



ILLAWARRA DIVISION RUGBY LEAGUE

Judiciary Code of Procedure

(Modified February 2018)

Acknowledgement –
This document is based on the National Rugby League –
Judiciary Code of Procedure

ILLAWARRA DIVISION RUGBY LEAGUE

JUDICIARY CODE OF PROCEDURE

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ILLAWARRA DIVISION RUGBY LEAGUE

JUDICIARY CODE OF PROCEDURE

Chapter 1 - Preliminary

Part 1.1 - Introduction

Commencement

1. Each of the provisions of this Code shall commence in operation on 1 January 2011.

Objects

2. The objects of this Code are to:
 - (1) Collect in one place the procedural provisions governing proceedings against players, officials and/or clubs registered or affiliated with the Illawarra Division Rugby League 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, officials and/or clubs 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, officials and/or clubs to elect to accept a pre-determined penalty without recourse to a hearing by the Judiciary;
 - (6) Provide a safe system of work for the protection of players and officials; and
 - (7) Recognise and enforce disqualifications and suspensions imposed on players in the Illawarra Division Competitions, or any other competition recognised by the Board.

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 the Illawarra Division Constitution and By-Laws.

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 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.

Explanatory Memoranda

5. The Board may publish, from time to time, Explanatory Memoranda to assist a broader understanding of the provisions of this Code.

Part 1.2 - Interpretation

Definitions

6. (1) In this Code, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:

<i>Term</i>	<i>Definition</i>
Adjudicator	a person appointed pursuant to Rule 26;
Base Penalty	the penalty for a grading of an offence within the meaning of Rule 39;
Board	the Illawarra Division Board of Management;
Business Day	a day during which the offices of the Illawarra Division are operating, usually from 9 am to 5 pm Monday through Friday (excluding public holidays);
Career History	includes particulars of the conduct of a player or official in any recognised rugby league competition(s) including, if applicable, the Illawarra Junior League competition(s);
Charge Penalty	the penalty for an offence that includes the Base Penalty (Third Schedule), plus loadings for previous convictions (Rule 43), less reductions for Good Conduct (Rule 41 or Rule 42);
Chairman	the Chairman or Acting Chairman of the Judiciary;
Charge	a charge against a player, official or club for an offence;
Club	has the meaning given to that term by the Illawarra Division Rugby League competition By-Laws ('Constituent Clubs');
Combined Hearing	the procedure contemplated by Part 5.6 of Chapter 5;
Competition Match	any rugby league match played as part of a competition ratified by the Illawarra Divisional Rugby League and shall include the 'Final Series' of that competition
Contrary Conduct	misconduct on the part of a player, official or club constituted by behaving in a way that is contrary to the true spirit of the Game;
Convicted	found guilty of or pleaded guilty to an offence;
Dangerous Contact	misconduct on the part of a player constituted by carelessly, recklessly or intentionally making dangerous contact with an opposing player;
Dangerous Throw	misconduct on the part of a player constituted by a dangerous throw when affecting a tackle;
Demerit Points	the penalty referred to in Rule 37;
Detrimental Conduct	misconduct on the part of a player, official or club constituted by behaving in a manner which is detrimental to the interests, welfare or image of the Illawarra Division Rugby League, its competitions and/or the Game of Rugby League;
Dropping Knees	misconduct on the part of a player constituted by dropping his knees first onto an opponent who is on the ground;
Disputing Decision	misconduct on the part of a player or official constituted by disputing a decision of the Referee or Touch Judge;

Early Plea	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 67 or before such later time as the Chairman, in his absolute discretion, thinks fit;
Elective Penalty	a penalty for an offence calculated in accordance with Rules 37, 40, 41, 42, 43 and 44;
Explanatory Memorandum	document referred to in Rule 5;
Finals Series Match	has the meaning given to that expression by the Illawarra Divisional Rugby League (Competition By-Laws);
Finding of Guilt	a verdict of the Judiciary that a player, official or club is guilty of an offence;
Game	any rugby league match ratified by the Illawarra Divisional Rugby League;
Grading	a ranking of severity for an offence within the meaning of Rule 38;
High Tackle	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, recklessly or carelessly;
Judiciary	the body constituted by Part 2.3 of Chapter 2, being a tribunal established pursuant to the <i>Constitution of the Illawarra Division Rugby League</i> ;
Assistant Manager, Illawarra Division Rugby League	appointed position of the Illawarra Division Rugby League;
Kicking	misconduct on the part of a player constituted by kicking another player;
Law Breaking	misconduct on the part of a player constituted by deliberately and continuously breaking the Rules of the Game;
League	the Illawarra Division Rugby League
List of Adjudicators	the document referred to in Rule 24;
Loading Period	has the meaning given to that expression by Rule 37;
Manager, Illawarra Division Rugby League	appointed position of the Illawarra Division Rugby League (also referred to as Football Manager, Illawarra Division Rugby League);
Match	any rugby league game ratified by the Illawarra Divisional Rugby League;
Match Officials	the Referee, Touch Judges and, if used, In-Goal Touch Judges who officiate in a match;
Match Review Committee	the committee constituted by Part 2.2 of Chapter 2;
Match Review Coordinator	the person appointed pursuant to Rule 13;
Media	organisations and/or personnel employed to communicate to the general public (newspaper, radio, television);
Misconduct	conduct of a player, official or club which constitutes an offence within the meaning of Part 3.1 of Chapter 3;
Notice of Challenge	a notice within the meaning of Rule 69;

Notice of Charge	a notice within the meaning of Rule 57 or an Amended notice within the meaning of Rule 65;
Notice of Referred Charge	a notice within the meaning of Rule 56;
Obstructing	misconduct on the part of a player constituted by deliberately obstructing an opponent who is not in possession;
Offence	an action within the meaning of Part 3.1 of Chapter 3;
Offensive Language	misconduct on the part of a player or official constituted by using offensive or obscene language;
Official	any person engaged in a duty or action recognised by a club or organisation;
Ordinary Matches	matches played in the Illawarra Open and Aged Competitions (other than Finals Series Matches, Representative Matches, and Pre-Season Trial Matches);
Other Competitions	any other competition recognised by the Illawarra Division Rugby League;
Party	includes the player, official, supporter or club charged with an offence as well as the Judiciary membership;
Player	Any person registered as a player under the Country Rugby League;
Policy Statements	the documents referred to in Rule 4;
Pre-Season Trial Match	a match played by a Club against another Club prior to the commencement of the first Round of any Season which is declared by the Illawarra Division Rugby League to be a Pre-Season Trial Match for the purposes of these Rules;
Previously Convicted of an Offence	the previous conviction(s) of a player, official, supporter or club for an offence of misconduct;
Proceedings	proceedings against a player, official or club for an offence;
Re-entering Play	misconduct on the part of a player constituted by re-entering the field of play without the permission of the Referee or Touch Judge after having previously temporarily retired from the match;
Referee	the official who performed official duties attributed to a referee;
Referred Charge	a charge that has been referred to the Judiciary pursuant to Rule 56;
Related Competitions	See ‘Other Competitions’;
Season	period taken to complete a year competition, from round 1 to the conclusion of the Grand Final
Shoulder Charge	misconduct on the part of a player constituted by using a shoulder charge on an opponent;
Standard Directions	the directions to the Panel set forth in the Fifth Schedule and administered pursuant to Rule 93;
Striking	misconduct on the part of a player or official constituted by striking another player, official or person;
Telephone Conferencing	the facility referred to in Rule 108;

Touch Judge	the official who performed official duties attributed to a touch judge;
Tripping	misconduct on the part of a player constituted by tripping another player;
Video Conferencing	the facility referred to in Rule 109;
Year	a full calendar year (i.e. 1 st Jan 2010 – 31 st Dec 2010, 15 th June 2010 – 14 th June 2011)

- (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.
- (3) Where in this Code reference is made to time, that reference shall be taken to mean a reference to the time in Wollongong, 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 Explanatory Memorandum and Policy Statements when construing the provisions of this Code.

Part 1.3 - Application

Jurisdiction

8. This Code applies to all proceedings against a player, club official or club for an offence.

Code Governs Procedure

9. This Code governs proceedings against players, club officials or clubs 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 – Administrative Duties

Duties

10. In order for the appropriate judicial bodies to function effectively, the Manager, Illawarra Division Rugby League and/or the Judiciary Chairman shall undertake the following duties:
- (1) To keep and maintain the following records:
 - (a) A register/history of all proceedings, which register/history shall include particulars of the player, official or club charged, the decision made and, if applicable, the penalty imposed;
 - (b) A copy of any video tape recordings of any incident which gave rise to a charge for an offence;
 - (c) A record with respect to each player of:
 - (i) His playing history with the Illawarra Rugby League;
 - (ii) Any convictions for offences of misconduct in any competition under the control of the Illawarra Division Rugby League; and
 - (iii) 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;
 - (d) A copy of all Policy Statements published or otherwise given;
 - (e) A List of Adjudicators as required by Rule 24;
 - (f) Such other books or records as the Manager, Illawarra Division Rugby League, Chairman or Match Review Co-ordinator may from time to time direct;
 - (2) To empanel the Adjudicators pursuant to Rule 27;
 - (3) To monitor the accumulation and reduction of each Player's demerit points;
 - (4) To communicate rehabilitation recommendations to the Manager, Illawarra Division Rugby League pursuant to Part 3.4;
 - (5) To receive reports pursuant to Rule 52 and complaints pursuant to Rule 53;
 - (6) To follow the procedures required by Rule 67, for the convening of hearings;
 - (7) To keep in safe custody the record of proceedings required by Rule 75 and the exhibits tendered in the proceedings pursuant to Rule 84;
 - (8) To receive and disburse the security lodged for any appeal pursuant to Rules 103, 104 and 105;
 - (9) To provide telephone conferencing or video conferencing facilities if required;
 - (10) To provide such certificates pursuant to Rule 111 as are required;
 - (11) To publish the outcome of proceedings pursuant to Rule 114;
 - (12) To advise the Chairman of any application pursuant to Rule 107 and to facilitate the same; and
 - (13) To receive, and communicate, any recommendations made pursuant to Part 3.4.

