

Code of Conduct By-Laws

1 Interpretation

In these By-Laws:

“**ARU**” means the Australian Rugby Union Limited;

“**Bookmaker**” means a person or organisation in the business of receiving, negotiating, or settling bets;

“**Competition**” means any match played as part of a structured competition or series, a trial match, a friendly match, a match against a visiting team from another union or matches, trials or any other competitions involving a Rugby Body;

“**game**” means rugby football;

“**Laws of the Game**” means the Laws of the Game of the International Rugby Board;

“**match**” means a rugby football match;

“**Member Union**” means a union in membership of the ARU;

“**officer**” means a director, other officer or employee of the Rugby Body;

“**participant**” means a player (including an amateur or non-contract player), a referee, touch judge or other match official, a selector, coach, trainer, manager or other team official, or an individual involved in the organisation, administration or promotion of Rugby Football including a director, other officer or employee of a Rugby Body;

“**Rugby Body**” means the ARU, any Member Union or Affiliated Union of the ARU, or any Rugby Union, Club or other body in membership with or affiliated to a Member Union or Affiliated Union;

“**Rugby-related conduct**” includes behaviour which occurs outside the playing enclosure that may damage the image of the game or which may impair public confidence in the integrity and good character of participants, including, but not limited to, conduct during travel to or from either matches or authorised tours (whether within Australia or overseas), conduct when on tour, conduct at rugby functions and promotional events and other conduct where a participant is involved in activities connected with the ARU or its sponsors;

words in the singular include the plural and vice versa; and

a reference to a gender includes the other genders.

2 Object of these By-Laws

The ARU is committed to promoting and strengthening the positive image of the game and its participants in Australia. In light of this commitment, the Code of Conduct seeks to establish standards of performance and behaviour to ensure that participants act in a professional and proper manner and to ensure that the game is played and conducted with disciplined and sporting behaviour. The Code of Conduct also seeks to deter all on-field and rugby-related conduct that could damage the game by impairing public confidence in the honest and orderly conduct of matches and competitions or in the integrity and good character of participants. In addition, these By-Laws seek to ensure that every participant is liable to effective sanctions if they are found to have breached the Code of Conduct.

3 Code of Conduct

All participants in the game are bound:

- (a) not to bet or otherwise financially speculate, directly or indirectly, on the outcome or on any other aspect of a match or Competition which he or she is either involved in (whether as a player, official or in any other capacity) or connected to;
- (b) not to throw or fix a match, try to achieve a contrived outcome to a match or a Competition, or otherwise influence improperly the outcome or any other aspect of a match or a Competition;
- (c) not to provide information to a Bookmaker about a match or any aspect of a match which he or she is either involved in (whether as a player, official or in any other capacity) or connected to;
- (d) not to seek or accept a bribe or other benefit to do anything mentioned in sub-paragraphs (b) and (c);
- (e) to report immediately to the Managing Director and Chief Executive Office of the ARU in writing any offer of a bribe or other benefit to do anything mentioned in paragraph (b) and (c) or any attempt by any other person to do anything mentioned in paragraphs (a) or (d);
- (f) to promote the reputation of the game and to take all reasonable steps to prevent the game from being brought into disrepute;
- (g) not to engage in any Doping Practice as defined in the ARU's Doping By-Laws;
- (h) to comply with the ARU's Safety Directives for Referees, Coaches and Players;
- (i) not to repeatedly breach the Laws of the Game, including but not limited to, the Laws of the Game relating to Foul Play or Misconduct;
- (j) to accept and observe the authority of a referee, touch judge or other match official;
- (k) not to abuse, threaten or intimidate a referee, touch judge or other match official, whether on or off the field, or a selector, coach, manager or other team official;
- (l) not to show unnecessary obvious dissension, displeasure or disapproval, whether on or off the field, towards a referee, touch judge or other match official, his or her decision or generally following a decision of a match official;
- (m) not to use crude or abusive language or gestures towards referees, touch judges or other match officials or spectators;
- (n) not to do anything which is likely to intimidate, offend, insult or humiliate another participant on the ground of the religion, sexual orientation, disability, race, colour or national or ethnic origin of the person;
- (o) not to conduct themselves in any manner, or engage in any activity, whether on or off the field, that would impair public confidence in the honest and orderly conduct of matches and competitions or in the integrity and good character of participants; and
- (p) not to do anything which adversely affects or reflects on or discredits the game, the ARU, any Member Union or Affiliated Union of the ARU, or any squad, team, Competition, tournament, sponsor, official supplier or licensee, including, but not limited to, any illegal act or any act of dishonesty or fraud.

