

# ***THE BLACK BOOK***

**NEW ZEALAND RUGBY**  
**Disciplinary Rules 2017**



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**New Zealand Rugby Union  
Disciplinary Rules**

**THE BLACK BOOK**

**As at 1 January 2017**

**Preliminary Section**

- (A) Regulations 17, 18 and 20 of the World Rugby (“WR”) Regulations Relating to the Game have been designed to achieve a universal and consistent “rugby specific” approach to 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 Regulations 17 (and in particular the core principles of Regulation 17 as set out below), 18 and 20.
- (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 WR 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.

**Core Principles - Foul Play**

The principles set out below are mandatory in disciplinary regulations at all levels of the Game:

- (a) The sanctions applicable to Foul Play shall be the same throughout the Game.

- (b) All Matches are equal. A Player suspended from playing the Game shall be suspended from participating in any Match at any level during the period of his suspension.
- (c) The core sanctioning process set out in Rule 87 of these Regulations shall be applied to all disciplinary cases involving Foul Play at all levels of the Game.
- (d) The principles of natural justice shall be adhered to in all disciplinary proceedings. Such principles include, Players cited/Ordered Off shall have the right to know the evidence against them, shall have the right to be heard, to be represented, to produce evidence and defend themselves before independent adjudicators.
- (e) All Duty Judicial Officers, Judicial Officers, Judicial Committees, Appeal Officers, Appeal Committees and Citing Commissioners shall meet the criteria for appointment in these Regulations and shall be independently appointed and shall exercise their functions independently of the parties to the Match and/or proceedings and of the Union under whose jurisdiction responsibility falls for the relevant Match and shall not perform a governance or management role in any Union involved in the Match and/or proceedings.
- (f) Teams may submit complaints in accordance with Rules 20 and 163(2).
- (g) The threshold test for citing (“Red Card Test”) shall be as set out in Rule 163(1).
- (h) The standard of proof for Ordering Off and a Complaint shall be as provided in Rule 74.
- (i) Players Ordered Off or cited by a Citing Commissioner shall be provisionally suspended pending the hearing of the case.
- (j) Suspended Players who appeal shall remain under suspension in accordance with Rules 125, 149 and 195.
- (k) Unions and the WR shall have the right to appeal as set out in Rules 111 and 181.
- (l) It is recognised that due to particular circumstances Unions may wish to depart from certain provisions of these Regulations for secondary school rugby which are not Core Principles and they have the flexibility to do so provided always that no rules or procedures may be introduced (and/or omitted) by any Union in respect of their disciplinary rules which conflict with (and/or do not properly implement) the Core Principles as set out in this Regulation, the principle of universality and/or are contrary to the Laws of the Game.

## SECTION 1 DEFINITIONS AND INTERPRETATION

1. In these Rules, unless the 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.

**Citing Commissioner Warning** - means a warning issued by an NZRU Citing Commissioner issued in accordance with these regulations.

**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 WR.

**Collective Agreement** - means the collective employment agreement between the NZRU and NZ Rugby Players Collective as amended from time to time.

**Disciplinary Tribunals** - means Judicial Officers, Duty Judicial Officers, Judicial Committees, Appeal Officers, Appeal Committees and Disciplinary Committees.

**Duty Judicial Officer** means a Judicial Officer appointed to perform the role set out in Rule 157.

**Game** - means the game of rugby football played in accordance with the Laws of the Game.

**Foul Play** - means conduct which constitutes a breach or breaches of Law 10 of the WR's 'Rugby: The Laws of the Game' and/or a breach or breaches of Law 3.11 (c) or Law 4.5 (c).

**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 sevens, pre-season and trial Matches.

**Match Official** - means a referee and/or an assistant referee and shall include, when appointed, a citing commissioner, television match official and/or the fourth official.

**Misconduct** - shall mean any conduct, behaviour, statements or practices on or off the playing enclosure during or in connection with a Match or otherwise and/or that is unsporting and/or cheating and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the sport of Rugby

Union and/or any of its constituent bodies, the WR and/or its appointed personnel or commercial partners and/or Match Officials and/or judicial personnel, the NZRU, Provincial Unions, Clubs and/or any of these organisation's commercial partners into disrepute. Misconduct shall only exclude Foul Play during a Match which has been the subject of consideration and a finding under the regime for ordering off and/or citing under Section 3, Parts 1 and 2 or Section 7, Parts 1 or 2.

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, behaviour statements or practices by any person however or wherever undertaken are examples of Misconduct:

- (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, assistant referees, citing commissioners or other Match 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, sexual orientation, disability, colour or national or ethnic origin;
- (f) providing inaccurate and/or misleading information about the 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 breach of WR Regulation 20 (Code of Conduct);
- (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 adversely 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 and/or disciplinary personnel including Disciplinary Tribunals and Citing Commissioners;
- (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 or on the Club's premises;
- (j) any breach of WR Regulation 6 or the NZRU Anti-Corruption and Betting Regulations;

- (k) failure to co-operate with the citing and/or judicial process in the absence of a reasonable explanation or making a citing referral or citing complaint frivolously or in bad faith;
- (l) failure or refusal by a Player, Person or Rugby Organisation to co-operate fully with any investigations conducted pursuant to the wagering rules (including WR Regulation 6), or the anti-doping rules (including WR Regulation 21), or in connection with any complaint or dispute which is or could be brought before a Disciplinary or Appeal Committee or Judicial or Appeal Officer; and/or
- (m) making any comments (including to the media) that attack, disparage or denigrate the Game and/or any of its constituent bodies, the WR, NZRU or Provincial Union and/or its appointed personnel or commercial partners and/or Match Officials and/or disciplinary personnel (including Disciplinary Tribunals and Citing Commissioners).

**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. For the avoidance of doubt, a Player will not be deemed to have been Ordered Off if he receives one Temporary Suspension and one Citing Commissioner Warning or two Citing Commissioner Warnings in the same Match.

**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 WR.

**Player** - shall mean a member of any Club of any Provincial Union associated for the time being for the purpose of playing the Game 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 WR.

**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 (“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 WR 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 WR 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) Premier Competition 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 cooperate 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 and Designated Disciplinary Officer**

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 and who are independent of the Union. The Chairman of each Union will appoint one of the panel as the Chairperson. The Chairman of the Union shall have the discretion to add further individuals to the Judicial Panel at any time.
8. The Chairperson of the Judicial Panel 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.
10. The Chairman or CEO of the Union shall appoint a person to be the designated disciplinary officer for the purposes of this Regulation.

## **Disciplinary Proceedings**

11. 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 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 Foul Play or Misconduct in which case Part 6 of this Section will apply.

## **Disciplinary Proceedings for Junior Rugby**

12. 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 13, the Rules contained herein will not apply to Players participating in a Junior Rugby Match.
13. Where a Union deals with an incident of 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 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 Foul Play has occurred it shall take specific account of the requirements set out in Rule 87 in determining the appropriate sanction for the Player and shall apply the sanctions set out in Section 9.
14. 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 12 and 13 preclude this.

## **Part 1 Initial Procedures: Ordering Off (“Red Card”)**

15. 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:
- (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 reason for the Player being Ordered Off; and
  - (e) any other information the referee (or assistant referee where applicable) considers material.

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

16. If a Player is Ordered Off the playing enclosure as a result of the intervention of an assistant referee, the assistant referee shall also send to the CEO of the Union a written report incorporating the matters referred to in Rule 15 within the time prescribed by that Rule. Form B may be used by the assistant referee for the purposes of a report under this Rule.
17. For the purposes of Rules 15 and 16 a referee’s and an assistant referee’s report 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.

## **Alternative Two Week Suspension Procedure**

18. 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) 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;
  - (b) 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;

- (c) 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;
- (d) 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 appropriate sanction taking into account the requirements of Rule 87 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 appropriate sanction in the circumstances then he should refer the matter to a hearing before a Judicial Officer or Judicial Committee;
- (e) 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 19;
- (f) 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**

19. 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 assistant referee'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 and shall be suspended from all on-field activities on a Match day 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 assistant referee'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

20. A Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a complaint of Foul Play against a Player (“a Complaint”) in respect of any act of Foul Play which has not been detected by the Match Officials in a Match for which the Union has jurisdiction.
21. A Complaint under Rule 20 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 Referees’ Association; and
  - (e) all other persons.
22.
  - (1) Subject to paragraph (2) hereof, a Complaint under Rule 20 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 20 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.
23. A Complaint under Rule 20 shall contain the following information:
  - (a) the date and place of the alleged 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 Foul Play;

- (c) the name of the opposing team; and
  - (d) full details of the alleged Foul Play.
24. (1) On receipt of a Complaint (other than a Complaint brought with leave under Rule 22(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 22(2), the CEO of the Union shall proceed as required by Rule 25(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.
25. (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.

