

## CONTENTS

PRELIMINARY SECTION .....	3
FLOWCHART OF PROVINCIAL UNION DISCIPLINARY PROCESS .....	3
<b>SECTION 1 – DEFINITIONS AND INTERPRETATION .....</b>	<b>(RULES 1-2)...4</b>
<b>SECTION 2 – JURISDICTION .....</b>	<b>(RULES 3-6)...6</b>
Matches for which the NZRU has Jurisdiction .....	6
Matches for which Provincial Unions have Jurisdiction .....	6
<b>SECTION 3 – PROVINCIAL UNION INITIAL JUDICIAL PROCEDURES .....</b>	<b>(RULES 7-48)...7</b>
Appointment of Judicial Panel .....	7
Disciplinary Proceedings .....	7
Disciplinary Proceedings for Junior Rugby .....	7
Part 1: INITIAL PROCEDURES: ORDERING OFF (“RED CARD”) .....	(Rules 14-18)...8
Alternative Two Week Suspension Procedure .....	8
Notice to Player .....	9
Part 2: INITIAL PROCEDURES: COMPLAINTS .....	(Rules 19-25)... 9
Part 3: INITIAL PROCEDURES: REFEREE’S REPORTS .....	(Rules 26-30)...10
Part 4: INITIAL PROCEDURES: TEMPORARY SUSPENSIONS (“YELLOW CARDS”) .....	(Rules 31-37)...11
Part 5: INITIAL PROCEDURES: MISCONDUCT .....	(Rules 38-44)...12
Part 6: INITIAL PROCEDURES: MATCHES CALLED OFF .....	(Rules 45-48)...14
<b>SECTION 4 – GENERAL PROVISIONS RELATING TO JUDICIAL HEARINGS .....</b>	<b>(RULES 49-89)...15</b>
Power to Regulate Own Procedures .....	15
Attendance and Report of Referee .....	15
Interpreters .....	15
Procedure at Hearings .....	15
Standard of Proof .....	16
Evidence .....	17
Witnesses .....	17
Representation .....	17
Deliberations .....	17
Sanctions for Illegal and/or Foul Play .....	18
Sanctions for Misconduct .....	19
Sanctions for Matches Called Off .....	20
Costs .....	20
Post Hearing Procedures .....	20
Record of Proceedings .....	21
Power to Deal with Incidents Arising from a Match at Same Time .....	21
No Right of Appeal against Decision of Complaints Review Officer .....	21
Proceedings not to be Invalidated for Technical Reasons .....	21
Player may not Play whilst Case Pending .....	21
Power to Suspend .....	21
NZRU and Unions to Conduct Own Hearing .....	21
Autonomy of Committees .....	22

<b>SECTION 5 – PROVINCIAL UNION APPEALS .....</b>	<b>(RULES 90–108)...23</b>
Appointment of Appeal Panel .....	23
Appeal Proceedings.....	23
<b>SECTION 6 – PROVINCIAL UNION APPEALS TO NZRU JUDICIAL COMMITTEE ...</b>	<b>(RULES 109–127)...26</b>
<b>SECTION 7 – NZRU INITIAL JUDICIAL PROCEDURES .....</b>	<b>(RULES 128–155)...29</b>
Appointment of Judicial Panel.....	29
Disciplinary Proceedings.....	29
Part 1: INITIAL PROCEDURES: ORDERING OFF (“RED CARD”).....	(Rules 132–135)...29
Part 2: INITIAL PROCEDURES: COMPLAINTS.....	(Rules 136–142)...30
Part 3: INITIAL PROCEDURES: TEMPORARY SUSPENSIONS (“YELLOW CARDS”)..	(Rules 143–148)...32
Part 4: INITIAL PROCEDURES: MISCONDUCT.....	(Rules 149–155)...33
<b>SECTION 8 – NZRU APPEALS TO APPEAL COUNCIL .....</b>	<b>(RULES 156–172)...35</b>
<b>SECTION 9 – SANCTIONS FOR OFFENCES: ILLEGAL AND/OR FOUL PLAY .....</b>	<b>37</b>
<b>SECTION 10 – RECOMMENDED SANCTIONS FOR OFFENCES: MISCONDUCT.....</b>	<b>40</b>
Form A: Referee Report on Ordering Off (Red Card).....	41
Form B: Touch Judge Report on Ordering Off (Red Card).....	43
Form C: Referee Report on Temporary Suspension (Yellow Card).....	45
Form D: Touch Judge Report on Temporary Suspension (Yellow Card).....	46
Form E: Referee Report on Matches Called Off .....	47
Appendix: Flowchart of Provincial Union Disciplinary Process.....	48

## **PRELIMINARY SECTION**

- (A) Regulation 17 of the International Rugby Board Regulations Relating to the Game (“Regulation 17”) has been designed to achieve a universal and consistent “rugby specific” approach to Illegal and/or Foul Play as well as Misconduct. In the event of any question or issue arising in connection with the interpretation and/or effect of these Rules, they should be interpreted and given effect to in a manner which is consistent with the spirit, scheme and intent of Regulation 17.
- (B) All Players and Persons within New Zealand, including minors, who are participants in the Game of Rugby Union played in accordance with the Laws of the Game as framed by the International Rugby Board are, by virtue of such participation and/or membership of a Club and/or a Provincial Union and/or who are otherwise bound by the Rules of the NZRU, deemed to have agreed to be subject to these Rules.
- (C) These Rules have the status of an NZRU Regulation and have been adopted by the NZRU Board in accordance with the power provided pursuant to clause 2.2(a) of the NZRU Constitution.

## **FLOWCHART OF PROVINCIAL UNION DISCIPLINARY PROCESS**

The flowchart provided as an Appendix to these Rules is to aid users of the Black Book in familiarising themselves with the disciplinary process adopted where a Provincial Union has jurisdiction. It is by no means a substitute for the user reading the full text of these Rules and in the event of any inconsistency the text of the Rules prevails.

## SECTION 1 DEFINITIONS AND INTERPRETATION

1. In these Rules, unless context requires or indicates otherwise, the following definitions will apply:

**CEO** – means the Chief Executive Officer of either the NZRU or a Union as the context requires.

**Club** – means any rugby club or other rugby organisation in New Zealand associated for the time being for the purpose of playing, coaching, administering or refereeing rugby football in New Zealand affiliated to any Provincial Union, including any school that fields a team or teams that participate in competitions under the jurisdiction of a Provincial Union, or the NZRU and which is deemed to have subscribed to and be bound by the Rules and Regulations of the NZRU and the IRB.

**Illegal and/or Foul Play** – for the purposes of these Rules, Illegal and/or Foul Play means conduct which constitutes a breach or breaches of Law 10 of the IRB Rugby Laws of the Game and/or a breach or breaches of Law 3.11 (c), Law 4.5 (c) and Law 6.A.5.

**Junior Rugby** – means all levels of age-grade rugby below Secondary School level (also known as Small Blacks rugby);

**Match** – means a rugby match in which two teams compete against each other and includes seven's, pre-season and trial Matches.

**Match Official** – means a referee and/or a touch judge and shall include, when appointed, a citing commissioner, television match official and/or the fourth official.

**Misconduct** – shall mean any conduct, behavior, statements or practices on or off the playing enclosure in connection with a Match (excluding Illegal and/or Foul Play by a Player during a Match) that is unsporting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the sport of Rugby Union, the IRB, the NZRU, Provincial Unions, Clubs and/or any of these organisation's commercial partners into disrepute.

It is not possible to provide a definitive and exhaustive list of the types of conduct, behaviour, statements or practices that may amount to Misconduct under these Regulations. By way of illustration, each of the following types of conduct is an example of Misconduct (where it does not amount to Illegal and/or Foul Play by a Player during a Match):

- (a) acts of violence or intimidation within the venue in which the Match is being played including (without limitation) any tunnel, changing rooms and/or warm-up areas;
- (b) acting in an abusive, insulting, threatening, intimidating or offensive manner towards referees, touch judges or other officials or any Person associated with the teams participating in the Match or spectators;
- (c) acts or statements that are, or conduct that is, discriminatory by reason of religion, race, sex, colour or national or ethnic origin;
- (d) seeking or accepting any bribe or other benefit to fix a Match or series of Matches or to achieve a contrived outcome to a Match or series of Matches or to otherwise influence improperly the outcome of or any dimension or aspect of any Match or series of Matches;
- (e) entering into any wager, bet or form of financial speculation, directly or indirectly as to the result of or any other dimension or aspect of any Match or series of Matches in which the Person is directly or indirectly involved and/or connected with;
- (f) providing inaccurate and/or misleading information about previous disciplinary record in any proceedings under this Regulation or other disciplinary proceedings and/or misleading information concerning the Player's future playing intentions;
- (g) any other breach of Regulation 20 (Code of Conduct) of the IRB Regulations Relating to the Game;
- (h) comments and/or conduct in connection with current and/or anticipated disciplinary proceedings and/or Match officiating (or any aspect thereof), which may be prejudicial to and/or impact on current and/or anticipated disciplinary proceedings (including appeal hearings) and/or which are prejudicial to the interests of the game and/or any Person.

- (i) failure by a Club to take reasonable steps to prevent or curtail conduct by a non-member which would be Misconduct if committed by a member, in circumstances where the Club has control over that non-member, for instance when the conduct occurs in the Club's premises.

**NZRU** – means the New Zealand Rugby Union Incorporated.

**Ordered Off** – a Player is Ordered Off when he is sent off the playing enclosure permanently by the referee and can take no further part in the Match in which he is Ordered Off.

**Person** – shall mean a member of any Club or any Provincial Union or anybody associated with or affiliated to a Provincial Union or the NZRU or any person associated with any of these organisations for the time being for the purpose of playing, coaching, administering or refereeing rugby football in New Zealand and who are deemed to have subscribed to and be bound by the Rules and Regulations of their Provincial Union, the NZRU and the IRB.

**Player** – shall mean a member of any Club of any Provincial Union associated for the time being for the purpose of playing rugby football in New Zealand and who is deemed to have subscribed to and be bound by the Rules and Regulations of their Provincial Union, the NZRU and the IRB.

**Provincial Union or Union** – means a Provincial Union affiliated to the NZRU.

**Temporarily Suspended** – a Player is Temporarily Suspended when he is cautioned in a Match by the referee and temporarily sent off the playing enclosure by the referee for a period of ten minutes playing time which is spent in the so-called "sin bin". The Temporary Suspension of a Player is normally done by the showing of a yellow card by the referee but this is not a requirement.

2. For the purposes of these Rules:

- words importing the masculine gender include the female; and
- references to the sanctions set out in Section 9, are to the sanctions set out in Section 9 as updated from time to time by the NZRU to maintain consistency with IRB Regulation 17 provided however that where the sanctions set out in Section 9 are updated by the NZRU between the date of the event that is the subject of the hearing and the conclusion of the hearing, the sanctions applicable to the hearing will be those that applied at the date of the event.

## **SECTION 2 JURISDICTION**

### **MATCHES FOR WHICH THE NZRU HAS JURISDICTION**

3. Subject to any Tour Agreement with another National Union the IRB Regulations Relating to the Game and the SANZAR Tournament Rules, the NZRU shall have jurisdiction to hear and determine disciplinary proceedings in accordance with these Rules arising from or in connection with any of the following Matches played in New Zealand:
  - (a) NZRU representative team Matches;
  - (b) Trial Matches for all NZRU representative teams;
  - (c) National Provincial Championship Matches;
  - (d) Heartland Championship Matches;
  - (e) Women's Competition Matches;
  - (f) Ranfurly Shield Matches;
  - (g) Men's B Competition Matches;
  - (h) Non-Championship Matches between Provincial Union Senior "A" teams;
  - (i) Matches between an overseas Provincial Union Senior "A" team or equivalent and a New Zealand Provincial Union Senior "A" team; and
  - (j) such other Matches as the NZRU may from time to time determine.

### **MATCHES FOR WHICH PROVINCIAL UNIONS HAVE JURISDICTION**

4. All other disciplinary proceedings arising from or in connection with any Match in New Zealand outside of those listed in Rule 3 shall be within the jurisdiction of Provincial Unions to hear and determine in accordance with these Rules.
5. Subject to Rule 6, the Union within whose boundaries a Match under Rule 4 is played shall have jurisdiction for any disciplinary proceedings arising from or in connection with that Match.
6.
  - (1) Where the Player or Person subject to disciplinary proceedings is a member of or associated with a Club affiliated to a Union other than the one in whose boundaries the Match is played, the disciplinary proceedings can, with the written agreement of both Unions, be transferred to the Union to which the Player's or Person's Club is affiliated ("the Home Union").
  - (2) In the event that the disciplinary proceedings are transferred to the Home Union, all references in these Rules to the Union shall be read as a reference to the Home Union and the Home Union shall be responsible for all aspects of the disciplinary proceedings from the time of the written transfer of jurisdiction. The other Union shall co-operate with the Home Union and provide the Home Union with all documents and information necessary for the Home Union to conduct disciplinary proceedings.
  - (3) For the avoidance of doubt, in the event that both Unions do not agree to move the disciplinary proceedings to the Union to which the Player's or Person's Club is affiliated, the disciplinary proceedings shall be dealt with by the Union in whose boundaries the Match was played.

## **SECTION 3**

### **PROVINCIAL UNION INITIAL JUDICIAL PROCEDURES**

#### **APPOINTMENT OF JUDICIAL PANEL**

7. The Chairman of each Union shall appoint a panel of individuals (“the Judicial Panel”) of such number as he decides, each of whom shall be eligible to sit as Judicial Officers or members of a Judicial Committee. The Chairman of the Union shall have the discretion to add further individuals to the Judicial Panel at any time.
8. The CEO of the Union or his nominee shall appoint individual Judicial Officers or Judicial Committees of three persons from members of the Judicial Panel to act in the name of the Union for the purposes of hearing and determining disciplinary proceedings for which the Union has jurisdiction. A Judicial Panel member who is a member of the same Club as the Player, Person or Club against whom disciplinary proceedings are taken, the victim Player or a complainant, shall not act as Judicial Officer or be a member of the Judicial Committee which determines those disciplinary proceedings and shall not attend the hearing.
9. Members of the Judicial Panel shall be appointed for a period of up to three years, following which they shall, unless reappointed by the Chairman of the Union, automatically cease to be a member of the Judicial Panel. The Chairman may, at his discretion, remove any member of the Judicial Panel, at any time for any reason.