4 **Officers of a Rugby Body**

An officer must, in relation to the Rugby Body of which he or she is an officer:

- (a) act in good faith and in the best interests of the Rugby Body;
- (b) avoid all conflicts of interest between:
 - (i) the interests of the Rugby Body; and
 - (ii) his or her own interests or the interests of any other person, including another Rugby Body; and
- (c) not disclose to any person or use for his or her own purposes confidential information obtained as a result of the officer's relationship with the Rugby Body, including but not limited to deliberations of the board of directors or other governing organ of the Rugby Body.

5 **Duty to Comply**

Each Member Union and each Affiliated Union is obliged:

- (a) to comply with, and to require Rugby Unions, Clubs and other bodies and persons in membership with it or affiliated to it to comply with, these By-Laws; and
- (b) to adopt procedures for monitoring and disciplining breaches of the Code of Conduct approved by the ARU and notified to the Member Union and Affiliated Union from time to time for monitoring compliance with, and imposing sanctions for breaches of, these By-laws by participants under its jurisdiction or the jurisdiction of Rugby Unions, Clubs and other bodies in membership with it or affiliated to it.

A person may be an officer of more than one Rugby Body, in which case it is important for the person to distinguish the separate capacities in which he or she acts as an officer; for example, a director of the ARU, when acting in that capacity, must act in the best interests of the ARU in preference to the interests of any other Rugby Body of which he or she is an officer.

**APPENDIX TO THE CODE OF CONDUCT
PROCEDURES FOR MONITORING AND DISCIPLINING
BREACHES OF THE CODE OF CONDUCT**

1. Introduction

The following procedures have been established in order to assist in providing uniform disciplinary procedures for alleged breaches of the Code.

2. Definitions and Interpretation

In this Appendix:

Code means the Code of Conduct By-Laws;

Committee means the Conduct Committee constituted by a Rugby Body to investigate and conduct hearings in the name of the ARU in relation to alleged breaches of the Code and to impose sanctions, as constituted by the Rugby Body for the time being and for the purpose of hearing a particular matter;

Contract Participant means a participant who is currently receiving, or has received, Material Benefit;

Guidelines means any guidelines issued by the ARU in relation to these Procedures;

Managing Union means a Member Union which organises and supervises a particular competition or competitions;

Material Benefit means money, consideration, gifts or other benefits given to a participant in respect of such participant's participation in the game;

Principal Rugby Body Representation means the General Manager or President of the Rugby Body, or person acting in a similar or equivalent role;

Procedures means these Procedures for Monitoring and Disciplining Breaches of the Code of Conduct;

Senior legal practitioner means a person who is admitted to practice law in Australia and who at least [ten/five] years experience in legal practice;

State Union means the highest level Managing Union in any State or Territory where an alleged breach of Code occurs (eg. The NSWRU, QRU or ACTRU); and

Tribunal means the Conduct Tribunal established under clause 10 of these procedures as constituted by the ARU from time to time.

Where words appearing in these Procedures have been interpreted or defined in the Code, the Code interpretation or definition shall apply;

Words in the singular include the plural and vice versa; and

A reference to a gender includes the other genders.

3. Conduct Committees

3.1 Each Rugby Body must establish a Conduct Committee, which will have power to act in the name of the ARU to determine all alleged breaches of the Code by participants under its jurisdiction.

3.2 For the purposes of clause 3.1 where the Rugby Body is a:

- a. Club; where the alleged breach does not occur at a Competition and the participant against whom the breach is alleged usually plays for, or is connected to the club, the club will be the Rugby Body for the purpose of this Code;
- b. A Managing Union; where the alleged breach occurs at a Competition organised by the Managing Union will be the Rugby Body for the purpose of this Code.

3.3 Each committee shall consist of 3 participants of the Rugby Body nominated by the Principal Rugby Body Representative. The principal Rugby Body Representative may nominate themselves to be a participant on the Committee. One of the three participants must be appointed as Chairperson.

4 Alleged Breaches of the Code

4.1 Where the Rugby Body is notified by a participant, or for any other reason believes, that a participant under its jurisdiction may have acted in breach of the Code, it must, in a timely manner, notify:

- a. the participant in respect of whom a breach has been alleged;
- b. the relevant committee,
- c. the State Union; and
- d. the ARU,

of the nature of the alleged breach.