26. On receipt of notification under Rule 25 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 25, 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 and is suspended from all on-field activities on a Match day 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**

27. Where in a Match for which the Union has jurisdiction an incident of 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 Foul Play as if the referee's report was a Complaint under Rule 20 hereof.
28. The report of the referee under Rule 27 shall contain the information required of a Complaint as specified in Rule 23 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.
29. For the purpose of Rule 27, 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.
30. 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 20 and the requirements of Rule 25 are otherwise met.
31. 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”)

32. Where a Player is Temporarily Suspended from play (i.e. receives a “Yellow Card”) 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.
33. If a Player is Temporarily Suspended as a result of the intervention of an assistant referee, the assistant referee shall also complete a written report incorporating the matters referred to in Rule 32 and provide this to the Referee who shall include it as part of his written report. Form D may be used by the assistant referee for the purposes of a report under this Rule.
34. For the purposes of Rule 32 or 33, the report of the referee or assistant 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.
35. 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. For the avoidance of doubt there is no ability to challenge a Yellow Card before a Judicial Officer or Judicial Committee until three (3) Yellow Cards have been received.

36. 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 35, shall, subject to Rules 37 and 38, 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 that the Player is scheduled to play 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 37.
37. If, within 48 hours after notice of the suspension issued under Rule 36 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 applying unless the Judicial Officer or Judicial Committee determines otherwise. 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 sanction (in addition to the yellow cards) 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 no evidence will be heard other than on the question of penalty; and
  - (g) that he is not eligible to play and is suspended from all on-field activities on a Match day pending resolution of the case unless a Judicial Officer or Judicial Committee determines otherwise.
38. At a hearing convened under Rule 37 the Judicial Officer or Judicial Committee shall have the power to cancel the automatic one week suspension, confirm it or 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

39. 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.
40. 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, statements or practices on or off the playing enclosure in connection with any Match or otherwise (excluding Foul Play by a Player during a Match that has resulted in an Ordering Off under Part 1 or a Complaint under Part 2 for which the Union has jurisdiction (“Misconduct Complaint”).
41. A Misconduct Complaint under Rule 40 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 Referees’ Association; and
  - (e) all other persons.
42.
  - (1) Subject to paragraph (2) hereof, a Misconduct Complaint under Rule 40 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 40 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.
43. A Misconduct Complaint under Rule 40 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).
44. (1) On receipt of a Misconduct Complaint (other than a Misconduct Complaint brought with leave under Rule 42(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 42(2), the CEO of the Union shall proceed as required by Rule 45(4) 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.
45. (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 designated disciplinary officer 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) Every Club, Person or Player shall be obliged to co-operate with any investigations, referrals, and/or hearings relating to an allegation of

Misconduct and a failure to co-operate with such investigations may itself constitute Misconduct.

- (4) 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.
- (5) Nothing in this Rule limits or restricts the right of the WR to appoint a person to undertake an investigation into incidents that may constitute or may be capable of constituting Misconduct or acts which have the potential to bring the Game or the WR into disrepute. This provision applies equally to situations where the Union takes no action or insufficient action.
- (6) Where an allegation of Misconduct concerns the Union, the CEO or the designated disciplinary officer must notify the CEO of the NZRU about the allegation. The CEO of the NZRU will have the power to appoint its own designated disciplinary officer to investigate the allegation in substitution for the Union's designated disciplinary officer.
- (7) A Judicial Officer or Judicial Committee may at its or his discretion impose a provisional suspension on a Club, Player or Person subject to a Misconduct Complaint pending resolution of the case.
- (8) At any hearing of a Misconduct Complaint, the designated disciplinary officer or his nominee shall be in attendance to explain the basis of the Misconduct Complaint and present the Misconduct Complaint and he may be assisted by a legal advisor.

- (9) The designated disciplinary officer shall have the burden of proving on the balance of probabilities that an act or acts of Misconduct have been committed. The Player or Person or other party subject to the Misconduct Complaint shall be asked if he accepts that he committed an act of Misconduct. The Judicial Committee or Judicial Officer shall determine its/his factual findings and whether it/he is satisfied on the balance of probabilities that an act(s) of Misconduct has been committed by the Player, Person, or other party concerned.
- (10) The recommended range of sanctions for Misconduct is set out in Rule 88 and Section 10.

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

## Part 6 Initial Procedures: Matches Called Off

46. Where a Match for which a Union has jurisdiction is called off early by the referee because of:

- (a) persistent or serious 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.

47. The report of the referee under Rule 46 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 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.

48. On receipt of the report from the referee under Rule 46, 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 by the designated disciplinary officer, 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.

49. For the avoidance of doubt nothing in this Part precludes any alleged 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**

### **General**

50. Disciplinary Tribunals constituted under these Rules shall exercise their functions independently, including independently of the parties to the Match and/or proceedings, and the Clubs, Union, and other Rugby bodies.
51. Disciplinary Tribunals shall be fully autonomous and, in particular, any decision they make shall be binding on the Player, Person, and his Union, none of whom shall have the power to affirm, revoke or alter any decision.
52. The standard of proof on all questions to be determined by Disciplinary Tribunals shall be the balance of probabilities unless otherwise specified in a particular Rule. Disciplinary Tribunals shall have no discretion in this regard.
53. Unions and Disciplinary Tribunals shall be entitled to publish as they think fit reports of their proceedings, findings and penalties. No member of a Disciplinary Tribunal shall comment to the media on a decision of that body.
54. Disciplinary Tribunals shall have absolute discretion in imposing orders as to the payment of costs in relation to any proceedings.
55. All hearings shall take place in private.
56. Disciplinary Tribunals:
- (a) shall be entitled to adjourn and/or postpone proceedings;
  - (b) shall be entitled to determine whether witnesses that give evidence are able to remain within the room in which the matter is being heard after their evidence has been given;
  - (c) may direct that an interpreter be present to partake in the proceedings;
  - (d) shall be entitled to call on experts to provide specialist advice;
  - (e) shall be entitled to be assisted by a legal advisor;
  - (f) shall deliberate in private on their decisions.

## **Power to Regulate Own Procedures**

57. The procedure of the Disciplinary Tribunal in all proceedings shall be as the particular Disciplinary Tribunal shall determine in each case and the Disciplinary Tribunal shall be entitled to depart from the procedures set out in this Section. However, in each case the Disciplinary Tribunal 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.
58. In any case, the Disciplinary Tribunal (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.
59. The Disciplinary Tribunal shall endeavour 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 Disciplinary Tribunal 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 Disciplinary Tribunal 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**

60. (1) The referee of the Match in which the Player is Ordered Off (and, if a Player is Ordered Off as a result of an assistant referee's intervention, the assistant referee) shall endeavour 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 assistant referee 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 assistant referee, provided that the Judicial Officer or Judicial Committee shall have the power to adjourn

proceedings where the attendance of the referee or assistant referee is considered necessary given the circumstances.

### **Interpreters**

61. Where, in any case, the Duty Judicial Officer, 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**

62. Unless it otherwise directs, the procedure of the Judicial Officer or Judicial Committee at a hearing involving an Ordering Off 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 assistant referees' 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 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 Foul Play or Misconduct (as the case may be).
63. Unless it otherwise directs, the procedure of the Judicial Committee or Judicial Officer at the hearing of a Misconduct Complaint will be as follows:
  - (a) the Chairman or Judicial Officer will explain the procedure to be followed:
  - (b) for cases involving Misconduct or breaches of the WR Code of Conduct/Regulations and/or this Rule:
    - (i) the charges or Complaint will be read; and
    - (ii) the Player or Person will be asked to confirm if he admits that he has committed the act or acts of Misconduct or breaches of the Regulation(s) for which he is cited or charged;
  - (c) evidence from the Player or Person if he elects to give evidence, and from any witnesses to be called will be heard; and

- (d) final submissions will be heard.
64. The Player or Person subject to disciplinary proceedings may admit the offence at any time in which case the Judicial Committee or Judicial Officer should proceed immediately to hear submissions in relation to sanction.
  65. Where disciplinary proceedings, however arising, are taken against more than one Player or Person as a result of incidents occurring in a Match or arising from the same incident or series of incidents, such proceedings may be heard by a Judicial Committee or Judicial Officer at the same time, provided there is no prejudice to any person against whom the disciplinary proceedings are taken.
  66. Upon finding of a breach of the Rules, Judicial Committees or Judicial Officers shall be entitled to impose such penalties and orders as they think fit which may include the penalties set out in Sections 9 and 10.
  67. 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.
  68. The non-attendance of a party at a hearing and/or preliminary hearing in respect of which that party has received notice shall not prevent the matter being dealt with in their absence.
  69. A decision of a Disciplinary Tribunal shall be valid if taken by at least a simple majority of the members of the Committee. No member of the Disciplinary Tribunal may abstain from any decision. Where a Committee has an even number of members and they are unable to reach a unanimous or majority decision then the Chairman of the Judicial, Disciplinary or Appeal Committee shall have a casting vote.
  70. Hearings by Disciplinary Tribunals (save for private deliberations) may be fully audio or audio-visually recorded or recorded by a stenographer. The record of proceedings and all papers associated with the proceedings shall be held for a suitable period by the Union which shall promptly make the same available to the NZRU or the Board if it requires.
  71. 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.
  72. 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

