



15 June 1998

Mr Ray Hadley

Fax No (02) 9906 7648

Hello Ray

I have listened to your comments about the Rugby League judiciary system and I would like to offer some comments for your interest

I agree with you that a number of decisions this year have been absurd from the public's point of view. Perhaps they were well thought out by the people who made the decisions but, if they were, the general public cannot understand them.

The public perception of our game is of vital importance, and the judiciary panel should be much more aware of their responsibility in that direction.

Even more concerning than the inconsistencies, the judiciary has chosen to ignore the wishes of a large majority of clubs who voted 18 to 2 in favour of using a particular judiciary system.

Before this season started I attended a number of meetings between representatives of the ARL and of Super League. The purpose of those meetings was to decide on a recommendation to the board about which judiciary system would be most appropriate for the united competition – the one used by the ARL, or the one used by Super League. Most of the representatives were personnel who had been closely involved with their respective judiciary systems. This was one

of the last issues, and one of the most difficult, to be resolved before the two competitions could be united.

Because the two systems were totally different it was almost impossible to find a compromise between them. It really had to be a choice of one or the other.

Our meetings achieved little of importance and the decision was referred back to the Chief Executives of the 20 clubs. They heard submissions in support of both systems and voted for their choice.

The Super League system was supported by 18 of the 20 clubs. Only 2 out of the 12 ARL clubs dissented.

You would imagine that such a strongly supported decision would be respected by the people selected to implement and manage the system.

For the sake of convenience I will refer to the two different judiciary systems as the Super League and the ARL system. The ARL system is the one we are using today, which was intended to be the Super League system but had never come close.

The Super League judiciary system was the result of a submission by me, and I have been reluctant to be publicly critical of the NRL system. Criticism from me could sound like I am simply pushing my own narrow point of view and defending a judiciary system which was largely my idea.

The Super League system was not perfect either. A lot of people were involved in the final product and there were some compromises. Nevertheless, the Super League judiciary went through the whole season with only one major controversy, not because of the way the system was managed, but because Mark Geyer and his solicitor objected to the outcomes produced by the system. I believe there was one other occasion when the judiciary produced a result which was unfair.

I am enclosing for your information my submission to Super League. You will see that it was not totally adopted but most of the principles were.

One of the things that annoys me now is the criticism that the **system** is not working. The fact is that the panel has chosen to destroy the most basic principle of the Super League judiciary system, so the fact that it is not working has nothing to do with the system.

No judiciary system will ever be perfect. A good system however should lead to greater consistency and it will also generate its own improvements.

One of the most fundamental differences between the ARL system and the Super League system is the responsibility for consistency. Under the ARL system the responsibility for consistency is totally in the hands of the judiciary panel and is therefore subject to the people involved. When there is a change in personnel there is likely to be a change in the outcomes. The "Jim Coman's era" was different from the "Alan Sullivan era".

In the Super League system the responsibility for consistency is in the hands of the administrators of the game and is therefore supported by written policies and procedures which are much less vulnerable to change because of changing personnel.

It is obvious that the responsibility for consistency in the NRL system is in the hands of the judiciary and therefore it cannot possibly claim to be modelled on the Super League system.

If we were really working within the principles of the Super League system we would now need to amend the schedule of penalties. Whatever was the reason for Glenn Lazarus receiving additional discounts must be written into the rules so that all players have an equal opportunity. If this judiciary moved on, the penalty remains consistent.

It is disgraceful to even imagine that the next person committing a similar offence with all the same eligibility for discount as Glenn Lazarus should get more than 99 points.

If a player is sent from the field for an offence and is then found guilty of that offence, he has to be given the penalty set out in the schedule. If being sent off constitutes sufficient punishment, as the judiciary decided in a recent case, then that should apply to all players and not simply be at the whim of the judiciary panel to apply it sometimes and not others.

The judiciary can be a continually improving system. Whenever an injustice becomes obvious, the administrators of the game can immediately take steps to change the penalty for a particular offence and let all players, coaches and officials know about it.

The next time somebody commits the same offence or one very close to it they get the new penalty. Everyone knows where they stand and there are no grounds for whinging about unfairness or favouritism or inconsistency.

If Geoff Toovey can have a 200 point penalty reduced to 50 points because of some eligibility for discount he possesses, the same opportunity should be available to every other player, providing they have the same eligibility. That eligibility has to be spelled out in the rules.

The administrators of the game should be the best manager of consistency. Once the judiciary finds a player guilty the penalty becomes mandatory. The only criticism that can be levelled against the judiciary is that they were incorrect in their determination of guilt. No criticism is possible of some players being treated more favourably than others or of there being favourite clubs.

Under the Super League system the judiciary panel was given the discretion to change the penalty if they considered the circumstances of any case were unusual.

As far as I know that discretion was not used.

There are two different ways of looking at the scale of penalties.

- a) For any particular offence there is an absolute minimum penalty any player could be given for that offence after taking into account the player's previous good record, his willingness to plead guilty (if he is guilty), and any other mitigating circumstances. That minimum penalty is increased for each qualification not available to him; or
- b) For any particular offence there is a maximum penalty after taking into account previous charges, penalties for pleading not guilty and the lack of any mitigating circumstances.

Both ways give the same result.

Kind regards

ROGER COWAN
GENERAL MANAGER

j:\special projects\rc\let\hadley june 4, 1998.doc\jh