Independence

11. In the discharge of any of the functions and responsibilities listed above with which the Manager, Illawarra Division Rugby League or Judiciary Chairman are charged and in the exercise of any of the powers and authorities which are conferred, the Manager, Illawarra Division Rugby League and Judiciary Chairman shall be aware of, and shall proceed with due respect for, the necessity to preserve the independence of the Judiciary and its constituents.

No Review and No Suit

12. (1) The discharge by the Manager, Illawarra Division Rugby League and Judiciary Chairman 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 Manager, Illawarra Division Rugby League and Judiciary 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 the part of The Manager, Illawarra Division Rugby League or Judiciary Chairman, except in the event of fraud.

Part 2.2 – The Match Review Committee

Appointment

13. (1) The Match Review Committee shall consist of the Match Review Co-ordinator and at least one other match reviewer.
- (2) As soon as practicable after the commencement of this Code, the Board shall appoint at least three persons to serve as Match Reviewers. A Match Review Coordinator shall also be identified (this role may be undertaken by the Manager, Illawarra Division Rugby League).
- (3) The persons appointed pursuant to sub-Rule (1) shall each be a person who:
 - (a) Is a former player, coach or referee of Rugby League; or
 - (b) Has experience in Rugby League administration; and
 - (c) Has indicated his preparedness to serve as a Match Reviewer.
- (4) If, for any reason, a person appointed to serve as a Match Reviewer is temporarily unable to so serve, the Manager, Illawarra Division Rugby League shall appoint an alternative suitable person to serve in his stead.

Functions

14. The Match Reviewers shall:
 - (1) Together with the Match Review Coordinator, form the Match Review Committee as members thereof;
 - (2) As directed by the Manager, Illawarra Division Rugby League, review specified matches or incidents;
 - (3) When so reviewing matches or incidents, examine and consider any conduct by a Player, official, team or club that may constitute an offence;
 - (4) Investigate, examine and consider any conduct by a Player, official, team or club that may constitute an offence;
 - (5) In the case of the Match Review Coordinator, attend hearings of the Judiciary to assist as and when required (this function may be delegated to another member of the Match Review Committee as seen fit by the Manager, Illawarra Division Rugby League);
 - (6) Generally, proceed in accordance with the requirements of Chapter 4.

Decisions, Opinions and Acts

15. 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.

Independence

16. 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 Manager, Illawarra Division Rugby League 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.

No Review and No Suit

17. (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 2.3 - The Judiciary

Composition

18. The Judiciary shall be constituted by the Chairman and at least two Adjudicators.

Chairman

19. (1) As soon as practicable after the commencement of this Code, the Board 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 Board shall appoint an Acting Chairman to act in his stead.

Qualifications for Appointment as Chairman

20. The Chairman shall be a person who, in the opinion of the Board, has the skills necessary to successfully undertake the duties of the Chairman.

Functions

21. The functions of the Judiciary are to hear and determine such charges, gradings, and penalties for an offence as are referred to it for decision.

Independence

22. 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, official or club charged.

No Review and No Suit

23. (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 2.4 - Adjudicators

Adjudicators

24. For the purpose of constituting the Judiciary, the Manager, Illawarra Division Rugby League shall establish and maintain a List of Adjudicators consisting of the names of not less than four persons.

Qualifications

25. (1) An Adjudicator shall be a person who:
- (a) Is a former player, coach or referee of Rugby League or has experience in Rugby League administration;
- (b) Has indicated his preparedness to serve on the Panel; and
- (c) Is not a director, shareholder or employee of the Division 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

26. (1) As soon as practicable after the commencement of this Code, the Manager, Illawarra Division Rugby League shall appoint no less than five persons who are qualified for appointment pursuant to Rule 25, as Adjudicators.

- (2) The Manager, Illawarra Division Rugby League shall cause the names of the persons appointed pursuant to sub-Rule (1) to be placed on the List of Adjudicators.

Empanelment

27. When required to empanel the Adjudicators, the Manager, Illawarra Division Rugby League shall contact at least two persons on the List of Adjudicators who are each available to attend the hearing and serve as Adjudicators, which persons shall, with the Chairman, constitute the Judiciary.

Independence

28. 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

29. (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.

Chapter 3 - Misconduct

Part 3.1 - Offences

General Nature of Offences

30. (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 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.
 - (c) Such misconduct as set forth in the Illawarra Constitution and By-Laws
 - (d) Such misconduct as set forth in the Australian Rugby League Commission 'Code of Conduct'
- (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 and are derived from 'The Australian Rugby League Laws of the Game and Notes on the Game'.

Actual Contact

31. (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.

Choice of Charge

32. (1) Where a player, official, team or club 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.
- (3) Both the Match Review Committee and the Judiciary have the authority to vary a charge against a player, official or club if, on investigation, the original charge laid is found to be inaccurate.

Temporal Relationship

33. In determining whether conduct of a player, official, team or club constitutes an offence, it is irrelevant whether such conduct occurred before, during or after the relevant match.

Part 3.2 - Penalties

In determining penalties for breaches of misconduct, the following may be imposed by the League through the Match Review Committee or Judiciary;

Fine

34. A monetary penalty may be imposed on a player, official, team or club when it is considered that a suspension from Rugby League is not appropriate to the charge found.

Suspension

35. A period of suspension from Rugby League may be imposed on a player, official, team or club.

Undertaking to be of Good Behaviour

36. Any player, official, team or club that has, through the judicial process, had imposed upon them a fine, suspension or demerit points may have that fine, suspension or demerit points suspended for a determined period upon that player, official, team or club undertaking to be of good behaviour for the determined period specified by the Match Review Committee or Judiciary. A player, official, team or club who has had a suspension in accordance with this Rule hereof shall be deemed not to be of good behaviour if found guilty by the Judiciary of a further charge during the period of such suspension.

Demerit Points

37. (1) The most frequent 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) 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 calendar year from that day or for such longer period as the Board may in any given case direct.
- (3) 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).
- (4) 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 demerits points are allocated to a player such that a period of suspension is imposed by reason of Rule 45 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.

Gradings

38. For the purposes of calculating the Elective Penalty for an offence, the offences set forth in the First Schedule are each divided into four gradings, with Grade 1 (Low) representing the lowest end on the scale of seriousness for the offence and Grade 4 (Serious) representing the 'highest' end on the scale of seriousness for the offence. The Grading 'serious' (Grade 4) is a guide used by the Judiciary for determining extreme cases that have been referred directly to it.

Base Penalties

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

Calculation of Elective Penalty

Reduction for Guilty Plea

40. (1) When calculating the Elective Penalty where a player charged with an offence pursuant to a Notice of Charge enters a Guilty Plea to the offence and accepts the grading, the player is entitled to a reduction equivalent to twenty-five per centum of the Charge 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 Rules 41 and 42.
- (2) In any case where a player charged pursuant to a Notice of Referred Charge elects to plead guilty to the charge, that election shall be taken into account by the Judiciary as a factor in mitigation of penalty when determining penalty pursuant to Rules 97, 98 and 99.

Reduction for Good Conduct – No Offence in the Preceding Five to Ten Year Period

41. Where a player charged with an offence pursuant to a Notice of Charge has participated as a player in the Illawarra Division Competitions (excluding the Modified Games competitions) or any other recognised competition(s) for a continuous period of between five and up to ten completed 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:

- (1) The player is entitled to a reduction, to reflect his good conduct, equivalent to twenty-five per centum of the Base Penalty for the grading of the offence.

The following are examples of the operation of Rule (41):

Example 1 (base penalty points are a guide only and may not reflect current points (see Third Schedule)):

A player is charged with the offence of Striking after being dismissed from the field in a Reserve Grade match. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 250 demerit points. The player has played continuously in the Illawarra Division Competition for six Years and has never before been convicted of an offence. After receipt of the Notice of Charge, the player forwards a Notice of Election Sheet to the Manager, Illawarra Division Rugby League in which he pleads guilty to the offence and accepts the grading. The player is therefore entitled to the following reductions;

(i) Good conduct (Rule 41, sub-Rule (1)) (62.5 points); and

(ii) Early Plea (Rule 40, sub-Rule (1)), being 25% of the Charge Penalty (46.87 points).

The Elective Penalty is then calculated as follows:

Charge Penalty (Base Penalty + Previous conviction loading – Good Conduct Reduction (25% Base Penalty)) – Early Plea reduction (25% of Charge Penalty) + Carryover Demerit points.

As a points calculation;

Charge Penalty - (250 + 0 – 62.5 = 187.5) – Early Plea reduction (46.87) + carry-over points (0) = 140.63 demerit points, (which, because of Rule 44, is then rounded up to 141 demerit points).

