

RUGBY AU DISCIPLINARY RULES 2021 - SUMMARY OF DISCIPLINARY PROCESS FOR ORDERING OFF AND CITING

1. Player Ordered Off

Where a Player is Ordered Off, the referee and, where applicable, the assistant referee must submit a **written report** to the Union with jurisdiction of the Match within the timeframe specified by that Union, or if no time is specified, by **10 am on the first Business Day following the Match (Rule 16)**.

Reports prepared by the referee and/or assistant referee should include the following information:

- (a) the date/time of the Match, the venue and the teams participating;
- (b) the name of the Player Ordered Off, jersey number and team;
- (c) the circumstances in which the Player was Ordered Off;
- (d) the reason(s) for the Player being Ordered Off (and Law allegedly breached); and
- (e) any other information the referee (or assistant referee where applicable) considers material.

The Union will review the written report and may request further information from the referee/assistant referee if required.

The Union, in consultation with the Judicial Committee, will also consider whether the Ordering Off could be dealt with under the Early Admission of Breach Sanction provisions **(Rules 23 to 27)**.



The Union shall supply the Player Ordered Off with a copy of the **Ordering Off reports and any other relevant evidence** (including any footage of the alleged foul play and any medical reports) as soon as reasonably practicable and advise the Player of the details for the Judicial Committee hearing. This shall include **(Rule 22)**:

- (a) the date, place and time of the Judicial Committee hearing;
- (b) the identity of the Judicial Committee members;
- (c) that the Player **shall be required** to attend in person at the hearing (which may include attendance by telephone/video) at the discretion of the Judicial Committee;
- (d) that if the Player is unable to appear at the hearing, the Player should advise the Union and provide the reasons why he/she is unable to attend as soon as practicable;
- (e) that the Player is entitled to present evidence and make submissions and be represented by his/her Rugby Body and/or a legal advisor; and
- (f) that the Player is not eligible to play in any Match anywhere in the World and shall be suspended from all on-field activities on Match days pending resolution of the case.



The Union shall, where practicable, take all necessary steps to ensure that a Judicial Committee **hearing is scheduled** to take place prior to the (provisionally suspended) Player's next Match.

The Judicial Committee **may require** that the Match Official gives evidence at a hearing (by telephone, video or in person) where the Committee considers it desirable **(Rule 63(f)(vii))**.



Hearing STAGE 1 – Did the act of Foul Play warrant the Player being Ordered Off?

The Judicial Committee **shall first determine** whether or not the relevant act(s) of Foul Play warranted the Player being Ordered Off **(Rule 70)**. The Player may either:

(a) **admit** that the act(s) of Foul Play warranted him/her being Ordered Off in which case the function of the Judicial Committee is to determine what sanction, if any, should be imposed on the Player under **Rules 84 to 95: or**

(b) **deny** that the act(s) of Foul Play warranted him/her being Ordered Off in which case, the Player may seek to show that the decision of the referee **was wrong**. The Judicial Committee may review the decision of the referee and the circumstances surrounding it. In any such case, the Judicial Committee shall not make a finding contrary to the decision of the referee unless they are satisfied, on the balance of probabilities that the decision of the referee was wrong. The Player has the burden of proving this to the Committee.



Where the Player admits that the act(s) of Foul Play warranted him/her being Ordered Off **or** where the Ordering Off is not overturned by the Judicial Committee, then the Judicial Committee shall move to the **next stage** of the hearing to determine what sanction (if any) to be imposed on the Player in accordance with **Rules 84 to 95 (STAGE 2, below) (see Rule 70)**.

(Please note: Where the Judicial Committee determines that the act(s) of foul play did not warrant the Player being Ordered Off, **no further sanction** is imposed on the Player, the hearing ends and the Judicial Committee shall expunge the Ordering Off (Red Card) from the Player's disciplinary record).



Hearing STAGE 2 – Sanctioning Process

Step 1: What is the correct entry point for the sanction?

The Judicial Committee shall undertake an **assessment of the seriousness** of the Player's conduct that constitutes the offending and categorise that conduct as being at the **lower end, mid-range or top end** on the scale of seriousness in order to identify the appropriate entry point for consideration of particular act(s) of Foul Play set out in Appendix 1 of the Disciplinary Rules (**Rules 85 & 89**).

The assessment of the seriousness of the Player's conduct shall be determined by reference to the factors set out in **Rule 86**.

Step 2: Are there any reasons to increase the sanction?

Having identified the applicable entry point for consideration of a particular incident, the Judicial Committee shall identify any relevant **off-field aggravating factors** and determine if any additional period of suspension, above the applicable entry point for the offence, should apply to the case in question (**Rule 87**).

