

**RUGBY AUSTRALIA**  
**CODE OF CONDUCT**



# Rugby Australia Code of Conduct

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## **Introduction to Rugby Australia Code of Conduct**

Rugby AU is committed to promoting and strengthening the positive image of Rugby and its Participants in Australia. To do so, we all need to be committed to living our core values of Passion, Integrity, Discipline, Respect and Teamwork.

This Code aims to ensure that Rugby Australia's core values, good reputation and positive behaviours are maintained by its players, coaches, administrators, volunteers, parents and spectators by providing a simple set of rules that assist in delivering a safe, fair and inclusive environment for all.

This Code also seeks to deter conduct that could damage the game of Rugby by impairing public confidence in the honest and orderly conduct of matches and competitions or in the integrity and good character of Participants.

**Raelene Castle**  
**Chief Executive Officer**  
**Rugby Australia Ltd**

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## Part 1: General Information

### 1 WHO DOES THE CODE APPLY TO?

This Code applies to all Participants involved with the Game, whether they are in a paid or unpaid/voluntary capacity, including:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes and players;
- Referees and other officials;
- Members, including life members;
- Member Unions;
- Affiliated Unions and associated organisations;
- Rugby Bodies;
- Any other person or organisation that is a member of or affiliated to any Rugby Body; and
- Parents, guardians, spectators and sponsors to the full extent that is possible.

This Code will continue to apply to a person even after they have stopped their association or employment with the Game if disciplinary action has commenced.

### 2 OTHER KEY POLICIES AND FURTHER INFORMATION

There are a number of associated policies, codes and guidelines referenced in this Code that all participants in Rugby Australia are bound by. It is important that you familiarise yourself with these requirements of participation. These policies and codes are constantly evolving to meet contemporary issues within the sport and as such are updated from time to time. A number of these policies if breached, may result in action pursuant to this Code. Please find below a non-exhaustive list of key policies:

- Rugby AU Concussion Policy;
- Rugby AU Safety Policy; and
- Rugby AU Participation Policy.

Additionally, there are a number of other national policies that Participants are bound by that contain their own disciplinary regimes. Please find below a non-exhaustive list of those key policies:

- Rugby AU Anti-Corruption and Betting Code;
- Rugby AU Anti-Doping Code; and
- Rugby AU Member Protection Policy.

The Rugby AU Policy Register found at <http://www.rugbyaustralia.com.au/runningrugby/PolicyRegister.aspx> provides a full set of Rugby AU's codes and policies as updated from time to time.

### Education resources

Rugby AU is always seeking to ensure that current and valuable education material is made available to all Participants. Please see for example:

- Rugby AU Rugby Learning Management System;
- 'Play by the Rules' modules; and
- Resources provided from time to time by our valued partners (e.g. Our Watch, Pride in Sport etc.)

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We encourage the continued use of these resources.

Similarly, the following policies, whilst not binding on non-professional participants in Australian Rugby, provide guidance on Rugby AU's position on a number of important issues in sport. Please see the links below for more information:

- Rugby AU Medical Policy
- Rugby AU Illicit Drugs Policy
- Rugby AU Sport Supplement Policy.

These can be found on the Rugby AU Policy Register found at:  
<http://www.rugbyaustralia.com.au/runningrugby/PolicyRegister.aspx>

## Part 2: Code of Conduct

### 1 CODE OF CONDUCT - PLAYERS

- 1.1 Your safety and the safety of your team mates and opponents comes first. Be aware of, and always comply with, the Rugby AU Safety Policies and Guidelines.
- 1.2 Be a good sport, displaying modesty in victory and graciousness in defeat.
- 1.3 Treat everyone equally, fairly and with dignity regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.
- 1.4 Do not repeatedly breach the Laws of the Game relating to Foul Play or Misconduct (as those terms are defined in World Rugby Regulations).
- 1.5 Accept and respect the authority of a referee, assistant referee, touch judge or other match or team official. Do not abuse, threaten or intimidate, use crude language or gestures, or show unnecessary obvious dissension, displeasure or disapproval towards a referee, touch judge or other match official, whether on or off the field, or a selector, coach, manager or other team official.
- 1.6 Do not make any public comment that is critical of the performance of a match official, player, team official, coach or employee/officer/volunteer of any club or a Union; or on any matter that is, or is likely to be, the subject of an investigation or disciplinary process; or otherwise make any public comment that would likely be detrimental to the best interests, image and welfare of the Game, a team, a club, a competition or Union.
- 1.7 Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to breach any of the expectations and requirements of you as a player contained in this Code or in any Union, club or competition rules and regulations.
- 1.8 Do not otherwise act in a way that may adversely affect or reflect on, or bring you, your team, club, Rugby Body or Rugby into disrepute or discredit. If you commit a criminal offence, this is likely to adversely reflect on you and your team, club, Rugby Body and Rugby.
- 1.9 You must assist in any investigation or disciplinary proceedings and ensure that no inaccurate and/or misleading information is provided by you during the course of an investigation or hearing under this Code or in relation to any other disciplinary proceedings.
- 1.10 You must disclose any incident, matter or set of circumstances (irrespective of when it occurred) that does, or has the potential to, render you an unfit or improper person to be a Participant in Australian Rugby. This includes any incident, matter or set of circumstances that could damage the game of Rugby or bring into question the integrity and good character of its Participants.

