

**SCC**  
**Judiciary Code of Procedure**  
**2013**

**1.1 Definitions**

The following terms shall be ascribed the corresponding meanings:

**Appeals Committee** means the body constituted pursuant to the Appeals Committee Code of Procedure.

**Charge** means the offence particularised in the Notice of Charge.

**Judiciary** means the SCC Junior League Judiciary constituted in accordance with **Rule 1.5**, comprising the Judiciary Chairman and the Judiciary Panel.

**Judiciary Chairman** means the person appointed to that role pursuant to **Rule 1.5**.

**Judiciary Code of Procedure** means this document including all schedules and annexures.

**Judiciary Counsel** means the person appointed to that role pursuant to **Rule 1.3**.

**Judiciary Panel** means the panel of two (2) Judiciary Panel Members empanelled for a Judiciary hearing pursuant to **Rule 1.8(a)(2)**.

**Judiciary Panel Pool** means the persons appointed to that role pursuant to **Rule 1.5**.

**Judiciary Panel Member** means a person in the Judiciary Panel Pool appointed to that role pursuant to Rule 1.5 empanelled on a Judiciary Panel in accordance with **Rule 1.8(a)(2)**.

**Junior League** means the Sydney Combined Competition Committee and includes where necessary a reference to all matches, competitions, tournaments and premierships conducted by or under the auspices of the Junior League.

**Match** means a game of rugby league played in any competition, tournament or premiership conducted by or under the auspices of the Junior League.

**Match Official's Incident Report** means a report in the form of that which is prescribed at **Appendix 1** which is completed by a Match Official in accordance with **Rule 1.7**.

**Match Review Committee** means the body established pursuant to **Rule 1.4**.

**Match Review Committee Chairman** means the Match Reviewer appointed to that role pursuant to **Rule 1.4**.



**Match Reviewer** means the persons appointed to that role pursuant to **Rule 1.4**.

**Notice of Challenge** means a notice in the form set out in **Appendix 3** specifying all relevant particulars of a challenge by a Player to the jurisdiction and / or composition of the Judiciary submitted in accordance with **Rule 1.9**.

**Notice of Charge** means a notice in the form set out in **Appendix 4** specifying all relevant particulars of a Charge which is issued pursuant to **Rule 1.7** by the Match Review Committee to a charged Player.

**Notice of Hearing** means a notice in the form set out in **Appendix 5** specifying all relevant particulars of a Judiciary hearing which is issued pursuant to **Rule 1.8** by the Secretary to a charged Player, the Judiciary Counsel and any other person required by this Judiciary Code of Procedure to receive such notice.

**Notice of Plea** means a notice in the form set out in **Appendix 6** specifying in accordance with **Rule 1.7** how a Player shall plead in response to a Charge particularised in a Notice of Charge.

**Offence** means an act or omission in a Match which is sufficient to give rise to the Match Review Committee issuing a Notice of Charge against the Player. A schedule of offences is set out at **Appendix 2**.

**President** means the President of the Appeals Committee.

**Referee** means the referee of a Match.

**Secretary** means the person appointed to that role pursuant to **Rule 1.5(e)**.

## 1.2 For the Junior League:

- (a) The Judiciary Code of Procedure shall apply to and shall govern all procedure and proceedings involving a Player in respect of conduct constituting an offence and a Charge.
- (b) For the avoidance of any doubt the provisions of this Judiciary Code of Procedure shall be in full force and effect for each Match played in the Junior League and any Junior League Competition.

## 1.3 Judiciary Counsel

- (a) The Secretary shall appoint a person to act as Judiciary Counsel.
- (b) The Judiciary Counsel shall be a person who is appropriately qualified to fulfil the functions of the position.
- (c) The role of the Judiciary Counsel shall be to, where a Charge proceeds to a hearing before Judiciary:
  - (1) Appear at that hearing and present evidence relied upon in support of the Charge;



- (2) Test the Player's case; and
  - (3) Address and make submissions to the Judiciary.
- (d) The Judiciary Counsel shall at all times in the discharge of his functions and responsibilities:
- (1) Act independently, impartially and fairly; and
  - (2) Be aware of and proceed with due respect for the necessity to preserve the independence of the Judiciary.

