### (b) Sanctions for Low-Level Offences?

Low-level Offences attract the base sanctions (with a reduced sanction for an early guilty plea).

A reference to second and subsequent Low-level Offences is a reference to a second or subsequent Low-level Offence occurring at any time in the previous 12 months (as at the date of the current offence).

The second or subsequent Low-level Offence need not be the same offence as the first Low-level Offence. For the avoidance of doubt, a prior offence other than a Low-level Offence this will not count as a first offence for the purposes of the above table.

#### 5 GRAND FINAL

The Panel or Tribunal (as applicable) has the right to apply (at its absolute discretion) a loading of up to 100% for any Reportable Offence committed during a Grand Final.

## 6 REPORTABLE OFFENCES

The *Laws of the Game* sets out a non-exhaustive list of specific Reportable Offences in Law 19.2.2 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, 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 or arm and would generally not apply to other contact using the body. A kick is generally applied to contact by foot or leg.

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

### (b) Classification of Certain Strikes

For the purpose of these Guidelines all Persons 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 conclusive that the strike was 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.

### (c) Misconduct

Misconduct has a wide meaning and generally is any conduct which would be regarded as unacceptable or unsportsmanlike by other participants in the match or where it had the effect or potential to prejudice the reputation of any person, club or the Controlling Body or to bring the game of football into disrepute.

Serious misconduct offences will be referred directly to the Tribunal. However any other act of Misconduct will be subject to a Low-Level Offence to be determined by the Match Review Panel.

### (d) Forceful Front-On Contact

Bumping or making forceful contact to an opponent from front-on when that opponent has his/her head down 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 did not have a realistic alternative way to contest the ball; or
- the bump or forceful contact was caused by circumstances outside the control of the Player which could not reasonably be foreseen.

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/her head down in anticipation of winning possession of the ball or after contesting the ball will be deemed to have his/her head down over the ball for the purposes of this law.

## **(e) Rough Conduct**

Rough Conduct is interpreted widely in relation to any contact 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)**

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/her 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 did not have a realistic alternative way to contest the ball; 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.

For the purpose of these guidelines, head clashes may be considered a reasonably foreseeable consequence arising from a bump. Accordingly, Players who elect to bump, resulting in a head clash, may be liable for a sanction if the level of impact is above the threshold required to constitute a Reportable Offence.

In determining the level of impact (if any) of a bump which causes a head clash, regard may be had to one or more the following:

- whether the degree of force applied by the Player bumping was excessive for the situation;
- whether the Player being bumped was actively involved in the passage of play;
- the distance the Player applying the bump has run to make contact;
- whether the Player being bumped is in a position to protect himself;
- whether the Player bumping jumps or leaves the ground to bump; and
- any alternatives available to the Player instead of applying a bump.

### **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 (for example their arms are pinned) with little opportunity to protect himself; or
- an opponent is slung, driven or rotated into the ground with excessive force.

#### **4. Rough Conduct (Contact Below the Knees)**

Under the *Laws of The Game*, 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/her foot, feet, knee or knees in front of him/her;
- 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) Instigator of a Melee**

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

##### **(g) Staging**

A Player will be reported for staging. Staging can include excessive exaggeration of contact in an unsportsmanlike manner. Staging shall be a Reportable Offence as it may:

- affect umpires' decision-making;
- incite a melee; and/or
- not be in the spirit of the game (unsportsmanlike).

##### **(h) Tripping**

In determining whether a trip is above the level of impact to constitute 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.