## **2 CODE OF CONDUCT - COACHES**

- 2.1 The safety, health and welfare of players comes first. Be aware of, and always comply with, the Rugby AU Safety Policies and Guidelines and be alert to minimise dangerous or foul play.
- 2.2 Treat everyone equally regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.
- 2.3 Be aware of, and always comply with, the Rugby AU Participation and Inclusion Policy(s) and Guidelines.
- 2.4 Obtain and maintain all required coaching accreditation/s and complete all training and education associated with such accreditation.
- 2.5 Maintain a thorough knowledge of the Laws of the Game and current coaching methods.
- 2.6 Actively discourage foul play and/or unsportsmanlike behaviour of players.
- 2.7 Accept and respect the authority of a referee, assistant referee, touch judge or other match or team official. Do not abuse, threaten or intimidate, use crude language or gestures, or show unnecessary obvious dissension, displeasure or disapproval towards a referee, touch judge or other match official, whether on or off the field, or a selector, coach, manager or other team official.
- 2.8 Maintain appropriate, professional relationships with players at all times.
- 2.9 Do not make any public comment that is critical of the performance of a match official, player, team official, coach or employee/officer/volunteer of any club or a Union; or on any matter that is, or is likely to be, the subject of an investigation or disciplinary process; or otherwise make any public comment that would likely be detrimental to the best interests, image and welfare of the Game, a team, a club, a competition or Union.
- 2.10 Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to breach any of the expectations and requirements of you as a coach contained in this Code or as required in any Union, club or competition rules and regulations.
- 2.11 Do not encourage, promote or turn a blind eye to any fixing or attempt to achieve a contrived outcome in a match or any moment or aspect of a match. If you notice something, you must report it immediately.
- 2.12 Do not otherwise act in a way that may adversely affect or reflect on, or bring you, your team, club, Union or Rugby into disrepute or discredit. If you commit a criminal offence, this is likely to adversely reflect on you and your team, club, Union and Rugby.

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- 2.13 You must assist in any investigation or disciplinary proceedings and ensure that no inaccurate and/or misleading information is provided by you during the course of an investigation or hearing under this Code or in relation to any other disciplinary proceedings.
- 2.14 You must disclose any incident, matter or set of circumstances (irrespective of when it occurred) that does, or has the potential to, render you an unfit or improper person to be a Participant in Australian Rugby. This includes any incident, matter or set of circumstances that could damage the game of Rugby or bring into question the integrity and good character of its Participants.



## **3 CODE OF CONDUCT – ADMINISTRATORS, OFFICERS OF A RUGBY BODY**

- 3.1 The safety, health and welfare of players comes first. Be aware of, and always comply with, the Rugby AU Safety Policies and Guidelines and be alert to minimise dangerous or foul play.
- 3.2 Treat everyone equally regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.
- 3.3 Be aware of, always comply with, and ensure that your Rugby Body (and, where applicable, clubs and other bodies and persons in membership with it or affiliated to it) comply with, the Rugby AU Participation and Inclusion Policy(s) and Guidelines.
- 3.4 Ensure that your Rugby Body (and, where applicable, clubs and other bodies in membership with it or affiliated to it) appoint appropriate complaint handling personnel in accordance with the Rugby AU Complaint Handling Guidelines and that the name and contact details of such personnel are notified to all relevant Participants.

Note: RUGBY BODIES ARE RESPONSIBLE FOR ENSURING THAT POLICIES ARE COMPLIED WITH. SANCTIONS CAN AND WILL BE IMPOSED ON RUGBY BODIES IF THEIR STAFF, VOLUNTEERS OR MEMBERS FAIL TO COMPLY (See Annexure 1, section 3 'Sanctions' for more information).

- 3.5 Ensure that your Rugby Body complies with (and, where applicable, clubs and other bodies and persons in membership with it or affiliated to it comply with), this Code. This includes ensuring that any code of conduct and reporting and disciplining procedures introduced by your Rugby Body are consistent with this Code.
- 3.6 Put in place appropriate measures to ensure that spectator behaviour is free from any verbal or physical abuse, bullying, harassment or discrimination. This includes, but is not limited to, ensuring that appropriate Conditions of Entry Guidelines and Ground Marshall Guidelines are implemented and enforced. Each match must have at least one Ground Marshall appointed, with one per club being recommended.

Note: CLUBS ARE RESPONSIBLE FOR THE BEHAVIOUR OF THEIR PLAYERS, SPECTATORS, PARENTS OF PLAYERS, COACHES, AND OFFICIALS. SANCTIONS CAN AND WILL BE IMPOSED ON CLUBS IRRESPECTIVE OF WHETHER THOSE PLAYERS, SPECTATORS OR PARENTS ARE MEMBERS OR AFFILIATES OF A CLUB (See Annexure 1, section 3 'Sanctions' for more information).

- 3.7 Act in good faith and in the best interests of your Rugby Body. This responsibility includes avoiding all conflicts of interest.
- 3.8 Keep confidential and do not use or disclose any confidential information obtained as a result of your position with and relationship to the Rugby Body, including but not limited to, deliberations of the board of directors, committee or other governing organ of the Rugby Body.