#### 1.4 The Match Review Committee and Match Review Committee

- (a) The Secretary shall appoint at least one (1) and not more than three (3) persons to serve as Match Reviewers on the Match Review Committee. The Secretary shall appoint one (1) of the Match Reviewers as the Match Review Committee Chairman, and if only a single person is appointed then that person shall be the Match Review Committee Chairman. A Match Reviewer shall:
- (1) Be a former rugby league player or referee;
  - (2) Not be a Player; and
  - (3) Not be a coach or a member of the coaching staff of any Club.
- (b) The Match Review Committee shall, as directed by the Match Review Committee Chairman, review video footage and other evidence derived from or in connection with Matches for the purposes of examining and considering any conduct by any Player in any Match which may constitute an offence.
- (c) Further to Rule 1.4(b), the Match Review Committee shall review and consider Match Officials Incident Reports and requests received from Clubs in accordance with Rule 1.7(b).

#### 1.5 The Judiciary

- (a) The Judiciary shall be constituted by the Judiciary Chairman and two (2) Judiciary Panel Members empanelled from the Judiciary Panel Pool in accordance with Rule 1.8(a)(2).
- (b) The Secretary shall appoint the Judiciary Chairman. The Judiciary Chairman shall be a person who is a practising solicitor or barrister of the Supreme Court of New South Wales.
- (c) The Secretary shall appoint the members of the Judiciary Panel Pool. The Secretary may appoint more than two (2) persons as members of the Judiciary Panel Pool, and if this is the case the composition of the Judiciary Panel to hear any particular case brought before the Judiciary shall be



selected by the Secretary from the Judiciary Panel Pool in accordance with Rule 1.8(a)(2).

- (d) A Judiciary Panel Member shall be a former rugby league player.
- (e) The Secretary of the Judiciary shall be the Co-ordinator of the Junior League or his delegate, 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.

## 1.6 Offences

For the purposes of this Judiciary Code of Procedure, an offence is constituted by any instance of conduct, acts or omissions of the nature set forth and described in Appendix 2 to this Judiciary Code of Procedure.

## 1.7 Match Review

- (a) Where, during a Match, any conduct of a Player which may constitute an offence is observed or otherwise comes to the attention of a Match Official who officiated in that Match, and where that conduct, in the opinion of that Match Official, warrants consideration by the Match Review Committee, then:
  - (1) In the case of a Match Official other than the Referee, that Match Official shall, immediately after the conclusion of the Match, complete a Match Official's Incident Report specifying all of the particulars required in that Report, and then provide that Report to the Referee; and
  - (2) In the case of the Referee, he shall complete a Match Official's Incident Report specifying all of the particulars required in that Report and then he shall forward that Report, together with any other Match Official's Incident Reports, to the Match Review Committee so that the Match Review Committee receives those Reports no later than 9.00am on the first business day after the Match.
- (b) Further to Rule 1.7(a), where, in the opinion of a Club which played in a Match, conduct of a Player during that Match warrants consideration by the Match Review Committee, the Club may forward a written request for review to the Match Review Committee specifying all relevant particulars of the subject conduct so as to enable the Match Review Committee to identify that conduct.
- (c) Any such written request for review must be received by the Match Review Committee before 9.00am on the first business day after the Match and must be signed by the president of the Club making the request.
- (d) At 11.00am on the first business day after every Match the Match Review Committee shall meet to review the video footage of the Match as well as any other evidence and any Match Official's Incident Reports and / or requests for review made in accordance with Rule 1.7(b).



- (e) It is the role of the Match Review Committee to review all reasonably available evidence irrespective of whether or not any Match Official's Incident Reports and / or requests for review made in accordance with Rule 1.7(b) are submitted to the Match Review Committee.
- (f) After considering all of the evidence referred to at Rule 1.7(e), the Match Review Committee may authorise, by at least a majority vote of the Match Review Committee members, the Match Review Committee to issue a Charge against a Player for an offence.
- (g) In the event that the Match Review Committee is so authorised he shall cause a Notice of Charge to be issued to the Player and copied to the Secretary by 12.00pm on the second business day after the Match.
- (h) The Notice of Charge shall include notice from the Match Review Committee as authorised by the Match Review Committee as to the penalty which he will recommend that the Judiciary impose should the Player be found guilty of the Charge particularised in the Notice of Charge.
- (i) A Player issued with a Notice of Charge must by 9.00am on the third business day after the Match provide to the Secretary a Notice of Plea.
- (j) The Notice of Plea shall specify whether the Player:
  - (1) Pleads guilty to the Charge specified in the Notice of Charge and accepts the imposition of the recommended penalty specified in the Notice of Charge by the Match Review Committee; or
  - (2) Pleads guilty to the Charge however challenges the imposition of the penalty proposed by the Match Review Committee in the Notice of Charge; or
  - (3) Pleads not guilty to the Charge specified in the Notice of Charge.
- (k) In the event that the Player:
  - (1) **Enters a plea in accordance with Rule 1.7(j)(1):** The Secretary shall ask the Judiciary Chairman to make orders consistent with those specified by the Match Review Committee in accordance with Rule 1.7(f).
  - (2) **Enters a plea in accordance with Rule 1.7(j)(2):** The Secretary shall issue a Notice of Hearing in accordance with Rule 1.8, such hearing to be conducted in accordance with Rule 1.17(g).
  - (3) **Enters a plea in accordance with Rule 1.7(j)(3):** The Secretary shall issue a Notice of Hearing in accordance with Rule 1.8, such hearing to be conducted in accordance with Rule 1.17.



