

Super League

Judiciary Proposal

Image of ARL System

Unfair

Inconsistent

Inconvenient

Time Consuming

Expensive

Objectives Of a New System

Dramatically reduce the public criticism of decisions made by the judiciary.

Completely eliminate public criticism that the penalties handed down by the Judiciary are inconsistent, or favour one club over another.

Objectives Of a New System

Reduce the involvement of solicitors in judiciary.

Reduce the number of judiciary hearings.

Reduce the time required to hold judiciary hearings.

Eliminate appeals against the severity of sentences.

Principle Elements

Use of experts

Head of Judiciary to control process

Incentives for players to plead guilty

Fixed penalties. Judiciary decides guilt but not penalty.

Judiciary only meets when players plead not guilty.

Experts in Human Movement Analysis

Preliminary consultation on any doubtful matter

Detailed reports as required

Accepted by Super League as proof of innocence

A Head of Judiciary will be appointed. Duties:

Deciding if a player should be charged with any offense.

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.

A Head of Judiciary will be appointed. Duties:

Deciding whether an expert report is sufficiently strong to exonerate the player.

Arranging judiciary hearings. Ensuring that the judiciary panel has all the information it needs.

Ensuring the judiciary decision is translated into the appropriate penalty.

Maintaining full records of all judiciary matters.

NOT TO SIT ON JUDGEMENT PANELS

Players will be encouraged to plead guilty in cases where guilt is obvious and the player agrees.

Strong incentives to be offered

Significant reduction in the number of cases to be heard

No public criticism in these cases

No Judiciary Hearing Required:

If the expert evidence shows that the player is not guilty, the player will be exonerated and the judiciary hearing will be cancelled.

If the player pleads guilty, the prescribed penalty will apply and the judiciary hearing cancelled.

Fixed Penalties

There will be a scale of fixed penalties to cover a wide range of specific offenses. For example, a head high tackle might be covered by 20 or more specific offenses each carrying its own penalty.

For example:

Striking the head of a player in a reflex action, no force at contact, no injury caused.

Striking the head of a player with a relaxed swinging arm. No injury caused.

Same action as above. Opposing player injured and unable to continue.

Striking the head of a player with a rigid arm swung with force. Opposing player treated for injury but able to proceed.

The judiciary will meet only for the purpose of determining whether a player is guilty of an offense, and if so, which offense.

Penalties will be public knowledge. Judiciary cannot be perceived as being inconsistent or unfair.

There will be a table of discounts
which can be applied to each
penalty in specified

For example: **circumstances.**

First offense in 12 months

First offense in 3 years

First offense ever

Guilty plea without need for expert report

Guilty plea after expert report completed

Australian captain!!!!

There will be a table of penalty increases which can be applied to each penalty in specified

For example: **circumstances.**

Second offense in 2 years:

Third offense in 12 months:

Caused injury resulting in loss of games

Previously warned by referee during the same game

Abusive to referee or other officials

The Process

Negotiations Prior to Request for Expert Report.

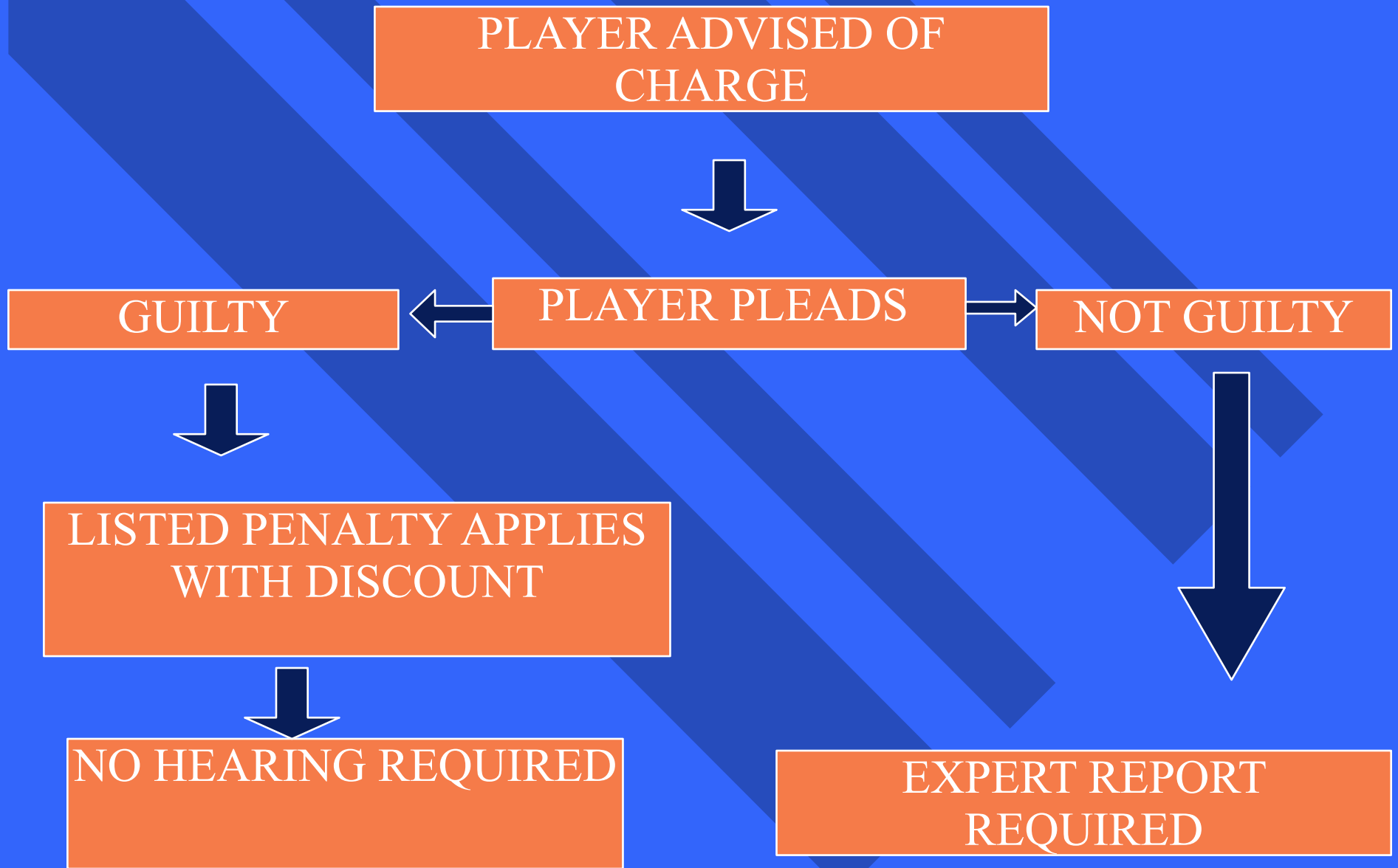
The head of judiciary consults with the expert, and others in his team, to decide if an offense has been committed.