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- 3.9 Ensure that your players, staff and volunteers are educated on this Code, the Rugby AU Safety Policies and Guidelines, the Rugby AU Member Protection Policy, the Rugby AU Participation and Inclusion Policy(s) and Guidelines, the Rugby AU Anti-Doping Code, Rugby AU Registration Regulations and any other policy notified by Rugby AU and/or a Union.
- 3.10 Accept and respect the authority of a referee, assistant referee, touch judge or other match or team official. Do not abuse, threaten or intimidate, use crude language or gestures, or show unnecessary obvious dissension, displeasure or disapproval towards a referee, touch judge or other match official, whether on or off the field, or a selector, coach, manager or other team official.
- 3.11 Do not make any public comment that is critical of the performance of a match official, player, team official, coach or employee/officer/volunteer of any club or a Union; or on any matter that is, or is likely to be, the subject of an investigation or disciplinary process; or otherwise make any public comment that would likely be detrimental to the best interests, image and welfare of the Game, a team, a club, competition or a Union.
- 3.12 Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to breach any of the above expectations and requirements of you as an officer.
- 3.13 Do not encourage, promote or turn a blind eye to any fixing or attempt to achieve a contrived outcome in a match or any moment or aspect of a match. If you notice something, you must report it immediately.
- 3.14 Do not otherwise act in a way that may adversely affect or reflect on, or bring you, your team, club, Union or Rugby into disrepute or discredit. If you commit a criminal offence, this is likely to adversely reflect on you and your team, club, Union and Rugby.
- 3.15 You must assist in any investigation or disciplinary proceedings and ensure that no inaccurate and/or misleading information is provided by you during the course of an investigation or hearing under this Code or in relation to any other disciplinary proceedings.
- 3.16 You must disclose any incident, matter or set of circumstances (irrespective of when it occurred) that does, or has the potential to, render you an unfit or improper person to be a Participant in Australian Rugby. This includes any incident, matter or set of circumstances that could damage the game of Rugby or bring into question the integrity and good character of its Participants.

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### **4 CODE OF CONDUCT – MATCH OFFICIALS**

- 4.1 The safety, health and welfare of players comes first. Be aware of, and always comply with, the Rugby AU Safety Policies and Guidelines.
- 4.2 Treat everyone equally regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.
- 4.3 Be impartial, consistent and courteous. Always set the example in the way you communicate with players, coaches, officials, parents or spectators.
- 4.4 Condemn any unsporting behaviour and promote respect for all Participants.
- 4.5 Actively discourage foul play and/or unsportsmanlike behaviour of players.
- 4.6 Maintain appropriate, professional relationships with players at all times.
- 4.7 Obtain and maintain all required match official accreditation/s and complete all training and education associated with such accreditation.
- 4.8 Maintain a thorough knowledge of the Laws of the Game and current match officiating methods and best practice.
- 4.9 Do not make any public comment that is critical of the performance of another match official, player, team official, coach or employee/officer/volunteer of any club or a Union; or on any matter that is, or is likely to be, the subject of an investigation or disciplinary process; or otherwise make any public comment that would likely be detrimental to the best interests, image and welfare of the Game, a team, a club, competition or a Union.
- 4.10 Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to breach any of the above expectations and requirements of you as a match official.
- 4.11 Do not encourage, promote or turn a blind eye to any fixing or attempt to achieve a contrived outcome in a match or any moment or aspect of a match. If you notice something, you must report it immediately.
- 4.12 Do not otherwise act in a way that may adversely affect or reflect on, or bring you, a team, a club, a Union or Rugby into disrepute or discredit. If you commit a criminal offence, this is likely to adversely reflect on you and Rugby.
- 4.13 You must assist in any investigation or disciplinary proceedings and ensure that no inaccurate and/or misleading information is provided by you during the course of an investigation or hearing under this Code or in relation to any other disciplinary proceedings.
- 4.14 You must disclose any incident, matter or set of circumstances (irrespective of when it occurred) that does, or has the potential to, render you an unfit or improper person to be a Participant in Australian Rugby. This includes any incident, matter or set of circumstances that could damage the game of Rugby or bring into question the integrity and good character of its Participants.

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### **5 CODE OF CONDUCT – SPECTATORS/PARENTS**

- 5.1 The safety, health and welfare of players comes first. Be aware of, and always comply with, the Rugby AU Safety Policies and Guidelines and be alert to minimise dangerous or foul play.
- 5.2 Treat everyone equally regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.
- 5.3 Be aware of, and always comply with the Rugby AU Participation and Inclusion Policy(s) and Guidelines.
- 5.4 Accept and respect the authority of a referee, assistant referee, touch judge or other match official. Do not abuse, threaten or intimidate, use crude language or gestures, or show unnecessary obvious dissension, displeasure or disapproval towards a referee, assistant referee, touch judge or other match official, whether on or off the field, or a selector, coach, manager or other team official.
- 5.5 Accept that everyone makes mistakes. Do not ridicule or yell at players.
- 5.6 Encourage children to play by the Laws of the Game and have fun.
- 5.7 At all times comply with any conditions of entry and follow the directions of Ground Marshalls and/or other duty officials.
- 5.8 Take an active role in eliminating bad behaviour of other spectators by reporting incidents to Ground Marshalls.
- 5.9 If consuming alcohol at a match or a Rugby related activity, do so responsibly and in a respectable manner.
- 5.10 Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to breach any of the above expectations and requirements of you as a Participant of Rugby.
- 5.11 Do not otherwise act in a way that may adversely affect or reflect on, or bring you, your team, club, Union or Rugby into disrepute or discredit. If you commit a criminal offence, this is likely to adversely reflect on you and your team, club, Union and Rugby.
- 5.12 You must assist in any investigation or disciplinary proceedings and ensure that no inaccurate and/or misleading information is provided by you during the course of an investigation or hearing under this Code or in relation to any other disciplinary proceedings.
- 5.13 You must disclose any incident, matter or set of circumstances (irrespective of when it occurred) that does, or has the potential to, render you an unfit or improper person to be a Participant in Australian Rugby. This includes any incident, matter or set of circumstances that could damage the game of Rugby or bring into question the integrity and good character of its Participants.

