

NSWRL
APPEALS COMMITTEE PROCEDURAL RULES



This 2020 Edition of the NSWRL Appeals Committee Procedural Rules is consolidated to 1 March 2020.

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NEW SOUTH WALES RUGBY LEAGUE APPEALS COMMITTEE PROCEDURAL RULES

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NEW SOUTH WALES RUGBY LEAGUE

APPEALS COMMITTEE PROCEDURAL RULES

Schedule Five to the NSWRL Rules

Chapter 1 - Preliminary

Part 1 - Introduction

Commencement

1. These Rules of Procedure, being Schedule Five to the NSWRL Rules, shall commence in operation on 1 March 2020 and shall remain in force from that time.

Objects

2. The objects of these Rules of Procedure are to:
 - (1) Collect in one place the procedural provisions governing proceedings before and under the jurisdiction of the NSWRL Appeals Committee;
 - (2) Provide fair and just procedures to hear and determine proceedings before the NSWRL Appeals Committee;
 - (3) Ensure that proceedings before the NSWRL Appeals Committee are conducted expeditiously, inexpensively and in compliance with the applicable rules of natural justice; and
 - (4) Ensure that proceedings before the NSWRL Appeals Committee are conducted in good faith and on the applicable merits of each proceeding.

Amendments

3. The provisions of these Rules of Procedure may be amended by the Board from time to time in such manner as the Board thinks fit, provided that any such amendments are made and notified in accordance with the requirements of the NSWRL Rules.

Part 1.2 - Interpretation

Definitions

4. (1) In these Rules of Procedure including the schedules to these Rules of Procedure, unless the context otherwise indicates or requires, the following expressions and terms have the corresponding meanings:

Anti-Doping Policy has the meaning given to that expression by the **NSWRL Rules**.

Anti-Doping Tribunal has the same meaning as given to that expression in the **NSWRL Rules**.

appeal means a proceeding that is required to be heard and/or determined by the NSWRL Appeals Committee pursuant to the **NSWRL Rules** (including the Schedules thereto), and whether those proceedings are in the nature of an appeal, a reference, a review or some other form of proceeding.

Appeal Folder means the collection of documents referred to in **Rule 37**.

Appellant means the party who commenced or otherwise initiated an appeal.

Appellant's Material means the material referred to in **Rule 31**.

ARLC has the meaning given to that expression by the **NSWRL Rules**.

Board has the meaning given to that term by the **NSWRL Rules**.

Business Day has the meaning given to that expression by the **NSWRL Rules**.

Chief Executive Officer has the meaning given to that expression by the **NSWRL Rules**.

Club has the meaning given to that term by the **NSWRL Rules** and for all purposes of applying and interpreting this Code, the term Club includes a Participant Organisation.

Competition Points has the meaning given to that expression by the **NSWRL Rules**.

Counsel Assisting means a barrister or solicitor appointed by the Board under **Part 2.2** to assist the President and/or the NSWRL Appeals Committee.

Entity has the meaning given to that term by the **NSWRL Rules**.

Expert Report means a report of the kind referred to in **Rule 34**.

Game Participant has the meaning given to that expression by the **NSWRL Rules**.

GM of Football has the meaning given to that expression by the **NSWRL Rules**.

Guidelines has the meaning given to that term by the **NSWRL Rules**.

Match Official has the meaning given to that expression by the **NSWRL Rules**.

Media includes broadcast television, pay and subscription television, radio, internet, streaming, social media and people employed by and the agents of any organisation involved in any such activities.

Notice of Appeal means the notice referred to in **Rule 28**.

Notice of Challenge means the notice referred to in **Rule 35**.

Notice of Hearing means the notice referred to in **Rule 37**.

Notice of Withdrawal of Appeal means the notice referred to **Rule 29**.

NRL has the meaning given to that expression by the **NSWRL Rules**.

NSWRL Anti-Vilification Code means **Schedule Three** to the **NSWRL Rules**.

NSWRL Appeals Committee means the body constituted by **Part 2.2** of these Rules of Procedure.

NSWRL Code of Conduct means **Schedule One** to the **NSWRL Rules**.

NSWRL Competition has the meaning given to that expression by the **NSWRL Rules**.

NSWRL Judiciary has the meaning given to that expression by the **NSWRL Rules**.

NSWRL Judiciary Code of Procedure means **Schedule Four** to the **NSWRL Rules**.

NSWRL Handbooks and Operations Manuals means each of the documents listed at

Schedule Six to the **NSWRL Rules**.

NSWRL Playing Contract has the meaning given to that expression by the **NSWRL Rules**.

NSWRL Rules has the meaning given to that expression by the **NSWRL Rules**.

NSWRL Website has the meaning given to that expression by the **NSWRL Rules**.

party includes the Appellant and the Respondent and may include Counsel Assisting.

Player has the meaning given to that term by the **NSWRL Rules**.

President means the person appointed as President of the NSWRL Appeals Committee pursuant to **Rule 16**.

Respondent means the party responding to an appeal and may include Counsel Assisting.

Respondent's Material means the material referred to in **Rule 32**.

RLPA means Rugby League Players Association Limited ACN 135 110 511.

Rugby League has the meaning given to that expression by the **NSWRL Rules**.

Rules of Procedure means these NSWRL Appeals Committee Procedural Rules, which are **Schedule Five** to the **NSWRL Rules**.

Secretary means the person appointed pursuant to **Rule 10**.

Schedules has the meaning given to that expression by the **NSWRL Rules**.

telephone conferencing means the facility referred to in **Rule 64**.

video conferencing means the facility referred to in **Rule 65**.

Year has the meaning given to that term by the **NSWRL Rules**.

- (2) Unless otherwise specified, with respect to the words and expressions defined in **Sub-Rule (1)**:
- (a) Where words are defined, words denoting the singular include the plural and vice versa;
 - (b) Where an expression is defined, any other part of speech or grammatical form of that expression has the corresponding meaning;
 - (c) A reference to any gender includes all genders.
- (3) Where in these Rules of Procedure reference is made to time, that reference shall be taken to mean a reference to the time in Sydney, Australia.

Construction

5. (1) In the interpretation of a provision of these Rules of Procedure, the interpretation that will best achieve the objects set forth in **Rule 2** is to be preferred to any other interpretation.
- (2) Without limiting **Sub-Rule (1)**, regard may be had to the contents of the **NSWRL Rules** (including any other Schedules or Guidelines to the **NSWRL Rules**) when construing a provision of these Rules of Procedure.

Part 1.3 - Application

Jurisdiction

6. (1) These Rules of Procedure apply to all Clubs, Game Participants and Players.
- (2) To remove any doubt, where in these Rules of Procedure reference is made to a “**person bound by these Rules of Procedure**” or where any similar expression is used, that reference shall be taken to include all Game Participants and all Players.

