

GRIEVANCE AND TRIBUNAL BY-LAW

31 October 2025

1. Introduction

- 1.1 This By-Law is made by the Directors under the powers conferred on them by Clause 15 of the Constitution. It is to be known as the Grievance and Tribunal By-Law. This By-Law is subject to, and is to be interpreted in accordance with, the Constitution. If there is any inconsistency between these By-laws and the Constitution the Constitution will prevail.
- 1.2 This By-Law is supplementary to the FA National Grievance Procedure By-Law as amended from time to time.
- 1.3 Any communication to Football Victoria (FV) in relation to any matter under this By-Law must be made in writing, via email, to the email addresses set out in the Football Victoria Disciplinary Regulations (FV DR).
- 1.4 All prescribed forms referred to in this By-Law can be located on the Football Victoria website.

2. Objectives of By-Law

- 2.1 To ensure that the game of football is played in accordance with the Laws of the Game.
- 2.2 To ensure that the game of football is played competitively and fairly in accordance with the principles of fair play.
- 2.3 To provide an independent, fair and effective system that sets out procedures for the administration and determination of one or more of the following, involving Affiliate or Member Clubs, Club Associates (as defined by the FV DR) and Match Officials:
 - (a) any Grievances;
 - (b) all incidents;
 - (c) disciplinary matters;
 - (d) all disputes, whether relating to the conduct on field, off-field or otherwise; (e) appeals; and
 - (e) all matters relating to conduct.
- 2.4 To ensure consistency and transparency of approach are evident and present in all aspects of handling matters listed in Clause 2.3 above involving Affiliate or Member Clubs, Club Associates and Match Officials under this By-Law.

3. Jurisdiction Of By-Law

- 3.1 This By-Law shall apply exclusively to facilitate the expeditious and fair resolution of the matters listed in Clause 2.3 above.
- 3.2 Pursuant to this By-Law, FV has jurisdiction over Affiliate or Member Clubs, Club Associates and Match Officials in relation to the matters listed in Clause 2.3 above.
- 3.3 Each Affiliate or Member Club, Club Associate and Match Official shall submit exclusively to the jurisdiction of FV and this By-Law and agree that until it has exhausted the procedures set out in this By-Law, it will not attempt to resolve matters listed in Clause 2.3 above by recourse to FA or a court of law.

4. Independent Tribunal

4.1 Appointment & Composition of the Independent Tribunal

- (a) A pool of Tribunal members must be maintained and consist of such person or persons as FV from time to time deems fit to appoint **(Tribunal Members)**.
- (b) A person must not be appointed as a Tribunal Member if he or she is an FV Director, Member or employee, or otherwise has a conflict of interest or perceived conflict of interest, as determined by FV in its absolute discretion, that might call into question their independence
- (c) A person appointed as a Tribunal Member may be removed from the Tribunal Membership at the absolute discretion of FV, and approved by the Tribunal Chair, at any time and without reason.
- (d) One of the Tribunal Members must be appointed by FV as the Tribunal Chair. The Tribunal Chair may approve the appointment of individuals to the Tribunal Member pool. The Tribunal Chair herein delegates the administration and appointment of Tribunal Members from the pool to individual hearing panels to the FV Discipline Department.
- (e) A Tribunal Member must not be appointed to an independent Tribunal hearing panel or a Tribunal Fasttrack if he or she:
 - (i) is a party to, or in any way directly or indirectly interested in, the matter to be heard by the Tribunal; or
 - (ii) is a Club Associate of, or otherwise has any relationship with a Club that is a party to a matter, such that that person may be seen to be not independent.
- (f) Subject to the FV DR, a Tribunal hearing may consist of one, two or three Tribunal Members.

- (g) Where at a particular hearing the independent Tribunal consists of more than one Tribunal Member:
 - (i) if the Tribunal Chair is one of the Tribunal Members appointed for that hearing, he or she must act as Chair at the hearing; or
 - (ii) in any other case, the Tribunal Members must appoint a Chair amongst themselves at the hearing.
- (h) The Chair of all hearings, and any Tribunal Member sitting at a hearing alone, must hold legal qualifications.
- (i) Any objections to the composition of a particular independent Tribunal Hearing Panel by a party must be made prior to, or at, the hearing of the relevant matter, failing which the parties will be deemed to have no objection to the composition of the Tribunal Panel or any member of it.