### **6 CODE OF CONDUCT – ALL OTHER PARTICIPANTS**

- 6.1 The safety, health and welfare of players comes first. Be aware of, and always comply with, the Rugby AU Safety Policies and Guidelines and be alert to minimise dangerous or foul play.
- 6.2 Treat everyone equally regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.
- 6.3 Be aware of, and always comply with the Rugby AU Participation and Inclusion Policy(s) and Guidelines.
- 6.4 Accept and respect the authority of a referee, assistant referee, touch judge or other match official. Do not abuse, threaten or intimidate, use crude language or gestures, or show unnecessary obvious dissension, displeasure or disapproval towards a referee, assistant referee, touch judge or other match official, whether on or off the field, or a selector, coach, manager or other team official.
- 6.5 Accept that everyone makes mistakes. Do not ridicule or yell at players.
- 6.6 Encourage children to play by the Laws of the Game and have fun.
- 6.7 At all times comply with any conditions of entry and follow the directions of Ground Marshalls and/or other duty officials.
- 6.8 Take an active role in eliminating bad behaviour of spectators by reporting incidents to Ground Marshalls.
- 6.9 If consuming alcohol at a match or a Rugby related activity, do so responsibly and in a respectable manner.
- 6.10 Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to breach any of the above expectations and requirements of you as a Participant of Rugby.
- 6.11 Do not make any public comment that is critical of the performance of a match official, player, team official, coach or employee/officer/volunteer of any club or a Union; or on any matter that is, or is likely to be, the subject of an investigation or disciplinary process; or otherwise make any public comment that would likely be detrimental to the best interests, image and welfare of the Game, a team, a club, competition or a Union.
- 6.12 Do not otherwise act in a way that may adversely affect or reflect on, or bring you, your team, club, Union or Rugby into disrepute or discredit. If you commit a criminal offence, this is likely to adversely reflect on you and your team, club, Union and Rugby.
- 6.13 You must assist in any investigation or disciplinary proceedings and ensure that no inaccurate and/or misleading information is provided by you during the course of an investigation or hearing under this Code or in relation to any other disciplinary proceedings.

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- 6.14 You must disclose any incident, matter or set of circumstances (irrespective of when it occurred) that does, or has the potential to, render you an unfit or improper person to be a Participant in Australian Rugby. This includes any incident, matter or set of circumstances that could damage the game of Rugby or bring into question the integrity and good character of its Participants.

## Part 3: Reporting, Complaint Handling and Investigations

### 7 REPORTING

- 7.1 Complaints with respect to an alleged breach of this Code can be formal or informal. Complaint reporting form templates are provided in the Rugby AU Complaint Handling Guidelines.
- 7.2 The lowest level at which a matter can be dealt with shall always be preferred. Therefore, subject to clause 7.3, if a complaint relates to behaviour or an incident that occurred at:
- (a) State or Territory level or involves people operating at the State or Territory level, then the complaint should be reported to and handled by the relevant Member Union;
  - (b) District or competition level, or involves people operating at the district or competition level, that district or competition association; or
  - (c) Club level or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.
- 7.3 Where there is real or perceived conflict of interest in the matter being dealt with at a certain level, the matter should be referred by either the complainant or the Rugby Body to the level immediately above.
- 7.4 Only complaints that relate to alleged conduct at the national level and the most serious cases from club and state level should be referred to Rugby AU. Where Rugby AU determines at its discretion that the matter does not meet that threshold, the matter will be referred by Rugby AU to the most appropriate level.
- 7.5 Where the subject matter of the complaint is of such a nature as to give rise to a breach of the Rugby AU Member Protection Policy, consideration should be given by the complainant to exploring the various informal resolution methods contained therein, including mediation.
- 7.6 Where a complaint falls outside the parameters of this Code and should be dealt with another way; for example, where the law may require that the complaint/allegation be reported to an appropriate authority, then the matter should be referred to such authority at the earliest possible opportunity.
- 7.7 It is acknowledged that the circumstances of a particular incident may involve a breach of more than one code, policy or other set of by-laws, rules or regulations, including this Code. A Participant or Rugby Body alleging a breach of any Rugby code, policy or rule must nominate only one code, policy or set of rules (the **"Nominated Code"**) under which they wish to refer their complaint and must follow the process for dealing with the alleged breach as set out in the Nominated Code. If a Participant or Rugby Body is not satisfied with the outcome of the process followed under the Nominated Code, they may not subsequently allege a breach of this Code save in exceptional circumstances where the CEO (or his or her nominee) of Rugby AU or the relevant Member Union determines in his/her absolute discretion that a gross miscarriage of justice or procedural fairness would occur if that Participant or Rugby Body was prevented from doing so. Procedural irregularities or minor defects in the process followed under the Nominated Code will not amount to gross miscarriage of justice or procedural fairness.