- (l) In the event that a Player issued with a Notice of Charge fails to enter a Notice of Plea in strict compliance with Rule 1.7(i) then immediately after the expiry of the deadline stipulated in 1.7(i) that Player will be deemed to have entered a Notice of Plea in accordance with Rule 1.7(j)(1).

## 1.8 Hearings

- (a) Where the Secretary receives a Notice of Plea pursuant to Rules 1.7(k)(2) or 1.7(k)(3) the Secretary shall promptly:
- (1) Notify the Judiciary Chairman;
  - (2) Empanel the Judiciary Panel by selecting two (2) Judiciary Panel Members from the Judiciary Panel Pool;
  - (3) Issue a Notice of Hearing to the Player and the Secretary;
  - (4) Notify the Judiciary Counsel by providing him with a copy of the Notice of Hearing;
  - (5) Take whatever other steps which are necessary to convene the Judiciary.
- (b) Where a Notice of Charge is set down for hearing, the Match Review Committee shall ensure that the Judiciary Counsel is forthwith provided with:
- (1) Copies of all Match Official's Incident Reports and Notices relating to the hearing;
  - (2) Copies of all evidence required to support the case, including copies of all video footage of the incident which was available for review by the Match Review Committee and all statements given by witnesses;
  - (3) The Player's career disciplinary history (to the extent available);
  - (1) Any expert reports obtained by or on behalf of the Match Review Committee in support of the Judiciary Counsel's case; and
  - (2) The Player's record of previous convictions for on-field offences in respect of Matches played in the World Cup.
- (c) The Match Review Committee shall ensure that the Player is supplied with copies of all evidence which the Judiciary Counsel may rely on at the hearing before the Judiciary.

## 1.9 Preliminary Matters

### Challenge to Jurisdiction and / or Composition of the Judiciary

- (a) Where the Player intends at a Judiciary hearing to challenge:



- (1) The jurisdiction of the Judiciary to deal with the Player and / or the Charge;
- (2) The composition of the Judiciary empanelled to deal with the Player and / or the Charge; or
- (3) Any other matter which might reasonably take the Judiciary by surprise;

then the Player or his representative shall complete a Notice of Challenge and forward it to the Secretary no later than 2.00pm on the day of hearing. On receipt of a Notice of Challenge the Secretary shall forthwith forward a copy of it to the Judiciary Counsel.

- (b) A hearing before the Judiciary shall commence from 6.30pm on the Wednesday after the Match to which the hearing relates. However, on the application of either of the parties the Judiciary Chairman may, in his discretion, make further or other orders in respect of the date and time for a Judiciary hearing. Without limitation and for the avoidance of doubt:
  - (1) Such orders may be made by the Judiciary Chairman in circumstances where a Player or his Team would or might be disadvantaged if a Judiciary hearing was scheduled at the date and time presumed in this Rule 1.9(b).
  - (2) Any Judiciary hearing in respect of a Player's conduct in a Match must be held and concluded before the next Match that the Player is eligible to play in but for any penalty which may be imposed by the Judiciary. Player is ineligible to play any form of rugby league until case is heard.
- (c) Judiciary hearings shall occur at 6A Figtree Drive, Homebush, Sports House Ken Brown Room #2 (entry via rear car park).

## 1.10 Representation

Subject to the leave of the Judiciary Chairman having first been obtained, a Player appearing before the Judiciary may be represented by a barrister, solicitor, agent or other representative on such terms, if any, as the Judiciary Chairman in his absolute discretion thinks fit.

