



TO: All Unions, sub-Unions/Zones and Referees' Associations

11 March 2021

Dear all

RE: PROTECTING OUR MATCH OFFICIALS

I hope you are well and looking forward to the start of the new rugby season, hopefully without the major disruption that the game experienced last year. The pandemic certainly highlighted how important rugby is to all of us and how much we miss it when there is no rugby being played.

Given the imminent start to the community rugby season, it is worth reiterating that it is incumbent on us all to continue to work together to protect the game by ensuring that the high standards of on- and off-field conduct that our game prides itself on, and that we collectively expect, are maintained by all participants.

As you know there are rules and codes of conduct in place for the game in order to maintain and promote fair play, protect the safety and welfare of all participants, ensure that acts of on- and off-field misconduct are dealt with expeditiously and appropriately and that the image and reputation of the game is not adversely affected.

That said, one of the ever-present issues in the game is participants abusing match officials (both verbal and physical). This is a scourge on the game and must be dealt with expeditiously and appropriately when it occurs. We all need, in our respective roles, to ensure that we do all that we can, proactively and reactively, to protect our match officials – because, put simply, we have no matches without them.

Every season we continue to see cases of match official abuse, involving differing degrees of inappropriate conduct and also differing approaches to how they are determined and sanctioned. Despite the fact that our community season has not even commenced yet, we have already seen complaints of match official abuse in regional 7s/10s tournaments.

Whilst every case will of course turn on its own facts, the Rugby Australia Disciplinary Rules (which can be found at <https://australia.rugby/about/codes-and-policies/all-codes-and-policies>) provide the framework with how **on-field** disciplinary cases involving players abusing match officials are to be determined. This includes a prescribed hearing and sanctioning process.

As you will be aware, World Rugby's Laws of the Game provide that players **must respect the authority of the referee and must not dispute the referee's decisions**. Appendix 1 to the Disciplinary Rules (mirrored from World Rugby Regulation 17) provides the following sanctions for verbal and physical match official abuse:





9.28 A player must not disrespect the authority of a Match Official.

Low-end: 2 weeks	Mid-range: 4 weeks	Top-end: 6+ weeks	Max: 52 weeks
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9.28 A player must not verbally abuse a Match Official. Verbal abuse includes, but is not limited to, abuse based on religion, colour, national or ethnic origin, sexual orientation.

Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
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9.28 A player must not make physical contact with Match Officials.

Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
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9.28 A player must not use threatening actions or words towards Match Officials.

Low-end: 12 weeks	Mid-range: 24 weeks	Top-end: 48+ weeks	Max: 260 weeks
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9.28 A player must not physically abuse Match Officials.

Low-end: 24 weeks	Mid-range: 48 weeks	Top-end: 96+ weeks	Max: Life
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How a Judicial Committee is to arrive at the appropriate low-end, mid-range or top-end entry point when assessing the seriousness of a player's conduct and the application of any aggravating and mitigating factors is clearly set out in the Disciplinary Rules. There are however a few points that I would like to address having seen various match official abuse cases dealt with over the last few years:

1. All cases of match official abuse are serious, albeit to differing degrees, and need to be dealt with expeditiously and appropriately.
2. Careful consideration needs to be given by the relevant Union as to whether the Disciplinary Rules (i.e. for on-field misconduct by players) **or** the Code of Conduct applies (e.g. side-line or off-field conduct of players, coaches, spectators etc.) and the correct process be followed.
3. If a player in a Disciplinary Rules case (e.g. an Ordering Off) denies any conduct alleged then the Judicial Committee **may** request that the Match Official gives evidence at a hearing (by telephone or in person) where considered desirable. This is set out in Rule 63(f). Additionally, the Judicial Committee shall allow a nominated officer from the Match Official(s)' Referees Association to attend **any** hearing as an observer (irrespective of whether the Match Official has been requested by the Committee to attend the hearing in accordance with Rule 63(f)(vii)). (As an example, we were recently made of a case where a player pleaded not guilty to an allegation of Match Official abuse and attended at a hearing. The player disputed the Match Official's account and asserted that he did not behave in the way described by the Match Official. The Judicial Committee did not ask the Match Official to attend and give him the opportunity of responding to what the player had asserted, despite knowing that there was a significant challenge to the evidence that he had provided. The Judicial Committee then ruled that they were not persuaded on a balance of probabilities that the player had committed the misconduct





alleged and dismissed the case. The way that the matter was dealt with from a process perspective caused considerable consternation with the Match Official and the Referee's Association).