73. Offences and breaches of this Rule may be established by any reliable means, including admissions. The following rules of proof shall be applied by the Judicial Committee or Judicial Officer:
- (a) they shall have the discretion to accept any facts established by a decision of a court of competent jurisdiction or professional disciplinary tribunal which is not the subject of a pending appeal as irrefutable evidence against the Player or Person to whom the decision relates of those facts, save only where the Player or Person establishes that the decision was contrary to the principles of natural justice; and
  - (b) where the Player or Person has been Ordered Off or is charged with an offence and/or breach and fails or refuses without compelling justification to appear at a hearing (in person or by telephonic means) of which they have been given reasonable notice, the Judicial Committee or Judicial Officer may draw an inference adverse to the Player or Person.
74. (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 decision was wrong.
- (3) In the case of a Complaint, the function of the Judicial Officer or Judicial Committee shall be to determine whether the Player concerned committed an act of Foul Play. Where a Player accepts that there has been Foul Play or Foul Play is established to the satisfaction of the Judicial Officer or Judicial Committee, the cited Player may seek to show that the Citing Commissioner's decision to cite was wrong and the Judicial Officer or Judicial Committee may review the Citing Commissioner's decision and the circumstances surrounding it. In any such case the Judicial Officer or Judicial Committee shall not make a finding contrary to the Citing Commissioner's decision to cite unless satisfied on the balance of probabilities that the Citing Commissioner's decision was wrong.
- (4) If the Complaint by an NZRU Citing Commissioner is upheld, the Judicial Officer or Judicial Committee shall determine the sanction, if any, to be imposed on the Player in accordance with Rule 87. In determining the appropriate sanction, if any, the Judicial Officer or Judicial Committee may take account of any action taken during the Match in respect of the Foul Play by the referee.

- (5) If the Complaint arises from a match where there was no Citing Commissioner, the Judicial Officer or Judicial Committee shall prior to considering the Complaint, establish that the incident was not seen by the referee and/or assistant referees and whether the Foul Play was sufficiently serious to warrant an Ordering Off. If the alleged Foul Play was not of sufficient seriousness the Judicial Officer or Judicial Committee shall dismiss the Complaint.
- (6) In the case of a Misconduct Complaint, the function of the Judicial Officer or Judicial Committee shall be to 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**

75. 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.
76. Generally, Judicial Officers or Judicial Committees should apply the best evidence rule. This means that first-hand 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 first-hand 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.
77. In all proceedings heard by the Judicial Officer or Judicial Committee, Match Officials may only give evidence of fact, not opinion.

## **Witnesses**

78. Where a direction is given by a Judicial Committee or Judicial Officer it shall be the responsibility of the Player, Person or witness concerned to ensure that it is complied with, notwithstanding any travel or other arrangements that may need to be made and/or altered. In any case where a direction given by the Judicial Committee or Judicial Officer is not complied with, the Judicial Committee or Judicial Officer may refuse to allow evidence of the Player, Person or witness to be given in any other form.
79. For cases involving citing complaints initiated by a Citing Commissioner, Misconduct or other breaches of the Regulations, the Judicial Committee or Judicial Officer may request that a person be available to present the case

and set out the basis of the Citing Complaint, Misconduct or other charges. Ordinarily this will be the designated disciplinary officer.

80. 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.
81. 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**

82. The Judicial Committee or Judicial Officer may direct that the Union be represented. If so, the Union shall appear by the designated disciplinary officer (or his nominee) and/or by a legal advisor at the hearing, in such capacity as the Judicial Committee or Judicial Officer requires, to provide assistance to the Judicial Committee or Judicial Officer in the discharge of its duties.
83. 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.
84. Judicial Officers or Judicial Committees shall be entitled to call on experts to provide specialist advice, including legal advice.

### **Deliberations**

85. 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.
86. Subject always to Rule 57, 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 Foul Play**

87. (1) When imposing sanctions in relation to an Ordering Off, Complaint or referee report, a Judicial Officer or Judicial Committee shall subject to Rule 161, apply the Sanctions for Offences: 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 Foul Play;
  - (c) the gravity of the Player's actions in relation to the offence;
  - (d) the nature of the actions, the manner in which the offence was committed including the part of the body used, e.g. fist, elbow, knee or boot;
  - (e) the existence of provocation;
  - (f) whether the Player acted in retaliation and the timing of such;
  - (g) whether the Player acted in self-defence (that is whether he used a reasonable degree of force in defending himself);
  - (h) the effect of the offending Player's actions on the victim (e.g. the extent of any injury, removal of the victim Player from the game);
  - (i) the effect of the offending Player's actions on the game;
  - (j) the vulnerability of the victim Player including the part of the victim's body involved or affected, the position of the victim Player and his ability to defend himself;
  - (k) the level of participation in the offending and the level of premeditation;
  - (l) whether the conduct of the offending Player was completed or amounted to an attempt;
  - (m) any other feature of the Player's conduct in relation to or connected with 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 Section 9.

- (3) 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.
- (4) Once the applicable entry point has been identified, the Judicial Officer or Judicial Committee shall identify any relevant off-field 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) the Player's status generally 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 from the age of 18 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 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;
  - (b) the need for a deterrent to combat a pattern of offending;
  - (c) any other off-field aggravating factor that the Judicial Officer or Judicial Committee considers relevant and appropriate.
- (5) 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, and subject to subparagraphs (6) and (7) hereof, the extent, if at all, to which the period of suspension should be reduced. Mitigating factors include the following:
  - (a) the presence and timing of an acknowledgement of culpability/wrong-doing by the offending Player;
  - (b) the Player's disciplinary 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 including the timing of such remorse;

- (f) any other off-field mitigating factor that the Judicial Officer or Judicial Committee considers relevant and appropriate.
- (6) Subject to paragraphs (7) and (8), for acts of Foul Play, the Judicial Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension. In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
- (7) In cases involving offending that has been classified pursuant to paragraph (2) as lower end offending, where:
  - (a) there are off-field mitigating factors; and
  - (b) where the Judicial Committee or Judicial Officer considers that the sanction would be wholly disproportionate to the level and type of offending involved;

the Judicial Committee or Judicial Officer may apply, notwithstanding paragraph (6), sanctions less than 50% of the lower end entry sanctions specified in Section 9 including in appropriate cases no sanction. In exceptional cases where the Disciplinary Committee or Judicial Officer considers it is warranted it/he may expunge the Ordering Off (Red Card) from the Player's disciplinary record, or in the case of a Temporary Suspension or a Citing Commissioner Warning, the Judicial Officer or Judicial Committee, solely in the case of mistaken identity, may expunge the Temporary Suspension or Citing Commissioner Warning from the Player's disciplinary record.

- (8) Where a Player has been found to have committed an act of 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).
- (9) 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 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.
- (10) 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.
- (11) 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.

- (12) Decisions on sanctions and suspensions imposed on Players under this Regulation shall:
- (a) be applied universally by Unions and Clubs such that the Player may not play the Game (or any form thereof) or be involved in any on-field Match day activities anywhere during the period of suspension.
  - (b) not allow Players to avoid the full consequences of their actions by, for example, playing in Matches prior to the commencement of their suspension, or playing in Matches during a break in the suspension and/or serving their suspension during a period of inconsequential pre-season and/or so called friendly Matches;
  - (c) apply and be served when the Player is scheduled to play;
  - (d) be imposed until a stated date which should be fixed after taking into consideration all playing consequences of such suspension; and
  - (e) be effective immediately (subject to paragraph 87(13)).
- (13) When imposing suspensions on Players under this Regulation Judicial Committees or Judicial Officers shall comply with the requirements set out in Paragraph (12) above. In doing so Judicial Committees or Judicial Officers:
- (a) must not suspend the effect of any sanction imposed;
  - (b) may defer the commencement of a suspension provided that the Player is not scheduled to play (and will not be permitted to play) prior to the commencement of this suspension;
  - (c) shall, in respect of meaningful off-season application of sanctions, set out the reasons why it or he considers those Matches to be meaningful;
  - (d) may, at its/his discretion in assessing the playing consequences of a sanction apply the suspension to scheduled pre-season and/or so-called friendly Matches, provided such scheduled pre-season and/or so-called friendly Matches have, in the opinion of the Judicial Committee or Judicial Officer concerned, a meaningful playing consequence for the Player. In making their assessment Judicial Committees and Judicial Officers may, in their discretion, take account of such factors as they consider relevant including, for example, the proximity of the Match to the commencement of

the season, the identity and stature of the opponents, likely quality of teams to be selected, and the general Match profile;

- (e) must, if a Player's suspension has not terminated by the end of the current playing season, continue the suspension until a stated date in the next playing season, unless the Player has been selected for an off season tour, or he has made plans to play during the off-season in another Union. In this event (and subject to the Judicial Committee or Judicial Officer receiving satisfactory verification of such tour or playing arrangements), the period of the tour or the fact that he intends to play in another Union shall be taken into account in determining when the suspension shall come to an end; and
  - (f) may divide the suspension into two separate periods in order to exclude the whole or part of the off-season provided that the Player is not permitted to play during such off-season.
- (14) Disciplinary Committees, Judicial Officers, Appeal Committees and Appeal Officers, prior to a hearing or at any stage during a hearing may amend the offence for which the player has been Ordered Off or cited unless, having regard to the circumstances of the case, such amendment cannot be made without causing injustice. Where an amendment is made, in appropriate cases an adjournment may be granted.