#### **DISCIPLINARY PROCEEDINGS**

10. Any Union Judicial Officer or Judicial Committee appointed in accordance with Rule 8 shall have power to act in the name of the Union to hear and determine disciplinary proceedings for which the Union has jurisdiction in the following circumstances:
  - (a) where a Player is Ordered Off the playing enclosure in which case Part 1 of this Section will apply;
  - (b) where a Complaint of Illegal and/or Foul Play is lodged pursuant to Part 2 of this Section;
  - (c) where a Referee Report is lodged pursuant to Part 3 of this Section;
  - (d) where a Player has been Temporarily Suspended from the playing enclosure for a third time in which case Part 4 of this Section will apply;
  - (e) where a Misconduct Complaint is lodged pursuant to Part 5 of this Section;
  - (f) where a Match is called off by the Referee for persistent or serious Illegal and/or Foul Play or Misconduct in which case Part 6 of this Section will apply;

#### **DISCIPLINARY PROCEEDINGS FOR JUNIOR RUGBY**

11. Whilst these Rules apply to all levels of rugby in New Zealand including Junior Rugby, the NZRU and Unions recognise that it would not be practical to apply the full obligations and requirements under these Rules to Players participating in Junior Rugby. For this reason, subject to Rule 12, the Rules contained herein will not apply to Players participating in a Junior Rugby Match.
12. Where a Union deals with an incident of Illegal and/or Foul Play arising from a Player being Ordered Off in a Junior Rugby Match for which the Union has jurisdiction, the following should apply:
  - (a) the Union has the discretion to determine the process it will follow in determining whether an incident of Illegal and/or Foul Play has occurred so long as it accords with the principles of natural justice; and
  - (b) where any disciplinary officer or committee established by the Union determines that an incident of Illegal and/or Foul Play has occurred it shall take specific account of the requirements set out in Rule 70 in determining the appropriate sanction for the Player and shall apply the sanctions set out in Section 9.
13. For the avoidance of doubt, the NZRU or Union shall deal with a Misconduct Complaint under these Rules against any Person in connection with any Junior Rugby Match and nothing in Rules 11 and 12 precludes this.

## **PART 1**

### **INITIAL PROCEDURES: ORDERING OFF (“RED CARD”)**

14. Where a Player is Ordered Off the playing enclosure in a Match for which the Union has jurisdiction the Referee shall, within 48 hours of the completion of the Match, or such further time as may be allowed by the Union Complaints Review Officer, send to the CEO of the Union in which the Match is played, a written report incorporating:
- the date of the Match, the venue and the teams participating;
  - the name of the Player Ordered Off, his jersey number and his team;
  - the circumstances in which the Player was Ordered Off;
  - the reason for the Player being Ordered Off; and
  - any other information the Referee (or Touch Judge where applicable) considers material.

Form A may be used by the Referee for the purpose of a report under this Rule.

15. If a Player is Ordered Off the playing enclosure as a result of the intervention of a Touch Judge, the Touch Judge shall also send to the CEO of the Union a written report incorporating the matters referred to in Rule 14 within the time prescribed by that Rule. Form B may be used by the Touch Judge for the purposes of a report under this Rule.
16. For the purposes of Rules 14 and 15 a Referee's and a Touch Judge's report shall be deemed to be sent to the CEO of the Union when:
- it is posted; or
  - it is transmitted by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - it is received at the offices of the Union.

#### **ALTERNATIVE TWO WEEK SUSPENSION PROCEDURE**

17. A Union may, with the prior written consent of the NZRU, adopt the following alternative procedures at any or all levels of rugby in relation to Players Ordered Off the playing enclosure in a Match for which the Union has jurisdiction:
- a Player Ordered Off is automatically suspended and not permitted to play any game of rugby for a period of two weeks (this is intended to equate to two Matches) from the date of his Ordering Off;
  - if within 48 hours of the Ordering Off, the Player Ordered Off, personally or through his Club, notifies the Union that he requests a hearing before a Judicial Officer or Judicial Committee the Union shall within six days of the Ordering Off convene a hearing before a Judicial Officer or Judicial Committee;
  - if within seven days of having received copies of the reports of Match Officials on the Ordering Off, which the Union will obtain and provide to the Player personally or through his Club forthwith, the Player Ordered Off notifies the Union that he requests a hearing before a Judicial Officer or Judicial Committee the Union shall within six days of such notification convene a hearing before a Judicial Officer or Judicial Committee;
  - after having received copies of the reports of the Match Officials on the Ordering Off a nominated member of the Union Judicial Panel or the Union Complaints Review Officer shall perform an assessment of whether the two-week suspension of the Player is an adequate sanction taking into account the requirements of Rule 70 or whether the matter should proceed to a hearing before a Judicial Officer or Judicial Committee. In the event that the nominated member of the Judicial Panel or the Union Complaints Review Officer determines that the two week suspension is not an adequate sanction in the circumstances then he should refer the matter to a hearing before a Judicial Officer or Judicial Committee;
  - if the Player requests, or the nominated member of the Judicial Panel or the Union Complaints Review Officer determines that the matter should proceed to a hearing before a Judicial Officer or Judicial Committee, the Union should revert to the normal process for Players Ordered Off with notice to be provided to the Player under Rule 18;
  - in fixing any period of suspension under Sections 4 and 9 the Judicial Officer or Judicial Committee shall take account of any period of suspension already served by the Player by

operation of this Rule.

#### NOTICE TO PLAYER

18. In the event that a matter is to proceed to a hearing before a Judicial Officer or Judicial Committee, the Player Ordered Off shall be supplied with a copy of the Referee's Report and, where applicable, the Touch Judge's Report by the CEO of the Union and advised:
- (a) of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;
  - (b) that he will be required to attend the hearing;
  - (c) that if he is unable to appear at the hearing he should personally or through his Club advise the CEO of the Union forthwith;
  - (d) that he is entitled to adduce evidence and make submissions and be represented by his Club and/or legal advisor; and
  - (e) he is not eligible to play pending resolution of the case.

Where possible notice to the Ordered Off Player under this Rule shall be given in writing. It shall be sufficient compliance with this Rule if a copy of the Referee's Report and, where applicable, the Touch Judge's report and the information required to be given by this Rule is sent to the Ordered Off Player's address last known to the CEO of the Union or are handed to the Player or are sent to the Secretary of the Player's Club.

***If Ordering Off proceeding to a hearing, refer Section 4.***

## **PART 2**

### **INITIAL PROCEDURES: COMPLAINTS**

19. A Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a complaint of Illegal and/or Foul Play against a Player ("a Complaint") in respect of any act of Illegal and/or Foul Play which has not been detected by the Match Officials in a Match for which the Union has jurisdiction.
20. A Complaint under Rule 19 may be made by:
- (a) the CEO of the NZRU or his nominee;
  - (b) the CEO of the Union or his nominee or Citing Commissioner (where appointed by the Union);
  - (c) the Secretary of a Club involved in the Match;
  - (d) the Union's Referee Association; and
  - (e) all other persons.
21. (1) Subject to paragraph (2) hereof, a Complaint under Rule 19 shall be in writing and shall be sent to the CEO of the Union in which the incident the subject of the Complaint occurred within 48 hours of the completion of the Match.
- (2) With the leave of the Union Complaints Review Officer, a Complaint under Rule 19 may be sent to the CEO of the Union in which the incident, the subject of the Complaint occurred, outside the 48 hour period provided for in paragraph (1) hereof. Leave under this provision shall be given only in exceptional circumstances.
- (3) Except as hereafter provided, a Complaint made under paragraph (2) shall be treated and dealt with for all purposes as a Complaint made under paragraph (1).
- (4) For the purposes of this Rule, a Complaint is deemed to be sent when:
- (a) it is posted; or
  - (b) it is transmitted by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - (c) it is received at the offices of the Union.
22. A Complaint under Rule 19 shall contain the following information:
- (a) the date and place of the alleged Illegal and/or Foul Play;
  - (b) the name of the Player in respect of whom the Complaint is made (and his jersey number) and the team he was playing for at the time of the alleged Illegal and/or Foul Play;
  - (c) the name of the opposing team; and
  - (d) full details of the alleged Illegal and/or Foul Play.

23. (1) On receipt of a Complaint (other than a Complaint brought with leave under Rule 21(2)), the CEO of the Union shall immediately refer the Complaint to the Union Complaints Review Officer.
- (2) On receipt of a Complaint brought with leave under Rule 21(2), the CEO of the Union shall proceed as required by Rule 24(4) as if notification had been received from the Union Complaints Review Officer that the Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.
24. (1) If the Union Complaints Review Officer determines that the Complaint is not frivolous, vexatious or otherwise without merit, he shall either:
  - (a) if the Complaint relates to conduct which in his opinion would not warrant an Ordering Off and is not sufficiently serious to require a hearing before the Judicial Officer or Judicial Committee and the Player, the subject of the Complaint, has not within the period of 6 months preceding receipt of the Complaint received a caution issued under this or any other Rule herein, notify the CEO of the Union that a written caution should be issued by the Union to the Player; or
  - (b) in all other cases notify the CEO of the Union that the Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.

No reasons need be given by the Union Complaints Review Officer for his determination.
- (2) On being notified by the Union Complaints Review Officer that a written caution should be issued to a Player, the CEO of the Union shall forthwith arrange for a written caution, including a copy of the Complaint, to be posted to the Player and his Club.
- (3) If, within 7 days after any caution issued under paragraph (2) has been posted to a Player, the Player notifies the CEO of the Union in writing that he wishes to have the Complaint heard and determined by the Judicial Officer or Judicial Committee, the CEO shall notify the Judicial Officer or Judicial Committee and shall thereafter deal with the Complaint as if he had received notification from the Union Complaints Review Officer that it should proceed to a hearing before the Judicial Officer or Judicial Committee.
- (4) On being notified by the Union Complaints Review Officer that a Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee, the CEO of the Union shall obtain reports from the Match Officials and such other persons who he considers may be able to provide evidence bearing on the subject of the Complaint.
25. On receipt of notification under Rule 24 that a Complaint should proceed to a hearing, the CEO of the Union shall notify the Player and his Club of the Complaint and the fact the Union Complaints Review Officer has determined that it should proceed to a hearing before a Judicial Officer or Judicial Committee and shall send to the Player and his Club or other rugby organisation copies of the Complaint and any reports obtained under Rule 24, and video coverage of the incident, if available, and advise the Player:
  - (a) of the date, time and place of the Judicial Officer or Judicial Committee hearing at which the Complaint will be heard;
  - (b) that he will be required to attend the hearing in person;
  - (c) that if he is unable to appear at the hearing as notified, he should advise the CEO of the Union forthwith;
  - (d) that he is entitled to adduce evidence and make submissions and be represented by his Club and/or a legal advisor;
  - (e) that he is not eligible to play pending resolution of the case.

The CEO shall also notify the person who made the Complaint of the date, time and place of the hearing.

***If Complaint proceeding to a hearing, refer Section 4***

### **PART 3**

#### **INITIAL PROCEDURES: REFEREE'S REPORTS**

26. Where in a Match for which the Union has jurisdiction an incident of Illegal and/or Foul Play occurs and the Referee within 48 hours of the completion of the Match in which the incident occurred reports in writing to the CEO of the Union in which the Match was played, that he believes a decision

taken by him in respect of the incident may have been inappropriate or insufficient or that he was wrong in taking no action, the Judicial Officer or Judicial Committee shall have jurisdiction to inquire into the incident of Illegal and/or Foul Play as if the Referee's Report was a Complaint under Rule 19 hereof.

27. The Report of the Referee under Rule 26 shall contain the information required of a Complaint as specified in Rule 22 and shall state why the Referee believed the action taken by him was inappropriate or insufficient or why he believed he was wrong in taking no action.
28. For the purpose of Rule 26, the Referee shall be deemed to have reported to the CEO of the Union when:
  - (a) it is posted; or
  - (b) it is transmitted by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - (c) it is received at the offices of the Union.
29. On receipt of the Referee's Report, the CEO of the Union shall forthwith forward it to the Union's Complaints Review Officer who shall determine whether the matter, the subject of the Referee's Report, should be heard by the Judicial Officer or Judicial Committee or whether it should be dismissed as frivolous, vexatious or otherwise without merit; provided however that the Union Complaints Review Officer shall have power to notify the CEO that a written caution should be issued by the Union to the Player concerned as if the Referee's Report was a Complaint under Rule 19 and the requirements of Rule 24 are otherwise met.
30. If the Union Complaints Review Officer determines that the matter, the subject of the Referee's Report, should be heard by the Judicial Officer or Judicial Committee, the CEO of the Union shall send a copy of the Referee's Report to:
  - (a) the Player or Players involved in the incident the subject of the Referee's Report; and
  - (b) the Secretary of the Club of the Player or Players concerned.

At the same time, the CEO shall notify the Persons to whom the Referee's Report is sent and the Referee of the date, time and place of the meeting of the Judicial Officer or Judicial Committee at which the incident, the subject of the Referee's Report, will be inquired into.

***If Referee Report proceeding to a hearing, refer Section 4***

## **PART 4**

### **INITIAL PROCEDURES: TEMPORARY SUSPENSIONS ("YELLOW CARDS")**

31. Where a Player is Temporarily Suspended from play ("Yellow Carded") in a Match for which the Union has jurisdiction, the Referee shall, within 48 hours of the completion of the Match, or such further time as may be allowed by the Union Complaints Review Officer, send to the CEO of the Union in which the Match is played a written report incorporating:
  - (a) the date of the Match, the venue and the teams participating;
  - (b) the name of the Player Temporarily Suspended, his jersey number and his team;
  - (c) the circumstances in which the Player was Temporarily Suspended;
  - (d) the reason for the Player being Temporarily Suspended; and
  - (e) any other information the Referee considers material.

Form C may be used by the Referee for the purpose of a report under this Rule.