Rules of Procedure Govern Procedure

7. These Rules of Procedure govern all proceedings that are required to be heard and/or determined by the NSWRL Appeals Committee pursuant to the **NSWRL Rules** (including the Schedules and the Guidelines to the **NSWRL Rules**), and whether the same is in the nature of an appeal, a reference, a review or some other form of proceeding but do not purport to represent an exclusive statement of the substantive law to be applied in any particular case.

Relationship with Other Appeal Provisions

8. (1) Notwithstanding anything herein or elsewhere contained, these Rules of Procedure are not intended to affect in any way a specific provision regarding an appeal that is contained in the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules** and any Guidelines published in accordance with the **NSWRL Rules**
- (2) To remove any doubt, where specific provision is otherwise made in the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules** as well as any Guideline published in accordance with the **NSWRL Rules**) with respect to an appeal, that specific provision shall prevail over any general provision contained in these Rules of Procedure.

NSWRL Rules

9. In the event of any inconsistency between a provision of these Rules of Procedure and a provision of the **NSWRL Rules** (save for any other Schedules or Guidelines to those Rules), the **NSWRL Rules** shall prevail to the extent of the inconsistency.

Chapter 2 - Constitution

Part 2.1 - Secretary

Office of Secretary

10. As soon as practicable after the commencement of these Rules of Procedure and at any time thereafter where a vacancy occurs in the position, the Board shall appoint a person to act as Secretary to the NSWRL Appeals Committee.

Duties of Secretary

11. (1) The Secretary is charged with the following duties:
- (a) To follow the procedures required by these Rules of Procedure for the convening of hearings;
 - (b) To keep in safe custody the record of proceedings required by these Rules of Procedure and the exhibits tendered in those proceedings in accordance with the requirements of these Rules of Procedure;
 - (c) To receive and disburse any security required to be lodged for any appeal or review or other proceedings pursuant to these Rules of Procedure or otherwise under the jurisdiction of the NSWRL Appeals Committee;
 - (d) To provide telephone conferencing or video conferencing facilities if required;
 - (e) To publish the outcome of proceedings in accordance with the requirements of these Rules of Procedure; and
 - (f) To advise the President and Counsel Assisting of any application pursuant to these Rules of Procedure and to facilitate the same.
- (2) In the performance of his respective duties, the Secretary shall comply with any directions that the President may, from time to time, give or cause to be given in that regard.

Directions

12. (1) Irrespective of the rights of the parties pursuant to these Rules of Procedure, the Secretary may refer any matter to the President for directions if the need arises.
- (2) In any case where the Secretary has referred a matter to the President for directions, the President may give such directions as he considers, in his absolute discretion, necessary in order to best achieve the objects set forth in **Rule 2**.

No Review and No Suit

13. (1) The discharge by the Secretary of any of the functions and responsibilities with which he is charged or the exercise by him of any of the powers and authorities which are conferred on him shall not be capable of review and, in any event, shall not be justiciable.
- (2) The Secretary shall be immune from suit and no Club, person or Entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on the part of the Secretary, except in the event of fraud.

Independence

14. In the discharge of any of the functions and responsibilities with which the Secretary is charged and in the exercise of any of the powers and authorities which are conferred, the Secretary shall

be aware of, and shall proceed with due respect for, the necessity to preserve the independence of the NSWRL Appeals Committee.

Part 2.2 - The NSWRL Appeals Committee

Composition

15. The NSWRL Appeals Committee shall be constituted by the President and two persons appointed pursuant to **Rule 18**.

President

16. (1) As soon as practicable after the commencement of these Rules of Procedure and at any time thereafter where a vacancy occurs in the position, the Board shall appoint a person, qualified in accordance with **Rule 17**, to act as President of the NSWRL Appeals Committee.
- (2) If, for any reason, the person appointed to act as President is temporarily unable to so act, the Board shall appoint an Acting President to act in his stead.

Qualifications for Appointment as President

17. The President shall be a person who has served, or is qualified for appointment, as a Judge of:
- (1) The Supreme Court of any State or Territory of Australia;
 - (2) The Federal Court of Australia; or
 - (3) The High Court of Australia.

Counsel Assisting

- 17A. (1) As soon as practicable after the commencement of these Rules of Procedure and at any time thereafter where a vacancy occurs in that position, the Board shall appoint a person to act as Counsel Assisting.
- (2) Counsel Assisting shall be a person who is a barrister or solicitor of the Supreme Court of any State or Territory of Australia.
- (3) If, for any reason, the person appointed to act as Counsel Assisting is temporarily unable to so act, the Chief Executive Officer shall appoint an Acting Counsel Assisting to act in his stead.

Functions of Counsel Assisting

17B. Counsel Assisting shall:

- (1) In every application for leave to appeal, appeal and other proceeding under these Rules of Procedure other than an application for leave to appeal or appeal under the NSWRL Judiciary Code of Procedure:
 - (a) Assist the President and/or the NSWRL Appeals Committee as required;
 - (b) Appear on all applications for leave to appeal, appeals and other proceedings;
 - (c) Present any evidence that may reasonably be relied upon to contradict the application, appeal or proceeding;
 - (d) Test the case advanced on the application, appeal or proceeding;

- (e) Address the President and/or the NSWRL Appeals Committee and, if applicable, make submissions.
- (2) Save for cases involving an application for leave to appeal or appeal under the NSWRL Judiciary Code of Procedure, consult with the President and the other members of the NSWRL Appeals Committee as required, whether before, during or after the hearing of any application for leave to appeal, appeal or other proceeding.

Independence of Counsel Assisting

- 17C. In the discharge of any of the functions and responsibilities with which Counsel Assisting is charged and in the exercise of any of the powers and authorities which are conferred, the Counsel Assisting shall at all times:
- (1) Act independently, impartially and fairly without fear or favour, affection or ill-will;
 - (2) Be aware of, and proceed with due respect for, the necessity to preserve the independence of the President and the other members of the NSWRL Appeals Committee.

Other Appointments

18. (1) As soon as practicable after the commencement of these Rules of Procedure, and from time to time as the need arises, the Board shall appoint such number of persons as are required to be appointed by these Rules of Procedure, qualified in accordance with **Sub-Rule (4)**, to serve as members of the NSWRL Appeals Committee.
- (2) If, for any reason, the person appointed pursuant to **Sub-Rule (1)** is unable to so act, the Board shall appoint a person qualified in accordance with **Sub-Rule (4)** to serve in his stead.
- (3) As soon as practicable after the commencement of these Rules of Procedure, and from time to time as the need arises, the Secretary shall call upon the chief executive officer of the RLPA to nominate, within five (5) Business Days, a person who is qualified in accordance with the requirements of **Sub-Rule (4)** to serve as a member of the NSWRL Appeals Committee. Thereafter, that nomination shall be considered in accordance with **Sub-Rule (7)**.
- (4) To be eligible for appointment to the NSWRL Appeals Committee a person must:
- (a) Be a person who has experience playing Rugby League at the NSWRL Competition level or above;
 - (b) Be of high standing within the game of Rugby League and the community generally;
 - (c) Not be an officeholder or employee of the NSWRL, the NRL, any Club or the RLPA; and
 - (d) Not be a legal practitioner or advocate.
- (5) For the purposes of **Sub-Rule (4)**, a person is “a legal practitioner” if he or she has practised, or is qualified to practice, as a barrister, solicitor or advocate, whether or not that person is the holder of a Bachelor of Laws (LL.B) degree or equivalent.
- (6) Should the chief executive officer of the RLPA fail to nominate a person pursuant to **Sub-Rule (3)** within the period therein specified, the Board may, in its absolute discretion, appoint a person qualified in accordance with **Sub-Rule (4)** to serve as a member of the NSWRL Appeals Committee in lieu of that nomination.
- (7) Subject to **Sub-Rule (6)**, the person nominated pursuant to **Sub-Rule (3)** will be appointed

