

**NSWRL**  
***JUDICIARY***  
***CODE OF PROCEDURE***



This 2020 Edition of the NSWRL *Judiciary Code of Procedure* is consolidated to 1 March 2020

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# NEW SOUTH WALES RUGBY LEAGUE

## *JUDICIARY CODE OF PROCEDURE*

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# NEW SOUTH WALES RUGBY LEAGUE

## JUDICIARY CODE OF PROCEDURE

### Schedule Four to the NSWRL Rules

#### Chapter 1 - Preliminary

#### Part 1.1 - Introduction

##### Commencement

1. Each of the provisions of this Code shall commence in operation on 1 March 2020.

##### Objects

2. The objects of this Code are to:
  - (1) Collect in one place the procedural provisions governing proceedings against Players for misconduct;
  - (2) Provide fair and just procedures:
    - (a) To hear and determine charges for an offence;
    - (b) For imposing penalties;
  - (3) Ensure that proceedings for misconduct are conducted expeditiously, inexpensively and in compliance with the applicable rules of natural justice;
  - (4) Ensure that proceedings against Players are taken and concluded in good faith and on the applicable merits of each case;
  - (5) Provide a system of largely pre-determined penalties so as to:
    - (a) Promote uniformity and consistency of approach in sentencing;
    - (b) Enable Players to elect to accept a pre-determined penalty without recourse to a hearing by the Judiciary; and
  - (6) Provide a safe system of work for the protection of Players;
  - (7) Recognise and enforce disqualifications and suspensions imposed on Players in the NRL Competition, each of the NSWRL Competitions, the Related Competitions, the Other Competitions and the Representative Competitions.

##### Amendments

3. The provisions of this Code may be amended by the Board from time to time in such manner as the Board thinks fit, provided that any such amendments are made and notified in accordance with **Rule 2** of the **NSWRL Rules**.

##### Policy Statements

4. (1) The Board may, from time to time, issue Policy Statements with respect to the subject matter and operation of the provisions of this Code, the rulings of the Judiciary or the NSWRL Appeals Committee or any other matters that, in the opinion of the Board, are



necessary or desirable to promote the objects referred to in **Rule 2**.

- (2) Notwithstanding anything herein or elsewhere contained or implied, the Board shall at all times proceed with due respect for the necessity to preserve the independence of the Judiciary and its constituents and the NSWRL Appeals Committee and its constituents.

### **Explanatory Memorandum**

5. The Board shall publish, in conjunction with this Code, an Explanatory Memorandum to assist a broader understanding of the provisions of this Code, which Explanatory Memorandum may from time to time be amended in such manner as the Board thinks fit.

## **Part 1.2 - Interpretation**

### **Definitions**

6. (1) In this Code, unless the context otherwise indicates or requires, the following terms shall have the corresponding meanings:

**Adjudicator** means a person appointed pursuant to **Rule 28**.

**ARLC** has the same meaning given to that term by the **NSWRL Rules**.

**Base Penalty** means the penalty for a grading of an offence within the meaning of **Rule 41**.

**Board** has the meaning given to that term by the **NSWRL Rules**.

**Business Day** has the meaning given to that expression by the **NSWRL Rules**.

**Career History** means and includes particulars of conduct of a Player in Grade Football.

**Careless High Tackle** means misconduct on the part of a Player constituted by, when he is effecting or attempting to effect a tackle, making contact with the head or neck of an opponent carelessly.

**Chairman** means the chairman or acting chairman of the Judiciary.

**charge** means a charge against a Player for an offence.

**Chief Executive Officer** has the meaning given to that expression by the **NSWRL Rules**.

**Club** has the meaning given to that term by the **NSWRL Rules** and for all purposes of applying and interpreting this Code, the term Club includes a Participant Organisation.

**Club Medical Officer** has the meaning given to that expression by the **NSWRL Rules**.

**Code** this NSWRL Judiciary Code of Procedure.

**combined hearing** means the procedure contemplated by **Part 5.6 of Chapter 5**.

**Contrary Conduct** means misconduct on the part of a Player constituted by behaving in a way that is contrary to the true spirit of the Game.

**convicted** means found guilty of, or having pleaded guilty to an offence or a charge of an offence.

**Dangerous Contact – Head/Neck** means misconduct on the part of a Player constituted by carelessly, recklessly or intentionally making dangerous contact with the head or neck of an opponent.

**Dangerous Contact – Other** means misconduct on the part of a Player constituted by carelessly, recklessly or intentionally making dangerous contact with an opposing player

(but which does not involve contact with the opposing player's head or neck).

**Dangerous Throw** means misconduct on the part of a Player constituted by a dangerous throw when effecting a tackle.

**demerit points** means the penalty referred to in **Rule 39**.

**Detrimental Conduct** means misconduct on the part of a Player constituted by behaving in a manner which is detrimental to the interests, welfare or image of the NSWRL, any of the NSWRL Competitions, and / or the Game.

**Dropping Knees** means misconduct on the part of a Player constituted by dropping his knees first onto an opponent who is on the ground.

**Early Plea** means a plea of guilty to the offence and acceptance of the grading for the offence specified in the Notice of Charge before the charge is set down for hearing pursuant to **Rule 63** or before such later time as the Judiciary Counsel, in his absolute discretion, thinks fit.

**Elective Penalty** means a penalty for an offence calculated in accordance with **Rule 42**.

**Explanatory Memorandum** means the document referred to in **Rule 5**.

**Finals Series Match** has the meaning given to that expression by the **NSWRL Rules**.

**Finding of Guilt** means a verdict of the Panel that a Player is guilty of an offence.

**Game** has the meaning given to that term in the **NSWRL Rules**.

**Grade Football** has the meaning given to that expression by the **NSWRL Rules**.

**Grade 1 Offence** means an offence (other than a Reckless High Tackle offence or an Intentional High Tackle offence) to which a grading of 1 was ascribed.

**Grade 2 Offence** means an offence (other than a Reckless High Tackle offence or an Intentional High Tackle offence) to which a grading of 2 was ascribed.

**Grade 3 Offence** means an offence to which a grading of 3 was ascribed.

**grading** means a grading for an offence within the meaning of **Rule 40**.

**Intentional High Tackle** means misconduct on the part of a Player constituted by, when effecting or attempting to effect a tackle, making contact with the head or neck of an opponent intentionally.

**Judiciary** means the body constituted by **Part 2.4 of Chapter 2**, being a tribunal established pursuant to the **NSWRL Rules**.

**Judiciary Counsel** means the person appointed pursuant to **Rule 14**.

**Judiciary Medical Report** means a report within the meaning of **Rule 48A** and in accordance with **Form 11**.

**Kicking** means misconduct on the part of a Player constituted by kicking another Player.

**List of Adjudicators** means the document referred to in **Rule 26**.

**Match** has the meaning given to that term by the **NSWRL Rules**.

**Match Officials** has the meaning given to that expression by the **NSWRL Rules**.

**Match Review Committee** means the committee constituted by **Part 2.3 of Chapter 2**.

**Match Review Coordinator** means the person appointed pursuant to **Rule 18**.

**Match Reviewer** means a person appointed to that role pursuant to **Rule 18**.

**Media** includes broadcast television, pay and subscription television, radio, internet, streaming, social media and people employed by and the agents of any organisation involved in any such activities.

**Misconduct** means conduct of a Player which constitutes an offence within the meaning of **Part 3.1 of Chapter 3**.

**National Youth Competition** means the national u20s rugby league competition formerly conducted by NRL.

**Notice of Challenge** means a notice within the meaning of **Rule 63B**.

**Notice of Charge** means a Notice of Charge within the meaning of **Rule 53** or an Amended Notice of Charge within the meaning of **Rule 60**.

**Notice of Preparedness to Plead to a Lesser Offence or Grading** means a notice within the meaning of **Rule 57A**.

**Notice of Referred Charge** means a Notice of Referred Charge within the meaning of **Rule 52**.

**NRL** has the meaning given to that acronym by the **NSWRL Rules**.

**NRL Competition** means the elite, premier rugby league premiership competition conducted in Australia and New Zealand, currently known as the "NRL Telstra Premiership".

**NSWRL Appeals Committee** means the body constituted by **Part 2.2 of Chapter 2** of the *NSWRL Appeals Committee Procedural Rules*, as referred to in **Part 2.6 of Chapter 2** of this Code.

**NSWRL Appeals Committee Procedural Rules** means **Schedule Five** to the **NSWRL Rules**.

**NSWRL Code of Conduct** means **Schedule One** to the **NSWRL Rules**.

**NSWRL Competition** has the meaning given to that expression in the **NSWRL Rules**;

**NSWRL Rules** has the meaning given to that expression by *the NSWRL Rules*.

**Offence** means an offence within the meaning of **Part 3.1 of Chapter 3**.

**Ordinary Matches** – are Matches played in a NSWRL Competition other than Finals Series Matches but do not include Pre-Season Trial Matches.

**Other Competitions** has the meaning given to that expression by the **NSWRL Rules**.

**Panel** means the Adjudicators empanelled pursuant to **Rule 29**.

**Participant Organisation** has the same meaning given to that term by the **NSWRL Rules**.

**Party** includes the Player charged with an offence and the Judiciary Counsel.

**Player** has the meaning given to that term by the **NSWRL Rules**.

**Policy Statements** means the documents referred to in **Rule 4**.

**Pre-Season Trial Match** means any Match played by a Club in any Season prior to the commencement of the first Round of that Season.

**President** means the President or Acting President of the NSWRL Appeals Committee.

**previously convicted of an offence** means the previous conviction of a Player for an offence of misconduct.

**proceedings** means proceedings against a Player for an offence.

**Reckless High Tackle** means misconduct on the part of a Player constituted by, when he is effecting or attempting to effect a tackle, making contact with the head or neck of an opponent recklessly.

**Referee** means the Referee who officiated during a Match.

**Referred Charge** means a charge that has been referred to the Judiciary pursuant to **Rule 52**.

**Related Competitions** has the meaning given to that expression by the **NSWRL Rules**.

**Representative Competitions** has the meaning given to that expression by the **NSWRL Rules**.

**Representative Match** has the meaning given to that expression by the **NSWRL Rules**;

**Representative Player** means a Player selected to play in a Representative Match.

**Rugby League** has the meaning given to that expression by the **NSWRL Rules**.

**Secretary** means the person appointed pursuant to **Rule 10**.

**Shoulder Charge** means misconduct on the part of a Player constituted by carelessly, recklessly or intentionally making or attempting to make a shoulder charge on an opposing Player (that is, making forceful contact with an opposing Player using his shoulder and / or upper arm without, at the same time, using both of his arms to tackle or otherwise take hold of that opposing Player).

**Standard Directions** means the directions to the Panel set forth in the **Fifth Schedule** and administered pursuant to **Rule 84**.

**Striking** means misconduct on the part of a Player constituted by striking another Player.

**telephone conferencing** means the facility referred to in **Rule 106**.

**Touch Judge** means a Touch Judge who officiated during a Match.

**Touring Team** a team of Representative Players selected to play a series of Matches on a tour outside of Australia.

**Touring Team Matches** means a Match played by a Touring Team.

**Tripping** means misconduct on the part of a Player constituted by tripping another Player.

**video conferencing** the facility referred to in **Rule 107**.

**Video Referee** means the video Referee who officiated during a Match.

**Year** has the same meaning given to that expression by the **NSWRL Rules**.

(2) Unless otherwise specified, with respect to the words and expressions defined in **Sub-Rule (1)**:

(a) Where words are defined, words denoting the singular include the plural and vice versa;

- (b) Where an expression is defined, another part of speech or grammatical form of that expression has the corresponding meaning;
  - (c) A reference to any gender includes all genders;
  - (d) A reference to a “**Rule**” is a reference to that provision of this Code.
- (3) Where in this Code reference is made to time, that reference shall be taken to mean a reference to the time in Sydney, Australia.

### **Construction**

7. (1) In the interpretation of a provision of this Code, the interpretation that will best achieve the objects set forth in **Rule 2** is to be preferred to any other interpretation.
- (2) Without limiting **Sub-Rule (1)**, regard may be had to the contents of the Explanatory Memorandum and any Policy Statements when construing the provisions of this Code.

## **Part 1.3 - Application**

### **Jurisdiction**

8. This Code applies to all proceedings against a Player for an offence in respect of all NSWRL Competitions. **Rule 47B** applies to all Related Competitions, the Representative Competitions and / or the Other Competitions.

### **Code Governs Procedure**

9. This Code governs proceedings against Players for an offence but does not purport to be an exclusive statement of the substantive law to be applied in any particular case.

## Chapter 2 - Constitution

### Part 2.1 - Secretary

#### Office of Secretary

10. As soon as practicable after the commencement of this Code, the Chief Executive Officer shall appoint a person to act as Secretary.

#### Duties of Secretary

11. (1) The Secretary is charged with the following duties:
- (a) To keep and maintain the following records:
    - (i) A register of all proceedings, which register shall include particulars of the Player charged, the decision made and, if applicable, the penalty imposed;
    - (ii) A copy of the video tape recordings of any incident which gave rise to a charge for an offence (if available);
    - (iii) A record with respect to each Player of:
      - (A) His or her Career History;
      - (B) Any convictions for offences of misconduct in Grade Football to the extent that they can reasonably be ascertained; and
      - (C) The number of demerit points allocated from time to time, the dates upon which the demerit points were so allocated, the reason in each case for the allocation and the suspensions served;
    - (iv) A copy of all Policy Statements published or otherwise given;
    - (v) A List of Adjudicators as required by **Rule 26**;
    - (vi) Such other books or records as the Chairman or the President may from time to time direct;
  - (b) To empanel the Adjudicators pursuant to **Rule 29**;
  - (c) To monitor the accumulation and reduction of each Player's demerit points;
  - (d) To communicate rehabilitation recommendations to the Chief Executive Officer pursuant to **Part 3.5**;
  - (e) To receive reports pursuant to **Rule 48** and complaints pursuant to **Rule 49**;
  - (f) To follow the procedures required by **Rules 62, 95 and 101** for the convening of hearings;
  - (g) To keep in safe custody the record of proceedings required by **Rule 68** and the exhibits tendered in the proceedings pursuant to **Rule 77**;
  - (h) To receive and disburse the security lodged for any appeal pursuant to **Rules 95, 99 and 102**;
  - (i) To provide telephone conferencing or video conferencing facilities if required;
  - (j) To provide such certificates pursuant to **Rule 109** as are required;
  - (k) To publish the outcome of proceedings pursuant to **Rule 112**;

- (l) To advise the Chairman or the President of any application pursuant to **Rule 105** and to facilitate the same; and
  - (m) To receive, and communicate, any recommendations made pursuant to **Part 3.5**.
- (2) In the performance of his respective duties, the Secretary shall comply with any directions that the Chairman or the President may, from time to time, give or cause to be given in that behalf.

### **Directions**

12. The Secretary may refer any matter to the Chairman or the President, as the case may be, for directions if the need arises.

### **Independence**

13. In the discharge of any of the functions and responsibilities with which the Secretary is charged and in the exercise of any of the powers and authorities which are conferred, the Secretary shall be aware of, and shall proceed with due respect for, the necessity to preserve the independence of the Judiciary and its constituents and the NSWRL Appeals Committee and its constituents.

### **No Review and No Suit**

- 13A. (1) The discharge by the Secretary of any of the functions and responsibilities with which he is charged or the exercise by him of any of the powers and authorities which are conferred on him shall not be capable of review and, in any event, shall not be justiciable.
- (2) The Secretary shall be immune from suit and no Club, person or entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on the part of the Secretary, except in the event of fraud.

## **Part 2.2 – Judiciary Counsel**

### **Office of Judiciary Counsel**

14. (1) As soon as practicable after the commencement of this Code, the Chief Executive Officer shall appoint a person to act as Judiciary Counsel.
- (2) If, for any reason, the person appointed to act as Judiciary Counsel is temporarily unable to so act, the Chief Executive Officer shall appoint an Acting Judiciary Counsel to act in his stead.

### **Qualifications for Appointment as Judiciary Counsel**

15. The Judiciary Counsel shall be a person who is:
- (1) A person who has experience in playing the Game at a NSWRL Competition level or above; and
  - (2) A barrister or solicitor of the Supreme Court of any State or Territory of Australia.

### **Functions**

16. The Judiciary Counsel shall:
- (1) In a case where a charge proceeds to hearing before the Judiciary, appear at that hearing to present the evidence relied upon to support the charge, test the defence case, address the Panel and, if applicable, make submissions in respect of these matters;
  - (2) In a case where the Player appeals pursuant to **Chapter 6**, appear before the NSWRL Appeals Committee on the hearing of the appeal and make such submissions as are, in the circumstances, appropriate.

## Independence

17. In the discharge of any of the functions and responsibilities with which the Judiciary Counsel is charged and in the exercise of any of the powers and authorities which are conferred, the Judiciary Counsel shall at all times:
- (1) Act independently, impartially and fairly without fear or favour, affection or ill-will;
  - (2) Be aware of, and proceed with due respect for, the necessity to preserve the independence of the Judiciary and its constituents and the NSWRL Appeals Committee and its constituents.

## No Review and No Suit

- 17A. (1) The discharge by the Judiciary Counsel of any of the functions and responsibilities with which he is charged or the exercise by him of any of the powers and authorities which are conferred on him shall not be capable of review and, in any event, shall not be justiciable.
- (2) The Judiciary Counsel shall be immune from suit and no Club, person or entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on the part of the Judiciary Counsel, or any decisions made by the Judiciary Counsel under this Code, except in the event of fraud.

## Part 2.3 – The Match Review Committee

### Appointment

18. (1) As soon as practicable after the commencement of this Code, the Chief Executive Officer shall appoint such number of persons as determined at any time by the Chief Executive Officer to serve as Match Reviewers, one of whom (provided that more than one person in total is appointed to the Match Review Committee in accordance with this Rule) the Chief Executive Officer shall also appoint as the Match Review Coordinator.
- (2) The persons appointed pursuant to **Sub-Rule (1)** shall each be a person who:
- (a) Is a person who has experience in playing, coaching or officiating in the Game at a NSWRL Competition level or above; and
  - (b) Has indicated his preparedness to serve as a Match Reviewer.
- (3) If, for any reason, a person appointed to serve as a Match Reviewer is temporarily unable to so serve, the Chief Executive Officer shall appoint a person to serve in his stead.

### Functions

19. The Match Reviewers shall:
- (1) Together with the Match Review Coordinator, form the Match Review Committee as members thereof;
  - (2) As directed by the Match Review Coordinator, review specified Matches;
  - (3) When so reviewing Matches, examine and consider any conduct by a Player that may constitute an offence;
  - (4) Investigate, examine and consider any conduct by a Player that may constitute an offence;
  - (5) In the case of the Match Review Coordinator, attend hearings of the Judiciary to assist the Judiciary Counsel as and when required;
  - (6) Generally, proceed in accordance with the requirements of **Chapter 4**.



## **Decisions, Opinions and Acts**

- 19A. Whenever under these Rules, the Match Review Committee makes a decision, forms an opinion or does an act:
- (1) That decision must be made;
  - (2) That opinion must be formed; or
  - (3) That act must be performed;

by at least a majority of its members before it may be regarded as a decision, an opinion or an act, as the case may be, of the Match Review Committee for the purposes of these Rules save that, in the case of any deadlock, the decision, opinion or act of the Match Review Coordinator shall prevail.

## **Independence**

20. In the discharge of any of the functions and responsibilities with which the Match Reviewers and the Match Review Coordinator are charged and in the exercise of any of the powers and authorities which are conferred, the Match Reviewers and the Match Review Coordinator shall at all times:
- (1) Subject only to such directions that the Chief Executive Officer may give them, or any one of them, from time to time in the interests of promoting the objects specified in **Rule 2**, act independently, impartially and fairly without fear or favour, affection or ill-will;
  - (2) Be aware of, and proceed with due respect for, the necessity to preserve the independence of the Judiciary and its constituents and the NSWRL Appeals Committee and its constituents.

## **No Review and No Suit**

- 20A. (1) The discharge by the Match Reviewers of any of the functions and responsibilities with which they are charged or the exercise by them of any of the powers and authorities which are conferred on them shall not be capable of review and, in any event, shall not be justiciable.
- (2) The Match Reviewers shall be immune from suit and no Club, person or entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on the part of the Match Reviewers, or any decisions or determinations made by the Match Reviewers under this Code, except in the event of fraud.

## **Part 2.4 - The Judiciary**

### **Composition**

21. The Judiciary shall be constituted by the Chairman and a Panel of three Adjudicators.

### **Chairman**

22. (1) As soon as practicable after the commencement of this Code, the Chief Executive Officer shall appoint a person to act as Chairman.
- (2) If, for any reason, the person appointed to act as Chairman is temporarily unable to so act, the Chief Executive Officer shall appoint an Acting Chairman to act in his stead.

### **Qualifications for Appointment as Chairman**

23. The Chairman shall be a person who has served, or is qualified for appointment, as a Judge of:
- (1) The Supreme Court or District Court of any State or Territory of Australia;

- (2) The Federal Court of Australia; or
- (3) The High Court of Australia.

### **Functions**

24. The functions of the Judiciary are to hear and determine such charges for an offence and such Gradings for an offence as are referred to it for decision.

### **Independence**

25. In the discharge of its functions, the Judiciary shall at all times act:
  - (1) Independently, impartially and fairly;
  - (2) Openly, except where to do so would be unfair to the Player charged.

### **No Review and No Suit**

- 25A. (1) Subject only to the provisions of this Code, the discharge by the Chairman of any of the functions and responsibilities with which he is charged or the exercise by him of any of the powers and authorities which are conferred on him shall not be capable of review and, in any event, shall not be justiciable.
- (2) Without derogating from **Sub-Rule (1)**, unless an express right of review of a particular direction, decision or determination of the Chairman is provided for in this Code, every direction, decision and determination of the Chairman shall be final and binding and given full effect to by all Clubs and persons who are bound by this Code.
- (3) The Chairman shall be immune from suit and no Club, person or entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on his part, or any directions, decisions or determinations made by him under this Code, except in the event of fraud.

## **Part 2.5 - Adjudicators**

### **Adjudicators**

26. For the purpose of constituting the Judiciary, the Secretary shall establish and maintain a List of Adjudicators.

### **Qualifications**

27. (1) An Adjudicator shall be a person who:
  - (a) Is a person who has experience in playing the Game at a NSWRL Competition level or above;
  - (b) Has indicated his preparedness to serve on the Panel; and
  - (c) Is not a director, shareholder or employee of the NRL, ARLC, NSWRL or a Club.
- (2) Notwithstanding **Sub-Rule (1)(c)**, the Board may, in their absolute discretion, appoint a person to serve as an Adjudicator despite the fact that such a person is a director, shareholder or employee of a Club.

### **Appointment**

28. (1) As soon as practicable after the commencement of this Code, the Chief Executive Officer shall appoint five persons who are qualified for appointment pursuant to **Rule 27**, as Adjudicators.

- (2) The Secretary shall cause the names of the persons appointed pursuant to **Sub- Rule (1)** to be placed on the List of Adjudicators.

### **Empanelment**

29. When required to empanel the Adjudicators, the Secretary shall contact three persons on the List of Adjudicators who are each available to attend the hearing and serve as Adjudicators, which persons shall constitute the Panel.

### **Independence**

30. In the discharge of his functions, each Adjudicator shall at all times act independently, impartially and fairly without fear or favour, affection or ill-will.

### **No Review and No Suit**

- 30A. (1) Subject only to the provisions of this Code, the discharge by the Adjudicators of any of the functions and responsibilities with which they are charged or the exercise by them of any of the powers and authorities which are conferred on them shall not be capable of review and, in any event, shall not be justiciable.
- (2) Without derogating from **Sub-Rule (1)**, unless an express right of review of a particular finding, decision or determination of the Adjudicators is provided for in this Code, every finding, decision and determination of the Adjudicators shall be final and binding and given full effect to by all Clubs and persons who are bound by this Code.
- (3) The Adjudicators shall be immune from suit and no Club, person or entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on their part, or any findings, decisions or determinations made by them under this Code, except in the event of fraud.

## **Part 2.6 - The NSWRL Appeals Committee**

### **Composition**

31. The NSWRL Appeals Committee is constituted in accordance with **Rule 15** of the NSWRL Appeals Committee Procedural Rules.

### **President**

32. The President of the NSWRL Appeals Committee is the person appointed pursuant to **Rule 16** of the NSWRL Appeals Committee Procedural Rules.

### **Qualifications for Appointment as President**

33. The President of the NSWRL Appeals Committee is a person who is qualified in accordance with **Rule 17** of the NSWRL Appeals Committee Procedural Rules.

### **Other Appointments**

34. The persons who, in addition to the President, will serve on the NSWRL Appeals Committee are the persons appointed in accordance with **Rule 18** of the NSWRL Appeals Committee Procedural Rules.