4.2 Jurisdiction of Tribunal

- (a) The Tribunal has jurisdiction in respect of:
 - (i) any matters referred to it by FV including, but not limited to, a matter involving a person who has submitted to the jurisdiction of FV;
 - (ii) any objection to the composition and independence of the Tribunal Members forming the Panel;
 - (i) any request by a Club Associate or Match Official to review any penalty or sanction imposed under the FV DR;
 - (ii) a Grievance referred to the Tribunal for determination by FV in accordance with the procedures in the FV DR; and/or
 - (iii) any other matter in respect of which the Tribunal is given jurisdiction by FV.
- (b) The Tribunal has no power to hear disputes relating to:
 - (i) a Club Associate's contract with a Club (including for the avoidance of doubt but not limited to professional player contracts); or
 - (ii) decisions (including the issuing of Yellow and Red Cards) made by Match Officials during Matches, except to rectify matters of mistaken identity.

- (c) No Tribunal Member may represent a Club Associate or Match Official in any proceedings before the Tribunal whilst either a Tribunal Member, or within 12 months from the end of their term of appointment as a Tribunal Member, without express prior written permission of FV.

4.3 Tribunal Process

- (a) If a matter is referred to the independent Tribunal, FV must notify the relevant Clubs of all persons who may be affected by the Tribunal's decision of the following:
 - (i) the time, date and place of any hearing;
 - (ii) details of the allegations against the party charged to enable the party to prepare a response to the allegations;
 - (iii) details of any documents or other evidence which may be relied upon at the hearing in support of the charge;
 - (iv) if a hearing is to take place, that the party may make written representations to the Tribunal and/or appear before the Tribunal to make submissions, but may only be legally represented before the Tribunal in the circumstances set out in Clause 4.3(f) below; and
 - (v) the penalty and/or sanction it recommends to the Tribunal be imposed if the party is found guilty.
- (b) FV reserves the right to make written and/or oral submissions and/or examine any person at any hearing.
- (c) FV may remove from the notification, the names of any or all individuals who are under a legal incapacity (for example, those under the age of 18) if it feels it appropriate, in its absolute discretion, to avoid those names forming part of a permanent or public record. If FV does so, it must communicate those names orally to the other parties to ensure that procedural fairness prevails.
- (d) The Tribunal may conduct hearings in any manner it sees fit including but not limited to video or teleconference (and, if it considers it appropriate, allowing an amendment to the charges) provided that:
 - (i) all parties affected are given a reasonable opportunity to be heard; and
 - (ii) the hearing is conducted with as little formality, and with as much expedition, as proper consideration of the matters permit.

- (e) The Tribunal is not bound by the rules of evidence or by practices or procedures applicable to courts of record, but may inform itself as to any matter and in such manner it deems appropriate provided that the Tribunal adheres to the principles of procedural fairness.
- (f) The following is ordinarily relevant to Tribunal hearings:
 - (i) at the commencement of a hearing the Tribunal Chair will read out each charge;
 - (ii) those charged, if present, will be asked whether or not they plead guilty or not guilty; and
 - (iii) those charged, if present, will be invited to give to the Tribunal a summary of the matters on which they wish to rely.
- (g) A party may be represented at a hearing by a person with legal qualifications only upon leave of the Tribunal. Leave will be refused unless:
 - (i) the facts of the case are complex (and whether a party has provided notification under Clause 4.4(b)(ii) below has no relevance to this test) or the potential penalty is significant; and
 - (ii) a request is Lodged no later than 2pm on the day that is two business days prior to the Tribunal hearing, explaining the reasons why the test in Clause 4.3(g)(i) has been met and confirming the identity of the proposed legal representative.

FV will provide any request received within time to the relevant Tribunal members and advise the party of their decision as soon as possible.
- (h) Any evidence given, or statement made, in response to an allegation is without prejudice and may not be used in any subsequent court proceedings unless required by an appropriate court process.