### **Sanctions for Misconduct**

88. 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 and/or compensation orders;
  - (c) a suspension for a specified number of Matches (including all on-field activities) or period of time;
  - (d) expulsion from the remainder of a competition or tournament;
  - (e) exclusion orders from attending Matches or having any involvement with any teams playing Matches;
  - (f) suspension from involvement in Rugby officiating, coaching and/or administration;

- (g) the deduction or cancellation of points or any such competition or tournament sanction; and
- (h) any combination of the above or other sanction as appropriate.

Where a Player who is covered by the Collective Agreement, is facing a Misconduct Complaint, the provisions of these Rules will apply but they must be read in conjunction with the Collective Agreement and in the event of any inconsistency between these Rules and the Collective Agreement either in relation to process, or sanction the terms of the Collective Agreement will prevail.

- 89. 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 88 taking into account the guidance in Section 10.
- 90. The decision of the Judicial Committee or Judicial Officer shall be communicated to the relevant Union, Player, Club or other party concerned and/or their representatives as soon as reasonably practicable and shall be binding upon notification to the Union, Player, Club or other party concerned and/or their representatives.

#### **Sanctions for Matches Called Off**

- 91. If a Judicial Officer or Judicial Committee determines that:
  - (a) the persistent or serious 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.
- 92. 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**

93. 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**

94. 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 and shall be binding on notification to the Player or his representative. Where it is considered 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. An oral decision will be binding from the time of communication to the parties.
95. 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.
96. 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.

97. 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**

98. The hearing by the Judicial Committee or Judicial Officer may be audio or audio-visually recorded or recorded by a stenographer. The record of the proceedings should be held for a suitable period by the Union or NZRU. Copies of the record shall be made available to the relevant parties at a reasonable cost only on appeal of the decision. Copies of the record will be made available to the WR on request.

### **Power to Deal With Incidents Arising From A Match At Same Time**

99. 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**

100. 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**

101. 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**

102. (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 referee's report which a Complaints Review Officer has determined should proceed to a hearing; or

- (d) is a member of a team that was involved in a Match called off early by the referee because of persistent or serious Foul Play or Misconduct;

is not permitted to play any Match and is suspended from all on-field activities on Match day until the 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 the 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**

103. 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 that the Player's or Person's Club has been notified of the decision in writing, 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**

104. 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.

105. 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**

106. All Union Judicial Officers, Judicial Committees and Appeal Committees and the NZRU Duty Judicial Officers, Judicial Officers or Judicial Committees shall exercise their functions independently of their respective Unions and the NZRU.

107. All Union Judicial Officers, Judicial Committees and Appeal Committees and the NZRU Duty Judicial Officers, Judicial Officers or Judicial Committees shall be appointed by an independent process and 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**

108. 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. He shall also appoint the Chairperson of the Panel. 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.
109. The Chairperson of the Appeal Panel 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.
110. 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**

111. 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 Foul Play;
  - (b) a victim Player of the 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;
  - (d) the Union Referees’ Association; or

- (e) the Union.
112. 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.
113. 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.
114. An appeal shall be lodged when the 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 or the Union;
  - (b) the decision appealed against;
  - (c) the date of the decision appealed against and the date it was received; and
  - (d) the specific grounds of the appeal.
- Except as provided, no specific form of Notice of Appeal is required.
115. Upon receipt of the Notice of Appeal including an appeal by the Union, 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.
116. On the lodgement 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.
117. The Appeal Committee shall set a time, date and place for an in-person 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.

118. (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 Referees' 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, or in the case of the Union, the designated disciplinary officer or his nominee.
- (3) On any appeal the Appeal Committee may direct the Union to be represented and the Union shall appear by the designated disciplinary officer or by legal counsel 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.
119. The Appeal Committee shall have the power to conduct and regulate the appeal proceedings as it sees fit having regard to the circumstances of the case. It shall have the power to order that a de novo hearing in whole or in part be adopted on appeal. 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 with a de novo hearing in whole or in part being appropriate ordinarily only if it is necessary in the interests of justice. In determining the basis on which an appeal is to be conducted, the Appeal Committee shall have regard to the following principles:
- (a) 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; and
  - (b) 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. Except where an appeal proceeds in whole as a de novo hearing it is for the appellant to establish that the decision being challenged on appeal:
  - (a) was in error (either as to central factual findings or in law);
  - (b) in the interests of justice should be overturned;
  - (c) the sanction imposed was manifestly excessive or wrong in principle; and/or
  - (d) the sanction imposed was manifestly too lenient.
- 121. Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing, appeals shall be conducted on the basis that:
  - (a) the evidential assessment or decision involving an exercise of discretion or judgment of or by a Judicial Committee or Judicial Officer shall not be overturned save in circumstances where the relevant findings made by the Judicial Committee or Judicial Officer are clearly wrong;
  - (b) the evidential assessment or decision involving an exercise of discretion or judgment of or by a Judicial Committee or Judicial Officer shall not be overturned save in circumstances where the Judicial Committee or Judicial Officer applied wrong principles in the exercise of its/his discretion which has resulted in an erroneous decision being made; and/or
  - (c) new or additional evidence not offered before to the Judicial Committee or Judicial Officer shall only be considered by the Appeal Committee or Appeal Officer where the party offering such evidence establishes that it was not, on reasonable enquiry, available at the time of the proceedings before the Judicial Committee or Judicial Officer.
- 122. Notwithstanding Rule 11, where the appellant appeals against the sanction and/or cost order alone, the appellant may request that the Appeal Committee review the sanction without the need for a personal hearing.
- 123. The Chairman of the Appeal Committee shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:

- (a) giving directions for the hearing and clarification of the procedures; and/or
- (b) the requirement for any person to attend the hearing as a witness.

For the purposes of pre-hearing case management the Chairman of the Appeal Committee may exercise this function without reference to the other Appeal Committee members.

- 124. The Appeal Committee shall set a time, date and place for the hearing of the appeal which shall be notified by the Union to the appellant(s) who has lodged the appeal and any other persons entitled to appear.
- 125. Where a player is suspended, provisionally suspended or had other sanctions imposed, such suspension and/or sanction shall remain in place pending the outcome of an appeal unless it has expired in which case the Player shall be eligible to play forthwith.
- 126. Appeal Committees shall:
  - (a) have the power to direct that the Union be represented. If so, the Union shall be represented by a designated disciplinary officer (or his nominee) or by legal counsel at the hearing of the appeal in such capacity as the Appeal Committee or Appeal Officer requires, to assist it, in the discharge of its duties;
  - (b) may permit such other persons to be present at the hearing of the appeal as they see fit;
  - (c) in any case where a witness has been required to attend and refuses and/or fails to attend the hearing, the Appeal Committee or Appeal Officer may decide whether or not to allow the evidence of that witness to be given in any other form;
  - (d) be entitled to determine whether witnesses that give evidence are entitled to remain within the room in which the appeal is being heard after their evidence has been given; and
  - (e) subject to clauses 75-77 be entitled to receive evidence in such form as it thinks fit (including evidence in writing), including evidence which may not be admissible in a court or tribunal and should be entitled to attach such weight to that evidence as it thinks fit.
- 127. Save where the Appeal Committee decides to hear the entire case de novo, the appellant shall have the burden of proving that the decision being challenged should be overturned or varied.
- 128. The Appeal Committee or Appeal Officer shall have the power to
  - (a) allow the appeal;

- (b) vary the decision in such a manner as it thinks fit (including power to reduce, uphold, increase or cancel any penalty);
  - (c) make such further order (in relation to costs or otherwise) as it thinks fit; and
  - (d) take any other step in the exercise of its discretion as it considers appropriate to take in order to deal justly with the case in question.
129. 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.
130. (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.
131. 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.
132. An Appeal Committee may, in its discretion, order that any deposit paid on the lodgement of an appeal, or any part of it, be refunded.

## **SECTION 6 PROVINCIAL UNION APPEALS TO NZRU JUDICIAL COMMITTEE**

133. Any person or party who had the right to be heard by the Union Appeal Committee under Rule 111 may appeal to the NZRU Judicial Committee against the decision of the Union Appeal Committee.
134. An appeal under Rule 133 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 is lodged with the Notice of Appeal.
135. An appeal under Rule 133 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.