32. If a Player is Temporarily Suspended as a result of the intervention of a Touch Judge, the Touch Judge shall also complete a written report incorporating the matters referred to in Rule 31 and provide this to the Referee who shall include it as part of his written report. Form D may be used by the Touch Judge for the purposes of a report under this Rule.
33. For the purposes of Rule 31, the report of the Referee shall be deemed to be sent to the CEO of the Union when:
  - (a) it is posted; or
  - (b) it is transmitted by facsimile or email provided that timed and confirmed notice of transmission can be provided; or

- (c) it is received at the offices of the Union.
34. A Player Temporarily Suspended on two occasions during a playing season in Matches for which any Union has jurisdiction shall be advised in writing by the CEO of his Union that in the event he is Temporarily Suspended on any further occasion during the same playing season in any Match for which any Union has jurisdiction he will be subject to an automatic suspension of one week (which will equate to one Match) to be applied from the week immediately following the third Temporary Suspension.
35. A Player Temporarily Suspended on three occasions during the same playing season in Matches for which any Union has jurisdiction, and having received the notification required by Rule 34, shall be automatically suspended from all rugby for a period of one week (which will equate to one Match) with the suspension to be applied to the next match immediately following the match in which the third Temporary Suspension was issued. The CEO of the Union shall advise the Player and his Club or other rugby organisation of the one week suspension in writing. This automatic suspension is subject to the right of the Player to request a hearing under Rule 36.
36. If, within 48 hours after notice of the suspension issued under Rule 35 has been received by a Player, the Player notifies the CEO of the Union in writing that he wishes to appear before the Judicial Officer or Judicial Committee, the matter will then proceed to a hearing with the automatic suspension not applying. The Player shall be sent copies of the Referee's temporary suspension reports and be advised:
- (a) that the purpose of the hearing is to consider whether any further sanction should be imposed on him by reason of his persistent offending;
  - (b) of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;
  - (c) that he will be required to attend the hearing;
  - (d) that if he is unable to appear at the hearing he should personally or through his Club advise the CEO of the Union forthwith;
  - (e) that he is entitled to be represented by his Club and/or legal advisor;
  - (f) that save where he alleges that a Temporary Suspension in any incident was a result of the referee having wrongly identified the Player as the offending Player ("mistaken identity") no evidence will be heard other than on the question of penalty; and
  - (g) that he is not eligible to play pending resolution of the case;
37. At a hearing convened under Rule 36 the Judicial Officer or Judicial Committee shall have the power to impose a further period of suspension on the Player for his persistent offending.

***If Temporary Suspensions proceeding to a hearing, refer Section 4***

## **PART 5**

### **INITIAL PROCEDURES: MISCONDUCT**

38. Unions and Clubs are responsible and accountable for the conduct of their Players and all Persons under their jurisdiction whether by way of membership or representation in some way. Unions, Clubs, Players and Persons must conduct themselves in a disciplined and sporting manner and ensure that they do not commit an act or acts of Misconduct.
39. A Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a Misconduct Complaint against a Union, Club, Player or Person which arises from any conduct, behaviour or practices on or off the playing enclosure in connection with any Match (excluding Illegal and/or Foul Play by a Player during a Match which will be dealt with under Parts 1-4 of this Section) for which the Union has jurisdiction.
40. A Misconduct Complaint under Rule 39 may be made by:
- (a) the CEO of the NZRU or his duly authorised nominee;
  - (b) the CEO of the Union or his duly authorised nominee or duly authorised Citing Commissioner (where appointed by the Union);
  - (c) the Secretary of a Club involved in the Match;
  - (d) the Union's Referee Association; and
  - (e) all other persons.
41. (1) Subject to paragraph (2) hereof, a Misconduct Complaint under Rule 39 shall be in writing and shall be sent to the CEO of the Union in which the incident the subject of the Misconduct

- Complaint occurred within 48 hours of the alleged Misconduct occurring.
- (2) With the leave of the Union Complaints Review Officer, a Misconduct Complaint under Rule 39 may be sent to the CEO of the Union in which the incident, the subject of the Misconduct Complaint occurred, outside the 48 hour period provided for in paragraph (1) hereof. Leave under this provision shall be given only in exceptional circumstances, such as in the case of a Misconduct Complaint made by the CEO of the Union, where the offending only became known to the Union outside of the 48 hour period.
  - (3) Except as hereafter provided, a Misconduct Complaint made under paragraph (2) shall be treated and dealt with for all purposes as a Misconduct Complaint made under paragraph (1).
  - (4) For the purposes of this Rule a Misconduct Complaint is deemed to be sent when:
    - (a) it is posted; or
    - (b) it is transmitted by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
    - (c) it is received at the offices of the Union.
42. A Misconduct Complaint under Rule 39 shall contain the following information:
- (a) the date and place of the alleged Misconduct;
  - (b) the name of the Player or Person in respect of whom the Misconduct Complaint is made and his Union or Club;
  - (c) full details of the alleged Misconduct (including details of the evidence relied upon).
43. (1) On receipt of a Misconduct Complaint (other than a Misconduct Complaint brought with leave under Rule 41(2)), the CEO of the Union shall immediately refer the Misconduct Complaint to the Union Complaints Review Officer.
- (2) On receipt of a Misconduct Complaint brought with leave under Rule 41(2), the CEO of the Union shall proceed as required by Rule 44(2) as if notification had been received from the Union Complaints Review Officer that the Misconduct Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.
44. (1) If the Union Complaints Review Officer determines that the Misconduct Complaint is not frivolous, vexatious or otherwise without merit he shall notify the CEO of the Union that the Misconduct Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee. No reasons need be given by the Union Complaints Review Officer for his determination.
- (2) On being notified by the Union Complaints Review Officer that a Misconduct Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee, the CEO of the Union or his nominee shall:
- (a) undertake such investigations as he may consider appropriate to gather information bearing on the subject of the Misconduct Complaint; and
  - (b) obtain reports from such persons who he considers may be able to gather information bearing on the subject of the Misconduct Complaint.
- (3) On receipt of notification under paragraph (1) that a Misconduct Complaint should proceed to a hearing the CEO of the Union shall notify the Union, Club, Player or Person of the Misconduct Complaint and the fact that the Union Complaints Review Officer has determined that it should proceed to a hearing before the Judicial Officer or Judicial Committee and shall send to the Union, Club, Player or Person copies of the Misconduct Complaint and any reports and other evidence obtained under paragraph (2), and video coverage of the incident, if available, and advise:
- (a) of the date, time and place of the Judicial Officer or Judicial Committee hearing at which the Misconduct Complaint will be heard;
  - (b) that the Player or Person or a representative of the Union or Club will be required to attend in person the hearing;
  - (c) that if the Player or Person or a representative of the Union or Club is unable to appear at the hearing as notified, they should advise the CEO of the Union forthwith;
  - (d) that the Player or Person or representative of the Union or Club is entitled to adduce evidence and make submissions and be represented by his Union or Club (where applicable) and/or a legal advisor.

## **PART 6**

### **INITIAL PROCEDURES: MATCHES CALLED OFF**

45. Where a Match for which a Union has jurisdiction is called off early by the Referee because of:
- (a) persistent or serious Illegal and/or Foul Play by Players; and/or
  - (b) persistent or serious Misconduct by team management or supporters;
- of one or both of the teams involved in the Match, the Referee shall, within 48 hours of the completion of the Match or such further time as may be allowed by the Union Complaints Review Officer, send to the CEO of the Union in which the Match is played a written report.
46. The report of the Referee under Rule 45 shall incorporate the following:
- (a) the date and place of the Match;
  - (b) details of both teams involved in the Match;
  - (c) full details of the reasons why the Match was called off including examples of the persistent or serious Illegal and/or Foul Play or Misconduct;
  - (d) an assessment from the Referee as to whether one or both teams or the supporters or management of one or both teams were primarily responsible for the Match being called off;

Form E may be used by the Referee for the purpose of a report under this Rule.

47. On receipt of the report from the Referee under Rule 45 the CEO of the Union shall notify the Clubs to which the teams are aligned of the fact that the matter will proceed to a hearing before the Judicial Officer or Judicial Committee and shall send to the Clubs to which the teams are aligned copies of the report of the Referee and any other evidence obtained, and video coverage of the incident, if available, and advise:
- (a) of the date, time and place of the Judicial Officer or Judicial Committee hearing at which the matter will be heard;
  - (b) that the Captain and Coach or Manager of each team involved in the Match called off will be required to attend in person the hearing;
  - (c) that if all of the Captain and Coach or Manager of either team are unable to appear at the hearing as notified, they should advise the CEO of the Union forthwith;
  - (d) that the Captain and Coach or Manager of either team is entitled to adduce evidence and make submissions and be represented by his Club and/or a legal advisor;
48. For the avoidance of doubt nothing in this Part precludes any alleged Illegal and/or Foul Play or Misconduct involving any Players or Persons participating in or associated with the Match that was called off being dealt with separately under these Rules.

***If the Match Called Off is proceeding to a hearing, refer Section 4***

## **SECTION 4**

### **GENERAL PROVISIONS RELATING TO JUDICIAL HEARINGS**

#### **POWER TO REGULATE OWN PROCEDURES**

49. The procedure of the Judicial Officer or Judicial Committee in all proceedings shall be as the particular Judicial Officer or Judicial Committee shall determine in each case and the Judicial Officer or Judicial Committee shall be entitled to depart from the procedures set out in this Section. However, in each case the Judicial Officer or Judicial Committee shall:
- (a) seek to conform generally with the procedures set out in this Section; and
  - (b) ensure that a Player or Person subject to disciplinary proceedings has a reasonable opportunity to be heard and present his case.
50. In any case, the Judicial Officer or Judicial Committee (or a member thereof) may convene a pre-hearing conference for the purposes of giving directions for the hearing and clarification of the procedures. Such conference may include any Player or Person the subject of the proceedings, or any NZRU, Union or Club representative, Match Official, Citing Commissioner and any other person or body whose participation is considered desirable.
51. The Judicial Officer or Judicial Committee shall endeavor to ensure that disciplinary proceedings are heard in the presence of the Player or Person the subject of the proceedings, but nothing in these Rules or otherwise shall prevent a Judicial Officer or Judicial Committee hearing and determining disciplinary proceedings in the absence of the Player or Person concerned where the Player or Person does not attend the hearing. In such circumstances, the Judicial Officer or Judicial Committee may take written representations made by or on behalf of the Player or Person into account in making its decision.

#### **ATTENDANCE AND REPORT OF REFEREE**

52. (1) The Referee of the Match in which the Player is Ordered Off (and, if a Player is Ordered Off as a result of a Touch Judge's intervention, the Touch Judge) shall endeavor to attend the hearing of the Judicial Officer or Judicial Committee whether in person or via telephone conference and/or video link. The involvement of the Referee may be excused by the Judicial Officer or Chairman of the Judicial Committee where circumstances warrant this.
- (2) In respect of cases involving the Ordering Off of a Player, the Judicial Officer or Judicial Committee shall ensure that, prior to the hearing, the Ordered Off Player has been supplied with and has had a sufficient opportunity to consider the Referee's report and, where applicable, the report of the Touch judge together with other evidence including (where applicable) video evidence.
- (3) Nothing in this Rule shall prevent the Judicial Officer or Judicial Committee hearing and determining disciplinary proceedings in the absence of the Referee and/or Touch Judge, provided that the Judicial Officer or Judicial Committee shall have the power to adjourn proceedings where the attendance of the Referee or Touch Judge is considered necessary given the circumstances.

#### **INTERPRETERS**

53. Where, in any case, the Judicial Officer or Judicial Committee considers it necessary or desirable, it may direct the NZRU or Union to have an interpreter present at a hearing.

#### **PROCEDURE AT HEARINGS**

54. Unless it otherwise directs, the procedure of the Judicial Officer or Judicial Committee at a hearing will be as follows:
- (a) the Judicial Officer or Chairman of the Judicial Committee will explain the procedure to be followed;
  - (b) the report of the Referee and, where applicable, the report of the Touch Judges will be read;

- (c) the Ordered Off Player will be asked to confirm if he admits that he has committed an act or acts of Illegal and/or Foul Play;
  - (d) evidence from the Ordered Off Player, if he elects to give evidence, and from any witnesses to be called will be heard;
  - (e) final submissions will be heard;
  - (f) a similar procedure subject to such modification as the Judicial Officer or Judicial Committee deem appropriate may be adopted at their discretion with regard to cases involving Complaints, Referee Reports or Misconduct Complaints however, the Player or Person will be asked to confirm if he admits that he has committed an act or acts of Illegal and/or Foul Play or Misconduct (as the case may be).
55. In the event the Judicial Officer or Judicial Committee accepts video evidence, it shall be viewed without the sound or commentary associated with it being heard, save where the sound commentary includes the comments made by the Referee through his microphone in relation to the specific incident in question.
56. For Complaints or Misconduct Complaints, the Judicial Officer or Judicial Chairman may require that the person or rugby organisation making the complaint against the Player or Person have a representative in attendance at the hearing to present the basis of the Complaint or Misconduct Complaint and evidence in support.
57. The Player or Person subject to the proceedings may admit the offence at any time, in which case the Judicial Officer or Judicial Committee should proceed immediately to hear submissions as to the sanction (if any) to be imposed.