by the Board to serve on the NSWRL Appeals Committee unless the Board, in its absolute discretion, rejects the nomination, in which event the Board shall call upon the chief executive officer of the RLPA to nominate a different person to serve as a member of the NSWRL Appeals Committee.

- (8) If, for any reason, the person appointed pursuant to **Sub-Rule (7)** is temporarily unable to so serve, the Board shall call upon the chief executive officer of the RLPA, as the case may be, to nominate a person qualified in accordance with **Sub-Rule (4)** to serve in his stead. For the avoidance of doubt, **Sub-Rule (6)** applies in relation to any such request made of the chief executive officer of the RLPA that is made in accordance with this **Sub-Rule (8)**.

Function

19. The sole function of the NSWRL Appeals Committee is to hear and determine appeals pursuant to the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules** and any Guidelines made in accordance with the **NSWRL Rules**).

Independence

20. In the discharge of its functions, the NSWRL Appeals Committee shall at all times act independently, impartially and fairly.

No Review and No Suit

21. (1) Subject only to the provisions of these Rules of Procedure, the discharge by the President and the other constituents of the NSWRL Appeals Committee of any of the functions and responsibilities with which they are charged or the exercise by them of any of the powers and authorities which are conferred on them shall not be capable of review and, in any event, shall not be justiciable.
- (2) Without derogating from **Sub-Rule (1)**, unless an express right of review of a particular direction, decision or determination of the President is provided for in these Rules of Procedure, every direction, decision and determination of the President shall be final and binding and given full effect to by all Clubs and all persons who are bound by these Rules of Procedure.
- (3) The President shall be immune from suit and no Club, person or Entity may institute or maintain any proceedings or bring any claim in respect of any act or omission on his part, or any directions, decisions or determinations made by him under these Rules of Procedure, except in the event of fraud.

Chapter 3 – General Procedure

Part 3.1 - Preliminary

Application of this Chapter

22. The provisions of this Chapter apply to all appeals, save in any case where specific provision is either herein or elsewhere made that covers the subject matter of a provision in this Chapter, in which event that specific provision shall govern that subject matter.

Who is or may be included as a Respondent?

23. (1) For the purposes of this Chapter, the Respondent to an appeal shall be:
- (a) In the case of a determination or decision of the Chief Executive Officer or the GM of Football, Counsel Assisting;
 - (b) In the case of an imposition of penalty by the Chief Executive Officer or the GM of Football, Counsel Assisting;
 - (c) In the case of a determination or decision made by a person employed by the NSWRL or acting as agent of the NSWRL other than the Chief Executive Officer or the GM of Football, Counsel Assisting;
 - (d) In the case of a determination or decision made by a Club, that Club.

- (2) Notwithstanding **Sub-Rule (1)**, where a Club or person bound by these Rules of Procedure has, in the opinion of the President in his absolute discretion:

- (a) A direct interest that is or might be affected by the determination, decision or imposition in issue on an appeal; and
- (b) Ought to be heard on the hearing of the appeal;

the President may, on application made by that person or Entity, grant leave for that Club or person to be added as a Respondent to the appeal proceedings, in which event that Club or person shall thereafter be vested with all of the rights and imposed with all of the obligations of a Respondent for the purposes of this Chapter.

- (3) For the purposes of **Sub-Rule (2)**, where the interests of:

- (a) A Player; or
- (b) Players in general;

might be affected by the outcome of an appeal, save for appeals from decisions of the NSWRL Judiciary, the Anti-Doping Policy or any other body exercising a disciplinary function over Players, the RLPA shall be entitled to seek leave to be added as a Respondent to the appeal.

- (4) The NSWRL or Counsel Assisting may at any time elect to be added as a Respondent to any appeal, in which event the NSWRL or Counsel Assisting, as the case may be, shall thereafter be vested with all of the rights and imposed with all of the obligations of a Respondent for the purposes of this Chapter.

Part 3.2 - Beginning an Appeal

Commencement of an Appeal

24. (1) An appeal may be commenced when a Club or a person bound by these Rules of Procedure:
- (a) Is entitled by the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules**) to initiate an Appeal;
 - (b) Unless the right of appeal under the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules**) expressly provides that leave to appeal is not required or is required to be obtained from someone other than the President, obtains leave to appeal from the President pursuant to **Rule 26**;
 - (c) Forwards a Notice of Appeal to the Secretary in accordance with **Rule 28**; and
 - (d) Save and except for an appeal brought by a Player other than an appeal from the NSWRL Judiciary, lodges security for the appeal with the Secretary, which security shall be:
 - (i) In the case of a Club, such sum of (if any) determined by the Board from time to time and published as a Guideline in accordance with the **NSWRL Rules**; and
 - (ii) In the case of a person bound by these Rules of Procedure, such sum of (if any) determined by the Board from time to time and published as a Guideline in accordance with the **NSWRL Rules**.
- (2) To remove any doubt:
- (a) Players are not required to lodge security for any appeal save for appeals from the NSWRL Judiciary, in which case the sum specified pursuant to **Sub-Rule (1)** must be lodged;
 - (b) An appeal shall not be regarded as having been commenced unless each of the requirements of **Sub-Rule (1)** has been complied with.

The Time Within Which to Appeal

25. (1) Subject to **Rule 69**, any person or Club who wishes to appeal to the NSWRL Appeals Committee must commence that appeal within the time prescribed for that particular appeal in the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules** and any Guidelines made pursuant to the **NSWRL Rules**) or, if no such time is there prescribed, within five (5) Business Days of the decision, determination or imposition in relation to which it is sought to appeal.
- (2) To remove any doubt, an appeal shall not be regarded as having been commenced within the time limited for so doing unless each of the requirements of **Sub-Rule 24(1)** have been complied with prior to the expiration of that time or within such other time as the President, in his absolute discretion, has allowed pursuant to **Rule 69**.

