ACTRRA Judiciary Sanction Review and Appeal Policy – Match Official Abuse (MOA) Related Cases Only

Related RA Policy: Rugby Australia Disciplinary Rules

Purpose

In accordance with ACTRRA Objectives and Rules para 19, sub-para (d), this policy outlines the process which the ACTRRA applies to review an ACT Rugby Union Judicial Committee's (the 'Judiciary') sanction imposed on a person / club resulting from a hearing for Match Official Abuse (MOA). The hearing may have resulted from; a Referee send - off (ie red card), a Citing, or from an investigation from a formal submission of a 'Report a Concern'.

Implementation of this process is to protect and support ACTRRA members to ensure that any Judicial Committee sanctions imposed are reviewed in a timely manner to establish if the sanction is "fair". The process informs the ACTRRA Executive Committee's decision if it will lodge an appeal of the sanction.

Judiciary Process - Overview

After a Match Official Abuse related hearing, the Judicial Committee and ACTRU are obliged to provide the ACTRRA Executive Committee with the hearing outcome and a copy of the written judgment. The written judgment outlines the Judicial Committee's reasons for the sanction (even if the case is dismissed). The written judgment must be provided no later than 5 business days of the hearing. ACTRU does not have any obligation, however, to provide the judgment to the Match Official (subjected to the MOA) and it may impose restrictions that prevent the written judgment from being provided to any other parties.

Generally within the ACT and sNSW jurisdiction, the hearing outcomes are published on the ACTRU website, however this may occur in a timely manner (it may be weeks after a hearing before the outcome is published, or sometimes not at all). This has the risk of the appeal window being closed by the time the Referee may become aware of the sanction. Implementation of the process below will mitigate or avoid this risk.

Under the Rugby Australia Disciplinary Rules, only an Association Official (via the President) is able to formally lodge an appeal against a judicial outcome. The Match Official is unable to directly lodge an appeal. The appointed Match Official however is able to request the ACTRRA Executive Committee to appeal a sanction, however any appeal must be lodged within the small window specified within the RA

Disciplinary Rules - currently 48 hours. This timeframe to lodge an appeal commences from the time that the written judgment is provided to the ACTRRA Executive (though the judicial committee may alter the timeframe to appeal).

Therefore it is incumbent on the ACTRRA Executive Committee, as the party that will be provided with timely information of the written judgement, to act quickly to advise the Match Official / member of the outcome of the hearing, establish their perspective of the sanction, and to determine if an appeal is to be lodged.

On this basis, to ensure members are confident that their best interests are being considered and that of the Association, the ACTRRA Executive Committee will convene to ensure a timely review of the written judgment, including consideration of the member's perspective on the sanction, to determine whether an appeal is to be lodged (or to accept the sanction handed down by the judiciary).

Decision to Appeal.

The RA Disciplinary Rules permit an appeal on the following basis:

"An appeal may only be brought on one or more of the following grounds:

(a) the decision was wrong in fact or in law;
(b) the sanction imposed was manifestly excessive; and/or
(c) the sanction imposed was manifestly inadequate, and

the Appellant bears the onus and burden of satisfying the Appeal Committee that the grounds of the appeal have been made out, on the balance of probabilities."

The ACTRRA Executive Committee will only appeal an abuse case under item (a) or (c), and, provided it can demonstrate or provide sufficient information / evidence to establish (a) or (c)[1].

Process Steps:

1) **Notification that Match Official Abuse related hearing to take place:**
    a. The ACTRRA appointed Red Card Review Officer will advise the Executive Committee when there has been a send- off report submitted for MOA / dissent, or
    b. The Executive Committee will be aware when a Citing is being made for MOA (typically from ACTRU), or

[1] Note under the current (Aug 2024) Disciplinary Rules, Rule 68.e.i, the Judicial Committee may vary, alter or add to the charge or substitute an entirely new charge based on facts reported in the initial charge. There is no requirement under the Rules for the Judicial Committee to consult either the Union or the Referee body in doing so.

   c. The Executive Committee will be aware when a 'Report a Concern' involved with MOA has been submitted (as will the ACTRRA VP as Member Protection Officer and the Welfare Officer)

2) **Receive Outcome / Judgement:** ACTRU emails Judicial Committee Outcome / Judgment to ACTRRA Executive via the ACTRRA Secretary who ensures all Executive Committee members and Chair CAG has visibility of the Outcome / Judgement. Secretary will also register as ACTRRA 'incoming correspondence'.
3) **Advise Match Official Hearing Outcome: Within 6 hours** the Vice President (Member Protection Officer) or Chair CAG (or other Executive Committee member in their absence) will make every effort to contact the Referee / member via a phone call and advise them of the Judicial Committee outcome. A verbal precis of the reasons will be provided to the member. During this conversation the Referee will be asked their perspective on the sanction being imposed. The member can request the ACTRRA Executive to appeal the decision.
4) **Email Match Official to Confirm Outcome:** Following the phone call, an email summarising the discussion (and any agreed actions) should be sent to the member.
5) **Executive Committee Review of Judgment:** If the Referee requests an appeal, the contact person in 2) is to email the outcome and judgment to all Executive Committee members (President, VP, Secretary, Treasurer, Asst Secretary) plus the CCAG, to include the perspective / desire of the Referee, and requesting a 'vote' whether to lodge an appeal (with the 'grounds for the appeal').
   a. **24 hours** is provided for the 'vote' to occur.
   b. A simple majority of those that respond to the email will determine the voting outcome.
      i. Should the vote be tied, then the President will have the casting vote (if the President is not available, then the VP is to have the casting vote (and followed by Secretary, then Treasurer, if required)
6) **Advise Referee of Appeal:** The Referee is advised via email the Executive Committee's decision whether to lodge an appeal or not (and any relevant reasoning)
7) **Lodge Notice of Appeal :** If the Executive Committee decide to lodge an appeal the Secretary will lodge the necessary "Notice of Appeal" form (within the time limit).

"The notice of appeal must be in writing and shall specify the:

a) *name of the Appellant lodging the appeal;*
b) *decision appealed against;*
c) *date of the decision appealed against;*
d) *date of notification of the decision appealed against by the Appellant; and*
e) *the specific grounds of the appeal with reference to Rule 112."*

The Notice of Appeal is submitted to the Union via the ACTRU Competition Manager by the Secretary within 48 hours from the time in which the written decision was received, and is to be registered as ACTRRA 'outgoing correspondence.'

8) **Fees paid:** ACTRRA will pay any Appeal application fees the ACTRU may impose.
9) **Appeal Outcome:** ACTRRA Executive Committee will advise the Referee of the outcome of the appeal hearing.

This internal Judiciary Sanction Review and Appeals policy remains in force until updated or superseded by the ACTRRA Executive Committee.

Nick Stoker

President

ACT Rugby Referees Association

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