



Monday 6 October 2003

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AFL Calendar

Oct 2003

- 10th [Draft Screening Camp - WA](#)
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- 31st [International Rules Series](#)

Nov 2003

- 22nd [National AFL Draft](#)

Full AFL Calendar

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News & Opinion [more news](#) [more features](#)



Cox may fill the bill for Saints
 It's likely to be a quiet trade period for the Saints, with the club looking to consolidate its developing list. The one exception, according to chief executive Brian Waldron, is the search for an experienced, ready-made ruckman along the lines of West Coast's Dean Cox. "If Dean Cox comes into the mix, certainly we would have a look at him," said Waldron.

8:59:50 AM Mon 6 October, 2003

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Preview 2004

[National AFL Draft Camp](#)

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[2004 Draw released Wednesday](#)

Premiership 2003

- Grand Final**
- [Brisbane Lions 20. 14. \(134\) def. Collingwood 12. 12. \(84\)](#)
- Media Galleries**
- [Grand Final Turning Points](#)
- [2003 Premiership Team](#)
- Multimedia Highlights**

AFL Focus

2003 Best and Fairest Winners
 Brisbane Lions captain Michael Voss has completed a remarkable season by capturing his fifth club champion award in a cliffhanger. Gavin Wanganeen, on Saturday night, won the award which had eluded him through his illustrious career - the club best and fairest. The 2003 season has seen some outstanding performances - here is the list of the best.

9:49:33 AM Mon 6 October, 2003

Sorting the draftees from the boys
 The 10th National AFL draft camp gets underway on Wednesday when around 70 of the finest young footballers from around the country converge in Canberra at

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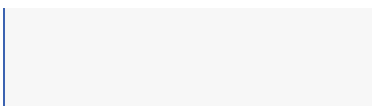
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Dream Team

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afl.com.au Poll

Who should be the next captain of the Kangaroos?

- Brent Harvey
- Adam Simpson
- Shannon Grant
- David King
- Leigh Colbert

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Monday's Experts -

Grand Final

The Grand Final has been run and won, the Brisbane Lions are the undisputed kings of the AFL. In a finale which underlined their greatness, many a question is left to be answered regarding the vanquished. STAN ALVES and DAVID PARKIN cast a critical and in-depth eye across the season ending game in the year's final edition of MONDAY'S EXPERTS.

Mon 29 September

Scott West wins best and fairest

Western Bulldogs champion Scott West accepts his fifth Charles Sutton Medal at the club's best and fairest night at Mooney Valley on Saturday night.

[More Multimedia](#)

Season Details

[Ladder after Round 22](#)

[Player Statistics](#)

[Fosters International Rules](#)

[London Challenge Trophy](#)

the Australian Institute of Sport.

12:31:49 PM Wed 1 October, 2003

The AFL Tribunal

Earlier this year, the Institute of Arbitrators & Mediators Australia (IAMA), went behind the scenes to find out how the Tribunal conducts its resolution process. They sought the views of the Chairman who enforces the Rules, Brian Collis QC to find out how the Tribunal conducts its resolution process - the guidelines, its history and composition

5:16:11 PM Thu 2 October, 2003

AFL Grand Final DVD Release

With world record timing, Australian Football Video will have this year's AFL Grand Final on DVD within 36 hours of the final siren. The whole match with commercial free uninterrupted coverage from the Channel Ten commentary team will be in the warehouse Sunday and in most Victorian shops on Monday September 29.

3:53:29 PM Fri 26 September, 2003

Midas AFL Tipping

How did your tipping go this year? Compare yourself to the [winner](#).



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AFL Focus

The AFL Tribunal

5:16:11 PM Thu 2 October, 2003

The following article by Tribunal Chairman, Brian Collis QC appeared in the the Institute of Arbitrators & Mediators Australia's National Newsletter.

If you thought it was tough out on the football field, think again. When football gets down to business, some of the most brutal action takes place behind closed doors – at Club Committee meetings, the AFL Commission, and, for some, the AFL Tribunal. We sought the views of the Chairman who enforces the Rules, to find out how the Tribunal conducts its resolution process - the guidelines, its history and composition.

Brian Collis QC: The Chairman

Preamble

Australian Football has often been described as "the game of the people for the people".

The Australian Football League ("AFL") competition incites passion and loyalty akin to tribalism in the supporters of the various clubs involved in such competition.

The AFL Tribunal is the disciplinary tribunal which hears and determines reports of alleged contraventions of the laws of Australian Football, made by umpires or other designated officials of the AFL. In the event that the Tribunal determines that the offense has been committed, it must then impose an appropriate penalty (suspension, fine etc.) against the player who has committed such offense.

The stated purpose of the laws of Australian Football are:

"(a) to ensure that the game of Australian Football is played in a fair manner and a spirit of true sportsmanship, and

(b) to prevent injuries to players participating in a match so far as his objective can be reasonably achieved in the circumstances that Australian Football is a body contact sport."