### **Function**

35. (1) For the purpose of this Code, the sole function of the NSWRL Appeals Committee shall be as provided by **Rule 19** of the NSWRL Appeals Committee Procedural Rules.
- (2) In the discharge of its function, the NSWRL Appeals Committee shall at all times act independently, impartially and fairly, without fear or favour, affection or ill- will.

### Decisions of the NSWRL Appeals Committee are Final

36. (1) Subject only to the provisions of this Code and the NSWRL Appeals Committee Procedural Rules, the discharge by the NSWRL Appeals Committee of any of the functions and responsibilities with which the constituents thereof are charged or the exercise by them of any of the powers and authorities which are conferred shall not be capable of review and, in such event, shall not be justiciable.
- (2) Without derogating from **Sub-Rule (1)**, unless an express right of review of a particular finding, decision or determination of the NSWRL Appeals Committee is provided for in this Code, every finding, decision and determination of the NSWRL Appeals Committee shall be final and binding and given full effect to by all Clubs and persons who are bound by this Code.
- (3) The constituents of the NSWRL Appeals Committee shall be immune from suit and no Club, person or entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on their part, or any findings, decisions, determinations or directions made by them under this Code, except in the event of fraud.

## Chapter 3 - Misconduct

### Part 3.1 - Offences

#### General Nature of Offences

37. (1) For the purposes of this Code, an offence is constituted by:
- (a) Any instance of misconduct of the nature variously set forth and described in the **First Schedule**;
  - (b) Such other conduct as may, from time to time, be deemed by the Board, by one month's notice in writing to each Club, to constitute an offence to which this Code applies.
- (2) For the purposes of **Sub-Rule (1)**, the offences so constituted at the commencement of this Code are those offences set forth in the **First Schedule**.

#### Actual Contact

- 37A. (1) Where some contact with an opposing Player is an essential ingredient of an offence, no Player can be guilty of that offence unless there has in fact been actual contact.
- (2) Despite **Sub-Rule (1)**, where:
- (a) Actual contact with an opposing Player is an essential ingredient of an offence, but no such contact occurred; and
  - (b) The Player nevertheless acted in such a way that, had actual contact occurred, he would have been guilty of an offence requiring actual contact; the Player's conduct may, depending on the circumstances of the case, constitute the offence of Contrary Conduct or the offence of Detrimental Conduct.
- (3) To remove any doubt, the mere fact that the execution of an act was such that actual contact with an opposing Player did not occur will not excuse such conduct in circumstances where that attempt constitutes Contrary Conduct or Detrimental Conduct.

#### Tripping

- 37B. (1) In any case where Tripping is charged, it is immaterial whether the Player who was tripped fell to the ground or was otherwise substantially impeded.
- (2) To remove any doubt, a Player can be found guilty of Tripping despite the feature that the Player tripped did not fall to the ground or was not otherwise substantially impeded.

#### Choice of Charge

- 37C. (1) Where a Player is charged with an offence, it shall not be a defence to that charge to assert that another offence could, or should, have been charged.
- (2) To remove any doubt, this Code makes provision for several offences, any one or more of which might be applicable to a particular instance of misconduct, but merely because a more specific offence could, or should, have been charged does not affect the validity of the charge that was actually brought.

#### Temporal Relationship

38. In determining whether conduct of a Player constitutes an offence, it is irrelevant whether such conduct occurred before, during or after the relevant Match.

## Part 3.2 - Penalties

### Demerit Points

39. (1) The only penalty which may be imposed on a Player for the commission of an offence is the allocation to that Player of demerit points and the consequences flowing from that allocation as provided for by the provisions of this Code and the **Second Schedule** to this Code.
- (2) Subject to **Sub-Rule (4)**, demerit points allocated to a Player shall be taken to be allocated on the day when the offence was committed and shall remain so allocated for one Year from that day or for such longer period as the Board may in any given case direct.

The allocation of demerit points to a Player or the accumulation of demerit points by a Player shall automatically have the consequences set forth in the Second Schedule subject only to the ongoing effect of **Sub-Rule (4)**.

- (3) Where demerit points are allocated to a Player, that allocation may reduce over time in accordance with the following:
- (a) In any case where greater than 99 demerit points are allocated to a Player such that a period of suspension is imposed by reason of **Rule 44** the allocation shall, once that period of suspension has been served, be reduced by the number of demerit points specified in the Second Schedule or declared by the Chairman pursuant to **Sub-Rule 44(2)**, as the case may be; and
- (b) In any case where demerit points are allocated to a Player (whether greater or lesser than 99 in number), the allocation shall be reduced by five demerit points for every Ordinary Match and Final Series Match in a NSWRL Competition or the NRL Competition, Representative Match, Touring Team Match, Match in the Related Competitions and / or the Other Competitions in which the Player subsequently participated as a Player **PROVIDED** the Player did not commit any offence in that Match.
- (4) To remove doubt:
- (a) The expression "**participated as a Player**" in **Sub-Rule (3)(b)** means actually took the field of play as a Player in a Match, irrespective of the period of time the Player was on the field of play;
- (b) No reduction in demerit points for participation in a Match under **Sub-Rule (3)(b)** shall take effect until after:
- (i) Every other Match in that NSWRL Competition, the NRL Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions which the Player could have been eligible to participate in as a Player has also been played and concluded; and
- (ii) All other Matches in the round of fixtures for the relevant competition or competitions have been played and concluded;
- to the effect that the allocation shall be reduced by no more than five demerit points at the conclusion of any one round;
- (c) There shall be no reduction in demerit points under **Sub-Rule (3)(b)** for participation in a Pre-Season Trial Match or the "NRL All Stars" Match.

### Gradings

40. For the purposes of calculating the Elective Penalty for an offence, the offences set forth in the First Schedule are each divided into three gradings, with Grade 1 representing the lower end on the scale of seriousness for the offence and Grade 3 representing the higher end on the scale of seriousness for the offence.

## Base Penalties

41. The Base Penalty for each grading of an offence shall be the number of demerit points specified in the Third Schedule.

## Dismissed Players

- 41A. (1) Subject to **Sub-Rule (2)**, in any case where:
- (a) A Player has been dismissed from the field of play during the course of a Match (other than a Pre-Season Trial Match) in a NSWRL Competition; and
  - (b) The Player is charged with an offence or offences arising out of the incident in relation to which he was dismissed; and
  - (c) The Player subsequently pleads guilty or is found guilty of that offence or offences; then, in order to reflect the period during which the Player was absent from the field of play in consequence of his dismissal, the Player shall be entitled to a reduction in the demerit points that would otherwise have been allocated to him, which reduction shall be equivalent to the number of whole minutes the Player was absent from the field of play.
- (2) For the purpose of calculating any reduction pursuant to **Sub-Rule (1)**:
- (a) Extra time played during the Match shall not be taken into account;
  - (b) If the Player is charged with more than one offence arising out of the incident in relation to which he was dismissed from the field of play, he shall only be entitled to a reduction under this Rule with respect to one such offence, with the Match Review Committee to determine, in their absolute discretion, to which offence that reduction shall apply.
- (3) In any case where a Player is charged pursuant to a Notice of Referred Charge after having been dismissed from the field of play during the course of a Match (other than a Pre-Season Trial Match) in a NSWRL Competition with respect to the incident giving rise to the charge, the fact that the Player was absent from the field of play in consequence of his dismissal shall be taken into account by the Panel as a factor in mitigation of penalty when determining penalty pursuant to **Rules 88 and 90**.
- (4) To remove doubt, if the Player is entitled to a reduction under this Rule, it is immaterial whether he enters an Early Plea to the offence and / or accepts the grading specified in the Notice of Charge.
- (5) The following are examples of the operation of **Sub-Rule (1)**:
- (a) **Example 1:**

A Player is sent off in consequence of an incident that occurred during the course of a Match in Round 6 of the NSWRL Competition. In particular, the referee ordered the Player from the field 9 minutes and 25 seconds into the first half of the Match.

He is subsequently charged with a Grade 3 Striking for which the Base Penalty is 300 demerit points and, given his previous long and good conduct as a Player, the Elective Penalty (under **Rule 42**) on a plea of guilty to the charge would ordinarily be 150 demerit points.

However, because the Player was dismissed during the 10th minute of the Match, he was absent from the field for 70 whole minutes of the Match. The Elective Penalty is therefore  $150 - 70 = 80$  demerit points.
  - (b) **Example 2:**

During the course of a Finals Series Match in the NSWRL Competition, a Player was sent off in the 61st minute. At full-time, the scores were level, and the Match proceeded to four

minutes of extra time until a field goal was kicked.

The Player is subsequently charged with Dangerous Contact – Head/Neck. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 200 points but, because of the Player's previous convictions, the Elective Penalty on a plea of guilty would ordinarily be 262.5 demerit points (which, because of **Rule 43**, is then rounded down to 262 demerit points);

In total, the Player was absent from the Match for 23 minutes (19 whole minutes of regulation time and four minutes of extra time). However, the period missed by reason of extra time is not taken into account when calculating the Base Penalty (**Sub-Rule (3)**). Instead, only the period of regulation time that the Player missed is taken into account. The Elective Penalty is therefore  $262 - 19 = 243$  demerit points.

## Calculation of Elective Penalty

### Reduction for Early Plea

42. (1) When calculating the Elective Penalty where a Player charged with an offence pursuant to a Notice of Charge enters an Early Plea to the offence and accepts the grading:
- (a) Where the operation of **Sub-Rule (14)** is engaged by reason of the Player's previous convictions, the Player is entitled to a reduction equivalent to twenty-five per centum of the combined total of the Base Penalty for the grading of the offence and any increase or increases pursuant to **Sub-Rule (14)** together with any reduction to which the Player may be entitled pursuant to **Rule 41A**;
  - (b) In all other cases, the Player is entitled to a reduction equivalent to twenty-five per centum of the Base Penalty for the grading for the offence specified in the Notice of Charge together with any reduction to which the Player may be entitled pursuant to **Rule 41A**.
- (2) In any case where a Player charged pursuant to a Notice of Referred Charge elects in his Notice of Plea (**Form 6**) to plead guilty to the charge, that election shall be taken into account by the Panel as a factor in mitigation of penalty when determining penalty pursuant to **Rules 88 and 90**.
- (2A) The following are examples of the operation of **Sub-Rule (1)**:
- (a) **Example 1:**

In his debut Season in a NSWRL Competition, a Player is charged with making a Shoulder Charge. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 500 demerit points. He has never before been convicted of an offence.

After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he pleads guilty to the offence and accepts the grading.

The Player is therefore entitled to a reduction for his Early Plea (**Sub-Rule (1)**) of 25% of the Base Penalty or, expressed in points, of 125 points. The Elective Penalty is therefore calculated as follows:  $500 - 125 = 375$  demerit points.
  - (b) **Example 2:**

A Player is in his third Season of open-age Rugby League and playing in a NSWRL Competition when he is charged with Kicking. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 400 demerit points.

His coach thinks the conduct charged is no worse than a Grade 2 and, if he is right, the Base Penalty will be 300 points. Acting on that advice, the Player gives the Match Review Coordinator a Notice of Intention to Plead to a Lesser Offence or Grading pursuant to **Rule 57A(1)(b)** in which he indicates that he wishes to plead guilty to the offence charged but that he disputes the grading. He nominates Grade 2 as the grading he would accept.

The Player proceeds to a hearing of the NSWRL Judiciary to dispute the grading but fails to secure a downgrade from the Panel. As a result, he is convicted of a Grade 3 Kicking, that is, the offence and grading set out in the Notice of Charge. Under **Rule 90**, he is allocated the Elective Penalty for a Finding of Guilt – 400 demerit points. That is because the reduction



under **Sub-Rule (1)** is only available where the Player enters an Early Plea AND accepts the grading in the Notice of Charge.

The Player would have been much better off if he had elected to enter an Early Plea AND accept the grading. In that case, he would have been entitled to a reduction for his Early Plea (**Sub-Rule (1)**) of 25% of the Base Penalty or, expressed in points, of 100 points. His Elective Penalty would then have been calculated as follows:  $500 - 100 = 400$  demerit points.

On the other hand, had the Player secured a downgrade at the hearing of the NSWRL Judiciary such that he ended up being convicted of a Grade 2 Tripping, he would have been entitled to the Early Plea reduction. In that scenario, the Base Penalty would also have reduced to that applicable to a Grade 2 offence – 300 points – and that would have been further reduced under **Sub-Rule (1)** by 25% – 75 points. As such, his ultimate penalty would have been:  $300 - 75 = 225$  demerit points;

### **Reduction for Good Conduct – No Offence in the Preceding Seven Year Period**

(3) Where a Player charged with an offence pursuant to a Notice of Charge has participated as a Player in a NSWRL Competition, the NRL Competition, the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions for a continuous period of at least seven Years immediately preceding the incident giving rise to the charge and has not during that period been convicted of any offence, the Elective Penalty shall be the number of demerit points calculated in accordance with the following:

- (a) The Base Penalty for the grading of the offence less any reduction or reductions to which the Player is entitled pursuant to **Rule 41A, Sub-Rule (1)** and / or **subparagraph (b)** hereof;
- (b) The Player is entitled to a reduction to reflect his good conduct in a NSWRL Competition, the NRL Competition, the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions equivalent to twenty-five per centum of the Base Penalty for the grading of the offence.

(4) The following are examples of the operation of **Sub-Rule (3)**:

(a) **Example 1:**

A Player is charged with the offence of Striking. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 300 demerit points.

The Player has played in the NSWRL Competition for eight Years and has never before been convicted of an offence.

After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he pleads guilty to the offence and accepts the grading.

The Player is therefore entitled to reductions for his good conduct (**Sub-Rule (3)(b)**) and his Early Plea (**Sub-Rule (1)**), each of 25% of the Base Penalty or, expressed in points, each of 75 points.

The Elective Penalty is then calculated as follows:  $300 - (75 + 75) = 150$  demerit points;

(b) **Example 2:**

A Player is sent off during the 49th minute of a Match. He is subsequently charged with the offence of making a Reckless High Tackle. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 500 demerit points.

The Player elects in his Notice of Election to plead guilty to the offence and to accept the grading.

The Player has played in the NSWRL Competition for two Years and has never before been convicted of an offence. However, because the Player has not been playing for seven or more Years in the NSWRL Competition, he is not entitled to a reduction for his good conduct

(**Sub-Rule (3)(b)**). However, the Player is entitled to a reduction for his Early Plea (**Sub-Rule (1)**) of 25 % of the Base Penalty - i.e. 125 demerit points.

He is also entitled to a reduction pursuant to **Rule 41A** to reflect the period of time he was absent from the field of play in consequence of his dismissal. In that regard, the Player was absent for 31 whole minutes and, accordingly, he is entitled to an additional reduction of 31 demerit points. The Elective Penalty will therefore be: 500 – 125 - 31 = 344 demerit points.

### **No Loading Accompanies the First Grade 1 Offence Subsequent to an Incident Free - Period of Seven Years**

- (5) Where a Player charged with an offence pursuant to a Notice of Charge:
- (a) Has participated as a Player in a NSWRL Competition, the NRL Competition, the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions for a continuous period of at least seven Years;
  - (b) Subsequent to that seven Year period, but during the one Year period immediately prior to the offence giving rise to the charge, he was convicted of a Grade 1 Offence; and
  - (c) Has not otherwise been convicted of any other offence (including another Grade 1 Offence committed during the one Year period immediately prior to the offence giving rise to the charge);

the previous conviction for the Grade 1 Offence shall be ignored to the effect that the Elective Penalty will be the number of demerit points calculated with reference to the Base Penalty for the grading of the offence less any reduction to which the Player is entitled pursuant to **Rule 41A** and / or **Sub-Rule (1)**.

- (6) To remove any doubt:
- (a) The fact that a Player has been previously convicted of the Grade 1 Offence more than one Year prior to the offence giving rise to the charge will not attract the operation of **Sub-Rule (14)** so as to increase the Elective Penalty, provided the other requirements of **Sub-Rule (5)** are met;
  - (b) The Player will be entitled to a reduction under **Sub-Rule (1)** if he enters an Early Plea to the offence and accepts the grading;
  - (c) If the Player is otherwise entitled to a reduction under **Rule 41A**, it is immaterial whether he enters an Early Plea to the offence and accepts the grading.

- (7) The following are examples of the operation of **Sub-Rule (5)**:

- (a) **Example 1:**

A Player is charged with the offence of Contrary Conduct. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 200 demerit points.

The Player has played in the Related Competitions and a NSWRL Competition for a combined period of nine Years and was convicted eight months ago of a Grade 1 Careless High Tackle for which a monetary fine was imposed under **Rule 39A** but, apart from that, he has no other previous convictions. A Grade 1 Offence is an offence (other than a Reckless High Tackle or an Intentional High Tackle) to which a grading of 1 was ascribed: **Rule 6**. As the prior conviction was therefore entered with respect to a Grade 1 Offence, and after an incident free period of at least seven Years, it is ignored for the purposes of calculating the Elective Penalty. In other words, the fact that the Player has been previously convicted of the Grade 1 Careless High Tackle will not attract the operation of **Sub-Rule (14)** so as to increase the Elective Penalty.

After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he pleads guilty to the offence and accepts the grading.

The Player is therefore entitled a reduction for his Early Plea (**Sub-Rule (1)**) of 25% of the

Base Penalty - i.e. 50 points.

The Elective Penalty is then calculated as follows:  $200 - 50 = 150$  demerit points;

(b) **Example 2:**

A Player is sent off during the 37th minute of a Match in a NSWRL Competition. He is subsequently charged with the offence of making Dangerous Contact - Head/Neck. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 200 demerit points.

The Player elects in his Notice of Election to plead not guilty and proceed to hearing.

The Player has played in the Related Competitions, the National Youth Competition, a NSWRL Competition and the NRL Competition for a combined period of eight Years and has only ever been convicted of a Grade 1 Careless High Tackle and this occurred twenty months ago.

However, because the conviction for the Grade 1 Careless High Tackle occurred twenty months ago (and not after a seven Year incident free period), the Player is not entitled to a reduction for good conduct under **Sub-Rule (3)**. Nor is the Player entitled to a reduction for an Early Plea (**Sub-Rule (1)**). However, the Player is not liable to any increase in the Elective Penalty under **Sub-Rule (14)** because Grade 1 Offences are ignored if they are older than one Year: **Sub-Rule (11)**.

He is nevertheless entitled to a reduction pursuant to **Rule 41A** to reflect the period of time he was absent from the field of play in consequence of his dismissal. In that regard, the Player was absent for 43 whole minutes and, accordingly, he is entitled to a reduction of 43 demerit points.

The Elective Penalty will therefore be equivalent to the Base Penalty less the **Rule 41A** reduction i.e.,  $200 - 43 = 157$  demerit points.

**No Loading Accompanies an Offence Older than 12 Months Subsequent to an Incident Free Period of seven Years**

(8) Where a Player charged with an offence pursuant to a Notice of Charge:

- (a) Has participated as a Player in the NRL Competition, the National Youth Competition, a NSWRL Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions for a continuous period of at least seven Years;
- (b) Subsequent to that seven Year period, but at least one Year prior to the offence giving rise to the charge, he was convicted of an offence (other than an offence charged by Notice of Referred Charge);
- (c) Has not otherwise been convicted of any offence;

the previous conviction for an offence (other than an offence charged by Notice of Referred Charge) shall be ignored to the effect that the Elective Penalty will be the number of demerit points calculated with reference to the Base Penalty for the grading of the offence less any reduction to which the Player is entitled pursuant to **Rule 41A** and / or **Sub-Rule (1)**.

(9) To remove any doubt:

- (a) The fact that a Player has been previously convicted of an offence (other than an offence charged by Notice of Referred Charge) will not attract the operation of **Sub-Rule (14)** so as to increase the Elective Penalty, provided the other requirements of **Sub-Rule (8)** are met;
- (b) The Player will be entitled to a reduction under **Sub-Rule (1)** if he enters an Early Plea to the offence and accepts the grading;
- (c) If the Player is otherwise entitled to a reduction under **Rule 41A**, it is immaterial

whether he enters an Early Plea to the offence and accepts the grading.

(10) The following are examples of the operation of **Sub-Rule (8)**:

(a) **Example 1:**

A Player is charged with the offence of Striking. This followed an incident that led to the Player's dismissal 11 minutes and 34 seconds into the second half of a Match in the NSWRL Competition. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 400 demerit points.

The Player has played in the NSWRL Competition and the NRL Competition for a period of eleven Years and was convicted eighteen months ago of a Contrary Conduct offence but, apart from that, he has no other previous convictions. As he had played for an initial incident free period of seven Years and the prior conviction was entered with respect to an offence (other than an offence charged by Notice of Referred Charge) more than one Year prior to the incident giving rise to the subject charge, that conviction is to be ignored for the purposes of calculating the Elective Penalty.

After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he pleads guilty to the offence and accepts the grading.

The Player is therefore entitled to a reduction for his Early Plea (**Sub-Rule (1)**) of 25% of the Base Penalty - i.e. 100 points.

He is also entitled to a reduction pursuant to **Rule 41A** to reflect the period of time he was absent from the field of play in consequence of his dismissal i.e., he was absent for 68 whole minutes = a reduction of 68 demerit points.

The Elective Penalty is then calculated as follows:  $400 - 100 - 68 = 232$  demerit points;

(b) **Example 2:**

A Player is charged with the offence of making a Reckless High Tackle. The grading ascribed in the Notice of Charge is Grade 1. The Base Penalty is therefore 300 demerit points.

The Player elects in his Notice of Election to plead guilty to the offence and accept the grading.

The Player has played in the Related Competitions, the National Youth Competition, a NSWRL Competition and the NRL Competition for nine Years and has only previously been convicted of one offence; a Detrimental Conduct Grade 3 offence seven months ago. Prior to that he had played in the competitions referred to without incident.

However, because the conviction for the Detrimental Conduct offence occurred less than one Year ago, his case is not captured by **Sub-Rule (8)**. It would be otherwise if the prior conviction was for a Grade 1 Offence. As such, the prior conviction must be taken into account with the result that he will be liable to an increase of 20% under **Sub-Rule (14)**. However, the Player is entitled to a reduction of 25% on the combined total for his Early Plea (**Sub-Rule (1)**). The Elective Penalty is then calculated as follows:  $(300 + 60) - (0.25 \times 360) = 270$  demerit points.

### **No Loading For Grade 1 Offences Older Than 12 Months**

(11) Where a Player charged with an offence pursuant to a Notice of Charge has previously been convicted of a Grade 1 Offence and that conviction was entered more than one Year prior to the offence giving rise to the charge, the previous conviction shall be ignored for the purposes of calculating the Elective Penalty, save that the Player will not be entitled to any reduction for good conduct under **Sub-Rule (3)** if he is convicted of more than one Grade 1 Offence during the seven Year period referred to in that Sub-Rule.

(12) To remove any doubt:

(a) **Sub-Rule (11)** applies irrespective of whether the Player was previously convicted of one or more Grade 1 Offences, provided all such convictions were entered at least one Year prior to the incident giving rise to the charge;

- (b) The fact that a Player has been previously convicted of one or more Grade 1 Offences will not attract the operation of **Sub-Rule (14)** so as to increase the Elective Penalty, provided all such convictions were entered at least one Year prior to the incident giving rise to the charge;
  - (c) The Player will be entitled to a reduction under **Sub-Rule (1)** if he enters an Early Plea to the offence and accepts the grading;
  - (d) If the Player is otherwise entitled to a reduction under **Rule 41A**, it is immaterial whether he enters an Early Plea to the offence and accepts the grading.
- (13) The following are examples of the operation of **Sub-Rule (11)**:

(a) **Example 1:**

A Player is charged with the offence of Kicking. The grading ascribed in the Notice of Charge is Grade 1. The Base Penalty is therefore 200 demerit points.

A Grade 1 Offence is an offence (other than a Reckless High Tackle offence or an Intentional High Tackle offence) to which a grading of 1 was ascribed: **Rule 6**.

The Player has played in the NSWRL Competition for four Years and, in that time, he has been twice previously convicted of Grade 1 Offences (Contrary Conduct and Tripping), although each such conviction occurred over one Year ago. However, he has not been convicted of any other offence.

After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he pleads guilty to the offence and accepts the grading.

Each of the previous convictions is ignored because they were Grade 1 Offences which occurred more than one Year ago and the Player is entitled to a 25% reduction for his Early Plea (**Sub-Rule (1)**). The Elective Penalty is then calculated as follows:  $200 - 50 = 150$  demerit points;

(b) **Example 2:**

A Player is charged with the offence of Tripping. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 300 demerit points.

The Player elects in his Notice of Election to plead not guilty to the offence and proceed to hearing.

The Player has played in the Related Competitions, the National Youth Competition, a NSWRL Competition and the NRL Competition for a combined period of six Years and, in that time, he has been convicted of Grade 1 Striking (nineteen months ago), Detrimental Conduct (three years ago) and Grade 2 Kicking (eighteen months ago).