136. An appeal under Rule 133 shall be lodged when a 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.

137. In accordance with Rule 153, the Chairperson of the NZRU Judicial Panel 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.
138. 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.
139. On the lodgement 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.
140. 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 Player's suspension expires when his appeal is pending, the Player will be eligible to play forthwith.

141. On any appeal, the NZRU Judicial Committee may direct the NZRU to be represented and the NZRU shall appear by its designated disciplinary officer, legal counsel or other representative at the hearing of the appeal in such capacity as the NZRU Judicial Committee requires.
142. (1) The following persons or parties shall have the right to be heard by the NZRU Judicial Committee on an Appeal brought under Rule 111:
- (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 Referees' 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.
143. The NZRU Judicial Committee shall have the power to conduct and regulate the appeal proceedings as it sees fit having regard to the circumstances of the case. It shall have the power to order that a de novo hearing in whole or in part be adopted on appeal. 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 with a de novo hearing in whole or in part being appropriate ordinarily only if it is necessary in the interests of justice. In determining the basis on which an appeal is to be conducted, the NZRU Judicial Committee shall have regard to the following principles:
- (a) 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.
  - (b) 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.
- 144. Except where an appeal proceeds in whole as a de novo hearing it is for the appellant to establish that the decision being challenged on appeal:
  - (a) was in error (either as to central factual findings or in law);
  - (b) in the interests of justice should be overturned;
  - (c) the sanction imposed was manifestly excessive or wrong in principle; and/or
  - (d) the sanction imposed was manifestly too lenient.
- 145. Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing, appeals shall be conducted on the basis that:
  - (a) the evidential assessment or decision involving an exercise of discretion or judgment of or by an Appeal Committee shall not be overturned save in circumstances where the relevant findings made by the Appeal Committee are clearly wrong;
  - (b) the evidential assessment or decision involving an exercise of discretion or judgment of or by an Appeal Committee shall not be overturned save in circumstances where the Appeal Committee applied wrong principles in the exercise of its discretion which has resulted in an erroneous decision being made; and/or
  - (c) new or additional evidence not offered before to the Appeal Committee shall only be considered by the Judicial Committee or NZRU Judicial Officer where the party offering such evidence establishes that it was not, on reasonable enquiry, available at the time of the proceedings before the Appeal Committee.
- 146. Where the appellant appeals against the sanction and/or cost order alone, the appellant may request that the NZRU Judicial Committee review the sanction without the need for a personal hearing. The NZRU Judicial Committee may also determine that a personal hearing is not required in relation to any appeal but if it so wishes, the appellant always has the right to appear and make representations in all cases in person or by way of technology or alternatively he may make representations in writing.
- 147. The Chairman of the NZRU Judicial Committee shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:
  - (a) a pre-hearing conference convened for the purposes of giving directions for the hearing and clarification of the procedures; and/or

- (b) the requirement for any person to attend the hearing as a witness.

For the purposes of pre-hearing case management, the Chairman of the NZRU Judicial Committee may exercise this function without reference to the other NZRU Judicial Committee members.

- 148. The NZRU Judicial Committee shall set a time, date and place for the hearing which shall be notified by the Union to the appellant(s) for whom the hearing applies.
- 149. Where a Player is suspended, provisionally suspended or had other sanctions imposed, such suspension and/or sanction shall remain in place pending the outcome of the judicial hearing unless it has expired in which case the Player is eligible to play forthwith.
- 150. The NZRU Judicial Committee shall:
  - (a) have the power to direct that the Union be represented. If so, the Union shall be represented by a designated disciplinary officer (or his nominee) or may appear by legal counsel at the hearing of the appeal in such capacity as the NZRU Judicial Committee requires, to assist it in the discharge of its duties;
  - (b) may permit such other persons to be present at the judicial hearing as they see fit;
  - (c) in any case where a witness has been required to attend and refuses and/or fails to attend the hearing, the NZRU Judicial Committee may decide whether or not to allow the evidence of that witness to be given in any other form;
  - (d) be entitled to determine whether witnesses that give evidence are entitled to remain within the room in which the Judicial hearing is being heard after their evidence has been given; and
  - (e) subject to Rules 75-77 be entitled to receive evidence in such form as it thinks fit (including evidence in writing), including evidence which may not be admissible in a court or tribunal and should be entitled to attach such weight to that evidence as it/he thinks fit.
- 151. The NZRU Judicial Committee shall have the powers set out in Rule 126.

## **SECTION 7: NZRU INITIAL JUDICIAL PROCEDURES**

### **Appointment of Judicial Panel And Designated Disciplinary Officer**

- 152. The Chairman of the NZRU Rugby Committee, or if unavailable the Chairman of the NZRU Board, shall appoint a panel of individuals (“the NZRU Judicial Panel”) of such number as he decides each of whom shall be eligible to sit as NZRU Judicial Officers, Duty Judicial Officers (where applicable) or members of an NZRU Judicial Committee, one of whom will be designated

by the Chairman of the NZRU Rugby Committee or NZRU board as the Chairperson. 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 NZRU Judicial Panel at any time.

153. The Chairperson of the NZRU Judicial Panel or his nominee shall appoint individual Judicial Officers, Duty Judicial Officers or Judicial Committees of two or three persons from members of the NZRU 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.
154. 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 NZRU Judicial Panel, at any time for any reason.
155. The NZRU CEO shall appoint a person to be the designated disciplinary officer for the purposes of this Rule.

### **Disciplinary Proceedings**

156. Any NZRU Duty Judicial Officer, Judicial Officer or Judicial Committee appointed in accordance with Rule 153 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 Foul Play is lodged pursuant to Part 2 of this Section;
- (c) where a Player has been Temporarily Suspendefrom the playing enclosure (received a yellow card) or issued with a Citing Commissioner warning or any combination thereof, for a third time in any competition in any year in which case Part 3 of this Section will apply;

(and any NZRU Judicial Officer or Judicial Committee appointed in accordance with Rule 153 shall have power to act in the name of the NZRU to hear and determine disciplinary proceedings for which the NZRU has jurisdiction 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.

157. **Duty Judicial Officer**

- 157.1 The NZRU will determine in consultation with the Chairperson of the NZRU Judicial Panel which, if any, competitions or matches under the jurisdiction of the NZRU will incorporate a Duty Judicial Officer process into the hearing and determination of allegations of on-field acts of Foul Play falling within the jurisdictional provisions of Rule 156 (a), (b) and (c) above. For any competition or Match that a Duty Judicial Officer process is applicable to, the provisions relating to the operation of that process will be as set in this Rule 157.
- 157.2 In respect of any Match to which clause 157.1 applies, the following disciplinary matters will be referred to a Duty Judicial Officer:
- (a) Where a Player is Ordered Off the playing enclosure during a Match;
  - (b) Where a Player is the subject of a Complaint of Foul Play (cited) pursuant to part 2 of this Section; and
  - (c) Where a Player has been Temporarily Suspended from the Playing Enclosure (received a yellow card) three times or received three Citing Commissioner warnings (or any combination thereof).
- 157.3 The function of the Duty Judicial Officer is to carry out a brief initial assessment of the circumstances of the case (which will ordinarily include a brief teleconference with the Player and his representative) and determine whether or not to offer the Player a preliminary indication of penalty or refer the matter to a full hearing.
- 157.4 A Duty Judicial Officer will, whenever practicable, determine whether or not to offer the Player a preliminary indication of penalty within 24 hours of the following information being made available to both the Duty Judicial Officer and the Player:
- (a) a copy of the Ordering Off report, the Complaint of Foul Play (Citing Commissioner's Report) or Citing Commissioners Warning;
  - (b) each Match Official's report;
  - (c) all available footage of the incident;
  - (d) any medical report(s);
  - (e) any other relevant evidence or information including the Player's disciplinary record, if any.
- 157.5 The Duty Judicial Officer will determine a preliminary indication of penalty by making an initial assessment of the evidence by hearing any submissions from or on behalf of the Player and by applying the

Rules relating to sanctions for Foul Play set out at Rule 87 of these Rules. The Duty Judicial Officer will, where appropriate, provide for a discount for an early guilty plea when determining the preliminary indication of penalty, but such discount must be reached and provided within the limits imposed by Rule 87 (6) and (7).

