



**New Zealand Rugby League  
Judicial Guidelines**

September 2021



## New Zealand Rugby League Judicial Guidelines

### **Contents**

<u>Contents/Definitions</u>	Page 2
<b><u>1. Introduction</u></b>	
1.1 Why are these guidelines required?	Page 3
1.2 When may a judicial or appeal hearing occur?	Page 3
1.3 How should hearings be conducted?	Page 3
1.4 What types of sanctions can be imposed?	Page 4
1.5 Final comments regarding these guidelines	Page 4
<b><u>2. Detailed Rules for Judicial and Appeal Committee Hearings</u></b>	
2.1 Introduction	Page 5
2.2 Judicial Committee Hearings	Page 5
2.3 Conduct of a Judicial Committee hearing	Page 6
2.4 Issuing a sanction	Page 8
2.5 Further information for Appeal hearings	Page 11
<b><u>3. A note on the drafting of Judicial Committee and Appeal Committee decisions</u></b>	Page 15
<b><u>Appendices</u></b>	
Appendix One - Indicative sanctions for on-field misconduct	Page 16
Appendix Two - Indicative sanctions for matches called off or abandoned	Page 23
Appendix Three – Dealing with allegations of misconduct against “third parties”	Page 24

### **Definitions**

The following defined terms, taken from the NZRL constitution and related documents, are used in these Guidelines:

*Affiliate – Associates, District Leagues, Life Members, the President and the Patron as those terms are defined in the NZRL Constitution. For the purposes of these Guidelines, the term Affiliate also includes any other person who is registered as a player with, or is otherwise performing any role in relation to, the Game in New Zealand.*

*Game – The game of Rugby League, or an instance of the Game, as the context requires.*

*Member – Zones and Affiliates.*

*Person – A person who is the subject of a judicial or appeal hearing.*

*Zones – Northern, Akarana, Counties, Upper Central, Mid Central, Wellington & Southern Zones.*



## New Zealand Rugby League Judicial Guidelines

### **1. Introduction**

#### **1.1 Why are these guidelines required?**

From time to time, rugby league clubs, Zones or Districts, or New Zealand Rugby League (NZRL), are required to conduct judicial or appeal hearings.

This document provides guidance for the conduct of those hearings. It is designed to supplement the existing rules and regulations that provide for hearings, including the *New Zealand Rugby League Constitution*, and the *Anti-Match-Fixing and the Sports Betting Policy of New Zealand Rugby League*.

It is not designed to replace those rules, and if at any point these guidelines conflict with any rules that are in place, then those rules should prevail.

It is important that each District and Zone identify people who can act as a three person judicial and/or appeals committee at the start of each football calendar year. The Chairperson must have a form of legal qualification and experience, and the remaining two members where possible should be an ex-rugby league administrator and ex-district representative player.

If any organisation hears a case both at 'first instance' and then 'on appeal', it is important that the judicial committee at first instance, and the appeal committee, are comprised of different people. In that case, it will be necessary to have at least 6 people available for your judicial and appeal panels, including two different legally qualified people to act as the Chair of each committee.

#### **1.2 When may a judicial or appeal hearing occur?**

Judicial hearings will generally occur in relation to incidences arising during a Game (either through a player being sent off (dismissed) or otherwise referred to a hearing for alleged misconduct within the field of play). A hearing may also consider instances of alleged misconduct involving non-players or incidents outside of the field of play. Hearings may relate to an organisation (such as a Club), a player, a coach or other team official, a registered club member or the actions of a "third party" in association with the game. By a "third party", we mean any person who is associated with the game in some way, but who themselves is not bound by these guidelines (for example, the parents of a player or other spectators/supporters of a Club).

An appeal hearing is held when someone wishes to appeal the result of a judicial hearing, or some other decision of NZRL or another organisation involved in the Game.

The NZRL judicial panel may consider matters at first instance (the NZRL Judicial Committee will hear such matters), appeals from NZRL Judicial Committee hearings (through the NZRL Appeal Committee), or may hear appeals brought to it from decisions of other organisations involved in the game (again, these would be heard by the NZRL Appeal Committee).

Decisions of the NZRL Appeals Committee may be appealed to the Sports Tribunal of New Zealand (<http://www.sportstribunal.org.nz/>).

#### **1.3 How should hearings be conducted?**

All hearings, both at first instance and on appeal, must meet the rules of natural justice. The Person accused of wrongdoing must:

- (a) be told in advance what it is they are alleged to have done;
- (b) have an opportunity to hear all of the evidence against them, and to question and comment upon that evidence;
- (c) have a chance to make submissions as to their guilt or innocence, and as to what sanction should be imposed (if any);
- (d) have the right to representation or support.

In addition, only the committee tasked with hearing the matter should be involved in making the decision, and the committee must act free of bias and predetermination.



The NZRL Judicial & Appeal Committee members must meet criteria as set out in the NZRL Constitution, clause 28. 2 (a) to (d) & 29. 4 (a) to (d).

The NZRL Constitution can be found online via the NZRL website (<https://nzrl.co.nz/>).

#### 1.4 ***What types of sanctions can be imposed?***

Unless the rules under which a hearing occurs provide otherwise, a judicial or appeal committee will have a range of options open to them if they find that allegations against a Person are proved or if they are admitted. Whilst a suspension from playing the game, or from participating in the game more broadly, are the most common sanctions issued, committees may also issue fines, or require other actions such as the giving of an apology. The type of sanction handed down should reflect the nature of the breach, and the circumstance of the competition within which it occurs. For example, whilst a committee might have the ability to fine a Person, it may not be appropriate to issue fines in the amateur game. At the end of the day, judicial and appeal committees will need to use their judgment to impose the appropriate kind of sanction in a particular case. More detail is set out below in part 2.4 of these guidelines regarding sanctions.

#### 1.5 ***Final comments regarding these guidelines***

The guidelines set out below should be followed by anyone involved in a judicial or appeal proceeding in rugby league in New Zealand. The guidelines will assist in having a consistent and fair approach to judicial matters in the Game.

These guidelines have been drafted by the Chair of the NZRL Judiciary (whose role is to oversee any judicial or appeal hearings conducted by the NZRL) with the support of other judicial panel members, officials from New Zealand Rugby League, and others involved in the Game. It draws on other documents prepared in rugby league, and in other sports, in both New Zealand and Australia, including previous documents published by New Zealand Rugby League and Auckland Rugby League.

Anti-Doping matters are not dealt with within the NZRL judicial system. If any Athlete, or any other person, is subject to an Anti-Doping Rule Violation then that matter will be progressed by Dug Free Sport New Zealand before the New Zealand Sports Tribunal.

Any questions relating to judicial matters within the Game in New Zealand, or any comments or suggestions regarding these guidelines, should be directed to Football Operations, New Zealand Rugby League.