4.4 Attendance at Tribunal Hearing

- (a) *By the parties charged*
 - (i) The attendance at a Tribunal hearing of the parties issued with the Red Card Offence and/or Misconduct Offence is mandatory.
 - (ii) Failure to attend Tribunal may result in:
 - a matter being adjourned (see Clause 4.8 below); or
 - the matter proceeding without the party
 in the Tribunal's absolute discretion and may also result in the issue of an MP10 Misconduct Offence in FV's absolute discretion.

(b) *By Match Official*

- (i) Any written (including electronic) Incident Report or Misconduct Report, or other such report completed by a Match Official in relation to any matter before the Tribunal, stands as the Match Official's statement of evidence, unless the Match Official determines to also provide oral evidence at a hearing.
- (ii) Unless notification is Lodged no later than 1pm on the day that is two business days prior to a Tribunal hearing, a Match Official is not required for cross-examination and the Match Official's record of events is not challenged for factual matters (and Clause 4.5(b) below does not apply).
- (iii) Provided the Match Official is available by telephone if required, the physical presence at a Tribunal hearing of a Match Official in relation to any matter before the Tribunal is not mandatory for the matter to proceed, unless otherwise so directed by the Tribunal.
- (iv) Any written (including electronic) Incident Report or Misconduct Report provided by a Match Official stand as the facts of the event. The onus rests with the party challenging the facts of the event to establish to the comfortable satisfaction of the Tribunal that the facts as recorded are inaccurate or otherwise misrepresent the event. It is not relevant whether:
 - the Report is not signed; and/or
 - the grading of the offence is different to the grading alleged by FV.

4.5 Witness Evidence

- (a) The Tribunal may require any witnesses who are not parties to the matter to vacate the hearing room until called upon to give evidence.
- (b) Where the author of a document relied upon by a party is not present to be questioned about that document, the Tribunal may attach such weight to the document as it deems appropriate.
- (c) The parties may call evidence at hearings from such witnesses as are permitted by the Tribunal and all such witnesses can be subject to questioning by the other party or members of the Tribunal.
- (d) Evidence may be given in-person, or by way of a telephone or video link, unless the Tribunal directs otherwise.

4.6 Documents or Other Evidence at Tribunal

- (a) Parties who wish to rely upon documents or other evidence (video recordings, witness statements, CCTV, photos, and so forth), must provide copies of such material to FV no later than 5pm two (2) days prior to a scheduled hearing.
- (b) Material provided after this time will result in such documents being deemed inadmissible except with leave of the Tribunal. For the avoidance of doubt, a party wishing to rely on video evidence must bring appropriate means to play the evidence at the hearing.

4.7 Completion of Evidence

- (a) At a Tribunal hearing, at the completion of the evidence:
 - (i) the parties must leave the hearing room if requested by the Tribunal;
 - (ii) the Tribunal will consider all the evidence and submissions made during the hearing and make a determination on the balance of probabilities with respect to whether or not the Offence(s) have been proven, however in this regard:
 - the party that seeks to assert a fact has the burden of proving it; and
 - the Tribunal may take into account the parties' attitude during proceedings, placing high weight upon the manner in which they cooperated with FV during the investigation; and
 - (iii) the Tribunal may give an oral decision, a written decision, or may postpone the decision until such time as it deems necessary to formulate a decision.
- (b) If the Tribunal in a particular matter is constituted by more than one person, the question(s) before it may be decided by majority opinion. Where the Tribunal consists of only two persons, the Chair has the deciding vote.

4.8 Tribunal Fasttrack

- (a) Where a Player or Team Official has requested the Tribunal Fasttrack process via the Red Card Referral Form:
 - (i) the Player or Team Official must complete the relevant section of the Red Card Referral Form to provide any further information it wishes to be considered by the Tribunal;

- (ii) FV reserves the right to submit further written evidence to the Tribunal in response to new information so raised in the Red Card Referral Form;
- (iii) the Tribunal will be one Member only, who must hold legal qualifications;
- (iv) any objections to the Member presiding by a party must be made in writing to FV within 3 days of FV's acknowledgement notice, failing which the parties will be deemed to have no objection;
- (v) the Tribunal will consider the matter on paper without the need for attendance at a hearing by the Player, Team Official or FV;
- (vi) the Tribunal may seek clarification from the Player, Team Official or FV on any issue;
- (vii) the Tribunal will consider all the evidence and submissions and make a determination on the balance of probabilities with respect to whether or not the Offence(s) have been proven, however in this regard:
 - the party that seeks to assert a fact has the burden of proving it; and
 - the Tribunal may take into account the parties' attitude during the investigation, placing high weight upon the manner in which they cooperated with FV;
- (viii) The Tribunal will provide its written reasons to FV and the Player or Team Official as soon as practicable.