#### STANDARD OF PROOF

58. (1) Subject to (2) and (3) below, the standard of proof on all questions to be determined by the Judicial Officer or Judicial Committee shall be the balance of probabilities.
- (2) In the case of an Ordering Off, the function of the Judicial Officer or Judicial Committee is to consider the circumstances of the case and determine what further sanction, if any, should be imposed on the Player. The Judicial Officer or Judicial Committee shall not make a finding contrary to the Referee's decision unless it is satisfied, on the balance of probabilities, that the Referee's reasons for his decision were wrong.
- (3) In the case of a Complaint, the function of the Judicial Officer or Judicial Committee shall be to review the case and determine whether on the balance of probabilities the Player concerned committed the act or acts of Illegal and/or Foul Play that are the subject of the Complaint, provided that:
- (a) in any case where a Judicial Officer or Judicial Committee is required to consider a Complaint by an NZRU Citing Commissioner in respect of an incident where the Referee has made a decision on the field of play in relation to the incident, the Judicial Officer or Judicial Committee may review the Referee's reasons for the decision and the circumstances surrounding it. In any such case, the Judicial Officer or Judicial Committee shall not make a finding contrary to the Referee's decision unless it is satisfied on the balance of probabilities that the Referee's reasons for the decision were wrong.
  - (b) In any case where a Judicial Officer or Judicial Committee is required to consider an incident of Illegal and/or Foul Play or alleged Illegal and/or Foul Play which has not been the subject of a determination on the field of play by the Referee, it shall not uphold the Complaint unless it is satisfied on the balance of probabilities that the Player concerned committed the act or acts of Illegal and/or Foul Play that are subject to the Complaint.
- (4) In the case of a Misconduct Complaint, the function of the Judicial Officer or Judicial Committee shall be to review the case and determine whether, on the balance of probabilities, the Union, Club, Player or Person concerned committed the act or acts of Misconduct that are the subject of the Misconduct Complaint.

## EVIDENCE

59. The Judicial Officer or Judicial Committee shall be entitled to receive such evidence and in such form as it thinks fit (including evidence in writing) notwithstanding the evidence may not be legally admissible and shall be entitled to attach such weight to that evidence as he/it sees fit.
60. Generally, Judicial Officers or Judicial Committees should apply the Best Evidence Rule. This means that firsthand accounts from persons present at the hearing as to their observations of the incident in question should be preferred. Hearsay evidence may be accepted. However, caution will be exercised before hearsay evidence is accepted in preference to firsthand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, Judicial Officers or Judicial Committees should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of the Judicial Officer or members of the Judicial Committee e.g. medical opinion.
61. In all proceedings heard by the Judicial Officer or Judicial Committee, Match Officials may only give evidence of fact, not opinion.

## WITNESSES

62. The Judicial Officer or Judicial Committee may require the attendance at the hearing of any witness. In any case where a witness required by the Judicial Officer or Judicial Committee to attend the meeting refuses or fails to so attend, the Judicial Officer or Judicial Committee may refuse to allow the evidence of that witness to be given in any other form.
63. Where evidence is given before a Judicial Officer or Judicial Committee there shall be no direct questioning of any witness other than by the Judicial Officer or Judicial Committee save where the Judicial Officer or Judicial Committee agree otherwise. Questions may, however, be put to a witness through the Judicial Officer or Chairman of the Judicial Committee at their discretion.
64. The Judicial Officer or Judicial Committee shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.

## REPRESENTATION

65. A Player who is required to attend a hearing by a Judicial Officer or Judicial Committee shall be entitled to be represented at the hearing by an official of his Union or Club (as the case may be) or by legal counsel.
66. At any hearing, the Judicial Officer or Judicial Committee may direct that the NZRU or Union, as the case may be, be represented. If so, the NZRU or Union shall appear by a representative at the hearing, in such capacity as the Judicial Officer or Judicial Committee requires, to provide assistance to the Judicial Officer or Judicial Committee in the discharge of their duties.
67. Judicial Officers or Judicial Committees shall be entitled to call on experts to provide specialist advice, including legal advice.

## DELIBERATIONS

68.
  - (1) The Judicial Officer or Judicial Committee's deliberations on its decisions shall be in private.
  - (2) A decision of a Judicial Committee shall be valid if taken by at least a simple majority of the members of the Judicial Committee. No member of a Judicial Committee may abstain from any decision. Where a Judicial Committee has an even number of members and the members of such Judicial Committee are unable to come to a unanimous or majority decision, then the Chairman of the Judicial Committee shall have a casting vote.
69. Subject always to Rule 58, the Judicial Officer or Judicial Committee shall, in the first instance, determine its factual findings. Thereafter, as appropriate, it will reconvene and hear and consider evidence and submissions in relation to sanctions.

## SANCTIONS FOR ILLEGAL AND/OR FOUL PLAY

70. (1) When imposing sanctions in relation to an Ordering Off, Complaint or Referee Report, a Judicial Officer or Judicial Committee shall apply the Sanctions for Offences - Illegal and/or Foul Play set out in Section 9 in accordance with this Rule.
- (2) The Judicial Officer or Judicial Committee shall first undertake an assessment of the seriousness of the Player's conduct, which constitutes the offending and categorise the offence as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident where the incident is expressly covered in Section 9. The assessment of the seriousness of the Player's conduct shall be determined by reference to the following features of the offending:
- (a) whether the offending was committed intentionally or deliberately;
  - (b) whether the offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Illegal and/or Foul Play;
  - (c) the gravity of the Player's actions in relation to the offence:
    - (i) the nature of the actions, the manner in which the offence was committed including the part of the body used, i.e. fist, elbow, knee or boot;
    - (ii) the existence of provocation and whether the Player acted in retaliation and/or self-defence;
  - (d) the effect of the offending Player's actions on the victim (i.e. the extent of any injury, removal of the Player from the game);
  - (e) the effect of the offending Player's actions on the game;
  - (f) the vulnerability of the victim Player including the part of the victim's body involved or affected, the position of the Player and his ability to defend himself;
  - (g) the level of participation in the offending and the level of premeditation;
  - (h) whether the conduct of the offending Player was completed or amounted to an attempt;
  - (i) any other feature of the Player's conduct which constitutes the offending.
- Based on the assessment of the offence(s) under consideration against the above features of offending, the Judicial Officer or Judicial Committee shall categorise the offence(s) as being at the lower end, mid range or top end of the scale of seriousness of offending and identify the applicable entry point where set out in the Schedule. For offences categorised at the top end of the scale of seriousness of offending, the Judicial Officer or Judicial Committee is entitled to identify an entry point between the period shown as the top end in Section 9 and the maximum sanctions.
- (3) Once the applicable entry point has been identified, the Judicial Officer or Judicial Committee shall identify all relevant aggravating factors and determine what additional period of suspension, if any, above the applicable entry point should apply to the case in question. Aggravating factors include the following:
- (a) an absence or lack of remorse and/or contrition on the part of the offending Player;
  - (b) the Player's status as an offender of the Laws of the Game. The Player's disciplinary record in all competitions and (as appropriate) in other sports during his playing career shall be considered by a Judicial Officer or Judicial Committee. In any case in which the Judicial Officer or Judicial Committee establishes that the Player has previously been found by a Judicial Officer or Judicial Committee to have committed an act of Illegal and/or Foul Play and/or Misconduct, then the Judicial Officer or Judicial Committee in imposing any sanction on the Player may, in fixing that sanction, take account of such offending as an aggravating factor;
  - (c) the need for a deterrent to combat a pattern of offending;
  - (d) any other off-field aggravating factor that the Judicial Officer or Judicial Committee considers relevant and appropriate.
- (4) Thereafter the Judicial Officer or Judicial Committee shall identify all relevant mitigating factors to determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include the following:
- (a) the presence and timing of an acknowledgement of culpability/guilt by the offending Player;
  - (b) good record and/or good character;

- (c) the age and experience of the Player;
  - (d) the Player's conduct prior to and at the hearing;
  - (e) remorse for the Player's actions and the victim Player;
  - (f) any other off-field mitigating factor that the Judicial Officer or Judicial Committee considers relevant and appropriate.
- (5) In cases where the offending has been classified pursuant to this Rule as lower end offending, where there are compelling on-field and/or off-field mitigating features and a complete absence of on-field or off-field aggravating features, the Judicial Officer or Judicial Committee may apply sanctions less than the lower end entry sanctions prescribed in Section 9 and in this respect only, the lower end sanctions set out in Section 9 are not minimum sanctions.
  - (6) Where a Player has been found to have committed an act of Illegal and/or Foul Play not specifically prescribed in Section 9, appropriate sanctions may be imposed at the discretion of the relevant Judicial Officer, Judicial Committee and/or Appeal Committee (as the case may be).
  - (7) Notwithstanding the sanctions in Section 9 and/or the provisions of this Rule, in cases where the Player's actions constitute mid range or top end of offending for any type of offence which had the potential to result and, in fact, did result in serious/gross consequences to the health of the victim, the Judicial Officer or Judicial Committee may impose any period of suspension including a suspension for life.
  - (8) In cases of multiple offending, Judicial Officers and Judicial Committees may impose sanctions to run either on a concurrent or a consecutive basis provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.
  - (9) Judicial Officers and Judicial Committees shall, in their written decisions, set out the reasoning for their findings, including the finding on culpability, how they have categorised the seriousness of the offence by reference to the standard features of offending set out in this Rule, how they applied aggravating and mitigating factors and conclude with the sanction, if any, imposed.
  - (10) Whenever any period of suspension is imposed by a Judicial Officer or Judicial Committee, the commencement of such suspension may be deferred at the discretion of the Judicial Officer or Judicial Committee which imposes it.
  - (11) For cases involving Illegal and/or Foul Play, Judicial Officers and Judicial Committees may not suspend the effect of any sanction to be imposed.

## SANCTIONS FOR MISCONDUCT

71. If a Judicial Officer or Judicial Committee determines that an act or acts of Misconduct has been committed then he/it shall receive and consider representations on Sanctions. The Judicial Officer or Judicial Committee shall be entitled to impose such sanction as he/it thinks fit on the Union and/or Club and/or Person and/or Player concerned including, but not limited to, the following:
  - (a) a caution, warning as to future conduct, reprimand;
  - (b) a fine;
  - (c) a suspension for a specified number of Matches or period of time;
  - (d) exclusion orders from attending Matches or having any involvement with any teams playing Matches;
  - (e) suspension from involvement in Rugby officiating and/or administration;
  - (f) any combination of the above.

In the event that a Player is employed under the Collective Employment Agreement agreed between the NZRU and the New Zealand Rugby Players Collective the Judicial Officer or Judicial Committee shall be required to take account of any potential sanction that may be imposed on the Player under the provisions of the Collective Employment Agreement prior to deciding on the sanction to be imposed under this Rule.

72. To provide Judicial Officers and Judicial Committees with guidance in relation to imposing sanctions for Misconduct, the NZRU, in consultation with Unions, has prepared a recommended range of sanctions for the most common categories of Misconduct in Section 10 – Recommended Sanctions

for Offences – Misconduct. For the avoidance of doubt, the range of sanctions listed in Section 10 are recommendations only designed to assist the Judicial Officer or Judicial Committee and attempt to provide for a degree of consistency in the treatment of Misconduct offences in New Zealand Rugby. In each case, it will be for the Judicial Officer or Judicial Committee to consider the specific instance of Misconduct and decide on the appropriate sanction under Rule 71 taking into account the guidance provided in Section 10.

#### SANCTIONS FOR MATCHES CALLED OFF

73. If a Judicial Officer or Judicial Committee determines that:
- (a) the persistent or serious Illegal and/or Foul Play; and/or
  - (b) the persistent or serious Misconduct by team management or supporters
- of one or both teams was responsible for the Match being called off and the Referee's reasons for taking this action were correct in the circumstances, then he/it shall receive and consider representations on sanctions.
74. Taking into account the relative culpability of the teams involved in the Match, the Judicial Officer or Judicial Committee shall be entitled to impose such sanction as he/it thinks fit on one or both of the teams concerned including, but not limited to, the following:
- (a) a caution, warning as to future conduct, reprimand;
  - (b) award the Match and any applicable competition points to one of the teams;
  - (c) declare the score at the time of calling off as the final score in the Match or declare the Match a nullity as if each team had defaulted;
  - (d) removal of all or any of the competition points that would otherwise have been awarded to one or both of the respective teams for the Match;
  - (e) removal of all or any competition points for all Matches played during that season by one or both of the respective teams for the Match;
  - (f) suspend one or both teams and some or all of their respective Players for a period appropriate to the offence;
  - (g) any combination of the above.

#### COSTS

75. As a general principle, the NZRU or Union shall bear the cost of holding the hearing and the Player or Person that is the subject of the proceedings or his Union or Club shall pay his/their own costs. Notwithstanding this general principle, Judicial Officers or Judicial Committees shall have complete discretion to impose such costs orders as he/it sees fit having regard to the circumstances of the case.

#### POST HEARING PROCEDURES

76. The decision of the Judicial Officer or Judicial Committee shall be advised to applicable parties as soon as practicable after the conclusion of the hearing. Where it considers it appropriate, the Judicial Officer or Judicial Committee may deliver a short oral decision at the conclusion of the hearing (with its reasons to be put in writing and communicated to the parties at a later date) or it may reserve its decision.
77. All parties heard by the Judicial Officer or Judicial Committee and any victim Player identified shall be entitled to a copy of the written decision of the Judicial Officer or Judicial Committee containing reasons for the decision which shall, where practicable, be sent to them (or in the case of a victim Player, to their Club) by the NZRU or Union within 48 hours after it is available.
78. In any case where a Player or Person is adversely affected by a decision of the Judicial Officer or Judicial Committee he shall be advised by the Judicial Officer or Judicial Committee of his right of appeal. Such advice shall, ordinarily, be included in the Judicial Officer's or Judicial Committee's written decision and advised at the conclusion of the hearing if an oral decision is given.
79. No Judicial Officer or member of a Judicial Committee or Appeal Committee should comment to the media on a decision of those bodies but the Judicial Officer or Chairman may release a copy of that decision to the media when it is available; or if a full written decision is not immediately available,

release to the media a brief summary of the decision.

#### RECORD OF PROCEEDINGS

80. The hearing of proceedings by the Judicial Officer or Judicial Committee (save private deliberations) shall, ordinarily, be fully audio recorded. The record of the proceedings and all papers associated with the proceedings shall be held by the NZRU or Union. Copies of the record shall be made available at reasonable cost only on appeal of the decision of the Judicial Officer or Judicial Committee.

#### POWER TO DEAL WITH INCIDENTS ARISING FROM A MATCH AT SAME TIME

81. Where disciplinary proceedings, however arising, are taken against more than one Player or Person as a result of incidents occurring in connection with a Match, such proceedings may be heard by a Judicial Officer or Judicial Committee at the same time, provided there is no prejudice to any Player or Person against whom the disciplinary proceedings are taken.

#### NO RIGHT OF APPEAL AGAINST DECISION OF COMPLAINTS REVIEW OFFICER

82. For the avoidance of doubt there shall be no right of appeal against any decision made by an NZRU or Union Complaints Review Officer.