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2 September 2021



## 2. Detailed Rules for Judicial and Appeal Committee Hearings

### 2.1 **Introduction**

- (a) The *New Zealand Rugby League Constitution* provides for the operation of NZRL Judicial Committees (Clause 28) and Appeal Committees (Clause 29).
- (b) The role of the NZRL Judicial Committee is to hear first instance hearings in relation to any matter referred to it by a Member of NZRL, or by the Board. This includes matters arising out of international fixtures and from any NZRL regulated league or competition.
- (c) The role of the NZRL Appeal Committee is to hear appeals from a decision of the NZRL Judicial Committee or by any judicial or appeal committee of a Member of NZRL, to decide disputes between NZRL Members, and to review Board, Zone or Affiliate decisions of other kinds.
- (d) Implicit in this structure, is that Members of NZRL, and their respective members, may conduct their own judicial or appeal processes. NZRL recommends that these Guidelines are used for all judicial and appeal hearings by both NZRL and any of its Members (or their members).

### 2.2 **Judicial Committee hearings**

- (a) Judicial Committees are likely to hear matters that fall into one of two categories:
  - (a) on-field incidences; and
  - (b) off-field incidences/allegations of misconduct.
- (b) On-field incidences will generally come before the judiciary as a result of a player being dismissed or as a result of a complaint or referral of the matter in writing to the body in charge of the competition in which the incident occurred. Other than in exceptional circumstances, every Person who is required to appear before a judicial committee should be advised of that, and provided with the information set out in these guidelines, within 48 hours of completion of the match during which the incident or complaint arose.
- (c) Off-field incidences will most commonly be brought to a Judicial Committee as a result of a complaint made by a member to the body responsible for the competition within which the player, official, club or team is playing in. Misconduct complaints may also be commenced by NZRL when it becomes aware of conduct that may bring the game into disrepute in some way. There is no mandatory timeframe for a Person to be notified of a misconduct complaint, but matters which are unnecessarily delayed may be dismissed by the Judicial Committee if such delay is in the Committee's opinion unreasonably prejudicial to the Person.
- (d) However a matter comes before a Judicial Committee, the following steps should be taken leading to a hearing:
  - (i) The body responsible should advise the Person and their organisation of the requirement to attend a Judicial Committee hearing into the incident.
  - (ii) This advice should be in writing (email is okay) and should include:
    - i. Details of the incident or of the alleged complaint;
    - ii. A copy of the referee's dismissal report, or of the complaint; including players name and jersey number;
    - iii. A copy of any other information which the Judicial Committee will take into account at the hearing, including any video footage and witness statements;
    - iv. The date, time and location of the hearing;



- v. The identity of the Chair for the hearing, and other Committee members;
  - vi. Advice that the Person may be represented or otherwise have a support person attend the hearing with them; and
  - vii. Advice that the Person may provide written submissions or other material in support of their position at the hearing, and the time for that material to be provided (this will usually be no later than 4pm on the day before the proposed hearing date).
- (iii) Ideally, the hearing should be held within 72 hours of the Person being notified of the intention to hold a hearing.
- (e) When a Person is advised of the 'charge' that they are to face before a Judicial Committee, the organisation may elect to state what Grade (or level of seriousness) the breach is alleged to be. The organisation advancing the charge may also offer a sanction based on the Grade charged for the Person to accept by taking an 'early guilty plea'. In every other case it will be for the Judicial Committee to determine if the alleged Grade is appropriate, or to set a Grade if one is not nominated prior to the hearing. For on-field matters, a table setting out indicative sanctions for various charges by Grade is set out in these Guidelines at Appendix One.
- (f) Unless the rules of the competition specifically allow otherwise, in the case of alleged on-field misconduct by a Player, that Player must not be permitted to play until the matter is determined by the Judicial Committee. This may be considered "time served" towards a suspension or ban if the Player is ultimately subject to a suspension or ban of any kind.
- (g) Delays to hearings should be avoided if at all possible. It is desirable for matters to be determined by a Judicial Committee promptly, so as to allow for the best recall of events, and for all involved to get on with matters. If a delay is necessary, then a request for an adjournment or delay of the hearing should be made to the Chair of the Judicial Committee, who should decide if a delay is permissible and who should record the reasons for any delay.

### 2.3 **Conduct of a Judicial Committee hearing**

Unless specific rules require otherwise, the following guidelines should be followed when conducting a Judicial Committee hearing:

- (a) Hearings should be conducted in-person, or by video or telephone conference. Expediency will often mean that telephone conference provides the fastest and most cost-effective means to conduct a hearing. That is acceptable, unless it is clear that the circumstances mean the Person appearing before the Judicial Committee (or other witnesses) should appear in-person to enable the Committee to best assess credibility. The decision as to whether an in-person hearing is required rests with the Chair of the Judicial Committee.
- (b) The Person facing allegations should always attend the hearing, unless there are exceptional circumstances why they cannot.
- (c) The Chair of the Judicial Committee should take responsibility for the conduct of the hearing. The Chair should generally follow the following initial process:
  - (i) Formally open the hearing, advising all present that the hearing is into allegations against the Person;
  - (ii) Confirm the identity of themselves, and other Committee members, and ensure there is no objection to the appointment of any of the Committee members;
  - (iii) Request that the Person who is the subject of the hearing identify themselves, and any representative or other person present in support of them at the hearing (this may be done through the Person's representative);



- (iv) Read out to all present at the hearing the allegations that the Committee is to determine, and invite the Person to advise if they accept the allegations (ie. plead guilty) or whether they wish to contest the allegations (ie. plead not guilty); and
- (v) In any case where evidence is to be heard, confirm whether any person other than the person who is the subject of the hearing will be providing evidence to the Committee, and if so, make a direction that they remain out of the room until they give their evidence.
- (d) In a case where the Person accepts the allegations made (ie. pleads guilty), then the Chair should formally record that, and advise all present that the Committee will now move to consider what, if any, sanction should be imposed in relation to the accepted breach or breaches (see the procedures for issuing sanctions at part 2.4 of these guidelines below).
- (e) If the Person accepts some part of the allegation but not others (for example, they may accept that they breached a Law of the Game but argue that it is not at the Grade alleged or that it should be considered to be a breach of a different Law to that alleged) then it is a matter for the Judicial Committee as to whether they can proceed directly to sanctioning, or whether some inquiry into the disputed matters is required.
- (f) If the Person indicates that they wish to contest the allegations, (ie. plead not-guilty), then the Chair should formally record that, and move to hear evidence and any submissions in relation to the evidence, as follows:
  - (i) First, evidence should be heard, or read if in written form only, from any person who is giving evidence to the Committee in support of the allegations made;
  - (ii) Second, the Person who is the subject of the hearing should be asked to provide whatever evidence they wish to give personally;
  - (iii) Finally, any other person who is to give evidence in support of the Person who is the subject of the hearing should be heard; and
  - (iv) At the conclusion of all evidence, the Person who is the subject of the hearing (or their representative) must be given a chance to make submissions to the Committee in respect of the evidence that has been presented, and why the Committee should reach the conclusion argued for by that Person.
- (g) The role of a Judicial Committee when someone denies the allegations against them is to decide whether the allegations are “proven” or “not proven”. To do this, the Committee must ask if there is evidence before it which “on the balance of probabilities” proves the allegation. That test, “the balance of probabilities”, asks if it is more likely than not that the allegation is proved.
- (h) In cases where the Person seeks to contest the allegations against them (ie. they plead not-guilty) then:
  - (i) they or their representative should be given the opportunity to ask questions of any witness that they wish, with that questioning to be controlled by the Chair;
  - (ii) at the conclusion of the evidence, and any submissions, the Committee should retire to discuss in private whether they consider the allegations have been proven either in full, or in part; and
  - (iii) the Committee Chair should then reconvene the hearing, and advise the Person who is the subject of the hearing the decision reached by the Committee. If the allegations have been upheld then the Chair should then move to the process for considering sanction (as set out below at part 2.4 of these guidelines).