Example 2 (base penalty points are a guide only and may not reflect current points (see Third Schedule)):

A player is sent off during a match in the U19 (Colts) Illawarra Division competition. He is subsequently charged with the offence of making a High Tackle. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 455 demerit points. The player elects, in his Notice of Election Sheet, to plead guilty to the offence and to accept the grading. The player did not play Rugby League during the previously year but has never before been convicted of an offence. However, because the player has not been playing for five or more consecutive years, he is not entitled to a reduction for his good conduct (Rule 41, sub-Rule (2)). His Charge Penalty would therefore equal 455 demerit points. However, the player is entitled to a reduction for his Early Plea (Rule 40, sub-Rule (1)), of 25 % of the Charge Penalty - i.e. 113.75 demerit points.

The Elective Penalty will therefore be:

Charge Penalty – Early Plea reduction + carryover demerit points.

As a points calculation;

455 – 113.75 + 0 = 341.25 demerit points (which, because of Rule 44, is then rounded down to 341 demerit points).

Reduction for Good Conduct – No Offence in the Preceding Ten Plus Year Period

42. Where a player charged with an offence pursuant to a Notice of Charge has participated as a player in the Illawarra Division Competitions (excluding the Modified Games competitions) or any other recognised competition(s) for a continuous period of at least ten 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:

- (1) The player is entitled to a reduction, to reflect his good conduct, equivalent to fifty per centum of the Base Penalty for the grading of the offence.

The following is an example of the operation of Rule (42):

Example 1 (base penalty points are a guide only and may not reflect current points (see Third Schedule)):

A player is charged with the offence of Dangerous Throw after being dismissed from the field in a 1st Grade match. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 525 demerit points. The player has played in the Illawarra Division Competition for twelve continuous years and has never before been convicted of an offence. After receipt of the Notice of Charge, the player forwards a Notice of Election Sheet to the Manager, Illawarra Division Rugby League in which he pleads guilty to the offence and accepts the grading. The player is therefore entitled to the following reductions;

(i) Good conduct (Rule 42,) (262.5 points); and

(ii) Early Plea (Rule 40, sub-Rule (1)), being 25% of the Charge Penalty (Base Penalty – Good Conduct reduction (65.62 points) = 196.87 points).

The Elective Penalty is then calculated as follows:

Charge Penalty (Base Penalty – Good Conduct Reduction (50% Base Penalty) = 262.5) – Early Plea reduction (25% of Charge Penalty = 65.62) + Carryover Demerit points (= 0).

As a points calculation;

262.5 – 65.62 + 0 = 196.87 demerit points, (which, because of Rule 44, is then rounded up to 197 demerit points).

Increase For Cases Involving One or More Previous Convictions

43. Where a player charged with an offence pursuant to a Notice of Charge has been previously convicted in Illawarra Division Competitions (excluding the Modified Games competitions) or any other recognised competition(s) of an offence in the two year period immediately preceding the incident giving rise to the charge, the Charge 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 37;
- (b) If the player has been previously convicted of the same offence 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 other than the same offence in the two year period immediately preceding the incident giving rise to the charge, the player is liable to an increase equivalent to twenty-five per centum of the Base Penalty for the grading of the offence for each such previous conviction.

For the purposes of Rule (43), 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:

- (d) An offence of the same description as the offence for which he stands charged, regardless of the grading (if any) of that previous offence; or
- (e) An offence which, in the opinion of the Chairman in his absolute discretion, should be so regarded.

The following are examples of the operation of Rule (43):

Example 1 (base penalty points are a guide only and may not reflect current points (see Third Schedule)):

A player is charged with the offence of making Dangerous Contact after being dismissed during a 1st grade match. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 700 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 1, but the feature that his previous conviction concerned a different grading is irrelevant for the purposes of sub-Rule (b); 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 Manager, Illawarra Division Rugby League 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 (Rule 43, (b)) of 50% of the Base Penalty. Because the Player elected to enter an Early Plea, he is entitled to a reduction (Rule 40, sub-Rule (1)), equivalent to 25% of the Charge Penalty.

The Charge Penalty (1050 points) comprises of;

- (a) Base Penalty (700 points), and
- (b) Previous conviction loading (350 points)

The Elective Penalty then is calculated as follows:

Charge Penalty – Early Plea reduction + carryover demerit points.

Expressed in points;

1050 – 262.50 + 0 = 787.5 demerit points, (which, because of Rule 44, is then rounded down to 787 demerit points).

Example 2 (base penalty points are a guide only and may not reflect current points (see Third Schedule)):

A player is charged with a Grade 2 High Tackle after being dismissed in a 1st grade match. The Base Penalty is therefore 260 demerit points. In the preceding two years the player was convicted of a Striking offence and a Grade 3 High Tackle offence. While Striking will not be regarded as the 'same offence' for the purposes of Rule (43), a Grade 3 High Tackle is (Rule (43) (b)). In addition to the Base Penalty, the player is therefore liable to an increase (Rule (43) (b)) equivalent to 50% of the Base Penalty for the previous Grade 3 High Tackle conviction (130 demerit points) and an increase (Rule (43) (c)) equivalent to 25% of the Base Penalty for the previous Striking conviction (65 demerit points). Expressed in points, this is a combined increase of 195 demerit points. However, the player elected to enter an Early Plea and, accordingly, he is entitled to a reduction (Rule 40, sub-Rule (1)) of 25% of the Charge Penalty. The Charge Penalty (455 points) comprises of;

- (a) Base Penalty (260 points), and*
- (b) Previous conviction loadings (195 points)*

The Elective Penalty then is calculated as follows:

Charge Penalty – Early Plea reduction + carryover demerit points.

Expressed in points;

455 – 113.75 + 0 = 321.25 demerit points, (which, because of Rule 44, is then rounded down to 320 demerit points).

Rounding

44. After the calculations referred to in Rules 39, 40, 41 42, and 43 the figure thereby obtained as the Elective Penalty shall be rounded up to the nearest whole number.

Part 3.3 - Period of Suspension

Suspension

45. (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 competition matches specified in the Second Schedule.
- (2) Where over 1,800 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 competition matches as are determined by the Judiciary, in their absolute discretion, and so specified.

Calculation of the Period of Suspension

46. (1) Subject only to the outcome of an appeal, where a player has been suspended from playing in a forthcoming competition 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 competition match or matches have each been played and concluded;
 - (b) When each forthcoming competition match has been played and concluded, the player's allocated or accumulated demerit points shall reduce by 100 demerit points for each such competition 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) For the specific Illawarra competition the player was playing in when he committed the offence leading to his suspension, each of the player's forthcoming ordinary matches and/or Finals Series Matches in that Competition 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) Save for the foregoing, no other matches shall be taken into account unless the Manager, Illawarra Division Rugby League so declares pursuant to Rule 47.

Chairman's and Manager, Illawarra Division Rugby League's Declarations

47. (1) In any case where either the player is in doubt as to the calculation of the period of suspension pursuant to Rule 46 or the reduction of demerit points pursuant to Rule 37, 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 contends that matches other than ordinary matches, Finals Series matches, and Representative matches ought to properly be taken into account in calculating the period of suspension, he may apply, in writing, to the Manager, Illawarra Division Rugby League for a declaration to that effect.
- (3) On the hearing of an application pursuant to sub-Rule (1) or sub-Rule (2), the Chairman (sub-Rule (1)) or Manager, Illawarra Division Rugby League (sub-Rule (2)), shall, in their 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

48. (1) Subject to sub-Rule (2), in any case where a match is taken into account either as provided in Rule 46 or as declared pursuant to Rule 47, 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 46 or as declared pursuant to Rule 47 until after every other match in Illawarra Division 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 played and concluded.

Part 3.4 – Rehabilitation

Rehabilitation Recommendations of the Match Review Coordinator

49. 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 Manager, Illawarra Division Rugby League that the player undertake a specified program and/or perform unpaid services for the benefit of the Illawarra Rugby League community during the period of his suspension.

Rehabilitation Recommendations of the Chairman

50. In any case that proceeds to a hearing of the Judiciary Committee where a player is allocated at least 400 demerit points, and the Chairman forms the opinion (in consultation with the other members of the Judiciary) in his absolute discretion that the player would benefit from rehabilitation, the Chairman make a recommendation that the player undertake a specified program and/or perform unpaid services for the benefit of the Illawarra Rugby League community during the period of his suspension, in which event the Chairman shall communicate that recommendation to the Manager, Illawarra Division Rugby League.

Rehabilitation Directions

51. In any case where a player is allocated at least 400 demerit points and the Manager, Illawarra Division Rugby League:
- (1) Has received a recommendation with respect to that player from the Match Review Coordinator pursuant to Rule 49;

- (2) Has received a recommendation with respect to that player from the Chairman pursuant to Rule 50;
- (3) Otherwise, forms the opinion in his absolute discretion that the player would benefit from rehabilitation;

the Manager, Illawarra Division Rugby League may direct the player to undertake a specified program and/or perform unpaid services for the benefit of the Illawarra 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

52. (1) Where, preceding, during and following a match in the Illawarra Division Competitions, any conduct of a player, official, supporter, spectator, team or club which may constitute an offence (as defined in the First Schedule) 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 League, then:
- (a) In the case of the Referee reporting on the conduct of a player dismissed during a match, he shall complete a Referee's Dismissal Report specifying the particulars required in Form 1 and forward it to the Manager, Illawarra Division Rugby League by no later than 12.00md on the first Business Day following the match;
 - (b) In the case of a Match Official other than the Referee reporting on the conduct of a player dismissed during a match, he shall complete a Match Official's Dismissal Report specifying the particulars required in Form 2 and forward it to the Manager, Illawarra Division Rugby League by no later than 12.00md on the first Business Day following the match;
 - (c) In the case of a report on a player, official, supporter, spectator, team or club other than a player dismissed, the Match officials shall report the conduct to their Referee's Association, who then may request an investigation be undertaken by the League. Such request by the Referee's Association must be submitted to the Manager, Illawarra Division Rugby League no later than Close of Business on the third 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 any player, official, supporter, spectator, team or club, irrespective of whether the conduct led to the dismissal of a player or official 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 (sub-Rule (1) (a) and (b)).
- (3) Where any report by a Referee or other Match Official is received by the Manager, Illawarra Division Rugby League, he/she shall forthwith provide a copy of it to the Match Review Coordinator.