## 1.11 Attendance at Hearings

- (a) A Player served with a Notice of Charge and a Notice of Hearing shall attend the Judiciary hearing at the time and place specified in the Notice of Hearing.
- (b) If a Player is unable to attend the Judiciary hearing in person, he must inform the Secretary of this fact no later than 9.00am on the day of the hearing date specified in the Notice of Hearing. If the Player so advises the Secretary of his inability to attend the hearing in person his evidence may be taken by alternate means such as video conference or teleconference.



- (c) If a Player issued with a Notice of Charge and a Notice of Hearing fails to attend the Judiciary hearing at the time specified in the Notice of Hearing, the Judiciary may proceed to hear and determine the Charge and penalty in the absence of the Player.
- (d) Subject to Rule 1.16(d), any witness which a party intends to call in evidence before the Judiciary shall wait outside the hearing room until such time as that person is called to give evidence.
- (e) Judiciary hearings shall be closed to members of the public.

#### 1.12 Decision Final

All decisions of the Judiciary shall be final, binding and conclusive subject to any leave to appeal granted by the President in accordance with Rule 1.18.

#### 1.13 Onus of Proof

In every case, the Judiciary Counsel bears the onus of proof on the balance of probabilities.

#### 1.14 Role of the Judiciary Chairman

- (a) In every case, it shall be the Judiciary Chairman's task to decide every question of law, evidence and / or procedure.
- (b) The Judiciary Chairman shall in his absolute discretion give such instructions or directions as he thinks fit to the Judiciary Panel as to matters of law, evidence and / or procedure.
- (c) The Judiciary Chairman may give whatever directions and make all such orders as he in his absolute discretion deems fit for the conduct, expedition and resolution of matters heard by the Judiciary.

#### 1.15 Role of Judiciary Panel Members and Judiciary Chairman Constituting the Judiciary

In every case it is the task of the Judiciary, comprising the Judiciary Panel and the Judiciary Chairman, to decide every question of fact.

#### 1.16 Evidence

- (a) Proceedings before the Judiciary are not bound by the rules of evidence usually applicable to proceedings before courts of law.
- (b) The Judiciary Chairman shall be entitled to disallow the appearance of any witness or the tender of any evidence on the grounds of irrelevance.
- (c) Evidence of a Player's disciplinary history (if any) of convictions for misconduct shall not be admissible as evidence on the issue of guilt.





- (d) Subject to any ruling by the Judiciary Chairman, a party may present the evidence of a witness by that witness giving evidence:
  - (1) In person at the hearing;
  - (2) Via teleconference; or
  - (3) Via video conference.
- (e) Any documents or things admitted into evidence shall be consecutively marked as exhibits, which exhibits at the conclusion of the hearing shall be placed in the custody of the Secretary for safe keeping.

## 1.17 Procedure at Hearing

### The Judiciary Counsel's Case

- (a) Subject to any orders made by the Judiciary Chairman as to the conduct of any hearing, and after the Judiciary Chairman outlines briefly to the parties the procedure of the hearing, the Judiciary Counsel shall present his case to the Judiciary in the following sequence:
  - (1) Playing any video footage considered by the Match Review Committee; then
  - (2) Tendering any Match Official's Incident Reports considered by the Match Review Committee and any expert reports; then
  - (3) Calling each witness whereupon that witness:
    - (A) Shall be examined in chief by the Judiciary Counsel;
    - (B) May be cross-examined by the Player or his representative;
    - (C) May be questioned by the Judiciary Chairman and, with leave granted by the Judiciary Chairman, by any Judiciary Panel Member;
    - (D) May, with leave granted by the Judiciary Chairman, be re-examined by the Judiciary Counsel.
  - (4) Thereafter the Judiciary Counsel shall close his case.

### The Player's Case

- (b) After the close of the Judiciary Counsel's case the Judiciary Chairman shall call upon the Player or his representative to advise whether he wishes to give or call evidence in his defence. If he does wish to present evidence that evidence shall be given in the following sequence by:
  - (1) Tendering any expert reports and other documentary evidence; then



- (2) Calling each witness whereupon that witness:
  - (A) Shall be examined in chief by the Player or his representative;
  - (B) May be cross-examined by the Judiciary Counsel;
  - (C) May be questioned by the Judiciary Chairman and, with leave granted by the Judiciary Chairman, by any Judiciary Panel Member; and
  - (D) May, with leave granted by the Judiciary Chairman, be re-examined by the Player or his representative.
- (3) Thereafter the Player or his representative shall close the Player's case.

