

SCC

Appeals Committee Code of Procedure

2014

1.1 Definitions

The following terms shall be ascribed the corresponding meanings:

Appeal means an appeal by a Player against a decision of the Judiciary.

Appeal Folder is defined in **Rule 1.12(c)(4)**.

Appeals Committee means the body constituted in accordance with **Rule 1.6**.

Appellant means the Player, who Appeals a decision of the Judiciary, referred to in **Rule 1.6(a)**.

Appellant's Material means:

- (a) All documentary or other evidence (including a written outline of the oral evidence to be adduced from any witness) on which the Appellant intends to rely at the hearing of an Appeal; and
- (b) A written outline of the contentions and arguments that the Appellant proposes to advance at the hearing of an Appeal.

Code of Procedure means this document including all schedules, annexures and appendices.

Committee Member means a person appointed to the role pursuant to **Rule 1.5(c)**.

Judiciary is ascribed the same meaning as set out in the Judiciary Code of Procedure.

Judiciary Code of Procedure means the Judiciary Code of Procedure adopted by the Junior League.

Judiciary Counsel is ascribed the same meaning as set out in the Judiciary Code of Procedure.

Junior League means the Sydney Combined Competition Committee and includes where necessary a reference to all matches, competitions, tournaments and premierships conducted by or under the auspices of the Junior League.

Notice of Appeal means a notice in the form set out in **Appendix 1** specifying all relevant particulars of an Appeal by a Player against a decision of the Judiciary.

Notice of Appeal Hearing means a notice in the form set out in **Appendix 4** specifying all relevant particulars of an Appeal hearing before the Appeals Committee which is issued pursuant to **Rule 1.12(c)(3)**.



Notice of Challenge means a notice in the form set out in **Appendix 3** specifying all relevant particulars of a challenge by an Appellant to the jurisdiction and / or composition of the Appeals Committee submitted in accordance with **Rule 1.11**.

Notice of Withdrawal of Appeal means a notice in the form set out in **Appendix 2** which seeks to withdraw an Appeal in accordance with **Rule 1.9(b)**.

party means the Appellant or a Respondent.

President means the person appointed to the role pursuant to **Rule 1.5(b)**.

Respondent means a person, who is a respondent to an Appeal, referred to in **Rules 1.6(b)** and **1.6(c)**.

Respondent's Material means:

- (a) All documentary or other evidence (including a written outline of the oral evidence to be adduced from a witness) on which a Respondent intends to rely at the hearing of an Appeal; and
- (b) A written outline of the contentions and arguments that a Respondent proposes to advance at the hearing of an Appeal.

Secretary means the person appointed to that role pursuant to **Rule 1.4**.

1.2 Leave to Appeal

- (a) A Player aggrieved by a decision of the Judiciary may appeal therefrom, by 5.00pm on the day after the hearing before the Judiciary, to the Appeals and Disputes Committee on one or more of the following grounds:
 - (1) With respect to the issue of guilt:
 - (A) That there was an error of law; or
 - (B) That the decision was unreasonable or insupportable having regard to the evidence presented to the Judiciary in the hearing; or
 - (C) If the Player is able to adduce fresh evidence which was not available to the Player at the time of the hearing in respect of which the Player is seeking leave to appeal the determination of.
 - (2) With respect to the issue of penalty: that the penalty imposed by the Judiciary was manifestly excessive.
- (b) A Player who wishes to appeal from a decision of the Judiciary must first obtain leave to do so from the President.



- (c) The President shall not grant leave for the Player to appeal unless he forms the view in his absolute discretion that the Player has good prospects of success on the hearing of that appeal.
- (d) The Judiciary Counsel has a right to be heard by the President on any application for leave to appeal made by a Player pursuant to Rule 1.18 of the Judiciary Code of Procedure and this Rule 1.2 before the President grants a Player leave to appeal.
- (e) Unless otherwise ordered by the President, neither an application for leave to appeal nor an appeal by a Player to the Appeals and Disputes Committee shall operate as a stay of the decision of the Judiciary which is the subject of the appeal or the application for leave to appeal.

1.3 Jurisdiction

- (a) Subject to strict compliance with the procedure set out in Rule 1.18 of the Judiciary Code of Procedure and Rule 1.2, the Appeals Committee has jurisdiction to hear Appeals against decisions of the Judiciary.
- (b) The sole function of the Appeals Committee is to hear and determine appeals against decisions of the Judiciary.