Leave to Appeal

26. (1) Unless the right of appeal under the NSWRL Rules (including any other Schedules to the NSWRL Rules) expressly provides that leave to appeal is not required or is required to be obtained from someone other than the President, any Club or person bound by these Rules of Procedure who wishes to appeal to the NSWRL Appeals Committee must first obtain the leave of the President to do so.

- (2) The President shall not grant leave to appeal pursuant to **Sub-Rule (1)** unless he forms the opinion, in his absolute discretion that the proposed appeal is a fit case to proceed as an Appeal.
- (3) An application for leave to appeal pursuant to **Sub-Rule (1)** must be made on notice to the proposed Respondent and the NSWRL and will not be entertained by the President unless and until security for the appeal under **Sub-Rule 24(1)(d)** is lodged with the Secretary.
- (4) In any case where an application for leave to appeal pursuant to **Sub-Rule (1)** is refused, any security lodged by the applicant for leave with the Secretary pursuant to **Sub-Rule 24(1)(d)** shall be forfeited to the NSWRL unless the Chief Executive Officer, in his absolute discretion, otherwise directs.

Meaning of a “Fit Case to Proceed”

- (5) For the purposes of **Rule 26**, and wherever in the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules**) reference is made to a “fit case to proceed” in the context of an application for leave to appeal, that expression shall be taken to mean that the case is one in respect of which there exists a plausible ground or some other good reason for the grant of leave.
- (6) To remove any doubt:
 - (a) In no case shall a Club or a person bound by these Rules of Procedure be granted leave to appeal to the NSWRL Appeals Committee unless, in the opinion of the person charged with the task of deciding whether to grant leave to appeal, there exists a plausible ground or some other good reason for the grant of leave;
 - (b) This Rule also applies to any application to the Chairman of the NSWRL Judiciary for leave to appeal pursuant to **Rule 94** of the NSWRL Judiciary Code of Procedure.

Grounds of Appeal

27. Subject to the requirements of **Rule 24**, in any case where a Club or a person bound by these Rules of Procedure is otherwise entitled by the **NSWRL Rules** (including any other Schedules to the **NSWRL Rules** and any Guidelines made pursuant to the **NSWRL Rules**) to appeal to the NSWRL Appeals Committee, that Club or person may appeal on any one or more of the following grounds:
 - (1) With respect to the determination or decision appealed from:
 - (a) That there was an error of law; and/or
 - (b) That the determination or decision was unreasonable or insupportable having regard to the evidence on which it was based;
 - (2) With respect to the issue of penalty, that the penalty imposed was manifestly excessive.

Notice of Appeal

28. Any person or Club who wishes to appeal to the NSWRL Appeals Committee must lodge a Notice of Appeal with the Secretary, which Notice of Appeal must specify the matters required in **Form 1**.

Amendment

29. (1) At any time up to the conclusion of the hearing of an appeal the President may, in his absolute discretion, allow the amendment of a Notice of Appeal.
- (2) However, if the President considers that the amendment of a Notice of Appeal would take

the Respondent by surprise, the President may postpone or adjourn the hearing of the appeal on such conditions as the President, in his absolute discretion, considers appropriate.

Withdrawal of Appeal

- (1) At any time prior to the hearing of an appeal, the Appellant may withdraw the Appeal by lodging with the Secretary a Notice of Withdrawal of Appeal specifying the matters required in **Form 2**, and the appeal will thereby be concluded.
- (2) In any case where an appeal is withdrawn pursuant to **Sub-Rule (1)**, the security lodged by the Appellant with the Secretary pursuant to **Sub-Rule 24(1)(d)** shall be forfeited to the NSWRL unless the Chief Executive Officer, in his absolute discretion, otherwise directs.

Part 3.3 - Pre-Hearing Procedures

After an Appeal is Commenced

30. Where a Club or a person bound by these Rules of Procedure has commenced an appeal within the meaning of **Rule 24**, the Secretary shall:
 - (1) Provide a copy of the Notice of Appeal to the Respondent; and
 - (2) Call upon the Appellant to provide, within ten (10) Business Days, the Appellant's Material in accordance with the requirements of **Rule 31**.

The Appellant's Material

31. (1) In the case of every appeal, the Appellant shall provide to the Secretary and to the Respondent within the time limited for doing so by **Rule 32**, the following material:
 - (a) All documentary or other evidence upon which the Appellant intends to rely at the hearing of the appeal;
 - (b) A written outline of the contentions and arguments that the Appellant proposes to advance on the hearing of the appeal;which material shall be known as the Appellant's Material.
- (2) If on the hearing of an appeal, the Appellant intends to rely on oral evidence, the Appellant shall be taken to have sufficiently complied in that regard with **Sub-Rule(1)(a)** if a written statement of that evidence, signed by the witness from whom it is intended to adduce that evidence, is provided to the Secretary and to the Respondent.
- (3) On the hearing of any appeal, the Appellant shall not without the leave of the President be permitted to rely on any:
 - (a) Documentary or other evidence; or
 - (b) Contention or argument;that is not contained in the Appellant's Material.
- (4) In any case where the President grants leave to an Appellant pursuant to **Sub-Rule (3)**, that leave may be granted on such terms as the President, in his absolute discretion, considers appropriate, including the adjournment of the hearing of the appeal and the payment of the Respondent's reasonable costs thrown away in consequence of any such adjournment.

The Respondent's Material

32. (1) After provision to the Respondent of the Appellant's Material pursuant to **Rule 33**, the Respondent shall, within ten (10) Business Days of its provision, provide to the Secretary and to the Appellant the following material:
- (a) All documentary or other evidence upon which the Respondent intends to rely at the hearing of the appeal; and
 - (b) A written outline of the contentions and arguments that the Respondent proposes to advance on the hearing of the appeal;
- which material shall be known as the Respondent's Material.
- (2) If on the hearing of an appeal, the Respondent intends to rely on oral evidence, the Respondent shall be taken to have sufficiently complied in that regard with **Sub-Rule(1)(a)** if a written statement of that evidence, signed by the witness from whom it is intended to adduce that evidence, is provided to the Secretary and to the Appellant.
- (3) On the hearing of an appeal, the Respondent shall not without the leave of the President be permitted to rely on any:
- (a) Documentary or other evidence;
 - (b) Contention or argument;
- that is not contained in the Respondent's Material.
- (4) In any case where the President grants leave to a Respondent pursuant to **Sub-Rule (3)**, that leave may be granted on such terms as the President, in his absolute discretion, considers appropriate, including the adjournment of the hearing of the appeal and the payment of the Appellant's reasonable costs thrown away in consequence of any such adjournment save that in no case shall Counsel Assisting, the NSWRL or any employee of the NSWRL be required to pay costs.

Duty of Disclosure

33. (1) Where a document in the possession, power or control of a party to an appeal:
- (a) Has not been included in the material for that party which has been provided in accordance with **Rule 33 or Rule 34**; and
 - (b) Is directly relevant to an issue to be determined on the hearing of the appeal;
- then the party in possession, power or control of that document shall ensure that a copy of it is provided to the other party to the appeal and to the Secretary at least five (5) Business Days prior to the commencement of the appeal.
- (2) The obligations of the parties under **Sub-Rule (1)** continue until the hearing of the appeal is concluded.