## 2.4 *Issuing a sanction*

- (a) If someone accepts the allegations made against them, or a Judicial Committee finds allegations against someone to be upheld or proven in part or in full, then it is necessary for the Committee to consider what, if any, sanction should be imposed on the Person.
- (b) It would be a rare case where no sanction is given to someone in this position. This is because the range of available sanctions is extremely wide. Whilst specific rules may limit the types of sanctions a Judicial Committee may order, the following is a general guide as to the types of sanctions a Committee should consider:
  - (i) Game bans/suspensions – A ban or suspension from playing the Game or acting in any official capacity such as a coach, manager, trainer or any team official in relation to Games. This does not exclude the player from training with the team during the week or a non-player from undertaking day to day work outside of the Game or match environment.
  - (ii) Full bans/suspensions - A ban or suspension for a period from all aspects of the Game is usually reserved for circumstances that are off-field or have an off-field element (for example, bringing the game into disrepute with inappropriate public behaviour, or misconduct around a Game but not strictly within it such as in the tunnel or after play has finished) or for the most extreme of on-field incidents (for example, assaulting a match official).
  - (iii) Fines – most Committees will have the power to impose a fine. However, care should be taken when using this sanction. Amateur sport rarely warrants the imposition of financial penalties, and fines should only be imposed where no other sanction is appropriate or where some other sanction needs to be supplemented by the issuing of a fine.
  - (iv) Costs – Costs are not a penalty or a sanction in themselves. In some cases, it will be appropriate for a Committee to make an order for the payments of 'costs'. Care should be taken before imposing costs orders, particularly in the amateur game. As a general rule, a Person who seeks to defend themselves and is unsuccessful should not have to pay costs unless their defence was in some way unmeritorious or was conducted in such a way as to be worthy of a costs award to compensate the other party.
  - (v) Reprimands – a reprimand is where someone is formally admonished for their misconduct. It will rarely apply in cases of on-field misconduct. It is often seen as a hollow sanction, and accordingly, Judicial Committees must consider what value there is in a reprimand alone if one is given. Importantly, reprimands do form part of a Person's judicial history, and will count against them receiving a discount for a clean record in future sanctioning processes.
  - (vi) Apologies or other orders – requiring a Person to make a formal, and sincere, apology, or to undertake some other action (such as attending counselling, undergoing corrective coaching, anger management counselling or taking a referee course and refereeing junior grade games) may be a way of positively moving a situation forward after a finding of wrongdoing. This can be in conjunction with another sanction, and may in fact serve to reduce another sanction such as a ban or suspension. Care must be taken though by Judicial Committees that whatever sanction is given in this regard is not only meaningful, but can be monitored.
  - (vii) Suspended sanctions – in rare cases it may be appropriate for a Judicial Committee to order a sanction, but suspend the imposition of that sanction for a period of time. The idea is that the Person sanctioned is on a good-behaviour bond for a period (usually 12 or 24 months) and if they do not get in any further disciplinary trouble during that period, the sanction is not served. If the Person does get in further trouble, then the sanction is





added to whatever new sanction they get and must be served. A suspended sanction will not usually be appropriate for an individual who has committed an on-field breach, and Committee's should avoid using suspended sanctions as 'easy answers' in other cases. However, suspended sanctions may be appropriate for on-field matters where a Club is to be sanctioned where games have been called off or abandoned and where that Club has not had any incidences of recent misconduct.

#### Notes/

1. Appendix One to these guidelines sets out indicative starting points for suspensions/bans for on-field offending. In most cases, this is done by reference to the Grade system. If a Person has been charged at a specified Grade, then it is still a matter for the Judicial Committee to determine if that Grade is the appropriate starting point in the case. If no Grade is stated, then it is a matter for the Committee to identify the correct Grade.
  2. Appendix Two provides guidance to Judicial Committees for how Abandoned Matches might be treated.
  3. Appendix Three outlines how Judicial Committee's may treat cases where a "third party" is alleged to have committed misconduct.
  4. The potential scope of off-field misconduct is so broad that there is no attempt to pre-assess what kinds of things might happen and what indicative sanctions should be. For off-field misconduct, Judicial Committees should consider if there are comparable on-field offences and look at indicative sanctions for those. They should also consider the totality of the breach and seek to impose a sanction proportionate to the wrong committed and the potential or actual damage done to the game. Where an offence is committed on the field by a non-player (such as a trainer, or non-playing reserve) that will be an aggravating factor and should result in an uplift from what the position would have been had the offence been committed by a Player on the field.
  5. It may assist a Judicial Committee to consider other cases which the NZRL Judicial or Appeal Committee has considered that are similar in nature to the case before it, and NZRL judicial decisions may be made available for this purpose.
- (c) The following steps should be followed by a Committee seeking to impose a sanction:
- (i) First, the Chair of the Judicial Committee should indicate whether the Grade which has been stated for a charge is considered by the Committee to be appropriate (where one has been stated). Unless the Person who is being sanctioned disagrees with that assessment, this serves as the starting point for consideration of sanction. Where no Grade is stated, this step is missed.
  - (ii) The Person who is to be sanctioned, or their representative, should be given a chance to make an initial submission as to the appropriate sanction. Where the Grade of the matter is disputed or where no Grade is stated, then this should include submissions as to the correct Grade of the offence (for on-field matters), or whether some sanction other than a suspension or ban is appropriate.
  - (iii) Taking into account what has been submitted, the Committee should make its initial assessment of what sanction should be imposed using the following process:
    - (aa) identify what kind of sanction (ban, fine, reprimand, apology or other order, or some combination of these) is appropriate, and why;



- (bb) where the sanction is to be a ban or suspension, refer to sanctions table at Appendix One to the guidelines, and identify what the appropriate Grade/entry point for a sanction would be (in circumstances where the offender is not a Player, or for off-field offending the Judicial Committee should use its best judgement to make an assessment of the seriousness of the conduct by reference to an on-field benchmark if possible). Factors guiding the Committee on what the appropriate Grade/starting point should be are set out in Appendix One below;
- (cc) once the correct Grade/entry point is identified, the Committee should then consider if there are any aggravating features which warrant an uplift being imposed on the sanction, examples might include:
- a. whether the Person has a disciplinary record for similar or non-similar breaches;
  - b. whether there is a need for a specific deterrent for this kind of offending due to a pattern of similar offending occurring in the Game or due to other policy reasons; and/or
  - c. the impact their actions may have had on the reputation of the game – for example, did this particular instance of offending create any particular negative consequences for the Game.