Step 3: Are there any reasons to decrease the sanction?

Next, the Judicial Committee shall identify any relevant **off-field mitigating factors** and determine if there are grounds for reducing the period of suspension and, subject to Rules 92 and 93, the extent to which the period of suspension should be reduced (**Rule 88**).

Step 4: Applying the foul play sanction to the Player's playing schedule.

For the purposes of imposing a meaningful suspension, the Judicial Committees shall carefully consider the Player's forthcoming match schedule and take into account the factors set out in **Rule 96** to determine **how the sanction is to be meaningfully served**.



Notification of Decision

The Player shall be advised, without delay, of the decision of the Judicial Committee that conducted the hearing (**Rule 79**).

The Judicial Committee shall provide a written report of the decision to the Player and the relevant State/Territory Union or Rugby Australia no later than **5 Business Days after the hearing**. (The Judgment Form contained at **Appendix 7** or a rules-compliant form approved by the relevant State/Territory Union may be used for this purpose) **(Rule 80)**.

In a case involving an **Ordering Off or allegation of Match Official abuse**, a copy of the report shall also be provided to the Referee Association of the Match Official(s) concerned by the State/Territory Union or Rugby Australia **(Rule 80)**.

In all cases an offending Player shall be advised that he/she has a **right of appeal** under **Rule 105** to the Appeal Committee within the time prescribed by the relevant Union, or if no time is prescribed, then within the time prescribed by the Rules **(Rule 81)** (see below).



Appeal

An appeal to the Appeal Committee must be lodged in writing with the relevant Union within the time specified by the Union, or if no time is specified within **48 hours** from the time in which the written decision was provided to the offending Player **(Rule 107)**.

An appeal may only be brought on one or more of the grounds set out in **Rule 115** and the appeal fee must also be paid **(Rule 109)**.

The Appeal Committee has the power to dismiss, quash, vary or increase any decision and/or penalty appealed against and/or refund any fee paid with the appeal.

Where an offending Player is suspended or had other sanctions imposed, such suspension and/or sanction **will remain in place** pending the outcome of any Appeal **(Rule 106)**. The Player is not entitled to play or perform any on-field role in any jurisdiction during this time.

RUGBY AU DISCIPLINARY RULES 2021 - SUMMARY OF DISCIPLINARY PROCESS FOR ORDERING OFF AND CITING

2. Player is Cited

A Citing Commissioner may cite a Player for an act of Foul Play, which in the opinion of the Citing Commissioner warranted the Player concerned being Ordered Off, notwithstanding that the act of Foul Play may have been detected/dealt with by the referee and/or assistant referee (**Rules 32 and 33**).



A citing by a Citing Commissioner appointed to a Match must be made within the time specified by the Union with jurisdiction for the Match, or if no time is specified, **within 72 hours of completion of the Match** (**Rule 41**).

A citing by a Citing Commissioner that is appointed post-match to review an incident(s) following a citing complaint under the Rules shall be made within the time specified by the Union with jurisdiction for the match, or if no time is specified, **within 72 hours of the Citing Commissioner being appointed to review the incident** (**Rule 57**). (Please note that different timeframes will apply to 7s competitions (**Rules 130 to 133**).

A Citing Commissioner's Report shall contain the following information (**Rules 33 and 36**):

- (a) Date/time and place of the alleged incident of Foul Play;
- (b) alleged offender's name (or if unknown, the alleged offender's jersey number);
- (c) alleged offender's team;
- (d) team alleged offender played against; and
- (e) details of the alleged Foul Play and brief details of the evidence relied upon.



The Union must supply the cited Player with a copy of the Citing Complaint(s) and any other relevant evidence (including any footage of the alleged foul play and any medical reports) as soon as reasonably practicable and advise the Player of the details for the Judicial Committee hearing. This shall include (**Rule 59**):

- (a) the date, place and time of the Judicial Committee hearing;
- (b) the identity of the Judicial Committee members;
- (c) that the Player **shall be required to attend in person** at the hearing (which may include attendance by audio or audio-visual means at the discretion of the Judicial Committee;
- (d) that if the Player is unable to appear at the hearing, the Player should advise the Union and provide the reasons why he/she is unable to attend as soon as practicable;
- (e) that the Player is entitled to present evidence and make submissions and be represented by his or her Rugby Body and/or a legal advisor; and
- (f) advising the Player that, as they have been cited by a Citing Commissioner (appointed to a Match or appointed following a Citing Complaint), then the Player is not eligible to play in any Match anywhere in the World and shall be suspended from all on-field activities on Match days pending resolution of the case.



The Union shall, where practicable, take all necessary steps to ensure that a Judicial Committee hearing is scheduled to take place prior to the (provisionally suspended) Player's next Match.