The Grade 1 Striking conviction is ignored because it occurred more than one Year ago. The Detrimental Conduct conviction also has no increasing effect on the Elective Penalty because it took place outside the two-Year period specified in **Sub-Rule (14)**.

However, the Kicking conviction is caught by **Sub-Rule (14)** so that the Elective Penalty is increased by 20% of the Base Penalty – i.e. 60 demerit points.

The Elective Penalty is then calculated as follows:  $300 + 60 = 360$  demerit points.

### **Increase For All Other Cases Involving One or More Previous Convictions**

- (14) Save in the case of previous convictions to which **Sub-Rules (5), (8) or (11)** apply, where a Player charged with an offence pursuant to a Notice of Charge has been previously convicted in the NSWRL Competition, the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions of an offence in the two Year period immediately preceding the incident giving rise to the charge, the Elective Penalty shall be the number of demerit points calculated in accordance with the following:

- (a) The Base Penalty for the grading of the offence together with any increase or increases pursuant to **paragraph (b) and / or paragraph (c)** hereof less any reduction to which the Player is entitled pursuant to **Rule 41A and / or Sub- Rule (1)**;
  - (b) If the Player has been previously convicted of the same offence in a NSWRL Competition, the NRL Competition the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competition in the two Year period immediately preceding the incident giving rise to the charge, the Player is liable to an increase equivalent to fifty per centum of the Base Penalty for the grading of the offence for each such previous conviction;
  - (c) Further, if the Player has been previously convicted of an offence in a NSWRL Competition, the NRL Competition, the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions in the two Year period immediately preceding the incident giving rise to the charge, the Player is liable to an increase equivalent to twenty per centum of the Base Penalty for the grading of the offence for each such previous conviction.
- (15) For the purposes of **Sub-Rule (12)**, a Player shall be taken to have been previously convicted of the "same offence" if he has previously been convicted in the period referred to of:
- (a) An offence of the same description as the offence for which he stands charged, regardless of the grading (if any) of that previous offence;
  - (b) In the case of a Player charged with making an Intentional High Tackle of any grading, a Reckless High Tackle of any grading or a Careless High Tackle;
  - (c) Tackle of a grading higher than Grade 1, either an Intentional High Tackle of any grading, a Reckless High Tackle of any grading or a Careless High Tackle of a grading higher than Grade 1; or
  - (d) An offence which, in the opinion of the Chairman in his absolute discretion, should be so regarded.
- (16) The following are examples of the operation of **Sub-Rule (14)**:

(a) **Example 1:**

A Player is charged with the offence of making Dangerous Contact - Other. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 300 points.

The Player has been previously convicted of the same offence on one previous occasion in the two-Year period immediately preceding the incident giving rise to the charge. On that occasion, the grading for the offence was Grade 2, but the feature that his previous conviction concerned a different grading is irrelevant for the purposes of **Sub-Rule (14)(c)**; it is the fact of the previous conviction for the same offence during the two Year period, irrespective of the grading, which activates the provision. However, the Player has not been convicted of any other offences in the preceding two-Year period.

After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he pleads guilty to the offence and accepts the grading.

In addition to the Base Penalty, the Player is liable to an increase because of his previous conviction for the same offence (**Sub-Rule (14)(c)**) of 50% of the Base Penalty or, expressed in points, an increase of 150 demerit points.

Because the Player elected to enter an Early Plea, he is entitled to a reduction (**Sub-Rule (1)**) equivalent to 25% of the composite of both sums or, in other words, a reduction equivalent to 25% of the sum of the Base Penalty and the increase. Expressed in points, this is 25% of 450 demerit points - i.e. 112.5 demerit points.

The Elective Penalty then is calculated as follows:  $(300 + 150) - 112.5 = 337.5$  demerit points (which, because of **Rule 43**, is then rounded down to 337 demerit points);

(b) **Example 2:**

A Player is charged with a Grade 2 Reckless High Tackle. The Base Penalty is therefore 400 demerit points.

The Player has not been previously convicted of this offence in the preceding two Years although, in that period, he was convicted of a Striking offence and a Grade 3 Careless High Tackle offence.

While Striking will not be regarded as the “same offence” for the purposes of **Sub-Rule (14)**, a Grade 3 Careless High Tackle is (**Sub-Rule (14)(c)**).

In addition to the Base Penalty, the Player is therefore liable to an increase (**Sub-Rule (14)(c)**) equivalent to 50% of the Base Penalty for the previous Grade 3 Careless High Tackle conviction (200 demerit points) and an increase (**Sub-Rule (14)(d)**) equivalent to 20% of the Base Penalty for the previous Striking conviction (80 demerit points). Expressed in points, this is a combined increase of 280 demerit points.

However, the Player elected to enter an Early Plea and, accordingly, he is entitled to a reduction (**Sub-Rule (1)**) of 25% of the composite sum or, expressed in points, a reduction of 25% of 680 demerit points - i.e. 170 demerit points. The Elective Penalty then is calculated as follows:  $(400 + 200 + 80) - 170 = 510$  demerit points.

### **Rounding Down**

43. After the calculation referred to in **Rule 42**, the figure thereby obtained as the Elective Penalty shall be rounded down to the nearest whole number.

## **Part 3.3 - Period of Suspension**

### **Suspension**

44. (1) Where over 99 demerit points are either allocated to a Player or are accumulated by a Player, the Player is upon such allocation or accumulation forthwith suspended from playing in the number of forthcoming Matches specified in the **Second Schedule**.
- (2) Where over 2,600 demerit points are either allocated to a Player or are accumulated by a Player, the Player is upon such allocation or accumulation forthwith suspended from playing in the number of forthcoming Matches as, after application by the Judiciary Counsel to the Chairman, are determined by the Chairman, in his absolute discretion, and so specified.
- (3) To remove doubt, and subject only to **Rule 44A**, where over 99 demerit points are either allocated to a Player or are accumulated by a Player, the Player is upon such allocation or accumulation forthwith suspended from playing in all forthcoming Matches (whether that be a Pre-Season Trial Match, an NRL All Stars Match, a World Club Challenge Match, an Ordinary Match, a Finals Series Match, a Representative Match or a Touring Team Match) until the period of suspension calculated in accordance with **Rule 45** has been served.

### **Pre-Season Trial Matches**

- 44A. (1) No Pre-Season Trial Match is to be taken into account when determining the period of suspension under **Rule 45**.
- (2) Without derogating from **Sub-Rule (1)**, in any case where a Player is serving a period of suspension as the sole consequence of a conviction for either a Grade 1 Offence or a Grade 2 Offence, he may participate as a Player in a Pre-Season Trial Match during the period of suspension, but he shall not otherwise participate as a Player in any other Match (whether that be an NRL All Stars Match, a World Club Challenge Match, an Ordinary Match, a Finals Series Match, a Representative Match or a Touring Team Match).
- (3) To remove doubt, where a Player is entitled to participate as a Player in a Pre-Season Trial Match during his period of suspension pursuant to **Sub-Rule (2)**, and does so

participate, that participation will not reduce his allocated or accumulated demerit points, whether pursuant to **Rule 39(4)** or otherwise.

### Calculation of the Period of Suspension

45. (1) Subject only to **Rule 39(4)**, where a Player has been suspended from playing in a forthcoming Match or Matches, his period of suspension shall be calculated in accordance with the following:
- (a) The Player is suspended from playing until after the forthcoming Match or Matches have each been played and concluded;
  - (b) When each forthcoming Match has been played and concluded, the Player's allocated or accumulated demerit points shall reduce by 100 demerit points for each such Match;
  - (c) The period of suspension shall be taken to have been served when the Player's allocated or accumulated demerit points have been so reduced to less than 100 demerit points.
- (2) For the purposes of **Sub-Rule (1)**:
- (a) If the Player was playing in the NSWRL Match when he committed the offence leading to his suspension, each of the Player's forthcoming Ordinary Matches and / or Finals Series Matches in a NSWRL Competition, NRL Competition and / or World Club Challenge Match shall be taken into account and, once played and concluded, shall reduce the Player's allocated or accumulated demerit points by 100 demerit points
  - (b) If the Player had been actually selected to play in a Representative Match at the time when the suspension was imposed, the Representative Match in which he would have participated but for his suspension shall be taken into account and, once played and concluded, shall reduce the Player's allocated or accumulated demerit points by 100 demerit points;
  - (c) In the case of a Player who, at the time when the suspension was imposed, has been or is subsequently actually selected as a playing member of a Touring Team, the Matches played by the Touring Team shall be taken into account and, once played and concluded, shall reduce the Player's allocated or accumulated demerit points by 100 demerit points;
  - (d) Save for the foregoing, no other Matches whether played in a NSWRL Competition, the NRL Competition, the Related Competitions, the Representative Competitions and / or the other Competitions (including an NRL All Stars Match) shall be taken into account unless the Chairman so declares pursuant to **Rule 46**.

### Chairman's Declarations

46. (1) In any case where either the Player or the Judiciary Counsel is in doubt as to the calculation of the period of suspension pursuant to **Rule 45**, the allocation of demerit points pursuant to **Rules 47B** or **47C** or the reduction of demerit points pursuant to **Rule 39(4)** or **Rule 41A**, he may apply to the Chairman for a declaration as to the Matches to be taken into account in calculating the period of suspension or as to the number of demerit points allocated or reduced, as the case may be.
- (2) In any case where either the Player or the Judiciary Counsel contend that Matches other than Ordinary Matches, Finals Series Matches, Representative Matches or Touring Team Matches ought to properly be taken into account in calculating the period of suspension, or the number of demerit points to be allocated or reduced, as the case may be, he may apply to the Chairman for a declaration to that effect.
- (3) On the hearing of an application pursuant to **Sub-Rule (1)** or **Sub-Rule (2)**, the Chairman shall, in his absolute discretion, declare the Matches to be taken into account in



calculating the period of suspension or the number of demerit points to be allocated or reduced, as the case may be, and such declaration shall be final and conclusive and shall be given binding effect by the parties.

### Value of Matches

47. (1) Subject to **Sub-Rule (2)**, in any case where a Match is taken into account either as provided in **Rule 45** or as declared pursuant to **Rule 46**, the Player's allocated or accumulated demerit points shall, after each such Match has been played and concluded, be reduced by 100 demerit points and no more, irrespective of the nature of that Match.
- (2) Notwithstanding **Sub-Rule (1)**, no reduction in demerit points shall take place with respect to a Match that is taken into account either as provided in **Rule 45** or as declared pursuant to **Rule 46** until after every other Match in a NSWRL Competition, the NRL Competition, the Related Competitions and / or the Representative Competitions which the Player would have been eligible to participate in as a Player had he not been suspended from playing by operation of these Rules has also been:
- (a) Played and concluded; and
  - (b) All other Matches in the round of fixtures for the relevant competition or competitions have been played and concluded.

### Part 3.4 – Related, Representative and Other Competitions

#### Application

- 47A. This Part applies to all Players who participate in the Related Competitions, the Representative Competitions and / or the Other Competitions.

#### Suspension or Disqualification from Playing

- 47B. (1) Where a Player participates in the Related Competitions, the Representative Competitions and / or the Other Competitions, they shall at all times comply with the Rules, decisions and determinations of the body with authority to make such Rules, decisions and determinations in relation to that competition.
- (2) Without limiting **Sub-Rule (1)**:
- (a) Where a suspension or disqualification from playing Rugby League has been imposed upon a Player in the Related Competitions, the Representative Competitions and / or the Other Competitions by a body with authority to make such decisions and determinations in relation to that competition, that suspension or disqualification shall be recognised, enforced and given full effect to by the NSWRL;
  - (b) Where demerit points have been allocated to a Player in the Related Competitions, the Representative Competitions and / or the Other Competitions by a body with authority to allocate demerit points in relation to that competition, those demerit points shall be recognised, enforced and given full effect to by the NSWRL subject only to the ongoing effect of **Rule 39(4)**;
  - (c) To remove doubt, if the incident in relation to which demerit points were allocated or a suspension or disqualification was imposed with respect to a Player in the Related Competitions, the Representative Competitions and / or the Other Competitions led to that Player's dismissal from the field of play, the Player shall not be entitled pursuant to **Rule 41A** to any reduction in the number of demerit points allocated or the period of suspension or disqualification imposed.
- (3) For the purposes of this Rule, in any case where either a Player or the Judiciary Counsel is in doubt as to the number of demerit points that were allocated to a Player in the Related Competitions, the Representative Competitions and / or the Other Competitions, he may

apply to the Chairman for a declaration as to that number pursuant to **Rule 46**.

### **Conversion to Demerit Points**

- 47C. (1) Where a Player has been suspended or disqualified from playing Rugby League in the Related Competitions, the Representative Competitions and / or the Other Competitions by a body with authority to make such decisions and determinations in relation to that competition, and such suspension or disqualification was imposed with reference to:
- (a) A period of weeks, months or years, the Player shall be forthwith allocated 100 demerit points for each week of suspension or disqualification, as the case may be, with the consequences flowing from that allocation as provided for by the provisions of this Code and the **Second Schedule**;
  - (b) A number of Matches, the Player shall be forthwith allocated 100 demerit points for each such Match, with the consequences flowing from that allocation as provided for by this Code and set forth in the **Second Schedule**.
- (2) For the purposes of **Sub-Rule (1)**, demerit points allocated to a Player shall be taken to be allocated on the day when the suspension or disqualification was imposed upon the Player in the Related Competitions, the Representative Competitions and / or the Other Competitions and shall, subject to **Rule 39(4)**, remain so allocated for one Year from that day or for such longer period as the Board may in any given case direct.
- (3) For the purposes of this Rule, in any case where either a Player or the Judiciary Counsel is in doubt as to the number of demerit points allocated to the Player, he may apply to the Chairman for a declaration as to that number pursuant to **Rule 46**.
- (4) To remove doubt, if the incident in relation to which the suspension or disqualification was imposed with respect to a Player in the Related Competitions, the Representative Competitions and / or the Other Competitions led to that Player's dismissal from the field of play, the Player shall not be entitled pursuant to **Rule 41A** to any reduction in the number of demerit points allocated pursuant to **Sub-Rule (1)**.

### **Disqualification for Life**

- 47D. To remove doubt, where a Player is disqualified from playing in the Related Competitions, the Representative Competitions and / or the Other Competitions for life, he shall be ineligible to play in any NSWRL Competition.

## **Part 3.5 – Rehabilitation**

### **Rehabilitation Recommendations of the Match Review Coordinator**

- 47E. In any case that does not proceed to a hearing before the Judiciary where a Player is allocated at least 400 demerit points, and the Match Review Coordinator forms the opinion in his absolute discretion that the Player would benefit from rehabilitation, the Match Review Coordinator may make a recommendation to the Chief Executive Officer that the Player undertake a specified program and / or perform unpaid services for the benefit of the Rugby League community during the period of his suspension, in which event the Secretary shall communicate that recommendation to the Chief Executive Officer.

### **Rehabilitation Recommendations of the Chairman or the President**

- 47F. In any case that proceeds to a hearing of the Judiciary or the NSWRL Appeals Committee where a Player is allocated at least 400 demerit points, and the Chairman or the President, as the case may be, forms the opinion in his absolute discretion that the Player would benefit from rehabilitation, the Chairman or the President may make a recommendation that the Player undertake a specified program and / or perform unpaid services for the benefit of the Rugby League community during the period of his suspension, in which event the Secretary shall communicate that recommendation to the Chief Executive Officer.

## Rehabilitation Directions

47G. In any case where a Player is allocated at least 400 demerit points and the Chief Executive Officer:

- (1) Has received a recommendation with respect to that Player from the Match Review Coordinator pursuant to **Rule 47E**;
- (2) Has received a recommendation with respect to that Player from the Chairman or the President pursuant to **Rule 47F**;
- (3) Otherwise, forms the opinion in his absolute discretion that the Player would benefit from rehabilitation;

the Chief Executive Officer may direct the Player to undertake a specified program and / or perform unpaid services for the benefit of the Rugby League community during the period of his suspension and the Player shall thereafter comply in all respects with that direction.

## Chapter 4 - Preliminary Proceedings

### Match Officials to Report

48. (1) Where, during a Match in a NSWRL Competition, any conduct of a Player which may constitute an offence is observed by or otherwise comes to the attention of a Referee or other Match Official who officiated in that Match, and such conduct, in the opinion of that Referee or other Match Official, warrants consideration by the Match Review Committee pursuant to **Rule 51**, then:
- (a) In the case of a Match Official other than the Referee, he shall complete a Match Official's Incident Report specifying the particulars required in **Form 2** and provide it to the Referee at the conclusion of the Match;
  - (b) In the case of the Referee, he shall complete a Referee's Incident Report specifying the particulars required in **Form 1** and forward it, together with any Match Official's Incident Reports, to the Secretary by **no later than 10.00 am on the first Business Day following the Match.**
- (2) For the purposes of **Sub-Rule (1)**, it is the duty of all Referees and other Match Officials to report irrespective of whether the conduct led to the dismissal of a Player from the field of play, provided that in a case where a Player is dismissed from the field of play, the Referee and other Match Officials shall report as provided.
- (3) Where any report by a Referee or other Match Official is received by the Secretary, he shall forthwith provide a copy of it to the Match Review Coordinator.

### Medical Reports

- 48A. (1) Where, during a Match in a NSWRL Competition, any conduct of a Player becomes the subject of a report pursuant to **Rule 48** (including a report with respect to the dismissal of that Player from the field of play) and that conduct causes or contributes to injury to another Player, the injured Player's Club shall:
- (a) Arrange for the Player to be examined by its Club Medical Officer as soon as possible after he leaves the field of play;
  - (b) Require the Club Medical Officer to complete a Judiciary Medical Report specifying the particulars required in **Form 11**;
  - (c) Provide the Judiciary Medical Report to the Secretary by **no later than 10.00 am on the first Business Day following the Match.**
- (2) In any case, the Secretary, Match Review Coordinator or Judiciary Counsel may request a medical report to be provided with respect to a Player who has been injured during a Match in a NSWRL Competition, in which event the injured Player's Club shall:
- (a) Arrange for the Player to be examined by its Club Medical Officer as soon as possible after the request is made;
  - (b) Require the Club Medical Officer to complete a Judiciary Medical Report specifying the particulars required in **Form 11**;
  - (c) Provide the Judiciary Medical Report to the Secretary, Match Review Coordinator or Judiciary Counsel as soon as it has been completed by the Club Medical Officer.

### Complaints

49. (1) Where, in the opinion of the chief executive officer of a Club, conduct of a Player during a Match in a NSWRL Competition warrants consideration by the Match Review Committee pursuant to **Rule 51**, that chief executive officer may forward a complaint concerning that conduct to the Secretary.

- (2) For the purposes of Sub-Rule (1), any such complaint must be:
  - (a) In writing; and
  - (b) Forwarded by **no later than 12.00 noon on the first Day following the relevant Match.**
- (3) Where a complaint in accordance with this Section is received by the Secretary, he shall forthwith provide a copy thereof to the Match Review Coordinator.

#### **Match Reviewer and Match Review Committee**

50. (1) As soon as practicable after the conclusion of each Match in a NSWRL Competition the Match Reviewer allocated the task of reviewing that Match shall report to the Match Review Coordinator any instance of conduct of a Player in the Match which may, in the opinion of the Match Reviewer, warrant consideration by the Match Review Committee pursuant to **Rule 51**.
- (2) A Match Reviewer allocated the task of reviewing a Match shall be taken to have sufficiently complied with that task if he has reviewed a videotape recording of that Match.
- (3) For the purposes of **Sub-Rule (1)**, the Match Review Coordinator shall prior to the commencement of each Match in a NSWRL Competition allocate to each Match Reviewer the Match or Matches to be reviewed by him, with such allocation to ensure as far as is practicable that every Match is so reviewed.
- (4) A report pursuant to **Sub-Rule (1)** may be given by the Match Reviewer by telephone but shall convey sufficient particulars of the conduct reported to enable the other members of the Match Review Committee to conveniently examine and consider it.
- (5) On Monday immediately following each round of each NSWRL Competition, the Match Review Committee shall investigate, examine and consider all reasonably available evidence, including the contents of any report pursuant to **Rule 48**, any complaint pursuant to **Rule 49** or any report pursuant to **Rule 50** of any conduct by a Player which may constitute an offence as well as any Judiciary Medical Report pursuant to **Rule 48A**.
- (6) It is the duty of the Match Review Committee to investigate, examine and consider all reasonably available evidence irrespective of whether a report has been made pursuant to **Rule 48**, a complaint has been received pursuant to **Rule 49**, a report has been made pursuant to **Rule 50** or a Judiciary Medical Report has been provided pursuant to **Rule 48A**.
- (7) Noting in this **Rule 50** shall prevent the Match Review Committee meeting on any day earlier than that referred to in **Rule 50(6)** if a relevant Match is played on a day earlier than the preceding Friday, Saturday or Sunday.

#### **Guidelines for the Exercise of the Match Review Committee's Discretion**

51. (1) After considering the evidence, the Match Review Committee may authorise the Match Review Coordinator to lay a charge against a Player for an offence and, in such a case, the Match Review Committee shall ascribe a grading for that offence.
- (2) Notwithstanding anything herein or elsewhere contained or implied, the Match Review Committee may proceed pursuant to **Sub-Rule (1)** irrespective of whether a report has been made pursuant to **Rule 48** or a complaint has been received pursuant to **Rule 49** or a report has been made pursuant to **Rule 50**.
- (3) In the exercise of the discretion conferred by **Sub-Rule (1)** as to whether a charge should be preferred against a Player for an offence, the Match Review Committee shall have regard to the following:
  - (a) Whether there is substantial and reliable evidence sufficient to justify the laying of a charge;

- (b) The extent to which the Player is to blame for the incident considered;
  - (c) The necessity to maintain public confidence; and
  - (d) Any other relevant circumstance.
- (4) When required to ascribe a grading for an offence, the Match Review Committee may have regard to the following:
- (a) The seriousness or, conversely, the triviality or technical nature of the conduct giving rise to the offence;
  - (b) Whether an opposition Player was injured in the incident giving rise to the charge and, in any such case where a Judiciary Medical Report pursuant to **Rule 48A** has been provided, the contents of that report;
  - (c) Whether the degree of force used was low, moderate or high;
  - (d) The extent to which the Player was able to exercise control over what he was doing, or attempting to do, in the conduct giving rise to the charge;
  - (e) The degree to which the conduct giving rise to the charge carried with it an unacceptable risk of injury to an opposition Player, regardless of whether an opposition Player was in fact injured;
  - (f) The extent to which the opposition Player was able to protect himself from the consequences of the conduct giving rise to the charge;
  - (g) Any mitigating or aggravating circumstances;
  - (h) Whether the Player was provoked;
  - (i) The stage of the Match when the conduct giving rise to the charge occurred;
  - (j) Whether the Player had been previously warned by the Referee in the Match, either by way of a general warning given to the Player's team or a specific warning given to the Player;
  - (k) Whether the Player had been previously "sin binned" (that is, temporarily dismissed from the field of play by the Referee, for a designated period) in the Match;
  - (l) The prevalence of the alleged offence in a NSWRL Competition and the need for deterrence, both personal and general;
  - (m) The gradings ascribed to other Players charged with the same or similar offences in the NSWRL Competition; and
  - (n) Any other relevant circumstances.
- (5) In the case of a Player who was dismissed from the field of play by the Referee, if the Match Review Committee is of the opinion that a charge should not be laid against that Player for the conduct leading to the dismissal, the Match Review Committee shall authorise the Match Review Coordinator to:
- (a) Publish short written reasons for that opinion; and
  - (b) Provide a copy of those reasons to the Player, the Referee and the Media and
- the Match Review Coordinator shall, whenever authorised, so proceed.

## Power to Refer to the Judiciary

52. (1) If for any reason the Match Review Committee is of the opinion that a charge should be referred to the Judiciary for the determination of penalty in accordance with **Part 5.5 of Chapter 5**, whether because the Match Review Committee is of the opinion that the offence charged is more serious than the maximum grading for that offence in the **Third Schedule** or otherwise, then the Match Review Committee may authorise the Match Review Coordinator to so refer the charge.
- (2) In any case where the Match Review Committee has authorised the Match review Coordinator to refer a charge to the Judiciary pursuant to **Sub-Rule (1)**, the Match Review Coordinator shall forward to the Player a Notice of Referred Charge specifying the particulars required in **Form 3** by **no later than 6.00 pm on the Monday following the relevant Match**.
- (3) The time limit prescribed by **Sub-Rule (2)** shall be strictly complied with by the Match Review Coordinator and, subject only to **Rules 60 and 114**, any Notice of Referred Charge forwarded to a Player after the time so limited shall be of no effect.
- (4) The provisions of **Rule 53** do not apply to a charge referred to the Judiciary pursuant to **Sub-Rule (1)**.