**Notes/**

1. How bad an offence was, including if it was deliberate, caused significant injury, or was otherwise at the low, medium or high end of examples of misconduct, generally goes to what Grade and starting point the charge has (see the factors identified in Appendix One below for more detail);
  2. In general terms, it is expected that any uplift of sanction for aggravating reasons would be no more than 100% of the original Grade entry point (ie. doubling);
  3. In cases where a Grade 3 breach is being considered, the Judicial Committee should identify a starting point at the suggested level or above, depending on the Judicial Committee's view of the general seriousness of the breach alleged. Then that starting point should be moved up if aggravating features personal to the Player exist. This is different to grade 1 and 2 offences where the starting point of grade 1 or 2 is set at a specific starting point. In the most extreme cases it is up to the Judicial Committee to set a sanction at an appropriately high level, including multi-year or even an indefinite (ie. life) ban if it is warranted.
- (dd) The Judicial Committee should then identify if there are any mitigating features which warrant a reduction in the sanction, with examples including:
- a. genuine remorse by the Person, including whether they accepted the allegations, and whether they have apologised to any other person impacted;
  - b. the existence of a clean disciplinary record; and/or
  - c. an early guilty plea.



### Notes/

In general terms, mitigation should not reduce the sanction to less than 50% of the starting point after any aggravating factors, and this should only occur once for any Person. Future offending should not accrue more than a 33% discount.

- (iv) Having made its initial assessment of the appropriate sanction, this should be communicated to the person or their representative. It is at the discretion of the Chair of the Committee whether the Person or their representative is offered a further opportunity to make submissions on the sanction (which would only normally occur if something new has come up as part of the Committee's decision making process).
- (d) Procedures following a decision on sanction.
  - (i) Once a Committee has reached its decision and communicated it to the person, the hearing is at an end.
  - (ii) Following the hearing, it is the responsibility of the Chair of the Committee to ensure that a written decision, confirming the Committee's findings and any sanction imposed is completed.
  - (iii) If the parties have a right of appeal, then the decision should record that right of appeal.

### 2.5 **Further issues for Appeals**

- (a) Role of the Appeals Committee.
  - (i) As noted earlier, the role of the NZRL Appeal Committee is to hear appeals from a decision of the NZRL Judicial Committee or by any judicial or appeal committee of a Member of NZRL, to decide disputes between NZRL Members, and to review Board, Zone or Affiliate decisions of other kinds.
  - (ii) This includes matters such as:
    - (aa) a Player sanctioned by a decision of a District/Zone Judicial Committee for an on-field violation;
    - (bb) a Player, Member, or Club sanctioned by a decision of the District/Zone Judicial Committee for Misconduct;
    - (cc) any decision of the NZRL Judicial Committee (in which case the Appeal Committee shall be independently chaired and filled);
    - (dd) disputes between Clubs, Districts or Zones; and
    - (ee) decisions of the Referees Association.
- (b) Requirements before an Appeal Committee hearing can occur.
  - (i) Before an appeal can be made to an Appeal Committee, the following requirements must be satisfied:
    - (aa) Appeals must be made within any prescribed time period from the decision appealed against being notified to the appellant (in the case of appeals to the NZRL Appeals Committee that is generally 5 working days). If there is no mandatory time period, or it is unclear, then it is for the Appeal Committee



hearing the appeal to determine if it would be unjust to hear the appeal because of delay.

- (bb) The Person to whom the hearing relates, their Club, the Zone or District convening the hearing, and where the hearing involves Match Officials the relevant Referees' Association, are the parties who have a right to appeal a decision. Importantly, a 'victim' will not have appeal rights, but they may persuade a party such as their District, Zone or the Referee's Association to advance an appeal. In addition, NZRL maintains a right to refer any matter relating to the Game in New Zealand to the NZRL Appeal Committee, if it considers the matter may not have been adequately dealt with at a lower level.
  - (cc) The process of lodging the appeal should be by sending it to the entity that will hear the appeal, being the relevant District, Zone, or NZRL depending on the decision being appealed from.
  - (dd) Appellants must give notice of the appeal to all other parties to the decision being appealed (which will be the Person and/or the relevant Club, District, Zone, Referees' Association and/or NZRL) at the time the appeal is lodged.
  - (ee) It may be necessary for a notice of appeal to be accompanied by the payment of an appeal fee (in the case of an appeal to the NZRL Appeal Committee the fee is NZ\$500). It is for the Appeal Committee to decide if an appeal fee may be waived and what happens to any appeal fee paid.
  - (ff) Sanctions (including suspensions) imposed by a Judicial Committee will remain in place until an Appeal hearing is completed, unless the Judicial Committee or the Appeal Committee orders otherwise.
- (c) Steps in Appeal proceedings.
- (i) An appeal shall be deemed to be lodged when the written request is received by the District, Zone or NZRL and the appeal fee (or evidence of its payment) is received (where one is required). If there will be a delay in paying an appeal fee, then permission to pay the fee later should be sought from the Chair of the Appeal Committee. The written document should be signed or sent by an identifiable email by the person lodging the appeal and shall specify:
    - (aa) the name of the person lodging the appeal and whether that person is lodging the appeal personally as a party to the original decision, or as a representative of a party to the original decision (whether that be a Player, Administrator, Club, District, Zone, Referees' Association, NZRL or another Member of NZRL);
    - (bb) the decision appealed against;
    - (cc) the date of the decision appealed against and the date it was received;
    - (dd) the grounds of the appeal; and
    - (ee) the name of any person who will be involved in the appeal for the appellant (including witnesses (although that will up to the Appeal Committee Chair to agree to) and any lawyer or advocate).
  - (ii) When the appeal is lodged, the appellant should indicate whether they wish to be heard orally in relation to the appeal, or whether they wish to provide written submissions only. The decision on whether a hearing shall occur in-person is for the Appeal Committee Chair to determine, taking into account the wishes of the parties involved.



