

APPEAL RULES

Date adopted by the Polocrosse Association of Australia Inc Board 23rd September 2015

1. A person subject to decision of the Tribunal may appeal to the Judicial Committee in respect of a decision made by the Tribunal provided the appeal is brought no later than 5.00 p.m. on the next working day or such extended time as the Judicial Committee in its discretion decides but in any event no later than 30 days after which the decision of the Tribunal was made.

2. The appeal may relate to either the findings of the Tribunal or the penalty imposed by the Tribunal.

3. An appeal shall be brought by lodging with the NEO of the PAA a duly completed Notice of Appeal and shall be accompanied by:

(a) payment to the PAA Body the sum of \$500.00 for costs of the appeal.

4. A Notice of Appeal shall be lodged by:

(a) delivering; or

(b) electronic data transmission.

5. Upon receipt of a Notice of Appeal, the NEO shall in conjunction with the Judicial Committee:-

(a) fix the date, time and place for the hearing of the appeal as soon as practicable; and

(b) advise all parties interested in the appeal in writing of those particulars.

6. An appellant shall attend and appear before the Judicial Committee at the date, time and place fixed for the hearing of the appeal. Where an appellant fails to attend the Appeal may still be heard and the appeal determined in the appellant's absence.

7. Subject to Rule 7 The Judicial Committee shall:

(a) provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;

(b) hear and determine the matter before it in an unbiased manner; and

(c) make a decision that a reasonable body could honestly arrive at.

8. The Judicial Committee may of its own motion or upon application of any party to the appeal, order:

(a) that an appeal be adjourned;

(b) a stay of the execution of the sanction imposed by the Tribunal pending the determination of the appeal.

9. The Appeal Board shall hear and determine an appeal against findings made by the Tribunal by re-hearing the matter and forming its own view of the evidence presented before the Tribunal.

10. Neither the appellant or respondent may produce fresh evidence at the hearing of the appeal without the permission of the Chairperson. The Chairperson must not give permission to produce fresh evidence unless:

(a) the evidence could not be reasonable diligence have been obtained by the appellant prior to the conclusion of the hearing before the Tribunal; and

(b) the evidence is of sufficient probative value that, considered with other evidence which was before the Tribunal, the Tribunal may have reached a different decision.

11. The Judicial Committee may have regard to the record of the proceeding before the Tribunal as previously constituted, including a record of any evidence taken in the Tribunal Hearing. This may entail communication with the original tribunal Chairman.

12. Subject to the further matters set out in these Rules, the Judicial Committee may regulate any proceedings brought before it in such manner as it thinks fit.

13. The hearing before the Judicial Committee shall be:

(a) inquisitorial in nature; and

(b) conducted with as little formality and technicality and with as much expedition as the proper consideration of the matters before it permits.

14. The Judicial Committee 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.

15. The Judicial Committee may confirm, reverse or modify the decision of the Tribunal the subject of the appeal and make such orders and give such directions in such manner as it thinks fit.

16. The question on appeal must be decided according to the opinion of a majority of the members constituting the Appeal Board.

17. Reasons for a decision are not required under these Rules.

18. On the hearing of an appeal the appellant shall bear the onus of showing on the balance of probabilities that the Reportable Offence or matter should be dismissed or sustained or that the sanction was inappropriate, as the case may be.

19. In the hearing and determination of an appeal, the Judicial Committee shall decide all questions of law and fact.

20. Where there is any procedural irregularity in the manner in which an appeal has been brought, the Judicial Committee 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.

21. A decision of the Judicial Committee is not invalid because of any defect or irregularity in, or in connection with, the appointment of a member.

22. Any procedure or requirement regulating the function of the Appeal Board is directory in nature and a decision is not invalid by reason of that procedure or requirement not being fulfilled.

23. A person subject to these Rules shall not publicly comment on the contents of a Notice of Appeal prior to the determination by the Appeal Board. Where a person contravenes these Rules, the person's Club shall be liable to a sanction unless the person establishes to the reasonable satisfaction of the President of the Controlling body that such public comment was not intended to influence or affect the conduct of the hearing.

24. A person must exercise his right of appeal under these Rules and have any appeal heard and determined by the Appeal Board before commencing any proceedings or becoming a party to any proceedings in a court of law.

25. The PAA Board shall from time to time appoint persons to a board to be known as the Judicial Committee.

26. The Appeal Board shall consist of:

(a) A Chairperson who is a Lawyer with a current practicing certificate and who has been practicing for not less than 5 years;

(b) Two other persons who hold the skills necessary to determine the matter under appeal. If the Appeal concerns a breach of the Rules only Umpires with State Level accreditation are entitled to be appointed.

27. For the purpose of hearing and determining an appeal against any decision of the Tribunal, the Appeal Board shall be constituted by three members.

28. For the purpose of hearing and determining an appeal only against the appropriateness of the sanction imposed by the Tribunal the Judicial Committee shall, at the discretion of the Chairperson:

(a) receive a written report from the Chairperson of the Tribunal who made the original decision which discloses details as to the content of the original hearing.

29. The Chairperson of the Judicial Committee may make guidelines, not inconsistent with these Rules, for the practice and procedure with respect to applications to and hearings. Any such guidelines are directory in nature and a decision of the Appeal Board is not invalid by reason of a guideline not being followed.