Complaints

53. (1) Where, in the opinion of the executive of an affiliated Club, conduct of a player, official, supporter, spectator, team or club preceding, during or following a match in the Illawarra Division Competitions warrants consideration by the League pursuant to Rule 52, the secretary of the affiliated Club may forward a complaint concerning that conduct to the Manager, Illawarra Division Rugby League.
- (2) For the purposes of sub-Rule (1), any such complaint must be:
- (a) In writing;
 - (b) Forwarded by no later than Close of Business on the third Business Day following the relevant match;
 - (c) Shall include all documentation (including video) upon which the complaint is based; and
 - (d) A lodgement fee (Open Aged Competitions) of \$500 for each individual incident referred to in any complaint lodged, shall accompany any complaint lodged with the Manager, Illawarra Division Rugby, either paid by electronic funds transfer or by cheque.
- (3) Where a complaint in accordance with this section is received by the Manager, Illawarra Division Rugby League, he/she shall forthwith provide a copy thereof to the Match Review Coordinator.

Match Review Committee to Consider Evidence

54. (1) As soon as practicable after the conclusion of each Match in the Illawarra Division Competitions, the Match Review Committee shall investigate, examine and consider all reasonably available evidence, including the contents of any report pursuant to Rule 52 or any complaint pursuant to Rule 53, of any conduct by a player, official, team or club which may constitute an offence.

- (2) 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 52 or a complaint has been received pursuant to Rule 53.

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

55. (1) After considering the evidence, the Match Review Committee may recommend the Match Review Coordinator to lay a charge against a player, official, supporter, spectator, team or club for an offence and, in such a case, the Match Review Committee shall;
- (a) In the case of a player dismissed during a match ascribe a grading for that offence; or
 - (b) In the case of any other player, official, supporter, spectator, team or club ascribe a penalty consequence as it deems appropriate 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 52 or a complaint has been received pursuant to Rule 53.
- (3) In the exercise of the discretion conferred by sub-Rule (1) as to whether a charge should be preferred against a player, official, supporter, spectator, team or club 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, official, supporter, spectator, team or club 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 or other penalty for an offence, the Match Review Committee shall 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 another person was injured in the incident giving rise to the charge;
 - (c) Any mitigating or aggravating circumstances;
 - (d) Whether the player, supporter, spectator or official was provoked;
 - (e) The stage of the match when the conduct giving rise to the charge occurred;
 - (f) Whether the player, official, supporter, spectator, team or club had been previously warned by the Referee or Ground Manager during the course of the match, either by way of a general warning given to the person's team/club or a specific warning given to the player, supporter, spectator, official, team or club;
 - (g) Whether the player had been previously Sin Binned in the match;
 - (h) The prevalence of the alleged offence in the Illawarra Division Competitions and the need for deterrence, both personal and general;
 - (i) The gradings or penalties ascribed to other players, officials, supporters, spectators, teams or clubs charged with the same or similar offences in the Illawarra Division Competitions; and
 - (j) Any other relevant circumstance.
- (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 Manager, Illawarra Division Rugby League to:
- (a) Publish short written reasons for that opinion; and
 - (b) Provide a copy of those reasons to the player, the player's club and the Referee and the Match Review Coordinator shall, whenever authorised, so proceed.
- (6) In all other cases pursuant to Rule 52 and Rule 53, if the Match Review Committee is of the opinion that a charge should not be laid against that player, official, supporter, spectator, team or club for the conduct leading to the lodged Complaint, the Match Review Committee shall authorise the Manager, Illawarra Division Rugby League to:
- (a) Publish short written reasons for that opinion; and

- (b) Provide a copy of those reasons to relevant bodies (as determined by the Manager, Illawarra Division Rugby League) and the Match Review Coordinator shall, whenever authorised, so proceed.

Power to Refer to the Judiciary

56. (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 recommend the Manager, Illawarra Division Rugby League to so refer the charge.
- (2) In any case where the Match Review Committee has recommended him to refer a charge to the Judiciary pursuant to sub-Rule (1), the Manager, Illawarra Division Rugby League shall forward to the player, official, supporter, spectator, team or club a Notice of Referred Charge specifying the particulars required in Form 4.
- (3) The provisions of Rule 57 do not apply to a charge referred to the Judiciary pursuant to sub-Rule (1).

Notice of Charge

57. In any case where the Match Review Committee has authorised the Match Review Coordinator to lay a charge against a player, official, supporter, spectator, team or club for an offence, the Match Review Coordinator shall forward to the player, official, team or club a Notice of Charge (Form 3) specifying the particulars required in Form 3.

Accompanying Material

58. In conjunction with the Notice of Charge or the Notice of Referred Charge, the Match Review Coordinator shall forward to the player, official, supporter, spectator, team or club a copy, if made, of any report pursuant to Rule 52 and any complaint pursuant to Rule 53.

Duty of Disclosure

59. (1) In addition to the material referred to in Rule 58, the Match Review Coordinator shall make available to the player, official, supporter, spectator, team or club or their representatives a copy of any other evidence that will be relied upon to support the charge.
- (2) The obligations under sub-Rule (1) continue until the proceedings are concluded.

Notice of Election or Plea

60. (1) Upon receipt of a Notice of Charge, the player, official, supporter, spectator, team or club shall complete a Notice of Election / Plea specifying the particulars required in Form 5 and forward it to the Manager, Illawarra Division Rugby League by no later than 5.00pm on the Business Day following receipt of the Notice of Charge.
- (2) Should a player, official, supporter, spectator, team or club fail to comply with sub-Rule (1) by the time limited therein, the charge will be automatically set down for hearing pursuant to Rule 67.

No Contest

61. (1) In any case where a player, official, supporter, spectator, team or club has received a Notice of Charge they may (by specifying a plea of “no contest” where indicated in Form 5) elect not to contest the offence charged or the grading/penalty for that offence.
- (2) In any case where a player, official, supporter, spectator, team or club elects not to contest the offence charged or the grading/penalty for that offence, the making of that election does not constitute an admission on their part that they are guilty of, or otherwise responsible for, the conduct charged but, rather, it is an indication that they have chosen for one reason or another not to contest the charge.
- (3) To remove any doubt, a player, official, supporter, spectator, team or club may only elect to plead “no contest” if they do not wish to contest the offence charged **and** if they do not wish to contest the grading for that offence. No reduction of the charge penalty shall apply should a “no contest” plea be submitted.

Procedure after Election

62. (1) If a player, official, supporter, spectator, team or club, after receiving a Notice of Charge, elects within the meaning of Rule 60 to:
- (a) Plead guilty to the offence and accept the grading/penalty, they shall be allocated the Elective Penalty specified in the Notice of Charge for an Early Plea (if appropriate) and, subject only to Rules 49 and 51, the proceedings will thereby be concluded;
 - (b) Plead guilty to the offence but dispute the grading/penalty, the grading/penalty for the offence shall be determined by the Judiciary;
 - (c) Plead not guilty to the offence, the charge and the grading/penalty shall be determined by the Judiciary;
 - (d) Plead no contest, they shall be allocated the Elective Penalty specified in the Notice of Charge for a Finding of Guilt and, subject only to Rules 49 and 51, the proceedings will thereby be concluded.

Expert Report

63. (1) When a player, official, supporter, spectator, team or club 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, official, supporter, spectator, team or club or their representatives.
- (3) If, after receiving a report of the kind referred to in sub-Rule (1), the player, official, supporter, spectator, team or club elects to proceed with their defence of the offence charged then, if they subsequently plead guilty or are found guilty of the offence, they shall pay to the Illawarra Division the cost incurred for the preparation of the report.

Match Review Committee to Consider Any Expert Report

64. In any case where the Match Review Coordinator has commissioned and received a report pursuant to Rule 63, due consideration shall be given by the Match Review Committee to the opinions expressed therein.

Amendment

65. (1) If after a consideration of the matters referred to in Rule 64, the Match Review Committee is of the opinion that:
- (a) A charge for a lesser offence should be preferred against the player, official supporter, spectator, or club for the subject incident, the Match Review Committee may authorise the Match Review Coordinator to so amend the charge; or
 - (b) A lower grading for the offence should be ascribed, 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 Manager, Illawarra Division Rugby League to:
- (a) Publish short written reasons for that opinion;
 - (b) Provide a copy of those reasons to the player, official, supporter, spectator, team or club or their representatives; and
 - (c) Forward to the player, official, supporter, spectator, team or club or their 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, official's, supporter's, spectator's, team's or club's obligations pursuant to Rule 60 are renewed.