#### PROCEEDINGS NOT TO BE INVALIDATED FOR TECHNICAL REASONS

83. No proceedings heard by any Judicial Officer, Judicial Committee or Appeal Committee shall be quashed or held invalid by reason only of any defect, irregularity, omission or other technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of the Judicial Officer, Judicial Committee or Appeal Committee or results in a miscarriage of justice.

#### PLAYER MAY NOT PLAY WHILST CASE PENDING

84. (1) A Player who:
- (a) has been Ordered Off; or
  - (b) is the subject of a Complaint which a Complaints Review Officer has determined, should proceed to a hearing;
  - (c) is the subject of a Misconduct Complaint made by the CEO of the NZRU;
  - (d) is the subject of a Referee's Report which a Complaints Review Officer has determined should proceed to a hearing; or
  - (e) is a member of a team that was involved in a Match called off early by the Referee because of persistent or serious Illegal and/or Foul Play or Misconduct;
- is not permitted to play any Match until his case has been heard and finally determined before a Judicial Officer or Judicial Committee unless he is specifically authorised to do so by the Judicial Officer or Judicial Committee by which his case will be heard.
- (2) The lodging of an appeal shall not have the effect of deferring any suspension imposed. Once the period of any suspension has expired the Player may, however, resume playing notwithstanding that the appeal has not been heard.

#### POWER TO SUSPEND

85. The NZRU and Unions shall have power to:
- (a) suspend any Club whose Player or Person fails to comply with any sanction imposed on him. Provided the Player's or Person's Club has been notified of the decision in writing, there shall be power to suspend a Club whether or not members of the Club's Executive Committee and Team's Coaches are aware of the Player's or Person's failure to comply as aforesaid;
  - (b) suspend any Player who fails to comply with any sanction imposed on him pursuant to these Rules;
  - (c) suspend any Person who fails to comply with any sanction imposed on him pursuant to these Rules.

#### NZRU AND UNIONS TO CONDUCT OWN HEARING

86. Unless otherwise ordered by a Court of Law having jurisdiction in New Zealand, all disciplinary proceedings may take place at the same time as legal proceedings relating to the same subject matter that are in existence in any New Zealand Court.
87. Where under these Rules, any time is prescribed or allowed for the filing of any Notice of Appeal or doing any other thing in respect of an appeal, the Appeal Committee or Appeal Council shall have full discretionary power to extend or abridge the time prescribed or allowed.

#### AUTONOMY OF COMMITTEES

88. All Union Judicial Officers, Judicial Committees and Appeal Committees and the NZRU Judicial Officers or Judicial Committees shall exercise their functions independently of their respective Unions and the NZRU.
89. All Union Judicial Officers, Judicial Committees and Appeal Committees and the NZRU Judicial Officers or Judicial Committees shall be fully autonomous and, in particular, any decision they make shall be binding on the respective parent bodies which shall not have the power to affirm, revoke or alter any decision.

## SECTION 5

### PROVINCIAL UNION APPEALS

#### APPOINTMENT OF APPEAL PANEL

90. The Chairman of each Union shall appoint a panel of individuals (“the Appeal Panel”) of such number as he decides each of whom shall be eligible to sit as members of an Appeal Committee. The Chairman of the Union shall have the discretion to add further individuals to the Appeal Panel at any time. An individual may be appointed to the Judicial Panel and Appeal Panel at the same time.
91. The CEO of the Union or his nominee shall appoint individual Appeal Committees of three persons from members of the Appeal Panel to act in the name of the Union for the purposes of hearing and determining any appeal in relation to disciplinary proceedings for which the Union has jurisdiction. A member of the Appeal Panel who is a member of the same Club as the Player, Person or Club party to the appeal, the victim Player or a complainant, or who acted as Judicial Officer or formed part of the Judicial Committee in the first instance disciplinary proceedings, shall not be a member of the Appeal Committee which determines the appeal and shall not attend the appeal hearing.
92. Members of the Appeal Panel shall be appointed for a period of up to three years, following which they shall, unless reappointed by the Chairman of the Union, automatically cease to be a member of the Appeal Panel. The Chairman may, at his discretion, remove any member of the Appeal Panel, at any time for any reason.

#### APPEAL PROCEEDINGS

93. An appeal to an Appeal Committee may be lodged by:
  - (a) a Player sanctioned by a decision of a Judicial Officer or Judicial Committee for Illegal and/or Foul Play;
  - (b) a victim Player of the Illegal and/or Foul Play for which the opposition Player was referred to a Judicial Officer or Judicial Committee;
  - (c) a Player, Person, Union or Club sanctioned by a decision of a Judicial Officer or Judicial Committee for Misconduct; or
  - (d) the Union’s Referee Association.
94. An appeal may be lodged by the Club to which a Player or Person belongs or is associated with, provided the Club has the written authority of the Player or Person concerned to lodge the appeal and the written authority is lodged with the Notice of Appeal.
95. An appeal shall be lodged within 7 days after the date on which the decision of the Judicial Officer or Judicial Committee appealed against is notified. For the purposes of this Rule, a decision is deemed to have been notified when the written decision is sent by the CEO of the Union to the Player or Person.
96. An appeal shall be lodged when Notice of Appeal is received by the CEO of the Union. The Notice of Appeal shall be in writing signed by the person lodging the appeal and shall specify:
  - (a) the name of the person lodging the appeal and whether that person is lodging the appeal personally or as representative of the Club of a Player or Person;
  - (b) the decision appealed against;
  - (c) the date of the decision appealed against; and
  - (d) the specific grounds of the appeal.

Except as provided, no specific form of Notice of Appeal is required.

97. Upon receipt of the Notice of Appeal the CEO of the Union may require that an appeal deposit of an amount not exceeding \$1,000 be paid by the person lodging the appeal to the Union within 48 hours. In the event of the required deposit not being paid within 48 hours of notice of this requirement the appeal shall be deemed to be abandoned but the Appeal Committee in any case shall have power to extend the time for payment of the appeal deposit.
98. On the lodgment of the appeal, the CEO of the Union shall:
  - (a) immediately arrange for a copy of the Notice of Appeal to be given to any party who has a right to be heard in accordance with these Rules; and

- (b) make available to the Appeal Committee any record of the proceedings before the Judicial Officer or Judicial Committee.
99. The Appeal Committee shall set a time, date and place for the hearing of the appeal which shall be notified by the CEO of the Union to the party who has lodged the appeal and any other party who has a right to be heard in accordance with these Rules. The Player will also be notified that, pending appeal, the Player is not eligible to play save always that where a Player's suspension expires while his appeal is pending, the Player will be eligible to play forthwith.
100. (1) The following persons or parties shall have the right to be heard by the Appeal Committee on an appeal:
- (a) the person or party who lodged the appeal;
  - (b) the Player or Person sanctioned by the Judicial Officer or Judicial Committee;
  - (c) the victim Player (where applicable);
  - (d) the Union Referee's Association; and
  - (e) the Union or Club of the person or party referred to in paragraph (a);
- (2) All persons or parties entitled to be heard pursuant to paragraph (1) may be represented before the Appeal Committee by a representative of their Union or Club and/or by legal counsel.
- (3) On any appeal the Appeal Committee may direct the Union to be represented and the Union shall appear by legal counsel or by representative at the hearing of the appeal in such capacity as the Appeal Committee requires to provide assistance to the Appeal Committee in the discharge of its duties.
101. The Appeal Committee shall at its discretion be entitled, in exceptional circumstances, to conduct a de novo hearing. Ordinarily, however, appeals will be heard based on the record of the decision by the Judicial Officer or Judicial Committee and the evidence received and considered by the Judicial Officer or Judicial Committee. Also, in exceptional circumstances and at the discretion of the Appeal Committee, a combination of a de novo hearing or appeal on the record may be applied. In determining the basis on which an appeal is to be conducted, the Appeal Committee shall have regard to the following principles:
- (a) It will only be in exceptional circumstances that a de novo hearing in whole or part will be adopted on appeal.
  - (b) The evidential assessment of the Judicial Officer or Judicial Committee at first instance should not be overturned save as in circumstances where central findings of fact made by the Judicial Officer or Judicial Committee are clearly wrong.
  - (c) A de novo hearing in whole or part would ordinarily only be appropriate where:
    - (i) further evidence is available and such further evidence was not, on full and proper enquiry, available at the time of the first instance hearing; and/or
    - (ii) the record and/or evidence received and submitted at the first instance hearing is unclear and/or the record is otherwise defective.
102. Save where the Appeal Committee decides to hear the entire case de novo (in which circumstances the applicable first instance standard of proof shall apply) the appellant shall have the burden of proving that the decision being challenged should be overturned or varied.
103. (1) Where any question of fact arises on an appeal before the Appeal Committee, it shall be determined by reference to the record of proceedings before the Judicial Officer or Judicial Committee provided that the Appeal Committee, in its discretion, may rehear the whole or any part of evidence given before the Judicial Officer or Judicial Committee as it considers appropriate.
- (2) The Appeal Committee shall have full discretionary power to hear and receive such further evidence on an appeal as it thinks fit. Ordinarily such evidence would only be accepted where it can be established that such evidence was not, on full and proper enquiry, available at the time of the hearing. The Appeal Committee shall be entitled to receive such evidence as it thinks fit notwithstanding the evidence may not be legally admissible.
- (3) Where evidence is given before the Appeal Committee, there shall be no cross-examination or questioning of witnesses except to the extent the Appeal Committee in its discretion permits.

104. The Appeal Committee's deliberations on its decision shall take place in private. A decision of an Appeal Committee shall be valid if taken by at least a simple majority of the members of the Committee. No members of an Appeal Committee may abstain from any decision. When an Appeal Committee has an even number of members and members of such Committee are unable to come to a unanimous or majority decision, then the Chairman of the Appeal Committee shall have the casting vote.
105.
  - (1) The decision of the Appeal Committee shall be advised to the parties as soon as practicable after the conclusion of the hearing. Where it considers it appropriate, the Appeal Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.
  - (2) All parties heard by the Appeal Committee shall be entitled to a copy of the Appeal Committee's written decision which shall be provided by the Appeal Committee as soon as practicable after it is available. At the same time, the Appeal Committee shall advise of the right of appeal to the NZRU Judicial Committee. Such advice shall be included in the Appeal Committee's written decision.
106. Except as provided by the Rules contained in this Section, an Appeal Committee shall have power to regulate its own procedure. The Appeal Committee shall have power to quash, vary or increase any sanction imposed in any case.
107. The hearing of an appeal by an Appeal Committee shall be recorded. The record of proceedings and all papers produced at the hearing shall be held by the CEO of the Union.
108. An Appeal Committee may, in its discretion, order that any deposit paid on the lodgment of an appeal, or any part of it, be refunded.

## **SECTION 6**

### **PROVINCIAL UNION APPEALS TO NZRU JUDICIAL COMMITTEE**

109. Any person or party who had the right to be heard by the Union Appeal Committee under Rule 100 may appeal to the NZRU Judicial Committee against the decision of the Union Appeal Committee.
110. An appeal under Rule 109 may be lodged by the Union or Club to which a Player or Person belongs or is associated with, provided the Union or Club has the written authority of the Player or Person concerned to lodge the appeal and such written authority of the Player or Person concerned to lodge the appeal is lodged with the Notice of Appeal.
111. An appeal under Rule 109 shall be lodged within 7 days after the date on which the decision of the Appeal Committee is notified. For the purpose of this Rule, a decision of an Appeal Committee is deemed to have been notified when the written decision is sent by the CEO of the Union to the persons required to be notified under Section 5 of these Rules.
112. An appeal under Rule 109 shall be lodged when Notice of Appeal is received by the CEO of the NZRU. A Notice of Appeal shall be in writing, signed by the person lodging the appeal and shall specify:
- (a) the name of the person lodging the appeal and whether that person is lodging the appeal personally or as a representative of the Union or Club of a Player or Person;
  - (b) the decision appealed against;
  - (c) the date of the decision appealed against; and
  - (d) the specific grounds for the appeal.
- Except as provided, no particular form of Notice of Appeal is required.
113. In accordance with Rule 129, the CEO of the NZRU or his nominee shall appoint two or three members of the NZRU Judicial Panel to act in the name of the NZRU as the NZRU Judicial Committee for the purposes of hearing and determining the appeal.
114. Upon receipt of the Notice of Appeal the CEO of the NZRU shall notify the party appealing and the CEO of his Union of the appeal deposit of an amount not exceeding \$5,000 to be paid to the NZRU within 48 hours. In the event of the required deposit not being paid within 48 hours of notice of this requirement, the appeal shall be deemed to be abandoned provided that the NZRU Judicial Committee shall have power to extend the time for payment in any case.
115. On the lodgment of an Appeal the CEO of the NZRU shall forward to the NZRU Judicial Committee:
- (a) the Notice of Appeal;
  - (b) a record of the proceedings before the Union Judicial Officer or Judicial Committee and the decision of the Union Judicial Officer or Judicial Committee; and
  - (c) a record of the proceedings before the Union Appeal Committee and the decision of the Union Appeal Committee.
116. The NZRU Judicial Committee shall set a time, date and place for the hearing of the appeal which shall be notified by the CEO of the NZRU to the party who has lodged the Appeal and any other party who has the right to be heard in accordance with these Rules. The Player will also be notified that pending appeal the Player is not eligible to play save always that where a Players suspension expires when his appeal is pending the Player will be eligible to play forthwith.
117. On any appeal, the NZRU Judicial Committee may direct the NZRU to be represented and the NZRU shall appear by legal counsel or by representative at the hearing of the appeal in such capacity as the NZRU Judicial Committee requires.
118. (1) The following persons or parties shall have the right to be heard by the NZRU Judicial Committee on an Appeal brought under Rule 109:
- (a) the person or party who lodged the appeal;
  - (b) the Player or Person originally sanctioned by the Judicial Officer or Judicial Committee;
  - (c) the victim Player (where applicable);
  - (d) the Union Referee's Association;