- 157.6 The Duty Judicial Officer will refer the matter to a full hearing if she/he believes that a full hearing is required to fairly and justly deal with the case.
- 157.7 A Player can only accept a preliminary indication of penalty if she/he accepts that she/he committed the act of Foul Play for which she/he has been charged or which the Duty Judicial Officer has amended pursuant to Rule 87(14).
- 157.8 A Player will have 4 hours after the Duty Judicial Officer gives the Player the preliminary indication of penalty to decide whether to accept any preliminary indication of penalty offered by the Duty Judicial Officer.
- 157.9 If a Player accepts the preliminary indication of penalty offered by the Duty Judicial Officer then the Duty Judicial Officer will issue a brief written decision imposing that penalty covering the following:
- (a) the Player's acceptance of culpability;
  - (b) how the Duty Judicial Officer has categorised the seriousness of the offence;
  - (c) how the Duty Judicial Officer applied aggravating and mitigating factors;
  - (d) the sanction imposed together with an explanation of why the term of any suspension (which must be imposed until a stated date) is appropriate and meaningful, having regard to the playing consequences of such suspension, including the matches to be taken into account in determining the length of the suspension.
- 157.10 If the Player does not accept the preliminary indication of penalty offered by the Duty Judicial Officer then the matter will proceed to a full hearing before a Judicial Officer.
- 157.11 Notwithstanding any other provision of these Rules, there is no right of appeal from, or right or ability to take any other review of, a decision of the Duty Judicial Officer by any person or organisation.

## **Part 1 Initial Procedures: Ordering Off ("Red Card")**

158. 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 assistant referee where applicable) considers material.

Form A may be used by the referee for the purposes of a report under this Rule.

- 159. If a Player is Ordered Off the playing enclosure as a result of the intervention of an assistant referee, the assistant referee shall also send to the CEO of the NZRU a written report incorporating the matters referred to in Rule 158 within the time prescribed by that Rule. Form B may be used by the assistant referee for the purposes of a report under this Rule.
- 160. For the purposes of Rules 158 and 159, a referee's and an assistant referee'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.
- 161. The Player Ordered Off shall be supplied with a copy of the referee's report and, where applicable, the assistant referee's report by the CEO of the NZRU and advised:
  - (a) of the date, place and time of the hearing of the Judicial Officer, Duty Judicial Officer or Judicial Committee;
  - (b) of the identity of the Judicial Officer, Duty Judicial Officer or Judicial Committee;
  - (c) that he will be required to attend the hearing, including by teleconference or videoconference;
  - (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 and will be suspended from any involvement in on-field activities on Match days 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 assistant referee'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.

- 162. When imposing a sanction for Foul Play, an NZRU Judicial Officer or Duty Judicial Officer will apply the sanctions set out in Section 9 in accordance with these Rules except in the case of an Ordering Off where at a full hearing, the Player has proved that the referee's decision was wrong, in which case the Judicial Officer may remove the Red Card from the Player's record completely.

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

## Part 2 Initial Procedures: Complaints

163. The Judicial Officer, Duty Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a complaint of Foul Play against a Player (“a Complaint”) in respect of any act of Foul Play for which the Player has not been Ordered Off the playing enclosure in a Match for which the NZRU has jurisdiction.
164. (1) A Complaint under Rule 163 may only be made by an NZRU Citing Commissioner appointed by the NZRU for a particular Match or series of Matches in circumstances where in the opinion of the NZRU Citing Commissioner, the Player concerned should have been Ordered Off. A Complaint may be made by an NZRU Citing Commissioner notwithstanding the 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 Foul Play to the NZRU Citing Commissioner for consideration provided such incident is referred to the NZRU Citing Commissioner within 4 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.
- (3) An NZRU Citing Commissioner may issue a Citing Commissioner Warning for a serious act of Foul Play which, in the opinion of the NZRU Citing Commissioner came close to but did not warrant the Player being Ordered Off, and was not the subject of a Temporary Suspension or Ordering Off.
165. (1) A Complaint by an NZRU Citing Commissioner under Rule 163 shall be in writing and shall be sent to the CEO of the NZRU or his nominee within 12 hours of the completion of the Match in which the incident the subject of the Complaint occurred.
- (2) A Complaint by an NZRU Citing Commissioner under Rule 163 may be sent to the CEO of the NZRU outside the 12 hour period provided for in paragraph (1) hereof up to 48 hours after the Match with the leave of the NZRU Complaints Review Officer if he consider the circumstances

of the case are such that an extension of time is warranted. Relevant factors to be taken into account include:

- (a) the reason why an extension of time is required;
  - (b) the severity of the alleged offending;
  - (c) a preliminary assessment of the available evidence in relation to the alleged incident of Foul Play; and
  - (d) the desirability of short timeframes to avoid unnecessarily impacting on Player and team preparation for the next Match.
- (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.
166. A Complaint under Rule 163 shall contain the following information:
- (a) the date and place of the alleged 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 Foul Play;
  - (c) the name of the opposing team; and
  - (d) full details of the alleged Foul Play;
167. (1) On receipt of a Complaint (including a Complaint brought with leave under Rule 165(2)), the CEO of the NZRU shall immediately refer the Complaint to a Judicial Officer pursuant to clause 166.
- (2) On receipt of a Complaint, the CEO or his nominee shall forthwith obtain reports from the referee, the assistant referees and such other persons who he considers may be able to provide evidence bearing on the subject of the Complaint.
168. On receipt of a Complaint, the CEO of the NZRU shall notify the Player and his Union of the Complaint and shall send to the Player and his Union copies of the Complaint and any reports obtained under Rule 166 and video coverage of the incident, if available, and advise the Player:

- (a) of the date, time and place of the Judicial Officer, Duty Judicial Officer or Judicial Committee hearing at which the Complaint will be heard;
- (b) that he will be required to attend the hearing including by teleconference or videoconference;
- (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 and will be suspended from any involvement in on-field activities on Match days pending resolution of the case.

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

### Part 3 Initial Procedures: Yellow Cards

169. Where a Player is Temporarily Suspended from play (i.e. issued with an on-field yellow card) 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.

170. If a Player is Temporarily Suspended as a result of the intervention of an assistant referee, the assistant referee shall also send to the CEO of the NZRU a written report incorporating the matters referred to in Rule 168 within the time prescribed by that Rule. Form D may be used by the assistant referee for the purposes of a report under this Rule.
171. For the purposes of Rule 169 the report of the referee, or assistant referee, 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.
172. A Player Temporarily Suspended on two occasions or having been Temporarily Suspended and received a Citing Commissioner Warning 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 or receives a Citing Commissioner Warning 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.
173. A Player Temporarily Suspended on three occasions or having a total of three Temporary Suspensions and/or Citing Commissioner Warnings or any combination thereof, during the same playing season in any Match for which the NZRU has jurisdiction and having received the notification required by

Rule 171 shall be required to appear before the Judicial Officer, Duty Judicial Officer or Judicial Committee. The Player shall be sent copies of the referee's Temporary Suspension reports and the Citing Commissioner Warnings and be advised:

- (a) that the purpose of the hearing is to consider whether any penalty (over and above the Temporary Suspensions or Citing Commissioner Warnings) 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, Duty 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 or Citing Commissioner Warning in any incident was a result of the referee or Citing Commissioner 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;
174. At a hearing convened under Rule 172 the Judicial Officer or Judicial Committee shall have power to impose a 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

175. 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.
176. 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 Foul Play by a Player during a Match which has been dealt with under Parts 1-3 of this Section) for which the NZRU has jurisdiction.
177. A Misconduct Complaint under Rule 176 may be made by:
- (a) the NZRU's designated disciplinary officer 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.
178. (1) Subject to paragraph (2) hereof, a Misconduct Complaint under Rule 176 shall be in writing and shall be sent to the CEO of the NZRU or his or her duly authorised nominee within 72 hours of the alleged Misconduct occurring.
- (2) With the leave of the NZRU Complaints Review Officer, a Misconduct Complaint under Rule 176 may be sent to the CEO of the NZRU outside the 72 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 a Union, where the offending only became known outside of the 72 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.
179. A Misconduct Complaint under Rule 176 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 to be relied on).

Except as provided, there is no specific form required.

- 180. (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 178(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 178(2), the CEO of the NZRU shall refer the matter to the designated disciplinary officer (or his nominee) who shall proceed as required by Rule 181(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.
- 181. (1) If the NZRU Complaints Review Officer determines that the Misconduct Complaint is not frivolous, vexatious or otherwise without merit he shall notify the designated disciplinary officer 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 becoming aware of circumstances that could give rise to a Misconduct Complaint 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 NZRU's designated disciplinary officer 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) Once a decision to proceed with a Misconduct Complaint has been made 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 NZRU's designated disciplinary officer or his nominee shall notify the Union, Player or Person of the Misconduct Complaint and if applicable, 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 NZRU's designated disciplinary officer or his nominee 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

182. 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 Foul Play;
  - (b) a victim Player of the 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; or
  - (d) the NZRU and/or the WR.
183. 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.
184. 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.
185. 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.

186. 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 NZRU Appeal Council in any case shall have power to extend the time for payment of the appeal deposit.