4. Rule 64 of the Disciplinary Rules (currently being finalised for 2021) provides that where evidence is given before a Judicial Committee, any witness may be cross examined to the extent permitted by the Judicial Committee chairperson. Questions shall be put to the witness through the Judicial Committee chairperson if the Judicial Committee chairperson deems it appropriate. This means that there is not a right for a player/representative to cross-examine a witness (including a match official), and that remains at the discretion of the Judicial Committee based on the issues in the case and the requirement to ensure that all parties are afforded natural justice in the determination of any disciplinary case.

5. Rule 80 states that the Judicial Committee shall provide a written report of its decision to the player and the relevant State/Territory Union or Rugby Australia no later than **5 Business Days** after the hearing. Rugby AU's Short Judgment Form contained at Appendix 7 or a form approved by the relevant State/Territory Union may be used for this purpose. In a case involving an Ordering Off or allegation of Match Official abuse, a copy of the report **shall also be provided** to the Referee Association of the Match Official(s) concerned by the State/Territory Union or Rugby Australia.

6. Match Officials are required to provide comprehensive, accurate and legible reports of all Ordering Offs (including allegations of Match Official abuse) and submit these in the stipulated timeframe and to make themselves available to attend a hearing (in person or by phone) if required by the Judicial Committee. This will assist in making sure that the Judicial Committee has the **best available evidence** from the Match Official before making its determination on the allegation(s).

7. Rule 87 (Aggravating Factors) provides that a Judicial Committee, having identified the applicable entry point for consideration of a particular incident, shall identify any relevant off-field aggravating factors and determine if any additional period of suspension, above the applicable entry point for the offence, should apply to the case in question. Off-field aggravating factors include, amongst other matters, the **need to deter a particular type or pattern of offending in the Game where the teams participating in the Match or Tournament have been put on notice that such a need exists**. Therefore, should any Union continue to see incidents of match official abuse in their competitions then they should seriously consider **issuing a directive** to all their clubs and advise them that the Judicial Committee will seek to aggravate any sanctions imposed on players for such conduct in the future.





8. Match Officials should **not** be asked to indicate in any Ordering-Off report what entry point the seriousness of the offending should be categorised at (e.g. low-end, mid-range or top-end) as the Disciplinary Rules require that this is a matter to be determined by the Judicial Committee once it has heard all of the evidence, including evidence that is obtained post-match (e.g. a medical report from an injured victim player if relevant).

9. The Rugby AU Code of Conduct (Code) is to be used for allegations of match official abuse that do not arise as a result of an Ordering-Off (for example, to deal with allegations of **off-field misconduct** by players or by coaching staff during a match or otherwise). The Code sets out (in Part 3) a defined process for reporting, complaint handling and investigations and, in Annexure 1, the procedures for disciplining breaches of the Code. This includes the specific factors that a Code of Conduct Committee is required to take into account in determining whether a participant has committed a low, mid or high-level breach of the code and, if so, the range of sanctions that the Committee is entitled to impose having considered all the relevant aggravating and mitigating factors.

There is no doubt that dealing with Disciplinary Rules and Code of Conduct cases can be challenging and questions about procedure often arise, in particular in the more serious cases and/or where there may be allegations of criminal conduct and the police are to be involved. However, we all need to be very cognisant of the fact that match officials are critical to the game and need to be protected. This means that all cases are to be treated seriously and appropriate sanctions imposed in an effort to drive this conduct out of the sport and make match officiating an enjoyable job. That way rugby will be able to retain and recruit talented individuals to act as match officials.

The Rugby AU Integrity Team remains on hand to assist you with any questions or concerns that you may have. In the meantime, I wish you all the very best for the forthcoming season and hope that we can all work better together to ensure that our Match Officials are protected and given the respect that they deserve.

Yours in rugby,

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Head of Integrity, Rugby AU

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