- (e) the Union or Club of the person or party referred to in paragraph (a); and
  - (f) the NZRU.
- (2) All persons or parties entitled to be heard pursuant to this Rule may be represented before the NZRU Judicial Committee by a representative of their Union or Club and/or by legal counsel.
119. The NZRU Judicial Committee shall at its discretion be entitled, in exceptional circumstances, to conduct a de novo hearing. Ordinarily, however, appeals will be heard based on the record of the decision by the Union Judicial Officer or Judicial Committee and/or Union Appeal Committee and the evidence received and considered by the Union Judicial Officer or Judicial Committee and/or Union Appeal Committee. Also, in exceptional circumstances and at the discretion of the NZRU Judicial Committee, a combination of a de novo hearing or appeal on the record may be applied. In determining the basis on which an appeal is to be conducted, the NZRU Judicial Committee shall have regard to the following principles:
- (a) It will only be in exceptional circumstances that a de novo hearing in whole or part will be adopted on appeal.
  - (b) The evidential assessment of the Union Judicial Officer or Judicial Committee or Union Appeal Committee on appeal should not be overturned save as in circumstances where central findings of fact made by the Union Judicial Officer or Judicial Committee or Union Appeal Committee are clearly wrong.
  - (c) A de novo hearing in whole or part would ordinarily only be appropriate where:
    - (i) further evidence is available and such further evidence was not, on full and proper enquiry, available at the time of the first instance hearing; and/or
    - (ii) the record and/or evidence received and submitted at the first instance hearing is unclear and/or the record is otherwise defective.
120. Save where the NZRU Judicial Committee decides to hear the entire case de novo (in which circumstances the applicable first instance standard of proof shall apply) the appellant shall have the burden of proving that the decision being challenged should be overturned or varied.
121. (1) Where any question of fact arises on the appeal before the NZRU Judicial Committee it shall be determined by reference to the record of proceedings before the Union Judicial Officer or Judicial Committee and the Union Appeal Committee provided that the NZRU Judicial Committee in its discretion may re-hear the whole or any part of evidence given before the Union Judicial Officer or Judicial Committee or the Union Appeal Committee as it considers appropriate.
- (2) The NZRU Judicial Committee shall have full discretionary power to hear and receive such further evidence on an appeal as it thinks fit. Ordinarily such evidence would only be accepted where it can be established that such evidence was not, on full and proper enquiry, available at the time of the hearing. The NZRU Judicial Committee shall be entitled to receive such evidence as it thinks fit notwithstanding the evidence may not be legally admissible.
- (3) Where evidence is given before the NZRU Judicial Committee there shall be no cross-examination or questioning of witnesses except to the extent that the Judicial Committee in its discretion permits.
122. The NZRU Judicial Committees deliberations on its decision shall take place in private. A decision of an NZRU Judicial Committee shall be valid if taken by at least a simple majority of the members of the Committee. No members of an NZRU Judicial Committee may abstain from any decision. When an NZRU Judicial Committee has an even number of members and members of such Committee are unable to come to a unanimous or majority decision, then the Chairman of the Judicial Committee shall have the casting vote.
123. (1) The decision of the NZRU Judicial Committee shall be advised to the parties as soon as practicable after the conclusion of the hearing. Where it considers it appropriate, the NZRU Judicial Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.
- (2) All parties heard by the NZRU Judicial Committee and the Union Appeal Committee from which the Appeal originates shall be entitled to a copy of the written NZRU Judicial Committee decision which shall be sent by the CEO of the NZRU as soon as practicable after

it is available.

124. (1) Except as provided by these Rules, the NZRU Judicial Committee shall have power to regulate its own procedure. The NZRU Judicial Committee shall have power to quash, vary or increase any sanction imposed in any case. The NZRU Judicial Committee shall also have the power to refer the matter back to the Union Appeal Committee.
- (2) Where under this Section of the Rules any time is prescribed or allowed for the filing of any Notice of Appeal or doing any other thing in respect of an Appeal under Rule 109, the NZRU Judicial Committee shall have full discretionary power to extend or abridge the time prescribed or allowed.
- (3) Any power exercisable by the NZRU Judicial Committee in relation to an Appeal under Rule 109 may be exercised from time to time by any member of the NZRU Judicial Committee which hears the Appeal.
125. The hearing of an Appeal under Rule 109 by the NZRU Judicial Committee shall be fully recorded. The record of the proceedings and all papers produced at the hearing shall be held by the CEO of the NZRU.
126. The NZRU Judicial Committee may in its discretion order that the deposit paid on the lodgment of an appeal, or any part of it, be refunded.
127. Except where the NZRU Judicial Committee gives special leave to appeal to the Appeal Council, which leave will only be granted in exceptional circumstances, the decision of the NZRU Judicial Committee on an Appeal under Rule 109 shall be final.

## **SECTION 7**

### **NZRU INITIAL JUDICIAL PROCEDURES**

#### **APPOINTMENT OF JUDICIAL PANEL**

128. The Chairman of the NZRU Rugby Committee, or if unavailable the Chairman of the NZRU Board, shall appoint a panel of individuals (“the Judicial Panel”) of such number as he decides each of whom shall be eligible to sit as NZRU Judicial Officers or members of an NZRU Judicial Committee. The Chairman of the NZRU Rugby Committee, or if unavailable the Chairman of the NZRU Board, shall have the discretion to add further individuals to the Judicial Panel at any time.
129. The CEO of the NZRU or his nominee shall appoint individual Judicial Officers or Judicial Committees of two or three persons from members of the Judicial Panel to act in the name of the NZRU for the purposes of hearing and determining disciplinary proceedings for which the NZRU has jurisdiction.
130. Members of the Judicial Panel shall be appointed for a period of up to three years, following which they shall, unless reappointed by the Chairman of the NZRU Rugby Committee, automatically cease to be a member of the Judicial Panel. The Chairman of the NZRU Rugby Committee may, at his discretion, remove any member of the Judicial Panel, at any time for any reason.

#### **DISCIPLINARY PROCEEDINGS**

131. Any NZRU Judicial Officer or Judicial Committee appointed in accordance with Rule 129 shall have power to act in the name of the NZRU to hear and determine disciplinary proceedings for which the NZRU has jurisdiction in the following circumstances:
  - (a) where a Player is Ordered Off the playing enclosure in which case Part 1 of this Section will apply;
  - (b) where a Complaint of Illegal and/or Foul Play is lodged pursuant to Part 2 of this Section;
  - (c) where a Player has been Temporarily Suspended from the playing enclosure for a third time in which case Part 3 of this Section will apply;
  - (d) where a Misconduct Complaint is lodged pursuant to Part 4 of this Section;

Nothing in this Rule shall affect the jurisdiction of the NZRU Judicial Committee to hear and determine appeals brought before it pursuant to these Rules.

#### **PART 1**

##### **INITIAL PROCEDURES: ORDERING OFF (“RED CARD”)**

132. Where a Player is Ordered Off the playing enclosure in a Match for which the NZRU has jurisdiction, the Referee shall, within 24 hours of the completion of the Match, or such further time as may be allowed by the NZRU Complaints Review Officer, send to the CEO of the NZRU a written report incorporating:
  - (a) the date of the Match, the venue and the teams participating;
  - (b) the name of the Player Ordered Off, his jersey number and his team;
  - (c) the circumstances in which the Player was Ordered Off;
  - (d) the reasons for the Player being Ordered Off; and
  - (e) any other information the Referee (or Touch Judge where applicable) considers material.Form A may be used by the Referee for the purposes of a report under this Rule.
133. If a Player is Ordered Off the playing enclosure as a result of the intervention of a Touch Judge, the Touch Judge shall also send to the CEO of the NZRU a written report incorporating the matters referred to in Rule 132 within the time prescribed by that Rule. Form B may be used by the Touch Judge for the purposes of a report under this Rule.
134. For the purposes of Rules 132 and 133, a Referee’s and a Touch Judge’s report shall be deemed to be sent to the CEO of the NZRU when:
  - (a) it is transmitted to the CEO by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - (b) it is received at the offices of the NZRU

135. The Player Ordered Off shall be supplied with a copy of the Referee's Report and, where applicable, the Touch Judge's report by the CEO of the NZRU and advised:
- (a) of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;
  - (b) of the identity of the Judicial Officer or Judicial Committee;
  - (c) that he will be required to attend the hearing;
  - (d) that if he is unable to attend the hearing he should personally or through his Union advise the CEO of the NZRU forthwith;
  - (e) that he is entitled to adduce evidence and make submissions and be represented by his Union and/or a legal advisor; and
  - (f) he is not eligible to play pending resolution of the case

Where possible, notice to the Ordered Off Player and his Union shall be given in writing. It shall be sufficient compliance with this Rule if a copy of the Referee's report and, where applicable, the Touch Judge's report and the information required to be given by this Rule is sent to the CEO of the Ordered Off Player's Union or are handed to the Player or the Player's team manager.

***If Ordering Off proceeding to a hearing, refer Section 4***

**PART 2**  
**INITIAL PROCEDURES: COMPLAINTS**

136. The Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a complaint of Illegal and/or Foul Play against a Player ("a Complaint") in respect of any act of Illegal and/or Foul Play for which the Player has not been Ordered Off the playing enclosure in a Match for which the NZRU has jurisdiction.
137. (1) A Complaint under Rule 136 may only be made by an NZRU Citing Commissioner appointed by the NZRU for a particular Match or series of Matches. A Complaint may be made by an NZRU Citing Commissioner notwithstanding the Illegal and/or Foul Play may have been detected by Match Officials and have been the subject of action taken on the playing enclosure.
- (2) For any Match for which the NZRU has jurisdiction:
- (a) the team manager or CEO of a Union whose team participated in the Match;
  - (b) any Citing Commissioner Liaison Officer appointed by the Union hosting the Match;  
or
  - (c) the CEO of the NZRU or his nominee;
- may refer any incident of Illegal and/or Foul Play to the NZRU Citing Commissioner for consideration provided such incident is referred to the Citing Commissioner within 12 hours of the conclusion of the Match in which the incident is alleged to have occurred. A Citing Commissioner's decision as to whether a Complaint should be made against a Player (or not, as the case may be), whether as a result of an incident referred to him or otherwise shall be final.
138. (1) Subject to paragraph (2) hereof, a Complaint by an NZRU Citing Commissioner under Rule 136 shall be in writing and shall be sent to the CEO of the NZRU within 48 hours of the completion of the Match in which the incident the subject of the Complaint occurred.
- (2) With the leave of the NZRU Complaints Review Officer, a Complaint by an NZRU Citing Commissioner under Rule 136 may be sent to the CEO of the NZRU outside the 48 hour period provided for in paragraph (1) hereof. Leave under this provision shall be given only in exceptional circumstances.
- (3) Except as hereafter provided, a Complaint made under paragraph (2) hereof shall be treated and dealt with for all purposes as a Complaint under paragraph (1).
- (4) For the purposes of this Rule, a Complaint is deemed to be sent when:
- (a) it is transmitted to the CEO by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - (b) it is received at the offices of the NZRU.

139. A Complaint under Rule 136 shall contain the following information:
- (a) the date and place of the alleged Illegal and/or Foul Play;
  - (b) the name of the Player in respect of whom the Complaint is made (and his jersey number) and the team he was playing for at the time of the alleged Illegal and/or Foul Play;
  - (c) the name of the opposing team; and
  - (d) full details of the alleged Illegal and/or Foul Play;
140. (1) On receipt of a Complaint (other than a Complaint brought with leave under Rule 138(2)), the CEO of the NZRU shall immediately refer the Complaint to the NZRU Complaints Review Officer.
- (2) On receipt of a Complaint brought with leave under Rule 138(2) the CEO of the NZRU shall proceed as required by Rule 141(4) as if notification had been received from the NZRU Complaints Review Officer that the Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.
141. (1) If the NZRU Complaints Review Officer determines that the Complaint is not frivolous, vexatious or otherwise without merit he shall either:
- (a) if the Complaint relates to conduct which in his opinion would not warrant an Ordering Off and is not sufficiently serious to require a hearing before the Judicial Officer or Judicial Committee and the Player, the subject of the Complaint, has not within the period of 6 months preceding receipt of the Complaint received a caution issued under this or any other Rule herein, notify the CEO that a written caution should be issued by the NZRU to the Player; or
  - (b) in all other cases notify the CEO that the Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.
- No reasons need be given by the NZRU Complaints Review Officer for his determination. In exercising the powers he has under paragraph (1) hereof the NZRU Complaints Review Officer may obtain such reports from the Referee and Touch Judges as he may require.
- (2) On being notified by the NZRU Complaints Review Officer that a written caution should be issued to a Player, the CEO shall forthwith arrange for a written caution, including a copy of the Complaint, to be posted to the Player and his Union.
- (3) If, within 7 days after any caution issued under paragraph (2) hereof has been posted to a Player, the Player notifies the CEO in writing that he wishes to have the Complaint heard and determined by the Judicial Officer or Judicial Committee, the CEO shall notify the Judicial Officer or Judicial Committee and shall thereafter deal with the Complaint as if he had received notification from the NZRU Complaints Review Officer that it should proceed to a hearing before the Judicial Officer or Judicial Committee.
- (4) On being notified by the NZRU Complaints Review Officer that a Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee, the CEO shall forthwith obtain reports from the Referee, the Touch Judges and such other persons who he considers may be able to provide evidence bearing on the subject of the Complaint.
142. On receipt of notification under Rule 141 that a Complaint should proceed to a hearing, the CEO of the NZRU shall notify the Player and his Union of the Complaint and the fact that the NZRU Complaints Review Officer has determined it should proceed to a hearing and shall send to the Player and his Union copies of the Complaint and any reports obtained under Rule 141 and video coverage of the incident, if available, and advise the Player:
- (a) of the date, time and place of the Judicial Officer or Judicial Committee hearing at which the Complaint will be heard;
  - (b) that he will be required to attend in person the hearing;
  - (c) that if he is unable to appear at the hearing as notified, he should advise the CEO of the NZRU forthwith;
  - (d) that he is entitled to adduce evidence and make submissions and be represented by his Union and/or a legal advisor; and
  - (e) that he is not eligible to play pending resolution of the case.