## Mandatory Referral to the Judiciary – Intentional High Tackles

- 53A. (1) Where a Player is charged with making an Intentional High Tackle, the charge shall be referred by the Match Review Committee to the Judiciary for the determination of penalty in accordance with **Part 5.5 of Chapter 5**.
- (2) In any case to which **Sub-Rule (1)** applies, the Match Review Coordinator shall forward to the Player a Notice of Referred Charge specifying the particulars required in **Form 3** by (subject to **Rule 53(4)**) **no later than 6.00 pm on the Monday following the relevant Match**.
- (3) The time limit prescribed by **Sub-Rule (2)** shall be strictly complied with by the Match Review Coordinator and, subject only to **Rules 60 and 114**, any Notice of Referred Charge forwarded to a Player after the time so limited shall be of no effect.
- (4) The provisions of **Rule 53** do not apply to a charge referred to the Judiciary under this Rule.

## Notice of Charge

53. (1) In any case where the Match Review Committee has authorised the Match Review Coordinator to lay a charge against a Player for an offence, the Match Review Coordinator shall forward to the Player a Notice of Charge (**Form 4**) specifying the particulars required in **Form 4** by (subject to **Rule 53(4)**) **no later than 6.00 pm on the Monday following the relevant Match**.
- (2) For the purposes of **Sub-Rule (1)** and **Form 4**, in any case where videotape footage of the incident is made available to the Player, it will be a sufficient statement of the particulars required in **Form 4** to refer to the short description of the offence set forth in the **Second Schedule** together with the approximate time in the Match when the offence is alleged to have occurred.
- (3) The time limit prescribed by **Sub-Rule (1)** shall be strictly complied with by the Match Review Coordinator and, subject only to **Rules 60 and 114**, any Notice of Charge forwarded to a Player after the time so limited shall be of no effect.
- (4) If a Notice of Charge is laid as a result of a meeting of the Match Review Committee held pursuant to **Rule 50(7)**, the Match Review Committee may specify an earlier date than that stated in **Rule 56**, for the Player to respond.

### Accompanying Material

54. In conjunction with the Notice of Charge or the Notice of Referred Charge, the Match Review Coordinator shall forward to the Player a copy, if made, of any report pursuant to **Rule 48**, and Judiciary Medical Report pursuant to **Rule 48A** and any complaint pursuant to **Rule 49**.

### Duty of Disclosure

55. (1) In addition to the material referred to in **Rule 54**, the Match Review Coordinator and / or the Judiciary Counsel shall provide to the Player or his representatives a copy of any other evidence that will be relied upon to support the charge.
- (2) For the purposes of complying with **Sub-Rule (1)**:
- (a) If the Judiciary Counsel proposes to adduce oral evidence in support of the charge, he will be taken to have complied if either he or the Match Review Coordinator has provided an oral summary of that evidence;
- (b) If the Judiciary Counsel intends to adduce expert evidence in support of the charge, he will be taken to have complied if either he or the Match Review Coordinator has provided a copy of the report prepared by that expert.
- (3) The obligations under **Sub-Rule (1)** continue until the proceedings are concluded.

### Notice of Election or Plea

56. (1) Upon receipt of a Notice of Charge, the Player shall complete a Notice of Election specifying the particulars required in **Form 5** and forward it to the Match Review Coordinator by **no later than 12.00 noon on the Tuesday following the relevant Match**.
- (2) Upon receipt of a Notice of Referred Charge, the Player shall complete a Notice of Plea specifying the particulars required in **Form 6** and forward it to the Match Review Coordinator by **no later than 12.00 noon on the Tuesday following the relevant Match**.
- (3) Should a Player fail to comply with **Sub-Rule (1)** or **Sub-Rule (2)** by the time limited therein, the charge will be automatically set down for hearing pursuant to **Rule 62**.

### Procedure after Election

57. (1) If a Player, after receiving a Notice of Charge, elects within the meaning of **Rule 56** to:
- (a) Plead guilty to the offence and accept the grading, he shall be allocated the Elective Penalty specified in the Notice of Charge for an Early Plea and, subject only to **Part 3.5**, the proceedings will thereby be concluded;
- (b) Plead guilty to the offence but dispute the grading, the grading for the offence shall be determined by the Judiciary;
- (c) Plead not guilty to the offence, the charge and the grading shall be determined by the Judiciary;
- (d) Plead no contest, he shall be allocated the Elective Penalty specified in the Notice of Charge for a Finding of Guilt and, subject only to **Part 3.5**, the proceedings will thereby be concluded.
- (2) If a Player, after receiving a Notice of Referred Charge, elects within the meaning of **Rule 56** to:
- (a) Plead not guilty to the offence, the offence and the penalty for the offence shall be determined by the Judiciary;
- (b) Plead guilty to the offence, the penalty for the offence shall be determined by the Judiciary;



- (c) Plead no contest, the penalty for the offence shall be determined by the Judiciary in the Player's absence.

### **Notice of Preparedness to Plead to a Lesser Offence or Grading**

- 57A. (1) Without derogating from **Rule 56**, upon receipt of a Notice of Charge, a Player who is charged with:
- (a) Making an Intentional High Tackle may complete a Notice of Preparedness to Plead to a Lesser Charge specifying the particulars required in **Form 5A** and forward it to the Match Review Coordinator with his Notice of Election by **no later than 12.00 noon on the Tuesday following the relevant Match**.
  - (b) Making a Reckless High Tackle may complete a Notice of Preparedness to Plead to a Lesser Charge or Grading specifying the particulars required in **Form 5A** and forward it to the Match Review Coordinator with his Notice of Election by **no later than 12.00 noon on the Tuesday following the relevant Match**.
  - (c) Any other offence may, if he is prepared to plead guilty to a lesser grading for that offence than is ascribed in the Notice of Charge, complete a Notice of Preparedness to Plead to a Lesser Charge or Grading specifying the particulars required in **Form 5A** and forward it to the Match Review Coordinator with his Notice of Election for Matches by **no later than 12.00 noon on the Tuesday following the relevant Match**.
- (2) In any case where a Player proceeds in accordance with **Sub-Rule (1)** and the Panel:
- (a) Finds the Player guilty of a lesser offence pursuant to **Rule 74** and that lesser offence was notified by the Player to the Match Review Coordinator pursuant to **Sub-Rule (1)(a)**, then the Player shall be allocated the Elective Penalty for an Early Plea to that offence;
  - (b) Determines a lesser grading for the offence pursuant to **Rule 89** and that lesser grading is equal to or less than the grading notified by the Player to the Match Review Coordinator pursuant to **Sub-Rule (1)(b)**, then the Player shall be allocated the Elective Penalty for an Early Plea to that grading.
- (3) To remove doubt, unless the Panel:
- (a) Finds the Player guilty of a lesser offence pursuant to **Rule 74** and that lesser offence was notified by the Player to the Match Review Coordinator pursuant to **Sub-Rule (1)(a)**; or
  - (b) Determines a lesser grading for the offence pursuant to **Rule 89** and that lesser grading is equal to or less than the grading notified by the Player to the Match Review Coordinator pursuant to **Sub-Rule (1)(b)**;

then the Player shall not be entitled to the Elective Penalty for an Early Plea.

### **No Contest**

- 57B (1) In any case where a Player has received a Notice of Charge or a Notice of Referred Charge he may (by specifying a plea of "no contest" where indicated in **Form 5** or **Form 6**, as the case may be) elect not to contest the offence charged or the grading for that offence.
- (2) In any case where a Player elects not to contest the offence charged or the grading for that offence, the making of that election does not constitute an admission on his part that he is guilty of, or otherwise responsible for, the conduct charged but, rather, it is an indication that he has chosen for one reason or another not to contest the charge.
- (3) To remove any doubt, a Player may only elect to plead "no contest" if he does not wish to contest the offence charged **and** if he does not wish to contest the grading for that offence.

### Expert Report

58. (1) When a Player elects to plead not guilty to the offence and where it would assist the objective analysis of the incident giving rise to the charge, the Match Review Coordinator may commission a report from an independent and appropriately qualified expert with respect to the incident.
- (2) Upon receipt by the Match Review Coordinator of a report of the kind referred to in **Sub-Rule (1)**, the Match Review Coordinator shall forthwith provide a copy thereof to the Player or his representatives.
- (3) If, after receiving a report of the kind referred to in **Sub-Rule (1)**, the Player elects to proceed with his defence of the offence charged then, if he subsequently pleads guilty or is found guilty of the offence, he shall pay to the NSWRL the cost incurred for the preparation of the report.

### Match Review Committee to Consider Any Expert Report

59. In any case where the Match Review Coordinator has commissioned and received a report pursuant to **Rule 58**, due consideration shall be given by the Match Review Committee to the opinions expressed therein.

### Amendment

60. (1) If after a consideration of the matters referred to in **Rule 58**, the Match Review Committee is of the opinion that:
  - (a) A charge for a different offence should be preferred against the Player for the subject incident, the Match Review Committee may authorise the Match Review Coordinator to so amend the charge; or
  - (b) A different grading for the offence should be ascribed, the Match Review Committee may authorise the Match Review Coordinator to so amend the grading.
- (2) For the purposes of **Sub-Rule (1)**, where the Match Review Committee is of either of the opinions specified therein, then the Match Review Committee shall authorise the Match Review Coordinator to:
  - (a) Publish short written reasons for that opinion;
  - (b) Provide a copy of those reasons to the Player or his representatives and the Media; and
  - (c) Forward to the Player or his representatives a Notice of Charge amended in accordance with his opinion;and the Match Review Coordinator shall, whenever authorised, so proceed.
- (3) Upon receipt of any amended Notice of Charge, the Player's obligations pursuant to **Rule 57** are renewed and, if the Player had proceeded in accordance with **Rule 57A**, the Player's entitlement to the benefit of that Rule is extinguished unless the Match Review Coordinator is given further notification by the Player pursuant to **Rule 57A** with respect to the amended Notice of Charge.
- (4) Subject only to **Rule 114**, nothing in this Rule should be taken to excuse the Match Review Coordinator from strictly complying with the time limits provided for in **Rules 52 and 53** with respect to the original Notice of Charge.

### Withdrawal of Charge

61. If after a consideration of the matters referred to in **Rule 58**, or for any other reason, the Match Review Committee is of the opinion that there is no reasonable prospect of a conviction for the

offence being secured, then the Match Review Committee shall authorise the Match Review Coordinator to:

- (1) Publish short written reasons for that opinion;
- (2) Provide a copy of those reasons to the Player or his representatives and the Media; and
- (3) Forward a Notice of Withdrawal of Charge specifying the particulars required in **Form 7**;

and the Match Review Coordinator shall, whenever authorised, so proceed, whereupon the proceedings will thereby be concluded.

### **Setting Down for Hearing**

62. Where a Player:

- (1) Fails to comply with **Rule 56(1)**;
- (2) Elects to plead not guilty;
- (3) Elects to plead guilty to the offence but does not accept the grading specified in the Notice of Charge;
- (4) Elects to plead guilty to an offence referred to the Judiciary pursuant to **Rule 52**;
- (5) Elects to plead no contest to a Notice of Referred Charge then:
  - (a) The Match Review Coordinator shall provide the Secretary with a copy of the Notice of Charge or the Notice of Referred Charge and, if completed, the Notice of Election or the Notice of Plea;
  - (b) The Secretary shall:
    - (i) Notify the Chairman;
    - (ii) Empanel the Adjudicators;
    - (iii) Notify the Judiciary Counsel;
    - (iv) Forward to each party a Notice of Hearing specifying the particulars required in **Form 8**;
    - (v) Take such other steps as are necessary to convene the Judiciary.

### **Brief to the Judiciary Counsel**

63A. Whenever a charge is set down for hearing pursuant to **Rule 62**, the Match Review Coordinator shall:

- (1) Forthwith provide to the Judiciary Counsel a copy of all reports and notices under these Rules that relate to the matter to be heard along with a copy of all of the evidence required to support his case including the videotape of the incident giving rise to the hearing and any statements from witnesses to be called at the hearing;
- (2) Forthwith provide to the Judiciary Counsel evidence in a form admissible at the hearing of:
  - (a) The Player's Career History;
  - (b) The previous convictions, if any, of the Player for an offence;
  - (c) The Player's accumulated demerit points, if any;
  - (d) The penalties previously imposed upon other Players for the same or similar

offences, together with any supporting videotape footage of those offences;

- (3) Thereafter, whenever requested by the Judiciary Counsel to do so, forthwith provide to him any reasonably available additional evidence or information as may in his opinion be required to adequately present his case to the Judiciary;
- (4) Ensure that any evidence in original form is available for tender at the hearing;
- (5) Assist the Judiciary Counsel to comply with his disclosure obligations pursuant to **Rule 55**;
- (6) Otherwise, do all things reasonably necessary to facilitate the presentation of the Judiciary Counsel's case to the Judiciary.

## Chapter 5 - Hearings by the Judiciary

### Part 5.1 - General

#### Challenge to Jurisdiction, Constitution, Etc.

63B. (1) Where a Player intends at a hearing of the Judiciary to challenge:

- (a) The jurisdiction of the Judiciary to deal with the Player or the charge;
- (b) The constitution of the Judiciary;
- (c) Any other matter that might take the Judiciary Counsel by surprise;

then the Player or his representatives shall complete a Notice of Challenge specifying the particulars required in **Form 8A** and forward it to the Match Review Coordinator **no later than 12.00 noon on the Tuesday following the relevant Match**. Without limitation, in any circumstances where the Player intends adducing in evidence before the Judiciary any video or camera footage or imagery that was not available to the Match Review Committee, that video or camera footage or imagery must be provided to the NSWRL by **no later than 12:00 noon on the Tuesday following the relevant Match**, failing which the Player shall not under any circumstances be permitted to adduce evidence of that video or camera footage or imagery in proceedings before the Judiciary (nor shall the Player be permitted to make any submissions to the Judiciary based on that video or camera footage or imagery).

- (2) Whenever any Notice of Challenge is received by the Match Review Coordinator, he shall forthwith provide a copy thereof to the Judiciary Counsel.
- (3) Unless the Player strictly complies with the provisions of **Sub-Rule (1)**, the Player shall not be entitled at the hearing to challenge, in any respect:
  - (a) The jurisdiction of the Judiciary to deal with the Player or the charge;
  - (b) The constitution of the Judiciary;
  - (c) Any other matter that might take the Judiciary Counsel by surprise.

#### Place of Hearing

63. All hearings by the Judiciary shall take place on Wednesdays in Sydney, Australia unless otherwise directed by the Chairman.

#### Representation

- 64. (1) A Player appearing before the Judiciary may, subject to the leave of the Chairman first had and obtained, be represented by a barrister, solicitor or agent on such terms, if any, as the Chairman in his absolute discretion deems fit.
- (2) In the event that a person granted leave to represent a Player pursuant to **Sub-Rule (1)** fails in the opinion of the Chairman to behave in a responsible and courteous manner, the Chairman may in his absolute discretion:
  - (a) Withdraw his leave for that person to represent the Player; and
  - (b) If necessary, adjourn the proceedings to enable the Player to obtain fresh representation.
- (3) Neither the Player nor his representative nor the Judiciary Counsel may appear before or otherwise communicate with the Judiciary regarding the proceedings without the presence or consent of the other party.
- (4) An opposition Player who is injured or otherwise involved in the incident giving rise to a charge is not entitled to be represented at the hearing, irrespective of whether that Player

is called as a witness at the hearing, unless the Chairman otherwise directs.

### **Persons Entitled to be Present**

65. (1) Subject to such directions as, in the opinion of the Chairman are necessary for the orderly conduct of the proceedings or for other good reason, the hearings of the Judiciary shall be open to the Media but not to members of the public.
- (2) A witness whom a party intends to call to give evidence in the hearing shall remain outside the hearing room until he is so called to give evidence.

### **Player Charged to Attend Hearing**

66. (1) Subject to **Sub-Rule (3)** and **Rules 106 and 107**, a Player charged with an offence shall attend the hearing at the time and place specified in the Notice of Hearing.
- (2) If a Player charged with an offence fails to appear at the time and place specified in the Notice of Hearing, the Judiciary may proceed to hear and determine the charge and / or the penalty in the absence of the Player.
- (3) Nothing in this Rule shall require a Player who has elected to plead no contest to a Notice of Referred Charge to attend the hearing.

### **On-Field Complainants to Attend Hearing**

- 67A. (1) In any case where a Player makes a complaint to a Match Official about the conduct of another Player during the course of a Match, and the conduct about which complaint was made becomes the subject of a charge before the Judiciary, Judiciary Counsel may require the complainant Player to attend a hearing of the Judiciary to give evidence in support of that charge, in which event the Player shall, on request:
- (a) Provide to Judiciary Counsel in advance of the hearing a written statement containing his full recollection of the event giving rise to the charge;
- (b) Personally attend the hearing at the time and place notified by Judiciary Counsel;
- (c) Submit to examination and cross-examination regarding the incident giving rise to the charge if so required.
- (2) Any breach by a Player of the obligations imposed by **Sub-Rule (1)** shall be dealt with pursuant to the provisions of the NSWRL Code of Conduct and the NSWRL Rules.

### **Adjournment**

67. (1) The Chairman may, in any case, grant time to the parties to proceed in the prosecution or defence of the charge, and may also from time to time adjourn the hearing, or further hearing, in such a manner and upon such terms as the Chairman thinks fit.
- (2) **Sub-Rule (1)** does not affect the operation of **Rules 110 or 111**.

### **Record of Proceedings**

68. (1) All hearings by the Judiciary shall be recorded by audio tape and the recording thereby obtained shall be preserved by the Secretary for at least 14 days.
- (2) **Sub-Rule (1)** does not apply to the deliberations of the Panel.

### **Decisions Final and Binding**

69. Subject only to **Chapter 6**, all decisions of the Judiciary shall be final and conclusive, are binding on, and shall be given effect to by the parties and all Clubs and persons bound by this Code.

## Part 5.2 - Substantive Provisions

### Substantive Law

70. (1) **Subject to Sub-Rules (2) and (3)** and the other provisions of this Code, the substantive law to be applied in any case is the common law of the State of New South Wales.
- (2) In the case of a Player charged with any one of the following offences, it shall be sufficient proof of guilt if it is established on the balance of probabilities that the Player acted either intentionally or recklessly:
- (a) Tripping;
  - (b) Kicking;
  - (c) Striking;
  - (d) Dropping Knees.
- (3) It shall not be a defence to any charge for the Player to prove that he:
- (a) Was provoked; and / or
  - (b) Acted in self-defence.

### Onus and Standard of Proof

71. In every case, the Judiciary Counsel bears the onus of proof on the balance of probabilities.

### Role of Chairman

72. (1) In every case, it is the Chairman's task to decide every question of law, evidence or procedure and to give such instructions or directions to the Panel, in relation thereto, as the Chairman deems fit.
- (2) At all times the Chairman shall be careful to ensure that he does not convey to the Panel his own opinion regarding any question of fact.
- (3) Notwithstanding anything here or elsewhere either expressly or impliedly provided, the Chairman may give all such directions and make all such orders as the Chairman deems fit for the conduct, expedition and resolution of matters coming before the Judiciary, including but not confined to directions and orders as to the length, form and nature of submissions, the reception of evidence, venues of hearings and procedural matters.

### Role of Panel

73. In every case, it is the Panel's task to decide every question of fact.

### Alternative Verdicts

74. (1) Where a Player is charged with the offence of making an Intentional High Tackle, it shall be open to the Panel to find him guilty of that offence or of any of the following offences:
- (a) A Reckless or Careless High Tackle;
  - (b) A Dangerous Throw;
  - (c) Dangerous Contact – Head / Neck;
  - (d) Dangerous Contact – Other; or
  - (e) A Shoulder Charge.

- (2) Where a Player is charged with the offence of making a Reckless High Tackle, it shall be open to the Panel to find him guilty of that offence or of any of the following offences:
  - (a) A Careless High Tackle;
  - (b) A Dangerous Throw;
  - (c) Dangerous Contact – Head / Neck
  - (d) Dangerous Contact - Other; or
  - (e) A Shoulder Charge.
- (3) The provisions of **Sub-Rules (1) and (2)** apply notwithstanding that the lesser offence or offences are not alleged in the Notice of Charge or Notice of Referred Charge.
- (4) Nothing in this Section shall be taken to permit the Panel to return a verdict of guilty to any offence that is not established by the evidence.

### **Part 5.3 – Evidence**

#### **Evidence**

75. (1) The Judiciary is not bound by the Rules of evidence usually applicable to proceedings in courts of law.
- (2) Although direct evidence of a fact in issue is to be preferred, the Judiciary may inform itself of the facts in any other way in which the Chairman considers both reliable and appropriate.
- (3) In a hearing to which **Part 5.4** applies:
  - (a) Evidence of, or in reference to:
    - (i) the Player's previous convictions, if any, for offences of misconduct; or
    - (ii) the Player's accumulated demerit points, if any, for offences of misconduct;
    - (iii) the base penalty or demerit points applicable to any grade of the offence or offences with which the Player is charged; or
    - (iv) the elective penalty or penalties applicable to the offence or offences with which the player is charged,

shall not be admissible and may not be taken into account.
  - (b) Evidence of comparable incidents admitted pursuant to **Rules 88(2)(c) or 89(2)(d)** shall not be admissible to determine the issue of guilt and may not be taken into account.

#### **Videotape Recordings**

76. Videotape recordings of the incident giving rise to the charge are admissible without further proof provided:
  - (1) The incident is reasonably identifiable on the recording;
  - (2) The audio sound is muted when the videotape is played; and
  - (3) That **Rule 63B(1)** has been complied with, where relevant, in relation to any video or camera footage or imagery that the Player intends adducing in any proceedings before the



Judiciary.

### **Witnesses and Exhibits**

77. (1) Subject to **Rule 78A**, the evidence of a witness called by a party may be given:
- (a) In person at the hearing;
  - (b) By telephone conferencing; or
  - (c) By video conferencing.
- (2) Any document or thing admitted into evidence shall be marked and consecutively numbered as an exhibit, which exhibits, at the conclusion of the hearing, shall be placed in the custody of the Secretary for safe keeping.

### **Victim Evidence**

- 78A. (1) Subject to **Sub-Rule (2)**, in any case where a Player wishes to call evidence at a hearing from another Player as to the effect on that Player of the misconduct the subject of the charge, such evidence will not be admissible unless that other Player personally attends the hearing and is made available for cross- examination.
- (2) Despite **Sub-Rule (1)**, the Chairman may, in his absolute discretion, permit evidence to be called from another Player as to the effect on that Player of the misconduct the subject of the charge without that Player personally attending the hearing if the Chairman is satisfied that there are exceptional reasons justifying the Player's absence and the Player is otherwise available to be cross-examined by video conferencing.

### **Medical Evidence**

- 78B. In any case where a Player wishes to call evidence at a hearing from a medical practitioner as to the Player's physical or mental condition at the time of the incident the subject of the charge, such evidence will not be admissible unless the medical practitioner:
- (1) Personally examined the Player following the Match in which the incident occurred; or
  - (2) Is a properly qualified specialist in the field of medical expertise applicable to the condition about which evidence is sought to be called.

### **Concussion and Like Contentions**

- 78C. (1) In any case where a Player wishes to contend at a hearing that he was concussed or otherwise had his consciousness affected during the Match giving rise to a charge, either by way of a defence to that charge or by way of mitigation of penalty, that contention shall not be permitted to be made unless, in the opinion of the Chairman in his absolute discretion, it is supported by properly qualified medical opinion.
- (2) Further, in any case where the Chairman allows a Player to contend at a hearing of the Judiciary that he was concussed or otherwise had his consciousness affected during the Match giving rise to a charge pursuant to **Sub-Rule (1)**, and irrespective of the outcome of that hearing:
- (a) The Secretary shall forthwith notify the Chief Executive Officer of the making of that contention and, at the same time, supply to the Chief Executive Officer a copy of the medical opinion used to support it;
  - (b) Without otherwise affecting the application of the NSWRL Rules, the Chief Executive Officer may suspend the registration of that Player and the NSWRL Playing Contract in any NSWRL Competition for that Player until such a time as the Player or the Player's Club produces properly qualified medical opinion that supports the conclusion that any medical condition suffered by the Player in the Match has completely resolved.

