

## CRL Rugby League Judiciary summary of offences

<b>OFFENCES DESCRIPTION OF MISCONDUCT</b>	<b>SHORT DESCRIPTION</b>
A Player is guilty of misconduct if he/she trips another Player	Tripping
A Player is guilty of misconduct if he/she kicks another Player	Kicking
A Player is guilty of misconduct if he/she strikes another Player	Striking
A Player is guilty of misconduct if, when effecting or attempting to effect a tackle, he/she makes contact with the head or neck of an opponent intentionally	Intentional High Tackle
A Player is guilty of misconduct if, when he/she is effecting or attempting to effect a tackle, he/she makes contact with the head or neck of an opponent recklessly	Reckless High Tackle
A Player is guilty of misconduct if, when he/she is effecting or attempting to effect a tackle, he makes contact with the head or neck of an opponent carelessly	Careless High Tackle
A Player is guilty of misconduct if he/she drops his/her knees first onto an opponent who is on the ground	Dropping Knees
A Player is guilty of misconduct if he/she uses any dangerous throw when effecting a tackle	Dangerous Throw
A Player is guilty of misconduct if he/she deliberately breaks the Rules of the Game	Law Breaking
A Player is guilty of misconduct if he/she uses offensive or obscene language	Offensive Language

A Player is guilty of misconduct if he/she disputes a decision of the Referee or Touch Judge	Disputing Decision
A Player is guilty of misconduct if he/she re-enters the field of play without the permission of the Referee or Touch Judge after having previously temporarily retired from the Match	Re-entering Play
A Player is guilty of misconduct if he/she behaves in a way that is contrary to the true spirit of the Game	Contrary Conduct
A Player is guilty of misconduct if he/she deliberately obstructs an opponent who is not in possession	Obstructing
A Player is guilty of misconduct if he/she behaves in a manner which is detrimental to the interests, welfare or image of the CRL, or Related Competitions and/or the Game	Detrimental Conduct
A Player is guilty of misconduct if he/she carelessly, recklessly or intentionally makes dangerous contact with the head or neck of an opposing player	Dangerous Contact – Head/Neck
A Player is guilty of misconduct if he/she carelessly, recklessly or intentionally makes dangerous contact with an opposing player (but which does not involve contact with the opposing player's head or neck)	Dangerous Contact – Other
A Player is guilty of misconduct if he carelessly, recklessly or intentionally makes or attempts to make a shoulder charge on an opposing Player (that is, making forceful contact with the opposing Player by using his/her shoulder and/or upper arm tucked into his/her side without, at the same time, using his/her arms to tackle or otherwise take hold of that opposing Player)	Shoulder Charge



Short Description of Offences <i>(Link to laws of the Game Section 15 in italics)</i>	Country Rugby League Demerit Points (All CRL competitions players turning 13 years and older)			
	Low (Grade 1)	Moderate (Grade 2)	High (Grade 3)	Serious –
Tripping <i>15-1 (a)</i>	100	200	300	Refer to judiciary 500 plus
Kicking <i>15-1 (a)</i>	200	300	400	Refer to judiciary 600 plus
Striking <i>15-1 (a)</i>	200	300	400	Refer to judiciary 600 plus
High Tackle <i>15-1 (b)</i>	100	300	500	Refer to judiciary 700 plus
Dropping Knees <i>15-1 (c)</i>	200	300	400	Refer to judiciary 600 plus
Dangerous Throw <i>15-1 (d)</i>	100	300	500	Refer to judiciary 700 plus
Breaking Laws <i>15-1 (e)</i>	100	200	300	Refer to judiciary 500 plus
Offensive Language <i>15-1 (f)</i>	100	200	300	Refer to judiciary 500 plus
Disputing Decisions <i>15-1 (g)</i>	100	200	300	Refer to judiciary 500 plus
Re-entering Play <i>15-1 (h)</i>	100	200	300	Refer to judiciary 500 plus
Contrary Conduct <i>15-1 (i)</i>	100	200	300	Refer to judiciary 500 plus
Obstruction <i>15-1 (j)</i>	100	200	300	Refer to judiciary 500 plus
Detrimental Conduct <i>15-1 (i)</i>	100	200	300	Refer to judiciary 500 plus
Shoulder Charge <i>15-1 (k)</i>	200	350	500	Refer to judiciary 700 plus
Dangerous Contact <i>15-1 (l), (m)</i>	100	300	500	Refer to judiciary 600 plus



## 1. Grading

- a) For the purposes of calculating the Elective Penalty for an offence, the offences set forth in the Base Penalties above are each divided into four grading categories, with Grade 1 (Low) representing the lower end on the scale of seriousness for the offence and Grade 3 (High) representing the higher end on the scale of seriousness for the offence. *The Grading 'serious' (Grade 4) is a guide used by the Judiciary for determining extreme cases that have been referred directly to it with the prescribed penalty a **minimum penalty for proven serious offences.***

## 2. Base Penalties

- a) The Base Penalty for each grading of an offence shall be the number of demerit points specified in the table included in schedule above.

## 3. Reduction for Early Guilty Plea

- a) When calculating the Elective Penalty where a player charged with an offence pursuant to a Notice of Charge enters an Early Guilty Plea to the offence and accepts the grading, the player is entitled to a reduction equivalent to twenty-five per centum of the Charge Penalty for the grading for the offence specified in the Notice of Charge together with any reduction to which the player may be entitled pursuant to rule 4 and 5 in relation to Good Conduct.
- b) In any case where a player charged pursuant to a Notice of Referred Charge elects to plead guilty to the charge that election shall be taken into account by the Judiciary as a factor in mitigation of penalty when determining penalty.

## 4. Reduction for Good Conduct – No Offence in the Preceding Five year period

**a)** Where a player charged with an offence pursuant to a Notice of Charge has participated as a player in the Country Rugby League Competitions and other competitions recognised by the Country Rugby League for a continuous period of five years immediately preceding the incident giving rise to the charge and has not during that period been convicted of any offence, in recognition of that player's contribution to the game, the Elective Penalty shall be the number of demerit points calculated in accordance with the following:

- (i) The player is entitled to a reduction to reflect his/her good conduct and contribution to Rugby League equivalent to twenty-five per centum of the Base Penalty for the grading of the offence.
- (ii) Any player playing in a Country Rugby League competition that has been playing Rugby League continuously in both the Aged and Open competitions may attribute part of their playing history in the Aged competition (U13, U14, U15, U16, U17 and or under 18 only) toward his/her qualifications of this Rule.



- b) In circumstances where a player has previous Rugby League convictions, the continuous period of five years will be calculated from the date the player registers to play Rugby League after serving a Rugby League suspension. Records will be reviewed on the National Database however it is the responsibility of the player and / or his/her club to provide the League with appropriate information to substantiate a 'Clean Record' claim.
- c) The player must have been a registered Rugby League player in the five years preceding the date of the alleged incident resulting in a conviction.
- Player registered 2017 13 years and older – no convictions
  - Player registered 2016 13 years and older – no convictions
  - Player registered 2015 13 years and older – no convictions
  - Player registered 2014 13 years and older – no convictions
  - Player registered 2013 13 years and older – no convictions

#### **5. Reduction for Good Conduct – No offence in the Preceding Ten or more years**

a) Where a player charged with an offence pursuant to a Notice of Charge has participated as a player in the Country Rugby League Competitions and other competitions recognised by the Country Rugby League for a continuous period of ten years immediately preceding the incident giving rise to the charge and has not during that period been convicted of any offence, in recognition of that player's contribution to the game, the Elective Penalty shall be the number of demerit points calculated in accordance with the following:

- (i) The player is entitled to a reduction to reflect his/her good conduct and contribution to Rugby League equivalent to fifty per centum of the Base Penalty for the grading of the offence.
  - (ii) Any player playing in a Country Rugby League competition that has been playing Rugby League continuously in both the Aged and Open competitions may attribute part of their playing history in the Aged competition (U13, U14, U15, U16, U17 and or under 18 only) toward his/her qualifications of this Rule.
- d) In circumstances where a player has previous Rugby League convictions, the continuous period of ten years will be calculated from the date the player registers to play Rugby League after serving a Rugby League suspension. Records will be reviewed on the National Database however it is the responsibility of the player and/or his/her club to provide the League with appropriate information to substantiate a 'Clean Record' claim.
- e) The player must have been a registered Rugby League player in the ten years preceding the date of the alleged incident resulting in a conviction.
- Player registered 2017 13 years and older – no convictions
  - Player registered 2016 13 years and older – no convictions
  - Player registered 2015 13 years and older – no convictions



- Player registered 2014 13 years and older – no convictions
- Player registered 2013 13 years and older – no convictions
- Player registered 2012 13 years and older – no convictions
- Player registered 2011 13 years and older – no convictions
- Player registered 2010 13 years and older – no convictions
- Player registered 2009 13 years and older – no convictions
- Player registered 2008 13 years and older – no convictions

#### **6. Increase in penalty for cases involving one or more previous convictions (Loading)**

(a) Where a player charged with an offence pursuant to a Notice of Charge has been previously convicted in any Rugby League competitions ratified or acknowledged by the NSW Country Rugby League (including but not limited to Open, School and the Aged competition when applied to U18 players) of an offence in the two year period immediately preceding the incident giving rise to the charge, the Charge Penalty shall be the number of demerit points calculated in accordance with the following:

- (i) The Base Penalty for the grading of the offence together with any increase or increases pursuant to paragraph (ii) and/or paragraph (iii) hereof less any reduction to which the player is entitled pursuant to Good Conduct and Early Plea;
- (ii) If the player has been previously convicted of the same offence in the two year period immediately preceding the incident giving rise to the charge, the player is liable to an increase equivalent to fifty per centum of the Base Penalty for the grading of the offence for each such previous conviction;
- (iii) Further, if the player has been previously convicted of an offence other than the same offence in the two year period immediately preceding the incident giving rise to the charge, the player is liable to an increase equivalent to twenty per centum of the Base Penalty for the grading of the offence for each such previous conviction.
- (iv) The two year period is applicable and calculated two years after the day of the dismissal or reported incident.

eg. A player who is found guilty of a striking offence in a game on 10 August 2016 will attract loading for any further convicted offences occurring before midnight 10 August 2018.