187. On lodgement of the Notice of 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 NZRU Appeal Council any record of the proceedings before the Judicial Officer or Judicial Committee.
188. The Chairman of the NZRU Appeal Council 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 or participate in any match day activities, save always that where a Player's suspension expires while his appeal is pending, the Player will be eligible to play forthwith.
189. (1) The following persons or parties shall have the right to be heard by the NZRU 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 NZRU Appeal Council may be represented by a representative of their Union and/or by legal counsel.
- (3) On any appeal, the NZRU Appeal Council may direct the NZRU to be represented and the NZRU shall be represented by the designated disciplinary officer (or his nominee) or by legal counsel at the hearing of the appeal in such capacity as the NZRU Appeal Council requires to provide assistance in the discharge of its duties.
190. The NZRU Appeal Council shall have the power to conduct and regulate the appeal proceedings as it sees fit having regard to the circumstances of the case. It shall have the power to order that a de novo hearing in whole or in part be adopted on appeal. 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 with a de novo hearing in whole or in part being appropriate ordinarily only if it is necessary in the interests of justice. In determining the basis on which an appeal is to be conducted, the NZRU Appeal Council shall have regard to the following principles:
- (a) 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 manifestly wrong.

- (b) 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.
191. Except where an appeal proceeds in whole as a de novo hearing it is for the appellant to establish that the decision being challenged on appeal:
- (a) was in error (either as to central factual findings or in law);
  - (b) in the interests of justice should be overturned;
  - (c) the sanction imposed was manifestly excessive or wrong in principle; and/or
  - (d) the sanction imposed was manifestly too lenient.
192. Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing, appeals shall be conducted on the basis that:
- (a) the evidential assessment or decision involving an exercise of discretion or judgment of or by an NZRU Judicial Committee or Judicial Officer shall not be overturned save in circumstances where the relevant findings made by the NZRU Judicial Committee or Judicial Officer are manifestly wrong;
  - (b) the evidential assessment or decision involving an exercise of discretion or judgment of or by an NZRU Judicial Committee or Judicial Officer shall not be overturned save in circumstances where the NZRU Judicial Committee or Judicial Officer applied wrong principles in the exercise of its/his discretion which has resulted in an erroneous decision being made; and/or
  - (c) new or additional evidence not offered before to the NZRU Judicial Committee or Judicial Officer shall only be considered by the NZRU Appeal Council where the party offering such evidence establishes that it was not, on reasonable enquiry, available at the time of the proceedings before the NZRU Judicial Committee or Judicial Officer.
193. Where the appellant appeals against the sanction and/or cost order alone, the appellant may request that the NZRU Appeal Council review the

sanction without the need for a personal hearing. The NZRU Appeal Council may also determine that a personal hearing is not required in relation to any appeal but if it/he so wishes, the appellant always has the right to appear and make representations in all cases in person or by way of technology or alternatively he may make representations in writing.

194. The Chairman of the NZRU Appeal Council shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:
- (a) the giving of directions for the hearing and clarification of the procedures; and/or
  - (b) the requirement for any person to attend the hearing as a witness.

For the purposes of pre-hearing case management, the Chairman of the NZRU Appeal Council may exercise this function without reference to the other NZRU Appeal Council members.

195. The NZRU Appeal Council shall set a time, date and place for the hearing of the appeal which shall be notified by the NZRU to the appellant(s) who has lodged the appeal.
196. Where a Player is suspended, provisionally suspended or had other sanctions imposed, such suspension and/or sanction shall remain in place pending the outcome of an appeal unless it has expired while the appeal is pending, in which case the Player will be eligible to play forthwith.
197. The NZRU Appeal Council shall:
- (a) have the power to direct that the NZRU be represented. If so, the NZRU shall be represented by a designated disciplinary officer (or his nominee) or may appear by legal counsel at the hearing of the appeal in such capacity as the NZRU Appeal Council requires, to assist it in the discharge of its duties;
  - (b) may permit such other persons to be present at the hearing of the appeal as they see fit;
  - (c) in any case where a witness has been required to attend and refuses and/or fails to attend the hearing, the NZRU Appeal Council may decide whether or not to allow the evidence of that witness to be given in any other form;
  - (d) be entitled to determine whether witnesses that give evidence are entitled to remain within the room in which the appeal is being heard after their evidence has been given; and
  - (e) subject to Rules 75-77 be entitled to receive evidence in such form as it thinks fit (including evidence in writing), including evidence which

may not be admissible in a court or tribunal and should be entitled to attach such weight to that evidence as it thinks fit.

198. Save where the NZRU Appeal Council decides to hear the entire case de novo, the appellant shall have the burden of proving that the decision being challenged should be overturned or varied.
199. The NZRU Appeal Council shall have the powers set out in Rule 126.
200. The NZRU Appeal Council's deliberations on its decision shall take place in private. A decision of an NZRU Appeal Council shall be valid if taken by at least a simple majority of the members of the Council. No members of an NZRU Appeal Council may abstain from any decision. When an NZRU 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 NZRU Appeal Council shall have the casting vote.
201. (1) The decision of the NZRU Appeal Council shall be advised to the parties as soon as practicable after the conclusion of the hearing. Where it considers it appropriate, the NZRU 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 NZRU Appeal Council shall be entitled to a copy of the Appeal Council's written decision which shall be provided by the NZRU Appeal Council as soon as practicable after it is available.
202. The NZRU Appeal Council shall have power to quash, vary or increase any sanction imposed in any case.
203. The hearing of an appeal by an NZRU Appeal Council shall be recorded. The record of proceedings and all papers produced at the hearing shall be held by the CEO of the NZRU.
204. An NZRU Appeal Council may, in its discretion, order that any deposit paid on the lodgement of an appeal, or any part of it, be refunded.
205. The decision of the NZRU Appeal Council on an appeal shall be final.

## SECTION 9 SANCTIONS FOR OFFENCES: FOUL PLAY

### WR 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)	Threatening Actions or Words at Match Officials	LE 12 weeks MR 24 weeks TE 48+ weeks	260 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)	Incidental Physical Contact with Match Official	LE 6 weeks MR 12 weeks TE 18+ weeks	52 weeks
10.4(a)	Striking another Player with a hand, arm or fist	LE 2 weeks MR 4 weeks TE 8+ weeks A strike to the head shall result in at least a mid-range entry point sanction	52 weeks
10.4(a)	Striking another Player with the elbow	LE 2 weeks MR 6 weeks TE 10+ weeks A strike to the head shall result in at least a mid-range entry point sanction	52 weeks
10.4(a)	Striking with knee	LE 4 weeks MR 8 weeks TE 12+ weeks A strike to the head shall result in at least a mid-range entry point sanction	52 weeks

Law Number	Description	Entry Point	Maximum Sanction
10.4(a)	Striking with head	LE 4 weeks MR 10 weeks TE 16+ weeks	104 weeks
10.4(b)	Stamping/Trampling on an Opponent	LE 2 weeks MR 6 weeks TE 12+ weeks Stamping/Trampling on the head shall result in a Top End entry point sanction	52 weeks
10.4(c)	Kicking an Opponent	LE 4 weeks MR 8 weeks TE 12+ weeks A kick to the head shall result in a Top End entry point sanction	52 weeks
10.4(d)	Tripping an Opponent with the foot or leg	LE 2 weeks MR 4 weeks TE 8+ 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
10.4(e)	Dangerous tackling of an Opponent including: (i) a tackle or attempted tackle above the line of the shoulders even if the tackle starts below the line of the shoulders; (ii) grabbing and rolling/twisting around the head/neck area even if the contact starts below the line of the shoulders	LE 2 weeks MR 6 weeks TE 10+ weeks A dangerous tackle that results in a strike to the head shall result in at least a mid-range entry point sanction	52 weeks
10.4(f)	Holding, pushing or obstructing an Opponent not holding the ball by a player who is not in possession of 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(g)	Dangerous charging or obstructing or grabbing of an Opponent with or without the	LE 2 weeks MR 6 weeks	52 weeks

Law Number	Description	Entry Point	Maximum Sanction
	ball, including shouldering	TE 10+ 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 2 weeks MR 6 weeks TE 10+ weeks	52 weeks
10.4(i)	Tackling, pushing, pulling, colliding with or otherwise making contact with an Opponent who is jumping for the ball in a lineout or in open play where there is no realistic prospect of the player competing for the ball	LE 4 weeks MR 8 weeks TE 12+ 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 into the ground whilst the Player's feet are off the ground	LE 6 weeks MR 10 weeks TE 14+ 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)	A Player must not grab, twist or squeeze an opponent in the genital area (male or female) or in the case of female players, the breast area	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 Eye(s)	LE 12 weeks MR 18 weeks TE 24+ weeks	208 weeks
10.4(m)	Contact with the Eye Area <sup>1</sup>	LE 4 weeks MR 8 weeks TE 14+ weeks	52 weeks
10.4(m)	Spitting at Players	LE 4 weeks MR 8 weeks TE 12+ weeks	52 weeks

<sup>1</sup> The "eye area" is defined as follows: the "eye" involves all tissues including the eyelids within and covering the orbital cavity and the "eye area" is anywhere in close proximity to the eye.

