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Tribunal allows urgent appeal against decision not to deduct competition points from rugby league team fielding ineligible player

The Sports Tribunal allowed an urgent appeal by Southern Zone Rugby League against a decision of the New Zealand Rugby League Appeals Committee (NZRLAC) not to deduct competition points from Counties Manukau (CM) who fielded an ineligible player contrary to the relevant rules in a match against the Canterbury Bulls. The NZRLAC overturned a decision of the NZRL Football Committee (NZRLFC) deducting two competition points and fining CM.

The outcome of the appeal could change competition points and potentially affect which teams qualify for the national final on Saturday 18 October. The appeal was filed on Monday 13 October and an urgent hearing was held on Wednesday 15 October with the Tribunal issuing its decision after the hearing. Reasons for the decision have also since been issued.

The NZRLAC decided that, while there was a breach of the rules by CM fielding an unregistered and ineligible player Albert Vete (V) and the rules set out a penalty of points deduction, CM took all reasonable steps to satisfy themselves of V's eligibility and others should have warned CM of a problem. It quashed the NZRLFC decision which deducted competition points.

The Tribunal disagreed. It was CM's responsibility to ensure that they didn't field an unregistered and ineligible player and CM hadn't done enough to ensure this.

V, who was registered with the NZ Warriors, told CM that he was also registered with an Auckland club (which was an eligibility requirement) but that was incorrect. However, there was no evidence that CM directly enquired of V or otherwise as to whether he fulfilled the other required eligibility criteria.

CM made an enquiry to NZRL about player registrations but didn't get a reply. Nevertheless they included V in their team. That was taking a risk. It wasn't reasonable to assume that because there was no response there was no problem and CM didn't follow up their enquiry with sufficient effort in the circumstances. There were other avenues CM could have followed.

The NZRLAC appeared to consider the substantial fault was the failure of NZRL or Auckland Rugby League to warn CM of a potential problem, and it effectively took the onus away from CM and placed it on others.

But the clear obligation was on CM to field a team of eligible players and there was significant fault when they failed to follow up on the enquiry they initiated. The relevant rules put CM on notice and the responsibility was theirs from the beginning.

The Tribunal was satisfied that there wasn't an available evidential basis for the NZRLAC's conclusion. It must have been apparent to all involved that V had been playing semi-professional sport and there was a need to be careful and cautious as to eligibility.

The Tribunal allowed the appeal and ordered that the decision of the NZRLFC be reinstated.

The decision in this case is available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Southern Zone Rugby League v New Zealand Rugby League & Counties Manukau Zone* (ST 12/14).