(b) For the purposes of Rule (6), a player shall be taken to have been previously convicted of the 'same offence' if he has previously been convicted in the period referred to of:

- (i) An offence of the same description as the offence for which he/she stands charged, regardless of the grading (if any) of that previous offence; or
- (ii) An offence which, in the opinion of the Judiciary Chairperson in their absolute discretion, should be so regarded.

#### **6. Rounding**

a) After the calculations of the Elective Penalty, the number shall be rounded to the nearest whole number. Partial demerit points will be rounded as follows:



0.01 – 0.50 will be round down to the nearest whole number; and

0.51 – 0.99 will be rounded up to the nearest whole number.

## **7. Carry-over points**

Note when reading the charge sheet, the carry-over points are always added to the penalty points to determine the penalty to be served. i.e. John White's early plea result would be  $200 + 62 = 262$ . A player's carryover points will be active for 12 months after the date of the offence.

## **8. Calculating period of suspension**

- (a) Subject only to the outcome of an appeal, where a player has been suspended from playing in a forthcoming match or matches, his/her period of suspension shall be calculated in accordance with the following:
  - (i) The player is suspended from playing until after the forthcoming match or matches have each been played and concluded;
  - (ii) When each forthcoming match has been played and concluded, the player's allocated or accumulated demerit points shall reduce by 100 demerit points for each such match;
  - (iii) The period of suspension shall be taken to have been served when the player's allocated or accumulated demerit points have been so reduced to less than 100 demerit points.
- (b) For the purposes of sub-Rule (a):
  - (i) For the specific Country Rugby League affiliated competition the player was playing in when he/she committed the offence leading to his/her suspension, each of the player's forthcoming ordinary matches and/or Finals Series Matches in that Competition shall be taken into account and, once played and concluded, shall reduce the player's allocated or accumulated demerit points by 100 demerit points. A player suspended in an under 18 competition will be required to serve his/her suspension based on the under 18 competition draw. It should also be noted the suspension expires after the completion of the final game of the final competition round in which the player is serving his/her suspension.
  - (ii) If the player had been actually selected to play in a Representative Match at the time when the suspension was imposed, the Representative Match in which he/she would have participated but for his/her suspension shall be taken into account and, once played and concluded, shall reduce the player's allocated or accumulated demerit points by 100 demerit points;
  - (iii) Save for the foregoing, no other matches shall be taken into account unless the Judiciary Convenor so declares pursuant to Rule 10.

## **9. Chairperson's and Judiciary Convenor's Declarations**



- (a) In any case where either the player is in doubt as to the calculation of the period of suspension pursuant to Rule 10 or the reduction of demerit points pursuant to Rule 3, 4 and 5, he/she may apply to the Chairperson for a declaration as to the matches to be taken into account in calculating the period of suspension or as to the number of demerit points allocated or reduced, as the case may be.
- (b) In any case where the player contends that matches other than ordinary matches, Finals Series matches, and Representative matches ought to properly be taken into account in calculating the period of suspension, the player may apply to the Judiciary Convenor for a declaration to that effect.
- (c) On the hearing of application pursuant to sub-Rule (a), sub-Rule (b), the Chairperson (sub-Rule (a) or Judiciary Convenor (sub-Rule (b), shall, in their absolute discretion, declare the matches to be taken into account in calculating the period of suspension or the number of demerit points to be allocated or reduced, as the case may be, and such declaration shall be final and conclusive and shall be given binding effect by the parties.

### **Value of Matches**

- 10. (a) Subject to sub-Rule (b), in any case where a match is taken into account either as provided in Rule 9 or as declared pursuant to Rule 10, the player's allocated or accumulated demerit points shall, after each such match has been played and concluded, be reduced by 100 demerit points and no more, irrespective of the nature of that match.
- (b) Notwithstanding sub-Rule (a), no reduction in demerit points shall take place with respect to a match that is taken into account either as provided in Rule 9 or as declared pursuant to Rule 10 until after every other match in the Country Rugby League affiliated competition which the player would have been eligible to participate in as a player had he/she not been suspended from playing by operation of these Rules has also been played and concluded.

### **11. Actual Contact**

(a) Where some contact with an opposing Player is an essential ingredient of an offence, no Player can be guilty of that offence unless there has in fact been actual contact.

(b) Despite sub-Rule (1), where:

(c) Actual contact with an opposing Player is an essential ingredient of an offence, but no such contact occurred; and

(d) The Player nevertheless acted in such a way that, had actual contact occurred, he/she would have been guilty of an offence requiring actual contact; the Player's conduct may, depending on the circumstances of the case, constitute the offence of Contrary Conduct or the offence of Detrimental Conduct.



(e) To remove any doubt, the mere fact that the execution of an act was such that actual contact with an opposing Player did not occur will not excuse such conduct in circumstances where that attempt constitutes Contrary Conduct or Detrimental Conduct.

## **12. Tripping**

(a) In any case where Tripping is charged, it is immaterial whether the Player who was tripped fell to the ground or was otherwise substantially impeded.

(b) To remove any doubt, a Player can be found guilty of Tripping despite the feature that the Player tripped did not fall to the ground or was not otherwise substantially impeded.

## **13. Choice of Charge**

(a) Where a Player is charged with an offence, it shall not be a defence to that charge to assert that another offence could, or should, have been charged;

(b) To remove any doubt, this Code makes provision for several offences, any one or more of which might be applicable to a particular instance of misconduct, but merely because a more specific offence could, or should, have been charged does not affect the validity of the charge that was actually brought.

## **14. General Nature of Offences**

(a) For the purposes of this Code, an offence is constituted by:

- i. Any instance of misconduct of the nature variously set forth and described in the Laws of the Game.

(b) Such other conduct that may from time to time be deemed by the Board of the League, by one month's notice in writing to each Club, to constitute an offence to which this Code applies.

(c) For the purposes of sub-Rule (a), the offences so constituted at the commencement of this Code are those offences set forth in the **Base Penalty table**.

## **15. Temporal Relationship**

In determining whether conduct of a Player constitutes an offence, it is irrelevant whether such conduct occurred before, during or after the relevant Match.

## **16. Substantive Law**

(a) Subject to sub-Rules (b) and (c) and the other provisions of this Code, the substantive law to be applied in any case is the common law of the State of New South Wales.

(b) In the case of a Player charged with any one of the following offences, it shall be sufficient proof of guilt if it is established on the balance of probabilities that the Player acted either intentionally or recklessly:

- (i) Tripping;



- (ii) Kicking;
- (iii) Striking;
- (iv) Dropping Knees.

(c) It shall not be a defence to any charge for the Player to prove that he:

- (i) Was provoked; and/or
- (ii) Acted in self-defence.

**17. Medical Evidence**

a) In any case where a Player wishes to call evidence at a hearing from a medical practitioner as to the Player’s physical or mental condition at the time of the incident the subject of the charge, such evidence will not be admissible unless the medical practitioner:

- (1) Personally examined the Player following the Match in which the incident occurred; or
- (2) Is a properly qualified specialist in the field of medical expertise applicable to the condition about which evidence is sought to be called.

**18. Examples of penalty calculations**

Example 1:

*A player is charged with the offence of Striking after being dismissed from the field in a Reserve Grade match. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 300 demerit points. The player has played Junior International Rugby League 13 years and older for five years and has never before been convicted of an offence. After receipt of the Notice of Charge, the player forwards a Notice of Election Sheet to the Judiciary Convenor in which he pleads guilty to the offence and accepts the grading. The player is therefore entitled to the following reductions;*

*Charge Penalty (Base Penalty + Previous conviction loading (no loading) – Good Conduct Reduction (25% Base Penalty))*

*Early Plea reduction (25% deducted Base Penalty) + Carryover Demerit points.*

*As a points calculation;*

*Charge Penalty - (300 – 75 - 75 = 150) – Early Plea reduction (75) + carry-over points (0) = 150 demerit points, (which, because of rounding rule, is then rounded up to 150 demerit points).*

*On accepting the early guilty plea the player is suspended for 1 competition match with 50 carry over points.*

<i>Offence</i>	<i>Striking</i>
<i>Grade</i>	<i>2</i>
<i>Base Penalty</i>	<i>300</i>
<i>Loading</i>	<i>N/A</i>
<i>Clean record 5 years 25% discount from</i>	<i>Minus 75 points (5 year clean record)</i>



<i>base penalty or clean record 10 years 50% discount from base penalty.</i>	
<i>Early guilty discount 25% from base penalty</i>	<i>Minus 75 points</i>
<i>Charge Penalty calculation</i>	<i>150 points</i>
<i>Penalty based on early guilty plea</i>	<i>150 points Player suspended for 1 match with 50 carry over points.</i>

Example 2:

*A player is sent off during a match in a CRL competition. He is subsequently charged with the offence of Dangerous Throw. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 500 demerit points. The player elects, in his/her Notice of Election Sheet, to plead guilty to the offence and to accept the grading. The player has not played Rugby League previously but has never before been convicted of an offence. However, because the player has not been playing for Five or more consecutive seasons in any Junior International Rugby League competition (13 years and older), the player is not entitled to a reduction for good conduct. The Charge Penalty would therefore equal 500 demerit points. However, the player is entitled to a reduction for the Early Plea of 25 % of the Charge Penalty - i.e. 125 points.*

*The Elective Penalty will therefore be:*

*Charge Penalty – Early Plea reduction + carryover demerit points.*

*As a points calculation;*

*500 – 125 + 0 = 375 demerit point.*

*The player is suspended for three (3) competition matches with 75 carry over points.*

**Example of the operation of Rule No Offence in the Preceding Ten plus season period:**

**Example 1:**

*A player is charged with the offence of Shoulder Charge after being dismissed from the field in a 1st Grade match. The grading ascribed in the Notice of Charge is Grade 2. The Base Penalty is therefore 350 demerit points. The player has played in Rugby League for ten years and has never before been convicted of an offence. After receipt of the Notice of Charge, the player forwards a Notice of Election Sheet to the Judiciary Convenor in which he/she pleads guilty to the offence and accepts the grading. The player is therefore entitled to the following reductions;*