4.9 Penalties and Sanctions

- (a) At a Tribunal hearing, the Tribunal may make a finding that Misconduct Offence(s):
 - (i) have not been proven in which case the Tribunal may remove any Additional Suspension that may have been imposed (but may not remove or alter any applicable Automatic Suspension(s)); or
 - (ii) have been proven in which case the Tribunal may either reduce or increase the Recommended Penalty where the circumstances so warrant in the Tribunal's absolute discretion; or
 - (iii) have been proven, but as a different Misconduct Offence. Where the Tribunal so considers, it must give the party charged an opportunity to put any evidence and/or submissions in relation to that different offence to the Tribunal prior to the Tribunal imposing its finding.

- (b) At a Tribunal hearing, or further to the above Tribunal Fasttrack process, the Tribunal may make a finding that Red Card Offence(s):
 - (i) have not been proven in which case the Tribunal may remove any Additional Suspension that may have been imposed, (but may not remove a Red Card, except as permitted elsewhere in the FV DR, or remove or alter any applicable Automatic Suspension(s)); or
 - (ii) have been proven in which case the Tribunal may (only) increase the Red Card Penalty or impose any additional sanctions in its absolute discretion; or
 - (iii) a different Red Card Offence (or the same Red Card Offence but at a different grading) has been proven in which case the relevant Red Card Penalty if any will be applied.

- (c) Where the Tribunal finds that Offence(s) have been proven at a hearing (either as charged, or at a different grading or offence), or determines to postpone a decision to a later date, then prior to imposing any penalty or sanction the Tribunal must invite the parties to make submissions to the Tribunal on the question of what penalty or sanction, if any, ought to be imposed. Where a Club is found guilty of any Offence which arises either wholly or partly out of the conduct of a Club Associate(s), the Tribunal must, when considering the question of penalty, take into account any steps taken by the Club to:
 - (i) identify such Club Associate(s); and/or
 - (ii) minimise the risk of a repetition of such behaviour by the relevant Club Associate(s).

- (d) The Tribunal may have regard to any matters which it considers relevant to the question of penalty and, without limitation, may consider:
 - (i) the seriousness of the conduct with which the party is found guilty of by the Tribunal;
 - (ii) any loss or damage sustained or likely to be sustained by any party including but not limited to FV howsoever arising from the conduct;
 - (iii) evidence of the Tribunal history or general discipline history of the party charged;
 - (iv) the extent to which the party has made efforts to prevent the conduct from occurring;
 - (v) the attitude of the party generally during the proceedings, and the extent to which they have cooperated with FV throughout the disciplinary process as a whole; and/or
 - (vi) insofar as they are relevant, the objectives of the FV Constitution.

- (e) The Tribunal must provide written reasons by completing the relevant form prescribed by the FV DR. FV must publish those reasons on the FV website unless otherwise directed by the Tribunal. However, FV may in its absolute discretion not publish the names of any person under a legal incapacity (for example, those under the age of 18).
- (f) In addition to any Recommended Penalty or Red Card Penalty required under the FV DR, the Tribunal may impose, in its own absolute discretion, any one or more of the following penalties or outcomes on such terms as it sees fit:
- (i) *On Individuals:*
- Expulsion.
 - Disqualification from a competition in progress and/or exclusion from a future competition.
 - Suspension (including but not limited to suspension of a registration or accreditation).
 - Ban on taking part in any football-related activity.
 - Ban from team dressing room and/or team bench.
 - Ban from entering a Stadium.
 - A Fine.
 - Note: in accordance with FA National Disciplinary Regulations, a Fine cannot be issued against an Amateur, and in the case of a Professional, cannot exceed one half of the total payments that participant would have received over the duration of the season.
 - A reprimand, warning or caution.
 - Mediation.
 - Withdrawal of a title or award.
 - Confiscation.
 - Social work.
 - Compulsory attendance at an appropriate education course approved by FV.
 - Any such other sanction or penalty as the Tribunal sees fit.
- (ii) *On Clubs:*
- Disqualification from a competition in progress and/or exclusion from a future competition.
 - Suspension (including but not limited to suspension of a registration or accreditation).
 - A Fine.
 - A reprimand, warning or caution.
 - Mediation.
 - Deduction of points (for a current or future competition).