- (iii) Upon receiving the notice of appeal, NZRL or the relevant body receiving the appeal will convene an Appeal Committee to deal with the appeal. That Committee (through its Chair) will make any directions necessary to progress the appeal including setting a date and time for the Appeal Hearing if one is to occur. The Appeal Committee shall be able to set any procedures it considers necessary for the disposition of the appeal, including the holding of a preliminary hearing, the extension or variation of deadlines, or the variation of the process to allow an appeal to be heard with extreme urgency.
  - (iv) An appellant should file submissions in support of the appeal with the Appeal Committee no later than 48 hours before the Appeal Hearing or as otherwise directed by the Appeal Committee. Those submissions should include:
    - (aa) legible copies of all relevant written correspondence, file notes, minutes, records, documents and any other evidence pertaining to the relevant decision(s) under appeal; and
    - (bb) full details of any alternative penalties proposed by the appellant and reasons for this.
  - (v) If any other party to the original decision wishes to file submissions in reply in relation to an appeal, those submissions must be received by the Appeal Committee within 24 hours of the Appeal Hearing or as otherwise directed by the Appeal Committee.
  - (vi) Ultimately, whether formal submissions are required for an appeal, and the timeframe for filing, is a matter for the Appeal Committee.
- (d) Conduct of the Appeal Hearing or disposition of an appeal on the papers
- (i) Where an Appeal Committee has determined that the appeal will be dealt with by way of a hearing in person then the Appeal Committee will follow a process in accordance with the principles of natural justice, and consistent with the provisions of these guidelines. In addition:
    - (aa) Where possible the hearing shall be recorded, with a copy of that recording preserved by NZRL or the District or Zone responsible for the hearing;
    - (bb) The Appeal Committee may issue an oral determination, with or without reasons. The Appeal Committee may also adjourn the Appeal Hearing to allow time to reach a decision. In any event, written decisions outlining the decision reached by the Appeal Committee and the reasons for that decision should be made available to the parties not later than 14 days from the conclusion of the Appeal Hearing.
  - (ii) Where an Appeal Committee has determined that the appeal will be dealt with on the papers, the Appeal Committee shall provide a written decision outlining the decision reached by the Appeal Committee and the reasons for that decision to the parties no later than 14 days from the nominal date of the Appeal Hearing.
- (e) Appeal fee and/or costs.
- (i) Generally, parties are responsible for their own costs in relation to an appeal.
  - (ii) In the event an appeal is successful the appeal fee is ordinarily refundable.
  - (iii) In the event that the appeal is lost the Appeal Committee may decide that part or all of the appeal fee is to be forfeited. This is particularly so where the appeal is deemed to be



frivolous, vexatious or otherwise without merit. In exceptional cases an Appeal Committee may exercise its discretion to order a party to pay a contribution of costs to the successful side.

- (f) Appeal FAQs.
- (i) Who attends the Appeal hearing if it is held in person?
    - (aa) the Appeal Committee;
    - (bb) the appellant and their lawyer or advocate (if they have one);
    - (cc) a representative of the Club, District, Zone or NZRL if they are a party to the appeal and their lawyer or advocate (if they have one);
    - (dd) any other interested parties to the case (where this has been notified to, and accepted by, the Appeal Committee).
  - (ii) What if I want to bring more people to the hearing, is that okay?
    - (aa) If you wish to bring additional people not named in the notice of appeal you must apply for permission to do so from the Appeal Committee. An application for additional people needs to be made at least 24 hours prior to the hearing.
    - (bb) Note, it is not usual for an Appeal Hearing to hear evidence from witnesses. Usually an appeal proceeds on the basis of the evidence that was available to the Judicial Committee who made the original decision. If you wish to call evidence at an appeal you must tell the Appeal Committee this and it will be up to them whether that is permitted.
  - (iii) What if I have additional information, documents or evidence that I wish to present at the hearing, can I do this?
    - (aa) If you wish to present additional documents or evidence not contained in either the notice of appeal or your submissions you must apply for permission to do so. An application for additional evidence ordinarily needs to be made at least 24 hours prior to the hearing, but you can ask for permission on the day of the hearing. In that case, the Appeal Committee will only allow the additional information to be presented if there is a real risk of injustice in declining the application, and this may also require an adjournment to allow other parties to reply if appropriate.
  - (iv) How do I know when it is my turn to present?
    - (aa) The appellant or their lawyer or advocate generally presents first.
    - (bb) The respondent Club, District, Zone or NZRL representative or their lawyer or advocate then presents its submissions (including giving the reasons for the original decision if that is being advanced).
    - (cc) The appellant may then be given a short right to reply strictly on matters raised by the respondent.
    - (dd) The Committee may ask the parties questions at any time during this process.



**3. A note on the drafting of Judicial Committee and Appeal Committee decisions**

- (a) Care should be taken to ensure that all Judicial Committee and Appeal Committee decisions are accurately recorded in writing, including:
  - (i) The issue or dispute to be decided/resolved;
  - (ii) The individuals involved in the decision making process, the identification of any conflicts of interest and/or recording that there are no objections to the individuals making the decision;
  - (iii) Any relevant submissions;
  - (iv) Any legal or other advice taken by the Committee in the decision making process;
  - (v) Any evidence presented to the Committee (dates, facts and names should be recorded, along with the key parts of what those people have said); and
  - (vi) The reason for the decision.
- (b) The decision does not need to traverse all of these matters in complete detail. It is not a complete record of the hearing. However, the decision should be sufficiently detailed that any of the key factors which went into the decision are recorded, and anyone reading the decision is able to fully understand the issue under determination, the key factual matters relevant to the decision, and the reasons the Committee made the decision that it did.
- (c) Finally, the decision should record the right of appeal that the parties have from it, if such a right exists. In Rugby League the parties will almost always have a right of appeal, to the organisational level above where the matter is being held (ie. District, Zone, or NZRL) or to the Sports Tribunal of New Zealand. A party will always have one right of appeal. They may, in some circumstances, have a second or subsequent right of appeal but that will not always be the case. Careful consideration of that question by an Appeal Committee will be necessary, and the consideration of that matter should be clearly dealt with in any appeal decision.



## APPENDIX ONE – INDICATIVE SANCTIONS FOR ON-FIELD MISCONDUCT

### Introduction

Section 15, of the *Rugby League International Laws of the Game (2021)*, outlines those actions which amount to misconduct during a Game. They are set out as follows:

### **SECTION 15 - PLAYER'S MISCONDUCT**

- Definition of misconduct**
1. A player is guilty of misconduct if they:
    - (a) Trips, kicks or strikes another player.
    - (b) When effecting or attempting to effect a tackle makes contact with the head or neck of an opponent intentionally, recklessly or carelessly.
    - (c) Drops knees first on to an opponent who is on the ground.
    - (d) Uses any dangerous throw when effecting a tackle.
    - (e) Deliberately and continuously breaks the Laws of the Game.
    - (f) Uses offensive or obscene language.
    - (g) Disputes a decision of the Referee or Touch Judge.
    - (h) Re-enters the field of play without the permission of the Referee or a Touch Judge having previously temporarily retired from the game.
    - (i) Behaves in any way contrary to the true spirit of the game.
    - (j) Deliberately obstructs an opponent who is not in possession.
    - (k) Uses a shoulder charge on an opponent.
    - (l) applies any unnecessary pressure or twists, including grapples, crushers or performs a "chicken wing" style hold on a player in possession.
    - (m) forcefully spears at the legs of a player in possession, exposing them to unnecessary risk of injury.