- (i) Good conduct (10 or more years) (175 points); and*
- (ii) Early Plea reduction, being 25% of the Charge Penalty (Base Penalty – Good Conduct reduction (87.5 points) = 87.5 points).*

*The Elective Penalty is then calculated as follows:*



*Charge Penalty (Base Penalty – Good Conduct Reduction (50% Base Penalty) = 175) – Early Plea reduction (25% of Base Penalty = 87.5) + Carryover Demerit points (= 0).*

*As a points calculation;*

*350 points minus 175 (Good conduct 10 years 50%) - 87.5 (early plea) = 87.5 rounded up to 88 points*

<i>Offence</i>	<i>Shoulder Charge</i>
<i>Grade</i>	<i>2</i>
<i>Base Penalty</i>	<i>350</i>
<i>Loading</i>	<i>N/A</i>
<i>Clean record 5 years 25% discount from base penalty or clean record 10 years 50% discount from base penalty.</i>	<i>Minus 175 points (10 year clean record)</i>
<i>Charge Penalty</i>	<i>175</i>
<i>Early guilty discount 25% from charge penalty</i>	<i>Minus 87.5 (25%)</i>
<i>Penalty based on early guilty plea</i>	<i>87.5 rounded up to 88 points Player issued 88 carry over points.</i>

### Calculation of Elective Penalty

(a) Example 1:

*In his/her first season a Rugby League Competition, a Player is charged with making a Shoulder Charge. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 500 demerit points.*

*After receipt of the Notice of Charge, the Player forwards a Notice of Election to the Match Review Coordinator in which he/she pleads guilty to the offence and accepts the grading.*

*The Player is therefore entitled to a reduction for his/her Early Plea pursuant to Rule 3 of 25% of the Base Penalty or, expressed in points, of 125 points.*

*The Elective Penalty is therefore calculated as follow*

*500 – 125 = 375 demerit points;*

<i>Offence</i>	<i>Shoulder Charge</i>
<i>Grade</i>	<i>3</i>
<i>Base Penalty</i>	<i>500</i>
<i>Loading</i>	<i>N/A</i>
<i>Clean record 5 years 25% discount from base penalty or clean record 10 years 50% discount from base penalty.</i>	<i>N/A</i>
<i>Early guilty discount 25% from charge penalty</i>	<i>Minus 125 points</i>
<i>Charge Penalty</i>	<i>500</i>
<i>Penalty based on early guilty plea</i>	<i>375 points, player suspended for three matches with 75 carry over points.</i>



(b) Example 2:

*A Player is in his/her third Season of international Rugby League and playing in a sanctioned Rugby League competition when he/she is charged with Kicking. The grading ascribed in the Notice of Charge is Grade 3. The Base Penalty is therefore 400 demerit points.*

*His/her coach thinks the conduct charged is no worse than a Grade 2 and, if he/she is right, the Base Penalty will be 300 points. Acting on that advice, the Player gives the Match Review Coordinator a Notice of Intention to Challenge the imposition of the penalty or Grading pursuant to rule in which he/she indicates that he/she wishes to plead guilty to the offence charged but that he/she disputes the grading. He/she nominates Grade 2 as the grading he/she would accept.*

*The Player proceeds to a hearing of the Judiciary to dispute the grading but fails to secure a downgrade from the Panel. As a result, he/she is convicted of Grade 3 Kicking, that is, the offence and grading set out in the Notice of Charge. The player is allocated the Elective Penalty for a Finding of Guilt – 400 demerit points. That is because the reduction under Rule (3) is only available where the Player enters an Early Plea AND accepts the grading in the Notice of Charge.*

*The Player would have been much better off if he/she had elected to enter an Early Plea AND accept the grading. In that case, he/she would have been entitled to a reduction for his/her Early Plea (sub-Rule (1)) of 25% of the Base Penalty or, expressed in points, of 100 points. His/her Elective Penalty would then have been calculated as follows:*

*400 – 100 = 300 demerit points.*

*On the other hand, had the Player secured a downgrade at the hearing of the League Judiciary such that he/she ended up being convicted of a Grade 2 Tripping, he/she would have been entitled to the Early Plea reduction. In that scenario, the Base Penalty would also have reduced to that applicable to a Grade 2 offence – 300 points – and that would have been further reduced under sub-Rule (1) by 25% – 75 points. As such, his/her ultimate penalty would have been: 300 – 75 = 225 demerit points;*

<b>Calculation example at hearing</b>	
Offence	Kicking
Grade	3
Base Penalty	400
Loading	N/A
Clean record 5 years 25% discount from base penalty or clean record 10 years 50% discount from base penalty.	N/A
Early guilty plea discount 25% from charge penalty	Minus 100 points
Charge Penalty	400
Penalty based on early guilty plea acceptance	300 penalty points (3 matches)
<b>Penalty determined at hearing Unsuccessful downgrade</b>	<b>400 penalty points (4 matches)</b>



## **THIRD SCHEDULE - STANDARD DIRECTIONS**

### **Preamble**

The purpose of this Schedule is to set out some of the directions that may be given by the Chairperson of the Judiciary to the Panel. These directions have guided the Panel as to the legal matters that they should consider in relation to their verdict.

The Chairperson is not obliged to give any of these directions and may modify, adapt or omit them as he sees fit, but they nonetheless provide a useful guide to type of directions that may in any given case be administered by the Chairperson to the Panel.

Almost needless to say, they are not exhaustive of all of the directions that have been, or may be, given by the Chairperson. Instead, they are a collection of frequently recurring directions, the publication of which in this Schedule, it is hoped, will assist Players, Club Officials, Match Officials and the wider community to better understand the Judiciary process.

### **General Directions**

In all cases, directions along the following lines are usually given:

#### **Onus of Proof**

*The onus is on the party bringing the charge to prove the case; the player does not have to prove that he is innocent - the League has to prove that the player is guilty.*

#### **Standard of Proof**

*The standard of proof is proof on the balance of probabilities, so you should not find the player guilty unless you are clearly satisfied that it is more probable than not that he committed the offence.*

#### **Majority Verdicts**

*It is necessary before you can bring in a verdict that at least two of you should be agreed with respect to the particular verdict.*

#### **Decision on the Evidence**

*It is important that you should make your decision based on the evidence in the case. If there has been any television, radio or press publicity, you should totally disregard that, just as you should disregard any comment about the case by any coach, Club Official League Official, or any other person. You have a duty to act independently and impartially.*

#### **States of Mind**

Only some of the offences in the Code contain a specific element of intent such as to require proof that the conduct was intended by the charged player. In all cases, directions will be given to the Panel by the Chairperson as to the requisite state of mind for each offence charged i.e.,



whether the charge will be made out on proof of intentional, reckless or careless conduct on the part of the player.

In the case of a player charged with:

- (a) Tripping;
- (b) Kicking;
- (c) Striking;
- (d) Dropping Knees; or
- (e) Obstructing.

The Panel will be directed that it will be sufficient proof of guilt if it is established on the balance of probabilities that the Player acted either intentionally or recklessly – either state of mind will suffice: Rule 16.

### **Self Defence and Provocation**

It is no defence to a charge to plead that the player charged acted in self-defence or that he/she was provoked. If raised, whether by argument or otherwise, the following direction is appropriate:

*The fact that a player may have been provoked by an opposing player or that he/she acted in self-defence will be no excuse to a charge under the Code. It will certainly not afford a defence to a charge. This is because the game has sole responsibility for dealing with instances of misconduct. It is not for individual players to take such matters into their own hands. Rather, it is for the Match Officials in the first instance and the Judiciary system in the second instance to control and, where appropriate, punish any such behaviour.*

### **Choice of Charge**

The Code makes provision for several offences, any one or more of which might be applicable to a particular instance of misconduct. But merely because a more specific offence could, or should, have been charged does not affect the validity of the charge that was actually brought: Rule 13

Accordingly, where a player is charged with an offence, the Panel will (if necessary) be directed that it is not a defence to that charge to assert that another offence could, or should, have been charged.

### **Actual Contact**

Where some contact with an opposing player is an essential ingredient of an offence charged, the Panel will be directed that no player can be guilty of that offence unless there has in fact been actual contact. Good examples of this are the offences of Dangerous Contact – Head/Neck and Dangerous Contact - Other.

However, if actual contact with an opposing player is an essential ingredient of an offence, but no such contact occurred, the player may nevertheless be charged with a different offence. Accordingly, where a player attempted to do something in such a way that, had actual contact occurred, he/she would have been guilty of an offence requiring actual contact, he/she may (depending on the circumstances of the case) be charged with Contrary Conduct or Detrimental



Conduct. In such a case, the mere fact that actual contact with an opposing Player did not occur will not excuse such conduct in circumstances where that attempt constitutes Contrary Conduct or Detrimental Conduct.

### **Tackles in General Special Duty**

In all High Tackle cases, directions along the following lines are usually given:

*At all times, all players have a special duty to avoid unnecessary forceful contact with the head or neck of an opponent.*

A similar direction will also be given in the case of all Dangerous Contact cases although, depending on the context of the charge, the special duty will be expressed to extend to areas other than, or in addition to, the head or neck of an opposing player.

The above directions are most important. Club Officials, Coaches and players should understand the potentially serious legal liability they may have if brain damage, spinal injury or serious bodily injury is caused to an opposing player by an illegal tackle. Damages claims in such cases can involve many millions of dollars, consistent with the grave injury and loss of future income to a player and his/her family if he/she is put out of the game that is his/her career and possibly his/her only source of income.