- Compulsory attendance (of specific Club Associates) at an appropriate education course approved by FV.
 - Full or partial stadium closure.
 - A requirement to play a specified number of scheduled home matches at a neutral stadium.
 - A prohibition on playing at a particular stadium.
 - Annulment of Match(es) result(s).
 - Defeat by forfeit and awarding of any losing score the Tribunal determines.
 - Relegation to any lower division.
 - An order that Match(es) be replayed.
 - Withdrawal of a title or award.
 - Confiscation.
 - Withholding of revenues from a competition or Match.
 - Prohibition on registering new Players.
 - Restriction on the number of Players that may be registered for participation in competitions.
 - Withdrawal of a license to participate in a competition.
 - Social work.
 - Any such other sanction or penalty as the Tribunal sees fit.
- (g) Where a party fails to comply with a determination of the Tribunal, this may be referred back to the Tribunal for further determination or may be handled in a manner as determined by FV.
- (h) Subject only to the specified rights of Appeal under Clause 5 below:
- (i) a determination of the Tribunal is final and binding on all parties and enters into force as soon as it is communicated, and the parties undertake to carry out the determination without delay; and
 - (ii) no party may take any action in any court or tribunal or other forum to challenge such decision or seek to have it varied in any way.

4.10 Education Courses

- (a) In appropriate circumstances, the independent Tribunal may impose compulsory attendance at an education course approved by FV as follows:
- (i) a respect and responsibility course; and/or
 - (ii) a Laws of the Game course; and/or
 - (iii) an anger management course; and/or
 - (iv) anti-racism or multicultural learning course: and/or
 - (v) LGBTIQA+ learning course; and/or

- (vi) any other education course the Tribunal deems relevant.
- (b) Where a Club, Team, Club Associate and/or any other person or persons are directed to attend an education course:
 - (i) FV will provide the Club with details of the next available session of the relevant education course;
 - (ii) If a Club or Team has been ordered to attend, and individual persons have not been specified, then all members of that Club or Team are required to attend unless otherwise stated; and
 - (iii) Where an individual is Suspended from participating in football until the relevant education course is complete, it is the responsibility of that individual to provide evidence of successful completion of the relevant course to FV prior to resumption.
- (c) The cost of participation in an education course (if applicable) must be paid by the Club, Team, Club Associate and/or any other person or persons who are ordered to undertake such a course. The ultimate responsibility for payment, failing all other persons and/or entities, is the responsibility of the Club to which any participant(s) belong to or was part of at the time of the education course was ordered.

4.11 Suspended Penalties

- (a) The Tribunal may impose a suspended penalty where the penalty does not exceed 6 (six) Matches or 6 (six) months
- (b) The Tribunal may suspend only up to half of the penalty.
- (c) The Tribunal may suspend or partially suspend the implementation of a penalty for a period between 6 (six) months and 2 (two) years **(Probationary Period)**.
- (d) If a party commits any other offence during the Probationary Period, the Probationary Period ends, and the penalty comes into effect immediately. Where this occurs the penalty for the offence that caused the end of the Probationary Period is added to the original penalty.
- (e) The Probationary Period may be interrupted by rest periods during or between seasons.

4.12 Limitation periods

- (a) With the exception of Match-fixing and/or corruption, FV cannot charge an individual or a Club with an Offence:
 - (i) committed during a Match more than 2 (two) years after the date of the Match; and
 - (ii) in any other case – more than 10 (ten) years after the incident is alleged to have occurred.
- (b) The limitation periods in Clause 4.12(a) above run:
 - (i) from the date on which the perpetrator committed the Offence; or
 - (ii) if the offending is recurrent, from the date on which the most recent Offence was committed; or
 - (iii) if the offending lasted a certain period, from the date on which it ended.
- (c) The relevant limitation period in Clause 4.12(a) above has not expired if FV notifies the relevant party it has commenced investigating proceedings before the relevant date has expired.
- (d) There is no limitation period for the enforcement of sanctions.