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- 7.8 Where the CEO (or his or her nominee) makes a determination contemplated by clause 7.7, Rugby AU or the relevant Member Union (as applicable) must convene a Code of Conduct Committee in accordance with the provisions of Annexure 1 of this Code.

### **8 COMPLAINT HANDLING**

- 8.1 Each Rugby Body must put in place complaint handling procedures that are fair, just and transparent. All complaints should be managed consistent with the Rugby AU Complaint Handling Guidelines and should apply the following principles:

- (a) treat complaints seriously;
- (b) act promptly;
- (c) treat people fairly and listen to all sides of the story;
- (d) stay neutral;
- (e) keep parties to the complaint informed;
- (f) use all efforts to maintain confidentiality if possible;
- (g) protect against victimisation;
- (h) keep accurate records;
- (i) make decisions based only on information gathered not personal views; and
- (j) recommendations of disciplinary action should be proportionate to the breach.

### **9 INVESTIGATIONS**

- 9.1 Each Rugby Body must appoint an Investigating Officer(s) to be responsible for investigating complaints made pursuant to this Code. The Investigating Officer(s) should have suitable expertise or experience in conducting investigations. Where a Rugby Body does not have an Investigating Officer available or with suitable expertise, it should contact the level immediately above (for instance a club would contact the district or regional competition organiser) for a recommendation or assistance with the investigation. The Investigating Officer will have power to investigate alleged breaches of the Code by Participants under its jurisdiction.
- 9.2 For the purposes of clause 9.1, the Rugby Body responsible for commissioning the Investigating Officer is dependent on the level of the matter, having consideration to clauses 7.2, 7.3 and 7.4.
- 9.3 Where the subject matter of the complaint is of such a nature as to give rise to a breach of the Rugby AU Member Protection Policy, the Investigating Officer should consider the intent and scope of that Policy in providing any recommendations, including a recommendation that informal complaint handling options be explored in accordance with that Policy.
- 9.4 Where a complaint falls outside the parameters of this Code and should be dealt with another way; for example, where the law may require that the complaint/allegation be reported to an



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appropriate authority, then the matter should be referred to such authority at the earliest possible opportunity and the investigation by the Investigating Officer should promptly cease. This would include an allegation of a criminal act.

- 9.5 Where the matter involves an allegation of a criminal act or there is an identified risk or danger to a Participant, the Rugby Body has the power to stand down an alleged offending Participant from any role or duties pending the outcome of an investigation and/or proceedings relating to the allegation. This decision may be on an interim basis and can be revisited by the Rugby Body if considered appropriate to do so.
- 9.6 The Investigating Officer must prepare a written statement of his/her factual findings and recommendations and provide copies of that statement to:
- (a) the relevant Rugby Body; and
  - (b) the relevant Member Union.
- 9.7 The Rugby Body for whom the report has been furnished will provide an outline of findings to the Participant or Rugby Body in respect of whom a breach has been alleged and the Participant or Rugby Body who brought the complaint (where applicable).
- 9.8 Where the Investigating Officer recommends that the matter proceed to a disciplinary hearing, the relevant Rugby Body must convene a Code of Conduct Committee in accordance with the provisions of Annexure 1 of this Code.
- 9.9 Where the Rugby Body, after having considered the Investigating Officer's report, is of the view that no further action will be taken, that Rugby Body must notify in writing the Participant or Rugby Body who brought the complaint, of such outcome.
- 9.10 A Participant or Rugby Body, may only appeal a decision under clause 9.9 to take no further action, by providing notice in writing and paying an Appeal Fee to the CEO of the Member Union (or Rugby AU where the decision being appealed was by a Member Union). Only in circumstances where the CEO (or his or her nominee) determines in his/her absolute discretion that there has been gross inadequacy in the investigation process or that a gross miscarriage of justice or procedural fairness has occurred, will the CEO (or his or her nominee) determine that the matter should be dealt with by a Code of Conduct Committee pursuant to this Code. Procedural irregularities or minor defects will not amount to gross inadequacy in the investigation process or gross miscarriage of justice or procedural fairness.
- 9.11 Where the CEO (or his or her nominee) makes a determination contemplated by clause 9.10, the relevant Rugby Body must convene a Code of Conduct Committee in accordance with the provisions of Annexure 1 of this Code.
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## **Annexure 1: Procedures for Disciplining Breaches of the Code of Conduct**

### **1 INTRODUCTION**

- 1.1 The following procedures will at all times be underpinned by the principles of procedural fairness and have been established in order to assist in providing procedurally fair and uniform disciplinary procedures for alleged breaches of the Code.
- 1.2 Where the relevant Rugby Body forms the view that a breach of the Code may have occurred, whether as a consequence of an investigation undertaken in accordance with Rule 9 of the Code or otherwise, the below procedures must be followed.
- 1.3 Where disciplinary/grievance procedures pursuant to another code, policy or other set of by-laws, rules or regulations have been activated, the Code of Conduct Committee will not hear a matter pursuant to this Code unless the circumstances set out in clause 7.8 apply.