### **What Is A Tackle?**

A tackle or attempted tackle occurs when a defending player holds or grabs an attacking player to halt his/her progress or to throw him to the ground or over a marked line. The following direction has typically been given in this regard:

*A tackle may be carried out or attempted by more than one defending player. If a defending player pushes or attempts to push an attacking player without grabbing or holding him, and the intention is to knock him to the ground or over a marked line, the conduct may be a tackle.*

*“Arm” Includes “Hand” or “Shoulder”*

In a previous case before the Judiciary, it was argued that there was no contact with the head or neck of the tackled player because it was the charged player’s hand, rather than his/her arm, which made the contact. The direction was given that, for the purpose of a “High Tackle” charge, “arm” includes “hand”. It is no longer permissible for players to tackle by using the shoulder without, at the same time, using the arms or hands to tackle the opposing player. It was in any event never permissible to use the shoulder to attack the head or neck of an opponent. Sometimes where the charge is of contact by the arm with the head or neck of an opponent, it will be argued that the charge is not made out because what struck the opponent's head was not so much the "arm" as the shoulder.

This kind of argument will not be successful. The Panel will be directed in such a case that "arm" includes "shoulder".

### **“Back Slams” In Tackles**

In several cases it has been suggested on behalf of a player that “back slamming” in the course of or after a tackle is always legal.

This is not correct. Depending on the circumstances, a “back-slam” could be charged as (a) a Striking; (b) a High Tackle; (c) a Dangerous Throw; (d) Dangerous Contact (Head/Neck); (e) Dangerous Contact (Other); or (f) Contrary Conduct.



## **Intentional, Reckless and Careless High Tackles (may need revision in line with CRL points table)**

In the High Tackle cases, a different direction is given depending on the three levels of blame to be attached to the different kinds of High Tackle. Each is dealt with immediately below.

### **Intentional High Tackles**

The direction to the Panel is:

*If the player foresees contact with the head or neck of the opposing player and intends that contact to occur; that will be a deliberate head high tackle.*

*An intentional high tackle need not necessarily be planned before or during the game - an intention may be formed on the spur of the moment, just before the contact.*

As to foresight, the following direction has been given:

*A player may "foresee" high contact when starting (or even during) a tackle even if he closes his/her eyes or looks away at the last moment.*

### **Reckless High Tackles**

The direction to the Panel is:

*It is not necessary for the League to show that the tackle was intentionally high in the sense that the charged player wished the high contact to occur. What he must prove to show recklessness is that the player foresees that contact with the head or neck of an opposing player may occur but makes the tackle or the attempt, regardless of the danger.*

### **NRL Judiciary Code of Procedure**

As to foresight, the following direction has been given:

*A player may "foresee" high contact when starting (or even during) a tackle even if he closes his/her eyes or looks away at the last moment.*

### **Careless High Tackles**

The direction to the Panel is:

*It is not necessary for the League to show that the tackle was intentionally or recklessly high - what he/she must prove to show carelessness is that in making the tackle the player has failed to show the care that all players must exercise in responsibly playing the game.*

As to the grading of Careless High Tackles, some guidance has been given as to how the Panel might consider a Grade 3 Careless High Tackle:

*A Grade 3 careless high tackle could cover various sorts of bad, careless tackles. There is not one single kind which may qualify as a Grade 3. You should ask – "Is this tackle in the highest level of blameworthiness of careless high tackles, remembering that it has not been charged as a reckless or intentional high tackle?" Only if you are satisfied that there are at least several (or more) significantly aggravating features of the tackle could you call it a Grade 3.*



### **The “First Point of Contact” Argument**

In High Tackle charges, players and Coaches sometimes say that the player should be found not guilty because the first point of contact with the tackled player was the shoulder or the ball. This may be a good defence, but not necessarily so. It depends where the tackling player’s arm was directed. The following direction has been given in cases where the “first point of contact” argument has been raised:

*A tackle may be wrongfully high even though the first point of contact is with the ball (or another part of the body of the tackled player). If the motion of the arm of the tackling player was such that it was in any event likely to hit the head or neck after hitting the ball (or another part of the body of the tackled player) it might nevertheless be intentional, (reckless or careless), whatever the first point of contact was.*

### **Marginal Tackles – A Higher Standard of Care**

The following direction has been given:

*If a player aims to make a tackle “above the ball” or in the shoulder area, the risk of some other event occurring (such as another tackler intervening) increases the risk of contact by the first player with the head or neck of the player carrying the ball. The duty of care owed by the tackling player in such a case is higher than if the tackle were aimed at a lower part of the body.*

*Tackling in this fashion is high-risk football because a few centimetres may be the difference between a hit to the head, and avoiding one.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with making an Intentional, Reckless or Careless High Tackle the Panel may be directed to consider the following questions, and in that event will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

- 1. Was the charged player making, or attempting to make, a tackle?*
- 2. Did the player, in the course of doing so, make unnecessary forceful contact with the head or neck of an opponent?*
- 3. Were the actions of the player, intentional, reckless or careless as the case may be?*

The terms of question (3) will obviously depend upon the case brought by League against the charged player. However:

(a) where it is alleged that the action was intentional, the question will be *“did the charged player, in making or attempting to make the tackle, foresee contact with the head or neck of the opposing player and intend that contact to occur?”*

(b) where it is alleged that the action was reckless, the question will be *“did the player, in making or attempting to make the tackle, foresee that contact with the head or neck of an opposing player may occur, but nevertheless make the tackle or the attempt, regardless of the danger?”*

(c) where it is alleged that the action was careless, the question will be *“did the player, in making or attempting to make the tackle, fail to show the care that all players must exercise in responsibly playing the game?”*



Coaches and players should know that if the tackle is aimed at the marginal point (just below the head) and it goes wrong, it is likely that the tackle will be regarded as careless. The argument that some other “unpredictable” eventuality caused the head/neck contact will be difficult to sustain.

### **The “Carried Injury” Argument**

The following direction has been given:

*It is no defence to a charge that a player has tackled too high and carelessly that he/she is carrying an injury that compels him to tackle in a manner which would be careless if executed by a fit player.*

### **The “Coaching” Argument**

Players and Coaches sometimes argue that the player should be found not guilty because of the particular way the player has been coached, for example, to take the opposing player “ball and all” or to “hit, lift and drive” in a tackle.

Of course players are bound to pay great attention to their Coaches as to tackling technique but Coaches must be careful not to instruct their players in such a way that the player tends to tackle dangerously. On this point, the following direction has been given:

*It is no excuse for misbehaviour by any player that the player was coached or trained in a certain way. Particularly, if a player is coached to tackle too high, or marginally below the head or neck area, to lift in a tackle or to get the tackled player over onto his/her back, that is no excuse if a charge is otherwise made out.*

### **Dangerous Throws**

Whilst high tackle charges constitute the bulk of all cases that come before the Judiciary, various other charges arise from time to time, and directions have been given in relation to these. One of the most complicated of these arises in relation to the Dangerous Throw offence.

### **Essential Elements**

A player is guilty of misconduct if he uses any dangerous throw when effecting a tackle or when otherwise coming into contact with an opposing player. There are two essential elements of such an offence:

- firstly, there must have been some degree of elevation (through lifting or some other means) for a “throw” to have occurred; and
- secondly, the throw must have been “dangerous”.

So far as the second of those elements is concerned, to be regarded as “dangerous” for the purposes of the offence, there must have involved an unacceptable risk of injury to the opposing player. Further, when considering conduct that might amount to a Dangerous Throw, it must be kept in mind that all players have a special duty to attempt to avoid the possibility of injury to the head, neck and spinal column of an opposing player.

A throw will for example be dangerous if, during the course of a tackle, the head or neck of the ball carrier dips below the (horizontal) level of his/her hips and this trajectory is not arrested by the tackling player or players before contact is made with the ground. In such a circumstance, it



is commonly said that the player has been put in an “above horizontal” position (referring to position of his/her hips in relation to his/her head or neck).

However, the so-called “lifting” or “spear” tackle is not the only type of conduct that may be held to constitute a Dangerous Throw. For instance, a player who “pulls down” on an opposing player during the course of a tackle (or other contact) so as to put him into a dangerous position will also be guilty of a Dangerous Throw. Elevation of an opposing player is defined as the player being tackled has both feet off the ground. During the course of a tackle where a player is deemed to be placed in a dangerous position but his/her feet or a foot remains on the ground the offending player maybe guilty of Dangerous Contact.

### **Deemed Dangerous Throw**

If, in any tackle of (or contact with) an opponent, that player is so lifted that he is placed in a position where it is likely that the first part of his/her body to make contact with the ground will be his/her head or neck (“the dangerous position”), then that tackle or contact will be deemed to be a dangerous throw unless, with the exercise of reasonable care, the dangerous position could not have been avoided.

However, this is not the only way in which a Dangerous Throw can be made out. It is not necessary in order to establish such an offence for it to be concluded that the position in which the player was placed meant it was likely that the first part of his/her body to make contact with the ground would be his/her head or neck. It simply means that, in the absence of such a circumstance, the deeming provision cannot be relied upon.

### **Conduct must have been at least careless**

The conduct must have been at least careless - the charged player must have failed to play with the proper level of care that the responsible playing of the game requires before he may be adjudged guilty of making a Dangerous Throw. Importantly, the conduct need not have been intentional or reckless. However, where the evidence supports a finding that the throw was deliberate or reckless, a higher grading for the charge will be attracted.

### **Who may be charged**

This offence may be charged against a player who lifts, a player who provides a fulcrum or pivot for the throw, a player who pulls the tackled player to the ground after he has been lifted, or a player who otherwise assists in the tackle. One or all of such players may be charged, depending on whether it is considered that the player in question may have made a substantial contribution to the Dangerous Throw.

