



## **OEFN SCHEDULE 18 - APPEALS**

### **28.3 APPEALS BOARD**

**28.3.1** The Outer East Football Netball shall appoint an Appeals Board to be known as “the Appeals Board” to hear and determine any appeal from a decision of:

- i. The Independent Tribunal;
- ii. A decision made under By Law 18.2 (Disputes resolution Procedure).
- iii. Other such matters as deemed appropriate by the CEO from time to time.

**28.3.2** The appeal shall state the grounds of appeal relied upon and the League must:

- i. Be satisfied that any fresh evidence is cogent, plausible and relevant having regard to the evidence addressed at the original hearing;
- ii. Be able to identify the facts which the fresh evidence tends to prove or disprove;
- iii. Consider the inherent credibility of the fresh evidence, the veracity of the witness and/or the authority of the source from which the fresh evidence comes.
- iv. Only the Member Club of the suspended/fined player or official may lodge an appeal against the decision of the determining body. The decision being appealed from must have imposed a penalty upon a player or official of a Member club of a one match or greater suspension or a fine of \$1,000 (or more) against a player, official, Club or Member Club;
- v. In a matter where the decision to be appealed does not involve a suspension or fine, but imposes some other penalty which the appealing party alleges is both harsh and unreasonable in all of the circumstances;
- vi. The appealing party lodges with the CEO at the time of lodging the appeal an amount of \$1000 by way of security to be dealt with as the Appeals Board directs.

**28.3.3** **If and only if the League is satisfied that the appeal complies with the requirements set out in clause 28.3.2, 28.3.5 and 28.3.6 hereof then and only then shall the CEO grant approval for the appeal to be heard:**

**28.3.4** Until the Appeals Board has heard the appeal, any decision of the determining body being appealed from shall apply and be performed and discharged.

**28.3.5** A person wishing to appeal must lodge the appeal with the CEO by 5.00pm on the second day following the decision of the determining body being made.

- 28.3.6** The notice of appeal lodged with the CEO must:
- i. Identify the decision appealed from;
  - ii. Set out the grounds of appeal (showing cause re: 28.3.2);
  - iii. Set out the persons who will be called in support of the grounds of appeal, together with a short summary of the evidence they will give.
- 28.3.7** Where an appeal is to be referred to the Appeal Board, the appealing party shall forthwith lodge with the CEO an amount of \$1000 by way of security to be dealt with as the Appeals Board directs.
- 28.3.8** An appeal will not be considered officially lodged until both the notice of appeal and the \$1000 security payment has been received by the CEO.
- 28.3.9** The CEO shall notify the Chairperson of the Appeals Board (or his delegate) and all other relevant parties to the appeal by written notice within three weekdays of receiving the appeal, with the day of the lodging of the notice being counted as day one.
- 28.3.10** The CEO shall communicate to each of the parties to the appeal within six weekdays (with the day of lodging being counted as day one) of the appeal notice being lodged with the CEO.
- 28.3.11** Any party to the appeal may appear by a legal representative upon giving prior notice to the CEO of its intention to do so on the express understanding that the Chairperson of the Appeals Board may request a legal advisor sit with the Board in hearing the appeal (to advise in respect of any legal arguments put forward) and the party seeking legal representation on its behalf may be required to pay any costs incurred by the Appeals Board in obtaining legal representation in respect of the appeal.
- 28.3.12** The Appeals Board may deal with any appeal in such manner as it thinks fit and may impose whatever penalty it considers appropriate in the circumstances upon any party to the appeal or, in the appropriate circumstances and after an appropriate opportunity of being heard has been given, to any other party it considers it appropriate to impose a penalty upon.
- 28.3.13** Subject to the right of any Member under Rule 28.3 the decision of the Appeals Board shall be final and binding.
- 28.3.14** The Appeals Board shall notify the parties to the appeal of its decision at the conclusion of the Appeal.

#### **Constitution of the Appeals Board**

- 28.3.15** The Appeals Board shall comprise not less than three (3) Members who shall be appointed from time to time by the CEO, one of whom shall be appointed by the said Members as Chairperson.
- 28.3.16** The Appeals Board may cause to be published from time to time an outline of its procedures in respect of Appeal hearings.