



**TRIBUNAL CENTRAL
GUIDELINES TO REPORTABLE OFFENCES
(INCLUDING CONDUCT, IMPACT AND CONTACT DEFINITIONS GUIDE)**

Season 2015

Introductory Note:

The following contains extracts, appropriately amended, from the AFL's Tribunal 2015 document issued to AFL Clubs.

It should always be remembered, in considering this Guide, that AFLSJ umpires are quite often young and may have had limited experience, not only in umpiring, but also in making reports.

Similarly, players are often inexperienced, are young, may be immature, may not have come from an AFL, or indeed a sporting background, and will usually be developing their skills and their understanding of the game.

The behaviours expected of players in the Laws and the Competition Rules and By-laws will need to take into account these factors.

Definitions and Guidelines

1. CONDUCT

In considering a report 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/she does the act with which he/she is charged. What the Player did is often the best evidence of the purpose he/she had in mind. In some cases, the evidence that the act provides may be so strong as to compel an inference of what his/her intent was, no matter what he/she 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/her.

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. The Tribunal will weigh the evidence of the Player as to what his/her intentions were along with whatever inference as to his/her intentions can be drawn from his/her 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/she intentionally committed the act constituting the Reportable Offence.

Careless conduct

A Player's conduct will be regarded as Careless where his/her 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 (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 of 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/her momentum as much as he/she reasonably can and a failure to do so constitutes carelessness.

2. 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 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 serious injury. For example, contact to the head will generally have more impact than contact to the body if the force used is similar. The potential to cause serious injury is also relevant in the following cases:

- 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.

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

It should be noted that 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

The Tribunal 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.

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 Tribunal will consider the contact as High.

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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.

4. REPORTABLE OFFENCES

The Laws set 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 will 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 Tribunal 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 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 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 AFL or to bring the game of football into disrepute. Serious misconduct offences will be referred directly to the Tribunal.

(D) FORCEFUL FRONT-ON CONTACT

Bumping or making forceful contact to an opponent from front-on when that opponent has his 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 or unnecessary 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:

- 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 of 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 him/herself;
- 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/her 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/her 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;
- An opponent is slung or driven 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/she 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.

5. CHARGES IN THE ALTERNATIVE

Generally, the a Player will not be charged for a specific offence and another offence in the alternative. Regulation 19.11(b) provides that the Tribunal may allow charges to be amended at any time during the hearing before the Tribunal and the Tribunal expects that those rules will apply to ensure that in an appropriate case, based on the evidence before the Tribunal, a charge will be amended if necessary. To avoid any doubt, the power to amend a charge includes the power to substitute another charge.

6. INJURY

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, as well as the penalty.