### **Standard Directions**

In cases involving the lifting or “pulling down” of a tackled player, some or all of the following directions may be given:

*All players at all times have a special duty to attempt to avoid the possibility of injury to the head, neck and spinal column of an opposing player.*

*A Dangerous Throw must be conduct that involves an unacceptable risk of injury to the tackled player.*

*It will be a Dangerous Throw if there is lifting of the tackled player so that he/she loses the capacity to protect himself by contact with the ground, and may fall dangerously.*



*Legitimate lifting in a tackle must be minimal. However, if the elevation of the attacking player occurs as the result of a fair, "one-on-one" driving tackle, with no greater lift than merely is necessary to upset the attacking player's balance; that is not a Dangerous Throw.*

*If the tackled player voluntarily jumps or elevates himself so as to offload the ball and puts himself off balance, that is not a Dangerous Throw.*

*It is not necessary in a charge of Dangerous Throw to show that the tackled player actually landed on his/her head or neck, as in what is traditionally known as a "spear" tackle.*

*The crucial points are the potential of the throw for danger of injury, and in the unfair intimidation of the tackled player who loses control of his/her own body through losing contact with the ground.*

*The offence may be proven even if the player being tackled manages to put an arm out or rolls to protect himself. An actual outcome of having the tackled player land on his/her head or neck may result in a higher grading, but the mere fact that the outcome had been luckily avoided will be no reason to find a charged player not guilty of this charge (at some grading) if it is otherwise proved.*

*The tackled player need not necessarily be lifted above the horizontal position for it to be a "dangerous throw", although this would usually be indicative that it was.*

*The charged player's conduct must have been at least careless – he/she must have failed to play with the proper level of care which the responsible playing of the game requires. The conduct need not have been intentional or reckless.*

*More than one player may be charged arising out of a single episode of a Dangerous Throw.*

*Where several tackling players are involved, but only one is charged, it is no defence to say that the other one should have been charged as well.*

*The question is "Did the player who is charged and before the Judiciary make a substantial contribution to the Dangerous Throw, regardless of what anyone else may or may not have done?"*

*Where several players are said to have contributed to the same dangerous throw, whether or not each is charged, the Panel should approach the issue in the same way.*

*If a player other than the one being considered is completely responsible for the throw, the charged player must be found "not guilty". But if both the charged player before the Panel and another player or players have each made a substantial contribution to the dangerous throw, the charged player is not excused. The roles of each may have been different, but any player proved to have made a substantial contribution to it, whatever type, will be guilty of the offence.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with a Dangerous Throw offence the Panel may be directed to consider the following questions, and in that event will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

- 1. Was there elevation of the tackled player?*
- 2. Was the throw dangerous in the sense defined above?*
- 3. Was the charged player's conduct at least careless?*

In a case where more than one defending player is involved, the panel will be directed to consider a further question, namely:

- 4. Did the player charged make a substantial contribution to the dangerous throw, regardless of what any other player may have done?*

## **Dangerous Contact General**



The offence of Dangerous Contact is constituted by carelessly, recklessly or intentionally making dangerous contact with an opposing player. To be regarded as "dangerous" for the purposes of the offence, the conduct must have involved an unacceptable risk of injury to the opposing player, and players have a special duty to avoid such contact.

The offence of Dangerous Contact is further divided into two distinct offences:

- Dangerous Contact – Head/Neck, where the misconduct involves making contact with the head or neck of an opposing player; and
- Dangerous Contact – Other, where the misconduct involves contact with the opposing player, but does not involve contact to that player's head or neck.

When dealing with an offence of Dangerous Contact, some contact with an opposing player is an essential ingredient: Rule 37A. To the point, no player can be guilty of that offence unless there has in fact been actual contact. Of course, if a player has acted in such a way that, had actual contact occurred, he/she would have been guilty of Dangerous Contact, his/her conduct might, depending on the circumstances of the case, constitute the offence of Contrary Conduct or the offence of Detrimental Conduct.

The contact need not have occurred in the context of a player effecting or attempting to effect a tackle. Indeed, Dangerous Contact may be charged in a variety of circumstances. For example, and without intending to be exhaustive, it will be applied in the case of wrestling holds or grapples of any kind, twisting of the limb or limbs of a tackled player, head slams, dangerous kick charge-downs, raised knee in the tackle incidents, players in possession leading with their forearm or elbow, biting and eye-gouging.

A Dangerous Contact offence may be charged against a player who is primarily responsible for the force which is the subject of the charge as well as any players who assist. What are sometimes described as "cannonball tackles" - that is, where a defender, in joining the tackle of a player who is already being held in an upright position by another defender or defenders, makes initial contact to, or below, the knee joints of the tackled player - is a good example of this type of joint conduct. One or all of such players may be charged, depending on whether it is considered that the player in question may have made a substantial contribution to the contact in question. However, where several tackling players are involved, but only one is charged, it is no defence to say that the other one should have been charged as well.

Dangerous Contact will be regarded as intentional where the player foresees dangerous contact with an opposing player and intends that contact to occur. In that regard, a player may "foresee" dangerous contact when starting (or even during) a tackle or other contact with an opposing player, even if he closes his/her eyes or looks away at the last moment. However, intentional Dangerous Contact need not necessarily be planned before or during the game - an intention may be formed on the spur of the moment, just before the contact. Recklessness will be established where it is shown that the player foresees that Dangerous Contact with an opposing Player may occur, but he proceeds regardless of the danger. Dangerous Contact will be careless where, in making the contact, the player has failed to show the care that all players must exercise in responsibly playing the game.

As already noted, a charge of Dangerous Contact will be made out where the contact occurred carelessly, recklessly or intentionally, although the degree of recklessness or intent will be factored into determining the grading for each charge. However, before a player can be found guilty of the offence, there must be found to be at least carelessness on his/her part.



## **Duty of Defending Player**

In all charges of Dangerous Contact, it will usually be appropriate to give the following direction: *Where an attacking player gets or is put into a position of particular physical vulnerability, the defending player has a special duty to avoid forceful and dangerous contact with the other player.*

## **Twisting or Torsion of the Limb or Limbs of a Player Charged as Dangerous Contact**

It is a breach of the Code where a player uses any part of his/her body to forcefully twist, bend or apply pressure to a limb or limbs of an opposing player in a way that involves an unacceptable risk of injury to that player. That will constitute Dangerous Contact - Other.

Directions including (some or all of) the following may be given:

*Players at all times have a special duty to avoid contact that involves an unacceptable risk of injury to an opposing player, and this will be especially so where a tackled player gets or is put into a position of particular physical vulnerability.*

*The charge of Dangerous Contact – Other will be made out in any case where a player uses any part of his/her body forcefully to twist, bend or otherwise apply pressure to the limb or limbs of an opposing player in a way that involves an unacceptable risk of injury to that player, and that will almost always be the case if the limb or limbs are moved in an abnormal direction or outside the usual ranges of movement. No player can be guilty of the offence of Dangerous Contact – Other unless there has in fact been actual contact.*

*It is irrelevant that a charged player was motivated by a desire to keep a tackled player at a disadvantage in or after the tackle or that he/she was coached to do so. Simply, it is no excuse to say that a tackling player had the aim of slowing the play-the-ball, or rolling the tackled player onto his/her back, or some other purpose.*

*A player may be guilty of this offence when his/her conduct is intentional, reckless or careless. However, the charged player's conduct must have been at least careless - he must have failed to play with the proper level of care that the responsible playing of the game requires.*

*More than one player may be charged arising out of a single episode and, in such a case, the question for you will be, "Did the player who is charged and before the Judiciary make a substantial contribution to the Dangerous Contact - Other, regardless of what anyone else may or may not have done?"*

*Where several players are said to have contributed to the same Dangerous Contact - Other, whether or not each is charged, the Panel should approach the issue in the same way.*

*If a player other than the one being considered is completely responsible for the contact, the charged player must be found "not guilty". But if both the charged player before the Panel and another player or players have each made a substantial contribution to the Dangerous Contact - Other, the charged player is not excused. The roles of each may have been different, but any player proved to have made a substantial contribution to it, whatever type, will be guilty of the offence.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with a Dangerous Contact offence the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:



1. Was there actual contact?
2. Was the contact dangerous, or in other words, did the contact involve an unacceptable risk of injury to the defending player? Did the player charged make a substantial contribution to the dangerous throw, regardless of what any other player may have done?
3. Was the charged player's conduct at least careless?

In cases where more than one defending player is involved, the Panel will be directed to consider a further question, namely

4. Did the player charged make a substantial contribution to the dangerous throw, regardless of what any other player may have done?

### **“Grapple Tackles” Charged as Dangerous Contact**

What are sometimes described as “grapple tackles” will almost always constitute Dangerous Contact. These are tackles where force is applied to the head, neck and/or spinal column of the tackled player to slow down the play-the-ball, or to intimidate the tackled player or for some other reason. Whether the offence is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the specific elements of the tackle.

The following directions may be given in an appropriate case:

*All players have at all times a duty to avoid the possibility of injury to the head, neck and spinal column of an opposing player.*

*A tackler making any contact with the head or neck of the tackled player has a duty to avoid that contact, and should any unavoidable contact occur the tackler is required to immediately release the tackled player from any grip or hold around the head or neck or pinning of the head/neck. It is conduct in breach of the Rules where a defending player, in or after effecting a tackle, uses any part of his/her body forcefully to bend or apply unnecessary pressure to the head/neck and/or spinal column of the tackled player in any abnormal direction so as to keep the tackled player at a disadvantage in or after the tackle.*

*It is conduct in breach of the Rules where a defending player, in or after effecting a tackle, forcefully and unnecessarily grasps (or jerks, or pins or twists) the head or neck of the tackled player. A second movement to make such contact with the head will be a pointer to this offence, but the offence can be proved without proof of such a second movement.*

*A player may be guilty of this offence when his/her conduct is intentional, reckless or careless.*

*However, the charged player's conduct must have been at least careless – he/she must have failed to play with the proper level of care that the responsible playing of the game requires.*

*If conduct of this kind is proven, it is no excuse simply that a tackling player had the aim of slowing the play-the-ball, or rolling the tackled player onto his/her back, or some other purpose.*

### **Wrestling Or “Crusher” Type Tackles Charged as Dangerous Contact**

A recent variant of the "grapple" tackle is what is commonly known as a “crusher tackle”. This is typically a tackle whereby a defender uses his/her body to put pressure on the head or neck of the tackled player, and includes twisting or crushing the head of the tackled player. This is Dangerous Contact – Head/Neck. In an appropriate case, a direction including some parts of the grapple tackle direction and additionally along the following lines may be given:



*It is in breach of the Rules where a defending player, in or after effecting a tackle, uses any part of his/her body forcefully to bend or apply unnecessary pressure to the head and/or neck and/or spinal column of the tackled player.*