4.13 Adjournments

- (a) Without limiting the generality of any Clause of the FV DR or any discretion of the independent Tribunal, hearing adjournments may only be granted for extraordinary circumstances or where the Tribunal considers it would be harsh or unconscionable to any party or FV not to do so. Ordinarily, adjournments will not be granted in circumstances where a charged party simply refuses or fails to attend a hearing.
- (b) Any requests to FV for adjournment of a hearing must be Lodged and outline the reasons for adjournment. FV may grant once-only an adjournment to a party upon application where FV thinks it is fair and equitable to do so.
- (c) Where Clause 4.13(b) has not been satisfied, adjournments may only be ordered at the hearing in the independent Tribunal's absolute discretion.
- (d) Notwithstanding any request for adjournment, FV or the Tribunal where applicable, in its absolute discretion may adjourn a matter for its own purposes.

4.14 Recording and Transcript

- (a) This Clause 4.14 stands as notice to all attendees at a Tribunal hearing that sound and voice recording may occur and they may be recorded during a Tribunal hearing without any further notice being provided.
- (b) FV may record a Tribunal hearing (which stands as the official recording):
 - (i) at the request of a party to a Tribunal hearing; or
 - (ii) of its own volition; or
 - (iii) if directed to do so by the Tribunal.
- (c) No party may record a Tribunal hearing without prior written permission from FV.
- (d) Where FV records a hearing, FV may store that recording for the purposes of an Appeal. FV may transcribe the recording at the request of a party or of its own volition. The transcript as transcribed by FV serves as the official record of the Tribunal hearing.
- (e) The costs of transcribing a recording (if available) for the purposes of an Appeal must be borne by the party requesting the transcription.

5. Appeals

5.1 Appeals Board

- (a) FV must establish an independent Appeals Board comprised of senior, legally qualified members of the pool of Tribunal Members to hear Appeals under the FV DR or Appeals allowed under any other FV Regulation, By-law or Policy (**Appeals Board**).
- (b) The Appeals Board will be constituted by such persons as FV sees fit, save that any member of a Tribunal panel that hears a matter at first instance is not eligible to constitute part of an Appeals Board to hear that matter on Appeal.
- (c) One of the Appeals Board members must be appointed by FV as the Appeals Chair. The Appeals Chair herein delegates the administration and appointment of individual appeals board hearing panels to the FV Discipline Department.

5.2 Who Can Appeal?

- (a) Subject to the FV DR, both FV, or a party subject to a determination of the independent Tribunal, may appeal the determination to the Appeals Board on the following grounds only (or any combination of them):
 - (i) Denial of procedural fairness.
 - (ii) Error of fact.
 - (iii) Error of law.
 - (iv) Unduly lenient sanction.
 - (v) With leave of the Appeals Board.
- (b) Notwithstanding the above, the following penalties determined by the Tribunal are not Appealable:
 - (i) Warnings, reprimands or cautions.
 - (ii) Suspension for less than (3) Matches or less than two (2) months, except on the basis of unduly lenient sanction by FV.
 - (iii) Fine of less than \$1,000 imposed on a Club.
 - (iv) Fine of less than \$500 imposed on all legal or natural persons.
 - (v) Those decisions passed which the FV DR provides as final and binding.
- (c) A party subject to a determination of the independent Tribunal that did not participate in the first instance Tribunal ordinarily has no right to appeal unless leave is granted by the Appeals Board, which must be heard as a preliminary matter to any appeal hearing as the Appeals Board sees fit.
- (d) If the Appeals Board is satisfied that grounds of appeal are made out it may then proceed to:
 - (i) where a transcript of the Tribunal hearing is available, review the matter in order to remedy any erroneous determinations; or
 - (ii) where no transcript of the Tribunal hearing is available, or in its absolute discretion, rehear the matter on the merits as a new hearing (hearing de novo).

