

Appendix E to WRFL By-laws: Appeals Board Procedure Guidelines

WRFL Rules provide that the Board shall appoint an “Appeals Board”. The Rules specify the purposes, constitution, powers and quorum requirements of the Appeals Board; and the manner of appointment of members. The Rules also define the conditions under which an appeal to the Appeals Board may be lodged.

This appendix to WRFL By-laws summarises the procedure guidelines to be followed in hearings of the Appeals Board. As guidelines, they are general in nature and subject to interpretation and variation at the discretion of the Chairperson of any hearing. In all cases, any provision contained in WRFL Rules must be followed.

These guidelines will be reviewed from time-to-time to reflect contemporary practice.

APPEALS BOARD

- An aggrieved party may appeal to the Appeals Board in respect of a decision made by either the Tribunal or the IHC as provided in WRFL Rules.
- Subject to the matters set out in WRFL Rules, By-laws and these guidelines, the Appeals Board may regulate any proceedings brought before it in any such manner as it thinks fit.
- The WRFL Board may appeal to the Appeals Board in respect of a decision made by either the Tribunal or the IHC provided the appeal is brought no later than 2.00pm Eastern Standard Time two (2) working days after a meeting of the WRFL Board first after which the decision appealed against was made and given to the affected party(s), including the League.
- Notice of Appeal shall be lodged as specified in WRFL Rules by delivery or transmission by facsimile or email to the League office, addressed to the CEO.
- Any monies required in connection with an appeal under the Rules must be received by the League prior to the deadline for lodgement of the appeal. Monies must be remitted by direct deposit to the League's nominated bank account or by cheque delivered to the League office. In his/her absolute discretion, the CEO may agree to invoice a member club for such monies, payable within seven (7) days. Failure to remit such payment in full (net of any refund determined by the Appeals Board) shall:
 - in the case of a member club, the club being declared as “unfinancial” as provided in WRFL Rules and By-laws: or
 - in the case of a registered player, the player being deemed as ineligible to play in any official match until such time as the payment is received.
- An appellant shall attend and appear before the Appeals Board at the date, time and place fixed for the hearing of the appeal. Where an appellant fails to attend before the Appeals Board, the Appeals Board may still hear and determine the appeal in the appellant's absence.
- The Appeals Board shall:
 - provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;
 - hear and determine the matter before it in an unbiased manner; and
 - make a decision that a reasonable body could honestly arrive at.

- Where the Tribunal or IHC imposes a penalty that prevents the appellant from participating in a match, the appellant shall serve that penalty pending the determination of the appeal.
- The Appeals Board may of its own motion or upon application of any party to an appeal, order:
 - that an appeal be adjourned; and/or
 - a stay of the execution of the penalty imposed by the Tribunal or IHC pending the determination of the appeal.

The Appeals Board shall make such an order only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if an appropriate order was not made.

In determining that question, the Appeals Board shall without limitation have regard to:

- the merits of the appeal and the appellant's prospects of success;
 - the interests of other clubs and/or players;
 - the effect on the result of the League competition; and
 - the need to permit due and proper administration of these Rules and By-laws of the WRFL.
- The Appeals Board shall deal with any appeal as a new hearing as if it were hearing the matter for the first time. The Appeals Board may have regard to the record of the proceeding before the Tribunal or IHC as previously constituted, including a record of any accurate evidence taken in the hearing to which the appeal relates.
 - Any hearing before the Appeals Board shall be:
 - inquisitorial in nature; and
 - conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.
 - The Appeals Board 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.
 - Any party wishing to produce video evidence must have provided to the League a copy of such video (unedited) by no later than 3.00pm on the day of the hearing. If required, the party wanting to rely on the video evidence must supply the necessary equipment to enable the Appeals Board to view the full video and that equipment should include slow motion and pause facilities. Video evidence must not be edited to exclude anything relevant to the incident(s) subject to the hearing; nor to present any distortion of facts. In the event that the Appeals Board should determine that video evidence has been edited or amended to unfairly influence its veracity, the video evidence will be dismissed by the Appeals Board and the matter reported to the WRFL Board with the Appeals Board's recommendation as to any penalty(s).
 - The Appeals Board may confirm, reverse or modify the decision appealed against (i.e. the subject of the appeal) and make such orders and give such directions in such manner as it in its absolute discretion thinks fit.
 - The question on appeal before the Appeals Board must be decided according to the opinion of a majority of the members constituting the Appeals Board panel for that hearing.
 - The Appeals Board is not obliged to give reasons for any decision made by the Appeals Board.
 - Where the Appeals Board upholds an appeal and reverses the decision appealed against, any refundable payment lodged in accordance with WRFL Rules as a prerequisite to the appeal shall be refunded.

- Where the Appeals Board:
 - (a) dismisses an appeal and considers that an appeal was frivolous or vexatious or commenced for an improper purpose; or dismisses the appeal but increases the penalty first imposed; any refundable payment lodged in accordance with WRFL Rules as a prerequisite to the appeal shall not be refunded.
 - (b) dismisses an appeal but considers that the appeal was not frivolous or vexatious or commenced for an improper purpose; or decreases the penalty first imposed; it may order at its absolute discretion that all or part of any refundable payment lodged in accordance with WRFL Rules as a prerequisite to the appeal be refunded to the appellant.
- An appellant may without penalty, apart from any non-refundable Appeal Lodgement Fee as provided in WRFL Rules and By-laws, abandon an appeal by giving notice in writing to the CEO no later than four (4) hours prior to the scheduled time of commencement of the appeal.
- Where an appellant abandons his/her/its appeal during the conduct of the appeal and the Appeals Board considers that the appeal was frivolous or vexatious or commenced for an improper purpose, the Appeals Board may order in its absolute discretion that all or part of any refundable payment lodged in accordance with WRFL Rules as a prerequisite to the appeal not be refunded. For the purposes of this guideline, the “conduct of the appeal” is to be deemed to commence the moment a date for the hearing has been set.
- Where there is any procedural irregularity in the manner in which an appeal has been brought, the Appeals Board may still hear and determine the appeal unless it is of the opinion that the irregularity has caused or may cause injustice if the appeal was heard.
- A decision of the Appeals Board is not invalid because of any defect or irregularity in, or in connection with, the appointment of an Appeals Board member.
- Subject to WRFL Rules and By-laws any procedure or requirement regulating the function of the Appeals Board is discretionary in nature and a decision of the Appeals Board is not invalid by reason of that procedure or requirement not being fulfilled.