



APPENDIX 1

MEMBER TO MEMBER

- MOVEMENT OF

PLAYERS & CLUBS

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APPENDIX 1

MEMBER TO MEMBER - MOVEMENT OF PLAYERS, & CLUBS

A. PLAYERS CLEARANCES AND REGISTRATION PERMITS:

1. PLAYER WHO HAS PREVIOUSLY PLAYED

GENERAL

- (a) (i) For the purposes of these regulations the words “clearance” and “transfer” may be used interchangeably.
- (ii) Where a player of a club of one Member intends to transfer to a club of another Member such player shall obtain a transfer in accordance with these regulations.

AUTOMATIC TRANSFER

- (b) Provided that the player is not under suspension or disqualification at the time of clearance application, a clearance application shall be automatically endorsed by the Former Affiliated Body in the following circumstances. If a:
 - (i) period of not less than twenty-four (24) months has elapsed since a player last played with a club of any Member
 - (ii) player who has not attained the age of twelve (12) years of age as at 1st January in a year
 - (iii) player who is twelve (12), thirteen (13) or fourteen (14) years of age as at the 1st January in a given year and has not previously participated in an open-age or ‘third 18’ match provided that the application is lodged with the Former Affiliated Body between February 1st and April 30th.
 - (iv) player who is in the permanent employment of the armed forces is transferred in the course of his duties to an area by not less than fifty (50) kilometres from his former place of residence.
 - (v) player becomes ineligible by reason of age to play with any team of such club.
 - (vi) player is registered with a club which ceases to continue to field teams for which the player is eligible to play and provided that the Former Affiliated Body confirms to AFL Victoria (AFLV) that such club has so ceased to continue.

2. CLEARANCE APPLICATION PROCEDURE

GENERAL

- (a) (i) Each clearance application shall be signed by the player - if such player is under the age of eighteen (18) years the clearance application shall also be endorsed by the player's parent or guardian - and lodged with the New Affiliated Body; that body shall forward the application, or official notification of the application, to the Former Affiliated Body.
- (ii) The Former Affiliated Body shall ensure that the relevant sections of the clearance application form are completed and returned to the New Affiliated Body within ten (10) days of the Former Affiliated Body receiving the clearance application form.
- (iii) A New Affiliated Body notifying a Former Affiliated Body of the clearance application electronically must keep a record of the original application that has been signed by the player making application and produce a copy of such original application on demand from the Former Affiliated Body and / or AFLV by no later than 5pm on the next business day following such request.

Such original application is to be kept until at least the end of the first season to which the player seeks application to join the New Affiliated Body.

FAILURE TO RESPOND

- (b) Should the Former Affiliated Body fail to provide written notification to the New Affiliated Body within ten (10) days from the date of receiving the Clearance Application Form, it shall have waived its right to refuse the clearance application.

CLAIMING OF PLAYER PROCEDURE

- (c) (i) At any time after 12.00 midnight upon the expiration of the ten business day clearance application period, the New Affiliated Body, may serve on the Former Affiliated Body a "AFL Victoria Claim Form" and may, in accordance with (c) (ii) and (iii), automatically accept the transfer of the player.

N.B.: Serving of the 'AFL Victoria Claim Form' shall be conducted via electronic means (e.g. e-mail message) or via facsimile only – unless the Former Affiliated Body agrees to waive this obligation.

- (ii) A Claim Form period shall commence as soon as the "AFL Victoria Claim Form" is sent by the New Affiliated Body regardless of the time sent.
- (iii) The Claim Form period shall expire at noon on the 3rd business day upon sending of the Claim Form by the New Affiliated Body.

Unless the Former Affiliated Body can show a legitimate dispute in accordance with the reasons as stated on the official Claim Form and return such Completed Claim Form with the set period, the player will be automatically granted the transfer.

Claim example

- e.g. Clearance Application period ends at midnight on Monday. At any time of the day / night on Tuesday the Clearance Secretary for the league to which to player seeks to transfer to faxes a claim form to the former league (Tuesday therefore becomes day 1 of the claim period). The former league then has until noon on Thursday (the third business day) to dispute the claim or the player will be granted his transfer.
- (iv) Player transfers involving the VAFA are not subject to the claim form procedure. Refer 7 of this Appendix for further details.

TRANSFER FEE

- (d) Each Member shall ensure that each of its competing leagues and / or clubs shall not directly or indirectly receive a monetary amount or any other consideration in respect of or in connection with the transfer of a player to a club competing in the competition conducted by another league.

SUSPENDED PLAYERS

- (e) A player under suspension by any league tribunal shall be eligible to apply for a clearance and may be transferred to another league, however such player cannot be eligible for competition matches until the period of suspension has expired or such suspension has been removed by the authority imposing the suspension.