*A player may be guilty of this offence where his/her conduct is intentional, reckless or careless. In this regard, any re-grip or readjustment of the hold by the defending player that does not allow for the release of the pressure on the tackled player's head or neck or spinal column in the tackle would usually be regarded as a failure on the part of the defending player to discharge his/her duty to avoid the possibility of injury to the head, neck and spinal column of the tackled player. In such circumstances, the conduct would almost certainly be regarded as at least careless.*

### **“Cannonball Tackles” Charged as Dangerous Contact**

Where a defending player, in joining in the tackle of a player who is already being held in an upright position by another defender or defenders, makes initial contact below, around or above the knee or knee joints of the tackled player in such a way as to constitute an unacceptable risk of injury to the tackled player, this will constitute Dangerous Contact - Other. This type of conduct will include instances where a player forcefully spears his/her body in a dangerous manner at an opponent's leg/s whilst that opponent is in a vulnerable position (for example, while being held in a tackle by other defending players). Directions including (some or all of) the following may be given:

*Players at all times have a special duty to avoid contact that involves an unacceptable risk of injury to an opposing player, and this will be especially so where a tackled player gets or is put into a position of particular physical vulnerability.*

*The charge of Dangerous Contact - Other will be made out in any case where a defending player, in joining in the tackle of a player who is already being held in an upright position by another defender or defenders, makes initial contact below, around or above the knee or knees joints of the tackled player in such a way as to constitute an unacceptable risk of injury to the tackled player.*

*No player can be guilty of the offence of Dangerous Contact - Other unless there has in fact been actual contact.*

*It is irrelevant that a charged player was motivated by a desire to keep a tackled player at a disadvantage in or after the tackle or that he/she was coached to do so. Simply, it is no excuse to say that a tackling player had the aim of slowing the play-the-ball or some other purpose.*

*A player may be guilty of this offence when his/her conduct is intentional, reckless or careless. However, the charged player's conduct must have been at least careless – he/she must have failed to play with the proper level of care that the responsible playing of the game requires.*

*More than one player may be charged arising out of a single episode and, in such a case, the question for you will be, “Did the player who is charged and before the Judiciary make a substantial contribution to the Dangerous Contact - Other, regardless of what anyone else may or may not have done?”*

*As such, a Dangerous Contact - Other offence may be charged against a player who is primarily responsible for the force which is the subject of the charge as well as any players who assist. However, where several tackling players are involved, but only one is charged, it is no defence to say that the other one should have been charged as well.*

*Where several players are said to have contributed to the same Dangerous Contact - Other, whether or not each is charged, the Panel should approach the issue in the same way.*



***If a player other than the one being considered is completely responsible for the contact, the charged player must be found “not guilty”. But if both the charged player before the Panel and another player or players have each made a substantial contribution to the Dangerous Contact - Other, the charged player is not excused. The roles of each may have been different, but any player proved to have made a substantial contribution to it, whatever type, will be guilty of the offence.***

### **Contact with the Eye Charged as Dangerous Contact – Head/Neck**

Contact with the eye – commonly called “eye gouging” – is a serious offence and is usually referred to the Judiciary pursuant to a Notice of Referred Charge in recognition of that fact. It is an offence regarded as particularly dangerous conduct, if proven.

In this regard, it will more often be the case that League will submit to the Panel that such conduct was intentional and, if successful, to then submit that the player should receive a severe penalty. However, it is not necessary for League to prove that the action was deliberate because the offence will also be proved where the conduct is found by the Panel to have been reckless or careless.

The following directions have been given in a case where League alleged that the gouge was deliberate:

*The League has submitted to you that you should be satisfied that the contact in this case was not only dangerous, but that it was intentional. To be satisfied of that, you would first have to conclude that there was a deliberate action of contact by the hand, with one or more fingers, to the face of the player being tackled, such that the fingers either enter or make contact with the eye, eyelid or eye socket. In this regard, a raking action with fingers will suffice to prove the offence, provided that there has been actual contact with the eye, eyelid or eye socket, with the intention on the part of the player charged either to injure or to intimidate the player affected. The fingers need not actually enter the eye, but must make contact as indicated.*

*In other words, before you may accept League’s submission that the act was deliberate, the charged player must be proven to have had the intention either to injure or to intimidate the player being tackled.*

*Merely accidental contact will not be a sufficient basis for this allegation – it must be deliberate. It may be deliberate, however, even if the intention is formed on the spur of the moment.*

*If, however, you reject League’s contention that the act was intentional, you must nevertheless go on to consider whether the act was reckless or careless because, if either is found, you must find the player guilty of the offence. That said, you must bear in mind that the charged player’s conduct must have been at least careless – he/she must have failed to play with the proper level of care that the responsible playing of the game requires. If you are satisfied of that then, irrespective of what League has urged upon you, you must return a verdict of guilty.*

### **Contact With A Kicker Charged as Dangerous Contact (either Head/Neck or Other)**

Directions along the following lines may be given:

*Kicking the ball in the course of play is a legitimate part of the game.*

*It is acceptable fairly to charge down the kick before or during the making of the kick so as to frustrate it and to prevent the ball passing cleanly away; however it is conduct in breach of the Rules where, in the course of a charge-down of a kick in the course of play, the charging player makes Dangerous Contact with the kicking player.*



*One possible indicator of such an offence is that the contact is improbably late and/or not directed at the football - that is, where it is clear that the charging player was never likely actually to stop the ball being kicked away, and just aimed to make contact with the kicker whilst he is off balance and vulnerable.*

*Another possible indicator of such an offence is that in attempting to charge a kick down a defender throws himself in front of the kicker or at the kicker's leg or legs making it likely a collision with the defender will be unavoidable.*

*Another possible indicator of such an offence is that the charging player launches himself so that he loses contact with the ground in the course of the charge.*

*And there may be other indicators.*

*The Panel should bear in mind, where deciding on such charges, the need to protect kickers against being targeted.*

*This offence may be committed intentionally, recklessly or carelessly.*

### **“Head Slams” Charged as Dangerous Contact – Head/Neck**

Tackles which involve a “head slam” and which are charged as Dangerous Contact – Head/Neck will generally attract the following directions:

*All players at all times have a duty to avoid the possibility of injury to the head, neck and spinal column of an opposing player.*

*It is conduct in breach of the Rules where a defending player, with his/her hand or arm across the head or neck of the ball carrier, unnecessarily and unfairly causes the head of the ball carrier to make forceful contact with the ground.*

*A player may be guilty of this offence when his/her conduct is careless, reckless or intentional.*

*If contrary conduct of this kind is proven, it is no excuse that a tackling player may have been coached that it is desirable for tactical reasons to have the ball carrier end up on his/her back at the conclusion of the tackle.*

### **Biting Charged as Dangerous Contact**

Biting a player is a serious offence and will amount to Dangerous Contact, Contrary Conduct or Detrimental Conduct. As with incidents such as eye-gouging, the standard practice is that any such allegation will be brought pursuant to a Notice of Referred Charge.

An allegation of biting requires proof that there was an actual bite, although it is unnecessary to prove any resultant injury or even any indentation.

Although the charge can be made out where there is reckless or careless contact, most usually it will be alleged that the bite was intentional. In such a case the charge will not be made out – even on the alternative lower levels of culpability (recklessness or carelessness) - where the incident has occurred as an involuntary reflex response to the placement of an opponent's fingers in his/her mouth. In that scenario, it could not be said that the player has failed to show the care that all players must exercise in responsibly playing the game – such a reflex being beyond his/her control.

*Whether Biting is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the circumstances of the tackle and where the contact with the opposing player occurred.*

### **“Raised Knee in Tackle” Charged as Dangerous Contact**



A “Raised Knee in a Tackle” which is charged as Dangerous Contact will generally attract the following directions:

*The offence of Dangerous Contact will be made out where the ball carrier, in running at an opponent to break the defence line or in otherwise preparing to take a tackle, unfairly and dangerously raises his/her knee and makes contact with the tackling player.*

*It may be regarded as indicative of this offence if the ball carrier has changed his/her normal running gait just before making contact with the defending player, but the offence can be committed without a change of gait.*

*The conduct must be intentional, reckless or careless before the offence is made out.*

*However, this offence will not be proved if the ball carrier only defends himself by presenting the outside of his/her thigh for his/her own protection, rather than raising the knee directly against the defending player.*

Whether a “Raised Knee in Tackle” is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the circumstances of the tackle and where the contact with the opposing player occurred.

### **Players In Possession Leading With Forearm Or Elbow**

Where the conduct of the player under consideration involves contact that occurred when the player led with his/her forearm or elbow when in possession, the following directions are appropriate:

*The offence of Dangerous Contact will be made out where the ball carrier, in running at an opponent to break the defence line or in otherwise preparing to take a tackle, unfairly and dangerously leads with his/her forearm or elbow and makes contact with the tackling player.*

*It may be regarded as indicative of this offence if the ball carrier has changed the position of his/her leading arm in relation to the rest of his/her body before making contact with the defending player, but the offence can be made out without a change of position.*

*The conduct must be intentional, reckless or careless before the offence is made out.*

*However, this offence will not be proved if the ball carrier only defends himself/herself by shielding his/her body from the impact of a tackle, as opposed to leading with the forearm or elbow in a tackle situation.*

Whether this offence is charged as Dangerous Contact – Head/Neck or Dangerous Contact – Other will depend on the circumstances of the tackle and where the contact with the opposing player occurred.

### **Tripping**

A trip takes place where a player who does not have a grip on an opposing player places his/her leg or foot in such a position that the opposing player makes contact with it. It is immaterial whether the player who was tripped fell to the ground or was otherwise substantially impeded. It will be sufficient proof of guilt if it is established on the balance of probabilities that the player acted either with deliberate intent or recklessly – either state of mind will suffice.

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with an offence of Tripping, the Panel may be directed to consider the



following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was there a trip in the sense defined above?*
2. *Was the charged player's conduct intentional or reckless?*

## **Striking**

### **General**

Striking is most commonly charged where one player deliberately punches another. The clearest cases of "striking" occur with a closed fist, but there may be an illegal striking with an elbow or another part of the body; for example, a "kneeing" may be a "striking".

Similarly, a deliberate or reckless "head-butt" will constitute a striking.

