

Agenda – Meeting of the National Authority: 20 November 2003

The National Authority met on the evening of 20 November 2003 convening at 7.45 pm. There were present John Arkinstall, Warren Lazer, Eric Ramshaw and Eilis Magner (chair).

## **1. Reference re Spectator Control**

The first item considered had been put forward in a letter received in March 2003.

The letter reported an incident that may have occurred at the table in these terms:

The session is only into its second or third table when a non-player pulls up a chair behind North and becomes a spectator. Over the next two or three tables - and there are four boards a table - the spectator maintains his/her silence throughout the auction and play but, after each board has been played, advises at least one player - and sometimes two - what he/she should have done. Neither North nor East nor West is obviously disturbed by the spectator's presence and behaviour, but South feels his/her concentration waning and politely asks the spectator to leave the table. The spectator refuses and the director is called. The director suggests to the spectator that it is common sense and courtesy that the spectator leave the table but the spectator insists that there is nothing in the most recent rules (1997) which requires him/her to withdraw. The director retires, and the spectator takes a stand 'on principle' and remains in his/her position for much of the session

The National Authority referred first to the provisions in Law 76.3, which relevantly reads:

“During the round a spectator must refrain from mannerisms or remarks of any kind (including conversation with a player). The term “round” is defined in Chapter I Definitions as “A part of a session played without progression of players.”

The National Authority noted that on the account given the spectator in question was in breach of Law 76.3 in “after each board has been played, advising at least one player and sometimes two what he/she should have done”. In the words of the law this constitutes offering “remarks of any kind” during the round..

The letter also posed the following questions:

- a. whether any player can require a spectator to withdraw from the vicinity of the table

The National Authority noted that Law 76.4 provides that: “A spectator must not in any way disturb a player”.

The National Authority was of the view that where the presence of a spectator or of a particular spectator at the table disturbs a player, the law confers a right on the player to request the spectator to withdraw from the vicinity of the table. The spectator's mere presence may be disturbing in a number of ways, for example because of a personal relationship with a player or because of a perfume the player is wearing, regardless of the behaviour of the spectator.

b. as a corollary, whether a player has the right to refuse to continue to play while the spectator remains at the table

The National Authority noted that Law 81 Part C provides that "The director's duties and powers normally include the following:

3. to establish suitable conditions of play and to announce them to contestants.
4. to maintain discipline and to ensure the orderly progress of the game."

The National Authority was of the view that any suggested right of a player to refuse to continue to play while the spectator remains at the table could not be maintained in the light of this part of the laws. The player's proper course of action is to call the director's attention to the fact that the spectator's presence is disturbing the player and to request the director to take appropriate action. The director's appropriate action in these circumstances is to request the spectator to withdraw.

c. whether a spectator can under some circumstances refuse to withdraw from the table

It follows from Law 76.4 and Law 81.C.4 that a spectator cannot within the terms of the laws of bridge refuse to withdraw from the table.

d. whether a director has the right to insist that a spectator leave the table, regardless of whether the spectator has infringed the rules regarding spectators

It follows from Law 76.4 and Law 81.C.4 that the director has the right to direct the spectator to leave the table regardless of the behaviour of the spectator. It is not, however, within the legal power of the director to enforce such a direction in the face of recalcitrance on the part of the spectator. Given a refusal by the spectator to comply with a lawful order of the director to leave the table, the director's recourse is to send for the police.

## **2. Reference from QBA re Appeal at Gold Coast Congress –**

email previously circulated, appeal committee decision in hard copy available at meeting, plus published comment by party, and comment written for publication by chair of appeal committee, following passage from earlier report of National Authority is relevant:

The National Authority of the Australian Bridge Federation decided, several years ago, that it will limit its functions to the interpretation of the

said Laws of Bridge and will not decide facts or change or purport to change any ruling that has been made under those Laws. It follows from this decision that the appropriate procedure for the National Authority to adopt is analogous to the procedures of the stated case as known to the courts of law in Australia. This means that the National Authority will consider the application of the Laws of Bridge to a set of facts that are hypothetically assumed to exist.

As is the following passage from the description of the terms of reference of the National Authority issued on the authority of the Management Committee:

- For law 93, the National Authority is the national authority for appeals at all ABF events. Will not generally overturn the result of an event but may overturn the decision of an appeal and may order a re-hearing.

In its discussion of this matter, the National Authority noted the terms of Law 93 C “After the preceding remedies have been exhausted, further appeal may be taken to the national authority.” The National Authority further noted a discrepancy in the facts between the published comment by the party and the appeal report. The National Authority noted that in the terms of its procedure, it had no alternative but to accept the facts as found by the appeal committee to exist. On this basis and without commenting on the merits of the decision the National Authority was of the view that no obvious error in the decision existed which would call for correction by the National Authority.