### **Closing Addresses**

- (c) At the conclusion of the Player's case:
  - (1) The Judiciary Counsel may make a closing address to the Judiciary Panel; followed by
  - (2) A closing address made by the Player or his representative.
  - (3) Further to Rule 1.17(c)(1), in the event of a Judiciary hearing in respect of a Notice of Plea entered pursuant to Rule 1.7(j)(2) (that is, a plea of guilty which challenges the recommended penalty) the closing address and submissions made by the Judiciary Counsel shall include submissions as to the objective seriousness of the conduct of the Player referred to in the Notice of Charge and any other matter relevant to the issue of penalty.

### **Directions to the Judiciary Panel**

- (d) At the conclusion of the closing addresses the Judiciary Chairman shall address the Judiciary Panel and give whatever directions he deems necessary as to:
  - (1) The onus and standard of proof;
  - (2) The elements of the charge;
  - (3) The substantive law;
  - (4) The evidence presented to the Judiciary; and
  - (5) Such other matters which, in his opinion, should properly be brought to the attention of the Judiciary Panel.



## Deliberations and Verdict

- (e) After the Judiciary Chairman has given directions to the Judiciary Panel the Judiciary shall retire to deliberate and decide on their verdict. In respect of the deliberations and the decision of the Judiciary Panel as to guilt:
- (1) The verdict of the Judiciary must be at least a verdict of the majority of the Judiciary Chairman and the Judiciary Panel Members.
  - (2) The Judiciary must immediately return to the hearing room upon reaching a verdict. Once the Judiciary returns to the hearing room the Judiciary Chairman shall act as spokesman and state whether the Judiciary has found the player guilty or not guilty of the Charge.
  - (3) Unless ordered otherwise by the Judiciary Chairman, the Judiciary shall not give reasons for their decision.
  - (4) If the Judiciary finds the Player not guilty of the Charge the proceedings are thereby concluded.

## Penalty

- (f) If the Judiciary finds the Player guilty of the Charge or if the Player enters a Notice of Plea pursuant to Rule 1.7(k)(2), it is the function of the Judiciary to determine the penalty to be imposed. A penalty may be imposed in the form of:
- (1) A suspension from:
    - (A) A specified number of Matches; and / or
    - (B) Such other penalty as to the Judiciary Panel appears just in the circumstances.
- For the avoidance of doubt, in respect of any penalty in the form of a suspension, that suspension must be expressed by the Judiciary in terms of a specified number of Matches.
- (g) The procedure to be followed by the Judiciary to determine the penalty to be imposed on the Player shall generally be in accordance with the procedure set out at Rules 1.17(a) to (d) (both inclusive) with such modifications and / or adaptations as the Judiciary Chairman thinks fit in the circumstances.
- (h) Further to Rule 1.17(g) and for the avoidance of any doubt, the Judiciary shall decide on penalty at the hearing and not at any later date. The Judiciary Chairman shall afford the Player an opportunity to address the Judiciary Panel on the question of penalty.
- (i) Any penalty ordered by the Judiciary which comprises in whole or in part a suspension from playing Matches shall be specified in terms of how many Matches and / or matches that Player is suspended from playing in. The



Player is therefore suspended from all Rugby League activities until such time as the suspension is served.

### 1.18 Leave to Appeal

- (a) A Player aggrieved by a decision of the Judiciary may appeal therefrom to the Appeals Committee, by forwarding a Notice of Appeal to the Secretary within 24 hours of receipt of the Notice of Outcome, 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 Judiciary was manifestly excessive.
- (b) A Player who wishes to appeal from a decision of the Judiciary must first obtain leave to do so from the President.
- (c) The President shall not grant leave for the Player to appeal unless he forms the view in his absolute discretion that the Player has good prospects of success on the hearing of that appeal.
- (d) The Judiciary Counsel has a right to be heard by the President on any application for leave to appeal made by a Player pursuant to Rule 1.18 before the President grants a Player leave to appeal.
- (e) Unless otherwise ordered by the President, neither an application for leave to appeal nor an appeal by a Player to the Appeals Committee shall operate as a stay of the decision of the Judiciary which is the subject of the appeal or the application for leave to appeal.

