

National Authority Report.

In 2006 Fred Curtis, Richard Grenside, Warren Lazer and Eric Ramshaw served on the National Authority of the Australian Bridge Federation with Eilis S Magner, General Counsel as Chair. The National Authority met once on Friday, January 27 in Canberra at Rydges, Lakeside. The meeting was attended by Richard Grenside, Eric Ramshaw and Eilis Magner. Apologies were received from Warren Lazer and Fred Curtis.

The committee had been asked to consider five matters as follows:

1. Psychic Bidding
2. Adjusting Scores after a late discovery of a revoke
3. Membership of Appeals Committees
4. Penalties for Mobile Telephone
5. Preventing an Insufficient Bid

Under the heading of other business the National Authority also considered briefly the following matters:

6. Manufacture of hands to specifications
7. Control of Spectators
8. Players not in good standing

1. Psychic Bidding

The National Authority considered the letter which had been referred to it by the Management Committee which was a protest against psychic bidding.

The National Authority referred to chapter 1 of the Laws of Duplicate Bridge 1997 where the term Psychic Call is defined as:

“a deliberate and gross misstatement of honour strength or suit length”.

The National Authority considered Law 73E which provides that

A player may appropriately attempt to deceive an opponent through a call or play (so long as the deception is not protected by a concealed partnership understanding or experience). It is entirely appropriate to avoid giving information to the opponents by making all calls and plays in unvarying tempo and manner.

The National Authority was also referred to the treatment of Psychic Bidding in the World Bridge Federation's Code of Practice as set out here:

A psychic call is lawful if not based upon a partnership understanding. No penalty or score adjustment may be awarded against such lawful action. A partnership understanding exists if it is explicitly agreed by the partnership; alternatively it may exist because it is the implicit consequence of one of a number of circumstances. To deem that such an implicit understanding exists it must be determined that the partner of the player who psyches has a heightened awareness that in the given situation the call may be psychic. This will be the case only if in the opinion of the committee one of the following circumstances is established:

- a. similar psychic action has occurred in the partnership on several occasions in the past, and not so long ago that the memory of the actions has faded in the partner's mind - habit is to be identified when an occurrence is so frequent that it may be anticipated; or
- b. in the recent past a similar psychic call has occurred in the partnership and it is considered the memory of it is so fresh that it cannot have faded from mind; or
- c. psychic calls of various kinds have occurred in the partnership with such frequency, and sufficiently recently, that the partner is clearly aware of the tendency for such psychic calls to occur; or
- d. the members of the partnership are mutually aware of some significant external matter that may help recognition of the psychic call.

A psychic call which is found on the above basis to be a matter of partnership understanding is disallowed and an artificial score adjustment may be awarded, together with a procedural penalty to the offending side if deemed appropriate. Players who are found to have any explicit agreement concerning psychic calls, or an implicit agreement concerning a particular kind of psychic call, are to be reminded that they have a partnership agreement that is subject to the regulations established under the authority of Law 40D.

A partnership may not defend itself against an allegation that its psychic action is based upon an understanding by claiming that, although the partner had an awareness of the possibility of a psychic in the given situation, the partner's actions subsequent to the psychic have been entirely normal. The opponents are entitled to an equal and timely awareness of any agreement, explicit or implicit, since it may affect their choice of action and for this reason the understanding must be disclosed.

The National Authority was conscious of the power conferred on sponsoring organizations by Law 80 F which provides that a Sponsoring Organisation may publish or announce regulations supplementary to, but not in conflict with these laws.

An example of a supplementary regulation relating to psychic bids is found in the ACBL regulations which read as follows:

6.1 General

6.1.1 A psychic bid is a legitimate ploy as long as it contains the same element of surprise for the psycher's partner as it does for the opponents.

6.1.2 Systemic psyching of any kind is not permitted. You may not use any convention to control a psyche.

6.1.3 You may not psyche a game forcing or nearly game forcing artificial opening. Thus, for example, you may not psyche an Acol 2 opening

or a Benjamin opening 2C or 2D. In addition you may not psyche a Multi-2 opening in a Level 3 event (see 13.4.2).

6.1.4 *Watson*: a double of 3NT asks your partner not to lead the suit you've bid: you may not use this if you have psyched.

6.1.5 Frivolous psyching, suggesting you have lost interest in the competition or are enjoying yourself at the expense of others, is a breach of the Laws. (Law 74A2, 74B1, 74C6)

The National Authority took the view, in the light of these authorities, that there were limited options open to the Australian Bridge Federation for dealing with the perceived problem caused by psychic calls. It was inconsistent with the laws to outlaw psychic bidding completely.

It was suggested, however, that the Australian Bridge Federation, or any other Australian Sponsoring Organisation, could publish a regulation which put the onus on the partnership to which a player who has made a psychic call belongs to establish that the partnership had no such understanding or experience.

It was also suggested that it would be possible to regulate psychic bidding by adopting a regulation analogous to that adopted by the ACBL (above) providing that a partnership could not psyche their system's unequivocal game-forcing bid.

While members of the National Authority present at the meeting were in favour of adopting such regulations, it must be noted that adverse comment on the desirability of such a move has been received from a member not present at the meeting. The jurisdiction of the National Authority is however clearly limited to indicating what is possible within the terms of the Laws of Bridge.

