

**AFL North East Border Commission
Community Club Sustainability -
Guidelines for Player Payment Rules
November 2017**



The following guidelines (**Guidelines**) are issued by the AFL North East Border Commission to assist Clubs, Club Officials and Players with the application of the AFL North East Border Commission Player Payment Rules (**Player Payment Rules**) and the valuation of Player Payments.

These Guidelines are to be read in conjunction with the Player Payment Rules. In the event of any inconsistency between the Player Payment Rules and the Guidelines, the Player Payment Rules are to prevail. Any terms used in these Guidelines are to be given the same meaning as in the Player Payment Rules.

It is the intention of the AFL North East Border Commission to update these Guidelines from time to time, and prior to the 2019 Season.

Transition Provision - Pre-Existing Playing Contracts

Where a Club and a Player are parties to a written contract in relation to the provision of playing services for a Club (**Pre-Existing Playing Contract**) and:

- a) the Pre-Existing Playing Contract was entered into prior to 2017;
- b) the Pre-Existing Playing Contract includes the information of the kind required under Rule 4(a)(i)(A) and (B); and
- c) the Pre-Existing Playing Contract is signed by the Player and on behalf of the Club,

then the Club or the Player may lodge the Pre-Existing Contract with the AFL North East Border Commission as the Player Contract in respect of that Player (and will not be required to lodge a Player Contract in the form set out in Attachment 1 in respect of that Player).

Club related expenses

Club related expenses that will be deducted by or on behalf of the Club from any payments to a Player (or any Associate of a Player) must be clearly identified and detailed in the Player Contract and will constitute a Player Payment. Examples of these types of expenses include annual player registration fees, payments for playing apparel and fees for attending social functions.

Club related expenses must be treated in a consistent manner across all Players of a Club.

Coaches / Coaching Staff

A payment made to a coach or coaching staff who is not also a Player (i.e. non-playing coaches and non-playing coaching staff) is not a Player Payment and is not included in the calculation of a Club's Player Payments (unless that payment otherwise constitutes a Player Payment).

Playing coach

Where a Club appoints a single Player as the coach of the Club's Senior Team (i.e. a playing coach), the coaching element of that Player's payments should be specifically identified in the Player Contract lodged in accordance with Rule 4(a).

For the purposes of the Player Payment Rules, 50% of the payments the Club has given or applied to a playing coach, to a maximum of \$20,000 is not a Player Payment and may be excluded from the calculation of the Club's Player Payments. For example if a playing coach is paid \$30,000, then \$15,000 would not be a Player Payment and would not be included in the calculation of the Club's Player Payments.

If a playing coach is paid \$50,000, then \$30,000 would be a Player Payment and be included in the calculation of the Club's Allowable Player Payments.

Co-coaching

Where a Club appoints one coach of the Club's Senior Team who is not a Player, and one coach who is a Player (in a co-coach arrangement), the amount paid to the coach who is a Player that is not a Player Payment and may be excluded from the calculation of the Club's Player Payment calculations is no more 25% of their total remuneration, to a maximum of \$10,000.

Where a Club appoints two coaches of the Club's Senior Team who are both Players (in a co-coach arrangement), the amount paid to the coaches that is not to be considered a Player Payment and may be excluded from the calculation of the Club's Player Payments is no more than 25% of the total payments to both coaches, to a maximum of \$10,000 per coach.

The exclusion under this guideline applies up to a maximum of two co-coaches.

For all Co- Coaching arrangements, clubs must seek a ruling under Rule 8 (d).

Coaching Other Teams

Where a Player coaches any open age team other than the Club's Senior Team or the oldest under age team at the Club (e.g. Under 19, Under 18 or Under 17 team), the payment to the Player for coaching this team must be specifically identified in the Player Contract, and any payment to a maximum of \$3000, will not be considered a Player Payment and may be excluded in the calculation of the Club's Player Payments.

General

The guidelines above that allow for the exclusion of certain parts of payments to coaches from Player Payments will only apply where:

- a) all payments to the coach have been specifically detailed in the Player Contract and the Contracts lodged by the Club under Rule 4(a);
- b) the relevant playing coach or other team coach holds a current AFL Coaching Accreditation; and
- c) the relevant playing coach or other team coach is specifically identified on the team sheet for the relevant Match to which the payment applies.

