



Overview of the National Disciplinary Rules

What are the National Disciplinary Rules and why have them?

The ARU, in consultation with a National Judicial Committee made up of a senior judicial officer of each state and territory, has developed the ARU Disciplinary Rules (**Rules**) to ensure consistency and uniformity in the way disciplinary procedures are administered in the community game across Australia.

The Rules are intended for use within Australian domestic Rugby, Competitions, Matches, and Tournaments, including pre-season, tour matches from inter-state or overseas, and/or Rugby Sevens, Tens, or otherwise (but not Test Rugby or SANZAAR Super Rugby).

What are the Rules trying to achieve?

The objectives of the Rules are to:

1. achieve a universal and consistent approach to disciplinary proceedings for Foul Play, Citing, Misconduct and Appeals;
2. ensure that procedural fairness underpins the disciplinary process;
3. provide general procedures for hearing disciplinary matters and appeals;
4. provide appointment requirements for Judicial Panel members, Judicial Committee members, Appeal Panel members, Appeal Committee members and Citing Commissioners;
5. provide universal sanctions at all levels of the game in Australia; and
6. reflect key principles of World Rugby Regulation 17.

Composition of Judicial Committee (Rules 6 – 11)

- A Union is to appoint members of a Judicial Panel who then may sit on a Judicial Committee for a particular case. Unless circumstances make it a necessity to have less (see Rule 11), a Judicial Committee should be made up of no less than 3 and no more than 5 members of the Judicial Panel which is to include at least one lawyer who holds a current practising certificate; or a lawyer that held a practising certificate for a period of 7 years or more and is still eligible to hold a practising certificate; or a lawyer who is or has been a judicial officer of a Court of the Commonwealth or of a State or Territory.
- One member of the Judicial Panel is to be nominated to act as chairperson of the Judicial Committee.
- Decisions of a Judicial Committee are to be by majority. Where there is an equality of votes, the chairperson has the casting vote (in addition to his or her original vote).

Initial Procedures – Ordered Off (Red Card) (Rules 12 – 26)

Standard Procedures

- Where a Player is Ordered Off the playing enclosure, the referee and assistant referee are to submit a written report of the Ordering Off covering those items set out in Rule 15, to the Union with jurisdiction for the Match.
- Each Rugby Body involved in the Match the subject of the Ordering Off must arrange for any video recording commissioned by that Rugby Body (whether on a formal or informal basis) to be provided as soon as reasonably practicable to the Judicial Committee who will adjudicate the case, or alternatively, provide a statutory declaration to the Judicial Committee signed by the general manager (or equivalent) of the Rugby Body, declaring that no such recording exists.

Alternate Procedures – Admission of Breach Suspension

- If the Player's offence has been assessed by the Judicial Committee or its nominee at the lower end entry point of 2 weeks or less based on scale of the seriousness of Player's conduct (applying World Rugby Regulation 17.19 as described below in General Procedures at Hearings), the Judicial Committee or its nominee may offer the Player an 'early admission of breach suspension'. All other offences are to be referred to a hearing before a Judicial Committee.

Initial Procedures – Temporary Suspensions (Yellow Card)/Citing Commissioner Warnings (Rules 27 – 31)

- A Player who has been temporarily suspended or received a Citing Commissioner Warning, or a combination thereof, on 3 or more occasions in any one particular Tournament, Competition or Series of Matches under the jurisdiction of the Union during a season and has not given a challenge notice in accordance with Rule 27 with respect to one of those temporary suspensions or Citing Commissioner Warnings, is automatically suspended for one Match.
- If one of the temporary suspension or Citing Commissioner Warning is challenged (within the time allowed in Rule 27), the Player must attend a hearing.
- After the one match suspension is served, the Player's accumulation restarts at zero.

Initial Procedures – Citing Complaints (Rules 32 – 62)

Cittings by Citing Commissioner

- A Union is entitled to appoint (and it is the ARU's recommendation that this is done) a suitably qualified Citing Commissioner, to Matches under the Union's control. Where practical, ideally the Citing Commissioner would attend the Match.
- The Citing Commissioner may cite a Player for an act of Foul Play notwithstanding that the act has been detected by the Match Official.
- The Citing Commissioner may issue a Citing Commissioner Warning to a Player who has in the Citing Commissioner's opinion committed an act(s) of Foul Play which falls just short of satisfying the Red Card Test in circumstances where the act of Foul Play was not subject to a temporary suspension ("yellow card") or Ordering Off.
- A Citing Commissioner's decision as to whether a Player should be cited, whether as the result of an incident referred to him/her or otherwise, is final.

Cittings by Nominated Official or Union

- Where a Citing Commissioner has been appointed for a Match, the Union or other Rugby Body responsible for the management of either participating team in a Match does not have the power to cite a Player for Foul Play but may refer any incident of alleged Foul Play to the Citing Commissioner for consideration.
- Subject to the above, each Rugby Body participating in a Match may refer a Citing Complaint (within the time periods set out in Rules 48 and 53) against:
 - a Player for an act of Foul Play committed during a sanctioned Match provided that the alleged act has not been detected by Match Officials;
 - a Player for more than one alleged incident of Foul Play in the same Match; and/or
 - more than one Player in any Match.