1.4 Relationship with Other Appeal Provisions

Notwithstanding anything herein this Code of Procedure or elsewhere contained, the Rules contained in this Code of Procedure are not intended to affect in any way a specific provision regarding an appeal that is contained in the By Laws in respect of matters including anti-doping and misconduct.

1.5 The Secretary

The Secretary of the Appeals Committee shall be the secretary of the Junior League or his delegate, whose role it shall be to perform all procedural and administrative tasks so as to ensure the fair, impartial and efficient conduct of the business of the Judiciary.

1.6 Composition of the Appeals Committee

- (a) The Appeals Committee shall be constituted by a President and two (2) other Committee Members appointed in accordance with this Code of Procedure.
- (b) The Secretary shall appoint the President. The President shall be a person who is a practising solicitor or barrister of the Supreme Court of New South Wales.
- (c) The Secretary shall appoint two (2) Committee Members. A Committee Member shall be a former rugby league player who is not a coach or a member of the coaching staff of a Club.
- (d) A person is ineligible to be a member of the Appeals Committee if that person is also a member of the Judiciary Committee.



1.7 Parties to an Appeal

For the purposes of this Code of Procedure:

- (a) The Appellant to an Appeal shall be the Player who is appealing against the decision of the Judiciary pursuant to Rule 1.18 of the Judiciary Code of Procedure.
- (b) The Respondent to an Appeal shall be the Junior League, who shall in turn be entitled to be represented in the Appeal by the Judiciary Counsel or another person who meets the requirements set out in Rule 1.13(a).

1.8 Time Limit

- (a) A Player wishing to appeal against a decision of the Judiciary must seek leave to appeal in accordance with Rule 1.18 of the Judiciary Code of Procedure and Rule 1.2 by the deadline in Rule 1.18(a) of the Judiciary Code of Procedure.
- (b) An Appeal shall not be regarded as having been commenced within the time limit set out in Rule 1.18(a) of the Judiciary Code of Procedure and Rule 1.2 unless a properly completed Notice of Appeal is served on the Secretary before the expiry of that deadline.

1.9 Leave to Appeal

- (a) The Appellant must seek and obtain the leave of the President in accordance with Rule 1.18 of the Judiciary Code of Procedure and Rule 1.2 before the Appeals Committee hears an Appeal and before any of the pre-hearing procedures set out pursuant to this Code of Procedure.
- (b) For the avoidance of doubt, the Appeals Committee has no jurisdiction to hear an Appeal or make any ruling in respect of an Appeal unless leave to appeal has first been granted by the President in accordance with Rule 1.18 of the Judiciary Code of Procedure and Rule 1.2.

1.10 Amendment and Withdrawal of Notice of Appeal

- (a) A Notice of Appeal may not be amended by the Appellant after it is submitted.
- (b) At any time prior to the hearing of an Appeal, the Appellant may withdraw the Notice of Appeal by lodging with the Secretary a Notice of Withdrawal of Appeal, whereby the Appeal shall be finally concluded.

1.11 Pre-Hearing Procedures and Parties' Material

- (a) In the event that the President grants a Player leave to appeal a decision of the Judiciary the President shall forthwith notify the Secretary that leave has been granted by the President.



- (b) After receiving notification in accordance with Rule 1.10(a) the Secretary shall forthwith:
- (1) Provide a copy of the Notice of Appeal to the Respondent; and
 - (2) Call upon the Appellant to provide, within twenty-four (24) hours, the Appellant's Material.
- (c) Unless the President grants leave to the Appellant (such leave to be granted on such terms as the President in his absolute discretion thinks fit in the circumstances), the Appellant shall not be permitted to rely, at the hearing of an Appeal, on any:
- (1) Documentary or other evidence (apart from oral evidence of a witness whose evidence is outlined in writing in the Appellant's Material); or
 - (2) Contention or argument;
- that is not contained in the Appellant's Material.
- (d) After receiving the Applicant's Material in accordance with Rule 1.11(b)(2) the Secretary shall:
- (1) Provide a copy of the Notice of Appeal and the Appellant's Material to the Respondent; and
 - (2) Call upon the Respondent to provide, within twenty-four (24) hours, the Respondent's Material.
- (e) Unless the President grants leave to the Respondent (such leave to be granted on such terms as the President in his absolute discretion thinks fit in the circumstances), the Respondent shall not be permitted to rely, at the hearing of an Appeal, on any:
- (1) Documentary or other evidence (apart from oral evidence of a witness whose evidence is outlined in writing in the Respondent's Material); or
 - (2) Contention or argument;
- that is not contained in the Respondent's Material.

