



# Help Sheet

## Appealing a Board Decision?



### RATIONALE

The most obvious way in which the Central Rivers Board is held accountable is the right of the club and/or individual to appeal any decision of the Board. In this way the losing party to the decision can have the decision reviewed by another independent body. The Independent Tribunal may correct errors made by the Board and the right of appeal ensures that, as far as possible, the Board arrives at correct decisions.

### PROCEDURAL FAIRNESS

All decisions made by the Board or its committees are made using the principles of natural justice (or procedural fairness):

1. The defendant should receive notice of, and know the nature of the accusation made against him or her.
2. The defendant should be given sufficient opportunity to prepare his or her case.
3. The defendant should be given the opportunity to state his or her case.
4. The Board members hearing the case should act in good faith and without bias.

A defendant therefore is entitled to a full and fair notification of the charge and a reasonable opportunity to prepare and present a defence to an independent unbiased Board.

### WHAT CAN BE APPEALED?

A player and/or club may appeal the decision of the Board to the Independent Tribunal on one or more of the following grounds:

1. An error by the Board has occurred interpreting the rules of the leagues, defined in the Constitution and By-Laws.
2. The decision of the Board is so unreasonable that no Independent Tribunal acting reasonably could have come to that decision having regard to the evidence before it.
3. The sanction imposed by the Board was manifestly excessive.

In addition, a complainant can seek leave of the Independent Tribunal to produce fresh evidence provided the complainant can convince the Tribunal that the evidence sought to be produced could not, by reasonable diligence, have been obtained prior to the conclusion of the Board decision and where that evidence is of sufficient value that had it been presented before the Board, the Board would have reached a different decision.

### PROCEDURE

- Only the charged club or player subject to the decision of the Board may appeal to the Independent Tribunal, provided the appeal is brought no later than 2.00pm on the second day after which the decision of the Board was made.
- The Appeal Form must be received by the Operations Manager before the expiry of the time period.
- Where a Club or player contests the decision of the Board at the Tribunal, and is subsequently found guilty, the maximum penalty for that level of breach will be automatically imposed, as well as any other fines or sanctions of the Tribunal.
- Payment or evidence of payment to the League of the sum of \$500 for costs of the appeal, which sum shall not be refunded in any circumstances; and
- Payment or evidence of payment to the CMFNL of the further sum of \$500 which sum shall be dealt with as follows:-
  - Where the Independent Tribunal upholds the appeal, the sum of \$500 shall be refunded; or
  - Where the Independent Tribunal dismisses the appeal and considers that the appeal did not have sufficient merit, it may determine in its absolute discretion that all or part of the sum of \$500 not be refunded.