Initial Procedures – Misconduct Complaints (Rules 63 – 71)

- A Misconduct Complaint can only be made by a Nominated Official (as that is defined in Rule 64).
- The Judicial Committee or its nominee will need to satisfy itself that there is sufficient or reasonable evidence of a prima facie case against the alleged offender to justify a Misconduct hearing.

General Procedures at Hearings (Rules 72 – 115)

- The principles of procedural fairness must be adhered to in all disciplinary proceedings. Such principles include: Players cited/Ordered off have the right to know the evidence against them,

and have the right to be heard, to be represented, to adduce evidence and to defend themselves against any charge before independent adjudicators.

- Evidence/submissions/determination is to occur in the following sequence at the hearing:
 - evidence taken from the alleged offending Participant;
 - evidence taken from the alleged offending Participant's witnesses (if any);
 - submissions (if any) by a senior member of the alleged offending Participant's Rugby Body and/or the alleged offending Participant's legal representative with respect to a breach of the Laws of the Game;
 - determination by the Judicial Committee as to whether there has been a breach of the Laws of the Game;
 - if a breach is found, submissions (if any) by the alleged offending Participant, a senior member of the alleged offending Participant's Rugby Body and/or the alleged offending Participant's legal representative with respect to Sanction; and
 - determination by the Judicial Committee with respect to Sanction.
- The proceedings at hearing must be recorded by way of stenography, audio recording and/or audio-visual recording. The record of the proceedings, and all paperwork, must be held by the Union.
- The standard of proof for all matters is the balance of probabilities. In the case of a Misconduct Complaint, the Nominated Official (as defined in Rule 64) has the burden of proving on the balance of probabilities that the act or acts of Misconduct have been committed.
- The Judicial Committee is not bound by the rules of evidence and may inform itself as it sees fit and is entitled to attach such weight to that evidence as the Judicial Committee sees fit.
- When imposing sanctions for Foul Play in relation to an Ordering Off, Temporary Suspension and/or a Citing Complaint, the Judicial Committee is to apply World Rugby Regulation 17.19 involving:
 - undertaking an assessment of the seriousness of the Player's conduct that constitutes the offending and categorising that conduct as being at the lower end, mid-range or top end of the scale of seriousness;
 - identifying any relevant off-field aggravating factors and determining if there are grounds for increasing the period of suspension; and
 - identifying any relevant off-field mitigating factors and, in accordance with World Rugby Regulation 17, determining if there are grounds for reducing the period of suspension.
- After having followed the above process, decisions on sanctions and suspensions imposed should consider the factors in Rules 110-115.
- Decisions should make clear the period of suspension - start date and end date – and also the matches/tournaments that the suspension is intended to cover.
- The ARU template Short Judgment Form (Annexure 1 to this overview) can be used by Judicial Officers for reporting judgments.

Appeals Procedures (Rules 116 - 141)

- There is a right of appeal to an Appeals Committee (see Rules 116 – 121 regarding the composition of the Appeals Committee) from a decision of a Judicial Committee for:
 - the offending Person or Participant or other person or body affected by such a decision;
 - the Board of the relevant Union or its nominee,
 - the Board of the ARU or its nominee; or
 - World Rugby.
- An appeal is to be commenced by the lodgement of a notice of appeal in writing with the relevant Union within the time prescribed by the Rules. Each notice of appeal is to be accompanied by a deposit of \$A250 (or such other amount as determined in writing by the relevant Union), which will be forfeited to the Union if the appeal is determined by the Appeals Committee to be vexatious, frivolous or groundless.
- An appeal may only be brought on one or more of the following grounds:
 - the decision was wrong in fact or in law;
 - the sanction imposed was manifestly excessive; and/or
 - the sanction imposed was manifestly inadequate,

and the Appellant bears the onus and burden of satisfying the Appeals Committee that the ground(s) of appeal has been made out.

- An Appeals Committee will determine the appeal based on the evidence that was received and considered by the Judicial Committee in the hearing. An Appeals Committee may only receive further evidence in the course of an appeal if satisfied that evidence is relevant to the issues to be determined in the appeal and was not reasonably available to the Appellant at the time of the hearing by the Judicial Committee.
- The Decision of the Appeals Committee is final. No further avenue of appeal is available.

Modified Procedures for Foul Play in Sevens (Rules 142 – 160)

- In respect of all Sevens Matches, the procedures and standards in respect of the fifteen-a-side game as provided in these Rules apply equally to Sevens. However, the unique structure of Sevens Tournaments and Series of Matches and the timelines within which the Sevens Game operates has been recognised in these modified procedures.

Unless otherwise defined in this Overview, capitalised words and phrases have the meaning contained in the Rules.