### **2 CODE OF CONDUCT COMMITTEE**

- 2.1 Establishment of the Code of Conduct Committee
  - (a) Each Rugby Body will appoint a panel of individuals ("Code of Conduct Panel") of such number as the Union sees fit, each of whom can be selected to sit as a member of a Code of Conduct Committee. Such individuals may also sit on Judicial Panels constituted under the Rugby Australia Disciplinary Rules or to hear matters arising under other constituent documents.
  - (b) The relevant Rugby Body will convene a Code of Conduct Committee. This committee should ordinarily be made up of no less than three members of the Code of Conduct Panel and should include (except in exceptional circumstances and with approval of the Union with jurisdiction for the matter) at least one lawyer who holds a current practising certificate, or a lawyer that held a practising certificate for a period of 7 years or more and is still eligible to hold a practising certificate; or a lawyer who is or has been a judicial officer of a Court of the Commonwealth or of a State or Territory. One of the members must be appointed as the Chairperson of the Code of Conduct Committee.
  - (c) Where appropriate, the size, composition and approach of the Code of Conduct Committee may also be adjusted for underage Participants. For such Participants, it is important to ensure that the process is conducted by people who are accustomed to dealing with children and are equipped to provide a comfortable and safe environment with the appropriate level of formality.
  - (d) The Code of Conduct Committee have the power to:
    - (i) fully investigate any matter arising under the Code;
    - (ii) on the instructions of the Rugby Body, commence and conduct a hearing where there is a suspected breach of the Code;
    - (iii) call any Participant or any other person (whether or not associated with a Rugby Body) to attend a hearing and give evidence under the Code;

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- (iv) make a final determination under the Code; and
- (v) issue any sanction or penalty subject to the guidelines contained in this Code.

### 2.2 Procedure of Code of Conduct Committee

- (a) Once the Code of Conduct Committee has been convened, the Chairperson (after consultation with the members of the Code of Conduct Committee) must issue a notice to the Participant containing the following information:
  - (i) the date, time and location of the Code of Conduct Committee hearing;
  - (ii) the identity of the members of the Code of Conduct Committee;
  - (iii) the right for the Participant or Rugby Body (as applicable) to be represented in relation to the alleged breach; and
  - (iv) the right to produce evidence and make submissions in relation to the sanctions and penalties available to be imposed upon them by the Code of Conduct Committee.
- (b) Subject at all times to the following guidelines, the Code of Conduct Committee has the power to regulate its own procedure:
  - (i) to the extent practicable, the Code of Conduct Committee must endeavour to conduct the hearing within fourteen (14) days from the day the Code of Conduct Committee is convened;
  - (ii) hearings should be conducted with as little formality and with as much expedition, as permitted by the nature of the matter;
  - (iii) the hearing must observe the principles of procedural fairness at all times;
  - (iv) the Code of Conduct Committee will have the discretion as to who can attend in addition to the parties to the hearing and their representatives;
  - (v) the parties must have the right to be represented by counsel at their own expense;
  - (vi) all communications with the Code of Conduct Committee should include the other party (or if applicable the party's representative); and
  - (vii) the decision must be timely, written and reasoned.
- (c) The Code of Conduct Committee is entitled to call on experts to provide specialist advice, including legal advice.
- (d) The Code of Conduct Committee must have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the party wishing to lead such new evidence that such evidence was not, on reasonable enquiry, available at the time that party's initial evidence was served.

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- (e) In any case where a witness required by the Code of Conduct Committee refuses or fails to attend before the Code of Conduct Committee, the Code of Conduct Committee may decide whether or not to allow the evidence of that witness to be given in any other form.
- (f) The burden of proof will be on the party seeking to impose a sanction or penalty on the Participant or Rugby Body (as applicable) and the outcome will be determined on the balance of probabilities.
- (g) The Rugby Body convening the hearing must ordinarily bear the cost of holding the hearing, including the travel, accommodation and/or costs of the Code of Conduct Committee members and other witnesses or experts called by the Code of Conduct Committee, as well as any costs of interpretation, recording and/or transcription.
- (h) The Participant or Rugby Body (as applicable) must pay his/her/their own costs, including travel/accommodation costs, his/her/their representatives and his/her/their witnesses (who are not the witnesses called by the Rugby Body convening the hearing or the Code of Conduct Committee), as well as his/her/their legal costs.
- (i) In exercising its jurisdiction, the Code of Conduct Committee will have the power to:
  - (i) determine the alleged breach of the Code has occurred and impose a suitable penalty;
  - (ii) determine that the breach of the Code has not occurred and issue no penalty; and/or
  - (iii) determine that a breach of the Code other than what is set out in the notice of breach issued to the Participant or Rugby Body (as applicable) has occurred and issue a suitable penalty or course of action, provided the Code of Conduct Committee has allowed the Participant or Rugby Body (as applicable) a reasonable opportunity to make submissions and provide evidence in relation to the new alleged breach.
- (j) When it considers it appropriate, the Code of Conduct Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.
- (k) The decision of the Code of Conduct Committee must be advised to the parties in writing as soon as practicable after the conclusion of the hearing (**Committee Decision**).
- (l) In all cases where a Participant or Rugby Body (as applicable) is subjected to a sanction by a decision of the Code of Conduct Committee, the Participant or Rugby Body (as applicable) must be advised that he, she or it has a right of appeal to the Appeals Committee in accordance with Rule 4 of this Annexure 1.

