

Overview – MRU Judicial Processes

Any judicial matter will be dealt with by the Manawatu Rugby Union judicial committee in accordance with New Zealand Rugby's Disciplinary Rules (known as "The Black Book").

The Judicial Committee is independent of the Manawatu Rugby Union. There are currently eight people who make up a three-person panel at any hearing. The Judicial Chair is Alastair Hall.

There is also an Appeals panel of five people.

A copy of The Black Book can be found on the MRU website:

http://www.manawaturugby.co.nz/images/NZR_Black_Book_2017.pdf

The Judicial Committee can hear the following cases:

- Ordering Offs (Red Cards) for Foul Play and/or Misconduct issued by a referee
- Match Called Off by a referee
- Citing issued by a person other than the referee

Misconduct means any conduct, behaviour, statements or practices on or off the playing enclosure during or in connection with a match that is unsporting, cheating, unruly, ill-disciplined or has the potential to bring the sport into disrepute.

Cases of 'Match Called Off' and 'Misconduct' will automatically go before the Judicial Committee.

Hearings are usually held on Wednesday evenings at Central Energy Trust Arena, 61 Pascal Street, Palmerston North.

Red Cards:

In every case in which the referee has ordered a player off the field the matter shall be dealt with as follows:

(a.) The referee shall submit a report of the offence in writing to the Manawatu Rugby Referees' Association.

The Referees' Association panel shall recommend whether the offending player is:

- (i) required to attend a judicial hearing or
- (ii) complete a mandatory 2-week stand down as per clause 18 of the Black Book (two weeks equates to two matches) or

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(iii) the matter is passed onto the MRU Judicial Chairperson for consideration to suspend the player for less than the mandatory two-weeks.

(b) The offending player has the right to have the case heard by the Judicial Committee.

(c) The MRU Complaints Review Officer may, at his or her discretion, refer an instance of ordering-off by a referee to the MRU Judicial Committee, irrespective of the recommendation by the Manawatu Rugby Referees' Association.

Citing Complaints:

If a referee has missed an act of Foul Play during a match, then a person can cite a player(s) to the MRU.

A Citing form can be found on the MRU website under 'Documents'.

A Citing Complaint must contain the following:

- a. The date and place of the alleged incident
- b. The name of the player, his/her team and club/school
- c. The opposing team and club/school
- d. Full details of the alleged illegal and/or foul play

The Judicial Committee asks that when submitting a complaint or submissions for a hearing that it is simply interested in the facts about the alleged incident.

If the MRU Complaints Review Officer believes the Complaint does meet the threshold of the 'Red Card' test (ie if the referee had seen the incident, then the match official would have issued a Red Card) then the matter proceeds to a hearing. If the complaint is without merit, then it is declined.

All reports from the match referee and Citing complaints must be received by the MRU within 48 hours following the conclusion of the match.

Matters proceeds to a Hearing:

The process of preparing for a hearing is the same no matter whether the case is the result of a Red Card, Misconduct, Match Called Off or Citing complaint.

The role of the MRU Complaints Review Officer changes at this point to be the Judicial Administrator.

All parties are advised (offending player, offending player's school/club, match referee, Manawatu Rugby Referees' Association, person citing (if applicable) and Judicial panel.

Information provided includes:

- Match Official Report or Citing Complaint
- Video of incident if available
- Link to MRU website for The Black Book
- Excerpts from The Black Book
- MRU Judicial Fact sheet
 - Introduced in 2016
 - Designed to speed up process
 - Gives the offending person an opportunity to indicate guilt or innocence and to background

Hearings

Role and Function - The Judicial Committee has the responsibility of hearing and determining all matters that come before it within the union's jurisdiction. In the end, the committee looks to reach a reasoned decision in accordance with the Black Book.

General Principles - The Judicial Committee will act in accordance with the following principles:

1. Fairness and adherence to the principles of natural justice;
2. Consistency in the processes of the Committee in the outcomes of cases; with it being nevertheless accepted that the circumstances of particular cases may make it appropriate that a modified procedure be followed or a decision made which is different to that of other apparently similar cases.

The purpose of a hearing of the Committee is to determine firstly whether a player (or players) has been guilty of misconduct or foul play and if they have then what should be the appropriate penalty.

At the commencement of the hearing itself, the Committee will hear from the Referee or Assistant Referee(s) who will speak to and, as appropriate, explain the contents of his or her written report. The Referee or Assistant Referee(s) will be expected to remain during the hearing unless earlier excused by the Committee.

The Committee will then hear from:

- the player who is the subject of the hearing
- any witnesses that player and his/her Club or school wish to call. The evidence from witnesses will be with reference to information of which they have personal knowledge that is relevant to the incident or event(s) that leads to the hearing.
- The referee (and any other referee present in support) may then reply to anything said by or on behalf of the player.

Much of the discussion will centre around the points of consideration in the Black Book (page 31 2a onwards). That is, was the offending intentional or deliberate; was the offending reckless; the gravity of the player's actions etc.

A final summation may then be given by or on behalf of the player. This will include any submissions of any advocate appearing for the player.

The Committee will then deliberate and give its decision, both orally and in writing to the player's club or school and the Manawatu Rugby Referees' Association within 48 hours after the hearing.

Right of Appeal – If the player/person wishes to appeal the decision of the Judicial Committee he or she can do so to the MRU Appeals Committee but the appeal must be lodged with the MRU within a period of seven days after the date on which the written decision was issued.