

AFL NSW/ ACT

Community Club Sustainability Program

Guidelines for League Player Payment Rules

February 2020

The following guidelines (**Guidelines**) are issued by the League to assist Clubs, Club Officials and Players with the application of the League Player Payment Rules (**Player Payment Rules**) and the valuation of Player Payments.

These Guidelines are to be read in conjunction with the Player Payment Rules. In the event of any inconsistency between the Player Payment Rules and the Guidelines, the Player Payment Rules are to prevail. Any terms used in these Guidelines are to be given the same meaning as in the Player Payment Rules.

The League formally manages the player payment framework and will update these Guidelines from time to time.

1. Transition Provision - Pre-Existing Playing Contracts

Where a Club and a Player are parties to a written contract in relation to the provision of playing services for a Club (**Pre-Existing Playing Contract**) and:

- (a) the Pre-Existing Playing Contract was entered into prior to 1 September 2018;
- (b) the Pre-Existing Playing Contract includes the information of the kind required under Rule 4(b)(i)(A) and (B); and
- (c) the Pre-Existing Playing Contract is signed by the Player and on behalf of the Club,

then the Club or the Player may lodge the Pre-Existing Contract with the League as the Player Declaration in respect of that Player (and will not be required to lodge a Player Declaration in the form set out in Attachment 1 in respect of that Player).

2. Club related expenses

Club related expenses that will be deducted by or on behalf of the Club from any payments to a Player (or any Associate of a Player) must be clearly identified and detailed in the Player Declaration and will constitute a Player Payment. Examples of these types of expenses include annual player registration fees, payments for playing apparel and fees for attending social functions.

Club related expenses must be treated in a consistent manner across all Players of a Club.

3. Coaches / Coaching Staff

A payment made to a coach or coaching staff who is not also a Player (i.e. non-playing coaches and non-playing coaching staff) is not a Player Payment and is not included in the calculation of a Club's Player Payments (unless that payment otherwise constitutes a Player Payment).

(a) Playing coach

Where a Club appoints a single Player as the coach of the Club's Senior Team (i.e. a playing coach), the coaching element of that Player's payments should be specifically identified in the Player Declaration lodged in accordance with Rule 4(a).

For the purposes of the Player Payment Rules, 50% of the payments the Club has given or applied to a playing coach, is not a Player Payment and may be excluded from the calculation of the Club's

Player Payments. For example, if a playing coach is paid \$30,000, then \$15,000 would not be a Player Payment and would not be included in the calculation of the Club's Player Payments.

(b) Co-coaching

Where a Club appoints one coach of the Club's Senior Team who is not a Player, and one coach who is a Player (in a co-coach arrangement), the amount paid to the coach who is a Player that is not a Player Payment and may be excluded from the calculation of the Club's Player Payment calculations is no more 25% of their total remuneration.

Where a Club appoints two coaches of the Club's Senior Team who are both Players (in a co-coach arrangement), the amount paid to the coaches that is not to be considered a Player Payment and may be excluded from the calculation of the Club's Player Payments is no more than 25% of the total payments to both coaches.

The exclusion under this guideline applies up to a maximum of two co-coaches. For all Co-Coaching arrangements, clubs must seek a ruling under Rule 8(d).

(c) Coaching Other Teams

Where a Player coaches any open age team, (other than the Club's Senior Team) or the oldest under age team at the Club (e.g. Under 19, Under 18 or Under 17 team), the payment to the Player for coaching this team must be specifically identified in the Player Declaration, and any payment, to a maximum of \$3000, will not be considered a Player Payment and may be excluded in the calculation of the Club's Player Payments.

(d) General

The guidelines above that allow for the exclusion of certain parts of payments to coaches from Player Payments will only apply where:

- (i) all payments to the coach have been specifically detailed in the Player Declaration and the Declarations lodged by the Club under Rule 4(a);
- (ii) the relevant playing coach or other team coach holds a current AFL Coaching Accreditation; and
- (iii) the relevant playing coach or other team coach is specifically identified on the team sheet for the relevant Match to which the payment applies.

Any amount not excluded from the calculation of the Club's Player Payments will be included in the calculation of the Club's Player Payments.

(e) Assistant Coaches

All payments to Players in relation to services to the Club as an assistant coach will be a Player Payment and included in the calculation of the Club's Player Payments.

4. Employment

For the purposes of the Player Payment Rules, when assessing whether an employment arrangement with a Club or an Associate of a Club is bona fide, consideration will be given to, among other things, current commercial practices, market rates for payments for similar employment arrangements and any relevant industry awards.

All employment related payments associated with the operations of the Club (e.g. bar manager, canteen, ground maintenance etc.) must be declared under Rule 4. Clubs may apply for a Ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

If a Club wishes to employ a Player to fulfil a (non-coaching) Club related role (e.g. groundskeeper) and is of the view that the payments paid to a Player for that employment has not assisted in the recruitment and/or retention of that Player to play in a team of the Club, and it can be shown the Player's qualification and or experience are relevant to the employment, the Club may apply to the League for a

ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

5. Provision of Services

For the purposes of the Player Payment Rules, when assessing whether the provision of services by a Player or an Associate of a Player to a Club or an Associate of a Club is bona fide, consideration will be given to, among other things, current commercial practices and market rates for payments for similar services.