5.3 Time Limit to Appeal

- (a) An appeal may be brought:
 - (i) no later than 5:00pm, 5 business days after the day on which the decision of the Tribunal was notified by FV; and

- (ii) by Lodging with FV a duly completed and signed Notice of Appeal in the form set out in the FV DR and, in the case of an appeal by a party subject to a determination payment of the appeal, the fee set out in the FV DR (**Appeal Fee**).
- (b) Where 5.3(a) above has not been satisfied, no appeal may be commenced without leave of the Appeals Board, or in FV's absolute discretion in the case of an appeal by a party subject to a determination.
- (c) FV may waive, upon application, the Appeal Fee in cases of hardship in its absolute discretion. However, where FV waives the Appeal Fee, and the appeal is ultimately unsuccessful, the Appeals Board may order that all or part of the Appeal Fee be paid to FV.

5.4 Notice of Appeal

- (a) The Notice of Appeal must specify:
 - (i) the grounds of Appeal against the findings made by the independent Tribunal; and
 - (ii) whether the Appeal is against the findings of the Tribunal, or the severity of the penalty or outcome imposed by the Tribunal; and
 - (iii) such other details as set out in the relevant Form or as reasonably requested by FV.
- (b) Upon receipt of the Notice of Appeal, FV must:
 - (i) fix a date, time and place for the hearing of the Appeal as soon as practicable; and
 - (ii) advise all parties interested in the Appeal in writing of these particulars and any amendment to these particulars.

5.5 Appeal Hearing

- (a) The provisions of Clause 4 above apply to the appointment, composition, procedures, independence, and adjournments of the Appeals Board with such modifications as are necessary as though a reference to 'Tribunal' therein was a reference to 'Appeals Board', with the exceptions that:
 - (i) parties always have the right to be represented by a person with legal qualifications; and
 - (ii) Appeals Board hearings will not be recorded.

- (b) Where an Appeal is in relation to a Suspension, such Suspension remains in place pending the determination of the Appeal. The Appeals Board may on application by a party to the Appeal or of its own motion:
 - (i) order that the Appeal be adjourned; and/or
 - (ii) stay the execution of any sanction (except payment of a Fine) imposed on the appellant pending the determination of the Appeal.
- (c) The Appeals Board may only make an order pursuant to Clause 5.5(b) above where it is satisfied that there are exceptional and compelling circumstances that make it harsh or unconscionable if an order was not made.
- (d) At the hearing the Appeals Board may make a finding that:
 - (i) the Offence(s) have not been proven in which case:
 - it may order that all, or a portion of, the Appeal Fee be refunded; and/or
 - it may remove any Additional Suspension that may have been imposed (but may not remove or alter any applicable Automatic Suspension); or
 - (ii) the Offence has been proven as charged; or
 - (iii) the Offence has been proven on a different level or grading; or
 - (iv) a different Offence has been proven.
- (e) Where the Appeals Board makes a finding that a different Offence has been proven, it may impose or confirm the imposition of the relevant Red Card Penalty or Misconduct Penalty for that Offence, and may in its absolute discretion, increase or decrease a Misconduct Penalty, or increase a Red Card Penalty, or impose or remove any additional sanctions as it sees fit (but may not remove a Red Card, except as permitted elsewhere in the FV DR, or remove or alter any applicable Automatic Suspension(s)).
- (f) In the case of all other offences, conduct or omissions, the Appeals Board may impose such penalty or sanction as it sees fit.
- (g) If the Appeals Board considers a different Offence may have been committed it must give the party charged an opportunity to put any evidence and/or submissions in relation to that different Offence.

5.6 Publication of Appeals Board Decisions

Appeals Board decisions are public and must be disclosed on the FV website, unless ordered otherwise by the Appeals Board.

5.7 Associations, Regional Areas, and Other Competition Administrators

- (a) Subject to the applicable constitution, rules, regulations, by-laws or any other relevant document of a Competition Administrator within Victoria, the Appeals Board may be constituted to hear an Appeal from the Tribunal, or equivalent judiciary or disciplinary panel, of an FV recognised Association, Regional Area or Competition Administrator.
- (b) For the purposes of any Appeal brought in accordance with Clause 5.7(a) above, the applicable governing document for the Appeal is the FV DR.