Expert Report

34. (1) In any case where it would assist the objective analysis of an issue to be determined on the hearing of an appeal, the President may direct the Secretary to commission, at the NSWRL's cost, a report from an independent and appropriately qualified expert with respect to that issue.
- (2) Upon receipt by the Secretary of a report of the kind referred to in **Sub-Rule (1)**, the Secretary shall forthwith provide a copy thereof to the parties to the appeal.

- (3) If, after receiving a report of the kind referred to in **Sub-Rule (1)**:
- (a) The Appellant does not proceed with the appeal or the appeal is unsuccessful, the Appellant shall reimburse to the NSWRL any costs incurred in obtaining that report; or
 - (b) The Appellant proceeds with the appeal and the appeal is successful, the Respondent shall reimburse to the NSWRL any costs incurred in obtaining that report save that in no case shall Counsel Assisting, the NSWRL or any employee of the NSWRL be required to make any reimbursement.

Challenge to Jurisdiction, Constitution, Etc.

35. (1) Where an Appellant intends at a hearing of an appeal to challenge:
- (a) The jurisdiction of the NSWRL Appeals Committee to deal with the appeal;
 - (b) The constitution of the NSWRL Appeals Committee;
 - (c) Any other matter that might take the Respondent by surprise;
- then the Appellant shall complete a Notice of Challenge specifying the particulars required in **Form 3** and lodge it with the Secretary and the Respondent no less than five (5) Business Days prior to the hearing of the Appeal.
- (2) Unless the Appellant strictly complies with the provisions of **Sub-Rule (1)**, the Appellant shall not be entitled at the hearing of the appeal to challenge, in any respect:
- (a) The jurisdiction of the NSWRL Appeals Committee to deal with the appeal;
 - (b) The constitution of the NSWRL Appeals Committee;
 - (c) Any other matter that might take the Respondent by surprise.

Mediation

36. (1) In the case of every appeal:
- (a) The President may, in his absolute discretion, refer the appeal to mediation;
 - (b) The parties to it may agree in writing to refer the appeal to mediation;
- in an attempt to settle the differences between the parties or to narrow the issues for determination on the appeal.
- (2) In the event that an appeal is referred to mediation pursuant to **Sub-Rule (1)**, the appeal shall be so referred on such terms as the President directs or the parties agree in writing, save that:
- (a) Any mediation must be concluded within twenty (20) Business Days of the date upon which it is referred;
 - (b) The mediation shall be conducted by the President or by a mediator nominated by the President;
 - (c) The parties shall bear the costs of that mediation equally;
 - (d) The obligation of the parties to the appeal as otherwise provided for in this Chapter

shall be suspended until the mediation is concluded or twenty (20) Business days have elapsed from the date on which the appeal was referred to mediation, whichever is the sooner.

Setting Down for Hearing

37. (1) Once:

- (a) An appeal has been commenced within the meaning of **Rule 24**;
- (b) The parties have complied with their obligations with respect to the provision of material pursuant to **Rules 31 and 32**;
- (c) The parties have complied, so far as the Secretary is aware, with their duty of disclosure pursuant to **Rule 33**;
- (d) In any case where an Expert Report has been commissioned pursuant to **Rule 34**, that report has been obtained and provided in accordance with that Rule; and
- (e) In any case where an appeal has been referred to mediation pursuant to **Rule 36**, the mediation has either concluded or the time limited by that Rule within which to conduct the mediation has expired;

the Secretary shall as soon as practicable proceed in accordance with **Sub-Rule (2)** to convene a hearing of the NSWRL Appeals Committee.

(2) For the purposes of **Sub-Rule (1)**, whenever the Secretary becomes obliged to convene a hearing of the NSWRL Appeals Committee, they shall:

- (a) Determine the availability of the President and the other members of the NSWRL Appeals Committee;
- (b) Forward to each party to the appeal a Notice of Hearing specifying the particulars required in **Form 4**;
- (c) Collate, index and paginate a folder containing the following:
 - (i) The Notice of Appeal;
 - (ii) The Appellant's Material;
 - (iii) The Respondent's Material;
 - (iv) Any documents disclosed pursuant to **Rule 33**;
 - (v) Any Expert Report provided pursuant to **Rule 34**; and
 - (vi) Any Notice of Challenge;

which documents shall be collectively known as the Appeal Folder;

- (d) Provide a copy of the Appeal Folder to each of the parties and the constituents of the NSWRL Appeals Committee; and
- (e) Take such other steps as are necessary to convene a hearing of the NSWRL Appeals Committee.

Part 3.4 - Hearings

Place of Hearing

38. All hearings of the NSWRL Appeals Committee shall take place in Sydney, Australia unless otherwise directed by the President in the President's absolute discretion.

Adjournment

39. The President may, in any appeal, adjourn the hearing of the appeal, or the further hearing of the Appeal, in such a manner and upon such terms (including the payment of the reasonable costs of a party) as the President thinks fit, save that in no case shall the Counsel Assisting, the NSWRL or any employee of the NSWRL be directed to pay the costs of a party to an appeal.

Persons Entitled to be Present

40. Hearings of the NSWRL Appeals Committee are not open to the Media or to members of the public.

Representation

41. (1) A party other than Counsel Assisting appearing before the NSWRL Appeals Committee may, subject to the leave of the President first had and obtained, be represented by a barrister, solicitor or agent on such terms, if any, as the President in his absolute discretion deems fit.
- (2) In the event that a person who has been granted leave to represent a party pursuant to **Sub-Rule (1)** fails in the opinion of the President to behave in a responsible and courteous manner, the President may in his absolute discretion:
- (a) Withdraw his leave for that person to represent the party; and
 - (b) If necessary, adjourn the proceedings to enable the party to obtain fresh representation, which adjournment may be granted upon such terms (including the payment of the reasonable costs of a party) as the President thinks fit.
- (3) Other than Counsel Assisting, neither a party nor a party's representative may appear before or otherwise communicate with the President or the NSWRL Appeals Committee regarding an application for leave to appeal or an appeal without the presence or consent of the other party or parties to the appeal.

Appeal May Be Decided in the Absence of a Party

42. If an appeal has been set down for hearing pursuant to **Rule 37** and, at the commencement of the hearing, there is no appearance for one or both of the parties to the appeal, the NSWRL Appeals Committee may proceed to decide the appeal despite that non-appearance.

Appeal May Be Decided on the Contents of the Appeal Folder

43. In any case where both the Appellant and Respondent agree in writing to the NSWRL Appeals Committee deciding an appeal without an oral hearing, the NSWRL Appeals Committee may proceed, at its convenience, to decide the appeal:
- (1) Based on the contents of the Appeal Folder; and
 - (2) Without the need for either party to appear before it.

