

# Overview of the National Disciplinary Rules



## Timings

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- It is up to the relevant Union to prescribe timings for matters such as: submission of referee reports, referring Citing Complaints, period for the Citing Commissioner to cite an incident, lodging appeals etc. The Rules contain default timings which apply where the Union does not specify in its competition rules or manual (or equivalent).

## Composition of Judicial Committee (Rules 7 – 14)

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- A Union is to appoint members of a Judicial Panel who then may sit on a Judicial Committee for a particular case. This Committee should be made up of between 3 and 5 members of the Judicial Panel but may be less if necessary (see Rule 13). One member of the Judicial Panel is to be nominated to act as chairperson of the Judicial Committee.
- One member should be a lawyer who holds a current practising certificate; or a lawyer that held a practising certificate for a period of 7 years or more.
- The size, composition and approach (i.e. level of formality) of the Judicial Committee may be adjusted for underage players.

## Initial Procedures – Ordered Off (Red Card) (Rules 15 – 27)

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### *Standard Procedures*

- Where a Player is Ordered Off, the referee and assistant referee are to submit a written report of the Ordering Off covering those items set out in Rule 18, to the Union with jurisdiction for the Match.
- Each Rugby Body involved in the Match must provide any video recording commissioned by that Rugby Body (whether on a formal or informal basis) or provide a statutory declaration to signed by the general manager (or equivalent) of the Rugby Body, that no such recording exists.

### *Alternate Procedures – Admission of Breach Suspension*

- If the Player's offence has been assessed by the Duty Judicial Officer or his/her nominee at the lower end entry point of 2 weeks or less based on scale of the seriousness of Player's conduct, the Player may be offered an 'Early Admission of Breach Sanction'. All other offences are to be referred to a hearing before a Judicial Committee.

## Initial Procedures – Yellow Cards/ Citing Commissioner Warnings (Rules 28 – 31)

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- A Player who has received a combination of 3 yellow cards or Citing Commissioner Warnings in any one Tournament, Competition or Series of Matches, and has not challenged one of them based on mistaken identity, is automatically suspended for one Match.
- Additional yellow cards or Citing Commissioner Warnings: The Union may elect (so long as they notify prior to the commencement of the Tournament, Competition or Series of Matches), that either:
  - for each additional yellow card/ Citing Commissioner Warnings, the Player is suspended for one Match and must attend a hearing to determine any further sanction; or
  - after two additional yellow cards/ Citing Commissioner Warnings, and then each additional, the Player is suspended for one Match and must attend a hearing to determine any further sanction.

## Initial Procedures – Citing Complaints (Rules 32 – 59)

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### *Cittings by Citing Commissioner*

- The Citing Commissioner's role is to cite a Player for acts of Foul Play which, in his or her opinion, would have warranted the Player concerned being Ordered Off.
- The Citing Commissioner can be appointed either directly to a Match (to attend in person or via technology) or post-Match to review a Citing Complaint made by a Union or Rugby Body.
- The Citing Commissioner can review an incident irrespective of whether it was detected by a Match Official.
- The Citing Commissioner may issue a Citing Commissioner Warning to a Player who has in the Citing Commissioner's opinion committed an act(s) of Foul Play which falls just short of satisfying the Red Card Test where the act of Foul Play wasn't given a yellow card or Ordering Off.
- A Citing Commissioner's decision as to whether a Player should be cited, whether as the result of an incident referred to him/her or otherwise, is final.

### *Citings by Nominated Official or Union*

- Either a Nominated Official of a Rugby Body or the Union can refer a Citing Complaint to the Union who will engage the Citing Commissioner to review.
- A fee for a referral of a Citing Complaint is as notified by the Union. Such fee may, at the discretion of the Judicial Committee, be returned.

### **General Procedures at Hearings (Rules 60-97)**

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- The principles of procedural fairness must be adhered to in all disciplinary proceedings including that Players have the right to:
  - know the evidence against them;
  - be heard;
  - be represented;
  - adduce evidence and to defend themselves against any charge before independent adjudicators; and
  - if a breach is found, make submissions (if any) with respect to Sanction.
- Rule 63 set out the sequence at the hearing and Rules 72 – 76 set out the evidence that may be admitted.
- The proceedings must be recorded and the recording and all paperwork must be held by the Union.
- The standard of proof for all matters is the balance of probabilities.
- When imposing sanctions, the Judicial Committee will:
  - undertake an assessment of the seriousness of the Player's conduct and categorise that conduct as being at the lower end, mid-range or top end of the scale of seriousness;
  - identify any relevant off-field aggravating factors and identify any relevant off-field mitigating factors to determine if there are grounds for increasing or reducing the period of suspension.
- The Judicial Committee may, for Underage Players, augment match-based sanctions with non-punitive sanctions including, but not limited to, restorative justice, community sanctions, mentoring and supervision.

### **Appeals Procedures (Rules 98 - 122)**

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- There is a right of appeal to an Appeals Committee (see Rules 98-104 regarding the composition of the Appeals Committee) from a decision of a Judicial Committee for:
  - the offending Person or Participant;
  - a person or body affected by such a decision with approval of the relevant Union;
  - the Board of the relevant Union or its nominee; or
  - the Board of the ARU or its nominee.
- Each notice of appeal is to be accompanied by a deposit of \$A250 (or such other amount as determined in writing by the relevant Union), which will be forfeited to the Union if the appeal is determined by the Appeals Committee to be vexatious, frivolous or groundless.
- An appeal may only be brought on one or more of the following grounds:
  - the decision was wrong in fact or in law; and/or
  - the sanction imposed was manifestly excessive or inadequate.
- An Appeals Committee will determine the appeal based on the evidence that was received and considered by the Judicial Committee in the hearing. An Appeals Committee may only receive further evidence in the course of an appeal if satisfied that evidence is relevant to the issues to be determined in the appeal and was not reasonably available to the Appellant at the time of the hearing by the Judicial Committee.
- The Decision of the Appeals Committee is final. No further avenue of appeal is available.

### **Modified Procedures for Foul Play in Sevens (Rules 124 – 143)**

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- In respect of all Sevens Matches, the procedures and standards in respect of the fifteen-a-side game as provided in these Rules apply equally to Sevens. However, the unique structure of Sevens Tournaments and Series of Matches and the timelines within which the Sevens Game operates has been recognised in these modified procedures.

*Unless otherwise defined in this Overview, capitalised words and phrases have the meaning contained in the Rules.*