4.2 The notification required by clause 4.1 must be the way of a standard Code of Conduct Notification Form and must include particulars of the alleged breach.

4.3 Subject to clauses 8 and 9 the committee:

- a. must investigate the alleged breach of the Code;
- b. may impose a disciplinary measure, in accordance with the Guidelines, taking into account any relevant aggravating or mitigating circumstances; and
- c. must prepare a written statement of its factual findings, decision and reasons and provide copies of that statement to:
 - i. the participant in respect of whom a breach has been alleged;
 - ii. the relevant rugby body;
 - iii. the State Union; and
 - iv. the ARU

4.4 The investigation referred to in the clause 4.3a must be commenced as soon as reasonably practicable after the Committee receives notification of the alleged breach under clause 4.1.

4.5 A Committee will have power to regulate its own procedure. Subject to its obligation to give proper consideration to the matter before it, a Committee should generally conduct hearings with as little formality, and with as much expedition, as is permitted by the nature of the matter.

5 Alleged breach by Contract participant

- 5.1 Where a Rugby Body becomes aware of an alleged breach of the Code by a Contract Participant under its jurisdiction, in addition to the obligations contained in clause 4, the Rugby body must ensure that the Chairperson of the relevant Committee is a Judge, a retired Judge or a senior legal practitioner with preference to be given to persons who have previous experience in proceedings relating to Rugby matters.

6 Appeal

- 6.1 Subject to clause 6.5, a participant against whom a Committee has made an adverse finding pursuant to clause 4.3, may appeal to the Committee of the State Union against the decision, including any disciplinary measure imposed.
- 6.2 Written notification of an appeal under 6.1 must be received by the secretary of the State Union within five business days of the making of the adverse finding.
- 6.3 A State Union which receives notice of an appeal against the decision of a Committee must notify the ARU of that appeal within 2 business days of receiving such notice.
- 6.4 Subject to clauses 8 and 9, the State Union, on the expiry of seven business days from the receipt of notification of the appeal under 6.2:
- a. may refuse to hear the appeal;
 - b. may conduct a fresh investigation of the alleged breach of the Code, however it may have reference to documents prepared by a Committee in the course of the initial investigations into the alleged breach;
 - c. may confirm, modify or dismiss the decision of the Committee;
 - d. may confirm, modify or dismiss the disciplinary measure imposed, provided that any change to the disciplinary measure imposed takes into account the Guidelines and any relevant aggravating or mitigating circumstances;
 - e. must make a statement in writing stating its findings of fact, reasons and decision and send copies of that statement to the relevant participant, the Rugby Body and the ARU.
- 6.5 Any appeal against an adverse finding made by the committee of a State Union must be made to the Tribunal adopting the same procedures set out in 6.1 to 6.4 above save for the substitution of “State Union” with “ARU”.

7 Further particulars of alleged breach

- 7.1 If requested by the ARU, a Rugby Body must send to the ARU a report detailing further particulars of the alleged breach of the Code.
- 7.2 The report in 7.1 must:
- a. be in writing;
 - b. provide any information requested by the ARU; and
 - c. provide any other information that the ARU would reasonably need to make an informed assessment of the nature and severity of the alleged breach of the Code.

8 State Union Intervention and Representation

- 8.1 Subject to clause 9, where the State Union receives notification of an alleged breach of the Code by a participant, either from a Rugby Body under clause 4.1 or from any other source the State Union has the right to:
- a. declare that the procedure referred to in clause 4.3 must be conducted by the Committee of the State Union if, in the opinion of the State Union, the alleged breach of Code negatively affects, or has potential to negatively affect, the image of the State Union or the game of Rugby; or
 - b. appoint a representative to the Committee required to conduct the procedure under clause 4.3, in place of the committee member that would otherwise sit. If there is any dispute, the State Union may determine which Committee member is to be replaced by the State Union representative; or
 - c. be given the opportunity to be heard by the Committee;
- 8.2 The State Union must notify the Committee from whom the State Union received notification under clause 4.1 of its decision whether to exercise the rights in paragraphs a., b. or c. within **[seven days]**.
- 8.3 No decision, with the exception of an interim decision, can be made before the Committee has received the notice in paragraph 8.2.