### **3. Reference from QBA re Sponsorship and limits of event:**

Message from President, QBA set out here:

Date: Wed, 19 Nov 2003 08:47:41 +1000

From: Keith McDonald <keith@uqp.uq.edu.au>

Subject: National Authority

To: 'Magner Eilis' <esmagner@bigpond.com>

Cc: secretariat@netspeed.com.au, 'Kim Ellaway' <qldbridge@ozemail.com.au>

Organization: University of Queensland Press

X-Mailer: Microsoft Outlook, Build 10.0.4510

Importance: Normal

X-Scanned-By: MIMEDefang 2.35 on UQ Mailhub

Original-recipient: rfc822;esmagner@bigpond.com

Dear Eilis, At the Gold point event in Cairns we had an incident at the bar after the final session but before the presentation of prizes. A disciplinary hearing was required. The first question was did the QBA have jurisdiction. The jurisdiction was only argued from the point of view of the time line. It would have been an interesting point re ABF position v's QBA. We ( the ABF) charge a fee but I know no contract has been signed for this event.

The question for either you or the National Authority is at what point does the jurisdiction over an event end? If we have a statement on this issue we can publish it in the ABF Newsletter.

Thanks, Keith.

Law 80 – Sponsoring Organisation states:

A sponsoring organization conducting an event under these laws has the following duties and powers:

B. Advance Arrangements

To make advance arrangements for the tournament, including playing quarters, accommodations and equipment.

The Tournament Regulations of the ABF contain the following passage:

"These Regulations (the "Regulations") shall apply to all tournaments conducted by the Australian Bridge Federation ("ABF") either alone or in cooperation with State or other bodies. Unless the context otherwise requires the expression "ABF Tournament" where used in the Regulations shall include any supplementary or side event played during a championship festival or congress conducted by the ABF or on its behalf as well as each major event forming part of such championship festival or congress."

The National Authority was unable to find anything directly relevant in the Laws or in the Regulations as currently framed. Inasmuch as the sponsoring organization has responsibility to make arrangements for the tournament, it is arguable that where an incident threatens to bring the game of bridge and the Sponsoring Organisation into disrepute, members of constituent organizations would have an obligation to cooperate with the sponsoring organization. In terms of timeline the Tournament must be considered to start when officials and players come together to prepare to run and play in the first session, and to continue up to and until the conclusion of the final prizegiving, if this is held within a reasonable time after conclusion of play. The National Authority noted that it had only been asked to comment on jurisdiction in terms of time-line. It noted that there was on the brief facts outlined an additional difficulty for jurisdiction arose in terms of venue.

#### **4. Revoke law consultation**

The World Bridge Federation had requested comment on the proposed revision of the revoke laws. While noting that other Committees should also be asked for comment, the National Authority considered the communication from Grattan Endicott set out here:

**Enquiry to be put to NBOs in consequence of discussions of the Laws Review Subcommittee in Monaco, November 2003.**

The WBF Laws Review Subcommittee decided in Monaco that its proposed revision of the Code of Laws, planned to come into effect on 1<sup>st</sup> January 2006, will make a change in the revoke laws so that only one trick is transferable following a revoke unless equity demands that a greater number be transferred.

However there were a variety of opinions as to the way in which this principle might be applied. The Subcommittee decided to seek opinions from NBOs and Zones as to which of the following is preferred when a revoke occurs:

1. That a trick is to be transferred regardless of whether the offending side has won a trick or not.
2. That a trick should be transferred if the offending side has won a trick regardless of whether that trick is won before or after the revoke.
3. As in 2 but not to involve a trick won with a card that could not fail to win a trick by any legal play (or perhaps limited solely to the case of a trick won by the highest trump card that had not been played when the revoke occurred).
4. That a trick should be transferred only when the offending side has won the revoke trick or a later trick.
5. As in 4 but limited as in 3.

Please email replies to  
[gesta@tiscali.co.uk](mailto:gesta@tiscali.co.uk) and copy also to [grandeval@vejez.fsnet.co.uk](mailto:grandeval@vejez.fsnet.co.uk)  
and use the subject line as in this email.  
~ Grattan Endicott ~  
Co-ordinator, WBF Laws Drafting Sub-committee.  
18<sup>th</sup> November 2003.

Without commenting on the merits of the proposed revision the National Authority was firmly of the view that the fourth alternative should be preferred. The basis for this view is that ease of application is essential and that any alternative which contemplated one side winning 14 tricks, or which changed the result of play before the revoke occurred was unacceptable.