## Expert Evidence

- 78D. (1) In any case where a Player wishes to rely upon any expert evidence at a hearing, including but not limited to evidence to which **Rule 78B** applies, such evidence shall not be admissible unless the Player has served upon Judiciary Counsel, **by 4.00pm on the day prior to the hearing**, a report from any such expert setting out:
- (a) The expert's qualifications as an expert on the issue the subject of the report;
  - (b) The facts, and assumptions of fact, on which the opinions in the report are based;
  - (c) The expert's reasons for each opinion expressed;
  - (d) If applicable, that a particular issue falls outside the expert's field of expertise;
  - (e) Any literature or other materials utilised in support of the opinions;
  - (f) Any examinations, tests or other investigations on which the expert has relied, including details of the qualifications of the person who carried them out;
  - (g) In the case of a report that is lengthy or complex, a brief summary of the report (to be located at the beginning of the report).
- (2) The Judiciary Counsel must give notice to the Player **by 9.00 am on the day of the hearing** whether any expert whose report has been served pursuant to **Sub-Rule (1)** is required to attend the hearing for the purposes of cross-examination.
- (3) If notice is given in accordance with **Sub-Rule (2)** that the expert is required to attend the hearing, and the expert does not attend, the report served under **Sub-Rule (1)** shall not be admissible.
- (4) For the purposes of **Sub-Rules (2) and (3)**, and in the event that notice is given requiring the expert to attend the hearing, such attendance may be in person or by such other means as the Chairman, in his absolute discretion, may direct.
- (5) In response to the service of a report under **Sub-Rule (1)**, Judiciary Counsel may serve upon the Player an expert report in reply.
- (6) Any report served by Judiciary Counsel in accordance with **Sub-Rule (5)** must:
- (a) be served on the Player **by 12.00 noon on the day of the hearing**;
  - (b) be in the form prescribed by **Sub-Rule (1)(a)-(g)**.
- (7) In response to any report served under **Sub-Rule (5)**, the Player must give notice to Judiciary Counsel, **by 4.00 pm on the day of the hearing**, whether the expert is required to attend the hearing for the purposes of cross-examination.
- (8) If notice is given in accordance with **Sub-Rule (7)** that the expert is required to attend the hearing, and the expert does not attend, the report served in reply under **Sub-Rule (5)** shall not be admissible.
- (9) For the purposes of **Sub-Rules (7) and (8)**, and in the event that notice is given requiring the expert to attend the hearing, such attendance may be in person or by such other means as the Chairman, in his absolute discretion, may direct.
- (10) There shall be strict compliance with all time limits imposed by this rule.

## Part 5.4 - The Hearing

### Player to be asked to Plead

78. (1) Subject to **Sub-Rule 3(c)**, at the commencement of the hearing, the Judiciary Counsel shall tender the Notice of Charge or the Notice of Referred Charge, following which the offence charged and, in the case of a Notice of Charge, the grading therein specified shall be read to the Player and the Player shall be asked how he pleads.
- (2) In the case of a charge preferred by a Notice of Charge:
- (a) If the Player pleads guilty and accepts the grading for the offence, he shall be allocated the Elective Penalty specified in the Notice of Charge for a Finding of Guilt and, subject only to **Part 3.5**, the proceedings are thereby concluded;
  - (b) If the Player pleads guilty but does not accept the grading for the offence specified in the Notice of Charge, the Judiciary shall proceed in accordance with **Part 5.5**;
  - (c) If the Player pleads not guilty, the Judiciary shall proceed in accordance with this Part to hear and determine the offence charged.
- (3) In the case of a charge preferred by a Notice of Referred Charge:
- (a) If the Player pleads guilty, the Judiciary shall proceed in accordance with **Part 5.5**;
  - (b) If the Player pleads not guilty, the Judiciary shall proceed in accordance with this Part to hear and determine the offence charged;
  - (c) If the Player has elected to plead no contest, the Judiciary Counsel shall tender the Notice of Referred Charge, following which the Judiciary shall proceed in accordance with **Part 5.5** in the absence of the Player.
- (4) To remove doubt, the Judiciary Counsel shall not tender any Notice of Preparedness to Plead Guilty to a Lesser Charge or Grading given by the Player pursuant to **Rule 57A**.

### Chairman to Explain Procedure

79. After the plea referred to in **Rule 78** has been taken, the procedures to be followed at the hearing should be briefly but clearly explained by the Chairman to the Player or his representative.

### The Judiciary Counsel's Case

80. The evidence that the Judiciary Counsel relies upon to support the charge shall be presented in the following sequence:
- (1) The videotape, if any, shall be played;
  - (2) Any report by an expert shall be tendered;
  - (3) Each witness shall be called whereupon he:
    - (a) Shall be examined in chief by the Judiciary Counsel;
    - (b) May be cross-examined by the Player or his representative;
    - (c) May be questioned by the Chairman and, with the Chairman's prior consent, by any member of the Panel; and
    - (d) May, with the leave of the Chairman, be re-examined by the Judiciary Counsel;
  - (4) Thereafter, the Judiciary Counsel shall close his case.

## The Player's Case

81. After the close of the Judiciary Counsel's case, the Player shall be called upon to advise whether he wishes to give or to call evidence in his defence and, if so, that evidence shall be presented in the following sequence:
- (1) Any report by an expert shall be tendered;
  - (2) Each witness shall be called whereupon he:
    - (a) Shall be examined in chief by the Player or his representative;
    - (b) May be cross-examined by the Judiciary Counsel;
    - (c) May be questioned by the Chairman and, with the leave of the Chairman, by any member of the Panel; and
    - (d) May, with the leave of the Chairman, be re-examined by the Player or his representative;
  - (3) Thereafter, the Player shall close his case.

## Addresses

82. At the conclusion of the evidence, the Judiciary Counsel may address the Panel followed by the Player or his representative.

## Directions to the Panel

83. (1) At the conclusion of the addresses, the Chairman shall give the Panel directions as to:
- (a) The onus and the standard of proof;
  - (b) The substantive law to be applied in the circumstances of the particular case;
  - (c) If applicable, the alternative verdicts that are available pursuant to **Rule 74**; and
  - (d) Such other matters as, in his opinion, it is desirable to bring to the attention of the Panel.
- (2) Without derogating from **Sub-Rule (1)**, the Chairman may give directions to the Panel in accordance with the Standard Directions, with such modifications, adaptations or omissions as the Chairman, in his absolute discretions, considers appropriate.
- (3) Nothing in **Sub-Rule (2)** is intended to require the Chairman to give directions to the Panel in accordance with the Standard Directions.

## Deliberations

84. After the Chairman has given directions to the Panel, the Panel shall retire to consider their verdict.

## Decision

85. (1) The verdict of the Panel must be a verdict arrived at by at least a majority of the members thereof.
- (2) When the Panel has reached a verdict:
- (a) They shall immediately return to the hearing room; and
  - (b) Their appointed spokesman shall give their verdict by stating whether the Player is guilty or not guilty.

- (3) Save where the Chairman otherwise directs, when giving their verdict, the Panel shall not give reasons nor make comment in any respect upon their verdict.
- (4) If the Panel finds the Player not guilty of the charge, the proceedings are thereby concluded.
- (5) In the case of a charge preferred by a Notice of Charge:
  - (a) If the Panel finds the Player guilty of the charge and the Player accepts the grading for the offence, he shall be allocated the Elective Penalty specified in the Notice of Charge for a Finding of Guilt and, subject only to **Part 3.5**, the proceedings are thereby concluded;
  - (b) If the Panel finds the Player guilty of the charge but the Player does not accept the grading specified in the Notice of Charge, the Judiciary shall proceed in accordance with **Part 5.5**.
- (6) In the case of a charge preferred by a Notice of Referred Charge, if the Panel finds the Player guilty of the charge, the Judiciary shall proceed in accordance with **Part 5.5**.

#### **Procedure When Verdict for Lesser Offence Returned**

86. (1) Where, in a case to which **Rule 74** applies, the Panel finds the Player guilty of a lesser offence then:
  - (a) The Chairman shall call upon the Judiciary Counsel to ascribe a grading for that offence;
  - (b) The Judiciary Counsel shall thereupon ascribe the grading and calculate the Elective Penalty on a Finding of Guilt for that offence and grading; and
  - (c) The Chairman shall ask the Player whether he accepts the grading.
- (2) Subject to **Sub-Rule (3)**, if the Player accepts the grading, he shall be allocated the Elective Penalty referred to in **Sub-Rule (1)(b)** and, subject only to **Part 3.5**, the proceedings are thereby concluded.
- (3) If the Player accepts the grading and had given to the Match Review Coordinator a Notice of Preparedness to Plead to a Lesser Offence or Grading pursuant to **Rule 57A** indicating that he was prepared to plead guilty to the lesser offence in relation to which the Panel found the Player guilty, the Player shall upon production of the Notice of Preparedness to Plead to a Lesser Offence or Grading be allocated the Elective Penalty on an Early Plea for that offence and grading and, subject only to **Rules 47F and 47G**, the proceedings are thereby concluded.
- (4) If the Player does not accept the grading, the Judiciary shall proceed in accordance with **Part 5.5**.

### **Part 5.5 - Sentencing**

#### **Application**

87. This Part applies to a Player charged with an offence who has:
  - (1) Been charged pursuant to a Notice of Referred Charge and has thereby been referred to the Judiciary by the Match Review Coordinator pursuant to **Rule 53A** to determine penalty;
  - (2) Pleaded guilty to the offence but does not accept the grading specified in the Notice of Charge within the meaning of **Rule 57 or Rule 78**;
  - (3) Been found guilty of the offence by the Panel but does not accept the grading specified

in the Notice of Charge within the meaning of **Rule 85 or Rule 86**;

- (4) Elected to plead no contest to a Notice of Referred Charge.

#### **Procedure to Determine Penalty**

88. (1) Where a Player has been charged pursuant to a Notice of Referred Charge and has thereby been referred to the Judiciary by the Match Review Coordinator pursuant to **Rule 53A** to determine penalty, upon that Player pleading either no contest or guilty to the charge or upon the Judiciary finding that Player guilty of the charge, the procedure to be followed by the Judiciary to determine the penalty for the offence shall be generally in accordance with the procedure set out in **Part 5.4**, with such modifications or adaptations as the Chairman may think fit.
- (2) Without limiting **Sub-Rule (1)**, when determining the penalty for an offence:
- (a) It is the function of the Panel and not the Chairman to determine the penalty;
- (b) The Judiciary Counsel shall present evidence of:
- (i) The Player's Career History;
- (ii) The previous convictions, if any, of the Player for an offence;
- (iii) The Player's accumulated demerit points, if any;
- (iv) If the Player was dismissed from the field in consequence of the incident giving rise to the charge, the number of whole minutes the Player was absent from the field of play during the Match (excluding any extra time);
- (v) In any case where a Player has been charged pursuant to a Notice of Referred Charge and has elected in his Notice of Plea (**Form 6**) to plead guilty to the charge, that Notice of Plea;
- (vi) The penalties previously imposed upon other Players for the same or similar offences
- (c) The Player may present evidence by videotape recording of not more than three previous incidents leading to the conviction of other Players for the same offence, provided that such previous incidents:
- (i) Occurred within a period of two Years immediately preceding the date on which the incident giving rise to the offence under consideration occurred; and
- (ii) May fairly be regarded as truly comparable to the incident in respect of which the Player is charged.
- (d) For the purposes of **Sub-Rules (2)(b)(vi) and (2)(c)**, the Chairman may, in his absolute discretion, disallow the reception of any or all such evidence of previous incidents if in his opinion such evidence is either not truly comparable to the incident in respect of which the Player is charged or would not assist the Panel in their task of determining the penalty for the offence.
- (e) Nothing in this Rule shall require a Player who has elected to plead no contest to a Notice of Referred Charge to attend, or be represented at, the hearing.

#### **Procedure to Determine Grading**

89. (1) Where a Player has been charged pursuant to a Notice of Charge, the procedure to be followed by the Judiciary to determine the grading for an offence shall be generally in accordance with the procedure set out in **Part 5.4**, with such modifications or adaptations as the Chairman may think fit.

- (2) Without limiting **Sub-Rule (1)**, when determining the grading for an offence:
- (a) It is the function of the Panel and not the Chairman to determine the grading;
  - (b) In so determining the grading, the Panel may ascribe a grading which is greater or lesser than the grading specified in the Notice of Charge;
  - (c) The Judiciary Counsel may present evidence of the grading ascribed to offences with respect to previous incidents leading to the conviction of other Players for the same offence or a similar offence;
  - (d) The Player may present evidence by videotape recording of not more than three previous incidents leading to the conviction of other Players for the same offence, provided that such previous incidents:
    - (i) Occurred on or after 1 January 2019; and
    - (ii) May fairly be regarded as truly comparable to the incident in respect of which the Player is charged;
  - (e) For the purposes of **Sub-Rules (2)(c) and (2)(d)**, the Chairman may, in his absolute discretion, disallow the reception of any or all such evidence of previous incidents if in his opinion such evidence is either not truly comparable to the incident in respect of which the Player is charged or would not assist the Panel in their task of determining the grading for the offence.
  - (f) Nothing in this Rule shall require a Player who has elected to plead no contest to a Notice of Referred Charge to attend, or be represented at, the hearing.

### Sentence

90. (1) In the case of a charge preferred pursuant to a Notice of Referred Charge, the sentence of the Panel shall be expressed in a number of demerit points which shall thereupon be allocated to the Player.
- (2) Subject to **Sub-Rule (3)**, in the case of a charge preferred pursuant to a Notice of Charge, the sentence of the Panel shall be expressed by specifying the grading for the offence whereupon the Judiciary Counsel shall calculate the Elective Penalty on a Finding of Guilt for that offence and grading and the demerit points so calculated will be thereupon allocated to the Player.
- (3) In any case where the Panel:
- (b) Finds the Player guilty of a lesser offence pursuant to **Rule 74** and that lesser offence was notified by the Player to the Match Review Coordinator pursuant to **Rule 57A (1)**, then the Player shall be allocated the Elective Penalty for an Early Plea to that offence;
  - (c) Determines a lesser grading for the offence pursuant to **Rule 89** and that lesser grading is equal to or less than the grading notified by the Player to the Match Review Coordinator pursuant to **Rule 57A (1)**, then the Player shall be allocated the Elective Penalty for an Early Plea to that grading;
- upon production to the Chairman of the relevant Notice of Intention to Plead to a Lesser Offence or Grading given by the Player pursuant to **Rule 57A (1)**.
- (4) To remove doubt, unless the Panel:
- (b) Finds the Player guilty of a lesser offence pursuant to **Rule 74** and that lesser offence was notified by the Player to the Match Review Coordinator pursuant to **Rule 57A(1)**; or
  - (c) Determines a lesser grading for the offence pursuant to **Rule 89** and that lesser

grading is equal to or less than the grading notified by the Player to the Match Review Coordinator pursuant to **Rule 57A(1)**;

then the Player shall not be entitled to the Elective Penalty for an Early Plea.

- (5) Save where the Chairman otherwise directs, when giving their verdict, the Panel shall not give reasons nor make comment in any respect upon their sentence.
- (6) Once the sentence of the Panel has been announced, subject only to **Part 3.5**, the proceedings are thereby concluded.

### **Part 5.6 - Combined Hearings**

#### **Procedure**

91. (1) Notwithstanding anything here or elsewhere either expressly or impliedly provided, the Chairman may in his absolute discretion, whether on application by a party to do so or otherwise, proceed by way of combined hearing under **Part 5.4** and under **Part 5.5** at the same time.
- (2) Where the Chairman proceeds by way of combined hearing pursuant to **Sub-Rule (1)**, the procedure to be followed by the Judiciary shall be generally in accordance with the procedures set out in **Part 5.4 and Part 5.5**, with such modifications or adaptations as the Chairman may think fit.

#### **Special Directions**

92. (1) Where the Chairman proceeds by way of combined hearing pursuant to **Rule 91** they shall, in addition to his obligations under **Rule 83**, give to the Panel special directions designed to ensure that the Panel deliberates in a fair and just manner.
- (2) Without limiting **Sub-Rule (1)**, the Chairman shall direct the Panel to:
  - (a) Determine the issue of guilt first;
  - (b) In order to determine the issue of guilt, confine their consideration to the evidence presented by the Judiciary Counsel and, if applicable, by the Player on that issue;
  - (c) When determining the issue of guilt, not have regard to any evidence presented by the Judiciary Counsel or, if applicable, the Player on the issue of penalty or grading;
  - (d) Only if they find the Player guilty of the charge, proceed to consider the issue of penalty or grading.



## Chapter 6 - Appeals

### Grounds of Appeal

93. (1) Save for any case in which a Player has elected to plead no contest to a Notice of Referred Charge, and in any event subject to **Rules 94 and 95**, a Player aggrieved by a decision of the Judiciary may appeal, within seven days from the date on which the decision is announced, to the NSWRL Appeals Committee on one or more of the following grounds:
- (a) With respect to the issue of guilt:
    - (A) That there was an error of law; or
    - (B) That the decision was unreasonable or insupportable having regard to the evidence in the case;
  - (b) With respect to the issue of sentence, that:
    - (A) In the case of a Notice of Referred Charge, the penalty imposed was manifestly excessive;
    - (B) In the case of a Notice of Charge, the grading ascribed was manifestly excessive.
- (2) To remove any doubt, where a Player has elected to plead no contest to a Notice of Referred Charge, no appeal shall lie from the decision of the Judiciary, which decision shall be final and conclusive, be binding on and be given effect to by the parties.

### Leave to Appeal

94. (1) A Player who wishes to appeal from a decision of the Judiciary must first obtain the leave of the Chairman of the Judiciary to do so.
- (2) The Chairman shall not grant a Player leave to appeal unless he is of the opinion that it is a "fit case to proceed" as an appeal within the meaning of that expression as it is defined in **Rule 26** of the NSWRL Appeals Committee Procedural Rules.
- (3) At any hearing to determine whether leave to appeal ought to be granted, in addition to the Player or his representative, the Judiciary Counsel is entitled to appear and to be heard on the issue.

### Commencement of Appeals

95. (1) An appeal is commenced when a Player:
- (a) Lodges security for the appeal, in accordance with the requirements of **Rule 24** of the NSWRL Appeals Committee Procedural Rules, with the Secretary;
  - (b) After obtaining the leave of the Chairman as provided in **Rule 94**, forwards a Notice of Appeal specifying the matters required in **Form 9** to the Secretary; and
  - (c) Otherwise complies with the requirements of the NSWRL Appeals Committee Procedural Rules.
- (2) Where a Player has complied with the provisions of **Sub-Rule (1)**, the Secretary shall:
- (a) Cause a transcript of the hearing before the Judiciary to be prepared;
  - (b) Notify the President and the other members of the NSWRL Appeals Committee;
  - (c) Notify the Judiciary Counsel;

- (d) Take such other steps as are necessary to convene the NSWRL Appeals Committee; and
- (e) Advise the parties of the date and time of the hearing.

### **Place of Hearing**

96. All hearings by the NSWRL Appeals Committee shall take place in Sydney, Australia unless otherwise directed by the President.

### **Representation**

97. (1) A Player appearing before the NSWRL Appeals Committee may, subject to the leave of the President first had and obtained, be represented by a barrister, solicitor or agent on such terms, if any, as the President in his absolute discretion deems fit.
- (2) In the event that a person granted leave to represent a Player pursuant to **Sub-Rule (1)** fails in the opinion of the President to behave in a responsible and courteous manner, the President may in his absolute discretion:
- (a) Withdraw his leave for that person to represent the Player; and
  - (b) If necessary, adjourn the proceedings to enable the Player to obtain fresh representation.
- (3) **Sub-Rule (2)** does not affect the operation of **Rules 110 or 111**.
- (4) Neither the Player nor his representative nor the Judiciary Counsel may appear before or otherwise communicate with the NSWRL Appeals Committee regarding the proceedings without the presence or consent of the other party.

### **Persons Entitled to be Present**

98. The hearings of the NSWRL Appeals Committee are not open to the Media or to the public.

### **Withdrawal of Appeal**

99. (1) The appellant Player may, at any time prior to the hearing of the appeal, withdraw his appeal by forwarding to the Secretary a Notice of Withdrawal of Appeal specifying the matters required in **Form 10**, and the proceedings will thereby be concluded.
- (2) In a case where an appeal is withdrawn, the security lodged by the Player with the Secretary shall be forfeited to the NSWRL.

### **Evidence**

100. (1) The NSWRL Appeals Committee shall hear and determine all appeals by way of a review of the evidence presented in the Judiciary.
- (2) Neither the appellant Player nor the Judiciary Counsel may adduce fresh evidence at the hearing of the appeal without the leave of the President.
- (3) For the purposes of **Sub-Rule (2)**, the President shall not grant leave to adduce fresh evidence unless:
- (a) The evidence could not by reasonable diligence have been obtained by the Judiciary Counsel or the Player or his representatives prior to the conclusion of the hearing before the Judiciary; and
  - (b) The evidence is of such a character that, if considered in combination with the evidence already given before the Judiciary, the decision arrived at by the Judiciary might be substantially affected.

## Procedure

101. (1) Prior to the hearing of an appeal, the Secretary shall:
  - (a) Provide each member of the NSWRL Appeals Committee and the parties with a copy of the transcript of the hearing before the Judiciary;
  - (b) Arrange for the exhibits tendered in evidence before the Judiciary to be available for scrutiny by the NSWRL Appeals Committee at the hearing of the appeal.
- (2) At the hearing of the appeal, the appellant Player or his representative may address the NSWRL Appeals Committee followed by the Judiciary Counsel.

## Powers of the NSWRL Appeals Committee

102. (1) If the NSWRL Appeals Committee is of the opinion that the point or points raised by the appeal might be decided in favour of the appellant Player but considers that no substantial miscarriage of justice has actually occurred, the NSWRL Appeals Committee shall dismiss the appeal.
- (2) Subject to **Sub-Rule (1)**, on the hearing of an appeal, the NSWRL Appeals Committee may:
  - (a) If the appeal is against a finding of guilt:
    - (i) Uphold the decision of the Judiciary;
    - (ii) Quash the decision of the Judiciary; or
    - (iii) In a case where **Rule 74** applies, find the Player guilty of a lesser offence;
  - (b) If the appeal is against sentence in the case of a Notice of Referred Charge:
    - (i) Increase the penalty imposed by the Judiciary;
    - (ii) Decrease the penalty imposed by the Judiciary;
    - (iii) Affirm the penalty imposed by the Judiciary;
  - (c) If the appeal is against sentence in the case of a Notice of Charge:
    - (i) Increase the grading ascribed by the Judiciary;
    - (ii) Decrease the grading ascribed by the Judiciary;
    - (iii) Affirm the grading ascribed by the Judiciary.
- (3) For the purposes of **Sub-Rule (1)**, a decision arrived at by a majority of the constituents of the NSWRL Appeals Committee shall be taken to be a decision arrived at by the NSWRL Appeals Committee.
- (4) If the NSWRL Appeals Committee upholds the decision of the Judiciary or affirms or increases the penalty or grading, any security (or bond or such other amount) lodged by the Player with the Secretary shall be forfeited to the NSWRL.
- (5) If the NSWRL Appeals Committee quashes the decision of the Judiciary, finds the Player guilty of a lesser offence or decreases the penalty or grading, any security (or bond or such other amount) lodged by the Player with the Secretary shall be refunded to the Player.

## Decisions Final and Binding

103. (1) All decisions of the NSWRL Appeals Committee shall be final and conclusive, are binding

on, and shall be given effect to by the parties.

- (2) Once the decision of the NSWRL Appeals Committee has been given, subject only to **Part 3.5**, the proceedings are thereby concluded.

## Chapter 7 - General

### Part 7.1 - Facilitative Provisions

#### Directions

104. (1) When a party desires to take any step in any proceeding to which this Code applies, and the manner or form of procedure is not prescribed by this Code, then that party may, on notice to the other party, apply to the Chairman or the President, as the case may be, for directions, and any step taken in accordance with the directions given by the Chairman or the President shall be deemed to be regular and sufficient.
- (2) Without limiting the foregoing, in giving such directions, the Chairman or the President, as the case may be, may modify the provisions of this Code in a way calculated to promote the just, speedy and inexpensive determination of the proceedings.

#### Applications

105. (1) When a party wishes to make application under these Rules, whether to the Chairman or to the President, or in any case where in this Code the manner or form of application is not prescribed, then that party shall follow the procedure provided in **Sub-Rule (2)**.
- (2) For the purposes of **Sub-Rule (1)**, any such application shall:
- (a) Be made on the giving of one clear day's notice to the Secretary and to the other party, unless that other party or the Chairman or the President, as the case may be, agrees to the giving of a shorter period of notice;
  - (b) Be made either in writing or by telephone conferencing or as the Chairman or the President, as the case may be, directs;
  - (c) Be determined by the Chairman or the President, as the case may be, after both parties have had an opportunity to make submissions;
  - (d) Be conducted in accordance with such directions as may from time to time be given by the Chairman or the President, as the case may be.

#### Telephone Conferencing

106. When requested to do so by either party, the Secretary shall arrange a telephone conferencing facility to enable:
- (1) A party to make application pursuant to **Rule 105**;
  - (2) The evidence of a witness to be taken.

