



SPORT | Issue No. 7 | SA Supreme Court as umpire saved Echunga football from relegation

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Last September, the Echunga Football Club was demoted by the Hills Football League from the Central to Country Division despite winning its first premiership in 108 years. This seemingly absurd decision was a result of the Hills' flawed points system which (under by-law 18.2), in Hills' one-sided opinion, infers points from the final games should be excluded.

In its own terms, the by-law makes no reference to final or minor games. The argument between the two sides centred on the interpretation of the by-law, which governed the promotion and relegation of clubs between the Central and Country Division.

The question presented to the Court was whether the scores during finals should be included when applying the relegation points system. Hills argued that, in order for the points system to apply equally to all clubs, only scores from the minor rounds should be taken into consideration as not all clubs would compete in the finals. The Court simply did not find this argument persuasive. Hills also attempted to rely on minutes from the 2010 annual general meeting which explained the rationale to exclude final games. However, the Court was not satisfied that the minutes were circulated to those attending the AGM and it was ruled inadmissible.

However, Justice Stanley did recognise there was inconsistency with how relegation and promotion is determined in the by-laws. Relegation was based on the performance of all of Echunga's teams (including Echunga's B-grade and juniors) whereas promotion was based on the results of final games.

Under the by-laws, there is no obvious intention to exclude the results of final games. In fact, if you compare by-law 18.2 in the context of all by-laws (especially those which make reference to a 'season'), it indicates an intention that all games a club plays during a season (including finals) should be included when determining relegation. This is reinforced by other by-

laws which identify parts of some seasons where points don't apply. Clearly, by-law 18.2 doesn't identify any such parts and, in our opinion, more logically includes scores from final matches in the application of the relegation points system.

As a result, the Supreme Court of South Australia ruled in Echunga's favour in December last year and their fans should be excited to see Echunga playing the Central Division for the 2015 season.

The moral of the story is that the Courts will not interfere with writing the rules, but once the rules are written the Courts will interfere if the rules are ambiguous or not competently applied. Great care needs to be taken in writing rules, particularly eligibility or selection rules.



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