***If Complaint proceeding to a hearing, refer Section 4***

## **PART 3**

### **INITIAL PROCEDURES: TEMPORARY SUSPENSIONS (“YELLOW CARDS”)**

143. Where a Player is Temporarily Suspended from play (“Yellow Carded”) in a Match for which the NZRU has jurisdiction, the Referee shall, within 24 hours of the completion of the Match, or such further time as may be allowed by the NZRU Complaints Review Officer, send to the CEO of the NZRU a written report incorporating:
- (a) the date of the Match, the venue and the teams participating;
  - (b) the name of the Player Temporarily Suspended, his jersey number and his team;
  - (c) the circumstances in which the Player was Temporarily Suspended;
  - (d) the reason for the Player being Temporarily Suspended; and
  - (e) any other information the Referee considers material.

Form C may be used by the Referee for the purpose of a Report under this Rule.

144. If a Player is Temporarily Suspended as a result of the intervention of a Touch Judge, the Touch Judge shall also send to the CEO of the NZRU a written report incorporating the matters referred to in Rule 143 within the time prescribed by that Rule. Form D may be used by the Touch Judge for the purposes of a report under this Rule.
145. For the purposes of Rule 143 the report of the Referee, or Touch Judge, shall be deemed to be sent to the CEO of the NZRU when:
- (a) it is transmitted to the CEO by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - (b) it is received at the offices of the NZRU.
146. A Player Temporarily Suspended on two occasions during a playing season in any Match for which the NZRU has jurisdiction shall be advised in writing by the CEO of the NZRU that in the event he is Temporarily Suspended on any further occasion during the same playing season in any Match for which the NZRU has jurisdiction he will be required to appear before the Judicial Officer or Judicial Committee which shall determine whether a further penalty will be imposed as a result of his persistent offending.
147. A Player Temporarily Suspended on three occasions during the same playing season in any Match for which the NZRU has jurisdiction and having received the notification required by Rule 146 shall be required to appear before the Judicial Officer or Judicial Committee. The Player shall be sent copies of the Referee’s Temporary Suspension reports and be advised:
- (a) that the purpose of the hearing is to consider whether any further penalty shall be imposed on him by reason of his persistent offending;
  - (b) of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;
  - (c) of the identity of the Judicial Officer or Judicial Committee;
  - (d) that he will be required to attend the hearing;
  - (e) that if he is unable to appear at the hearing he should personally or through his Union advise the CEO of the NZRU forthwith;
  - (f) that he is entitled to be represented by his Union and/or legal advisor;
  - (g) that save where he alleges that a Temporary Suspension in any incident was a result of the referee having wrongly identified the Player as the offending Player (“mistaken identity”) no evidence will be heard other than on the question of penalty; and
  - (h) that he is not eligible to play pending resolution of the case;
148. At a hearing convened under Rule 147 the Judicial Officer or Judicial Committee shall have power to impose a further period of suspension on the Player for his persistent offending.

***If Temporary Suspension proceeding to a hearing, refer Section 4***

**PART 4**  
**INITIAL PROCEDURES: MISCONDUCT**

149. The NZRU, Unions and Clubs are responsible and accountable for the conduct of their Players and all Persons under their jurisdiction. The NZRU, Unions, Clubs, Players and Persons must conduct themselves in a disciplined and sporting manner and ensure that they do not commit an act or acts of Misconduct.
150. An NZRU Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a Misconduct Complaint against an employee or agent of the NZRU, a Union, Club, Player or Person which arises from any conduct, behaviour or practices on or off the playing enclosure in connection with any Match (excluding Illegal and/or Foul Play by a Player during a Match which will be dealt with under Parts 1-3 of this Section) for which the NZRU has jurisdiction.
151. A Misconduct Complaint under Rule 150 may be made by:
- (a) the CEO of the NZRU or his duly authorised nominee; and
  - (b) the CEO of a Union where a team from that Union was involved in the Match which gave rise to the alleged Misconduct.
152. (1) Subject to paragraph (2) hereof a Misconduct Complaint under Rule 150 shall be in writing and shall be sent to the CEO of the NZRU within 48 hours of the alleged Misconduct occurring.
- (2) With the leave of the NZRU Complaints Review Officer, a Misconduct Complaint under Rule 150 may be sent to the CEO of the NZRU outside the 48 hour period provided for in paragraph (1) hereof. Leave under this provision shall be given only in exceptional circumstances such as, in the case of a Misconduct Complaint made by the CEO of the Union, where the offending only became known to the NZRU outside of the 48 hour period.
- (3) Except as hereafter provided, a Misconduct Complaint made under paragraph (2) shall be treated and dealt with for all purposes as a Misconduct Complaint made under paragraph (1).
- (4) For the purposes of this Rule, a Misconduct Complaint is deemed to be sent when:
- (a) it is transmitted to the CEO by facsimile or email provided that timed and confirmed notice of transmission can be provided; or
  - (b) it is received at the offices of the NZRU.
153. A Misconduct Complaint under Rule 150 shall contain the following information:
- (a) the date and place of the alleged Misconduct;
  - (b) the name of the Player or Person in respect of whom the Misconduct Complaint is made and his Union;
  - (c) full details of the alleged Misconduct (including brief details of the evidence relied)
- Except as provided, there is no specific form required.
154. (1) Where a Misconduct Complaint is lodged by a Union CEO, on receipt of the Misconduct Complaint (other than a Misconduct Complaint brought with leave under Rule 152(2)), the CEO of the NZRU shall immediately refer the Misconduct Complaint to the NZRU Complaints Review Officer.
- (2) On receipt of a Misconduct Complaint brought with leave under Rule 152(2), the CEO of the NZRU shall proceed as required by Rule 155(2) as if notification had been received from the NZRU Complaints Review Officer that the Misconduct Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.
155. (1) If the NZRU Complaints Review Officer determines that the Misconduct Complaint is not frivolous, vexatious or otherwise without merit he shall notify the CEO of the NZRU that the Misconduct Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee. No reasons need be given by the NZRU Complaints Review Officer for his determination.
- (2) On receipt of a Misconduct Complaint under Rule 151(a) or on being notified by the NZRU Complaints Review Officer that a Misconduct Complaint should proceed to a hearing before

the Judicial Officer or Judicial Committee, the CEO of the NZRU or his nominee shall:

- (a) undertake such investigations as he may consider appropriate to gather information bearing on the subject of the Misconduct Complaint; and
  - (b) obtain reports from such persons who he considers may be able to gather information bearing on the subject of the Misconduct Complaint.
- (3) On receipt of a Misconduct Complaint under Rule 151(a) or on being notified by the NZRU Complaints Review Officer that a Misconduct Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee, the CEO of the NZRU shall notify the Union, Player or Person of the Misconduct Complaint and the fact the NZRU Complaints Review Officer has determined that it should proceed to a hearing before the Judicial Officer or Judicial Committee (if applicable) and shall send to the Union, Player or Person copies of the Misconduct Complaint and any reports and other evidence obtained under paragraph (2), and video coverage of the incident, if available, and advise:
- (a) of the date, time and place of the Judicial Officer or Judicial Committee hearing at which the Misconduct Complaint will be heard;
  - (b) that the Player or Person or a representative of the Union will be required to attend in person the hearing;
  - (c) that if the Player or Person or representative of the Union is unable to appear at the hearing as notified, they should advise the CEO of the NZRU forthwith;
  - (d) that the Player or Person or representative of the Union is entitled to adduce evidence and make submissions and be represented by his Union and/or a legal advisor.

***If Misconduct proceeding to a hearing, refer Section 4***

## **SECTION 8**

### **NZRU APPEALS TO APPEAL COUNCIL**

156. An appeal to the NZRU Appeal Council may be lodged by:
- (a) a Player sanctioned by a decision of an NZRU Judicial Officer or Judicial Committee for Illegal and/or Foul Play;
  - (b) a victim Player of the Illegal and/or Foul Play for which the opposition Player was referred to an NZRU Judicial Officer or Judicial Committee; or
  - (c) a Player or Person sanctioned by a decision of an NZRU Judicial Officer or Judicial Committee for Misconduct.
157. An appeal may be lodged by the Union to which a Player or Person belongs provided the Union has the written authority of the Player or Person concerned to lodge the appeal and the written authority is lodged with the Notice of Appeal.
158. An Appeal shall be lodged within two working days after the date on which the written Decision of the Judicial Officer or Judicial Committee is notified. For the purposes of this Rule, a decision is deemed to have been notified when the written decision is sent by the CEO of the NZRU to the Union of the Player or Person.
159. The Appeal shall be lodged when written Notice of Appeal is received by the CEO of the NZRU. The Notice of Appeal shall be in writing signed by the person lodging the appeal and shall specify:
- (a) the name of the person lodging the appeal and whether that person is lodging the appeal personally or as a representative of the Union of the Player or Person;
  - (b) the decision appealed against;
  - (c) the date of the decision appealed against; and
  - (d) the specific grounds for the Appeal.

Except as provided, no specific form of Notice of Appeal is required.

160. In accordance with clause 19.1 of the NZRU Constitution, upon receipt of the Notice of Appeal the CEO of the NZRU may require that an appeal deposit be paid by the person lodging the appeal to the NZRU within 48 hours. In the event of a deposit not being paid within 48 hours of notice of this requirement the appeal shall be deemed to be abandoned provided that the Appeal Council in any case shall have power to extend the time for payment of the appeal deposit.
161. On lodgment of the Appeal, the CEO of the NZRU shall:
- (a) immediately arrange for a copy of the Notice of Appeal to be given to any party who has a right to be heard in accordance with these Rules; and
  - (b) make available to the Appeal Council any record of the proceedings before the Judicial Officer or Judicial Committee.
162. The Appeal Council Chairman shall set a time, date and place for the hearing of the appeal which shall be notified by the CEO of the NZRU to the party who has lodged the appeal and any other party who has a right to be heard. The Player will also be notified that, pending appeal, the Player is not eligible to play, save always that where a Player's suspension expires while his appeal is pending, the Player will be eligible to play forthwith.
163. (1) The following persons or parties shall have the right to be heard by the Appeal Council on an appeal:
- (a) the person or party who lodged the appeal;
  - (b) the Player or Person sanctioned by the Judicial Officer or Judicial Committee;
  - (c) the victim Player (where applicable); and
  - (d) the Union of the person or party referred to in paragraph (a);
- (2) All parties entitled to be heard by the Appeal Council may be represented by a representative of their Union and/or by legal counsel.
- (3) On any appeal, the Appeal Council may direct the NZRU to be represented and the NZRU shall appear by Counsel or by representative at the hearing of the Appeal in such capacity as the Appeal Council requires to provide assistance in the discharge of its duties.

164. The Appeal Council shall at its discretion be entitled, in exceptional circumstances, to conduct a de novo hearing. Ordinarily, however, appeals will be heard based on the record of the decision by the Judicial Officer or Judicial Committee and the evidence received and considered by the Judicial Officer or Judicial Committee. Also, in exceptional circumstances and at the discretion of the Appeal Council, a combination of a de novo hearing or appeal on the record may be applied. In determining the basis on which an appeal is to be conducted the Appeal Council shall have regard to the following principles:
- (a) It will only be in exceptional circumstances that a de novo hearing in whole or part will be adopted on appeal.
  - (b) The evidential assessment of the Judicial Officer or Judicial Committee at first instance should not be overturned save as in circumstances where central findings of fact made by the Judicial Officer or Judicial Committee are clearly wrong.
  - (c) A de novo hearing in whole or part would ordinarily only be appropriate where:
    - (i) further evidence is available and such further evidence was not, on full and proper enquiry, available at the time of the first instance hearing; and/or
    - (ii) the record and/or evidence received and submitted at the first instance hearing is unclear and/or the record is otherwise defective.
165. Save where the Appeal Council decides to hear the entire case de novo (in which circumstances the applicable first instance standard of proof shall apply) the appellants shall have the burden of proving that the decision being challenged should be overturned or varied.
166. (1) Where any question of fact arises on the appeal before the Appeal Council, it shall be determined by reference to the record of proceedings before the Judicial Officer or Judicial Committee provided that the Appeal Council in its discretion may re-hear the whole or any part of evidence given before the Judicial Committee as it considers appropriate.
- (2) The Appeal Council shall have full discretionary power to hear and receive such further evidence on an appeal as it thinks fit. Ordinarily such evidence would only be accepted where it can be established that such evidence was not, on full and proper enquiry, available at the time of the hearing. The Appeal Council shall be entitled to receive such evidence as it thinks fit notwithstanding the evidence may not be legally admissible.
- (3) Where evidence is given before the Appeal Council there shall be no cross-examination or questioning of witnesses except to the extent that the Appeal Council in its discretion, permits.
167. The Appeal Council deliberations on its decision shall take place in private. A decision of an Appeal Council shall be valid if taken by at least a simple majority of the members of the Appeal Council. No members of an Appeal Council may abstain from any decision. When an Appeal Council has an even number of members and members of such Council are unable to come to a unanimous or majority decision, then the Chairman of the Appeal Council shall have the casting vote.
168. (1) The decision of the Appeal Council shall be advised to the parties as soon as practicable after the conclusion of the hearing. Where it considers it appropriate, the Appeal Council may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.
- (2) All parties heard by the Appeal Council shall be entitled to a copy of the written decision of the Appeal Council which shall be sent by the CEO of the NZRU as soon as practicable after it is available.
169. Except as provided by the Rules contained in this Section, the Appeal Council shall have power to regulate its own procedure. The Appeal Council shall have power to quash, vary or increase any sanction imposed in any case. The Appeal Council shall also have the power to refer the matter back to the NZRU Judicial Officer or Judicial Committee.
170. The hearing of an appeal by the Appeal Council shall be fully recorded. The record of the proceedings and all papers produced at the hearing shall be held by the CEO of the NZRU.
171. The Appeal Council may in its discretion order that the deposit paid on the lodgment of an appeal, or any part of it, be refunded.
172. The Decision of the Appeal Council on an appeal shall be final.

## SECTION 9

### SANCTIONS FOR OFFENCES: ILLEGAL AND/OR FOUL PLAY

IRB RECOMMENDED SANCTIONS FOR OFFENCES WITHIN THE PLAYING ENCLOSURE (REGULATION 17)

**Entry Point** is based on the scale of seriousness of the Player's conduct that constitutes the offending: Lower End (LE), Mid Range (MR) or Top End (TE).