Any amount not excluded from the calculation of the Club's Player Payments will be included in the calculation of the Club's Player Payments.

Assistant Coaches

All payments to Players in relation to services to the Club as an assistant coach will be a Player Payment and included in the calculation of the Club's Player Payments.

Employment

For the purposes of the Player Payment Rules, when assessing whether an employment arrangement with a Club or an Associate of a Club is bona fide, consideration will be given to, among other things, current commercial practices, market rates for payments for similar employment arrangements and any relevant industry awards.

All employment related payments associated with the operations of the Club (e.g. bar manager, canteen, ground maintenance etc.) must be declared under Rule 4. Clubs may apply for a Ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

If a Club wishes to employ a Player to fulfil a (non-coaching) Club related role (e.g. groundskeeper) and is of the view that the payments paid to a Player for that employment has not assisted in the recruitment and/or retention of that Player to play in a team of the Club, and it can be shown the Player's qualification and or experience are relevant to the employment, the Club may apply to AFL North East Border Commission for a ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

Provision of Services

For the purposes of the Player Payment Rules, when assessing whether the provision of services by a Player or an Associate of a Player to a Club or an Associate of a Club is bona fide, consideration will be given to, among other things, current commercial practices and market rates for payments for similar services.

All services related payments associated with the operations of the Club (e.g. bar manager, canteen, ground maintenance etc.) must be declared under Rule 4. Clubs may apply for a Ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

If a Club wishes to engage a Player to provide (non-coaching) Club related services (e.g. grounds keeping services) and is of the view that the payments paid to a Player has not assisted in the recruitment and/or retention of that Player to play in a team of the Club, and it can be shown the Player's qualification and or experience are relevant to the role, the Club may apply to the AFL North East Border Commission for a ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

Awards / Incentives

Player incentives / match awards paid in cash are Player Payments and are included in the calculation of the Club's Player Payments. This includes Weekly Awards, or incentive / bonus payments made to a Player for awards that relate to (but is not limited to) Club and best and fairest awards, goal kicking and like awards.

Non-cash benefits in the form of an award provided by a Club to Players up to a maximum value of \$300 per week per Club, and to a maximum of \$100 per week for any one Player of the Club, may be treated as not being a Player Payment and therefore not included in the calculation of the Club's Player Payments.

For the avoidance of doubt, any media, or League awards provided to a Player shall not be a Player Payment and is not included in the calculation of a Club's Player Payments.

Player Affiliation / Player Registration Fees / Player Insurance

Any payment for player affiliation, player registration or insurance which the Club has agreed to pay under their arrangements with an affiliated League, Region Commission or AFL Victoria shall not be a Player Payment and is not included in the calculation of the Club's Player Payments.

Any additional insurance (including health and / or income insurance) obtained by a Club on a per team basis shall not be a Player Payment and is not included in the calculation of the Club's Player Payments.

Any health and / or income insurance paid by a Club or an Associate of a Club for and on behalf of an individual Player shall be a Player Payment which is included in the calculation of the Club's Player Payments. Loss of income paid to a Player via an insurance policy obtained by the Club shall not be a Player Payment and is not included in the calculation of the Club's Player Payments.

Injury Payments / Medical Expenses / One Off Lump Sum Compassionate Payments

A Club may apply to the AFL North East Border Commission for a ruling under Rule 8(d) to approve the payment by a Club of:

- a) injury payments;
- b) the payment of medical expenses; or
- c) a one off lump sum payment via fundraising activities to be provided to a Player on compassionate grounds

In respect of a Player, such that these payments are not a Player Payment and are not included in the calculation of the Club's Player Payments.

Any such applications must be made to the AFL North East Border Commission before any payment is given or applied to the Player.

The AFL North East Border Commission will consider any such application on a case-by-case basis.

Bonus Payments

All incentive based payments to Players (including playing coaches) shall be treated as a Player Payment, and therefore included in the calculation of a Club's Player Payments. For example, a bonus payment to a Player associated with winning a grand final.

