



# **APPENDIX 2**

## **MEMBER TO MEMBER**

### **- Movement of Clubs or Teams**

**Amended: December 2017**

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# **MEMBER TO MEMBER - MOVEMENT OF CLUBS OR TEAMS**

## **1. ADMISSION OF NEW CLUBS / TRANSFER OF EXISTING CLUBS OR TEAMS**

### **1.1 General**

- a) For the purposes of these regulations, a decision of the Board means a decision of the AFL Victoria Appeals Board as constituted under the rules, or a decision of the AFL Victoria Appeals Board.
- b) Subject to Regulation 2 below, the decision of AFL Victoria shall be final and binding on all Affiliates.
- c) AFL Victoria shall make such determinations and decisions in respect to Affiliates or Affiliated Bodies failing to comply with these regulations as it deems fit.

### **1.2 New Clubs**

- a) Affiliates intending to accept a new club must notify AFL Victoria of its intention to accept the new club in writing by December 1st.
- b) In exceptional circumstances, the AFL Victoria General Manager may waive the new club deadline of December 1st at his discretion.
- c) Notwithstanding Regulation 1.2(a) above, Affiliates intending to admit a newly formed club shall notify AFL Victoria in writing of its intention to admit such newly formed club no later than ten (10) business days after the league agrees to admit such club. The newly formed club may not participate in any league match until after AFL Victoria approval has been granted.
- d) AFL Victoria will make a decision in relation to the requested approval of the newly formed club as soon as practical after requesting advice from the Affiliate.
- e) If AFL Victoria directs the Affiliate not to admit or accept the newly formed club, then the Affiliate can appeal against such direction to the AFL Victoria Appeals Board under Regulation 2, below. The newly formed club cannot appeal the decision of AFL Victoria.

### **1.3 Transfer of Existing or Amalgamated Clubs**

- a) Affiliates intending to accept the transfer of existing or amalgamated clubs from one Affiliate to another Affiliate shall notify AFL Victoria and the former Affiliated Body of its intention to accept such transfer in writing by October 15th.

- b) An Affiliate seeking to appeal against a decision of the new Affiliated Body to seek to accept such transfer is to provide written notification to AFL Victoria and the new Affiliated Body within ten (10) business days of receiving advice from AFL Victoria of such intended transfer.
- c) AFL Victoria will make a decision in relation to the transfer of such existing or amalgamated club as soon as practical after requesting submissions from each party.
- d) Where a club or clubs seek to transfer from one Affiliate to another Affiliate, such transfer must be approved by AFL Victoria. In making such determination or decision AFL Victoria will take into account, without limitation, the geographic nature of Leagues, League viability, community development and future growth of the Leagues concerned.
- e) Clubs and Affiliates affected or potentially affected by such determination or decision by AFL Victoria shall have the right to a hearing before the AFL Victoria Appeals Board whose decision on the proposed application shall be final.
- f) The procedure applicable to such hearing will be determined by the AFL Victoria Appeals Board and notified to those parties wishing to be heard.

#### **1.4 Transfer of Teams**

- (a) Any League proposing to accept the transfer of a team or teams from one affiliate to another affiliate must advise the teams current affiliated League and AFL Victoria during the period commencing 1st August and ending 31st October.
- (b) If the current affiliated body disputes the proposed transfer within 10 days of being notified by AFL Victoria, both affiliated bodies will be provided with the procedure for resolving the dispute and AFL Victoria will make a decision in relation to the proposed transfer as soon as practicable.
- (c) In exceptional circumstances, the AFL Victoria General Manager may waive the team transfer deadline of October 31st at his discretion.

#### **1.5 Establishment of New Teams within a League other than the League where all teams of the club are currently affiliated.**

Any League proposing to accept a newly established team or teams from a Club, except where all teams of the club are currently affiliated in the one League, must advise AFL Victoria and the other League where teams are affiliated, by March 31st. If the other League disputes the proposed establishment of the new team or teams it must notify AFL Victoria within 10 days of receiving notification and AFL Victoria will make a decision in relation to the objection as soon as practicable

## **2. Appeals of Clubs**

- a) For the purposes of this Regulation, the AFL Victoria Appeals Board shall be validly constituted by three (3) Members.

- b) The AFL Victoria Chairman has the authority to appoint 3 Members of the AFL Victoria Appeals Board and one member must be legally trained.
- c) A member of the AFL Victoria Appeals Board must not be an Executive Officer of the Affiliated Bodies concerned in the appeal or other Affiliates as determined by the Chairman of AFL Victoria. The Chairman of AFL Victoria may delegate his responsibilities to AFL Victoria General Manager as he/she sees fit.
- d) An appeal must be lodged in writing ("the notice of appeal") with AFL Victoria within ten (10) days of the affiliated body receiving written notification from AFL Victoria of the decision. A copy of the Transfer Application shall accompany the notice of appeal (if applicable). An appeal shall be heard by the AFL Victoria Appeals Board within 15 days of receipt of notice of appeal by AFL Victoria or such other period as the Appeals Board determine.
- e) Prior to the hearing of the appeal, each party shall, within the time specified by the AFL Victoria Appeals Board, lodge with AFL Victoria written submissions which may contain:
  - f) Any facts, reasons and arguments concerning the Transfer Application and the appeal; and
  - g) Any other matters that they desire to be taken into account by the AFL Victoria Appeals Board in determining the appeal.
- h) AFL Victoria shall as soon as practicable, but prior to the hearing of the appeal, distribute the written submissions to the other parties concerned in the appeal.
- i) At the hearing of an appeal, each party may be represented by an advocate provided that such advocate is not be a person who is legally qualified, unless approved by the Chairman of the Appeals Board.
- j) The hearing before the AFL Victoria Appeals Board shall be:-
  - k) Inquisitorial in nature; and
  - l) Conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
- m) The AFL Victoria Appeals Board:
  - n) Shall provide each party an opportunity to be heard;
  - o) Shall hear and determine the matter before it in an unbiased manner:
  - p) Is not bound by the rules of evidence or by practices and procedures applicable to courts of record, but may inform itself as to any matter in any such manner as it thinks fit.
  - q) May regulate the proceedings before it in such manner as it thinks fit;
  - r) May confirm, reverse or modify the decision of AFL Victoria and make such decisions in such manner as it thinks fit; and
  - s) Shall not be obliged to give reasons for its decision.

- t) Upon request from the club and / or affiliates involved and subject to seven days notice to be provided to AFL Victoria, AFL Victoria will ensure that its Chairman of such appeal shall be legally qualified.
- u) An existing or amalgamated club may only lodge one appeal in each year to AFL Victoria.