The head of Judiciary informs the player of the specific charge to be answered.

The player decides whether to plead guilty or innocent.

If the player pleads guilty, the prescribed penalty is applied.

If the player pleads innocent, a detailed expert report will be commissioned, to be paid by the player if subsequently found guilty.



A. If the Expert Report Says the Player is Innocent.

Head of judiciary informs player there is no case to answer.

Superleague pays for the expert report.

Head of judiciary files details of the case and the matter is finished. No hearing required.

B. If the Expert Report Says the Player is Guilty.

Head of judiciary advises the player of the strength of evidence against him.

Player given another opportunity of pleading guilty.

If the player pleads guilty, the prescribed penalty, with discounts and/or additional penalties, will be applied.

The player pays for the expert report.(??)

If the player maintains his innocence, proceed to section D.

C. If the Expert Report is Inconclusive.

Head of Judiciary decides whether:

Player should be given the benefit of the doubt, no case to answer - or

A judiciary should be called to consider all evidence including referee's observations

Records to be kept for future reference.

Superleague pays for expert report.

D. If the Player Does Not Accept Expert Report.

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

E. If the Player Found Guilty by Judiciary Panel.

Player pays for expert report.

If the player accepts the verdict, the standard penalties to apply, with discounts and/or additional penalties.

If the player decides to appeal, proceed to section G.

F. If the Player Found Innocent by Judiciary Panel.

Superleague pays for expert report.
Player exonerated.

G. If the Player Decides to Appeal.

Player pays an appeal fee of \$2,000, refundable only if the appeal is successful.

Head of judiciary advises player that the appeals panel has the right to impose an extra penalty.

Head of judiciary prepares information required by the appeals panel and the player.

The appeals Panel makes a final decision regarding the player's innocence.

If the appeal is dismissed, the Panel decides whether there should be an additional penalty.

If the appeal is upheld, the appeal fee is refunded.

Major Concerns to Overcome

- A. Negative response to fixed penalties
- B. Expert report contradicts media and public perception
- C. The risk that the expert might be shown to be in error in a high profile case.

A. Negative response to fixed penalties

Public 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.

To overcome public response

Offenses will be analysed and broken up into fine distinctions.

A full list of offenses, 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.

B. Expert report contradicts media and public perception

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.

To overcome that perception

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.

C. The risk that the expert might be shown to be in error in a high profile case.

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.

To protect against that

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.

Fine Tuning the System

Problems can be tuned out of the system as they are identified.

Some improvements could be considered now.

Some Minor Problems

Setting different penalties for all different offenses in the same class.

e.g., there may be 20 different categories of head high

there would probably only be a choice of 8 penalties - 1 to 8 weeks.

Determining discounts and extra penalties which are commensurate with the offense.

a 25% discount might be OK for a 4 week penalty, but not for 2 weeks

For Further Consideration

Instead of penalising in weeks, use points.

Points accumulate.

100 points equals one week suspension.

Examples

Player X charged with offense carrying a penalty of 480 points.

X pleads guilty and earns a 25% discount

X earns a further discount of 50%, being his first offense.

X abused the referee and is penalised a further 10%

Result

25% discount - 120 points

50% discount - 240 points

10% penalty - 50 points (rounded up to next 10)

Final penalty: 170 points

X serves 1 week suspension and 70 points carries over to the next offense

Final Question for Consideration

Should the mission of the judiciary system be:

To eliminate foul play by punishing those who are found guilty

Or, to protect players from injury

Protecting players from injury might mean:

Penalties whenever injury results even through minor carelessness

Additional penalties when injury results.

Penalties tied to the seriousness of the injury

Rewards for all players of a club achieving certain goals for Occupational Health and Safety.

A Health & Safety Culture Might Require

An OH&S committee in each club (involving players)

Player participation in judiciary matters

Injury at training on the agenda of OH&S.

Lots more education of players on health and safety issues

A different focus for judiciary.