9 ARU Intervention and Representation

- 9.1 Where the ARU receives notification of an alleged breach of the Code by a participant, either from a Rugby Body under clause 4.1 or from any other source the ARU has the right to:
- a. declare that the investigation must be conducted by the Tribunal if, in the opinion of the ARU, the alleged breach of the Code negatively affects, or has potential to negatively affect, the image of the ARU or the game of Rugby; or
 - b. appoint a representative to the Committee required to conduct an investigation under clause 4.3, in place of an existing Committee member that would otherwise sit. If there is any dispute, the ARU may determine which Committee member is to be replaced by the ARU representative; or
 - c. be given the opportunity to be heard by the Committee.
- 9.2 The ARU must notify the committee from whom the ARU received notification under clause 4.1 of its decision whether to exercise the rights in paragraphs a., b. or c.
- 9.3 No decision, with the exception of an interim decision, can be made before the Committee has received the notice in paragraph 9.2.
- 9.4 Where the ARU receives notification of an appeal to a State Union under clause 6 the ARU has the right to:
- a. declare that the procedure referred to in clause 4.3 must be conducted by the Tribunal if, in the opinion of the ARU, the alleged breach of the Code negatively affects, or has potential to negatively affect, the image of the ARU or the game of Rugby; or

- b. appoint a representative to the Committee required to conduct an investigation under clause 4.3, in place of an existing Committee member that would otherwise sit. If there is any dispute, the ARU may determine which Committee member is to be replaced by the ARU representative; or
 - c. be given the opportunity to be heard by the Committee.
- 9.5 The ARU must notify the Committee hearing the appeal of its decision whether to exercise the rights in paragraphs a., b. or c.
- 9.6 No decision, with the exception of an interim decision, can be made before the Committee has received the notice in paragraph 9.5.
- 9.7 At all times the rights of the ARU under this clause 9 supersede those of a State Union under clause 8. The exercise by the ARU of the rights provided by this clause 9 preclude the exercise or operation by a State Union of the rights provided by clause 8.

10 Establishment of Conduct Tribunal

- 10.1 The ARU will establish from time to time a Tribunal to investigate and conduct hearings in relation to alleged breaches of the Code, to impose appropriate sanctions where the Tribunal finds that a breach has occurred, and to hear appeals from the Committee of a State Union.
- 10.2 The Tribunal will consist of three members, to include:
 - a. as the Chairperson, a Judge, retired Judge or senior legal practitioner. Preference will be given to a person with prior experience in related to Rugby matters;
 - b. two other members to be selected in the ARU's absolute discretion.
- 10.3 The Tribunal will have power to regulate its own procedure. Subject to its obligation to give proper consideration to the matter before it, the Tribunal should generally conduct hearings with as little formality, and with as much expedition, as is permitted by the nature of the matter.
- 10.4 The Tribunal will be the forum for the investigation, hearing the disciplinary of any alleged breach of the Code by the Contract Participant employed by the ARU during the term of that Contract Participant's employment. The Tribunal will also be the forum for the investigation, hearing and discipline of any Contract Participant employed to play with any Australia Super 12 team during the course of the Super 12 (or any successor competition).

11 Review of Committee decision by Tribunal

- 11.1 In addition to the Tribunal's role under clause 10, the Tribunal may, at the request of the ARU, review the decision of any Committee.
- 11.2 The Tribunal:
 - a. may conduct a fresh investigation of the alleged breach of the Code, however it may have reference to documents prepared by a Committee in the course of the initial investigations into alleged breach;
 - b. may confirm, modify or dismiss the decision of the Committee;

- c. may confirm, modify or dismiss the disciplinary measure imposed, provided that any change to the disciplinary measure imposed takes into account the Guidelines and any relevant aggravating or mitigating circumstances;
- d. must make a statement in writing stating its finding of fact, reason and decision and send copies of that statement to the relevant participant, the Rugby Body and the ARU.

12 Compliance

- 12.1 All Rugby Bodies and participants are deemed to have full knowledge of these procedures and any Guidelines in relation to these Procedures.
- 12.2 A Rugby Body must ensure it complies with the Procedures and Guidelines and must take reasonable steps to inform each participant under its jurisdiction of the terms of the Procedures and Guidelines.
- 12.3 A Rugby Body or participant who fails to comply with these Procedures and Guidelines is liable to sanctions from the ARU.

13 General

Each Rugby Body will be responsible for all costs associated with establishing a Committee, conducting investigations and hearings.

**As of 16 November 2015*