1.12 Challenge to Jurisdiction

- (a) Where the Player intends at a Judiciary hearing to challenge:
- (1) The jurisdiction of the Appeals Committee to hear or to deal with the Appeal; and / or
 - (2) The composition of the Appeals Committee; and / or



- (3) Any other matter which might reasonably take the Appeals Committee by surprise;

then the Player or his representative shall complete a Notice of Challenge and forward it to the Secretary no later than 5.00pm on the day before the hearing of the Appeal. On receipt of a Notice of Challenge the Secretary shall forthwith forward a copy of it to the Respondent.

1.13 Setting Down for Hearing

- (a) Unless otherwise ordered by the President a hearing of an Appeal shall commence at 6.00pm on the day after the expiry of the deadline in Rule 1.10(d)(2) for the Respondent to submit the Respondent's Material.
- (b) Hearings shall:
 - (1) Occur in Sydney; and
 - (2) Be closed to members of the public.
- (c) On receipt of the Respondent's Material the Secretary shall:
 - (1) Notify the President;
 - (2) Notify the Committee Members;
 - (3) Forward to the Appellant and the Respondent a Notice of Appeal Hearing;
 - (4) Collate, index and paginate the Appeal Folder consisting of the:
 - (A) Notice of Appeal;
 - (B) Appellant's Material; and
 - (C) Respondent(s)'s Material;
 - (5) Provide a copy of the Appeal Folder to the President, the Committee Members, the Appellant and the Respondent(s); and
 - (6) Take whatever other steps which are necessary to convene the hearing of the Appeal by the Appeals Committee.

1.14 Representation of Parties

- (a) Subject to the leave of the President having first been obtained, a party appearing before the Appeals Committee may be represented by a barrister, solicitor, agent or other representative on such terms, if any, as the President in his absolute discretion thinks fit.



- (b) Without limiting Rule 1.14(a) and in accordance with Rule 1.6(b), the Junior League may at the discretion of the President be represented at the Appeal hearing by the Judiciary Counsel.
- (c) If a party issued with a Notice of Appeal Hearing fails to attend the hearing at the time specified in the Notice of Appeal Hearing, the Appeals Committee may proceed to hear and determine the Appeal in the absence of that party.
- (d) In any case where the Appellant and the Respondent(s) agree in writing the Appeals Committee may determine the Appeal on the contents of the Appeal Folder and without an oral hearing.

1.15 Hearing is a Review and Adjournments

- (a) The Appeals Committee shall hear and determine appeals by way of a review.
- (b) A hearing before the Appeals Committee shall not proceed de novo.
- (c) Subject to any order of the President, an Appeal hearing cannot be adjourned to a later date or time.

1.16 Role of President

- (a) In every case, it shall be the President's task to decide every question of law, evidence and / or procedure.
- (b) The President shall in his absolute discretion give such instructions or directions, as he thinks fit, to the Appeals Committee as to matters of law, evidence and / or procedure.
- (c) The President may give whatever directions and make all such orders as he in his absolute discretion deems fit for the conduct, expedition and resolution of matters heard by the Appeals Committee.

1.17 Rules of Evidence and Witnesses

- (a) Hearings before the Appeals Committee are not bound by the rules of evidence usually applicable to proceedings before courts of law.
- (b) The President shall be entitled to disallow the appearance of any witness or the tender of any evidence on the grounds of irrelevance.
- (c) Subject to Rules 1.11(c) and 1.11(e) and subject to any order of the President, a party may present the evidence of a witness by that witness giving evidence:
 - (1) In person at the hearing;
 - (2) Via teleconference; or



- (3) Via video conference.
- (d) Any documents or things admitted into evidence shall be consecutively marked as exhibits, which exhibits at the conclusion of the hearing shall be placed in the custody of the Secretary for safe keeping.

1.18 Hearing Procedure

Subject to any ruling or order to the contrary made by the President, the procedure of a hearing before the Appeals Committee shall proceed in accordance with the following sequence:

Notice of Challenge

- (a) If the Appellant has served a Notice of Challenge in accordance with Rule 1.12 the President shall invite submissions from the Appellant and then the Respondent(s) in respect of the substance of the Notice of Challenge. If either party requires to adduce evidence in support of an argument in respect of a Notice of Challenge it shall be adduced at the same time.
- (b) The President alone shall make such orders as is necessary to determine the Notice of Challenge.