Law Number	Description	Entry Point	Maximum Sanction
10.4(s) 10.4(m)	Verbal Abuse of Match Officials	LE -6 weeks MR -12 weeks TE 18+ weeks	52 weeks
10.4(s) 10.4(m)	Physical Abuse of Match Officials	LE -24 weeks MR -48 weeks TE 96+ weeks	Life
10.4(s) 10.4(m)	Threatening Actions or Words at Match Officials	LE -12 weeks MR -24 weeks TE 48+ weeks	260 weeks
10.4(a)	Striking another Player with a hand, arm or fist	LE -2 weeks MR -5 weeks TE 8+ weeks	52 weeks
10.4(a)	Striking another Player with the elbow	LE -2 weeks MR -5 weeks TE 9+ weeks	52 weeks
10.4(a)	Striking with knee	LE -3 weeks MR -8 weeks TE 12+ weeks	52 weeks
10.4(a)	Striking with head	LE -4 weeks MR -8 weeks TE 12+ weeks	104 weeks
10.4(b)	Stamping on an Opponent	LE -2 weeks MR -5 weeks TE 9+ weeks	52 weeks
10.4(b)	Trampling on an Opponent	LE -2 weeks MR -5 weeks TE 9+ weeks	52 weeks
10.4(c)	Kicking an Opponent	LE -4 weeks MR -8 weeks TE 12+ weeks	52 weeks
10.4(d)	Tripping an Opponent with the foot or leg	LE -2 weeks MR -4 weeks TE 7+ weeks	52 weeks
10.4(e)	Dangerous tackling of an Opponent including early or late and including the action known as the "stiff arm tackle"	LE -2 weeks MR -6 weeks TE 10+ weeks	52 weeks

Law Number	Description	Entry Point	Maximum Sanction
10.4(e)	Dangerous tackling of an Opponent including a tackle or attempted tackle above the line of the shoulders even if the tackle starts below the line of the shoulders	LE – 2 weeks MR – 6 weeks TE – 10+ weeks	52 weeks
10.4(f)	Holding, pushing or obstructing an Opponent not holding the ball except in a scrum, ruck or maul	LE – 2 weeks MR – 4 weeks TE 6+ weeks	52 weeks
10.4(f) 10.4(k)	Dangerous charging or obstructing or grabbing of an Opponent without the ball, including shouldering	LE – 3 weeks MR – 5 weeks TE 9+ weeks	52 weeks
10.4(g)	Dangerous charging or obstructing or grabbing of an Opponent with the ball, including shouldering	LE – 2 weeks MR – 5 weeks TE 9+ weeks	52 weeks
10.4(h)	A player must not charge into a ruck or maul. Charging includes any contact made without use of the arms, or without grasping a player	LE – 3 weeks MR – 5 weeks TE 9+ weeks	52 weeks
10.4(i)	Tackling, tapping, pushing or pulling an Opponent jumping for the ball in a lineout or in open play	LE – 3 weeks MR – 6 weeks TE 10+ weeks	52 weeks
10.4(j)	Lifting a Player from the ground and either dropping or driving that Player's head and/or upper body first into the ground whilst the Player's feet are off the ground	LE – 3 weeks MR – 6 weeks TE 10+ weeks	52 weeks
10.4(k)	Causing a scrum, ruck or maul to collapse	LE – 2 weeks MR – 4 weeks TE 8+ weeks	52 weeks
10.4(m)	Testicle grabbing or twisting or squeezing	LE – 12 weeks MR – 18 weeks TE 24+ weeks	208 weeks
10.4(m)	Biting	LE – 12 weeks MR – 18 weeks TE 24+ weeks	208 weeks
10.4(m)	Contact with Eyes or the Eye Area	LE – 12 weeks MR – 18 weeks TE 24+ weeks	156 weeks
10.4(m)	Spitting at Players	LE – 4 weeks MR – 7 weeks TE 11+ weeks	52 weeks
10.4(m)	Verbal abuse of Players based on Religion, Race, Colour, or National or Ethnic Origin or otherwise	LE – 4 weeks MR – 8 weeks TE 13+ weeks	52 weeks
10.4(m)	Any other acts (not previously referred to) which are contrary to good sportsmanship	LE – 4 weeks MR – 7 weeks TE 11+ weeks	52 weeks

In respect of offences not referred to above, appropriate sanctions may be imposed at the discretion of the relevant Judicial Officer, Disciplinary Committee, Appeal Officer and/or Appeal Committee (as the case may be).

Notwithstanding the recommended sanctions in Appendix 1 and/or the provisions of Regulation 17.14 in cases where the player's actions constitute mid range or top end of offending for any type of offence which had the potential to result and, in fact, did result in serious/gross consequences to the health of the victim, the Judicial Officers and/or Disciplinary Committees may impose any period of suspension including a suspension for life.

## SECTION 10 RECOMMENDED SANCTIONS FOR OFFENCES: MISCONDUCT

### RECOMMENDED SANCTIONS FOR MISCONDUCT

Type of Misconduct	Type of Sanction	Seriousness	Recommended Range
Verbal Abuse of a Referee or Touch Judge by a Player or Person	Suspension	Less serious	2-11 weeks
		More serious	12-52 weeks
Physical Abuse of a Referee or Touch Judge by a Player or Person	Suspension	Less serious	12-47 weeks
		More serious	48 weeks - Life
Threatening actions or words at Referee or Touch Judge	Suspension	Less serious	12-23 weeks
		More serious	24-104 weeks
Acts or Statements that are discriminatory by reason of religion, race, sex, or national or ethnic origin	Suspension	Less serious	2-17 weeks
		More serious	18-52 weeks
Player or Person providing false or misleading information to Match Officials, Union or NZRU	Suspension	Less serious	2-23 weeks
		More serious	24-104 weeks

## FORM A: REFEREE REPORT ON ORDERING OFF (RED CARD)

Forms are available in electronic format from the NZRU.

### FORM A REFEREE REPORT ON ORDERING OFF (RED CARD)

Player's Team \_\_\_\_\_ Player's Name: \_\_\_\_\_

Venue \_\_\_\_\_ Date \_\_\_\_\_

Playing Position of Player \_\_\_\_\_ Player's Number \_\_\_\_\_

Match & Result \_\_\_\_\_ pts \_\_\_\_\_ pts

Nature of offence (*please list applicable Law Numbers(s) if known and/or short description of the Law*)

Period of the match when incident occurred: 1<sup>st</sup> Half  2<sup>nd</sup> Half

Elapsed Time in Half: \_\_\_\_\_

Proximity to the incident: \_\_\_\_\_ (metres)

Score at that time: \_\_\_\_\_ pts \_\_\_\_\_ pts

Was the Player ordered off further to the report of a Touch Judge? Yes  No

If yes, who was the Touch Judge: \_\_\_\_\_

Was the conduct in question witnessed by any other persons? \_\_\_\_\_

What were the circumstances in which the player was ordered off:

---

---

---

---

Did the offending conduct appear to be deliberate? If yes, please explain why:

---

---

Had the player or his team been warned or yellow carded prior to the incident? If so, please explain:

---

---

Was the captain involved in the ordering off? If so, what was his reaction?

---

---

Was there any provocation prior to the offending? \_\_\_\_\_

---

Was the victim injured in the incident and if so, was he able to continue playing a full part in the game?

---

---

What, if any, effect did the incident have on the outcome of the game?

---

---

To what extent was the victim (if any) able to anticipate what was about to occur and protect himself in the course of the offending?

---

---

Did the offending Player show any remorse or contrition at the time or afterwards?

---

---

Are there any other mitigating or aggravating features of the offending Player's conduct that you consider are relevant to any penalty that may be imposed on the player?

---

---

REFEREE'S NAME: \_\_\_\_\_ UNION: \_\_\_\_\_

REFEREE'S SIGNATURE: \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

**REPORT TO BE LODGED WITH THE PROVINCIAL UNION WHERE THE MATCH  
WAS PLAYED OR THE NZRU WITHIN 48 HOURS OF THE MATCH**

## FORM B: TOUCH JUDGE REPORT ON ORDERING OFF (RED CARD)

Forms are available in electronic format from the NZRU.

### FORM B TOUCH JUDGE'S REPORT ON ORDERING OFF (RED CARD)

Player's Team \_\_\_\_\_ Player's Name: \_\_\_\_\_

Venue \_\_\_\_\_ Date \_\_\_\_\_

Playing Position of Player \_\_\_\_\_ Player's Number \_\_\_\_\_

Match & Result \_\_\_\_\_ pts \_\_\_\_\_ pts

Referee's Name \_\_\_\_\_

Nature of offence (*please list applicable Law Numbers(s) if known and/or short description of the Law*)

Proximity to the incident: \_\_\_\_\_ (metres)

Was the conduct in question witnessed by any other persons? \_\_\_\_\_

What were the circumstances in which the player was ordered off:

Did the offending conduct appear to be deliberate? If yes, please explain why:

Was there any provocation prior to the offending? \_\_\_\_\_

Was the victim injured in the incident and if so, was he able to continue playing a full part in the game?

What, if any, effect did the incident have on the outcome of the game?

To what extent was the victim (if any) able to anticipate what was about to occur and protect himself in the course of the offending?

---

---

Did the offending Player show any remorse or contrition at the time or afterwards?

---

---

Are there any other mitigating or aggravating features of the offending Player's conduct that you consider are relevant to any penalty that may be imposed on the player?

---

---

TOUCH JUDGE'S NAME: \_\_\_\_\_ UNION: \_\_\_\_\_

TOUCH JUDGE'S SIGNATURE: \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

**REPORT TO BE LODGED WITH THE PROVINCIAL UNION WHERE THE MATCH  
WAS PLAYED OR THE NZRU WITHIN 48 HOURS OF THE MATCH**

**FORM C: REFEREE REPORT ON TEMPORARY SUSPENSION (YELLOW CARD)**

Forms are available in electronic format from the NZRU.

**FORM C REFEREE REPORT ON TEMPORARY SUSPENSION (YELLOW CARD)**

Player's Team \_\_\_\_\_ Player's Name: \_\_\_\_\_

Venue \_\_\_\_\_ Date \_\_\_\_\_

Playing Position of Player \_\_\_\_\_ Player's Number \_\_\_\_\_

Match & Result \_\_\_\_\_ pts \_\_\_\_\_ pts

Nature of offence (*please list applicable Law Numbers(s) if known and/or short description of the Law*)

\_\_\_\_\_

Period of the match when incident occurred: 1<sup>st</sup> Half  2<sup>nd</sup> Half

Elapsed Time in Half: \_\_\_\_\_

Proximity to the incident: \_\_\_\_\_ (metres)

Score at that time: \_\_\_\_\_ pts \_\_\_\_\_ pts

Was the Player temporarily suspended further to the report of a Touch Judge? Yes  No

If yes, who was the Touch Judge: \_\_\_\_\_

What were the circumstances in which the player was temporarily suspended:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REFEREE' S NAME: \_\_\_\_\_ UNION: \_\_\_\_\_

REFEREE'S SIGNATURE: \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

**REPORT TO BE LODGED WITH THE PROVINCIAL UNION WHERE THE MATCH WAS PLAYED OR THE NZRU WITHIN 48 HOURS OF THE MATCH**

**FORM D: TOUCH JUDGE REPORT ON TEMPORARY SUSPENSION (YELLOW CARD)**

Forms are available in electronic format from the NZRU.

**FORM D TOUCH JUDGE REPORT ON A TEMPORARY SUSPENSION (YELLOW CARD)**

Player's Team \_\_\_\_\_ Player's Name: \_\_\_\_\_

Venue \_\_\_\_\_ Date \_\_\_\_\_

Playing Position of Player \_\_\_\_\_ Player's Number \_\_\_\_\_

Match & Result \_\_\_\_\_ pts \_\_\_\_\_ pts

Nature of offence *(please list applicable Law Numbers(s) if known and/or short description of the Law)*

\_\_\_\_\_

Period of the match when incident occurred: 1<sup>st</sup> Half  2<sup>nd</sup> Half

Elapsed Time in Half: \_\_\_\_\_

Proximity to the incident: \_\_\_\_\_ (metres)

Score at that time: \_\_\_\_\_ pts \_\_\_\_\_ pts

What were the circumstances in which the player was temporarily suspended:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REFEREE'S NAME \_\_\_\_\_ UNION: \_\_\_\_\_

TOUCH JUDGE'S NAME \_\_\_\_\_ UNION: \_\_\_\_\_

TOUCH JUDGE'S SIGNATURE \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

**FORM TO BE HANDED TO REFEREE IMMEDIATELY FOLLOWING MATCH OR LODGED WITH THE NZRU WITHIN 48 HOURS OF THE MATCH**

## FORM E: REFEREE REPORT ON MATCHES CALLED OFF

Forms are available in electronic format from the NZRU.

### FORM E REFEREE REPORT ON MATCHES CALLED OFF

Team A \_\_\_\_\_ Team B \_\_\_\_\_

Venue \_\_\_\_\_ Date \_\_\_\_\_

Period of the match when called off: 1<sup>st</sup> Half  2<sup>nd</sup> Half

Elapsed Time in Half: \_\_\_\_\_

Score at that time: \_\_\_\_\_ pts \_\_\_\_\_ pts

What were the circumstances in which the match was called off:

---

---

---

---

---

---

---

What were the examples of the persistent or serious Illegal and/or Foul Play or Misconduct that lead to the match been called off and who committed these offences:

---

---

---

---

---

---

---

Were one or both teams responsible for the match been called off (give details):

---

---

---

---

---

---

---

REFEREE'S NAME: \_\_\_\_\_ UNION: \_\_\_\_\_

REFEREE'S SIGNATURE: \_\_\_\_\_ CONTACT PHONE: \_\_\_\_\_

**REPORT TO BE LODGED WITH THE PROVINCIAL UNION WHERE THE MATCH WAS PLAYED WITHIN 48 HOURS OF THE MATCH**

**APPENDIX: FLOWCHART OF PROVINCIAL UNION DISCIPLINARY PROCESS**

