

ANNEX T: OFF FIELD DISCIPLINARY PROCEDURE

1. Introduction

- 1.1 This Off-Field Disciplinary Procedure shall apply to and shall govern all procedure and proceedings involving any Nation or Person in respect of conduct which may constitute an offence and a charge.
- 1.2 For the avoidance of any doubt the provisions of this Off Field Disciplinary Code of Procedure shall always be in full force but will not apply to activities undertaken exclusively within the sphere of a Person's private life.
- 1.3 IRL shall have the absolute discretion to change and/or amend this Off Field Disciplinary Code of Procedure for the purposes of ensuring the fair, impartial and efficient conduct of the business of the Judiciary.
- 1.4 Each Nation agrees, as a condition of their IRL membership, to this Off Field Disciplinary Code of Procedure and agrees to be bound and to abide by it and all decisions made thereunder.

2 Offences

For the purposes of this Off Field Disciplinary Code of Procedure, an offence is constituted by any instance of misconduct of the nature which breaches the Operational Rules and/or the Code of Conduct in Annex U, or any conduct, statements and/or practices on or off the playing enclosure during or in connection with a Match or otherwise, that is unsporting and/or cheating and/or insulting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the Game and/or any of the members of IRL and/or its appointed personnel or commercial partners and/or Match Officials and/or Judiciary personnel into disrepute. Misconduct for the purposes of this Annex T shall only exclude foul play during a Match which has been the subject of consideration and a finding under Annex S.

3 Proceedings for breach

- 3.1 In any case where a Nation, a Nation's team, a Player or any Person has failed to comply with the Code of Conduct or a provision of these Operational Rules, proceedings may be taken against them for that failure.
- 3.2 If any Nation or Person reasonably believes that a Nation or Person is guilty of Misconduct they must inform the Executive in writing within 28 days of becoming aware of the potential misconduct setting out all relevant details.
- 3.3 Upon becoming aware of, or suspecting, a potential act of Misconduct the IRL may investigate or appoint a suitably qualified external person to investigate any allegation of any breach. The IRL will investigate or have the power to appoint investigators to investigate all allegations of Misconduct and decide whether there is a case to answer. If the Executive believes there is a case to answer they will:
 - a) write to the party alleged to have committed Misconduct with the details of the matter and, in their discretion if appropriate, issue a caution; or
 - b) refer the matter to the jurisdictional Member to deal with at its discretion; or
 - c) empanel a Misconduct Committee.

4 Misconduct Committee

- 4.1 The Misconduct Committee shall be constituted by a Chair and two Misconduct Committee Panel Members selected from the Judiciary Panel Pool.





- 4.2 IRL shall appoint Misconduct Committee Chairs. A Misconduct Committee Chair shall be a person who has judicial or quasi-judicial experience.
- 4.3 A Misconduct Committee Panel Member shall be a person whom IRL considers to have appropriate expertise or experience to fulfil the role of Misconduct Committee Panel Member.
- 4.4 IRL shall appoint the Secretary, whose role it shall be to perform all procedural and administrative tasks so as to ensure the fair, impartial and efficient conduct of the business of the Judiciary.

5 Referrals to the Misconduct Committee

- 5.1 Where the Executive refers a case to the Judiciary, the Head of Judiciary shall:
- a) empanel the Misconduct Committee by selecting two (2) Judiciary Panel Pool members from the Judiciary Panel Pool and a Misconduct Committee Chair and notify such individuals;
 - b) issue a Notice of Charge to the party that is the subject of the charge, be that a Nation or a Person;
 - c) take whatever other steps which are necessary to convene the Misconduct Committee;
 - d) inform the parties identified in clause 3.2 of this Annex of the costs, which shall not be less than A\$360, allocated by the Head of Judiciary at his/her absolute discretion.
- 5.2 The Secretary shall ensure that the parties are forthwith provided with all relevant evidence relating to the hearing.
- 5.3 **Representation:** a Nation and/or Player appearing before the Misconduct Committee may represent themselves or be legally represented by a relevant lawyer of their choice. If they choose not to be legally represented at such a hearing they may be assisted at the hearing by a McKenzie friend.
- 5.4 **Order of proceedings**
- 5.4.1 The same order of proceedings shall apply to first instance (Misconduct Committee) and appeal (Misconduct Appeals Committee) hearings unless stipulated by the chairperson.
- 5.4.2 The chairperson will determine the order of proceedings; however usually:
- a) The chairperson will read the charge aloud;
 - b) The Person concerned or their representative will:
 - admit the Offence; or
 - deny the Offence
 - c) The prosecuting party will present the case;
 - d) The Nation and/or Person charged or their representative will be given the opportunity to respond to those submissions;
 - e) The Nation and/or Person charged or their representative will present their case;
 - f) The prosecuting party will be given the opportunity to respond to those submissions;
 - g) The Nation and/or Person charged or their representative will be given the final word;
 - h) If the Nation and/or Person charged denies the Offence the Misconduct Committee will consider whether the Offence was committed and only if the Misconduct Committee find that the Nation and/or Person has committed an Offence will it then go on to consider the appropriate