### 3 SANCTIONS

- 3.1 Having regard to the Factors described in Rule 3.2 of this Annexure 1, the Code of Conduct Committee may determine the degree to which the conduct of the Participant or Rugby Body

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(as applicable) is in breach of the Code, and in doing so, may categorise the level of the breach as being a low, mid or high level breach.

### 3.2 Factors

- (a) In determining whether the Participant has committed a low, mid or high level breach, the Code of Conduct Committee will have regard to the degree to which:
  - (i) the Participant's or Rugby Body's (as applicable) conduct was intentional;
  - (ii) the consequences of the conduct were reasonably foreseeable at the time the conduct took place;
  - (iii) the behaviour or conduct may have caused offence to the general public's sensibilities;
  - (iv) the conduct impacted on the integrity of the match or competition;
  - (v) the conduct would, if publicly known, cause reputational damage to Rugby AU, a Rugby Body, the Participant, any other Participant, the Game, any selector, coach, squad, team, competition or tournament;
  - (vi) the conduct would, if publicly known, more than likely breach Rugby Australia's core values being Passion, Integrity, Discipline, Respect and Teamwork; and/or
  - (vii) any other factor which the Code of Conduct Committee determines is relevant to the circumstances of the case and which directly relates to the alleged breach set out in the notice of breach.

### 3.3 Sanction

- (a) The Code of Conduct Committee is entitled to impose such sanction(s) as it deems fit on any Participant or Rugby Body (as applicable) including:
  - (i) a caution, warning as to future conduct, or reprimand;
  - (ii) a fine and/or compensation orders;
  - (iii) a suspension for a specified number of matches or period of time (including from all rugby related activities);
  - (iv) a deduction or cancellation of points, or any similar competition or tournament based sanction including expulsion from the remainder of a competition, tournament and/or series of matches;
  - (v) exclusion orders from a Rugby Body's grounds;
  - (vi) suspension from involvement in officiating, coaching and/or administration of the Game;

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(vii) the withdrawal of other benefits of membership with the Rugby Body or Rugby AU; and/or

(viii) any combination of the above or such other sanction as may be appropriate.

### 3.4 Aggravating and/or Mitigating Factors

(a) In determining the appropriate penalty or penalties, the Code of Conduct Committee will have regard to any relevant aggravating or mitigating factors, including the following which will be taken into consideration:

(i) the presence and timing of an acknowledgement of culpability/ wrong-doing by the Participant or Rugby Body (as applicable);

(ii) the Participant's or Rugby Body's (as applicable) disciplinary record and/or good character;

(iii) the conduct prior to and at the hearing;

(iv) remorse for the conduct including the timing of such remorse including any steps taken to rectify any wrongdoing;

(v) any other aggravating and/or mitigating factors adduced by the Participant, the Rugby Body, or another person.

## 4 APPEALS

4.1 The sanctioned Participant, any other Participant (with approval of the Union with jurisdiction for the appeal), the Rugby Body, the relevant State or Territory Union and Rugby AU (subject to Rule 4.6) has seven (7) days commencing from the date of the Committee Decision to appeal a decision made by the Code of Conduct Committee under the Code by:

(a) completing an "Application to Appeal a Code of Conduct Decision" form (either in the form provided in Appendix 1 or in a form provided by the relevant Union) and providing it to the State or Territory Union; and

(b) paying an Appeal Fee if so stipulated by the Rugby Body.

4.2 With respect to the determination or decision appealed from, the sole grounds of appeal are that:

(a) the decision was wrong in fact or in law;

(b) the sanction imposed was manifestly excessive; and/or

(c) the sanction imposed was manifestly inadequate,

and the Appellant bears the onus and burden of satisfying the Appeals Committee that the ground(s) of appeal has been made out.

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- 4.3 To the extent practicable, an appeal should be held within fourteen (14) days of the lodging an "Application to Appeal a Code of Conduct Decision" form (either in the form provided in Appendix 1 or in a form provided by the relevant Union).
- 4.4 An appeal will be conducted by a Code of Conduct Committee ("**Appeals Committee**") convened at the next immediate level (e.g. if the decision is made at the State Level it will be appealed to a Rugby AU convened Code of Conduct Committee) held in accordance with the hearing process outlined in Rule 2.2 of this Annexure 1.
- 4.5 Subject to Rule 4.6, an appeal decision handed down by the Appeals Committee under this Rule 4 is a final decision and may not be appealed further under the Code.
- 4.6 Rugby AU may, in exceptional circumstances, open an investigation and/or appeal any decision made in accordance with Rule 4.5 to a Rugby AU convened Code of Conduct Committee.
- 4.7 Any sanction imposed at first instance by the Code of Conduct Committee will be upheld until the matter has been determined in its finality by the Appeals Committee.
- 4.8 The Appeals Committee may, in its absolute discretion:
- (i) determine that the breach has occurred and impose the penalty set out in the Committee Decision;
  - (ii) determine that the breach has occurred and impose a different penalty to the one set out in the Committee Decision; or
  - (iii) determine that the breach has not occurred and that the Appeal Fee be reimbursed.