These offences are described in very broad terms, and the ways in which Players can breach these prohibitions will vary significantly. In addition, whilst these offences are ones which Players can commit, it is possible for non-players to commit similar acts of misconduct, and accordingly, it is open to a Judicial Committee to consider these offences, and the indicative entry points for sanction set out below, when dealing with such cases.

Where an offence on the field involves someone who is not a game day player, such as a non-playing reserve, or someone involved in team management, then the Judicial or Appeal Committee should generally apply an uplift to the starting point to reflect that fact (on the basis that Players are in the heat of competition, whilst persons not in the heat of the game are liable to more criticism and denunciation for becoming involved in any misconduct).

### When is a sanction issued?

Judicial Committees should only proceed to sanction a Person if they have been dismissed by the Referee or otherwise referred to a Judicial Committee, and following a hearing the Person has plead guilty to an allegation of misconduct, or has been found guilty of, an allegation of misconduct.

Not every occasion where a Player is dismissed, or a complaint is made, has to result in a judicial hearing. The organisers of a game or a tournament may decide that dismissals will result in an automatic suspension for a certain number of games, for example, with only exceptional cases going before a judicial committee. Alternatively, organisers may put in place a screening system to determine whether dismissals or complaints will go before a committee. It is also possible for organisers to offer a specific penalty based upon the alleged Grade of the offence, if the Person takes an "early guilty plea". However, generally, serious cases of misconduct should go before a judicial committee to determine what, if any, further sanction is appropriate.





The series of tables set out below provides guidance to Judicial Committee's for determining the entry point for sanctions based on a traditional Grade 1-3 system. This system applies to all offences other than cases of physical contact with a Match Official (where a separate table outlines a 5 step scale for determining entry point).

#### Identifying the correct Grade for an offence

For offences in the traditional Grade system, the Judicial Committee is required to identify an entry point for the calculation of a suspension based on the Grade of the offence. Where that Grade was stated in the charge, and it is agreed upon by the Committee and the Person, then that Grade is the starting point. In all other cases the Committee should consider whether the offending is at a low end (Grade 1), medium range (Grade 2), or top end (Grade 3) of the kind of offending that could occur of this type.

To assist this determination, the Committee may consider:

- (a) whether the offending involved careless, reckless or deliberate conduct;
- (b) whether in cases of deliberate conduct, the action was reactionary or premeditated;
- (c) whether the offending was a consequence of a legitimate action (as opposed to not being part of a legitimate action or being off the ball entirely);
- (d) what the consequence of the offending was (for example, did the offending cause a fight to occur);
- (e) whether there was limited risk of injury (as opposed to medium or high risk);
- (f) whether any contact was made with the head of the other person, other than the most inconsequential of impact (indicating at least a starting point at Grade 2);
- (g) if no injury occurred (as opposed to moderate or serious injury occurring); and
- (h) whether the player was acting reasonably in self-defence (as opposed to unreasonably acting, or not acting in self-defence at all).

Careless contact is accidental contact but where the offender's action nevertheless caused the illegal contact and they could and should have done better to prevent it. Reckless contact is of a higher degree of culpability, and is where the offender should have realised their actions created the risk of illegal contact. Intentional contact is where it is clear the offender intended to act in a way that breached the Laws of the Game, and will generally be at least a Grade 2, if not Grade 3, offence.

In general terms, Grade 1 offences are those that are recognised as being at the lower end of the spectrum of potential offences of the kind charged. Grade 2 charges should be for offending which is recognised as being in the mid-range of severity. Grade 3 charges should be reserved for cases where the offending is in the top end of types of offending.

Any offending which results in any impact to another Player's head (other than the most inconsequential impact), or which otherwise has a risk of serious injury, should be at least a Grade 2 offence.

#### Sanctioning Multiple Offences at Once

In cases where a Judicial Committee is sanctioning a Person for multiple offences at once, the following process should be adopted:

1. Identify the most serious offence and identify the appropriate sanction for that.
2. Identify what the second offence would warrant as a stand-alone offence.



3. Generally, a Person will not be subject to two sanctions being applied sequentially, if the two offences arose out of the same incident or even the same game. Instead, the second (more minor) offence should be an aggravating factor increasing the sanction issued for the main offence.
4. If the two offences are separate actions, but arise out of the same incident, then an uplift of approximately 1/2 of the second offence's sanction for the first offence sanction should be applied.
5. If the offences arise in quite separate parts of the game, then the uplift should be higher, with a usual uplift being 3/4 of the second offence's stand-alone sanction.
6. No Player should be charged with two offences arising out of the same action.

#### Examples

- (A) A Player is found guilty of a Grade 1 "Dangerous Throw", and a Grade 3 "Striking" offence for punching another player in the head. The punch occurred immediately after the dangerous throw, but was a separate action. The most serious charge is the Grade 3 Striking charge. After considering mitigating and aggravating features for that offence, the Judicial Committee forms the view that a suspension from playing the Game for a period of 5 weeks would be the appropriate stand-alone sanction for that charge. On its own, the Grade 1 Dangerous Throw would have warranted a suspension of 2 weeks, but as it was part of the same incident, the Judicial Committee takes it into account by adding 1/2 of that sanction (being 1 week) to the 5 week sanction to reach a final sanction of 6 weeks.
- (B) A Player is referred to the Judicial Committee for a Grade 3 "Kicking" offence in the first half of a game, and a further Grade 2 "Tripping" offence in the second half of the game. The Committee forms the view that the kicking offence is the most serious, and decides that a final sanction of 6 weeks is appropriate. The Tripping offence warrants a 4 week suspension on a stand-alone basis. As the incidents occurred in the same game, but were not connected, the Committee decides to apply an uplift to the kicking sanction of a further 3 weeks, being approximately three-quarters of the stand-alone sanction for the trip. This results in a final sanction of 9 weeks.
- (C) Finally, a Player strikes another player across the side of the head with his arm, as part of an action high tackling the other Player. The matter is referred to the Judicial Committee as both a Grade 2 "Strike with the arm" and a Grade 2 "High tackle". The Judiciary determines that the strike was part of the high tackle, and must make a choice as to which of the charges best reflects the action. As a result, the matter is proceeded with as a single charge of a Grade 2 Strike as the Committee considers this captures the overall nature of the offence better than simply describing it as a high tackle.