The arrangements for such payment should be detailed in both the Player Payments Budget / Final Declaration statements completed by the Club (see Rule 4(c) & (d)) and the Player Contract completed by the Player (see Rule 4(a)).

Finals appearances

Clubs should be aware that any payments relating to finals appearances by Players will be Player Payments, and will be included in the calculation of the Club's Player Payments.

Travel and Accommodation

Any cash or non-cash payments and benefits given or applied by or on behalf of a Club for travel expenses of a team nature, for example the hiring of a bus to travel to away games, in which the benefit is not received by a Player on an individual basis is not a Player Payment and is not included in the calculation of a Club's Player Payments.

Cash or non-cash payments and benefits given or applied to a Player in connection with their travel or accommodation costs associated with a Player's past, present or future services with a Club as a football player shall be treated as a Player Payment, and therefore are included in the calculation of the Club's Player Payments.

If a Club has any questions about whether its specific travel or accommodation arrangements may constitute a Player Payment it should contact the AFL North East Border Commission. If necessary, a Club may also apply for a ruling under Rule 8(d) in relation to such payments.

Forms

The Player Contract, Budget / Final Declaration and Non Contracted Payment Statement forms for 2017 are annexed as Attachments 1, 2 and 3 of this Guideline respectively.

Rulings

Any ruling made by the AFL North East Border Commission under Rule 8(d) shall be made on the basis of the information provided by the Club. Each such ruling shall be final and binding on the Club making the application for the ruling and shall apply to the particular circumstances of the application. Each ruling will have no precedential value and the AFL North East Border Commission will make each ruling based on the information provided to it by the Club in respect of that application.

Further questions

Should you have any questions about the Player Payment Rules or these Guidelines or if you require information about obtaining a ruling under Rule 8(d), please contact:

AFL North East Border Commission 6/2 Romet Road West Wodonga 02 60 56 1993	WSDC Wangaratta Showgrounds, Golf Links Lane' Wangaratta 03 5722 1993
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Attachment 1

STANDARD PLAYER DECLARATION (Rule 4(a))

NAME, CLUB AND LEAGUE

This Declaration is made by: ('the Player')
Of: Football Club ('the Club')
An affiliated club of the: Football Netball League ('the League')
Affiliated with: ('State Football Body')

VALIDITY PERIOD

Valid until: / /

PLAYER PAYMENTS

For Home and Away matches (strike through where not applicable)

Per senior match won: \$ Per senior match lost or drawn: \$

Per non-senior match won: \$ Per non-senior match lost or drawn: \$

Incentives: \$ for

Deductions from match pay: Annual subs: \$ Detail:

Social functions: \$ Detail:

Club property: \$ Detail:

Other: \$ Detail:

Coaching (if applicable): \$ for

Other payments: \$ for

DATE FOR PAYMENT

☐ Weekly ☐ Monthly ☐ Other (describe):

ACKNOWLEDGEMENTS

(strike through where not applicable)

- ☐ I volunteer in the football and other Club activities as a hobby or pastime.
- ☐ Any services I provide to the Club are provided as a hobby or pastime.
- ☐ I do not rely on the above payments (if applicable) for my regular personal income.
- ☐ I have (if applicable) submitted a 'statement by a supplier' to the Club (available at <https://www.ato.gov.au/forms/statement-by-a-supplier-not-quoting-an-abn/>)

(Note: It is the responsibility of the Player to satisfy themselves that the above acknowledgements are true and correct. Players are encouraged to obtain their own tax advice in respect of the payments they receive in connection with AFL football).

By signing this Declaration, Player and Club confirm they will comply with all applicable rules, regulations and policies including the National Player Transfer Regulations, National Deregistration Policy and applicable State Football Body rules.

