

**Queensland Rugby Union Ltd.**

**Rules for Judicial Hearings**



# JUDICIAL HEARINGS

These procedures should be read in conjunction with the International Rugby Board (iRB) Regulation 17 Illegal and/or Foul Play and Misconduct and the iRB Code of Conduct Regulation 20.

This document sets out the procedures for dealing with the following disciplinary matters:

- a) When a Player is Ordered Off the playing enclosure;
- b) When a Player is cited for an act or acts of Illegal and/or Foul Play;
- c) When a Player has been Temporarily Suspended three times in accordance with Regulation 17.20;
- d) When an act or acts of Misconduct may have been committed by a Union, Player or Person.

## 1. Attendance at hearings

- a) A player ordered off is automatically suspended and is not permitted to play the game of rugby for a period of ten (10) days from the date of the ordering off
- b) If, by 10.00 am on the first working day following the ordering off, the player, either personally or through his/her club may notify the appropriate Competition Manager that the player requests a hearing before the appropriate Judicial Committee (Committee) at the prescribed time to consider his/her response to the charge. The hearing shall be conducted in accordance with these rules.
- c) Subject to the show cause procedure in sub-clause (d) below, if the player does not request a hearing as set out in (b) above, the player shall be deemed to have been found guilty of the charge and accepted penalty of a ten (10) day suspension for the offence committed. Such finding shall be recorded and constitute an offence which indicates a players poor disciplinary record.
- d) The Chairman of the Committee (or his/her nominee) shall review all ordering off reports and may, in his/her absolute discretion, require any player ordered off to appear before the Committee and show cause why an additional penalty over and above the ten (10) day suspension already imposed should not be imposed, The Show Cause Notice shall be issued by the appropriate Competition Manager to the player through his/her club.
- e) The hearing of the show cause notice shall occur at the next scheduled meeting of the Committee The hearing shall be conducted in accordance with these rules.
- f) In fixing a period of suspension following a Show Cause Notice hearing, the Committee shall take into account any period of suspension already served from the allegation of foul play
- g) Any player or notified of a citing, or any participant cited, shall, without further notice, attend the next meeting of the Committee.
- h) In the event a player who has been cited or served with a Show Cause Notice fails to attend the next meeting of the Judicial Committee, the player is automatically suspended from all matches pending his/her appearance. Unless reasonable notice of non appearance (including reason) is given prior to the appointed meeting of the Committee, that Committee may impose such additional suspension as it considers appropriate as penalty for the player's failure to attend as required.

- i) Only in exceptional circumstances should the matter be dealt with in the absence of the player / participant; and when necessary, the Committee should accommodate the player / participant by postponing the hearing. The player/participant shall be entitled to be accompanied by a senior member of his /her club and/or legal representative. In addition, if he/she wishes to bring witnesses, he/she will generally be allowed to do so.

## 2. Procedure at hearings

- a) Power to regulate own procedure

The procedure of the Committee in all such proceedings shall be as the Committee shall determine in each case, but subject to this power to regulate its own procedure it shall generally conform with the procedures stated in these rules.

- b) The procedure prescribed should be directed at ensuring that there will be fair hearings, and should include elements that normally should be dealt with in the following sequence: -

- a. The procedures to be followed at the hearing should be explained clearly by the Chairman of the Committee to all present.
- b. All who are entitled to be present throughout the hearing should attend during the taking of evidence and when submissions are made.
- c. The Chairman of the Committee shall read the referee's report and touch judge's report, if provided.
- d. Evidence/submissions shall then be heard in the following sequence:
  - i. Evidence from the player/participant, if he/she so chooses.
  - ii. Evidence from his/her witnesses (if any).
  - iii. Submissions (if any) by a senior member of his/her club and/or his/her legal representative.

- c) Those giving evidence shall be subject to questioning from any member of the committee. There shall be no right of the player to cross-examine the referee (or touch judge).

- d) In addressing the factual conflicts, it must be remembered that pursuant to Law 6(5) in the Laws of the Game of Rugby Football, the referee is deemed to be the sole judge of fact as to the events which occur on the playing enclosure. Where there is a conflict in the evidence before the committee that it is unable to resolve, in its discretion it may adjourn the hearing for the purpose of obtaining further evidence that may assist in resolving the dispute. However, in the event of the referee's account of the incident remaining in conflict with the player's account, pursuant to the Laws of the Game, the referee's account must be accepted, unless the committee is comfortably satisfied on the evidence that the referee's reasons for his decision were wrong. Referee is deemed to include duly appointed Touch Judges.