All services related payments associated with the operations of the Club (e.g. bar manager, canteen, ground maintenance etc.) must be declared under Rule 4. Clubs may apply for a Ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

If a Club wishes to engage a Player to provide (non-coaching) Club related services (e.g. grounds keeping services) and is of the view that the payments paid to a Player has not assisted in the recruitment and/or retention of that Player to play in a team of the Club, and it can be shown the Player's qualification and or experience are relevant to the role, the Club may apply to the League for a ruling under Rule 8(d) as to whether such payments constitute Player Payments and as to their value for the purposes of the Player Payment Rules.

6. Awards / Incentives

Player incentives / match awards paid in cash are Player Payments and are included in the calculation of the Club's Player Payments. This includes Weekly Awards, or incentive / bonus payments made to a Player for awards that relate to (but is not limited to) Club and best and fairest awards, goal kicking and like awards.

Non-cash benefits in the form of an award provided by a Club to Players up to a maximum value of \$300 per week per Club, and to a maximum of \$100 per week for any one Player of the Club, may be treated as not being a Player Payment and therefore not included in the calculation of the Club's Player Payments.

For the avoidance of doubt, any media, or League awards provided to a Player shall not be a Player Payment and is not included in the calculation of a Club's Player Payments.

7. Player Affiliation / Player Registration Fees / Player Insurance

Any payment for player affiliation, player registration or insurance which the Club has agreed to pay under their arrangements with an affiliated League or AFL NSW/ ACT shall not be a Player Payment and is not included in the calculation of the Club's Player Payments.

Any additional insurance (including health and / or income insurance) obtained by a Club on a per team basis shall not be a Player Payment and is not included in the calculation of the Club's Player Payments.

Any health and / or income insurance paid by a Club or an Associate of a Club for and on behalf of an individual Player shall be a Player Payment which is included in the calculation of the Club's Player Payments.

Loss of income paid to a Player via an insurance policy obtained by the Club shall not be a Player Payment and is not included in the calculation of the Club's Player Payments.

8. Injury Payments / Medical Expenses / One Off Lump Sum Compassionate Payments

A Club may apply to the League for a ruling under Rule 8(d) to approve the payment by a Club of:

- (a) injury payments;
- (b) the payment of medical expenses; or
- (c) a one-off lump sum payment via fundraising activities to be provided to a Player on compassionate grounds,

in respect of a Player, such that these payments are not a Player Payment and are not included in the calculation of the Club's Player Payments.

Any such applications must be made to the League before any payment is given or applied to the Player.

The League will consider any such application on a case-by-case basis.

9. Bonus Payments

All incentive based payments to Players (including playing coaches) shall be treated as a Player Payment, and therefore included in the calculation of a Club's Player Payments. For example, a bonus payment to a Player associated with winning a grand final.

The arrangements for such payment should be detailed in both the Player Payments Budget / Final Declaration statements completed by the Club (see Rule 4(c) & (d)) and the Player Declaration completed by the Player (see Rule 4(b)).

10. Finals appearances

Clubs should be aware that any payments relating to finals appearances by Players will be Player Payments, and will be included in the calculation of the Club's Player Payments.

11. Travel and Accommodation

Any cash or non-cash payments and benefits given or applied by or on behalf of a Club for travel expenses of a team nature, for example the hiring of a bus to travel to away games, in which the benefit is not received by a Player on an individual basis is not a Player Payment and is not included in the calculation of a Club's Player Payments.

Cash or non-cash payments and benefits given or applied to a Player in connection with their travel or accommodation costs associated with a Player's past, present or future services with a Club as a football player shall be treated as a Player Payment, and therefore are included in the calculation of the Club's Player Payments.

If a Club has any questions about whether its specific travel or accommodation arrangements may constitute a Player Payment it should contact the League. If necessary, a Club may also apply for a ruling under Rule 8(d) in relation to such payments.

12. Information Storage

The process for the storage of any Player Payment information will be via a secure online portal.

13. Forms

The Player Declaration, Budget / Final Declaration and Non-Declared Payment Statement forms for 2019 are annexed as Attachments 1, 2 and 3 of these Guidelines respectively.

14. Rulings

Any ruling made by the League under Rule 8(d) shall be made on the basis of the information provided by the Club. Each such ruling shall be final and binding on the Club making the application for the ruling and shall apply to the particular circumstances of the application. Each ruling will have no precedential value and the League will make each ruling based on the information provided to it by the Club in respect of that application.

15. Breaches

The League shall from time to time appoint persons, to a body to be known as the Player Payments Disciplinary Committee, to hear any matters relating to breaches of the Player Payment Rules. Any charge laid by the League under the Player Payment Rules shall be heard and determined by the Player Payments Disciplinary Committee.

Appeals are governed by AFL NSW/ ACT Regulations.

16. Further questions

Should you have any questions about the Player Payment Rules or these Guidelines or if you require information about obtaining a ruling under Rule 8(d), please contact your League Manager.