2. Adjusting Scores after a late discovery of a revoke:

This issue was put before the National Authority in a letter from the late Roger Penny. Roger requested the National Authority's advice on the interpretation of Law 64.C. The issue concerned a revoke which was not discovered at the table but was discovered within the time limit for "correction of errors. The question was whether the adjusted score

should be awarded **equally** to both sides, or whether it was correct to award a split score so that the revoking pair retained the score that had been recorded.

Law 64 C reads as follows:

When, after any established revoke, including those not subject to penalty, the Director deems that the non-offending side is insufficiently compensated by this Law for the damage caused, he shall assign an adjusted score.

The National Authority referred to Law 12 C Awarding an Adjusted Score. In both subclause 1 and subclause 2, the law refers to the fact that “The scores awarded to the two sides need not balance.” On the basis that if it was intended that the score here could be split the law would clearly say so; and, that it is unjust that an offending side should profit from the fact that the revoke is only discovered later, the National Authority ruled that the adjusted score should be awarded to both sides.

3. Membership of Appeal Committees

The Management Committee had asked the National Authority to consider a question about the Membership of Appeals Committees.

The question was whether a breach in appropriate procedures occurs when those who were involved in discussions on the original ruling are later involved in deciding the appeal. The problem might arise when directing staff or appeals advisors are also members of the appeals committee.

On the basis that one of the requirements of natural justice is that the decision maker not have formed an opinion before the case has been presented, the National Authority formed the view that it was not appropriate that those involved in discussions on the original ruling are later involved in deciding the appeal and that it would be recommended to the ABF Regulations Committee should be asked to consider clarifying this point in the Tournament regulations. State authorities should also be asked to consider whether their regulations needed to be amended to clarify this point.

4. Penalties for Mobile Telephones

The National Authority had before it the Director’s Report on an Incident at the Spring National Womens Teams. The report related a dispute as to whether a particular player’s phone had rung and the refusal of the Chair of the Appeals Committee to consider the application of the penalty. In the circumstances the Director decided that penalties cannot be imposed.

The National Authority was conscious of the problems caused by regulations against the use of mobile telephones. The Sponsoring Organisation is able under Law 80F to pass a regulation imposing a penalty for use of mobile telephones during play. Law 92 Contestant’s Right states that:

A contestant or his Captain may appeal for a review of any ruling made at his table by the director

In the circumstances where an Appeal Committee refused to hear the appeal it is correct that the penalty should not be applied.

The National Authority has no suggestions as to how the problems can be resolved but suggests that the Management Committee of the ABF should ask the Regulations Committee to consider it.

Preventing Insufficient Bid

The following question was referred to the National Authority at the instigation of Laurie Kelso

Does the National Authority have an opinion on the following two scenarios:

a) In a slam investigation auction (using written bidding) a player bids 5NT (king ask) and as his partner begins to write down "5" he calls out "stop", thus preventing partner from making an insufficient bid.

b) The dealer (using bidding boxes) sees his partner begin to remove a bid (not a green "pass" card) from the box, where upon he reaches across and prevents his partner from getting the bidding cards any more than half-way out of the box. (Please assume that the intervention occurred before the point where regulation defines the partner's action as a call).

Are the above actions permitted or not permitted (legal or illegal)?

The National Authority noted that the only reference to “preventing an irregularity” in the Laws of Duplicate Contract Bridge 1997 is found in the laws which refer to attempts by dummy to prevent an irregularity (Law 9A2b(2) and Law 42B2). Such attempts are legitimate.

A concern might arise where despite the action being prevented some unauthorised information is passed to partner (Law 16). The National Authority expressed the opinion that the director has power to take action where unauthorised information is conveyed and that, in the absence of unauthorised information, an attempt to prevent an irregularity in the bidding is legitimate.

Other Business:

Under this heading members of the National Authority raised three matters:

6. Use of Dealing Programs

There was some reason to believe that a number of clubs who were employing dealing programs were entering specifications for the hands to be used in competitive sessions. The capability to deal hands to specifications was clearly legitimate where partners

wished to practice bidding sequences, the question arose as to whether some control on use of such specifications in competition should be considered.

The National Authority noted Law 6 A and Law 6 B and expressed the opinion that the use of specifications was against the spirit of the Laws. It would be appropriate for the ABF to put this item on the agenda of a forthcoming Presidents Meeting and possibly to call it to the attention of the WBF.

7. Control of Spectators

A question was raised as to whether a player had a right to object to any and all spectators (to bar kibitzers). It was noted that the National Authority had considered the application of the laws regarding players' rights to object to particular spectators in 2003.

Law 76 states that a spectator must not in any way disturb a player. A player has a right to ask a director to request a spectator to leave the table where the particular spectator is disturbing the player. If a group of spectators are all indulging in behaviour that disturbs the player, if for example the spectators were commenting in any fashion on the person of the player or on the play then the player may ask that each of the offending spectators be removed. A player may not ban spectators generally.

9. Players not in good standing:

A question was raised as to the proper approach of the Australian Bridge Federation to applications to enter events from players who are not in good standing with the Australian Bridge Federation or with a particular State Association. It is clear from Law 80 D. that the sponsoring organisation has the right to establish conditions of entry. Further discussion of this point was not a matter for the National Authority.

This report of the meeting was prepared by
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It has been circulated to, read by and agreed to by all members of the National Authority.