#### Video Conferencing

107. When both parties consent and it is reasonably practicable to do so, the Secretary shall arrange a video conferencing facility to enable:
- (1) The charged Player and his representative to appear at the hearing of the Judiciary in satisfaction of **Rule 66**;
  - (2) The appellant Player and his representative to appear at the hearing of the NSWRL Appeals Committee pursuant to **Rule 97**; or
  - (3) Subject to **Rule 78A**, the evidence of a witness to be taken.

#### Notices

108. Where in this Code, a document is required to be forwarded, it shall be taken to have been so forwarded if:

- (1) It is delivered to the recipient in person;
- (2) It is transmitted to the recipient by facsimile machine and confirmation is given by the recipient that the facsimile has been received;
- (3) It is emailed to the recipient; or
- (4) In the case of a Player, it is delivered, transmitted by facsimile machine or emailed to the chief executive officer of that Player's Club.

### **Certificates**

109. (1) When requested by a party to do so, the Secretary shall provide a document certifying the recorded particulars with respect to:
- (a) A Player's Career History;
  - (b) A Player's previous convictions, if any, for an offence of misconduct;
  - (c) The demerit points, if any, allocated to a Player from time to time, the dates upon which the demerit points were so allocated, the reason in each case for the allocation and the suspensions served;
  - (d) Any reduction of demerit points allocated to a Player pursuant to **Rule 39**.
- (2) A certificate provided by the Secretary pursuant to **Sub-Rule (1)**, upon its production in the proceedings, shall without further proof be conclusive evidence of the matters certified therein unless the contrary is proved.

## **Part 7.2 - Miscellaneous Provisions**

### **Players Dismissed**

110. A Player who has been dismissed from the field of play by a Referee during a Match in a NSWRL Competition shall not play until:
- (1) The Match Review Committee is of the opinion that a charge should not be laid against him for the conduct leading to the dismissal and the Match Review Coordinator has published reasons for that opinion pursuant to **Rule 51(5)**;
  - (2) He has received a Notice of Withdrawal of Charge pursuant to **Rule 61**;
  - (3) Subject to **Rule 111**, the proceedings have been concluded.

### **Players Charged**

111. A Player charged with an offence shall not play in a Match in the NSWRL Competition, the Related Competitions or the Representative Competitions until the proceedings have been concluded unless exceptional circumstances are found to exist and, in his absolute discretion, the Chairman so orders.

### **Publication of Outcomes**

112. (1) After the conclusion of every proceeding, the Secretary shall advise the Board and each Club of the outcome of that proceeding, which advice shall include particulars of the offence charged and the penalty, if any, imposed.
- (2) Without limiting the foregoing, in the case of an appeal pursuant to **Chapter 6**, the Secretary shall also advise the Media of the decision of the NSWRL Appeals Committee.

### **Proceedings not to be invalidated for Technical Reasons or Want of Form**

113. (1) No proceedings shall be invalidated merely by reason of any defect whether of substance or of form in any notice or report or by reason of non-compliance with any provision of this Code unless the Chairman or the President, as the case may be, so directs.
- (2) Subject to **Rule 114, Sub-Rule (1)** does not apply to the time limits prescribed by **Rules 49, 53, 53A, 56, 57A or 63B**.

### **Time**

114. (1) Upon application by a party, the Chairman or the President, as the case may be, may enlarge the time for doing any act or taking any proceeding allowed or limited by this Code upon such terms as the Chairman or the President deems fit.
- (2) An application pursuant to **Sub-Rule (1)** may be made and time may be enlarged although the application is not made until after the expiration of the time allowed or limited by this Code.

## Chapter 8 - Transitional

### Notification of Appointments

115. As soon as practicable after each is appointed, the Secretary shall notify each Club of the persons appointed to occupy the following positions:
- (1) The Secretary;
  - (2) The Judiciary Counsel;
  - (3) The Match Reviewers;
  - (4) The Match Review Coordinator;
  - (5) The Chairman;
  - (6) The Adjudicators.

### Players' Records

116. For the purposes of **Rules 6, 11, 42, 75, 88 and 109**, a Player's:

- (1) Career History; and
- (2) Previous convictions, if any, for offences of misconduct;

in a NSWRL Competition, the NRL Competition, the National Youth Competition, the Related Competitions, the Representative Competitions and / or the Other Competitions shall be taken into account together with any other Rugby League competition which in the opinion of the Chairman or the President, as the case may be, ought fairly be taken into account.



## FIRST SCHEDULE

### OFFENCES

DESCRIPTION OF MISCONDUCT	SHORT DESCRIPTION
A Player is guilty of misconduct if he trips another Player	Tripping
A Player is guilty of misconduct if he kicks another Player	Kicking
A Player is guilty of misconduct if he strikes another Player	Striking
A Player is guilty of misconduct if, when effecting or attempting to effect a tackle, he makes contact with the head or neck of an opponent intentionally	Intentional High Tackle
A Player is guilty of misconduct if, when he is effecting or attempting to effect a tackle, he makes contact with the head or neck of an opponent recklessly	Reckless High Tackle
A Player is guilty of misconduct if, when he is effecting or attempting to effect a tackle, he makes contact with the head or neck of an opponent carelessly	Careless High Tackle
A Player is guilty of misconduct if he drops his knees first onto an opponent who is on the ground	Dropping Knees
A Player is guilty of misconduct if he uses any dangerous throw when effecting a tackle	Dangerous Throw
A Player is guilty of misconduct if he behaves in a way that is contrary to the true spirit of the Game	Contrary Conduct

<b>DESCRIPTION OF MISCONDUCT</b>	<b>SHORT DESCRIPTION</b>
<p>A Player is guilty of misconduct if he behaves in a manner which is detrimental to the interests, welfare or image of the NSWRL, a NSWRL Competition, the NRL, the NRL Competition and / or the Game</p>	<p>Detrimental Conduct</p>
<p>A Player is guilty of misconduct if he carelessly, recklessly or intentionally makes dangerous contact with the head or neck of an opposing player</p>	<p>Dangerous Contact – Head/Neck</p>
<p>A Player is guilty of misconduct if he carelessly, recklessly or intentionally makes dangerous contact with an opposing player (but which does not involve contact with the opposing player’s head or neck)</p>	<p>Dangerous Contact – Other</p>
<p>A Player is guilty of misconduct if he carelessly, recklessly or intentionally makes or attempts to make a shoulder charge on an opposing Player (that is, by making forceful contact with an opposing Player by using his shoulder and / or upper arm without, at the same time, using both of his arms to tackle or otherwise take hold of that opposing Player)</p>	<p>Shoulder Charge</p>

## SECOND SCHEDULE

### DEMERIT POINTS - THE CONSEQUENCES

NUMBER OF DEMERIT POINTS	CONSEQUENCES
Less than 100	The Player is not suspended from playing, but carries the allocated points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 99, but less than 200	The Player is forthwith suspended from playing for one Match, his total points reduce by 100 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 199, but less than 300	The Player is forthwith suspended from playing for two Matches, his total points reduce by 200 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 299, but less than 400	The Player is forthwith suspended from playing for three Matches, his total points reduce by 300 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 399, but less than 500	The Player is forthwith suspended from playing for four Matches, his total points reduce by 400 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 499, but less than 600	The Player is forthwith suspended from playing for five Matches, his total points reduce by 500 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 599,	The Player is forthwith suspended from playing for six Matches, his total points reduce by 600 when the

NUMBER OF DEMERIT POINTS	CONSEQUENCES
but less than 700	suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 699, but less than 800	The Player is forthwith suspended from playing for seven Matches, his total points reduce by 700 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 799, but less than 900	The Player is forthwith suspended from playing for eight Matches, his total points reduce by 800 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 899, but less than 1,000	The Player is forthwith suspended from playing for nine Matches, his total points reduce by 900 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 999, but less than 1,100	The Player is forthwith suspended from playing for ten Matches, his total points reduce by 1,000 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,099, but less than 1,200	The Player is forthwith suspended from playing for eleven Matches, his total points reduce by 1,100 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,199, but less than 1,300	The Player is forthwith suspended from playing for twelve Matches, his total points reduce by 1,200 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.

NUMBER OF DEMERIT POINTS	CONSEQUENCES
Greater than 1,299, but less than 1,400	The Player is forthwith suspended from playing for thirteen Matches, his total points reduce by 1,300 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,399, but less than 1,500	The Player is forthwith suspended from playing for fourteen Matches, his total points reduce by 1,400 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,499, but less than 1,600	The Player is forthwith suspended from playing for fifteen Matches, his total points reduce by 1,500 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,599, but less than 1,700	The Player is forthwith suspended from playing for sixteen Matches, his total points reduce by 1,600 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,699, but less than 1,800	The Player is forthwith suspended from playing for seventeen Matches, his total points reduce by 1,700 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,799, but less than 1,900	The Player is forthwith suspended from playing for eighteen Matches, his total points reduce by 1,800 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 1,899, but less than 2,000	The Player is forthwith suspended from playing for nineteen Matches, his total points reduce by 1,900 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.

NUMBER OF DEMERIT POINTS	CONSEQUENCES
Greater than 1,999, but less than 2,100	The Player is forthwith suspended from playing for twenty Matches, his total points reduce by 2,000 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 2,099, but less than 2,200	The Player is forthwith suspended from playing for twenty- one Matches, his total points reduce by 2,100 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 2,199, but less than 2,300	The Player is forthwith suspended from playing for twenty- two Matches, his total points reduce by 2,200 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 2,299, but less than 2,400	The Player is forthwith suspended from playing for twenty- three Matches, his total points reduce by 2,300 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 2,399, but less than 2,500	The Player is forthwith suspended from playing for twenty- four Matches, his total points reduce by 2,400 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 2,499, but less than 2,600	The Player is forthwith suspended from playing for twenty- five Matches, his total points reduce by 2,500 when the suspension has been served, but he carries the balance of points (less any reductions pursuant to <b>Rule 39</b> ) for one Year until any further allocation produces by accumulation a total number of points in excess of 99 points.

**THIRD SCHEDULE  
BASE PENALTIES**

SHORT DESCRIPTION OF OFFENCE	GRADE	GRADE	GRADE
	1	2	3
<b>Tripping</b>	100	200	300
<b>Kicking</b>	200	300	400
<b>Striking</b>	200	300	400
<b>Intentional High Tackle</b>	Mandatory referral to the Judiciary (Rule 53A)	Mandatory referral to the Judiciary (Rule 53A)	Mandatory referral to the Judiciary (Rule 53A)
<b>Reckless High Tackle</b>	300	400	500
<b>Careless High Tackle</b>	100	150	200
<b>Dropping Knees</b>	200	300	400
<b>Dangerous Throw</b>	100	300	500
<b>Contrary Conduct</b>	100	200	300
<b>Detrimental Conduct</b>	100	200	300
<b>Dangerous Contact – Head/Neck</b>	100	200	300
<b>Dangerous Contact – Other</b>	100	200	300
<b>Shoulder Charge</b>	200	350	500

## FOURTH SCHEDULE

### FORMS

#### 1. Referee's Incident Report



Form 1

#### NEW SOUTH WALES RUGBY LEAGUE

The Secretary  
Judiciary  
New South Wales Rugby League

Facsimile: 02 [insert]

#### REFEREE'S INCIDENT REPORT

Player's Name:

Club:

Versus:

Competition:

Played at :

Date:

Period of Match when incident took place:

Full details of Incident:  
(Attach page if necessary)

Was the Player dismissed?

Were other Players dismissed? If so, who were those Players?

Was an opposition Player injured in the incident? If so, give details of the injury sustained.



Did the opposition Player receive medical attention? If so, give details of the treatment received.

Was the Player warned previously? If so, give details of that warning.

Was a general warning given previously? If so, give details of that warning.

Did the Player make any comment to you about the incident? If so, what did the Player say?

Was the Player Sin Binned previously? If so, give details of that incident.

Referee's Name:  
(Print Clearly)

Signature:

Date:

***IT IS ESSENTIAL THAT YOU FORWARD THIS REPORT TOGETHER WITH ANY  
REPORT BY A TOUCH JUDGE TO THE SECRETARY BY NO LATER THAN 9.00AM ON THE  
FIRST DAY AFTER THE MATCH***

## 2. Match Official's Incident Report



Form 2

### NEW SOUTH WALES RUGBY LEAGUE

The Secretary  
Judiciary  
New South Wales Rugby League

Facsimile: 02 [insert]

### MATCH OFFICIAL'S INCIDENT REPORT

Player's Name:

Club:

Versus:

Competition:

Played at:

Date:

Full details of Incident:  
(Attach page if necessary)

Did the Player make any comment to you about the incident? If so,  
what did the Player say?

Specify whether you were the Video Referee, Touch Judge or other Match Official?

Match Official's Name:  
(Print Clearly)

Signature:

Date:

**IT IS ESSENTIAL THAT YOU HAND THIS REPORT TO THE  
REFEREE AT THE END OF THE MATCH AND BEFORE YOU  
LEAVE THE MATCH VENUE**

**3. Notice of Referred Charge**



**Form 3**

**NEW SOUTH WALES RUGBY LEAGUE**

**NOTICE OF REFERRED CHARGE**

To:

Of:

TAKE NOTICE that you are hereby charged with the following offence arising out of an incident which occurred on \_\_\_\_\_ during a Match between your Club, \_\_\_\_\_, and \_\_\_\_\_ at \_\_\_\_\_ :

Offence:

Particulars:

A Player for over Seven Years	Yes / No
Previous Offences	Yes / No
Number of Previous Offences	- Same:
	- Other:

TAKE FURTHER NOTICE that you must forward a Notice of Plea to me by no later than 12.00pm on [ INSERT DATE ].

Should you fail to comply with this requirement; the charge will be referred to the Judiciary for the determination of the issue of guilt but, in any case, will be referred to the Judiciary for the determination of the penalty for the offence.

-

Match Review Coordinator:

Date:

**4. Notice of Charge**



**Form 4**

**NEW SOUTH WALES RUGBY LEAGUE**

**NOTICE OF CHARGE**

To:

Of:

TAKE NOTICE that you are hereby charged with the following offence arising out of an incident which occurred on \_\_\_\_\_ during a Match between your Club, and \_\_\_\_\_ at \_\_\_\_\_ :

Offence:

Grading:

Particulars:

Elective Penalty for Early Plea:

Demerit Points

Elective Penalty on Finding of Guilt:

Demerit Points

*Method of Calculating Elective Penalty*

Base Penalty:

Demerit Points:

A Player for Over Seven Years: Yes / No

Previous Offences: Yes / No

Number of Previous Offences - Same:

- Other:

Dismissed Player Yes / No

Rule 41A Reduction

Rule 42 Formula Used:

Calculation:

TAKE FURTHER NOTICE that you must forward a Notice of Election to me by no later than 12,00pm on [insert date]. Should you fail to comply with this requirement; the charge will be referred to the Judiciary for determination.

Match Review Coordinator:

Date:

5. Notice of Election



Form 5

NEW SOUTH WALES RUGBY LEAGUE

NOTICE OF ELECTION

The Match Review Coordinator  
Judiciary  
New South Wales Rugby League

Facsimile: 02 [INSERT]

I, \_\_\_\_\_, of the \_\_\_\_\_ Club,

Having received a Notice of Charge dated \_\_\_\_\_ alleging the offence of \_\_\_\_\_

Hereby give you notice that I elect to:

- \* Plead guilty to the offence and accept the grading.
- \* Plead guilty to the offence but dispute the grading.
- \* Plead not guilty to the offence.
- \* Plead no contest to the offence and the grading.

Signature:

Date:

\*Cross out whichever are inapplicable

**5A. Notice of Preparedness to Plead to a Lesser Charge or Grading**



**Form 5A**

**NEW SOUTH WALES RUGBY LEAGUE  
NOTICE OF PREPAREDNESS TO PLEAD  
TO A LESSER CHARGE OR GRADING**

The Match Review Coordinator  
Judiciary  
New South Wales Rugby League

Facsimile: 02 **[INSERT]**

I, \_\_\_\_\_, of the \_\_\_\_\_ Club, having received  
a Notice of Charge dated \_\_\_\_\_ alleging the offence of \_\_\_\_\_ with a  
grading of \_\_\_\_\_, hereby give you notice that I am prepared to plead  
guilty to:

- \* The lesser offence of (specify the lesser offence)
- \* The lesser grading of (specify the lesser grading)

Signature:

Date:



6. Notice of Plea.



Form 6

NEW SOUTH WALES RUGBY LEAGUE

NOTICE OF PLEA

The Match Review Coordinator  
Judiciary  
New South Wales Rugby League

Facsimile: 02 [INSERT]

I, \_\_\_\_\_, of the \_\_\_\_\_ Club, having received a  
Notice of Referred Charge dated \_\_\_\_\_ alleging the offence of \_\_\_\_\_  
, hereby give you notice that I elect to:

- \* Plead guilty to the offence.
- \* Plead not guilty to the offence.
- \* Plead no contest to the offence.

Signature:

Date:

\* Cross out whichever is inapplicable.

**7. Notice of Withdrawal of Charge**



**Form 7**

**NEW SOUTH WALES RUGBY LEAGUE**

**NOTICE OF WITHDRAWAL OF CHARGE**

To:

Of:

TAKE NOTICE that I hereby withdraw the charge alleged against you in the Notice of Charge dated

The proceedings against you pursuant to the charge are hereby concluded.

Match Review Coordinator:

Date:

**8. Notice of Hearing**



**Form 8**

**NEW SOUTH WALES RUGBY LEAGUE**

**NOTICE OF HEARING**

To:

Of:

And To: The Judiciary Counsel

TAKE NOTICE that the charge alleged in a Notice of Charge dated  
\*and / or the penalty for the offence charged \*has/have been set down for hearing and determination by  
the Judiciary at the following place and time:

PLACE:

DATE:

TIME:

Secretary:

Date:

\* Cross out whichever is inapplicable.

**8A. Notice of Challenge**



**Form 8A**

**NEW SOUTH WALES RUGBY LEAGUE**

**NOTICE OF CHALLENGE**

The Match Review Coordinator  
Judiciary  
New South Wales Rugby League

Facsimile: 02 **[INSERT]**

I, \_\_\_\_\_, of the \_\_\_\_\_ Club, having received a Notice of Charge dated \_\_\_\_\_ alleging the offence of \_\_\_\_\_ with a grading of \_\_\_\_\_, hereby give you notice that at the hearing of this Charge, I intend to challenge (insert sufficient particulars to ensure that the Judiciary Counsel is aware by the terms of this Notice of the nature of the challenge to jurisdiction or constitution of the Judiciary or otherwise).

Signature:

Date:

9. Notice of Appeal



Form 9

NEW SOUTH WALES RUGBY LEAGUE

NOTICE OF APPEAL

The Secretary  
Judiciary  
New South Wales Rugby League

Facsimile: 02 [INSERT]

TAKE NOTICE that I, \_\_\_\_\_ of \_\_\_\_\_ Club,  
hereby appeal from that whole/part of the decision of the Judiciary made on \_\_\_\_\_ on the  
following grounds:

- 1.
- 2.
- 3.

AND TAKE FURTHER NOTICE that on \_\_\_\_\_, I lodged the security for the  
appeal and, on \_\_\_\_\_, I obtained the leave of the Chairman to so appeal.

On hearing of the appeal, I \*do / do not wish to make application to adduce fresh evidence.

Player:

Date:

**10. Notice of Withdrawal of Appeal**



**Form 10**

**NEW SOUTH WALES RUGBY LEAGUE**

**NOTICE OF WITHDRAWAL OF APPEAL**

The Secretary  
Judiciary  
New South Wales Rugby League


Facsimile: 02 [INSERT]

I, \_\_\_\_\_, of the \_\_\_\_\_ Club, hereby withdraw my  
appeal against a decision of the Judiciary made on \_\_\_\_\_, which appeal  
was initiated by a Notice of Appeal by me dated \_\_\_\_\_.

Player:

Date:

**11. Judiciary Medical Report**

	<p><b>Form 11</b></p>		
<p><b>NEW SOUTH WALES RUGBY LEAGUE</b></p> <p><b>JUDICIARY MEDICAL REPORT</b></p>			
<p>To: <b>The Secretary</b> <b>New South Wales Rugby League Judiciary</b></p>			
<p>Facsimile:</p>			
<p>Player's Name</p>			
Club		versus	
Grade		venue	
Date:		Period of match when incident took place	Minute
			Half
<p>History provided by Player:</p>			
<p>Details of Injury:</p>			
<p>Diagnosis:</p>			
<p>Treatment:</p>			
<p>Prognosis:</p>			

Club Medical Officer's Name :

( Print Clearly) .....

Signature .....

Date.....

## FIFTH SCHEDULE

### STANDARD DIRECTIONS

#### Preamble

The purpose of this Schedule is to set out some of the directions that may be given by the Chairman of the Judiciary to the Panel. These directions have guided the Panel as to the legal matters that they should consider in relation to their verdict.

The Chairman is not obliged to give any of these directions and may modify, adapt or omit them as he sees fit, but they nonetheless provide a useful guide to type of directions that may in any given case be administered by the Chairman to the Panel.

Almost needless today, they are not exhaustive of all of the directions that have been, or may be, given by the Chairman. Instead, they are a collection of frequently recurring directions, the publication of which in this Schedule, it is hoped, will assist Players, Club Officials, Match Officials and the wider community to better understand the Judiciary process.

#### General Directions

In all cases, directions along the following lines are usually given:

##### Onus of Proof

The onus is on the party bringing the charge to prove the case; the player does not have to prove that he is innocent - the Judiciary Counsel has to prove that the player is guilty.

##### Standard of Proof

The standard of proof is proof on the balance of probabilities, so you should not find the player guilty unless you are clearly satisfied that it is more probable than not that he committed the offence.

##### Majority Verdicts

It is necessary before you can bring in a verdict that at least two of you should be agreed with respect to the particular verdict.

##### Decision on the Evidence

It is important that you should make your decision based on the evidence in the case. If there has been any television, radio or press publicity, you should totally disregard that, just as you should disregard any comment about the case by any coach, Club Official, NSWRL Official, NRL Official, or any other person. You have a duty to act independently and impartially.

##### States of Mind

Only some of the offences in the Code contain a specific element of intent such as to require proof that the conduct was intended by the charged player. In all cases, directions will be given to the Panel by the Chairman as to the requisite state of mind for each offence charged i.e., whether the charge will be made out on proof of intentional, reckless or careless conduct on the part of the player.

In the case of a player charged with:

- (a) Tripping;
- (b) Kicking;
- (c) Striking;



- (d) Dropping Knees; or
- (e) Obstructing.

the Panel will be directed that it will be sufficient proof of guilt if it is established on the balance of probabilities that the Player acted either intentionally or recklessly – either state of mind will suffice: **Rule 70**

### **Self Defence and Provocation**

It is no defence to a charge to plead that the player charged acted in self-defence or that he was provoked. If raised, whether by argument or otherwise, the following direction is appropriate:

*The fact that a player may have been provoked by an opposing player or that he acted in self-defence will be no excuse to a charge under the Code. It will certainly not afford a defence to a charge. This is because the game has sole responsibility for dealing with instances of misconduct. It is not for individual players to take such matters into their own hands. Rather, it is for the Match Officials in the first instance and the Judiciary system in the second instance to control and, where appropriate, punish any such behaviour.*

### **Choice of Charge**

The Code makes provision for several offences, any one or more of which might be applicable to a particular instance of misconduct. But merely because a more specific offence could, or should, have been charged does not affect the validity of the charge that was actually brought: **Rule 37C**.

Accordingly, where a player is charged with an offence, the Panel will (if necessary) be directed that it is not a defence to that charge to assert that another offence could, or should, have been charged.

### **Actual Contact**

Where some contact with an opposing player is an essential ingredient of an offence charged, the Panel will be directed that no player can be guilty of that offence unless there has in fact been actual contact. A good example of this are the offences of Dangerous Contact – Head/Neck and Dangerous Contact - Other.

However, if actual contact with an opposing player is an essential ingredient of an offence, but no such contact occurred, the player may nevertheless be charged with a different offence. Accordingly, where a player attempted to do something in such a way that, had actual contact occurred, he would have been guilty of an offence requiring actual contact, he may (depending on the circumstances of the case) be charged with Contrary Conduct or Detrimental Conduct. In such a case, the mere fact that actual contact with an opposing Player did not occur will not excuse such conduct in circumstances where that attempt constitutes Contrary Conduct or Detrimental Conduct.

### **Tackles in General**

#### **Special Duty**

In all High Tackle cases, directions along the following lines are usually given:

*At all times, all players have a special duty to avoid unnecessary forceful contact with the head or neck of an opponent.*

A similar direction will also be given in the case of all Dangerous Contact cases although, depending on the context of the charge, the special duty will be expressed to extend to areas other than, or in addition to, the head or neck of an opposing player.

The above directions are most important. Club Officials, Coaches and players should understand the potentially serious legal liability they may have if brain damage, spinal injury or serious bodily injury is caused to an opposing player by an illegal tackle. Damages claims in such cases can involve many millions of dollars, consistent with the grave injury and loss of future income to a player and his family if he is put out of the game that is his career and possibly his only source of income.