Mode of Hearing

44. (1) The NSWRL Appeals Committee shall hear and determine all appeals by way of a review.
- (2) To remove any doubt, the NSWRL Appeals Committee shall, as part of its rehearing, consider the contents of the Appeal Folder as well as any oral evidence called by a party at the hearing of an appeal.

Role of President

45. In every case, it is the President's task to decide every question of law, evidence or procedure and to give such instructions or directions to the other constituents of the NSWRL Appeals Committee, in relation thereto, as the President deems fit and any such instructions or directions, once given, must be complied with by the other constituents of the NSWRL Appeals Committee.

Substantive Law

46. (1) Subject to **Sub-Rule (2)** and the **NSWRL Rules** (including any Schedules to the **NSWRL Rules** and any Guidelines made pursuant to the **NSWRL Rules**) or any direction of the President, the substantive law to be applied by the NSWRL Appeals Committee in any appeal is that generally accepted in common law jurisdictions and, in the case of any inconsistency, the common law that applies in New South Wales.
- (2) In the case of any appeal involving an allegation that there has been a breach of the **NSWRL Rules** (including any Schedules to the **NSWRL Rules** and any Guidelines made pursuant to the **NSWRL Rules**), the NSWRL Appeals Committee shall regard that breach as having been sufficiently proved if it is established to have occurred on the balance of probabilities.
- (3) In the determination of every appeal, the NSWRL Appeals Committee shall have regard to, and apply, any provisions of the **NSWRL Rules** (including any Schedules to the **NSWRL Rules** and any Guidelines made pursuant to the **NSWRL Rules**) that relate to the subject matter of the appeal including any provisions that govern the liability for, and/or the proof of, a contravention of the **NSWRL Rules** (including any Schedules to the **NSWRL Rules** and any Guidelines made pursuant to the **NSWRL Rules**).

Rules of Evidence

47. (1) The NSWRL Appeals Committee is not bound by the rules of evidence usually applicable to proceedings in courts of law.
- (2) Although direct evidence of a fact in issue is to be preferred, the NSWRL Appeals Committee may inform itself of the facts in any other way that the President considers both reliable and appropriate.

Witnesses and Exhibits

48. (1) The evidence of a witness called by a party at the hearing of an appeal may be given:
- (a) In person at the hearing;
 - (b) By telephone conferencing; or
 - (c) By video conferencing.
- (2) Any document or thing admitted into evidence shall be marked and consecutively numbered as an exhibit, which exhibits, at the conclusion of the hearing, shall be placed in the custody of the Secretary for safe keeping.

Video Tape Recordings

49. Video tape recordings of a matter in issue on an appeal are admissible without further proof provided the matter is reasonably identifiable and/or audible, as the case may be, on the recording.

Procedure

50. On the hearing of an appeal, the following sequence shall be adopted:
- (1) The Appeal Folder shall be received as an exhibit in the appeal;
 - (2) The Appellant's case shall be presented in accordance with **Rule 51**;
 - (3) The Respondent's case shall be presented in accordance with **Rule 52**;
 - (4) Addresses may be made pursuant to **Rule 53**;
 - (5) The NSWRL Appeals Committee may deliberate in accordance with **Rule 54**; and
 - (6) The NSWRL Appeals Committee shall give its decision in accordance with **Rule 56**.

The Appellant's Case

51. (1) Any matter raised in a Notice of Challenge shall first be argued and, if that argument requires the support of evidence, that evidence shall be received along with any evidence that the Respondent wishes to adduce in response to the Notice of Challenge.
- (2) If a video tape recording is relied on, the video tape shall be played.
- (3) If the oral evidence of a witness is relied on, that witness shall be called to give evidence, whereupon he:
- (a) Shall be examined in chief by the Appellant or the Appellant's representative;
 - (b) May be cross examined by the Respondent or the Respondent's representative;
 - (c) May be questioned by the President or the other constituents of the NSWRL Appeals Committee;
 - (d) May, with the leave of the President, be re-examined by the Appellant or the Appellant's representative; and
- (4) Thereafter, the Appellant shall close his case.

The Respondent's Case

52. (1) If a video tape recording is relied on, the video tape shall be played.
- (2) If the oral evidence of a witness is relied on, that witness shall be called whereupon he:
- (a) Shall be examined in chief by the Respondent or the Respondent's representative;
 - (b) May be cross examined by the Appellant or the Appellant's representatives;
 - (c) May be questioned by the President or the other constituents of the NSWRL Appeals Committee;
 - (d) May, with the leave of the President, be re-examined by the Respondent or the

Respondent's representatives; and

- (3) Thereafter, the Respondent shall close his case.

Addresses

53. At the conclusion of the Respondent's case, the Appellant or the Appellant's representative may address the NSWRL Appeals Committee followed by the Respondent or the Respondent's representative.

Deliberations

54. After the addresses of the parties, the NSWRL Appeals Committee may, but need not, retire or adjourn the proceedings to consider its decision.

Powers of the NSWRL Appeals Committee

55. (1) If the NSWRL Appeals Committee is of the opinion that the issue or issues raised by an appeal might be decided in favour of the Appellant but consider that no substantial miscarriage of justice has occurred, the NSWRL Appeals Committee shall dismiss the appeal and may direct the Appellant to pay the Respondent's reasonable costs of and incidental to the appeal.
- (2) Subject to **Sub-Rule (1)**, on the hearing of an appeal, the NSWRL Appeals Committee may:
- (a) If the appeal is against a determination or decision:
- (i) Uphold the determination or decision;
 - (ii) Quash the determination or decision; or
 - (iii) Vary the determination or decision.
- (b) If the appeal is against the imposition of a penalty:
- (i) Increase the penalty;
 - (ii) Decrease the penalty; or
 - (iii) Affirm the penalty;
- (c) Make such determination and/or grant such relief by way of declaration or direction as the NSWRL Appeals Committee, in its absolute discretion, considers just.
- (3) If the NSWRL Appeals Committee upholds a determination or decision or affirms or increases a penalty, any security lodged by the Appellant with the Secretary pursuant to **Sub-Rule 24(1)(d)** shall be forfeited to the NSWRL.
- (4) If the NSWRL Appeals Committee quashes or varies a determination or decision or decreases a penalty, any security lodged by the Appellant with the Secretary pursuant to **Sub-Rule 24(1)(d)** shall be refunded to the Appellant.
- (5) In the case of every appeal, the NSWRL Appeals Committee may direct the unsuccessful party to pay the other party's reasonable costs of and incidental to the appeal, save that in no case shall the NSWRL, any employee of the NSWRL or Counsel Assisting be directed to pay the costs of a party to an appeal.