The Appellant's Case

- (c) The Appellant's case shall be presented in the following sequence:
 - (1) Playing any video footage adduced in evidence before the Judiciary;
 - (2) Adducing any oral evidence from any witness relied on, whereupon the witness:
 - (A) Shall be examined in chief by the Appellant or his representative;
 - (B) May be cross-examined by the Respondent or its representative;
 - (C) May be questioned by the President and, with leave granted by the President, by any Committee Member; and
 - (D) May, with leave granted by the President, be re-examined by the Appellant's representative.
 - (3) Thereafter the Appellant shall close his case.

The Respondent's Case

- (d) The Respondent's case shall be presented in the following sequence:



- (1) Adducing any oral evidence from any witness relied on, whereupon the witness:
 - (A) Shall be examined in chief by the Respondent's representative;
 - (B) May be cross-examined by the Appellant's representative;
 - (C) May be questioned by the President and, with leave granted by the President, by any Committee Member; and
 - (D) May, with leave granted by the President, be re-examined by the Respondent's representative.
- (2) Thereafter the Respondent(s) shall close its case.

Addresses

- (e) At the conclusion of the Respondent's case the Appellant may make a closing address to the Appeals Committee, followed by an address by each Respondent.

Directions and Deliberations

- (f) At the conclusion of the closing addresses the Appeals Committee may, but need not, adjourn to consider its decision.

Decisions

- (g) A decision of the Appeals Committee must at least be a decision of the majority of the three (3) members being the President and the two (2) Committee Members.
- (h) Reasons for a decision of the Appeals Committee may, but need not, be given.
- (i) A decision of the Appeals Committee may be given orally by the President or in writing by the Appeals Committee.

Powers of the Appeals Committee

- (j) On the hearing of an Appeal the Appeals Committee may:
 - (1) If the Appeal is in respect of a decision made by the Judiciary as to guilt:
 - (A) Uphold that decision;
 - (B) Vary that decision; or



- (C) Quash that decision.
- (2) If the Appeal is in respect of a decision made by the Judiciary as to penalty:
 - (A) Increase the penalty;
 - (B) Decrease the penalty;
 - (C) Vary the penalty; or
 - (D) Affirm the penalty.

Decision Binding

- (k) All decisions of the Appeals Committee shall be final and conclusive, are binding on, and shall be given effect to by the parties to the Appeal.



Appendix 1

Notice of Appeal

TAKE NOTICE that I, **[INSERT NAME OF PLAYER]** (“Appellant”), hereby appeal from (seek a review of) the whole / part of the decision made by the Judiciary on **[INSERT DATE]** on the following grounds:

1. **[INSERT]**.
2. **[INSERT]**.
3. **[INSERT]** et cetera.

**Appellant:
(Signature)**

Date:

Must be emailed back to:

jhyland@nswrlacademy.com.au



Appendix 2

Notice of Withdrawal of Appeal

I, [INSERT NAME OF APPELLANT] hereby withdraw my Notice of Appeal dated [INSERT DATE].

**Appellant:
(Signature)**

Date:

Must be emailed back to:

jhyland@nswrlacademy.com.au



Appendix 3

Notice of Challenge

I, **[NAME OF PLAYER]** of, **[CLUB]**, having received a Notice of Appeal Hearing dated **[INSERT DATE]** hereby give you notice that at the hearing of this Appeal I intend to challenge **[INSERT SUFFICIENT PARTICULARS OF THE CHALLENGE SO AS TO ENSURE THAT THE JUDICIARY COUNSEL IS AWARE OF THE NATURE OF THE CHALLENGE TO THE JURISDICTION OR THE COMPOSITION OF THE APPEALS COMMITTEE OR OTHERWISE]**.

Signature:
(Player)

Date:

Must be emailed back to:

Jhyland@nswrlacademy.com.au



Appendix 4

Notice of Appeal Hearing

TAKE NOTICE that the Appeal detailed in the Notice of Appeal dated **[INSERT DATE]** has been set down for hearing and determination by the Appeals Committee at the following place and time:

PLACE:

DATE:

TIME:

Signature:



Date: _____