## **What Is A Tackle?**

A tackle or attempted tackle occurs when a defending player holds or grabs an attacking player to halt his progress or to throw him to the ground or over a marked line. The following direction has typically been given in this regard:

*A tackle may be carried out or attempted by more than one defending player. If a defending player pushes or attempts to push an attacking player without grabbing or holding him, and the intention is to knock him to the ground or over a marked line, the conduct may be a tackle.*

### **“Arm” Includes “Hand” or “Shoulder”**

In a previous case before the Judiciary, it was argued that there was no contact with the head or neck of the tackled player because it was the charged player's hand, rather than his arm, which made the contact. The direction was given that, for the purpose of a “High Tackle” charge, “arm” includes “hand”.

It is no longer permissible for players to tackle by using the shoulder without, at the same time, using the arms or hands to tackle the opposing player. It was in any event never permissible to use the shoulder to attack the head or neck of an opponent. Sometimes where the charge is of contact by the arm with the head or neck of an opponent, it will be argued that the charge is not made out because what struck the opponent's head was not so much the “arm” as the shoulder.

This kind of argument will not be successful. The Panel will be directed in such a case that “arm” includes “shoulder”.

### **“Back Slams” In Tackles**

In several cases it has been suggested on behalf of a player that “back slamming” in the course of or after a tackle is always legal.

This is not correct. Depending on the circumstances, a “back-slam” could be charged as:

- (a) a Striking;
- (b) a High Tackle;
- (c) a Dangerous Throw;
- (d) Dangerous Contact (Head/Neck);
- (e) Dangerous Contact (Other); or
- (f) Contrary Conduct

### **Intentional, Reckless and Careless High Tackles**

In the High Tackle cases, a different direction is given depending on the three levels of blame to be attached to the different kinds of High Tackle. Each is dealt with immediately below.

#### **Intentional High Tackles**

The direction to the Panel is:

*If the player foresees contact with the head or neck of the opposing player and intends that contact to occur; that will be a deliberate head high tackle.  
An intentional high tackle need not necessarily be planned before or during the game - an intention may be formed on the spur of the moment, just before the contact.*

As to foresight, the following direction has been given:

*A player may “foresee” high contact when starting (or even during) a tackle even if he closes*

*his eyes or looks away at the last moment.*

### **Reckless High Tackles**

The direction to the Panel is:

*It is not necessary for the Judiciary Counsel to show that the tackle was intentionally high in the sense that the charged player wished the high contact to occur. What he must prove to show recklessness is that the player foresees that contact with the head or neck of an opposing player may occur but makes the tackle or the attempt, regardless of the danger.*

As to foresight, the following direction has been given:

*A player may “foresee” high contact when starting (or even during) a tackle even if he closes his eyes or looks away at the last moment.*

### **Careless High Tackles**

The direction to the Panel is:

*It is not necessary for the Judiciary Counsel to show that the tackle was intentionally or recklessly high - what he must prove to show carelessness is that in making the tackle the player has failed to show the care that all players must exercise in responsibly playing the game.*

As to the grading of Careless High Tackles, some guidance has been given as to how the Panel might consider a Grade 5 Careless High Tackle:

*A Grade 5 careless high tackle could cover various sorts of bad, careless tackles. There is not one single kind which may qualify as a Grade 5. You should ask – “Is this tackle in the highest level of blameworthiness of careless high tackles, remembering that it has not been charged as a reckless or intentional high tackle?” Only if you are satisfied that there are at least several (or more) significantly aggravating features of the tackle could you call it a Grade 5.*

### **The “First Point of Contact” Argument**

In High Tackle charges, players and Coaches sometimes say that the player should be found not guilty because the first point of contact with the tackled player was the shoulder or the ball. This may be a good defence, but not necessarily so. It depends where the tackling player’s arm was directed. The following direction has been given in cases where the “first point of contact” argument has been raised:

*A tackle may be wrongfully high even though the first point of contact is with the ball (or another part of the body of the tackled player). If the motion of the arm of the tackling player was such that it was in any event likely to hit the head or neck after hitting the ball (or another part of the body of the tackled player) it might nevertheless be intentional, (reckless or careless), whatever the first point of contact was.*

### **Marginal Tackles – A Higher Standard of Care**

The following direction has been given:

*If a player aims to make a tackle “above the ball” or in the shoulder area, the risk of some other event occurring (such as another tackler intervening) increases the risk of contact by the first player with the head or neck of the player carrying the ball. The duty of care owed by the tackling player in such a case is higher than if the tackle were aimed at a lower part of the body.  
Tackling in this fashion is high-risk football because a few centimetres may be the difference between a hit to the head, and avoiding one.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with making an Intentional, Reckless or Careless High Tackle the Panel may be directed to consider the following questions, and in that event will be directed that each

question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was the charged player making, or attempting to make, a tackle?*
2. *Did he, in the course of doing so, make unnecessary forceful contact with the head or neck of an opponent?*
3. *Were the actions of the player, intentional, reckless or careless as the case may be?*

The terms of question (3) will obviously depend upon the case brought by Judiciary Counsel against the charged player. However:

- (a) where it is alleged that the action was intentional, the question will be *“did the charged player, in making or attempting to make the tackle, foresee contact with the head or neck of the opposing player and intend that contact to occur?”*
- (b) where it is alleged that the action was reckless, the question will be *“did the player, in making or attempting to make the tackle, foresee that contact with the head or neck of an opposing player may occur, but nevertheless make the tackle or the attempt, regardless of the danger?”*
- (c) where it is alleged that the action was careless, the question will be *“did the player, in making or attempting to make the tackle, fail to show the care that all players must exercise in responsibly playing the game?”*

Coaches and players should know that if the tackle is aimed at the marginal point (just below the head) and it goes wrong, it is likely that the tackle will be regarded as careless. The argument that some other “unpredictable” eventuality caused the head/neck contact will be difficult to sustain.

### **The “Carried Injury” Argument**

The following direction has been given:

*It is no defence to a charge that a player has tackled too high and carelessly that he is carrying an injury that compels him to tackle in a manner which would be careless if executed by a fit player.*

### **The “Coaching” Argument**

Players and Coaches sometimes argue that the player should be found not guilty because of the particular way the player has been coached, for example, to take the opposing player “ball and all” or to “hit, lift and drive” in a tackle.

Of course players are bound to pay great attention to their Coaches as to tackling technique but Coaches must be careful not to instruct their players in such a way that the player tends to tackle dangerously. On this point, the following direction has been given:

*It is no excuse for misbehaviour by any player that the player was coached or trained in a certain way. Particularly, if a player is coached to tackle too high, or marginally below the head or neck area, to lift in a tackle or to get the tackled player over onto his back, that is no excuse if a charge is otherwise made out.*

### **Dangerous Throws**

Whilst high tackle charges constitute the bulk of all cases that come before the Judiciary, various other charges arise from time to time, and directions have been given in relation to these.

One of the most complicated of these arises in relation to the Dangerous Throw offence.

### **Essential Elements**

A player is guilty of misconduct if he uses any dangerous throw when effecting a tackle or when otherwise coming into contact with an opposing player. There are two essential elements of such an offence:

- firstly, there must have been some degree of elevation (through lifting or some other means)

for a “throw” to have occurred; and

- secondly, the throw must have been “dangerous”.

So far as the second of those elements is concerned, to be regarded as “dangerous” for the purposes of the offence, there must have involved an unacceptable risk of injury to the opposing player. Further, when considering conduct that might amount to a Dangerous Throw, it must be kept in mind that all players have a special duty to attempt to avoid the possibility of injury to the head, neck and spinal column of an opposing player.

A throw will for example be dangerous if, during the course of a tackle, the head or neck of the ball carrier dips below the (horizontal) level of his hips and this trajectory is not arrested by the tackling player or players before contact is made with the ground. In such a circumstance, it is commonly said that the player has been put in an “above horizontal” position (referring to position of his hips in relation to his head or neck).

However, the so-called “lifting” or “spear” tackle is not the only type of conduct that may be held to constitute a Dangerous Throw. For instance, a player who “pulls down” on an opposing player during the course of a tackle (or other contact) so as to put him into a dangerous position will also be guilty of a Dangerous Throw.

### **Deemed Dangerous Throw**

If, in any tackle of (or contact with) an opponent, that player is so lifted that he is placed in a position where it is likely that the first part of his body to make contact with the ground will be his head or neck (“the dangerous position”), then that tackle or contact will be deemed to be a dangerous throw unless, with the exercise of reasonable care, the dangerous position could not have been avoided.

However, this is not the only way in which a Dangerous Throw can be made out. It is not necessary in order to establish such an offence for it to be concluded that the position in which the player was placed meant it was likely that the first part of his body to make contact with the ground would be his head or neck. It simply means that, in the absence of such a circumstance, the deeming provision cannot be relied upon.

### **Conduct must have been at least careless**

The conduct must have been at least careless - the charged player must have failed to play with the proper level of care that the responsible playing of the game requires before he may be adjudged guilty of making a Dangerous Throw. Importantly, the conduct need not have been intentional or reckless. However, where the evidence supports a finding that the throw was deliberate or reckless, a higher grading for the charge will be attracted.

### **Who may be charged**

This offence may be charged against a player who lifts, a player who provides a fulcrum or pivot for the throw, a player who pulls the tackled player to the ground after he has been lifted, or a player who otherwise assists in the tackle. One or all of such players may be charged, depending on whether it is considered that the player in question may have made a substantial contribution to the Dangerous Throw.

### **Standard Directions**

In cases involving the lifting or “pulling down” of a tackled player, some or all of the following directions may be given:

*All players at all times have a special duty to attempt to avoid the possibility of injury to the head, neck and spinal column of an opposing player.*

*A Dangerous Throw must be conduct that involves an unacceptable risk of injury to the tackled player.*

*It will be a Dangerous Throw if there is lifting of the tackled player so that he loses the capacity to protect himself by contact with the ground, and may fall dangerously.*

*Legitimate lifting in a tackle must be minimal. However, if the elevation of the attacking player occurs as the result of a fair, "one-on-one" driving tackle, with no greater lift than merely is necessary to upset the attacking player's balance; that is not a Dangerous Throw. If the tackled player voluntarily jumps or elevates himself so as to offload the ball and puts himself off balance, that is not a Dangerous Throw.*

*It is not necessary in a charge of Dangerous Throw to show that the tackled player actually landed on his head or neck, as in what is traditionally known as a "spear" tackle.*

*The crucial points are the potential of the throw for danger of injury, and in the unfair intimidation of the tackled player who loses control of his own body through losing contact with the ground.*

*The offence may be proven even if the player being tackled manages to put an arm out or rolls to protect himself. An actual outcome of having the tackled player land on his head or neck may result in a higher grading, but the mere fact that the outcome had been luckily avoided will be no reason to find a charged player not guilty of this charge (at some grading) if it is otherwise proved.*

*The tackled player need not necessarily be lifted above the horizontal position for it to be a "dangerous throw", although this would usually be indicative that it was.*

*The charged player's conduct must have been at least careless - he must have failed to play with the proper level of care which the responsible playing of the game requires. The conduct need not have been intentional or reckless.*

*More than one player may be charged arising out of a single episode of a Dangerous Throw. Where several tackling players are involved, but only one is charged, it is no defence to say that the other one should have been charged as well.*

*The question is "Did the player who is charged and before the Judiciary make a substantial contribution to the Dangerous Throw, regardless of what anyone else may or may not have done?"*

*Where several players are said to have contributed to the same dangerous throw, whether or not each is charged, the Panel should approach the issue in the same way.*

*If a player other than the one being considered is completely responsible for the throw, the charged player must be found "not guilty". But if both the charged player before the Panel and another player or players have each made a substantial contribution to the dangerous throw, the charged player is not excused. The roles of each may have been different, but any player proved to have made a substantial contribution to it, whatever type, will be guilty of the offence.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with a Dangerous Throw offence the Panel may be directed to consider the following questions, and in that event will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was there elevation of the tackled player?*
2. *Was the throw dangerous in the sense defined above?*
3. *Was the charged player's conduct at least careless?*

In a case where more than one defending player is involved, the panel will be directed to consider a further question, namely:

1. *Did the player charged make a substantial contribution to the dangerous throw, regardless of what any other player may have done?*

## Dangerous Contact

### General

The offence of Dangerous Contact is constituted by carelessly, recklessly or intentionally making dangerous contact with an opposing player. To be regarded as "dangerous" for the purposes of the offence, the conduct must have involved an unacceptable risk of injury to the opposing player, and players have a special duty to avoid such contact.

The offence of Dangerous Contact is further divided into two distinct offences:

- Dangerous Contact – Head/Neck, where the misconduct involves making contact with the head or neck of an opposing player; and
- Dangerous Contact – Other, where the misconduct involves contact with the opposing player, but does not involve contact to that player's head or neck.

When dealing with an offence of Dangerous Contact, some contact with an opposing player is an essential ingredient: **Rule 37A**. To the point, no player can be guilty of that offence unless there has in fact been actual contact. Of course, if a player has acted in such a way that, had actual contact occurred, he would have been guilty of Dangerous Contact, his conduct might, depending on the circumstances of the case, constitute the offence of Contrary Conduct or the offence of Detrimental Conduct.

The contact need not have occurred in the context of a player effecting or attempting to effect a tackle. Indeed, Dangerous Contact may be charged in a variety of circumstances. For example, and without intending to be exhaustive, it will be applied in the case of wrestling holds or grapples of any kind, twisting of the limb or limbs of a tackled player, head slams, dangerous kick charge-downs, raised knee in the tackle incidents, players in possession leading with their forearm or elbow, biting and eye-gouging.

A Dangerous Contact offence may be charged against a player who is primarily responsible for the force which is the subject of the charge as well as any players who assist. What are sometimes described as "cannonball tackles" - that is, where a defender, in joining the tackle of a player who is already being held in an upright position by another defender or defenders, makes initial contact to, or below, the knee joints of the tackled player – is a good example of this type of joint conduct. One or all of such players may be charged, depending on whether it is considered that the player in question may have made a substantial contribution to the contact in question. However, where several tackling players are involved, but only one is charged, it is no defence to say that the other one should have been charged as well.

Dangerous Contact will be regarded as intentional where the player foresees dangerous contact with an opposing player and intends that contact to occur. In that regard, a player may "foresee" dangerous contact when starting (or even during) a tackle or other contact with an opposing player, even if he closes his eyes or looks away at the last moment. However, intentional Dangerous Contact need not necessarily be planned before or during the game - an intention may be formed on the spur of the moment, just before the contact. Recklessness will be established where it is shown that the player foresees that Dangerous Contact with an opposing Player may occur, but he proceeds regardless of the danger.

Dangerous Contact will be careless where, in making the contact, the player has failed to show the care that all players must exercise in responsibly playing the game.

As already noted, a charge of Dangerous Contact will be made out where the contact occurred carelessly, recklessly or intentionally, although the degree of recklessness or intent will be factored into determining the grading for each charge. However, before a player can be found guilty of the offence, there must be found to be at least carelessness on his part.

### Duty of Defending Player

In all charges of Dangerous Contact, it will usually be appropriate to give the following direction:

*Where an attacking player gets or is put into a position of particular physical vulnerability,*

*the defending player has a special duty to avoid forceful and dangerous contact with the other player.*

### **Twisting or Torsion of the Limb or Limbs of a Player Charged as Dangerous Contact**

It is a breach of the Code where a player uses any part of his body to forcefully twist, bend or apply pressure to a limb or limbs of an opposing player in a way that involves an unacceptable risk of injury to that player. That will constitute Dangerous Contact - Other.

Directions including (some or all of) the following may be given:

*Players at all times have a special duty to avoid contact that involves an unacceptable risk of injury to an opposing player, and this will be especially so where a tackled player gets or is put into a position of particular physical vulnerability.*

*The charge of Dangerous Contact – Other will be made out in any case where a player uses any part of his body forcefully to twist, bend or otherwise apply pressure to the limb or limbs of an opposing player in a way that involves an unacceptable risk of injury to that player, and that will almost always be the case if the limb or limbs are moved in an abnormal direction or outside the usual ranges of movement.*

*No player can be guilty of the offence of Dangerous Contact – Other unless there has in fact been actual contact.*

*It is irrelevant that a charged player was motivated by a desire to keep a tackled player at a disadvantage in or after the tackle or that he was coached to do so. Simply, it is no excuse to say that a tackling player had the aim of slowing the play-the-ball, or rolling the tackled player onto his back, or some other purpose.*

*A player may be guilty of this offence when his conduct is intentional, reckless or careless. However, the charged player's conduct must have been at least careless - he must have failed to play with the proper level of care that the responsible playing of the game requires.*

*More than one player may be charged arising out of a single episode and, in such a case, the question for you will be, "Did the player who is charged and before the Judiciary make a substantial contribution to the Dangerous Contact - Other, regardless of what anyone else may or may not have done?"*

*Where several players are said to have contributed to the same Dangerous Contact - Other, whether or not each is charged, the Panel should approach the issue in the same way.*

*If a player other than the one being considered is completely responsible for the contact, the charged player must be found "not guilty". But if both the charged player before the Panel and another player or players have each made a substantial contribution to the Dangerous Contact - Other, the charged player is not excused. The roles of each may have been different, but any player proved to have made a substantial contribution to it, whatever type, will be guilty of the offence.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with a Dangerous Contact offence the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was there actual contact?*
2. *Was the contact dangerous, or in other words, did the contact involve an unacceptable risk of injury to the defending player? Did the player charged make a substantial contribution to the dangerous throw, regardless of what any other player may have done?*
3. *Was the charged player's conduct at least careless?*

In cases where more than one defending player is involved, the Panel will be directed to consider a further question, namely



4. *Did the player charged make a substantial contribution to the dangerous throw, regardless of what any other player may have done?*

#### **“Grapple Tackles” Charged as Dangerous Contact**

What are sometimes described as “grapple tackles” will almost always constitute Dangerous Contact. These are tackles where force is applied to the head, neck and / or spinal column of the tackled player to slow down the play-the-ball, or to intimidate the tackled player or for some other reason. Whether the offence is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the specific elements of the tackle.

The following directions may be given in an appropriate case:

*All players have at all times a duty to avoid the possibility of injury to the head, neck and spinal column of an opposing player.*

*A tackler making any contact with the head or neck of the tackled player has a duty to avoid that contact, and should any unavoidable contact occur the tackler is required to immediately release the tackled player from any grip or hold around the head or neck or pinning of the head/neck.*

*It is conduct in breach of the Rules where a defending player, in or after effecting a tackle, uses any part of his body forcefully to bend or apply unnecessary pressure to the head/neck and / or spinal column of the tackled player in any abnormal direction so as to keep the tackled player at a disadvantage in or after the tackle.*

*It is conduct in breach of the Rules where a defending player, in or after effecting a tackle, forcefully and unnecessarily grasps (or jerks, or pins or twists) the head or neck of the tackled player. A second movement to make such contact with the head will be a pointer to this offence, but the offence can be proved without proof of such a second movement.*

*A player may be guilty of this offence when his conduct is intentional, reckless or careless. However, the charged player’s conduct must have been at least careless - he must have failed to play with the proper level of care that the responsible playing of the game requires.*

*If conduct of this kind is proven, it is no excuse simply that a tackling player had the aim of slowing the play-the-ball, or rolling the tackled player onto his back, or some other purpose.*

#### **Wrestling Or “Crusher” Type Tackles Charged as Dangerous Contact**

A recent variant of the "grapple" tackle is what is commonly known as a “crusher tackle”. This is typically a tackle whereby a defender uses his body to put pressure on the head or neck of the tackled player, and includes twisting or crushing the head of the tackled player. This is Dangerous Contact – Head/Neck. In an appropriate case, a direction including some parts of the grapple tackle direction and additionally along the following lines may be given:

*It is in breach of the Rules where a defending player, in or after effecting a tackle, uses any part of his body forcefully to bend or apply unnecessary pressure to the head and / or neck and / or spinal column of the tackled player.*

*A player may be guilty of this offence where his conduct is intentional, reckless or careless. In this regard, any re-grip or readjustment of the hold by the defending player that does not allow for the release of the pressure on the tackled player’s head or neck or spinal column in the tackle would usually be regarded as a failure on the part of the defending player to discharge his duty to avoid the possibility of injury to the head, neck and spinal column of the tackled player. In such circumstances, the conduct would almost certainly be regarded as at least careless.*

#### **“Cannonball Tackles” Charged as Dangerous Contact**

Where a defending player, in joining in the tackle of a player who is already being held in an upright position by another defender or defenders, makes initial contact below, around or above the knee or knee joints of the tackled player in such a way as to constitute an unacceptable risk of injury

to the tackled player, this will constitute Dangerous Contact - Other. This type of conduct will include instances where a player forcefully spears his body in a dangerous manner at an opponent's leg/s whilst that opponent is in a vulnerable position (for example, while being held in a tackle by other defending players).

Directions including (some or all of) the following may be given:

*Players at all times have a special duty to avoid contact that involves an unacceptable risk of injury to an opposing player, and this will be especially so where a tackled player gets or is put into a position of particular physical vulnerability.*

*The charge of Dangerous Contact - Other will be made out in any case where a defending player, in joining in the tackle of a player who is already being held in an upright position by another defender or defenders, makes initial contact below, around or above the knee or knees joints of the tackled player in such a way as to constitute an unacceptable risk of injury to the tackled player.*

*No player can be guilty of the offence of Dangerous Contact - Other unless there has in fact been actual contact.*

*It is irrelevant that a charged player was motivated by a desire to keep a tackled player at a disadvantage in or after the tackle or that he was coached to do so. Simply, it is no excuse to say that a tackling player had the aim of slowing the play-the-ball or some other purpose. A player may be guilty of this offence when his conduct is intentional, reckless or careless. However, the charged player's conduct must have been at least careless - he must have failed to play with the proper level of care that the responsible playing of the game requires.*

*More than one player may be charged arising out of a single episode and, in such a case, the question for you will be, "Did the player who is charged and before the Judiciary make a substantial contribution to the Dangerous Contact - Other, regardless of what anyone else may or may not have done?"*

*As such, a Dangerous Contact - Other offence may be charged against a player who is primarily responsible for the force which is the subject of the charge as well as any players who assist. However, where several tackling players are involved, but only one is charged, it is no defence to say that the other one should have been charged as well.*

*Where several players are said to have contributed to the same Dangerous Contact - Other, whether or not each is charged, the Panel should approach the issue in the same way.*

*If a player other than the one being considered is completely responsible for the contact, the charged player must be found "not guilty". But if both the charged player before the Panel and another player or players have each made a substantial contribution to the Dangerous Contact - Other, the charged player is not excused. The roles of each may have been different, but any player proved to have made a substantial contribution to it, whatever type, will be guilty of the offence.*

### **Contact with the Eye Charged as Dangerous Contact – Head/Neck**

Contact with the eye – commonly called "eye gouging" – is a serious offence and is usually referred to the Judiciary pursuant to a Notice of Referred Charge in recognition of that fact. It is an offence regarded as particularly dangerous conduct, if proven.

In this regard, it will more often be the case that Judiciary Counsel will submit to the Panel that such conduct was intentional and, if successful, to then submit that the player should receive a severe penalty. However, it is not necessary for Judiciary Counsel to prove that the action was deliberate because the offence will also be proved where the conduct is found by the Panel to have been reckless or careless.

The following directions have been given in a case where Judiciary Counsel alleged that the gouge was deliberate:

*The Judiciary Counsel has submitted to you that you should be satisfied that the contact in this case was not only dangerous, but that it was intentional. To be satisfied of that, you*

would first have to conclude that there was a deliberate action of contact by the hand, with one or more fingers, to the face of the player being tackled, such that the fingers either enter or make contact with the eye, eyelid or eye socket. In this regard, a raking action with fingers will suffice to prove the offence, provided that there has been actual contact with the eye, eyelid or eye socket, with the intention on the part of the player charged either to injure or to intimidate the player affected. The fingers need not actually enter the eye, but must make contact as indicated.

In other words, before you may accept Judiciary Counsel's submission that the act was deliberate, the charged player must be proven to have had the intention either to injure or to intimidate the player being tackled.

Merely accidental contact will not be a sufficient basis for this allegation – it must be deliberate. It may be deliberate, however, even if the intention is formed on the spur of the moment.

If, however, you reject Judiciary Counsel's contention that the act was intentional, you must nevertheless go on to consider whether the act was reckless or careless because, if either is found, you must find the player guilty of the offence. That said, you must bear in mind that the charged player's conduct must have been at least careless - he must have failed to play with the proper level of care that the responsible playing of the game requires. If you are satisfied of that then, irrespective of what Judiciary Counsel has urged upon you, you must return a verdict of guilty.