Decision

56. (1) Any decision of the NSWRL Appeals Committee must be a decision arrived at by at least a majority of the constituents thereof.
- (2) When the NSWRL Appeals Committee has reached a decision, that decision shall be handed down to the parties either orally or in writing by the President.
- (3) When handing down a decision of the NSWRL Appeals Committee, the President is not bound to give reasons or to make any comment in respect of that decision but may, if the President considers it appropriate, give such reasons as he thinks fit.
- (4) Nothing in this Rule or in **Rule 54** should be taken to mean that a decision of the NSWRL Appeals Committee must be arrived at or handed down on the same day as the hearing of the appeal and the NSWRL Appeals Committee may, if the President considers it necessary, reserve its decision, in which event that decision shall be handed down to the parties as soon as practicable thereafter.
- (5) Subject only to **Rule 57**, once the decision of the NSWRL Appeals Committee has been given, the appeal is thereby concluded.

Rehearing

57. (1) If, after the NSWRL Appeals Committee has decided an appeal, new evidence becomes available which:
- (a) A party did not know about before the conclusion of the hearing before the NSWRL Appeals Committee;
- (b) That party could not have discovered if, before the conclusion of the hearing before the NSWRL Appeals Committee, that party had diligently made all investigations and inquiries which could have been made by that party; and
- (c) Is of such a character that, if considered in combination with the evidence already given in the appeal, there is a high degree of probability that the decision arrived at by the NSWRL Appeals Committee might have been different;

that party may, within ten (10) Business Days of the conclusion of the hearing before the NSWRL Appeals Committee, make a written application to the President in which an outline of the new evidence and the grounds for a review of the decision of the NSWRL Appeals Committee are set out, which application shall be made on notice to the other party to the appeal.

- (2) If the President forms the opinion in his absolute discretion that there is new evidence which satisfies the requirements of **Sub-Rule (1)** and which otherwise constitutes good grounds for review of a decision of the NSWRL Appeals Committee, the President shall direct the Secretary to reconvene the NSWRL Appeals Committee.
- (3) If the NSWRL Appeals Committee is reconvened to review a decision, that rehearing shall be conducted, so far as practicable, in accordance with the provisions of this Chapter applying to original hearings of the NSWRL Appeals Committee.

Decisions Final and Binding

58. All decisions of the NSWRL Appeals Committee shall be final and conclusive, are binding on, and shall be given effect to by the parties to an appeal.

Record of Proceedings

59. (1) All hearings of the NSWRL Appeals Committee shall be recorded and the recording thereby obtained shall be preserved by the Secretary for at least twenty (20) Business Days.
- (2) **Sub-Rule (1)** does not apply to any deliberations of the NSWRL Appeals Committee.

Appeal Does Not Operate as a Stay

60. Save where express provision about the staying effect of an appeal is elsewhere made
61. to the contrary, where a Club or a person bound by these Rules of Procedure has initiated an appeal, neither that initiation nor that appeal shall operate to stay the decision, determination or penalty about which the appeal is concerned.

Part 3.5 – Facilitative Provisions

Directions

62. (1) When a party desires to take any step in an appeal and the manner or form of procedure is not prescribed by these Rules of Procedure, then that party may, on notice to the other party, apply to the President for directions, and any step taken in accordance with the directions given by the President shall be deemed to be regular and sufficient.
- (2) Notwithstanding anything here or elsewhere either expressly or impliedly provided, the President may give all such directions and make all such orders as the President deems fit for the conduct, expedition and resolution of matters coming before the NSWRL Appeals Committee, including but not confined to directions and orders as to the length, form and nature of submissions, the reception of evidence, venue of hearings and procedural matters.
- (3) Without limiting **Sub-Rule (2)**, in giving such directions, the President may modify the provisions of these Rules of Procedure (including any time limits) in a way calculated to promote the just, speedy and inexpensive determination of an appeal.

Applications

63. (1) Where a party wishes to make application to the President pursuant to these Rules of Procedure or in any case where in these Rules of Procedure the manner or form of application is not prescribed, then that party shall follow the procedure set out in **Sub-Rule (2)**.
- (2) For the purposes of **Sub-Rule (1)**, any such application shall:
- (a) Be made on the giving of two (2) clear Business Days' notice to the Secretary and to the other party to the appeal, unless that other party or the President permits the giving of a shorter period of notice;
 - (b) Be made in writing, by telephone conferencing or as the President directs;
 - (c) Be determined by the President after both parties have had an opportunity to make submissions; and
 - (d) Be conducted in accordance with such directions as may from time to time be given by the President in that regard.

Telephone Conferencing

64. When requested to do so by either party, the Secretary shall arrange a telephone conferencing

facility to enable:

- (1) A party to make application pursuant to **Rule 63**;
- (2) The evidence of a witness to be taken.

Video Conferencing

65. When both parties consent or the President directs, the Secretary shall arrange a video conferencing facility to enable:

- (1) A party or a party's representative to appear at the hearing of an appeal;
- (2) The evidence of a witness to be taken.

Notices

66. Where in these Rules of Procedure a notice or material is required to be provided, it shall be taken to have been so provided if:

- (1) It is delivered to the recipient in person;
- (2) It is transmitted to the recipient by facsimile machine and confirmation is given by the recipient that the facsimile has been received; or
- (3) It is emailed to the recipient and receipt of that email is acknowledged by that recipient.

Part 3.6 - Miscellaneous Provisions

Publication of Outcomes

67. (1) After the conclusion of every appeal, the Secretary shall advise the Board and each Club of the outcome of that Appeal.
- (2) In addition to the requirements of **Sub-Rule (1)**, the Secretary shall also advise the Media of the decision of the NSWRL Appeals Committee and may publish short particulars of the outcome of every appeal on the NSWRL Website.

Appeals Not to be Invalidated for Technical Reasons or Want of Form

68. No appeal shall be invalidated merely by reason of any defect whether of substance or of form in any notice or report or by reason of non-compliance with any provision of these Rules of Procedure unless the President so directs.

Time

69. (1) Upon application by a party, the President may enlarge the time for doing any act or taking any proceeding allowed or limited by these Rules of Procedure or by the **NSWRL Rules** (including any of the other Schedules to the **NSWRL Rules** and any Guidelines made in accordance with the **NSWRL Rules**), upon such terms as the President deems fit.
- (2) Save for cases that in the opinion of the President, in his absolute discretion, may be characterised as exceptional, unless an application pursuant to **Sub-Rule (1)** is made prior to the expiration of the time allowed or limited by these Rules of Procedure in relation to which an enlargement of time is sought, the application shall not be entertained by the President.
- (3) Upon application by a party, the President may shorten the time for doing any act or taking any proceeding allowed or limited by these Rules of Procedure or by the **NSWRL Rules** (including any of the other Schedules to the **NSWRL Rules** and any Guidelines made in accordance with the **NSWRL Rules**), upon such terms as the President directs.

Chapter 4 – Particular Proceedings

Part 4.1 - NSWRL Rules

Application of this Part

70. The provisions of this Part apply to all appeals in the nature of proceedings brought pursuant to:
- (1) **Part 2** of the **NSWRL Rules** for the review of a determination made and/or a penalty imposed by the Chief Executive Officer or GM of Football pursuant to **Rule 10** of those Rules; and
 - (2) **Part 4** of the **NSWRL Rules** for the review of a cancellation or suspension of a person's registration pursuant to **Rule 22** of those Rules.