RETURNING STUDENTS

- (f) (i) A player who transfers to a club affiliated to the VCFL from a club affiliated with the VAFA or a Metropolitan Member, or vice versa, to attend an educational institution on a full-time and continuous basis may, during official semester vacations / school holidays, receive a permit to play with his immediate former club "interchange club", subject to written endorsement from the current club, the former club and their respective leagues.
- (ii) The interchange club requires written permission from the current club & league for each match that the player participates with the interchange club.
- (iii) The league to which the current club is a member issues the permit.
- (iv) The permit application is be endorsed by those outlined in (i) prior to July 1st in a given year.
- (v) The permit period lasts until the player ceases his commitments at the educational institution and is subject to any relevant regulations of any of the parties, including participation in finals.

TRANSFERRING TO NEW CLUB VIA INTERSTATE / VAFA WITHIN 24 MONTHS

- (g) A player transferring to a VAFA affiliated club or a club of another State from a Metropolitan Member club or VCFL affiliated club seeking to return to a new club affiliated with a Metropolitan Member or the VCFL, as the case may be, within 24 months of the original VAFA / interstate transfer must obtain a clearance from the former VCFL or Metropolitan Member club and league, as the case may be, before the New Affiliated Body may allow the player to commence playing.

3. CLEARANCE APPLICATION PERIOD

3.1 General

Dates indicated in 3.2 & 3.3 are both inclusive.

3.2 Commencement

Applicable time limits for player clearances shall commence from 1st February in a given year.

3.3 Conclusion

No application for a player clearance shall be lodged with the player's Former Affiliated Body after 30th June in a given year.

4. DETERMINATION OF A PLAYERS AGE GROUP

Shall be based on a player's age as at 1st January in each year.

5. INTERCHANGE

Members may introduce an Interchange Agreement involving another Member at the discretion of the relevant Members. A copy of any such Agreement is to be forwarded to the offices of AFL Victoria within 10 days of its execution.

6. APPEALS OF PLAYERS TO AFL VICTORIA APPEALS BOARD

- (a) A player of a club of a Member who has been refused a clearance application to transfer to a club of another Member may appeal to the AFLV Appeals Board against such refusal, by notice in writing lodged with AFLV within ten (10) days of such refused clearance being received by the New Affiliated Body.
- (b) A player may, if so desired, submit more than one clearance application during the current season and each application shall be dealt with separately although a player may submit one (1) appeal only in any season.
- (c) The Clubs and players concerned shall each be entitled to representation at the hearing, the number of persons having representation to be limited to the player and his advocate who shall also be the clubs representative and the defendant clubs representative and its advocate.
- (d) Such representation shall not be by a person who is legally qualified.
- (e) No notice of appeal shall be acted upon if lodged after July 31st in any year.
- (f) Such appeal shall be heard within a period as determined by AFLV.
- (g) AFLV shall inform each affected Affiliated Body of the appeal as soon as practical after lodgement by the player of his notice of appeal.

- (h) The Appellant Player / Club must lodge a bond of \$550 (inc. GST) made payable to "AFL Victoria" and such bond may be forfeited should the appeal be considered frivolous. A \$250 (inc. GST) administrative fee will be retained from the Appeal bond.
- (i) The Appellant Player/Club must also lodge a completed Player Appeal Form together with a copy of the latest Refused Clearance application for the player in addition to the Appeal bond.
- (j) The defendant club must also lodge a bond of \$550 (inc. GST) and such bond may be forfeited should the defence be considered frivolous. A \$250 (inc. GST) administrative fee will be retained from the Appeal bond.

Should the defendant club fail to lodge its:

- i) "Intention to Appeal – Defending Club Form" with AFLV within four days of being notified of the Appeal details from the AFLV, and
- ii) bond of \$550 (inc. GST) with AFLV within six (6) days of being notified of the Appeal details from AFLV,

it shall be deemed thereby to have granted the clearance.

- (k) In all cases in reference to the applicable time lines, AFLV shall determine the date and time for lodgement of the Form or bond, as the case may be.
- (l) The Panel may regulate the proceedings before it as it deems fit and the decision of the Panel shall be final and binding on all parties.

7. SPECIAL REGULATIONS RELATING TO THE VAFA

- (a) No player shall be permitted to transfer from a club affiliated with an AFLV Metropolitan Member or the VCFL to a club affiliated with the VAFA, or vice-versa, unless he first lodges the prescribed Transfer Notification Form with the New Affiliated Body.
- (b) A player transferring from either the VCFL or a Metropolitan Member to the VAFA, or vice versa, may be given permission to commence playing with the club of the New Affiliated Body upon:
 - i) return of the appropriate Transfer Notification / Clearance Application form from the Former Affiliated Body to the New Affiliated Body; or
 - ii) the expiration of two (2) business days since the Transfer Notification form / Clearance Application form was received by the Former Affiliated Body.
- (c) Should any player complete the transfer notification form incorrectly, in that he may, in fact, be under disqualification because of a financial misdemeanor, or a field offence, the relevant League shall deal with the player and club as they deem fit.
- (d) The Clearance Application period as detailed in 3 of this Appendix shall apply to all player transfers involving the VAFA

B. CLUB TRANSFERS & APPEALS

8. ADMISSION OF NEW CLUBS / TRANSFER OF EXISTING CLUBS

(1) General

- (i) For the purposes of these regulations, a decision of the Board means a decision of the AFLV Appeals Board as constituted under the rules, or a decision of the AFLV Appeals Board.
- (ii) Pursuant to (2) & (3) the decision of AFLV shall be final and binding on all Members.
- (iii) AFLV shall make such determinations and decisions in respect to Members or Affiliated Bodies failing to comply with these regulations as it deems fit.