### **Contact With A Kicker Charged as Dangerous Contact (either Head/Neck or Other)**

Directions along the following lines may be given:

*Kicking the ball in the course of play is a legitimate part of the game.*

*It is acceptable fairly to charge down the kick before or during the making of the kick so as to frustrate it and to prevent the ball passing cleanly away; however it is conduct in breach of the Rules where, in the course of a charge-down of a kick in the course of play, the charging player makes Dangerous Contact with the kicking player.*

*One possible indicator of such an offence is that the contact is improbably late and / or not directed at the football - that is, where it is clear that the charging player was never likely actually to stop the ball being kicked away, and just aimed to make contact with the kicker whilst he is off balance and vulnerable.*

*Another possible indicator of such an offence is that in attempting to charge a kick down a defender throws himself in front of the kicker or at the kicker's leg or legs making it likely a collision with the defender will be unavoidable.*

*Another possible indicator of such an offence is that the charging player launches himself so that he loses contact with the ground in the course of the charge.*

*And there may be other indicators. The Panel should bear in mind, where deciding on such charges, the need to protect kickers against being targeted.*

*This offence may be committed intentionally, recklessly or carelessly.*

### **“Head Slams” Charged as Dangerous Contact – Head/Neck**

Tackles which involve a “head slam” and which are charged as Dangerous Contact – Head/Neck will generally attract the following directions:

*All players at all times have a duty to avoid the possibility of injury to the head, neck and spinal column of an opposing player.*

*It is conduct in breach of the Rules where a defending player, with his hand or arm across the head or neck of the ball carrier, unnecessarily and unfairly causes the head of the ball carrier to make forceful contact with the ground.*

*A player may be guilty of this offence when his conduct is careless, reckless or intentional. If contrary conduct of this kind is proven, it is no excuse that a tackling player may have been coached that it is desirable for tactical reasons to have the ball carrier end up on his back at the conclusion of the tackle.*

### **Biting Charged as Dangerous Contact**

Biting a player is a serious offence and will amount to either Dangerous Contact, Contrary Conduct or Detrimental Conduct. As with incidents such as eye-gouging, the standard practice is that any such allegation will be brought pursuant to a Notice of Referred Charge.

An allegation of biting requires proof that there was an actual bite, although it is unnecessary to prove any resultant injury or even any indentation.

Although the charge can be made out where there is reckless or careless contact, most usually it will be alleged that the bite was intentional. In such a case the charge will not be made out – even on the alternative lower levels of culpability (recklessness or carelessness) - where the incident has occurred as an involuntary reflex response to the placement of an opponent's fingers in his mouth. In that scenario, it could not be said that the player has failed to show the care that all players must exercise in responsibly playing the game – such a reflex being beyond his control.

*Whether Biting is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the circumstances of the tackle and where the contact with the opposing player occurred.*

### **“Raised Knee in Tackle” Charged as Dangerous Contact**

A “Raised Knee in a Tackle” which is charged as Dangerous Contact will generally attract the following directions:

*The offence of Dangerous Contact will be made out where the ball carrier, in running at an opponent to break the defence line or in otherwise preparing to take a tackle, unfairly and dangerously raises his knee and makes contact with the tackling player.*

*It may be regarded as indicative of this offence if the ball carrier has changed his normal running gait just before making contact with the defending player, but the offence can be committed without a change of gait.*

*The conduct must be either intentional, reckless or careless before the offence is made out. However, this offence will not be proved if the ball carrier only defends himself by presenting the outside of his thigh for his own protection, rather than raising the knee directly against the defending player.*

Whether a “Raised Knee in Tackle” is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the circumstances of the tackle and where the contact with the opposing player occurred.

### **Players In Possession Leading With Forearm Or Elbow**

Where the conduct of the player under consideration involves contact that occurred when the player led with his forearm or elbow when in possession, the following directions are appropriate:

*The offence of Dangerous Contact will be made out where the ball carrier, in running at an opponent to break the defence line or in otherwise preparing to take a tackle, unfairly and dangerously leads with his forearm or elbow and makes contact with the tackling player.*

*It may be regarded as indicative of this offence if the ball carrier has changed the position of his leading arm in relation to the rest of his body before making contact with the defending player, but the offence can be made out without a change of position.*

*The conduct must be either intentional, reckless or careless before the offence is made out. However, this offence will not be proved if the ball carrier only defends himself by shielding his body from the impact of a tackle, as opposed to leading with the forearm or elbow in a tackle situation.*

Whether this offence is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the circumstances of the tackle and where the contact with the opposing player occurred.

## **Tripping**

A trip takes place where a player who does not have a grip on an opposing player places his leg or foot in such a position that the opposing player makes contact with it. It is immaterial whether the player who was tripped fell to the ground or was otherwise substantially impeded.

It will be sufficient proof of guilt if it is established on the balance of probabilities that the player acted either with deliberate intent or recklessly – either state of mind will suffice.

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with an offence of Tripping, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was there a trip in the sense defined above?*
2. *Was the charged player's conduct intentional or reckless?*

## **Striking**

### **General**

Striking is most commonly charged where one player deliberately punches another. The clearest cases of "striking" occur with a closed fist, but there may be an illegal striking with an elbow or another part of the body; for example, a "kneeing" may be a "striking". Similarly, a deliberate or reckless "head-butt" will constitute a striking.

In the course of Rugby League, there is a lot of forceful contact, sometimes involving very heavy impact, which is simply part of the game. Players consent to this. In a "striking" case the Panel will be directed that it is for them to decide whether the alleged contact amounts to illegal conduct. In particular, the following directions will be given:

*Players are taken to consent to fair and reasonable forceful contact within the Rules of the Game, but they do not consent to forceful contact that is unfair or excessive. The Panel members, as Adjudicators under the Code, are the judges of what is unfair or excessive.*

*It will be sufficient proof of guilt if it is established on the balance of probabilities that the act of the player was either deliberate or reckless.*

*There can be no liability for striking if the contact is accidental or even careless. It must be:*

- *intentional in the sense that the Player must do it deliberately, making forceful contact that is either unfair or excessive; or*
- *reckless in the sense that the player foresees that contact which is either unfair or excessive may occur, but proceeds regardless of that danger.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with an offence of Striking, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Did the charged player strike the opposing player or, in other words, did he make forcible contact with that opposing player which was unfair and excessive?*
2. *Was the conduct of the charged player intentional, in the sense of being deliberate, or reckless, in the sense the player foresaw that unfair or excessive contact may occur, but proceeded regardless of that danger?*

## **“Stripping” As “Striking”**

In one case charged as striking, the player said that he was merely attempting a “one-on-one” strip. The following direction has been given in that instance:

*If a player has the aim of stripping the ball in a tackle, but foresees that in doing so he will make excessive or unfair forceful contact with the ball-carrier, and goes ahead regardless, that will be a striking.*

## **Punching And Head-Butts**

It may be assumed that no player provides his consent to be punched or head-butted. Such conduct is both unfair and excessive. It has no place in our game. Where the evidence reveals conduct of either type, the Panel will be directed in those terms.

## **Players In Possession Leading With Forearm or Elbow**

Where the conduct of the player under consideration involves contact that occurred when the player led with his forearm or elbow when in possession, that conduct should not usually be charged as a Striking. Rather, it should be charged as a Dangerous Contact offence.

## **Kicking**

The directions in a Kicking case would be similar to those for Striking. In particular, the Panel would be told that they may not find a Player guilty of kicking another Player unless the conduct was intentional or reckless.

## **Dropping Knees**

The following directions have been given in cases where a player has been charged with Dropping Knees:

*This offence is committed where the defending player uses one or both knees to drop onto a tackled player who has fallen and the main part of whose body is lying on the ground.*

*There can be no liability for Dropping Knees” if the contact is accidental or even careless. It must be intentional in the sense that the tackling Player must do it either deliberately, wishing to injure or cause discomfort, or it must be reckless, in the sense that the Player foresaw that unfair or excessive contact may occur, but proceeded regardless of that danger.*

*If the knee-body contact occurs before the player being tackled is lying on the ground, while he is substantially still in the air, the offence of Dropping Knees is not made out. Such conduct might however amount to Striking or Dangerous Contact.*

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with an offence of Dropping Knees, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Did the charged Player use one or both of his knees to drop onto a tackled Player who had fallen, and the main part of whose body was lying on the ground?*
2. *Was the conduct either:*
  - (a) *intentional in the sense that the charged Player did it deliberately, wishing to cause injury or discomfort; or*
  - (b) *reckless, in the sense that the Player foresaw that unfair or excessive contact may occur, but proceeded regardless of that danger?*

## Contrary Conduct

### General

This offence is defined as follows:

*“A Player is guilty of misconduct if he behaves in a way contrary to the true spirit of the game.”*

It is not possible to give any detailed direction in advance about this offence, but it could include a variety of things - e.g., spitting at another Player, making avoidable contact with the Referee, and so on.

The “true spirit of the game” means a spirit of sportsmanship and fair play in the course of a vigorous sporting contest.

It is well to remember that, in serious cases, conduct that might otherwise be regarded as contrary conduct, may instead be charged as Detrimental Conduct, that is, where a player has behaved in a manner which is detrimental to the interests, welfare or image of the NSWRL, the NSWRL Competitions or Rugby League.

### Dissent Charged as Contrary Conduct

Although there is a discrete offence under the Code of disputing a decision, a player may instead be charged with Contrary Conduct in any case that amounts to a serious form of dissent from a Referee’s rulings.

The direction in one case where that offence was charged was as follows:

*The “true spirit of the game” requires that all players be reasonably accepting of the decisions and directions of the Referee.*

*The captain of a team is entitled to ask the Referee to explain, in a reasonable and respectful fashion, a decision of a Referee.*

*It is contrary to the “true spirit of the game” for any player, captain included, to dissent from the Referee’s rulings to the extent of alleging on field that the Referee is biased or a cheat or to otherwise fail to accord the Referee appropriate respect.*

### Contact With A Match Official Charged As Contrary Conduct

The Referees and Touch Judges have the task of controlling the game. They do not consent to any contact being made with them at any time. It is therefore the responsibility of all players to avoid contact with Match Officials at all times.

In the course of play, there may be occasions on which there is accidental contact between a Player and a Match Official. Contact which is properly categorised as accidental will not constitute an offence. If, for example, a Player is running backwards in order to get onside and he collides with a Match Official, such contact will generally be regarded as accidental and no offence will have been committed.

If, on the other hand, a defending Player makes contact with a Match Official in the course of pursuing and tackling an opponent who is headed for the goal line, it will be no defence to a charge of contrary conduct for the defending Player to say that the only way in which he was able to tackle the Player was to push the Match Official out of the way.

Similarly, by way of further example, it will be no defence to a charge of contrary conduct for a Player to say that he made contact with a Match Official for the purposes of drawing that Official’s attention to some incident which had occurred on the field.

Whilst these examples are not exhaustive, it follows that if:

- (a) there has been contact between a Player and a Match Official;
- (b) such contact was intentional, reckless or careless,

such contact will be deemed to be conduct which is contrary to the true spirit of the Game and an offence of contrary conduct will be made out. This will be so irrespective of:

- (a) the purpose for which the contact may have been made;
- (b) the nature and / or degree of the contact;
- (c) whether the Match Official was aware of the contact;
- (d) whether, if the Match Official was so aware, he or she:
  - (i) regarded the contact as intimidatory; or
  - (ii) felt any apprehension of force or violence as a result of the contact.

Accordingly, in a case where a Player is charged with contrary conduct on the basis of having made contact with a Match Official, the directions to the panel will include the fact that all Players have a special duty to avoid all contact with a Match Official.

Without limiting the directions which might be given to the panel in a particular case, when a Player is charged with an offence of Contrary Conduct constituted by making contact with a Match Official, the Panel may be directed to consider the following questions and in that event, will be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was there physical contact, of any kind and to any degree, by a Player with a Match Official?*
2. *Was that contact intentional, reckless or careless?*

The Panel will be further directed that if the answer to each of questions 1 and 2 is "yes" then the physical conduct of which they are satisfied will be deemed to be conduct which is contrary to the true spirit of the Game and the offence will be established, such that their verdict must be one of guilty.

### **Spitting Charged as Contrary Conduct**

Policy Statement No 1 of 2008 was in the following terms:

"In any case where a player is charged with Contrary Conduct consisting of spitting on, at, towards or in the vicinity of a Match Official in a contemptuous or provocative manner, or any like conduct, and that charge is found by the Panel to be proved, the Panel should impose a severe penalty that recognises the Board's concern to protect Match Officials as well as the interests, image and welfare of the NSWRL, a NSWRL Competition and the Game.

In any such instance, the minimum penalty to be imposed should be the allocation of demerit points that will result in a suspension measured in months rather than weeks.

The Board wants it to be made clear that this sort of conduct has no place in the Game, and any previous decision of the NSWRL Judiciary as to penalty in a case of this kind is to be disregarded as a precedent.

The Board also wishes to emphasise that conduct of this type directed towards an opposing player or person other than a Match Official will not be tolerated and will, depending on the circumstances, be expected to result in the imposition of a heavy penalty."

The following directions have been given in a case involving spitting:

*It is not an offence contrary to the Code to spit on the ground during the game.*



*However it will be conduct contrary to the true spirit of the Game and an offence if a player intentionally spits on, at or in the direction of another player (or a Match Official) if it is done as a gesture of contempt towards or with the intention of aggravating that person.*

*This offence may be proven even if the spitting occurred some distance away – the offence will be committed if the spitting was done as an intentional gesture of contempt or intentionally to aggravate.*

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with an offence of Contrary Conduct constituted by spitting, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Did the charged Player intentionally spit on, at, or in the direction of, another player or a Match Official?*
2. *Was the action of spitting done as a gesture of contempt towards, or with the intention of, aggravating that person?*

The Panel will be further directed that if the answer to each of questions 1 and 2 is “yes”, then the conduct will be deemed to be conduct contrary to the true spirit of the Game and the offence will be established, such that their verdict must be one of guilty.

### **Repetitive Misconduct Charged As Contrary Conduct**

A single charge of Contrary Conduct may be made out if a player is proved to have been guilty during the course of a particular game of *several or a series of actions showing an overall pattern of misconduct.*

No such finding should be made against a player unless the Panel is satisfied:

1. That the player is guilty of several or a series of breaches of the International Laws; and
2. That the overall pattern of the player’s behaviour during the course of the game as shown by those breaches was contrary to the true spirit of the Game.

The Panel should guard against simply noting that there are a large number of particulars charged, and concluding that therefore the player must be guilty of something. That would be a wrong approach.

The correct approach for the Panel to take is first to look at each particular alleged action by the player individually. Unless the Panel is clearly satisfied that an individual action by the player is in breach of the International Laws, that action should be disregarded.

Secondly, if the Panel concludes that the player has committed several or a series of rule breaches during the game it should ask the additional question: *“Do these breaches show an overall pattern of behaviour contrary to the true spirit of the Game?”*

The player can only be found guilty of this offence if this additional question is answered “Yes”.

It must be borne in mind that a player may in fact have committed several or a series of rule breaches during the game, yet still be playing the game according to its true spirit.

The Panel is the judge of sportsmanship and fair play in assessing the *“true spirit of the Game”*.

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with an offence of Contrary Conduct constituted by repetitive misconduct, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was the charged player guilty of several or a series of breaches of the International Laws of the Game?*

2. *Was the overall pattern of the player's behaviour during the course of the game, as shown by those breaches, contrary to the true spirit of the Game?*

The Panel will be further directed that if the answer to each of questions 1 and 2 is "yes", then the conduct will be deemed to be conduct contrary to the true spirit of the Game and the offence will be established, such that their verdict must be one of guilty.

### **Shoulder Charges**

Shoulder charges are illegal. They are no longer accepted as part of the Game. Where they result in forceful contact with an opposing Player's body (irrespective of whether that contact causes or contributes to any movement of, or impact to the opposing Player's head or neck), they will amount to misconduct under the Code.

A shoulder charge is made when the tackling player uses his shoulder and / or upper arm without, at the same time, using his arms to tackle or otherwise take hold of the opposing Player. The term "arms" obviously includes hands. The requirement to use "the arms" means that both arms must be used. Unless both arms are used, then providing the actions of the Player are at least careless, any case involving forceful contact made by the use of the shoulder and / or upper arm, it will be a shoulder charge.

As can be seen by the all-encompassing definition of that offence, it makes no difference (except as to penalty) whether the conduct was careless, reckless or intentional.

It also makes no difference which part of the tackling player's body makes contact with the tackled player. It might, for instance, be his shoulder, his arm, his head, his torso or even his leg.

When that type of offence is before the Judiciary, directions along the following lines may be given:

*A shoulder charge is where the tackling Player uses his shoulder and / or upper arm without, at the same time, using both of his arms to tackle or otherwise take hold of the opposing player. Arms obviously include hands. . Unless both arms are used or attempted to be used, then in any case where the shoulder and / or upper are used to make forceful contact, it will be a shoulder charge.*

*Players at all times have a special duty to avoid contact that involves an unacceptable risk of injury to an opposing player. A shoulder charge resulting in forceful contact with any part of an opposing Player's body, by definition, carries with it an unacceptable risk of injury. It has been outlawed from the game for that reason.*

*The charge will be made out in any case where a player makes forceful contact between the shoulder and / or upper arm of his body and any part of an opposing Player's body, including the head or neck, when effecting, or attempting to effect, a shoulder charge.*

*A Player may be guilty of this offence when his conduct is intentional, reckless or careless. However, the charged player's conduct must have been at least careless - he must have failed to play with the proper level of care that the responsible playing of the Game requires.*

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with a Shoulder Charge offence, the Panel may be directed to firstly consider the question:

1. *Was there forceful contact?*
2. *Was that forceful contact made without the charged Player using, or attempting to use, both of his arms (including his hands) to tackle or otherwise take hold of the opposing Player?*
3. *Was the charged Player's conduct at least careless or in other words, did the Player fail to play with the proper level of care that the responsible playing of the Game requires?*

## **Video Evidence**

Because much of the evidence in any given case is based on videotape footage, it is sometimes appropriate to give a direction in the following terms:

*You should have regard to all of the evidence in the case, and that includes the video evidence. You may find the video evidence clear and compelling but you should bear in mind that it can sometimes be misleading. There has been at least one case before the Judiciary in which one camera angle appeared to show contact, but another camera angle showed a distinct gap between the arm of the tackling player and the head of the player being tackled.*

## **“Victim” Evidence**

Judiciary hearings are conducted with considerable attention to what occurs in normal courts of law, but it should not be forgotten that the Judiciary is not a court of law.

Witnesses are not sworn on their oath to tell the truth, and if they depart from the truth they are not sent to jail for perjury. The player who is the “victim” of the alleged misconduct is generally not called along to give evidence.

Usually the evidence of the Referee, Touch Judges and the video replay is sufficient evidence. If the “victim” is not called to give evidence, the defence cannot gain an advantage - as they could in a normal court of law - by pointing out that the main potential witness is missing.

Experience has shown that football players have an almost instinctive mindset that loyalty to other football players demands that they should not be too eager to come forward and blame another player for the happening of a particular incident. Indeed, sometimes a player who is over-enthusiastic about this principle will be persuaded to attend the Judiciary as a witness for the defence; such evidence of course not usually being admissible without that player attending in person. In such a case, the evidence of that player might be completely truthful and persuasive; on the other hand it might be the product of misguided loyalty.

For this reason, the following direction has been given in one case, and could be appropriate in the future:

*This is a game where team spirit and loyalty are important. Many players take the view that they should always show loyalty to another professional footballer, even if from another team and even if they were unfairly hit. Some players might not be willing to admit that another player has hurt them. For these reasons, in cases before the Judiciary, as under the previous NSWRL judiciary system, it is not the usual practice to call the alleged “victim”.*

*This is not a court of law where people are compelled under penalty to give evidence, and swear their evidence on oath. It may put the “victim” player in an embarrassing position to put the burden on him to point the finger at another player. This is why the Judiciary Counsel does any “pointing of fingers” under the Code.*

*The Panel members are entitled to make their own assessment of the evidence of an alleged “victim” player. If he gives a version of what happened, it may be entirely correct. On the other hand, the members may consider that his version is in conflict with other evidence, and might be influenced by a sense of loyalty to another professional footballer.*

*It is a matter for the Panel members to give such weight to evidence or public comments made by a tackled Player as they think that version deserves.*

## **Absence of Reaction by Adjacent Players**

The following direction has been given:

*Where two players are involved in an incident, whether any other players complain or do not complain of foul play should be disregarded. It is not the duty of the players to control the game; that is the duty of the Referee and the Touch Judges.*

## **Absence of Reaction by Referee or Touch Judges**

The position regarding an absence of any reaction from adjacent players is to be contrasted with the situation where there is an absence of any reaction on the part of Match Officials who viewed the incident in question.

In those cases, the following directions have been given:

*If the Referee or Touch Judge was in a position to see an incident, but he did not react by identifying illegal play, this may be taken into account by you towards concluding that no foul or illegal play has occurred (or that a certain grading is justified).*

*In considering this you should look in particular at whether the Referee or Touch Judge in fact had a good view.*

*However the Match Review Committee is entitled to charge misconduct quite independently of the on-field functions of the Referee or Touch Judges.*

*You should also carefully bear in mind that the Match Official has to make immediate decisions under pressure of time, whereas the Judiciary is able to take its time to consider the evidence.*

*The Judiciary is entitled to find a charge proven (or a certain grading justified) regardless of whether or not there has been any on-field reaction by the Match Officials.*

## **“Good Record or No Prior Convictions” Direction**

When a Player is charged with a disciplinary breach, evidence may be presented that he has no prior offences against his name. In some cases a player will have played for many years, or hundreds of games, without any disciplinary citing.

Such evidence may be relevant in the charging process and it will always be relevant *after* a player has been found guilty by the Panel, or has pleaded guilty. There is an automatic calculation that reduces the demerit points to be allocated.

But what if the player pleads “not guilty”? Is a good record relevant to whether he committed the offence? The answer is that it may be relevant, but only in exceptional cases.

For example, in High Tackle cases, a good prior record may be very relevant if the charge is *intentional* High Tackle. The Panel could in such a case place great emphasis on a good prior record as making it unlikely that such a player would intentionally tackle high. To a lesser extent, the same point may be made in the case of offences that are based on a player’s *recklessness*.

However, there are various offences where it is only necessary for the Judiciary Counsel to prove that the conduct was *careless*.

Where the test is carelessness only – that is, that the Player has failed to show the care that all Players must exercise in responsibility playing the game - proof of a good prior record will have little relevance, if any.

In a case depending on proof of carelessness in play, the following directions may be given:

*Evidence has been presented that the charged player has no prior disciplinary offences against his name (or an otherwise distinguished career and a good record). In this case, what the Judiciary Counsel has to prove is only carelessness, not intentionally foul play. Accordingly you should regard the player’s good prior record as having little or no weight in your deliberations as to whether or not the offence has been committed.*

*In particular, prior good record should not be regarded as an automatic entitlement for a player to be found “not guilty” the first time he comes before the Judiciary. The Code makes provision for prior good record to be taken into account in other ways.*

In a case depending on proof by the Judiciary Counsel of intentional or reckless foul play, the following direction may be given:

*Evidence has been presented that the charged player has no prior disciplinary offences against his name (or an otherwise distinguished career and a good record).*

*In this case, what the Judiciary Counsel has to prove is intentional (or reckless) conduct. In assessing whether or not the charged player has acted intentionally (or recklessly) as alleged, you must take into account whether a player with his clean (long/distinguished) record would be the kind of person to be guilty of the foul play alleged. It is a matter for you to assess this, but it is a factor which you should consider along with the other evidence.*

#### **Directions Regarding the Panel's Discretion on Grading and Demerit Points**

On occasion the Judiciary is required to consider the grading for an offence or, in the case of a Referred Charge, the allocation of demerit points for an offence. The relevant provisions are to be found in **Part 5.5** of the Code.

The following are some directions that have been given in this context:

*The Code is based on predictability and consistency. The Panel should first have regard to the Elective Penalty set out in the Code and should generally adopt that penalty unless there is good reason for taking another approach.*

*Bearing these considerations in mind, the Panel has a discretion as to penalty, and may impose a penalty which is **greater or lesser** than the Elective Penalty set out in the Code.*

*The Panel should consider evidence which the Judiciary Counsel presents as to the Player's Career History, previous convictions, accumulated demerit points, and penalties previously imposed on other Players for the same or similar offences, and any evidence presented by the Player.*

*Where videos are shown of tackles or conduct said to be comparable with the tackle or conduct under consideration, the Panel should strive for consistency, but should bear in mind that perfect consistency may not always be possible. If the Panel takes the view that an allegedly comparable tackle has, in the Panel's view, been graded by the Match Review Committee or dealt with in a previous hearing rather too leniently or severely, the Panel should regard that outcome as unhelpful and not follow it.*

This 2020 Edition of the NSWRL *Judiciary Code of Procedure* is consolidated to 1 March 2020

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