Tables Setting Out Recommended Starting Points (August 2021)

Law 15.1(a)

Trips, kicks or strikes another player

<u>Description</u>	<u>Grade 1 Entry</u>	<u>Grade 2 Entry</u>	<u>Grade 3 Entry</u>
Trips	1 week	3 weeks	6+ weeks
Kicks	3 weeks	6 weeks	9+ weeks
Strikes with hand or arm	1 week	3 weeks	6+ weeks
Strikes with fist (punching)	2 weeks	4 weeks	8+ weeks
Strikes with elbow	3 weeks	6 weeks	9+ weeks
Strikes with knee	3 weeks	6 weeks	9+ weeks
Strikes with head (head butt)	4 weeks	8 weeks	12+ weeks

Law 15.1(b)

When tackling or attempting to tackle makes contact with the head or neck of an opponent.

Notes/ There is no Grade 1 entry point for this offending given that it necessarily involves contact with the head. This includes cases of high tackle, but also where a Player is neck rolled or otherwise has their neck or head twisted.

<u>Description</u>	<u>Grade 1 Entry</u>	<u>Grade 2 Entry</u>	<u>Grade 3 Entry</u>
Careless	Not applicable	2 weeks	4+ weeks
Reckless	Not applicable	4 weeks	8+ weeks
Intentional	Not applicable	6 weeks	12+ weeks

Law 15.1(c)

Drops knees on an opponent on the ground

<u>Description</u>	<u>Grade 1 Entry</u>	<u>Grade 2 Entry</u>	<u>Grade 3 Entry</u>
Drops knees	2 weeks	4 weeks	8+ weeks

Law 15.1(d)

Uses a dangerous throw when effecting a tackle

Notes/ This includes the action known as a “spear” or “tip” tackle. Specific factors to consider are whether the tackler’s actions were not the sole cause of the throw or tip (such as the involvement of another player), where the ball carrier’s actions contributed to the resulting throw or tip, and whether the player was dropped or driven into the ground.

<u>Description</u>	<u>Grade 1 Entry</u>	<u>Grade 2 Entry</u>	<u>Grade 3 Entry</u>
Dangerous throw (including spear or tip tackle)	4 weeks	8 weeks	12+ weeks

Law 15.1(e)

Intentionally & continuously breaks the Laws of the Game

Notes/ Where a Player has been ordered off, or otherwise referred to the Judiciary for repeated infringements, the Judiciary should look at what the repeated infringements are, and sanction accordingly. For example, if it is for repeated dangerous tackling, then sanctioning should be conducted under those provisions. In cases where there is no obvious offence to sanction the player under, then the judiciary should look at imposing a 2, 4 or 6+ week suspension for general repeated infringement of the law, depending on the severity of the infringing and the degree of impact the misconduct had on the game in question and the game generally (noting that truly minor matters will not be referred to the judiciary).

<u>Description</u>	<u>Grade 1 Entry</u>	<u>Grade 2 Entry</u>	<u>Grade 3 Entry</u>
Intentional and continuous breach of the Laws (not sanctioned by reference to another Law breach)	2 weeks	4 weeks	6+ weeks



## Law 15.1(f)

Uses offensive or obscene language

Notes/ Where a Player is ordered off or otherwise referred to a Judiciary for obscene language directed at a match official, they should be sanctioned under Law 15.1(g). For generic use of offensive or obscene language not directed at another individual, Grade 1 will generally apply.

For general offensive or obscene language directed at another Player or Team Official, Grade 2 will apply. For general offensive or obscene language directed at a member of the public, or where the offensive or obscene language relates to matters of race, sexuality, gender, disability or a similar discriminatory matter, then Grade 3 will apply.

Description	Grade 1 Entry	Grade 2 Entry	Grade 3 Entry
Offensive or obscene language	1 weeks	3 weeks	6+ weeks

## Law 15.1(g)

Disputes a decision of a Referee or Touch-Judge

Notes/ where a Player physically assaults a match official, it is dealt with under the 5-step table set out below. For all other instances of disputing a match official, it is dealt with here. Grade 1 and 2 offences generally capture dissent involving moderate to severe foul language. Personal abuse of a match official, and instances where the Player accuses the match official of cheating or otherwise acting in bad faith, will warrant a Grade 3 entry point.

Description	Grade 1 Entry	Grade 2 Entry	Grade 3 Entry
Disputes a decision (verbal only)	4 weeks	6 weeks	8+ weeks

Law 15.1(g) and (i) offences involving physical contact with a match official.

Notes/ Where a Player makes unreasonable contact with, or otherwise physically assaults a Match Official, this will be a breach of Law 15.1(g) and/or (i), and is sanctioned in accordance with the following table.

Degree of Seriousness	Description	Example	Indicative Starting Point for Suspension
1	Reckless contact with no injury or risk of significant injury.	Running into a referee during play in circumstances where the player should have avoided contact, but where there is no injury and where there is no risk of a significant injury.	4 weeks
2	Reckless contact with injury or risk of significant injury.  Alternatively, deliberate contact but not in a threatening manner.	Similar to 1, but where the Referee is hit with some force, which causes injury or could have resulted in a significant injury.  Deliberate contact such as grabbing the Referee's arm in order to get their attention. Note, this is set at this level deliberately so as to dissuade this kind of action (which if allowed could result in repeated physical contact to referees which would be unacceptable).	10 weeks
3	Deliberate contact in a threatening manner with no injury or risk of significant injury.	Deliberate contact to the Referee in a manner which is threatening (eg. push) but where the force is low and at no risk of significant injury arises. For example, pushing the referee, or grabbing the referee, but not with sufficient force to cause them any injury.	1 year
4	Deliberate contact with minor to medium injury	Deliberate application of force which results in some degree of moderate	5 years



	or risk of significant injury.	injury. Eg. a strike which causes bruising, or Referee knocked to the ground causing a sprained ankle or similar minor to moderate injury.	
5	Deliberate contact with significant injury.	Deliberate application of force to a Referee causing a significant injury.	Indefinite Notes/ An indefinite ban is effectively a ban for “life”, albeit that in the future a Judicial Committee may revisit the ban upon application.

## Law 15.1(h)

Re-enters the field of play without permission of the Referee or a Touch Judge having been previously temporarily retired from the game. Although the Law refers to “re-entry”, this may also be used in cases of “entry” onto the field, by someone who has not yet been on and should not be on.

Notes/ In this case, the Committee should specifically consider if the re-entry was for a legitimate reason but without permission (Grade 1), was for an improper purpose (eg. to fight, or for the purposes of giving the team an unfair advantage) (Grade 2), or was in breach of a directive not to enter (Grade 3). Note, if a player also commits another breach of the laws (eg. fighting) then they are liable to sanction for that breach also.

<b>Description</b>	<b>Grade 1 Entry</b>	<b>Grade 2 Entry</b>	<b>Grade 3 Entry</b>
Re-enters without permission	1 week	3 weeks	6+ weeks

## Law 15.1(i)

Behaves in a way contrary to the true spirit of the game

Notes/ for breaches of this law involving physical contact with a match official see the specific table dealing with those offences above. It is under this Law that matters such as hair-pulling, testicle grabbing, and eye-gouging will be dealt with. For cases where the player has generally breached acceptable standards of good conduct in the game, and it is not specifically dealt with by this offence or another offence, then the Judiciary may use the general scale contained under this offence.