Withdrawal of Charge

66. If after a consideration of the matters referred to in Rule 64, 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 Manager, Illawarra Division Rugby League to:

- (1) Publish short written reasons for that opinion;
- (2) Provide a copy of those reasons to the player, official, supporter, spectator, team or club or their representatives; and
- (3) Forward a Notice of Withdrawal of Charge specifying the particulars required in Form 6; and the Match Review Coordinator shall, whenever authorised, so proceed, whereupon the proceedings will thereby be concluded.

Setting Down for Hearing

67. Where a player, official, supporter, spectator, team or club:

- (1) Fails to comply with Rule 60(1);
- (2) Elects to plead not guilty;
- (3) Elects to plead guilty to the offence but does not accept the grading/penalty specified in the Notice of Charge;

then:

- (a) The Match Review Coordinator shall provide the Manager, Illawarra Division Rugby League with a copy of the Notice of Charge and, if completed, the Notice of Election / Plea;
- (b) The Manager, Illawarra Division Rugby League shall:
 - (i) Notify the Chairman;
 - (ii) Empanel the Adjudicators;
 - (iii) Forward to each party a Notice of Hearing specifying the particulars required in Form 7;
 - (iv) Take such other steps as are necessary to convene the Judiciary.

Brief to the Judiciary

68. Whenever a charge is set down for hearing pursuant to Rule 67, the Manager, Illawarra Division Rugby League shall:

- (1) Forthwith provide to the Judiciary 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 the League's case including any 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 evidence in a form admissible at the hearing of:
 - (a) The player's or official's career history;
 - (b) The previous convictions, if any, of the player, official, supporter, spectator, or club for an offence;
 - (c) The player's accumulated demerit points, if any;
 - (d) The penalties previously imposed upon other players, officials, supporters, spectators, teams or clubs for the same or similar offences, together with any supporting videotape footage of those offences;
- (3) Thereafter, whenever requested by the Judiciary to do so, forthwith provide to them any reasonably available additional evidence or information as may in their opinion be required to adequately inform the Judiciary;
- (4) Ensure that any evidence in original form is available for tender at the hearing;
- (5) Assist the Judiciary to comply with their disclosure obligations pursuant to Rule 59; and
- (6) Otherwise, do all things reasonably necessary to facilitate the presentation of the League's case to the Judiciary.

Chapter 5 - Hearings by the Judiciary

Part 5.1 - General

Challenge to Jurisdiction, Constitution, Etc.

69. (1) Where a player, official, supporter, spectator, team or club intends at a hearing of the Judiciary to challenge:
- (a) The jurisdiction of the Judiciary to deal with the player, official, supporter, spectator, team or club or the charge;
 - (b) The constitution of the Judiciary; or
 - (c) Any other matter that might take the Judiciary by surprise;
- then the player, official, supporter, spectator, team or club or their representatives shall complete a Notice of Challenge specifying the particulars required in Form 8 and forward it to the Manager, Illawarra Division Rugby League by no later than 5.00pm on the second business day following the issuing of a Notice of Hearing.
- (2) Whenever any Notice of Challenge is received by the Manager, Illawarra Division Rugby League he/she shall forthwith provide a copy thereof to the Chairman.
- (3) Unless the player, official, supporter, spectator, team or club strictly complies with the provisions of sub-Rule (1), the player, official, supporter, spectator, team or club shall not be entitled at the hearing to challenge, in any respect:
- (a) The jurisdiction of the Judiciary to deal with the player, official, supporter, spectator, team or club or the charge;
 - (b) The constitution of the Judiciary; or
 - (c) Any other matter that might take the Judiciary by surprise.

Place of Hearing

70. All hearings by the Judiciary shall take place at the Illawarra Steelers Club, Wollongong unless otherwise directed by the Manager, Illawarra Division Rugby League.

Representation

71. (1) A player, official, supporter, spectator, team or club 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, official, supporter, spectator, team or club 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, official, supporter, spectator, team or club; and
 - (b) If necessary, adjourn the proceedings to enable the player, official, supporter, spectator, team or club to obtain fresh representation.
- (3) 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

72. (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 not be open to the Media nor 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

73. (1) Subject to Rules 108 and 109, a player, official, supporter, spectator, team or club charged with an offence shall attend the hearing at the time and place specified in the Notice of Hearing.
- (2) If a player, official, supporter, spectator, team or club 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, official, supporter, spectator, team or club.

Adjournment

74. (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 112 or 113.

Record of Proceedings

75. (1) All hearings by the Judiciary shall be recorded by either written summary or electronic means and the recording(s) thereby obtained shall be preserved by the League.
- (2) Sub-Rule (1) does not apply to the deliberations of the Judiciary.

Decisions Final and Binding

76. 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

77. (1) Subject to sub-Rule (2) 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, supporter, spectator or official 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 or official acted either with deliberate intent or with a high degree of recklessness:
- (a) Tripping;
 - (b) Kicking;
 - (c) Striking;
 - (d) Dropping Knees;
 - (e) Obstructing.

Onus and Standard of Proof

78. In every case, the League bears the onus of proof on the balance of probabilities.

Role of Chairman

79. (1) In every case, it is the Chairman's task to decide every question of evidence or procedure and to give such instructions or directions to the Judiciary, in relation thereto, as the Chairman deems fit.
- (2) 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, and procedural matters.

Role of Judiciary

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

Alternative Verdicts

81. Nothing in this Section shall be taken to permit the Judiciary to return a verdict of guilty to any offence that is not established by the evidence.

Part 5.3 - Evidence

Evidence

82. (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 the player's, official's, supporter's, spectator's, team's or club's previous convictions, if any, for offences of misconduct or of a player's accumulated demerit points, if any, shall not be admissible and may not be taken into account;
 - (b) Evidence of comparable incidents admitted pursuant to Rules 97(2)(c) or 98(2)(d) shall not be admissible to determine the issue of guilt and may not be taken into account.

Videotape Recordings

83. 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; and
- (2) The audio sound is muted when the videotape is played, (except when audio is the prime admissible evidence).

Witnesses and Exhibits

84. (1) Subject to Rule 85, the evidence of a witness called by a party may be given:
- (a) In person at the hearing;
 - (b) By telephone conferencing (subject to the obtaining of prior approval of the Chairman); or
 - (c) By video conferencing (subject to the obtaining of prior approval of the Chairman).
- (2) Any document or thing admitted into evidence shall be, at the conclusion of the hearing, marked and placed in the custody of the Manager, Illawarra Division Rugby League for safe keeping.

Victim Evidence

85. (1) Subject to sub-Rule (2), in any case where a player, official, supporter, spectator, team or club wishes to call evidence at a hearing from another player, official, supporter, spectator, team or club as to the effect on that player, official, supporter, spectator, team or club of the misconduct the subject of the charge, such evidence will not be admissible unless that other player, official, supporter, spectator or club secretary (or other authorised club executive member) 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, official, supporter, spectator, or club as to the effect on that player, official, supporter, spectator, or club of the misconduct the subject of the charge without that player, official, supporter, spectator, or club secretary (or other authorised club executive member) personally attending the hearing if the Chairman is satisfied that there are exceptional reasons justifying the player's, official's, supporter's, spectator's, or club's absence and the player, official, supporter, spectator, or club is otherwise available to be cross-examined by telephone or video conferencing.

Medical Evidence

86. In any case where a player, official, supporter, spectator, team or club wishes to call evidence at a hearing from a medical practitioner as to the player's, supporter's, spectator's, or official'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, supporter, spectator, or official or club following the match or event 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 to a Player

87. (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 Chairman shall forthwith notify the Manager, Illawarra Division Rugby League of the making of that contention and, at the same time, supply to the Manager, Illawarra Division Rugby League a copy of the medical opinion used to support it;
 - (b) The Manager, Illawarra Division Rugby League may suspend the registration of 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.

Part 5.4 - The Hearing

Player to be asked to Plead

88. (1) At the commencement of the hearing, the Chairman 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/penalty therein specified shall be read to the player, official, supporter, spectator, team or club and the player, official, supporter, spectator, team or club shall be asked how they plead.
- (2) In the case of a charge referred by a Notice of Charge:
 - (a) If the player, official, supporter, spectator, team or club pleads guilty to the offence but does not accept the grading/penalty for the offence specified in the Notice of Charge, the Judiciary shall proceed in accordance with Part 5.5;
 - (b) If the player, official, supporter, spectator, team or club 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 referred by a Notice of Referred Charge:
 - (a) If the player, official, supporter, spectator, team or club pleads guilty to the offence but does not accept the grading/penalty for the offence specified in the Notice of Charge, the Judiciary shall proceed in accordance with Part 5.5;
 - (b) If the player, official, supporter, spectator, team or club pleads not guilty, the Judiciary shall proceed in accordance with this Part to hear and determine the offence charged.

Chairman to Explain Procedure

89. After the plea referred to in Rule 88 has been taken, the procedures to be followed at the hearing should be briefly but clearly explained by the Chairman to the player, official, supporter, spectator, team or club or their representative.

The League's Case

90. The evidence that the League relies upon to support the charge shall be presented in the following sequence:
 - (1) Videotape, if any, shall be played;
 - (2) Each match official shall be called whereupon he/she:
 - (a) May be questioned by the Chairman and, with the Chairman's consent, by any other member of the Judiciary;
 - (b) May be cross-examined by the player, official, supporter, spectator, team or club or their representative;
 - (c) May be re-examined by the Chairman and, with the Chairman's consent, by any other member of the Judiciary;
 - (3) Any report by an expert shall be tendered;
 - (4) Each witness shall be called whereupon he/she:
 - (a) May be questioned by the Chairman and, with the Chairman's consent, by any other member of the Judiciary; and
 - (b) May be cross-examined by the player, official, supporter, spectator, team or club or his representative;

- (c) May be re-examined by the Chairman and, with the Chairman's consent, by any other member of the Judiciary;

Thereafter, the League's case shall close.