## 5 CLEMENCY FOR LONG-TERM SANCTIONS

- 5.1 A person the subject of a Long-Term Sanction may apply to the Rugby AU Chief Executive Officer for clemency after he or she has served at least 8 years of the suspension handed down by the relevant Code of Conduct Committee or Appeals Tribunal. The Rugby AU Chief Executive Officer or his/her nominee will, in consultation with World Rugby determine, at his/her absolute discretion, whether it is appropriate for the applicant to return to the game of Rugby.

## 6 AMENDMENTS & INTERPRETATION

- (a) The Code may be amended from time to time by Rugby AU or as required by Australian legislation and/or World Rugby.
- (b) The Code includes any Annexure or Appendix.
- (c) Words in the singular include the plural and vice versa.
- (d) Headings used in the Code are for convenience only and do not control or affect the meaning or construction of any provision of the Code.

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- (e) Where an expression is defined, any part of speech or grammatical form of that expression has the corresponding meaning.
- (f) A reference to a gender includes the other genders.
- (g) Words used to denote persons generally or importing a natural person include any company, organisation or other entity (whether or not the body is incorporated).
- (h) Reference to "including" and similar words are not words of limitation.
- (i) Where reference is made to time, that reference will be taken to be a reference to the time in Sydney, Australia.
- (j) In the interpretation of a provision of the Code, the interpretation that will be best achieve the Objects is to be preferred to any other interpretation.

## 7 DEFINITIONS

- (a) In the Code:

**Affiliated Union** means:

- (i) Australian Junior Rugby Football Union Ltd;
- (ii) Australian Rugby Football Schools Union Inc.;
- (iii) Australian Services Rugby Union;
- (iv) Australian Universities Rugby Union;
- (v) Australian Barbarian Rugby Club Inc.;
- (vi) Australian Women's Rugby Football Union;
- (vii) Classic Wallabies Inc;
- (viii) New South Wales Country Rugby Union Ltd;
- (ix) Sydney Rugby Union Limited,

and any other body that is or becomes an 'Affiliated Union' pursuant to the terms of the Rugby AU Constitution, as amended from time to time.

**Appeal Fee** means the sum of money a Participant or Rugby Body (as applicable) must pay to the Rugby Body that convened the hearing in order for a Committee Decision to be appealed. Where a Rugby body does not stipulate the amount, the default amount is \$250.

**Code** means this Code of Conduct.

**Code of Conduct Committee** means the tribunal established in accordance with Rule 2 of the Procedures.

**Game** means Rugby football.



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**Laws of the Game** means the Laws of the Game as published and amended by World Rugby from time to time.

**Long-Term Sanction** means a suspension from participating in the Game of Rugby of eight (8) or more years.

**Member Union** means a present or future body that controls the Game of Rugby in a State or Territory of the Commonwealth from time to time, including:

- (i) Australian Capital Territory and Southern New South Wales Rugby Union Limited;
- (ii) New South Wales Rugby Union Limited;
- (iii) Northern Territory Rugby Union Inc.;
- (iv) Queensland Rugby Union Limited;
- (v) South Australian Rugby Union Limited;
- (vi) Tasmanian Rugby Union Inc.;
- (vii) Victorian Rugby Union Inc.;
- (viii) Western Australian Rugby Union Inc.;
- (ix) Melbourne Rebels Rugby Union Pty Ltd; and
- (x) NSW Waratahs Ltd.

**Participant** means a Participant of the Game including, but not limited to players, referees, assistant referee, touch judges, other match officials, selectors, coaches, trainers, medical or athletic performance officers, any individual involved in the administration, organisation or promotion of the Game including officers, employees and volunteers, parents/guardians and spectators.

**Procedures** means Annexure 1 to the Code, being the Disciplinary Process for Breaches of the Code of Conduct.

**Rugby AU** means Rugby Australia Ltd (ACN 002 898 544).

**Rugby Australia Complaint Handling Guidelines** means the document so titled as amended or replaced from time to time.

**Rugby Australia Safety Policies and Guidelines** means any safety policies and guidelines published and made available by Rugby AU from time to time, including, but not limited to the Rugby AU Safety Policy and Rugby AU Concussion Guidelines.

**Rugby Australia Participation and Inclusion Policy(s) and Guidelines** means any participation and/or inclusion policies published and made available by Rugby AU from time to time.

**Rugby Body** means Rugby AU, each Member Union and Affiliated Union, any union, association or other body in membership with or affiliated to a Member Union or Affiliated Union and any Rugby club in membership with or affiliated to any of the foregoing.

**Social Media** means any form of online or interactive application or other form or medium that enables users to create, share and/or upload content, including SMS, MMS, email and such platforms as Facebook, WhatsApp, Myspace, Twitter, Snapchat, Instagram, blogs, podcasts, message boards and websites.

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**NOTE:** You may attach additional documents / submissions if need be: ☐ I have attached \_\_ additional documents