5.8 Body of last instance

- (a) The Appeals Board rules in principle as FV's body of last instance.
- (b) Subject only to Clause 5.8(c) below:
 - (i) a decision of the Appeals Board shall be final and binding on the parties and enters into force as soon as it is communicated and the parties undertake to carry out the determination without delay; and
 - (ii) no party may take any action in any court or tribunal or other forum to challenge such decision or seek to have it varied in any way.
- (c) Only where a party has exhausted all avenues of appeal within FV, may that party Appeal the Appeals Board's decision via and subject to Football Australia's National Disciplinary Regulations and Grievance Resolution Regulations.

6. Independence and Transparency of Tribunal and Appeals Board

- (a) No Member (as defined in the FV Constitution), FV staff or FV Director may:
 - (i) overturn, annul, or amend, or otherwise interfere after the fact with any determination of the Tribunal or Appeals Board; and/or
 - (ii) attempt to exert any direct or indirect pressure upon, or attempt to influence FV, FV staff, any investigator or the parties concerned in relation to any matters pertaining to the FV DR including but not limited to Offences and investigations.

- (b) Any breach of this Clause 6 must (and FV has no discretion) result in the issue of an Misconduct Offence against the person or people committing the breach (which for this purpose is not limited to a Club Associate or Match Official such that this clause has jurisdiction over any person whomsoever) and a Tribunal to be scheduled as soon as possible to determine the Misconduct Offence. The results and/or consequences of that breach are null and void ab initio.

7. General

7.1 Interpretation

In this By-Law and unless the contrary intention appears, reference to:

- (a) one gender includes the other genders
- (b) the singular includes the plural and the converse;
- (c) a person, corporation, trust, partnership, unincorporated body or other entity includes any of them;
- (d) a party includes the party's executors, administrators, successors and permitted assigns;
- (e) legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
- (f) "including" and similar expressions are not words of limitation;
- (g) where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning; and
- (h) headings are for convenience only and do not affect the interpretation of this By- Law.

7.2 Severability

If it is held by a Court of competent jurisdiction that:

- (a) any part of this By-Law is void, voidable, illegal or unenforceable; or
- (b) this By-Law would be void, voidable, illegal or unenforceable unless any part of this By-Law were severed,

then that part of this By-Law will be severed from, and will not affect or derogate from, the enforceability or validity of any rights or obligations under the By-Law, or the continual operation of the remainder of this By-Law.

7.3 Limitation Period

- (a) A Tribunal will not hear any Grievances, appeals, incidents, disciplinary, dispute and conduct matters involving Members if more than two (2) years have lapsed.
- (b) The limitation period starts:
 - (i) From the day on which the subject incident or conduct took place;
 - (ii) If the subject incident or conduct is recurring, from the day on which the most recent action was committed;
 - (iii) If the subject incident or conduct took place over a period of time, from the day on which the action ended.
- (c) Notwithstanding the above, a Grievance, appeal, incident, disciplinary, dispute and conduct matter involving corruption has no limitation period.

7.4 Substantial compliance

No proceedings before a Tribunal will be invalidated for:

- (d) any defect, whether of substance or form, in any notice, report or determination; or
- (e) non-compliance with any term of this By-Law, unless the Tribunal so determines in its absolute discretion.

7.5 Notice

- (a) A party notifying or giving notice under this By-Law must notify in writing and in English.
- (b) As per Clause 1.3 above, and to ensure efficiency of disciplinary and conduct matters, any notices to Football Victoria must be made via email to the relevant email addresses set out in the FV DR.
- (c) For convenience, any notices between the parties should preferably be made via email. However, this preference does not exclude the use of other methods of notification (such as hand delivery or post) if the circumstances so require – for example, due to size of the documents.
- (d) Generally, a notice will be taken to be received:
 - (i) if delivered by hand to the recipient's address, on the date of delivery as long as delivery is acknowledged in writing by the recipient
 - (ii) if sent by post, three (3) working days after posting; or

- (iii) if sent by email on a working day at the recipient's, on the date of delivery, or if sent on a non-working day at the recipient's location, on the next working day, provided that the sender's email records a successful delivery.
- (e) Unless otherwise specified, all notices must be received by close of business on a working day at the recipient. If received after close of business, it will be deemed to have been received by the next working day.