The Player's Case

91. After the close of the League's case, the player, official, supporter, spectator, team or club 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) Videotape, if any, shall be played;
- (2) Any report by an expert shall be tendered;
- (3) Each witness shall be called whereupon he/she:
 - (a) Shall be questioned by the player, official, supporter, spectator, team or club or their representative;
 - (b) May be questioned by the Chairman and, with the leave of the Chairman, by any other member of the Judiciary; and
 - (c) May, with the leave of the Chairman, be re-examined by the player, official, supporter, spectator, team or club or their representative;

Thereafter, the player, official, supporter, spectator, team or club shall close their case.

Addresses

92. At the conclusion of the evidence, the player, official, team or club or their representative may address the Judiciary.

Directions to the Judiciary

93. (1) At the conclusion of the addresses, the Chairman shall give the Judiciary directions as to:
- (a) The onus and the standard of proof;
 - (b) If applicable, the alternative verdicts that may be available; and
 - (c) Such other matters as, in his opinion, it is desirable to bring to the attention of the Judiciary.
- (2) Without derogating from sub-Rule (1), the Chairman may give directions to the Judiciary in accordance with the Standard Directions (Fifth Schedule), 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 Judiciary in accordance with the Standard Directions.

Deliberations

94. After the Chairman has given directions to the Judiciary, the Judiciary shall retire to consider its verdict.

Decision

95. (1) The verdict of the Judiciary must be a verdict arrived at by at least a majority of the members thereof.
- (2) When the Judiciary has reached a verdict:
- (a) They shall immediately recall affected parties to the hearing room; and
 - (b) The Chairman shall give its verdict by stating whether the player, official, supporter, spectator, team or club is guilty or not guilty.
- (3) Save where the Chairman otherwise directs, when giving its verdict, the Judiciary shall not give reasons nor make comment in any respect upon their verdict.
- (4) If the Judiciary finds the player, official, supporter, spectator, team or club not guilty of the charge, the proceedings are thereby concluded.
- (5) In the case of a charge referred by a Notice of Charge:
- (a) If the Judiciary finds the player, official, supporter, spectator, team or club guilty of the charge and the player, official, supporter, spectator, team or club accepts the grading/penalty for the offence, they shall be allocated the Charge Penalty specified in the Notice of Charge for a Finding of Guilt and, subject only to Rules 49 and 51, the proceedings are thereby concluded;

- (b) If the Panel finds the player, official, supporter, spectator, team or club guilty of the charge but the player, official, supporter, spectator, team or club does not accept the grading/penalty specified in the Notice of Charge, the Judiciary shall proceed in accordance with Part 5.5.
- (6) In the case of a charge referred by a Notice of Referred Charge, if the Panel finds the player, official, supporter, spectator, team or club guilty of the charge, the Judiciary shall proceed in accordance with Part 5.5.

Part 5.5 - Sentencing

Application

96. This Part applies to a player, official, supporter, spectator, team or club charged with an offence who/that 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 56 to determine penalty;
 - (2) Pleaded guilty to the offence but does not accept the grading/penalty specified in the Notice of Charge within the meaning of Rule 60 or Rule 88;
 - (3) Been found guilty of the offence by the player, official, supporter, spectator, team or club but does not accept the grading/penalty specified in the Notice of Charge within the meaning of Rule 95.

Procedure to Determine Penalty

97. (1) Where a player, official, supporter, spectator, team or club 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 56 to determine penalty, upon that player, official, supporter, spectator, team or club pleading guilty to the charge or upon the Judiciary finding that player, official, supporter, spectator, team or club 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 Judiciary and not the Chairman to determine the penalty;
 - (b) The Chairman shall present evidence of:
 - (i) The player or official's career history;
 - (ii) The previous convictions, if any, of the player, official, supporter, spectator, team or club for an offence;
 - (iii) The player's accumulated demerit points, if any;
 - (iv) The penalties previously imposed upon other players, officials, supporters, spectators, teams or clubs for the same or similar offences;
 - (c) The player, official, supporter, spectator, team or club may present evidence by videotape recording of not more than three previous incidents leading to the conviction of other players, officials, supporters, spectators, teams or clubs 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, official or club is charged;
 - (d) For the purposes of sub-Rules (2)(b)(iv) 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, supporter, spectator, official or club is charged would not assist the Judiciary in their task of determining the penalty for the offence.

Procedure to Determine Grading/Penalty

98. (1) Where a player, official, supporter, spectator, team or club has been charged pursuant to a Notice of Charge, the procedure to be followed by the Judiciary to determine the

grading/penalty 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/penalty for an offence:
 - (a) It is the function of the Judiciary and not the Chairman to determine the grading/penalty;
 - (b) In so determining the grading, the Judiciary may ascribe a grading/penalty which is greater or lesser than the grading specified in the Notice of Charge;
 - (c) The Chairman may present evidence of the grading/penalty ascribed to offences with respect to previous incidents leading to the conviction of other players, officials, supporters, spectators, teams or clubs for the same offence or a similar offence;
 - (d) The player, official, supporter, spectator, team or club may present evidence by videotape recording of not more than three previous incidents leading to the conviction of other players, officials, supporters, spectators, teams or clubs 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, official, team or club is charged;
 - (e) For the purposes of sub-Rule (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, official, supporter, spectator, team or club is charged or would not assist the Judiciary in their task of determining the grading/penalty for the offence.

Sentence

99. Subject to sub-Rule (5):

- (1) In the case of a charge preferred pursuant to a Notice of Referred Charge, the sentence of the Judiciary 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 Judiciary shall be expressed by specifying the grading for the offence whereupon the Chairman shall calculate the Charge 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 Judiciary determines a lesser grading for the offence pursuant to Rule 98 and that lesser grading is equal to or less than the grading notified by the player to the Match Review Coordinator pursuant to Rule 56, then the player shall be allocated the Elective Penalty for a Guilty Plea to that grading upon production to the Chairman of the relevant Notice of Election / Plea given by the player pursuant to Rule 56.
- (4) In the case of a charge preferred pursuant to a Notice of Referred Charge or Notice of Charge against an official, supporter, spectator, team or club, the sentence of the Judiciary may be expressed in terms of:
 - (a) A period suspension from Rugby League; and/or
 - (b) A monetary fine.
- (5) In any case where the Judiciary determines appropriate, any sentence allocated to a player, official, supporter, spectator, team or club may be suspended for a period specified by the Judiciary subject to the player, official, supporter, spectator, team or club being of good conduct during the specified period of suspension.
- (6) Save where the Chairman otherwise directs, when giving their verdict, the Judiciary shall not give reasons nor make comment in any respect upon their sentence.
- (7) Once the sentence of the Judiciary has been announced, subject only to Rules 50 and 51, the proceedings are thereby concluded.

Part 5.6 - Combined Hearings

Procedure

100. (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

101. (1) Where the Chairman proceeds by way of combined hearing pursuant to Rule 100 he shall, in addition to his obligations under Rule 93, give to the Judiciary special directions designed to ensure that the Judiciary deliberates in a fair and just manner.
- (2) Without limiting sub-Rule (1), the Chairman shall direct the Judiciary to:
 - (a) Determine the issue of guilt first;
 - (b) In order to determine the issue of guilt, confine their consideration to the evidence presented;
 - (c) When determining the issue of guilt, not have regard to any evidence presented on the issue of penalty or grading;
 - (d) Only if they find the player, official, supporter, spectator, team or club guilty of the charge, proceed to consider the issue of penalty or grading.

Chapter 6 - Appeals

Grounds of Appeal

102. (1) A player or other affected party aggrieved by a decision of the Judiciary shall have the right of appeal from such decision of the Judiciary on one or more of the following grounds:
- (a) There was an error of law pertaining to the decision made;
 - (b) The decision made was unreasonable or insupportable having regard to the evidence presented to the judiciary in the hearing;
 - (c) The provision of new, fresh evidence, which was not available to the player at the time of the original hearing; or
 - (d) The penalty imposed by the Judiciary was manifestly excessive.
- (2) To remove any doubt, where a player, official, team or club has elected to plead no contest to a Notice of Charge, or has pleaded guilty to the offence and accepted the grading/penalty to a Notice of Charge, no appeal shall lie from the decision of the Match Review Committee, which decision shall be final and conclusive, be binding on and be given effect to by the parties.

Commencement of Appeals

103. (1) An appeal is commenced when a player, official, supporter, spectator, team or club has lodged an appeal (using a Notice of Appeal form – Form 9), in writing, with the Manager, Illawarra Division Rugby League.
- (2) Any appeal must be lodged with the Manager, Illawarra Division Rugby League by close-of-business on the third business day after the Judiciary hearing relating to the appeal has been concluded.

Procedure

104. (1) Every application for appeal is to be directed to the Illawarra Division Rugby League nominated Appeals Review Panel and heard under the procedures undertaken by that body or the CRL.
- (2) All appeals shall be accompanied by a fee of \$400 (lodged with the Manager, Illawarra Division Rugby League), which will be refunded only if the appeal is upheld.
- (3) Unless otherwise ordered by the Appeals Review Panel, neither an application for leave to appeal or an appeal by a player shall operate as a stay of the decision of the Judiciary which is subject of the application for appeal or appeal.