The Judicial Committee may require that the Citing Commissioner gives evidence at a hearing (by telephone, video or in person) where the Committee considers it desirable (**Rule 63(f)(vii)**).



Hearing STAGE 1 – Did the act of Foul Play warrant the Player being cited?

The Judicial Committee **shall first determine** whether or not the relevant act(s) of Foul Play should have resulted in the Player being Ordered Off (**Rule 70**). The Player may either:

- (a) **admit** that the act(s) of Foul Play warranted him/her being cited in which case the function of the Judicial Committee is to determine what sanction, if any, should be imposed on the Player under **Rules 84 to 95**: **or**
- (b) **deny** that the act(s) of Foul Play warranted him/her being cited in which case, the Player may seek to show that the decision of the Citing Commissioner to cite **was wrong**. The Judicial Committee may review the decision of the Citing Commissioner and the circumstances surrounding it. In any such case, the Judicial Committee shall not make a finding contrary to the decision of the Citing Commissioner unless they are satisfied, on the balance of probabilities that the decision of the Citing Commissioner was wrong. The Player has the burden of proving this to the Committee.



Where the Player admits that the act(s) of Foul Play warranted him/her being cited **or** where the citing is not overturned by the Judicial Committee, then the Judicial Committee shall move to the **next stage** of the hearing to determine what sanction (if any) to be imposed on the Player in accordance with **Rules 84 to 95 (STAGE 2, below) (see Rule 70)**.

(**Please note**: Where the Judicial Committee determines that the act(s) of foul play did not warrant the Player being cited, **no further sanction** is imposed on the Player, the hearing ends and the Judicial Committee shall expunge the citing from the Player's disciplinary record).



Hearing STAGE 2 – Sanctioning Process

Step 1: What is the correct entry point for the sanction?

The Judicial Committee shall undertake an **assessment of the seriousness** of the Player's conduct that constitutes the offending and categorise that conduct as being at the **lower end, mid-range or top end** on the scale of seriousness in order to identify the appropriate entry point for consideration of particular act(s) of Foul Play set out in Appendix 1 of the Disciplinary Rules (**Rules 85 & 89**).

The assessment of the seriousness of the Player's conduct shall be determined by reference to the factors set out in **Rule 86**.

Step 2: Are there any reasons to increase the sanction?

Having identified the applicable entry point for consideration of a particular incident, the Judicial Committee shall identify any relevant **off-field aggravating factors** and determine if any additional period of suspension, above the applicable entry point for the offence, should apply to the case in question (**Rule 87**).

Step 3: Are there any reasons to decrease the sanction?

Next, the Judicial Committee shall identify any relevant **off-field mitigating factors** and determine if there are grounds for reducing the period of suspension and, subject to Rules 92 and 93, the extent to which the period of suspension should be reduced (**Rule 88**).

Step 4: Applying the foul play sanction to the Player's playing schedule.

For the purposes of imposing a meaningful suspension, the Judicial Committees shall carefully consider the Player's forthcoming match schedule and take into account the factors set out in **Rule 96** to determine **how the sanction is to be meaningfully served**.



Notification of Decision

The Player shall be advised, without delay, of the decision of the Judicial Committee that conducted the hearing (**Rule 79**).

The Judicial Committee shall provide a written report of the decision to the Player and the relevant State/Territory Union or Rugby Australia no later than **5 Business Days after the hearing**. (The Judgment Form contained at **Appendix 7** or a rules-compliant form approved by the relevant State/Territory Union may be used for this purpose) (**Rule 80**).

In a case involving an **Ordering Off or allegation of Match Official abuse**, a copy of the report shall also be provided to the Referee Association of the Match Official(s) concerned by the State/Territory Union or Rugby Australia (**Rule 80**).

In all cases an offending Player shall be advised that he/she has a **right of appeal** under **Rule 105** to the Appeal Committee within the time prescribed by the relevant Union, or if no time is prescribed, then within the time prescribed by the Rules (**Rule 81**) (see below).



Appeal

An appeal to the Appeal Committee must be lodged in writing with the relevant Union within the time specified by the Union, or if no time is specified within **48 hours** from the time in which the written decision was provided to the offending Player (**Rule 107**).

An appeal may only be brought on one or more of the grounds set out in **Rule 115** and the appeal fee must also be paid (**Rule 109**).

The Appeal Committee has the power to dismiss, quash, vary or increase any decision and/or penalty appealed against and/or refund any fee paid with the appeal.

Where an offending Player is suspended or had other sanctions imposed, such suspension and/or sanction **will remain in place** pending the outcome of any Appeal (**Rule 106**). The Player is not entitled to play or perform any on-field role in any jurisdiction during this time.