In the course of Rugby League, there is a lot of forceful contact, sometimes involving very heavy impact, which is simply part of the game. Players consent to this. In a "striking" case the Panel will be directed that it is for them to decide whether the alleged contact amounts to illegal conduct. In particular, the following directions will be given:

*Players are taken to consent to fair and reasonable forceful contact within the Rules of the Game, but they do not consent to forceful contact that is unfair or excessive. The Panel members, as Adjudicators under the Code, are the judges of what is unfair or excessive. It will be sufficient proof of guilt if it is established on the balance of probabilities that the act of the player was either deliberate or reckless.*

*There can be no liability for striking if the contact is accidental or even careless. It must be:*

- *Intentional in the sense that the Player must do it deliberately, making forceful contact that is either unfair or excessive; or*
- *Reckless in the sense that the player foresees that contact which is either unfair or excessive may occur, but proceeds regardless of that danger.*

Without limiting the directions which might be given to the Panel in a particular case, when a player is charged with an offence of Striking, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Did the charged player strike the opposing player or, in other words, did he/she make forcible contact with that opposing player which was unfair and excessive?*
2. *Was the conduct of the charged player intentional, in the sense of being deliberate, or reckless, in the sense the player foresaw that unfair or excessive contact may occur, but proceeded regardless of that danger?*

### **"Stripping" As "Striking"**

In one case charged as striking, the player said that he/she was merely attempting a "one-on-one" strip. The following direction has been given in that instance:

*If a player has the aim of stripping the ball in a tackle, but foresees that in doing so he/she will make excessive or unfair forceful contact with the ball-carrier, and goes ahead regardless, that will be a striking.*

## **Punching and Head-Butts**



It may be assumed that no player provides his/her consent to be punched or head-butted. Such conduct is both unfair and excessive. It has no place in our game. Where the evidence reveals conduct of either type, the Panel will be directed in those terms.

### **Players In Possession Leading With Forearm or Elbow**

Where the conduct of the player under consideration involves contact that occurred when the player led with his/her forearm or elbow when in possession, that conduct should not usually be charged as a Striking. Rather, it should be charged as a Dangerous Contact offence.

### **Kicking**

The directions in a Kicking case would be similar to those for Striking. In particular, the Panel would be told that they may not find a Player guilty of kicking another Player unless the conduct was intentional or reckless.

### **Dropping Knees**

The following directions have been given in cases where a player has been charged with Dropping Knees:

*This offence is committed where the defending player uses one or both knees to drop onto a tackled player who has fallen and the main part of whose body is lying on the ground.*

*There can be no liability for Dropping Knees" if the contact is accidental or even careless. It must be intentional in the sense that the tackling Player must do it either deliberately, wishing to injure or cause discomfort, or it must be reckless, in the sense that the Player foresaw that unfair or excessive contact may occur, but proceeded regardless of that danger.*

*If the knee-body contact occurs before the player being tackled is lying on the ground, while he/she is substantially still in the air, the offence of Dropping Knees is not made out. Such conduct might however amount to Striking or Dangerous Contact.*

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with an offence of Dropping Knees, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Did the charged Player use one or both of his/her knees to drop onto a tackled Player who had fallen, and the main part of whose body was lying on the ground?*

2. *Was the conduct either:*

*(a) intentional in the sense that the charged Player did it deliberately, wishing to cause injury or discomfort; or*

*(b) reckless, in the sense that the Player foresaw that unfair or excessive contact may occur, but proceeded regardless of that danger?*

### **Contrary Conduct**

#### **General**

This offence is defined as follows:

*"A Player is guilty of misconduct if he/she behaves in a way contrary to the true spirit of the game."*



It is not possible to give any detailed direction in advance about this offence, but it could include a variety of things - e.g., spitting at another Player, making avoidable contact with the Referee, and so on.

The “true spirit of the game” means a spirit of sportsmanship and fair play in the course of a vigorous sporting contest.

It is well to remember that, in serious cases, conduct that might otherwise be regarded as contrary conduct, may instead be charged as Detrimental Conduct, that is, where a player has behaved in a manner which is detrimental to the interests, welfare or image of the NRL or Rugby League.

### **Dissent Charged as Contrary Conduct**

Although there is a discrete offence under the Code of disputing a decision, a player may instead be charged with Contrary Conduct in any case that amounts to a serious form of dissent from a Referee’s rulings.

The direction in one case where that offence was charged was as follows:

*The “true spirit of the game” requires that all players be reasonably accepting of the decisions and directions of the Referee.*

*The captain of a team is entitled to ask the Referee to explain, in a reasonable and respectful fashion, a decision of a Referee.*

*It is contrary to the “true spirit of the game” for any player, captain included, to dissent from the Referee’s rulings to the extent of alleging on field that the Referee is biased or a cheat or to otherwise fail to accord the Referee appropriate respect.*

### **Contact With A Match Official Charged As Contrary Conduct**

The Referees and Touch Judges have the task of controlling the game. They do not consent to any contact being made with them at any time. It is therefore the responsibility of all players to avoid contact with Match Officials at all times.

In the course of play, there may be occasions on which there is accidental contact between a Player and a Match Official. Contact which is properly categorised as accidental will not constitute an offence. If, for example, a Player is running backwards in order to get onside and he collides with a Match Official, such contact will generally be regarded as accidental and no offence will have been committed.

If, on the other hand, a defending Player makes contact with a Match Official in the course of pursuing and tackling an opponent who is headed for the goal line, it will be no defence to a charge of contrary conduct for the defending Player to say that the only way in which he was able to tackle the Player was to push the Match Official out of the way.

Similarly, by way of further example, it will be no defence to a charge of contrary conduct for a Player to say that he made contact with a Match Official for the purposes of drawing that Official’s attention to some incident which had occurred on the field.

Whilst these examples are not exhaustive, it follows that if:

- (a) there has been contact between a Player and a Match Official;
  - (b) such contact was intentional, reckless or careless,
- such contact will be deemed to be conduct which is contrary to the true spirit of the Game and an offence of contrary conduct will be made out. This will be so irrespective of:
- (a) the purpose for which the contact may have been made;
  - (b) the nature and/or degree of the contact;



- (c) whether the Match Official was aware of the contact;
- (d) whether, if the Match Official was so aware, he or she:
  - (i) regarded the contact as intimidating; or
  - (ii) felt any apprehension of force or violence as a result of the contact.

Accordingly, in a case where a Player is charged with contrary conduct on the basis of having made contact with a Match Official, the directions to the panel will include the fact that all Players have a special duty to avoid all contact with a Match Official.

Without limiting the directions which might be given to the panel in a particular case, when a Player is charged with an offence of Contrary Conduct constituted by making contact with a Match Official, the Panel may be directed to consider the following questions and in that event, will be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. Was there physical contact, of any kind and to any degree, by a Player with a Match Official?
2. Was that contact intentional, reckless or careless?

The Panel will be further directed that if the answer to each of questions 1 and 2 is “yes” then the physical conduct of which they are satisfied will be deemed to be conduct which is contrary to the true spirit of the Game and the offence will be established, such that their verdict must be one of guilty.

### **Spitting Charged as Contrary Conduct**

Excerpt from NRL Policy Statement No 1 of 2008 was in the following terms:

"In any case where a player is charged with Contrary Conduct consisting of spitting on, at, towards or in the vicinity of a Match Official in a contemptuous or provocative manner, or any like conduct, and that charge is found by the Panel to be proved, the Panel should impose a severe penalty that recognises the Board's concern to protect Match Officials as well as the interests, image and welfare of the NRL, the NRL Competition, the National Youth Competition and the Game.

In any such instance, the minimum penalty to be imposed should be the allocation of demerit points that will result in a suspension measured in months rather than weeks.

The Board wants it to be made clear that this sort of conduct has no place in the Game, and any previous decision of the NRL Judiciary as to penalty in a case of this kind is to be disregarded as a precedent.

The Board also wishes to emphasise that conduct of this type directed towards an opposing player or person other than a Match Official will not be tolerated and will, depending on the circumstances, be expected to result in the imposition of a heavy penalty."

The following directions have been given in a case involving spitting:

*It is not an offence contrary to the Code to spit on the ground during the game.*

*However it will be conduct contrary to the true spirit of the Game and an offence if a player intentionally spits on, at or in the direction of another player (or a Match Official) if it is done as a gesture of contempt towards or with the intention of aggravating that person.*

*This offence may be proven even if the spitting occurred some distance away – the offence will be committed if the spitting was done as an intentional gesture of contempt or intentionally to aggravate.*



Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with an offence of Contrary Conduct constituted by spitting, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Did the charged Player intentionally spit on, at, or in the direction of, another player or a Match Official?*

2. *Was the action of spitting done as a gesture of contempt towards, or with the intention of, aggravating that person?*

The Panel will be further directed that if the answer to each of questions 1 and 2 is “yes”, then the conduct will be deemed to be conduct contrary to the true spirit of the Game and the offence will be established, such that their verdict must be one of guilty.

### **Repetitive Misconduct Charged As Contrary Conduct**

A single charge of Contrary Conduct may be made out if a player is proved to have been guilty during the course of a particular game of *several or a series of actions showing an overall pattern of misconduct*.

No such finding should be made against a player unless the Panel is satisfied:

1. That the player is guilty of several or a series of breaches of the International Laws; and
2. That the overall pattern of the player’s behaviour during the course of the game as shown by those breaches was contrary to the true spirit of the Game.

The Panel should guard against simply noting that there are a large number of particulars charged, and concluding that therefore the player must be guilty of something. That would be a wrong approach.

The correct approach for the Panel to take is first to look at each particular alleged action by the player individually. Unless the Panel is clearly satisfied that an individual action by the player is in breach of the International Laws, that action should be disregarded.

Secondly, if the Panel concludes that the player has committed several or a series of rule breaches during the game it should ask the additional question: *“Do these breaches show an overall pattern of behaviour contrary to the true spirit of the Game?”*

The player can only be found guilty of this offence if this additional question is answered “Yes”.

It must be borne in mind that a player may in fact have committed several or a series of rule breaches during the game, yet still be playing the game according to its true spirit.

The Panel is the judge of sportsmanship and fair play in assessing the *“true spirit of the Game”*.