Application of Chapter 3

71. Subject to the specific provisions of **Parts 2 and 4** of the **NSWRL Rules**, the whole of **Chapter 3** applies to all appeals which are the subject of this Part.

Part 4.2 – Anti-Doping Policy

Application of this Part

72. The provisions of this Part apply to all appeals to, and reviews by, the NSWRL Anti-Doping Policy pursuant to the Anti-Doping Policy.

Application of Chapter 3

73. **Chapter 3** does not apply to any appeals or reviews which are the subject of this Part.

Anti-Doping Policy – Appeals and Reviews

74. The Anti-Doping Policy and, in particular, the Anti-Doping Policy, apply to all appeals and reviews which are the subject of this Part.

Part 4.3 - NSWRL Anti-Vilification Code

Application of this Part

75. This Part applies to all appeals that consist of a reference to the NSWRL Appeals Committee pursuant to the NSWRL Anti-Vilification Code.

Application of Chapter 3

76. Subject to any inconsistent provisions of the NSWRL Anti-Vilification Code, **Chapter 3** applies to all appeals to the NSWRL Appeals Committee which are the subject of this Part.

Procedure

77. The procedure to be followed by the NSWRL Appeals Committee for all appeals which are the subject of this Part shall be generally in accordance with the procedures set out in **Chapter 3**, with such modifications or adaptations as the President thinks fit.

Part 4.4 - NSWRL Judiciary Code of Procedure

Application of this Part

78. The provisions of this Part apply to all appeals brought pursuant to **Chapter 6** of the NSWRL Judiciary Code of Procedure.

Who May Appeal?

79. (1) Appeals to the NSWRL Judiciary may be brought by a Player pursuant to **Chapter 6** of the NSWRL Judiciary Code of Procedure but, although that Player's Club may assist the Player to so appeal, whether by the provision of any security for the appeal, legal representation, resources or otherwise, a Club may not appeal to the NSWRL Judiciary.
- (2) To remove any doubt, a Player may appeal to the NSWRL Judiciary without the consent or approval of his Club, provided that he otherwise complies with the requirements of **Chapter 6** of the NSWRL Judiciary Code of Procedure, including the provision of security for the appeal.

Application of Chapter 3

80. Save for **Rules 26 and 27**, **Chapter 3** does not apply to an appeal within the meaning of this Part.

NSWRL Judiciary – Appeals

81. **Chapter 6** of the *NSWRL Judiciary Code of Procedure* applies to all appeals which are the subject of this Part.

Part 4.5 - Player Registration Reviews

Application of this Part

82. The provisions of this Part apply to all appeals that consist of any review by the NSWRL Appeals Committee of the suspension or cancellation of the registration of a Player or the cancellation of the registration of a Player and the NSWRL Playing Contract for that Player, pursuant to the **NSWRL Rules** (including any Schedule to the **NSWRL Rules** and any Guidelines made in accordance with the **NSWRL Rules**).

Application of Chapter 3

83. **Chapter 3** applies to all appeals which are the subject of this Part, subject to the specific provisions of the relevant **NSWRL Rules** (including any Schedule to the **NSWRL Rules** and any Guidelines made in accordance with the **NSWRL Rules**).

Procedure

84. In all appeals which are the subject of this Part, the procedure to be followed by the NSWRL Appeals Committee shall be generally in accordance with the procedure set out in **Chapter 3** with such modifications or adaptations as the President thinks fit.

Chapter 5 - Transitional

Notification of Appointments

85. As soon as practicable after each is appointed, the Secretary shall publish on the NSWRL Website the names of the persons appointed to occupy the following positions:
- (1) The Secretary;
 - (2) The President; and
 - (3) The other members of the NSWRL Appeals Committee;

Proceedings under Superseded Forms of the NSWRL Playing Contract

86. (1) Where a Club and a Player are party to a form of an NSWRL Playing Contract that is not in the terms of, or has been superseded by the terms of the current form of the NSWRL Playing Contract approved by the NSWRL, and either or both of the Club and the Player are permitted or required thereby to:
- (a) Appeal to the NSWRL Appeals Committee;
 - (b) Refer a dispute to the NSWRL Appeals Committee for arbitration or determination;
or
 - (c) Otherwise seek a review from the NSWRL Appeals Committee;
- the NSWRL Appeals Committee shall be convened to hear and determine such appeal, reference or review.
- (2) In any case where a hearing of the NSWRL Appeals Committee is convened pursuant to **Sub-Rule (1)**, that hearing shall be conducted generally in accordance with the practices and procedures set out in these Rules of Procedure with such modifications or adaptations as the President thinks fit.

NSWRL Appeals Committee Procedural Rules

Form 1



NOTICE OF APPEAL

The Secretary
New South Wales Rugby League
Appeals Committee

Facsimile: (02) [insert]

TAKE NOTICE that I, _____ (“**Appellant**”), here by appeal from
(seek a review of) the whole / part of the determination / decision / imposition made by
on [DATE] _____, on the following grounds:

- 1.
- 2.
- 3.

AND TAKE FURTHER NOTICE that on [DATE] _____, I obtained the leave of the President
to so appeal / review and I have lodged the [insert applicable security amount if any as required by the
NSWRL Rules and any Guideline made thereunder] with you by way of security for the appeal.

Appellant:

Date:

Form 2



NOTICE OF WITHDRAWAL OF APPEAL

The Secretary
New South Wales Rugby League
Appeals Committee

Facsimile: (02) [INSERT]

I, _____, hereby withdraw my appeal / review against a decision /
determination / imposition made by _____ on [DATE], which appeal
/ review was initiated by Notice of Appeal dated _____.

Appellant:

Date:

Form 3



NOTICE OF CHALLENGE

The Secretary
New South Wales Rugby League
Appeals Committee

Facsimile: (02) [insert]

I, _____ (“**Appellant**”), hereby give you notice that, at the hearing of this appeal / review, I intend to challenge (insert sufficient particulars to ensure that the Respondent is aware by the terms of this Notice of the nature of the challenge to jurisdiction or constitution or otherwise).

Appellant:

Date:

Form 4



NOTICE OF HEARING

To: The Appellant, [INSERT NAME]

And: The Respondent, [INSERT NAME]

TAKE NOTICE that the appeal / review which is the subject of a Notice of Appeal dated _____ has been set down for hearing and determination by the New South Wales Rugby League Appeals Committee at the following place and time:

PLACE:

DATE:

TIME:

Secretary:

Date:

NSWRL Appeals Committee Procedural Rules

This 2020 Edition of the NSWRL Appeals Committee Procedural Rules (Schedule Five to the NSWRL Rules) is consolidated to 1 March 2020.

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