sanction. The Misconduct Committee will consider all evidence available to them before making a decision;

- i) If the Nation and/or Person admits the Offence or if the Misconduct Committee decides that an Offence was committed then the Nation and/or Person will have the opportunity to make submissions to the Misconduct Committee in relation to the appropriate sanction. The Misconduct Committee will then determine the appropriate sanction.

5.5 Adjudications

5.5.1 The Chairperson of the Misconduct Committee will use their best endeavours to deliver the sentence at the hearing. However, if this is not possible the sentence will be delivered in writing to the Nation and/or Person within 24-hours of the Misconduct Committee reaching its verdict. The Misconduct Committee must reach its verdict no later than 48-hours after the hearing.

5.5.2 In respect of the decision of the Misconduct Committee as to guilt:

- a) any decision of the Misconduct Committee shall be based on a majority but the Misconduct Committee must not indicate to the parties or in its written decision whether it was taken unanimously or by a majority; and
- b) the Misconduct Committee must, in person at the hearing or in writing following the hearing, state whether the Misconduct Committee has found the party guilty or not guilty of the Charge based on the civil standard of proof, the balance of probabilities.

5.5.3 The adjudication will:

- a) Include all aggravating and/or mitigating factors taken into consideration;
- b) Give clear and full reasons for the decision;
- c) Specify the appropriate sanction, where a party has been found guilty.

5.5.4 The party charged has no right of access to the deliberations of the Misconduct Committee.

5.5.5 If the Misconduct Committee does not consider that it can reach a decision on the evidence before it, it may refer the incident for further investigation.

5.6 Sanctions

5.6.1 The Misconduct Committee has the power to impose any of the below sanctions individually or in combination.

5.6.2 In deciding an appropriate and proportionate sanction, the Committee will have regard to all the circumstances of the case, including the seriousness of the proven misconduct, the presence of any mitigating and/or aggravating factors, the purpose behind imposing sanctions and, to the full range of applicable sanctions to determine which sanction most appropriately fulfils the purpose of misconduct proceedings bearing in mind the seriousness of the conduct in question.

- A reprimand;
- A fine (including suspended fines);
- A suspension of expulsion from the Game;
- An order for compensation;
- An order that games be played behind closed doors;
- A restriction on registrations;
- A sporting sanction (points deduction or expelling a Nation from a Competition)(including suspended sporting sanctions).





6 Appeals

- 6.1 A party aggrieved by a decision of the Misconduct Committee may appeal the original decision before the end of seven business days beginning with the first business day after the decision has been handed down by writing to the Executive with a summary of reasons for the appeal on one or more of the following grounds:
1. With respect to the issue of guilt:
 - a) That there was an error of law; or
 - b) That the decision was unreasonable or insupportable having regard to the evidence presented to the Judiciary in the hearing; or
 2. With respect to the issue of penalty: that the penalty imposed by the Misconduct Committee was manifestly excessive.
- 6.2 Unless otherwise ordered by the chairperson, an appeal by a party to the Misconduct Committee Appeals Panel shall not operate as a stay of the decision of the Misconduct Committee which is the subject of the appeal.
- 6.3 Appeal hearings will be convened pursuant to section 5 save that Misconduct Committee Panel members involved in the original hearing shall be excluded.
- 6.4 There shall be no further right of appeal.