<b>Description</b>	<b>Grade 1 Entry</b>	<b>Grade 2 Entry</b>	<b>Grade 3 Entry</b>
Behaves contrary to true spirit – generally	1 week	3 weeks	6+ weeks
Behaves contrary to true spirit – hair pulling	2 weeks	4 weeks	8+ weeks
Behaves contrary to true spirit – biting	6 weeks	8 weeks	12+ weeks
Behaves contrary to true spirit –contact with the eye region (Grade 1), careless/ reckless contact with the eye (Grade 2) or deliberate eye gouging (Grade 3)	4 weeks	10 weeks	20+ weeks
Behaves contrary to true spirit – careless/reckless contact with testicles (Grade 1), deliberate grabbing/kicking testicles (Grade 2) and deliberate twisting or rucking of testicles (Grade 3)	4 weeks	8 weeks	16+ weeks
Behaves contrary to true spirit – spitting	1 week	3 weeks	6+ weeks
Behaves contrary to true spirit – raking with studs	2 weeks	4 weeks	8+ weeks
Behaves contrary to true spirit – targets non-kicking leg of kicker	4 weeks	6 weeks	9+ weeks



Behaves contrary to spirit – tackles or otherwise impacts a Player in the air	2 weeks	4 weeks	8+ weeks
Physical contact with a match official	See Law 15.1(g) & (i) table above	--	--

## Law 15.1(j)

Deliberately obstructs an opponent who is not in possession.

Notes/ This is effectively a shoulder charge of the ball, or something equivalent. As such, it is an aggravated shoulder charge offence, hence the uplifted sanctions from a shoulder charge to a ball carrier (who is less vulnerable).

<b>Description</b>	<b>Grade 1 Entry</b>	<b>Grade 2 Entry</b>	<b>Grade 3 Entry</b>
Obstructs non-ball carrier	2 weeks	6 weeks	10+ weeks

## Law 15.1(k)

Uses a shoulder charge on an opponent.

Notes/ Where a player strikes another player with his shoulder, either as part of an attempted tackle, or otherwise, the player should be sanctioned under this section.

<b>Description</b>	<b>Grade 1 Entry</b>	<b>Grade 2 Entry</b>	<b>Grade 3 Entry</b>
Shoulder charge	1 weeks	4 weeks	8+ weeks

## Law 15.1(l)

Applies unnecessary pressure or twists, including grapples, crushers or performs a “chicken wing” style hold on a player in possession.

Notes/ This does not include neck rolls or other contact with the head which is sanctioned under Law 15.1(b).

<b>Description</b>	<b>Grade 1 Entry</b>	<b>Grade 2 Entry</b>	<b>Grade 3 Entry</b>
Twists, pressure, or chicken wing (not head/neck)	2 weeks	4 weeks	8+ weeks

## Law 15.1(m)

Forcefully spears at the legs of a player in possession, exposing them to unnecessary risk of injury.

Notes/ This includes the grass cutter tackle technique, and similar attacks on the legs of a ball carrier.

<b>Description</b>	<b>Grade 1 Entry</b>	<b>Grade 2 Entry</b>	<b>Grade 3 Entry</b>
Forcefully spears at legs	2 weeks	4 weeks	8+ weeks



## **APPENDIX TWO – INDICATIVE SANCTIONS FOR MATCHES CALLED OFF OR ABANDONED**

To assist Judicial Committees with sanctioning in cases where a match is called off or abandoned, NZRL has prepared the following guidelines.

If on receiving a report of a match being called off, NZRL or any person responsible for the administration of the match determines that the persistent or serious misconduct by team players, management or supporters of one or both teams were responsible for the match being called off, and the referee's reason for taking the action were correct in the circumstances, then the matter shall be referred to a Judicial Committee for a hearing and where appropriate representation on sanctions.

Taking into account the relative culpability of the teams involved in the match, the Judicial Committee shall be entitled to impose such sanctions as it thinks fit on one or both of the teams concerned including, but not limited to the following:

1. A caution, warning as to future conduct, reprimand;
2. Award the match and any applicable competition points to one of the teams;
3. Declare the score at the time of calling off as the final score in the match;
4. Declare the match null and void with no competition or point for and against being awarded to one or both respective teams;
5. Removal of all or any competition points for all matches played during that season by one or both respective teams;
6. Suspension of one or both teams and some of their respective players for a period appropriate to the offence(s) committed;
7. Removal of future home games for one or both of the teams;
8. Impose a fine on one or both teams;
9. Impose a suspended good behaviour bond for the remainder of the season on one or both teams; or
10. Any combination of the above.



### **APPENDIX THREE – DEALING WITH ALLEGATIONS OF MISCONDUCT AGAINST “THIRD PARTIES”**

Although members of the public, such as parents of players, and spectators who attend a Game, are often not Members of NZRL or of any member of NZRL, NZRL nonetheless reserves the right to issue sanctions against these “third parties”.

It does so on the basis that any person attending a Game, is implicitly agreeing to observe the rules which NZRL expects those persons to follow as a spectator of the Game.

NZRL runs the “Be A Sport” campaign in respect to all of its Games, and as such the expectations of spectators and other “third parties” is made clear to everyone who comes to a Game, or would otherwise be expected to be understood by any persons who comes to a Game.

Where a third party acts in a manner contrary to expected good conduct, the organisers, or hosts, of the Game in question, may choose to deal with the third party directly, or may choose to refer the matter to a Judicial Committee. NZRL reserves the right to hold a Judicial Hearing in relation to the conduct of any third party if it deems that appropriate.

In such a case the third party should be advised of the process being undertaken and be given a chance to be heard.

NZRL recommends that instances where a third party is found to have breached expected rules by a Judicial Committee should result in:

- (a) a reprimand and warning that further misconduct will likely result in a ban from attending the Game; or
- (b) a ban from attending any Game (with a warning that if they do so they are likely to be trespassed); or
- (c) a warning off or trespass notice under the Trespass Act 1980; and/or
- (d) possible referral to the Police.

NZRL is aware that some Affiliates have rules in place providing for sanctions to persons subject to NZRL’s jurisdiction (such as players) for the conduct of related third parties (such as parents). NZRL asks that before imposing such sanctions, Affiliates or Judicial Committees be satisfied that the person being sanctioned have some culpability themselves for the conduct of the third party, and notes that persons should not be sanctioned where they have no involvement with, or knowledge of (coupled with encouragement or at least acquiescence in) the misconduct of the third party. Any breach of this recommendation may leave sanctions vulnerable to being overturned on appeal.

This edition of the Judicial Guidelines was updated on 2 September 2021.