Withdrawal of Appeal

105. (1) The appellant player, official, supporter, spectator, team or club may, at any time prior to the hearing of the appeal, withdraw their appeal by forwarding to the Manager, Illawarra Division Rugby League 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, official supporter, spectator, team or club with the Manager, Illawarra Division Rugby League shall be forfeited to the Illawarra Division Rugby League.

Chapter 7 - General

Part 7.1 - Facilitative Provisions

Directions

106. (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, for directions, and any step taken in accordance with the directions given by the Chairman shall be deemed to be regular and sufficient.
- (2) Without limiting the a foregoing, in giving such directions, the Chairman may modify the provisions of this Code in a way calculated to promote the just, speedy and inexpensive determination of the proceedings.

Applications

107. (1) When a party wishes to make application under these Rules 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 Manager, Illawarra Division Rugby League and to the other party, unless that other party or the Chairman agrees to the giving of a shorter period of notice;
 - (b) Be made either in writing or by telephone conferencing or as the Chairman directs;
 - (c) Be determined by the Chairman 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.

Telephone Conferencing

108. When requested to do so by either party, the Manager, Illawarra Division Rugby League shall arrange a telephone conferencing facility to enable:
- (1) A party to make application pursuant to Rule 107; or
 - (2) The evidence of a witness to be taken.

Video Conferencing

109. When both parties consent and it is reasonably practicable to do so, the Manager, Illawarra Division Rugby League shall arrange a video conferencing facility to enable:
- (1) The charged player, official, supporter, spectator, team or club and their representative to appear at the hearing of the Judiciary in satisfaction of Rule 73;
 - (2) The appellant player, official, supporter, spectator, team or club and their representative to appear at the hearing of the nominated Appeals Board; or
 - (3) Subject to Rule 85, the evidence of a witness to be taken.

Notices

110. 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, official or team, it is delivered, transmitted by facsimile machine or emailed to the secretary or other authorised executive member of that player's or official's club.

Certificates

111. (1) When requested by a party to do so, the Manager, Illawarra Division Rugby League shall provide a document certifying the recorded particulars of a player's, official's, supporter's, spectator's, team's or club's (as appropriate):
- (a) Career history;
 - (b) Previous convictions, if any, for an offence of misconduct;

- (c) Demerit Points, if any, 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;
 - (d) Any reduction of demerit points pursuant to Rule 37(4).
- (2) A certificate provided by the Manager, Illawarra Division Rugby League 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

112. A player who has been dismissed from the field of play by a Referee during a match in the Illawarra Division Competitions shall not play until:
- (1) The Match Review Committee is of the opinion that a charge should not be laid against him/her for the conduct leading to the dismissal and the Match Review Coordinator has published reasons for that opinion pursuant to Rule 55(5);
 - (2) He/She has received a Notice of Withdrawal of Charge pursuant to Rule 66;
 - (3) Subject to Rule 113, the proceedings have been concluded.

Players Charged

113. A Player charged with an offence shall not play in a match in Illawarra Division Competitions or any other competition recognised by the Illawarra Division Rugby League until the proceedings have been concluded unless exceptional circumstances are found to exist and, in his/her absolute discretion, the Manager, Illawarra Division Rugby League so orders.

Publication of Outcomes

114. After the conclusion of every proceeding, the Manager, Illawarra Division Rugby League shall advise the Board and each affected club of the outcome of that proceeding, which advice shall include particulars of the offence charged and the penalty, if any, imposed.

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

115. (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 so directs.
- (2) Subject to Rule 116, sub-Rule (1) does not apply to the time limits prescribed by Rules 53 or 57.

Time

116. (1) Upon application by a party, the Chairman may enlarge the time for doing any act or taking any proceeding allowed or limited by this Code upon such terms as the Chairman 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

117. As soon as practicable after each is appointed, the Manager, Illawarra Division Rugby League shall notify each Club of the persons appointed to occupy the following positions:

- (1) The Chairman;
- (2) The Match Review Coordinator;
- (3) The Match Reviewers;
- (4) The Adjudicators.

Players' Records

118. For the purposes of Rules 6, 10, 40, 41, 42, 43, 82, 97 and 111, a player's:

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

in the Illawarra Division Competitions shall be taken into account together with any other Rugby League competition which, in the opinion of the Chairman, ought to 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, recklessly or carelessly.	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 deliberately and continuously breaks the Rules of the Game.	Law Breaking
A Player is guilty of misconduct if he uses offensive or obscene language.	Offensive Language
A Player is guilty of misconduct if he disputes a decision of the Referee or Touch Judge.	Disputing Decision
A Player is guilty of misconduct if he re-enters the field of play without the permission of the Referee or Touch Judge after having previously temporarily retired from the Match.	Re-entering Play
A Player is guilty of misconduct if he behaves in a way that is contrary to the true spirit of the Game.	Contrary Conduct
A Player is guilty of misconduct if he deliberately obstructs an opponent who is not in possession.	Obstructing
A Player is guilty of misconduct if he behaves in a manner which is detrimental to the interests, welfare or image of the League and/or the Game.	Detrimental Conduct
A Player is guilty of misconduct if he carelessly, recklessly or intentionally makes dangerous contact with an opposing player.	Dangerous Contact
A player is guilty of misconduct if he uses a shoulder charge on an opponent.	Shoulder Charge

SECOND SCHEDULE

DEMERIT POINTS – CONSEQUENCES

Number of Demerit Points	Consequences
Less than 100.	The player is not suspended from playing, but carries the allocated points 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 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 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 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 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 for one year until any further allocation produces by accumulation a total number of points in excess of 99 points.
Greater than 599 but less than 700	The player is forthwith suspended from playing for six matches, his total points reduce by 600 when the suspension has been served, but he carries the balance of points 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 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 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 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 for one year until any further allocation produces by accumulation a total number of points in excess of 99 points.

DEMERIT POINTS – CONSEQUENCES (cont.)

Number of Demerit Points	Consequences
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 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 for one year until any further allocation produces by accumulation a total number of points in excess of 99 points.
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 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 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 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 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 for one year until any further allocation produces by accumulation a total number of points in excess of 99 points.

THIRD SCHEDULE

BASE PENALTIES – DEMERIT POINTS
(Refer ‘Penalty Points’ for current year)

FOURTH SCHEDULE

FORMS

Referee's Dismissal/Incident Report

(Form1)



Illawarra Division Rugby League Referee Dismissal / Incident Report



I wish to report to the League an incident that occurred in the _____ match
between _____ and _____
(Home Side) (Away Side)
on _____ at the _____ minute of the first/second half.
(Day / Date) (Circle)

Player Sent off/ Reported:

Name: _____ **Number:** _____ **Club:** _____

Which subsection(s) of International Rules Section 15 (Misconduct) is the player to be charged? _____

Report:

(Include - a detailed description of the incident(s), the actions of the player prior, during and after the incident, any conversation (in first person) between you and the player, details of any report made by Touch Judges, and any other information that enables the Judiciary to accurately picture the incident(s)). Use 2nd page if required.

Additional Details:

Was another player injured as a result of this incident?	Yes	No
Did another player receive medical attention as a result of this incident?	Yes	No
If the injured player left the field, did he return?	Yes	No
Was the player sent off on this report warned or sin binned previously in this match?	Yes	No

If Yes, please provide details of previous actions taken

In my opinion the above offence was –

Low Moderate High Serious

Official's Name: _____ Signature: _____ Date: ____ / ____ / ____

Further Information (if required)

This report must be forwarded to the Manager, Illawarra Division Rugby League by 12.00md on the first business day after the incident.



Illawarra Division Rugby League
Touch Judge Dismissal / Incident Report



I wish to report to the League an incident that occurred in the _____ match
(grade)
between _____ and _____
(Home Side) (Away Side)
on _____ at the _____ minute of the first/second half.
(Day / Date) (Circle)

Player Sent off/ Reported:

Name: _____ **Number:** _____ **Club:** _____

Which subsection(s) of International Rules Section 15 (Misconduct) is the player to be charged? _____

Detailed description of Incident:

(Include what you witnessed and what you said to the referee when making the report). Use the 'Further Information' section if required.

Additional Details:

Was another player injured as a result of this incident?	Yes	No
Did another player receive medical attention as a result of this incident?	Yes	No
If the injured player left the field, did he return?	Yes	No

In my opinion the above offence was –

Low Moderate High Serious

Official's Name: _____ Signature: _____ Date: ____ / ____ / ____

Further Information (if required)

This report must be forwarded to the Manager, Illawarra Division Rugby League by 12.00md on the first business day after the incident.



Illawarra Division Rugby League



NOTICE OF CHARGE

To: **Player No ?? (?? Grade)**
 NRLID: **Registration No**
 Club: **Club RLFC**

Take notice that following an incident that occurred on **Date**,
 During a match between your club and **Opposing Team RLFC**,
 At **Venue**

You are hereby charged with the following offence:

<i>Offence</i>	<i>Grading of Offence</i>
Charge(s)	Grading(s)

Calculation of Penalty Points for this Charge -

Area	Number	Calculation	Points
Base Penalty			
No. of similar proved offences in last two years	-	50% loading to base penalty for each proved offence	-
No. of other proved offences in last two years	-	25% loading to base penalty for each proved offence	-
Clean record discount	-	25% reduction to base penalty for five years	
	-	50% reduction to base penalty for ten years	
Penalty points for this charge			

Player Options (Note if the above grading is ‘serious’ there are no options other than to appear before the Illawarra Division Judiciary)

Options	Early Plea	No Contest / Found Guilty
Calculated points for this Charge		
Carry over points from last twelve months		
Elective penalty points possible		

TAKE FURTHER NOTICE – you must forward a ‘**Player’s Response to Charge**’ form to me by no later than **5pm** on **Reply Date**.