Law Number	Description	Entry Point	Maximum Sanction
10.4(m)	Verbal Abuse of Players Match Officials, spectators, coaches or support staff based on religion, race, colour, national or ethnic origin, sexual orientation or otherwise	LE 6 weeks MR 12 weeks TE 18+ weeks	52 weeks
10.4(m)	Hair pulling or grabbing	LE 2 weeks MR 4 weeks TE 6+ weeks	52 weeks
10.4(m)	Any other acts not previously referred to which are contrary to good sportsmanship	LE 4 weeks MR 8 weeks TE 12+ weeks	52 weeks
10.4(o)	Late charging the Kicker	LE 2 weeks MR 6 weeks TE 10+ 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 sanctions in Section 9 and/or the provisions of Rule 87 in cases where the Player's actions constitute mid-range or top end 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.

#### SANCTIONS GUIDANCE FOR ACCUMULATION OF TEMPORARY SUSPENSIONS AND/OR CITING COMMISSIONER WARNINGS

1. There is deliberately no guidance within the above sanctions table(s) to assist a Judicial Officer of Judicial Committee to determine the appropriate sanction in relation to accumulated Temporary Suspensions and/or Citing Commissioner Warnings. This is an area where judicial discretion is required given the multiple permutations that could emerge. A Judicial Officer or Judicial Committee may be required to consider whether to apply sanctions against Players for accumulation of Temporary Suspensions and/or Citing Commissioner Warnings in two circumstances:
  - (a) where a Player has received three Temporary Suspensions and/or Citing Commissioner Warnings (or a combination thereof) in a particular tournament or series and/or five Temporary Suspensions and/or Citing Commissioner Warnings in a season of the World Rugby Sevens Series and the Judicial officer or Judicial Committee is

required to consider whether any further penalty should be imposed by reason of his persistent Foul Play (Rules 36-38, Rules 169-174); or

- (b) where a Player has received two Temporary Suspensions and/or Citing Commissioner Warnings in one Match which in the case of a Temporary Suspension led to him being Ordered Off on receipt of the second temporary suspension.
2. It is assumed for the purposes of this Appendix that none of the relevant Temporary Suspensions resulted in a subsequent citing which was upheld by a Judicial Officer. In such cases the Temporary Suspension event which has been cited falls away and is replaced by the decision arising from the citing.
- A. Player receives three Temporary Suspensions and/or Citing Commissioner Warnings in a Tournament/Series or five in a Sevens Series**
- 1. The Judicial Officer or Judicial Committee is required to apply a sanction for the offence of persistent offending, not for the substantive offences relating to each Temporary Suspension and/or Citing Commissioner Warning. Ordinarily, the appropriate entry point sanction in such circumstances is a suspension of one to three weeks depending upon the seriousness of the offending. Sanctioning in these circumstances should be determined by reference to the methodology in Rule 87 and in particular to the application of mitigating and aggravating features.
  - 2. The Judicial Officer or Judicial Committee may, however, decide to apply no sanction in the following circumstances:
    - (a) where one or more of the Temporary Suspensions and/or Citing Commissioners Warnings was applied as a result of mistaken identity; or
    - (b) exceptional circumstances exist which would warrant no sanction being imposed. This situation could arise when:
      - (i) a Player was temporarily suspended for an act of Foul Play but on review it was clear that there was no Foul Play or only a minor act of Foul Play had been committed which would not have warranted a Temporary Suspension or Citing Commissioner Warning;
      - (ii) some of the Temporary Suspensions were awarded for technical offences (that is, not Foul Play) following a team warning by the referee or for what are characterised as so called technical offences not involving a breach of Law 10.4.
- B. Player receives two Temporary Suspensions/Citing Commissioner Warnings in one Match**
- 1. The Judicial Officer or Judicial Committee is required to apply for the

offence of persistent offending, not for the substantive offences relating to each Temporary Suspension and/or Citing Commissioner Warning. Ordinarily, the appropriate entry point for persistent offending within a single Match is a suspension of one to two weeks. Sanctioning in these circumstances should be determined by reference to the methodology in Rule 87 and in particular to the application of mitigating and aggravating features.

2. The Judicial Officer or Judicial Committee may decide that sending off was sufficient (or otherwise that no further sanction is appropriate) in the following circumstances:
  - (a) where either of the Temporary Suspensions or Citing Commissioner Warnings was applied as a result of mistaken identity; or
  - (b) that exceptional circumstances exist which would warrant no further sanctions being imposed. This situation could arise when a Player was temporarily suspended for an act of Foul Play but on review it was clear that there was no Foul Play or only a minor act of Foul Play had been committed which would not have warranted a Temporary Suspension and/or Citing Commissioner Warning;
  - (c) any of the Temporary Suspensions were awarded for so-called technical offences (including following a team warning) not involving a breach of Law 10.4.

## 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 assistant referee by a Player or Person	Suspension	Less serious	2-11 weeks
		More serious	12-52 weeks
Physical Abuse of a referee or assistant referee by a Player or Person	Suspension	Less serious	12-47 weeks
		More serious	48 weeks - Life
Threatening actions or words at referee or assistant referee	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 - STANDARD FORM REFEREE'S REPORT ON AN ORDERING OFF**

Player's Union:  Full name of Player:   
 Venue:  Date of Dismissal:   
 Player Number:  Playing Position:   
 Match result:  pts   pts

Nature of offence: (please circle appropriate offence and give a short description of the Law)  
 Infringement of: Law 3.11(c) Law 4.5(c)  
 Law 10.2(a) (b) (c) Law 10.3(a) (b) (c)  
 Law 10.4(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (s)  
 Other

PERIOD (of game when incident occurred): 1<sup>st</sup> Half  2<sup>nd</sup> Half  Elapsed time in half   
 Proximity of referee to incident:  (metres)  
 Score at that time:  pts  pts  
 Had any cautions been issued to: a) Individual Yes  No  b) General Yes  No   
 Was the player ordered off further to the report of an assistant referee?  Yes  No  
 (If yes, Form 2 may need to be completed and submitted by the assistant referee)

Please give detailed report below: PLEASE WRITE CLEARLY

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REFEREE'S NAME \_\_\_\_\_ UNION \_\_\_\_\_ Date \_\_\_\_\_

**THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH**

**FORM B - STANDARD FORM ASSISTANT REFEREE'S REPORT ON AN ORDERING OFF**

Player's Union:  Full name of Player:   
 Venue:  Date of Dismissal:   
 Player Number:  Playing Position:   
 Match result:  pts   pts

Nature of offence: (please circle appropriate offence and give a short description of the Law)  
 Infringement of: Law 3.11(c) Law 4.5(c)  
 Law 10.2(a) (b) (c) Law 10.3(a) (b) (c)  
 Law 10.4(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (s)  
 Other

PERIOD (of game when incident occurred): 1<sup>st</sup> Half  2<sup>nd</sup> Half  Elapsed time in half   
 Proximity of Assistant referee to incident:  (metres)  
 Score at that time:  pts  pts  
 Had any cautions been issued to: a) Individual Yes  No  b) General Yes  No   
 Was the player ordered off further to the report of an assistant referee?  Yes  No  
 (If yes, Form 2 may need to be completed and submitted by the assistant referee)

Please give detailed report below: PLEASE WRITE CLEARLY

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ASSISTANT REFEREE'S NAME \_\_\_\_\_ UNION \_\_\_\_\_ Date \_\_\_\_\_

**THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH**

## FORM C -REFEREE REPORT ON TEMPORARY SUSPENSION (YELLOW CARD)

Forms are available in electronic format from the NZRU

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 Number(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 \_\_\_\_\_

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 -ASSISTANT REFEREE REPORT ON TEMPORARY SUSPENSION (YELLOW CARD)**

Forms are available in electronic format from the NZRU

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 Number(s) if known and/or short description of the Law)

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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?

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ASSISTANT REFEREE'S NAME \_\_\_\_\_ UNION \_\_\_\_\_

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

**REPORT TO BE HANDED TO REFEREE IMMEDIATELY FOLLOWING THE 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

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?

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

What were the examples of the persistent or serious Foul Play or Misconduct that led to the match being called off and who committed these offences?

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

Were one or both teams responsible for the match being 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**

**FORM F - STANDARD FORM CITING COMMISSIONER'S REPORT**

Player's Union:  Full name of Player:   
Venue:  Date of Incident:   
Player Number:  Playing Position:   
Match result:  pts   pts

Nature of offence: Law 10.4(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (s)  
(please circle appropriate offence and give a short description of the Law)

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

PERIOD (of game when incident occurred): 1<sup>st</sup> Half  2<sup>nd</sup> Half  Elapsed time in half   
Proximity of Official(s) to incident:  (metres)  
Score at that time:  pts  pts

Please give detailed report below: PLEASE WRITE CLEARLY

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Citing Commissioner

**THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL PRIOR TO THE EXPIRATION OF THE CITING PERIOD**

## APPENDIX: FLOWCHART OF PROVINCIAL UNION DISCIPLINARY PROCESS

