

Introduction

This is a system for a Super League Judiciary. The system starts from the time a player receives notice that he has been charged with an offence arising from a game in which he participated. The charge may result from a “send off”, a referee’s report or an examination of an incident by the head of the Judiciary.

The various ways a player could be charged is the subject of another system.

Objectives

The system sets out to achieve the following objectives:

1. Dramatically reduce the public criticism of decisions made by the judiciary.
2. Completely eliminate public criticism that the penalties handed down by the Judiciary are inconsistent, or favour one club over another.
3. Reduce the involvement of solicitors in judiciary.
4. Reduce the number of judiciary hearings.
5. Reduce the time required to hold judiciary hearings.
6. Eliminate appeals against the severity of sentences.

Principle Elements

The system is based upon the following principles:

1. Experts in Human Movement Analysis will be employed by Superleague to report on any incident about which there is any doubt.
2. A Head of Judiciary will be appointed whose responsibilities will include:
 - Deciding what specific offence a player has committed. If the case goes to a hearing, the judiciary panel will have the discretion to make a decision in a different category.
 - Notifying the player by midday on the first working day after the game in which the offence was committed.
 - Deciding whether an expert report is required.
 - Ensuring players understand their rights under the judiciary system, and the advantages of avoiding a judiciary hearing.
 - Deciding whether an expert report is sufficiently strong to exonerate the player.
 - Arranging judiciary hearings whenever necessary.
 - Ensuring that the judiciary panel has all the information it needs to make the best decision possible in the circumstances.
 - Ensuring the judiciary decision is translated into the appropriate penalty.
 - Maintaining full records of all judiciary matters.
3. Players will be encouraged to plead guilty in cases where guilt is obvious and the player agrees. The player must inform the head of judiciary of his decision by 9.30am on the second working day after the game in which the offence was committed.
4. Players will be offered incentives to plead guilty.
5. If the expert evidence shows that the player is not guilty, the player will be exonerated and the judiciary hearing will be cancelled.
6. If the player pleads guilty, the prescribed penalty will apply and the judiciary hearing cancelled.
7. There will be a scale of fixed penalties to cover a wide range of specific offences. For example, a head high tackle might be covered by 20 or more specific offences each carrying its own penalty.
8. The judiciary will meet only for the purpose of determining whether a player is guilty of an offence, and if so, which offence.
9. There will be a table of reductions which can be applied to each penalty in specified circumstances.
10. There will be a table of penalty increases which can be applied to each penalty in specified circumstances.

The Process

Negotiations Prior to Request for Expert Report.

1. The head of judiciary consults with the expert, and others in his team, to decide what are the most likely player offences based on the evidence available. This will be completed by 11am on the first working day after each game.
2. The head of Judiciary informs the player of the specific charge to be answered, and ensures the player understands the system.
3. The player decides whether to plead guilty or innocent.
4. If the player pleads guilty, the prescribed penalty, with discounts and/or additional penalties, will be accepted by the player.
5. If the player pleads innocent, a detailed expert report will be commissioned, to be paid by the player if subsequently found guilty.

A. Expert Report Says the Player is Innocent.

1. Head of judiciary informs player there is no case to answer.
2. Superleague pays for the expert report.
3. Head of judiciary files details of the case and the matter is finished. No hearing required.

B. Expert Report Says the Player is Guilty.

1. Head of judiciary advises the player of the strength of evidence against him.
2. Player given another opportunity of pleading guilty.
3. If the player pleads guilty, the prescribed penalty, with discounts and/or additional penalties, will be accepted by the player.
4. The player pays for the expert report.
5. If the player maintains his innocence, proceed to section D.

C. Expert Report is Inconclusive.

1. Player given the benefit of the doubt, no penalty to apply.
2. Records to be kept for future reference.
3. Superleague pays for expert report.

D. Player Maintains Innocence Despite Expert Report.

1. Head of judiciary arranges a judiciary hearing and prepares information to be submitted to judiciary panel.

E. Player Found Guilty by Judiciary Panel.

1. Player pays for expert report.
2. If the player accepts the verdict, the standard penalties to apply, with discounts and/or additional penalties.
3. If the player decides to appeal, proceed to section G.

F. Player Found Innocent by Judiciary Panel.

1. Superleague pays for expert report.
2. Player exonerated.

G. Player Decides to Appeal.

1. Player pays an appeal fee of \$2,000, refundable only if the appeal is successful.
2. Head of judiciary advises player that the appeals panel has the right to impose an extra week penalty if it considers the evidence was such that the player's decision to appeal was unreasonable.
3. Head of judiciary prepares information and witnesses required by the appeals panel and the player.
4. The appeals Panel makes a final decision regarding the player's innocence.
5. If the appeal is dismissed, the Panel decides whether there should be an additional one week penalty.
6. If the appeal is upheld, the appeal fee is refunded. Any payments made by the player for expert reports are also refunded.

Flow Chart

See Appendix A.

Table of Offences

To be compiled by others.

Table of Discounts

To be compiled by others.

Table of Additional Penalties

To be compiled by others.

Major Concerns to Overcome

1. The first response to a system of fixed penalties will be that every case is different and the penalties should be at the discretion of the judiciary panel.
 - By showing that offences have been analysed and broken up into fairly fine distinctions, we can show that there will not be big differences between offences which are found by judiciary to be in the same category.
 - A full list of the table of offences, penalties, discounts and additional penalties should be supplied to all Rugby League journalists and editors.
 - It should also be public knowledge that these lists will be continually under review.
2. Sometimes the expert evidence will seem to be in total conflict with what seems to be clearly the case in normal speed replay. Even ordinary slow motion replay can give quite the wrong impression of what actually happened. This conflict may provide "sensational" news for the media if journalists are not kept very well informed.
 - The expert's report will explain the actions clearly. The report should be made public.
 - Journalists should be invited to view the video tape prepared by the expert, using it to clarify the expert's report.
3. The system relies heavily on the professional expertise of the analysts. If they are ever shown to be wrong the system will be severely discredited.
 - If the head of judiciary has any concern about the controversial nature of any charge he should be free to seek a second opinion from another expert. The cost of the second opinion should be borne by Superleague.

Future Considerations

There will be some difficulty differentiating between some offences as far as penalties are concerned. For example, there might be 20 categories of a head high tackle and the penalties might range from 1 week to 6 weeks (not including additional penalties). A lot of the categories will therefore incur equal penalties.

We could differentiate more finely by listing penalties in points rather than in weeks. We could assume 100 points to be the equivalent of 1 week. A penalty of 275 points would mean the player would immediately serve a 2 week suspension and would carry forward 75 points if he appeared at judiciary again within a specific period. Perhaps points could be removed 2 years after they were earned.

Such a system would also make it easier to devise a more meaningful table of additional penalties. For example, it might be a bit severe to add a week's suspension for a previous minor offence, or for giving the referee a hard time during the game in which the offence occurred. However, an additional 50 points would help convince the player to be much more careful in the future to avoid another 50 points penalty.

Similarly, discounts would benefit. Perhaps a player pleading guilty before the expert report was requested could be rewarded with 120 points discount, whereas a guilty plea after the report might be worth only 90 points.