Should you fail to comply with this requirement, and give no valid reason for the failure to comply, the charge will be referred to the Illawarra Division Judiciary for determination (with any ‘early plea’ discounts being forfeited).

Judiciary Chairman:

Date: Date

***‘Player’s Response to Charge’ form is to be emailed / faxed back
 Fax No - (02) 4227 3575, email CBannerman@steelers.com.au***



Illawarra Division Rugby League

NOTICE OF REFERRAL TO JUDICIARY

To: **Name of Player, Official (grade played)**

Club: **Club of Named Player/Official**

Take notice that following an incident that occurred on **Date of incident**,
Preceding, during or following a match between your club and **Name of Opposing Club**,
At **Venue at which incident occurred**

Having viewed the evidence submitted you are hereby called upon to answer the following charge(s):

<i>Offence</i>	<i>Grading of Offence</i>
Type of Offence as per 'Offences' Table	Not Applicable

Take further notice that in accordance with the Illawarra Division By-Laws and Judicial Code of Procedure (Rule 57), you are required to attend a Judicial hearing through which this matter will be heard.

Details of the Judicial Hearing are as follows:

Date of Hearing:

Time of Hearing:

Venue:

If you wish to discuss this matter prior to the judiciary you may do so by contacting me. All documentation relating to this matter will be made available 30 minutes prior to the hearing if required.

Football Manager, Illawarra Division Rugby League:

Date:

Match Review Co-ordinator:

Date:



Illawarra Division Rugby League

PLAYER'S RESPONSE TO CHARGE

To: Football Manager,
Illawarra Division Rugby League

Facsimile: (02) 4227 3575 Email: CBannerman@steelers.com.au

I, **Player**
of the **Club RLFC**
having received a Notice of Charge dated **Charge Date**
alleging the offence of **Charge(s)**
with a grading of **Grading(s)**

hereby give you notice that I elect to: *(tick or shade the box next to the action you wish to take. Tick or shade one box only)*

Plead **GUILTY** to the offence and grading level. I accept the penalty related to this plea (***** pts – suspended for ## competition matches [indicative date* - Date]** with **@@ carry over points**).

Offer **NO CONTEST** to the offence and grading level. I accept the penalty related to this plea (***** pts – suspended for ## competition matches [indicative date* - Date]** with **@@ carry over points**).

Plead **GUILTY** to the offence **but dispute the grading**. I understand I will be required to appear before the Illawarra Division Judiciary. I wish to accept a grading of (please circle one) - **Low** **Moderate**

Plead **NOT GUILTY** to the offence. I understand I will be required to appear before the Illawarra Division Judiciary.

Signature of Player: _____ Date: _____

Signature of Club Official: _____ Date: _____

** Indicative Date – the date indicated above is a guide only and assumes that there will be no alterations to the competition draw. Should there be a change to the draw prior to the reaching of the indicative date, this date will be no longer valid and the Chairman, Judiciary is to be contacted.*

Note – This form MUST be returned using the above methods by the time stipulated in the Notice of Charge Sheet issued.



Illawarra Division Rugby League



NOTICE OF WITHDRAWAL OF CHARGE

To: **Name of Player (grade played)**

Club: **Club of Named Player**

Take notice that following an incident that occurred on **Date of incident**,
During a match between your club and **Name of Opposing Club**,
At **Venue at which incident occurred**

You were dismissed from the field charged with the following offence:

<i>Offence</i>
Type of Offence as per 'Penalties Table'

TAKE FURTHER NOTICE, following an investigation of the evidence presented I hereby withdraw the charge(s) alleged against you.

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

Match Review Coordinator:

Date:



Illawarra Division Rugby League



NOTICE OF JUDICIARY HEARING

To: **Name of Player (grade played)**

Club: **Club of Named Player**

TAKE NOTICE that the charge(s) alleged in the Notice of Charge dated – **dd/mm/yyyy**, has/have been set down for hearing and determination by the Judiciary at the following place and time:

Date of Hearing:

Time of Hearing:

Venue:

If you wish to discuss this matter prior to the judiciary you may do so by contacting me. All documentation relating to this matter will be made available 30 minutes prior to the hearing if required.

Football Manager, Illawarra Division Rugby League:

Date:

Match Review Co-ordinator:

Date:



Illawarra Division Rugby League



NOTICE OF CHALLENGE

To: **Football Manager, Illawarra Division Rugby League**

Facsimile: (02) 4227 3575

I, **Name of Player**
of the **Club of Named Player**

having received a Notice of Charge dated **date of Notice**
alleging the offence of **Type of Offence as per 'Notice of Charge'**
with a grading of **Level of grading as per 'Notice of Charge'**

hereby give you notice that at the hearing of this Charge, I intend to challenge (*insert sufficient particulars to ensure that the Judiciary is aware by the terms of this Notice of the nature of the challenge to jurisdiction or constitution of the Judiciary or otherwise*).

Particulars:

Signature:

Date:



Illawarra Division Rugby League



NOTICE OF APPEAL

To: Football Manager, Illawarra Division Rugby League

Facsimile: (02) 4227 3575

I, **Name of Player/Official**
of the **Club of Named Player/Official**

TAKE NOTICE that I hereby appeal from the whole/ part of the decision of the Judiciary made on: **date of Judiciary hearing** on the following grounds (*I am aware of the grounds for an appeal pursuant to the Illawarra Division Rugby League Constitution and By-laws and the Judiciary Code of Procedure*).

Grounds (*please attached further documents if the below space is insufficient*):

AND TAKE FURTHER NOTICE that on **insert date**, I lodged the security for the appeal with the Manager, Illawarra Division Rugby League.

Player:

Date:



Illawarra Division Rugby League

NOTICE OF WITHDRAWAL OF APPEAL



To: Football Manager, Illawarra Division Rugby League

Facsimile: (02) 4227 3575

I, **Name of Player/Official**
of the **Club of Named Player/Official**

hereby withdraw my appeal against a decision of the Judiciary made on **insert date**
Judiciary hearing, which appeal was initiated by a Notice of Appeal by me dated **insert**
date.

Player:

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 Judiciary. These directions have guided the Judiciary 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 Judiciary.

Almost needless to say, 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 League 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, League 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 Judiciary 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 Judiciary 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 with deliberate intent or with a high degree of recklessness – either state of mind will suffice: Rule 77.

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 32.

Accordingly, where a player is charged with an offence, the Judiciary 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 Judiciary 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 is the offence of Dangerous Contact.

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’.

While it may be generally legitimate for players to tackle by using the shoulder, it is not legitimate 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 Judiciary 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 Judiciary 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 Judiciary is:

It is not necessary for the League 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 Judiciary is:

It is not necessary for the League 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.

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?
- 4) 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:

- 4. 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.

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 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 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, regardless of what anyone else may or may not have done?'

Where several players are said to have contributed to the same Dangerous Contact, whether or not each is charged, the Judiciary 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 Judiciary and another player or players have each made a substantial contribution to the Dangerous Contact, 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.

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 a tackle using a wrestling hold, twisting or crushing the head of the tackled player. This is Dangerous Contact. 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 so as to keep the tackled player at a disadvantage in or after the tackle.

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

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 Judiciary 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 League to prove that the action was deliberate because the offence will also be proved where the conduct is found by the Judiciary 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 League 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 League’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 the League’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 the League has urged upon you, you must return a verdict of guilty.

Contact with a Kicker Charged as Dangerous Contact

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 Judiciary 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

Tackles which involve a ‘head slam’ and which are charged as Dangerous Contact 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 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, 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 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.

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'.

In the course of Rugby League, a lot of bumping, knocking and forceful contact occurs which is just part of the game. Players consent to this. In a 'striking' case the Judiciary will be directed that it is for them to decide whether the alleged contact amounts to illegal conduct:

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 and excessive.

The Judiciary members, as Adjudicators under the Code, are the judges of what is unfair and excessive.

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 with a high degree of recklessness – either state of mind will suffice. To be intentional, a striking need not have been planned before or during the game - it could be done on the spur of the moment, but still be intentional.

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 was given:

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 Judiciary would be told that they may not find a Player guilty of kicking another Player unless the conduct was intentional or the product of a high degree of recklessness.

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 Illawarra Division Rugby League 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

NRL 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 Judiciary to be proved, the Judiciary 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 NRL, the NRL Competition, the National Youth 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 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 Judiciary 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 Judiciary 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 Judiciary to take is first to look at each particular alleged action by the player individually. Unless the Judiciary 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 Judiciary 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 Judiciary 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 League does the ‘pointing of fingers’ under the Code.

The Judiciary 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 Judiciary 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 Judiciary, 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 Judiciary 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 League 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 Judiciary’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 Judiciary 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 Judiciary has discretion as to penalty, and may impose a penalty which is **greater or lesser** than the Elective Penalty set out in the Code.*

The Judiciary 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 Judiciary should strive for consistency, but should bear in mind that perfect consistency may not always be possible. If the Judiciary takes the view that an allegedly comparable tackle has, in the Judiciary's view, been graded by the Match Review Committee or dealt with in a previous hearing rather too leniently or severely, the Judiciary should regard that outcome as unhelpful and not follow it.