SIGNED By the Player: Date: / /

By parent or legal guardian Date: / /
(where Player is under 18 years of age)

For the Club: Date: / /
Position: President | Secretary | Treasurer | Football Manager (delete inapplicable titles)

Attachment 2

To assist with allocating the appropriate player points under the Player Points system, Players that are requiring a transfer to this club are required to tick the box if answering yes to the following questions:

In the previous season at the players former club, did the player

☐

Finish top 5 at the former clubs Best and Fairest in the Senior Competition

☐

Represent the VAFA in their Premier A Representative Team

Attachment 3

(Insert Name) FOOTBALL CLUB - PLAYER PAYMENTS *(Rule 4(c) & (d))*

20__ PLAYER PAYMENTS - BUDGET / FINAL DECLARATION

PLAYERS			SENIORS			NON SENIOR			TOTAL MATCH PAYMENTS
Surname	First name		No. Of Games	Rate \$	Amount \$	No. Of Games	Rate \$	Amount \$	\$
1					\$0			\$0	\$0
2					\$0			\$0	\$0
3					\$0			\$0	\$0
4					\$0			\$0	\$0
5					\$0			\$0	\$0
6					\$0			\$0	\$0
7					\$0			\$0	\$0
8					\$0			\$0	\$0
9					\$0			\$0	\$0
10					\$0			\$0	\$0
11					\$0			\$0	\$0
12					\$0			\$0	\$0
13					\$0			\$0	\$0
14					\$0			\$0	\$0
15					\$0			\$0	\$0
16					\$0			\$0	\$0
17					\$0			\$0	\$0
18					\$0			\$0	\$0
19					\$0			\$0	\$0
20					\$0			\$0	\$0
21					\$0			\$0	\$0
22					\$0			\$0	\$0
23					\$0			\$0	\$0
24					\$0			\$0	\$0
25					\$0			\$0	\$0
26					\$0			\$0	\$0
27					\$0			\$0	\$0
28					\$0			\$0	\$0
29					\$0			\$0	\$0
30					\$0			\$0	\$0
31					\$0			\$0	\$0
32					\$0			\$0	\$0
33					\$0			\$0	\$0
34					\$0			\$0	\$0
35					\$0			\$0	\$0
36					\$0			\$0	\$0
37					\$0			\$0	\$0
38					\$0			\$0	\$0
39					\$0			\$0	\$0

Match Awards	SENIORS			NON SENIOR			
	No. Of Games	Rate \$	Amount \$	No. Of Games	Rate \$	Amount \$	TOTAL PAYMENTS \$
Cash			\$0			\$0	\$0
Non Cash			\$0			\$0	\$0

Other Player Payments				
	Surname	First Name	Detail of other Player Payments (e.g. incentives for best and fairest)	AMOUNT \$
1				
2				
3				
4				
5				

Any other payments to a Player (or their Associates) in respect of coaching, employment, provision of services or otherwise.				
	Surname	First Name	Detail of Arrangements	AMOUNT \$
1				
2				
3				
4				
5				

Detail of arrangements to be attached as necessary and consistent with Rule 4 (c)(i)(C) and Rule 4(d)(i)(D)

TOTAL PLAYER PAYMENTS \$
\$

Notes:

1. Where a Player may be on a different rate for win/loss, please enter that Player's details on separate lines.
2. A Club should detail all Player Payments, and advise if they believe that any discount or exemptions apply under the Guidelines or any rulings under Rule 8.

We hereby verify that this is an accurate summary of the **Budget / Final Declaration** (delete as relevant) of Player Payments given or applied by a Club or Associate of the Club in the Season in respect of Players of the Club and Associates of the Players.

_____/././20

President

_____/././20

Secretary/ Treasurer / Football Manager

Attachment 4**(Insert Name) FOOTBALL CLUB (Rule 4(b))****NON CONTRACTED PLAYER STATEMENT**

	Surname	First name	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

In signing this document, the Player hereby confirms and declares that he or she and their Associates will:

- a)** receive Player Payments for the 20__ season less than the [AFLNEB to insert individual threshold] for AFL North East Border Commission; or
- b)** not receive any Player Payments for the 20__ season and is expected to, or has played in the Senior Team in the current season,

And is not required to sign a Player Contract in accordance with the provisions of AFL North East Border Commission Player Payment Rules.

We hereby verify that this is an accurate statement of all of Non Contracted Players registered with the club.

____ .. /.. /20__
President

____ .. /.. /20__
Secretary/ Treasurer / Football Manager