(2) New Clubs

- (a) Members intending to admit a newly formed club shall notify AFLV 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. Whilst there is no set time frame for seeking AFLV Appeals Board approval, a newly formed club may not participate in any league match until after AFLV approval has been granted.
- (b) AFLV will make a decision in relation to the requested approval of the newly formed club as soon as practical after requesting advice from the Member.
- (c) If AFLV so directs the Member not to admit or accept the transfer of the newly formed club, then the Member and / or the newly formed club can appeal against such direction to the AFLV Appeals Board under regulation 3.3 and Appendix 1.

(3) Transfer of Existing or Amalgamated Clubs

- (a) Members intending to accept the transfer of existing or amalgamated clubs from one Member to another Member shall notify AFLV and the Former Affiliated Body of its intention to accept such transfer in writing between October 1st and November 15th in a given year, both dates inclusive.
- (b) A Member seeking to appeal against a decision of the New Affiliated Body to seek to accept such transfer, is to provide written notification to AFLV and the New Affiliated Body within ten (10) business days of receiving advice from AFLV of such intended transfer.
- (c) AFLV will make a decision in relation to the transfer of such existing or amalgamated club as soon as practical after requesting advice from the Former Affiliated Body / Member.

- (d) Where a club or clubs seek to transfer from one Member to another Member, such transfer must be approved by AFLV. In making such determination or decision AFLV will take into account the geographic nature of Leagues, League viability, community development and future growth of the Leagues concerned.
- (e) Clubs and Members affected or potentially affected by such determination or decision by AFLV shall have the right to a hearing before the board of AFLV whose decision on the proposed application shall be final and there shall be no right of appeal under Regulation 9.
- (f) The procedure applicable to such hearing will be notified by the board of AFLV and notified to those parties wishing to be heard.

9. APPEALS OF CLUBS

- (a) For the purposes of this Regulation, the AFLV Appeals Board shall be validly constituted by three (3) Members of the AFLV Appeals Board provided the Member is not an Executive Officer of the Affiliated Bodies concerned in the appeal or other members as determined by the AFL VIC CEO.
- (b)
 - (i) An existing or amalgamated club may appeal to the AFLV Appeals Board in respect of a decision of a Former Affiliated Body to refuse a Transfer Application, provided the appeal is lodged in writing (“the notice of appeal”) with AFL VIC within ten (10) days of the New Affiliated Body receiving written notification of the refusal.
 - (ii) A copy of the Transfer Application shall accompany the notice of appeal.
- (c) An appeal shall be heard by the AFLV Appeals Board within 15 days of receipt of the notice of appeal by AFLV, or such other period as the Appeals Board determine.
- (d) (1) Prior to the hearing of the appeal, the existing or amalgamated club, the Former Affiliated Body and the New Affiliated Body shall, within the time specified by the AFLV Appeals Board, lodge with AFLV written submissions which contain:
 - (i) any facts, reasons and arguments concerning the Transfer Application and the appeal; and
 - (ii) any other matters that they desire to be taken into account by the AFLV Appeals Board in determining the appeal.
- (2) AFLV shall as soon as practicable but prior to the hearing of the appeal, distribute the written submissions to the parties concerned in the appeal.
- (e) At the hearing of an appeal, the existing or amalgamated club, the Former Affiliated Body and the New Affiliated Body may be represented by two (2) representatives (one of whom shall act as the advocate), provided that such representation is not by a person who is legally qualified.
- (f) The hearing before the AFLV Appeals Board shall be:-
 - (i) inquisitorial in nature; and
 - (ii) conducted with as little formality and technicality and with as much expedition as a proper consideration of the matters before it permits.

- (g) The AFLV Appeals Board:-
- (i) shall provide the existing or amalgamated club, the Former Affiliated Body and the New Affiliated Body an opportunity to be heard;
 - (ii) shall hear and determine the matter before it in an unbiased manner;
 - (iii) 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;
 - (iv) may regulate the proceedings before it in such manner as it thinks fit;
 - (v) may confirm, reverse or modify the decisions of the Former Affiliated Body and make such decisions in such manner as it thinks fit; and
 - (vi) shall not be obliged to give reasons for its decision.
- (h) Upon request from the club and / or leagues involved and subject to seven days notice to be provided to AFLV, AFLV will ensure that its Chairman of such appeal shall be legally qualified.
- (i) An existing or amalgamated club may only lodge one appeal in each year to AFLV.