

IDRU JUDICIARY PROCEDURES – EXPLANATORY NOTES

1. This document incorporates, with appropriate amendments, many of the provisions of the IRB's *Regulations relating to the Game* (Regulation 17 –Illegal and/or foul play and misconduct). Those provisions are incorporated to a much less extent in the current Judiciary Procedures.
2. Clauses 2 to 4 incorporate provisions of the IDRU Constitution and Competition Rules relating to the composition and functions of the Judiciary. Many other changes to the current procedures are designed to ensure as far as possible that there is consistency with those documents.
3. Clauses 5, 7 and 9 have been added to deal with 2 of those functions not addressed in the current Judiciary Procedures –
 - temporary suspensions
 - protests and disputes.
4. Clause 6.7 amends the provision in the current Judiciary Procedures (clauses 4.2 to 4.4) relating to standard of proof for consistency with the IRB Regulation. The explanatory note in the new document (taken from the Regulation) clarifies the intention of the clause.
5. Clause 8 relating to citing complaints provides that those complaints are made directly to the *judiciary* for determination rather than to the Board. The current requirement to refer the complaint firstly to the Board appears to be unnecessary, delaying determining by the sub-committee specifically charged with the function of that determination and inconsistent with the IRB Regulation.
6. Clause 14 relating to appeals is significantly different to the provisions in the current document. Appeals are made to the IDRU board instead of an appeals sub-committee or tribunal (both expressions are used for no apparent reason). The current document means that an appeal lies from one sub-committee to another. It is difficult to see how an appellant or anyone else could expect a better result from that process. In any event, clause 102 of the Constitution most recently adopted by the IDRU provides that a party to proceedings before the judiciary can appeal to the board against a finding or decision of the judiciary.
7. The current procedures provide that decisions of the judiciary be published on the IDRU website. Having regard to the fact that the website is accessible to people other than those having a legitimate interest in those decisions, that provision has been left out.
8. Appendix 2 – Referee's report on sending off is taken from the Regulation. I believe that it should incorporate more of the information in the current IDRU form but I am having some difficulty with the software as discussed with Arthur and will seek his assistance to amend.
9. The timeframes for taking certain actions need to be reviewed. I have deliberately made them fairly brief in the interests of having matters resolved as soon as practicable subject to affording natural justice.

John Peedom
10 Jan 2009