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with an offence of Contrary Conduct constituted by repetitive misconduct, the Panel may be directed to consider the following questions and in that event, will be directed that each question must be answered in the affirmative before a verdict of guilty can be returned:

1. *Was the charged player guilty of several or a series of breaches of the International Laws of the Game?*



*2. Was the overall pattern of the player's behaviour during the course of the game, as shown by those breaches, contrary to the true spirit of the Game?*

The Panel will be further directed that if the answer to each of questions 1 and 2 is "yes", then the conduct will be deemed to be conduct contrary to the true spirit of the Game and the offence will be established, such that their verdict must be one of guilty.

### **Shoulder Charges**

Shoulder charges are illegal. They are no longer accepted as part of the Game. Where they result in forceful contact with an opposing Player's body (irrespective of whether that contact causes or contributes to any movement of, or impact to the opposing Player's head or neck), they will amount to misconduct under the Code.

A shoulder charge is made when the tackling player uses his/her shoulder and/or upper arm without, at the same time, using his/her arms to tackle or otherwise take hold of the opposing Player. The term "arms" obviously includes hands. The requirement to use "the arms" means that both arms must be used. Unless both arms are used, then providing the actions of the Player are at least careless, any case involving forceful contact made by the use of the shoulder and/or upper arm, it will be a shoulder charge.

As can be seen by the all-encompassing definition of that offence, it makes no difference (except as to penalty) whether the conduct was careless, reckless or intentional.

It also makes no difference which part of the tackling player's body makes contact with the tackled player. It might, for instance, be his/her shoulder, his/her arm, his/her head, his/her torso or even his/her leg.

When that type of offence is before the Judiciary, directions along the following lines may be given:

*A shoulder charge is where the tackling Player uses his/her shoulder and/or upper arm without, at the same time, using both of his/her arms to tackle or otherwise take hold of the opposing player. Arms obviously include hands. Unless both arms are used or attempted to be used, then in any case where the shoulder and/or upper are used to make forceful contact, it will be a shoulder charge.*

*Players at all times have a special duty to avoid contact that involves an unacceptable risk of injury to an opposing player. A shoulder charge resulting in forceful contact with any part of an opposing Player's body, by definition, carries with it an unacceptable risk of injury. It has been outlawed from the game for that reason.*

*The charge will be made out in any case where a player makes forceful contact between the shoulder and/or upper arm of his/her body and any part of an opposing Player's body, including the head or neck, when effecting, or attempting to effect, a shoulder charge.*

*A Player may be guilty of this offence when his/her conduct is intentional, reckless or careless. However, the charged player's conduct must have been at least careless – he/she must have failed to play with the proper level of care that the responsible playing of the Game requires.*

Without limiting the directions which might be given to the Panel in a particular case, when a Player is charged with a Shoulder Charge offence, the Panel may be directed to firstly consider the question:

*1. Was there forceful contact?*

*2. Was that forceful contact made without the charged Player using, or attempting to use, both of his/her arms (including his/her hands) to tackle or otherwise take hold of the opposing Player?*



3. *Was the charged Player's conduct at least careless or in other words, did the Player fail to play with the proper level of care that the responsible playing of the Game requires?*

### **Video Evidence**

Because much of the evidence in any given case is based on videotape footage, it is sometimes appropriate to give a direction in the following terms:

*You should have regard to all of the evidence in the case, and that includes the video evidence. You may find the video evidence clear and compelling but you should bear in mind that it can sometimes be misleading. There has been at least one case before the Judiciary in which one camera angle appeared to show contact, but another camera angle showed a distinct gap between the arm of the tackling player and the head of the player being tackled.*

### **"Victim" Evidence**

Judiciary hearings are conducted with considerable attention to what occurs in normal courts of law, but it should not be forgotten that the Judiciary is not a court of law.

Witnesses are not sworn on their oath to tell the truth, and if they depart from the truth they are not sent to jail for perjury. The player who is the "victim" of the alleged misconduct is generally not called along to give evidence.

Usually the evidence of the Referee, Touch Judges and the video replay is sufficient evidence. If the "victim" is not called to give evidence, the defence cannot gain an advantage - as they could in a normal court of law - by pointing out that the main potential witness is missing.

Experience has shown that football players have an almost instinctive mindset that loyalty to other football players demands that they should not be too eager to come forward and blame another player for the happening of a particular incident. Indeed, sometimes a player who is over-enthusiastic about this principle will be persuaded to attend the Judiciary as a witness for the defence; such evidence of course not usually being admissible without that player attending in person. In such a case, the evidence of that player might be completely truthful and persuasive; on the other hand it might be the product of misguided loyalty.

For this reason, the following direction has been given in one case, and could be appropriate in the future:

*This is a game where team spirit and loyalty are important. Many players take the view that they should always show loyalty to another professional footballer, even if from another team and even if they were unfairly hit. Some players might not be willing to admit that another player has hurt them. For these reasons, in cases before the Judiciary, as under the previous NSWRL judiciary system, it is not the usual practice to call the alleged "victim".*

*This is not a court of law where people are compelled under penalty to give evidence, and swear their evidence on oath. It may put the "victim" player in an embarrassing position to put the burden on him or her to point the finger at another player. This is why the League does any "pointing of fingers" under the Code.*

*The Panel members are entitled to make their own assessment of the evidence of an alleged "victim" player. If he/she gives a version of what happened, it may be entirely correct.*

*On the other hand, the members may consider that his/her version is in conflict with other evidence, and might be influenced by a sense of loyalty to another professional footballer. It is a*



*matter for the Panel members to give such weight to evidence or public comments made by a tackled Player as they think that version deserves.*

### **Absence of Reaction by Adjacent Players**

The following direction has been given:

*Where two players are involved in an incident, whether any other players complain or do not complain of foul play should be disregarded. It is not the duty of the players to control the game; that is the duty of the Referee and the Touch Judges.*

### **Absence of Reaction by Referee or Touch Judges**

The position regarding an absence of any reaction from adjacent players is to be contrasted with the situation where there is an absence of any reaction on the part of Match Officials who viewed the incident in question.

In those cases, the following directions have been given:

*If the Referee or Touch Judge was in a position to see an incident, but he/she did not react by identifying illegal play, this may be taken into account by you towards concluding that no foul or illegal play has occurred (or that a certain grading is justified).*

*In considering this you should look in particular at whether the Referee or Touch Judge in fact had a good view.*

*However the Match Review Committee is entitled to charge misconduct quite independently of the on-field functions of the Referee or Touch Judges.*

*You should also carefully bear in mind that the Match Official has to make immediate decisions under pressure of time, whereas the Judiciary is able to take its time to consider the evidence.*

*The Judiciary is entitled to find a charge proven (or a certain grading justified) regardless of whether or not there has been any on-field reaction by the Match Officials.*

### **“Good Record or No Prior Convictions” Direction**

When a Player is charged with a disciplinary breach, evidence may be presented that he/she has no prior offences against his/her name. In some cases a player will have played for many years, or hundreds of games, without any disciplinary citing.

Such evidence may be relevant in the charging process and it will always be relevant *after* a player has been found guilty by the Panel, or has pleaded guilty. There is an automatic calculation that reduces the demerit points to be allocated.

But what if the player pleads “not guilty”? Is a good record relevant to whether he/she committed the offence? The answer is that it may be relevant, but only in exceptional cases.

For example, in High Tackle cases, a good prior record may be very relevant if the charge is *intentional* High Tackle. The Panel could in such a case place great emphasis on a good prior record as making it unlikely that such a player would intentionally tackle high. To a lesser extent, the same point may be made in the case of offences that are based on a player’s *recklessness*.

However, there are various offences where it is only necessary for the League to prove that the conduct was *careless*.

Where the test is carelessness only – that is, that the Player has failed to show the care that all Players must exercise in responsibility playing the game - proof of a good prior record will have little relevance, if any.

In a case depending on proof of carelessness in play, the following directions may be given:



*Evidence has been presented that the charged player has no prior disciplinary offences against his/her name (or an otherwise distinguished career and a good record). In this case, what the League has to prove is only carelessness, not intentionally foul play. Accordingly you should regard the player's good prior record as having little or no weight in your deliberations as to whether or not the offence has been committed.*

*In particular, prior good record should not be regarded as an automatic entitlement for a player to be found "not guilty" the first time he/she comes before the Judiciary. The Code makes provision for prior good record to be taken into account in other ways.*

In a case depending on proof by the League of intentional or reckless foul play, the following direction may be given:

*Evidence has been presented that the charged player has no prior disciplinary offences against his/her name (or an otherwise distinguished career and a good record).*

*In this case, what the League has to prove is intentional (or reckless) conduct. In assessing whether or not the charged player has acted intentionally (or recklessly) as alleged, you must take into account whether a player with his/her clean (long/distinguished) record would be the kind of person to be guilty of the foul play alleged. It is a matter for you to assess this, but it is a factor which you should consider along with the other evidence.*

#### **Directions Regarding the Panel's Discretion on Grading and Demerit Points**

On occasion the Judiciary is required to consider the grading for an offence or, in the case of a Referred Charge, the allocation of demerit points for an offence. The relevant provisions are to be found in Part 5.5 of the Code.

The following are some directions that have been given in this context:

*The Code is based on predictability and consistency. The Panel should first have regard to the Elective Penalty set out in the Code and should generally adopt that penalty unless there is good reason for taking another approach.*

*Bearing these considerations in mind, the Panel has discretion to impose a penalty which is **greater or lesser** than the Elective Penalty set out in the Code.*

*The Panel should consider evidence which the League presents as to the Player's career history, previous convictions, accumulated demerit points, and penalties previously imposed on other Players for the same or similar offences, and any evidence presented by the Player.*

*Where videos are shown of tackles or conduct said to be comparable with the tackle or conduct under consideration, the Panel should strive for consistency, but should bear in mind that perfect consistency may not always be possible. If the Panel takes the view that an allegedly comparable tackle has, in the Panel's view, been graded by the Match Review Committee or dealt with in a previous hearing rather too leniently or severely, the Panel should regard that outcome as unhelpful and not follow it.*

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