Notwithstanding these laudable objectives, the laws themselves are not "black and white", and one must turn to one's experience and knowledge of the game and on occasions make value judgement as to whether in fact a breach of the laws has occurred. In such situations even the greatest experts of the game can have completely different opinions as to whether a breach of the laws has occurred. This, combined with the passion and loyalty of the AFL competition gives rise to, results in the AFL Tribunal being placed in a "no win" position, as its decision will invariably not be accepted by some Members of the

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football community.

As the current Chairman of such Tribunal, I liken the position of the Members of the same to that the immortal Winston Churchill once found himself in, when he was confronted by Lady Astor who said to him:

"Winston, if you were my husband I would poison your wine"

Without demur, Winston replied:

"And Lady Astor, if you were my wife I would drink it."

Appointment

The AFL Commission makes appointments to the AFL Tribunal on a yearly basis. Such Commission may remove a Member of the Tribunal at any time "at its absolute discretion". Members of the Tribunal receive an honorarium.

Laying of Reports

The laws of Australian Football lay down procedures to be followed in the laying of reports of offenses contrary to such laws. Although the AFL Tribunal may hear and determine any report notwithstanding procedural irregularities in the making of the same, the current AFL Tribunal is of the opinion that such reporting procedures should

be strictly complied with unless there are compelling circumstances to proceed to hear the matter. Furthermore, the Tribunal is acutely aware of the rules of Natural Justice and the need to enforce the same.

Representation

The process and procedure to be followed by the AFL Tribunal is set out in the Players' Rules ("The Rules"). Rule 23.11.2 provides:

"(a) Subject to Rule 23.11.2(b), a person shall not be represented by a Legal Practitioner at any hearing before the Tribunal;

(b) A person may be represented by a Legal Practitioner where:

(i) a matter is referred to the Tribunal under the Racial and Religious Vilification Rule; or

(ii) the person has been reported for an alleged contravention of the AFL Anti-Doping Code."

In an Appeal from the decision of the AFL Tribunal to the AFL Appeals Board, a legal practitioner is permitted to represent the appellant where "in the opinion of the Appeals Board, there are exceptional and compelling circumstances which would make it harsh and unconscionable for the person to appear without legal representation."

The AFL Commission and each club appoints players' advocates to represent the players at Tribunal Hearings, and the AFL Commission appoints "Reporting Officers" to assist the Tribunal at its hearings. Players' advocates and "Reporting Officers" are almost all current or

ex-police officers with courtroom background.

AFL Tribunal Hearing

Rule 23.3.2 of the rules provides that:

"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 matter before it permits."

Rule 23.3.3 provides:

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

Evidence given before the Tribunal is not given under oath and the Rules further provide that the Tribunal "may regulate any proceedings brought before it in such manner as it thinks fit."

The Tribunal hearing is conducted in much the same manner as summary hearings in a Magistrates' Court subject to the above differences. The evidence on behalf of the umpire is presented first, followed by the evidence on the part of the reported player. Both the parties are afforded the opportunities to sum up. The hearing with regard to penalty is not conducted unless the player is found guilty of the reported offense, and, in this sense, it is a separate hearing. The Tribunal makes its decisions on the evidence placed before it "on the balance of probabilities". However, no party to the Tribunal Hearing bears any onus on proof as regards proof of the reportable offense. Although the rules do not require the Tribunal to give reasons for its decision, its current practice is to give short succinct reasons. Every Tribunal decision can be appealed to the AFL Appeal Board upon the lodging of a financial bond. The Appeal Hearing is essentially a hearing "de novo".

Sanctions

Rule 23.7.3 of the Rules directs the Tribunal ["without limitation to other reasons"] to take into consideration the following matters in determining what is the appropriate penalty for a Reportable Offense it finds has been committed:

"(a) the seriousness of the Reportable Offense sustained against the person;

(b) the injury sustained and effect upon the person whom the Reported Offense has been committed (clearly the potential for injury is also relevant);

(c) the prior record of Reportable Offense committed by the person, and

(d) insofar as they are relevant, the objective of the AFL Player Rules and Regulations

The objectives of the Rules and Regulations state that the players engaged in the AFL Competition play the game at the elite level and therefore should set an example of how the game should be played both competitively and fairly. Their conduct should be both fair and reasonable so as to encourage participation in Australian Football at a junior level.

The circumstances giving rise to the Commission of a Reportable Offense are never the same and are committed by players with different, sometimes vastly different, playing records. The Tribunal in handing down decisions on penalties, must use its best endeavours to reflect all of these matters.

Summary

To be a Member of the AFL Tribunal is an interesting and challenging role. Furthermore, you are never free of the football public as I discovered recently when I underwent some minor surgery requiring a general anaesthetic. The anaesthetist looked at me with a smile as he was about to insert his needle to knock me out and said:

"And this is for Glenn Archer."

BW Collis QC

BRIAN COLLIS QC

1968

Member of the Victorian Bar

1978-93

Chairman Victorian Football Association Tribunal

1992

Appointed one of Her Majesty's Counsel

1996/97

Member AFL Tribunal

1998-Present Chairman AFL Tribunal

2001

Awarded Australian Sports Medal

"Life Membership Victorian Football League (Incorporating Victorian Football Association)"

2003

Appointed Appeal Consultant to Australian Olympic Committee

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