A player/participant, if he/she wishes, may tender his/her evidence to the committee in writing. Similarly, witnesses' evidence may also be tendered in writing.

- e) At the conclusion of the evidence and submissions, the Committee shall deliberate in private.
- f) A member of the Committee who has a conflict of interest in dealing with the player/participant before the Committee shall disclose the conflict and act in such a manner as he/she and/or the Committee considers appropriate.

### **3. Evidence admissible at hearings**

- a) Hearsay evidence

Hearsay evidence, i.e. second-hand accounts of what occurred, and evidence not given at the hearing, shall generally not be admitted and considered by the Committee in reaching its decision.

- b) Video tape evidence

- a. The Committee has the sole discretion to determine if it shall accept evidence by video.
- b. The Committee shall decide what weight should be attached to the video tape evidence produced.
- c. If there is a dispute on the facts, the video may be shown again on as many occasions as are considered necessary by the Committee, and at any speed, in an endeavour to clear up the factual conflict. The Committee, in its discretion, shall determine if and when the video tape shall be replayed.
- d. The audio sound shall be muted when the videotape is shown. Preferably, the video should be shown in total silence, but the Committee may, in its discretion, decide whether there shall be any comment by those present while it is being shown.
- e. The Committee may inform the player/participant of the nature of any observations it has made from the video evidence.

- c) Character evidence

Character evidence shall be admissible only in relation to the penalty to be imposed by the Committee.

- d) Previous incident evidence

In the case of a player having previously appeared before a Committee within a period of three (3) years, the previous incident shall be relevant, but only in relation to the penalty to be imposed by the Committee.

### **4. Variation to charge**

- a) If, during a hearing, it becomes evident that the player/participant may have committed an offence, that player/participant not having been

charged with any offence or having been charged with another offence, the Chairman may adjourn the proceedings.

- b) The committee is empowered to alter or add to the initial charge or to substitute an entirely new charge based on facts reported in the initial charge.
- c) The player/participant should then be given the opportunity of answering that charge. An adjournment of the proceedings, if sought, may be granted if necessary.

## **5. Proceedings not to be invalidated for technical reasons**

No proceedings heard by any Disciplinary Committee or Appeal Committee shall be quashed or held invalid by any committee by reason only of any defect, irregularity, omission or other technicality, provided the Committee is satisfied there has not been a miscarriage of justice.

## **6. Notification of decision**

- a) The player/participant must be told, without delay, the decision of the Committee that conducted the hearing. The decision initially may be given orally and brief reasons for reaching it should be given.
- b) The Committee shall provide a written report to the Union at the request of the Union.
- c) In all cases where a player/participant is in any way adversely affected by the decision of the committee, he/she must be advised that he/she has a right of appeal to the Judicial Appeals Committee (JAC) within the time prescribed by the Union's Rules.
- d) A comprehensive record of the hearing before the Committee shall be kept and be made available to the JAC.

## **7. Schedule of recommended penalties**

- a) Each case must be treated on its merits and any penalty imposed must be seen to be fair and equitable and in accordance with the circumstances of the case and in accordance with natural justice.
- b) The recommended scale of sanctions / suspensions which is attached is that proscribed by the iRB. Attached as Attachment 1 is Regulation 17.14 which determines the seriousness of players conduct and also any mitigating or aggravating features which may decrease or increase the applicable 'entry point' for a suspension.
- c) Except in clear cases of mistaken identity or where a referee states he may have made a genuine mistake and the Committee makes a finding pursuant to Clause 5.1.2 (d) of this Code, the Committee has no power to find "no case proven" and it can therefore decide upon only one or other of the following, namely: -

- a. No further punishment additional to the appearance before the Committee;
  - b. That the player be cautioned or severely cautioned as to his/her future conduct;  
or
  - c. That a period of suspension be imposed.
- d) The effect of any sanctions/suspensions may not be suspended by a Committee.

This is Attachment 1 referred to in the aforementioned 7(b)

Please note this link is a sixty six (66) page document – please refer especially to Regulation 17.14 - pages 19 -21; and Appendix 1 – pages 57 - 60

[http://www.irb.com/mm/document/lawsregs/0/regulation17080613\\_6074.pdf](http://www.irb.com/mm/document/lawsregs/0/regulation17080613_6074.pdf)