

# Rugby League Players Charged with Obscene Exposure

Two Canterbury-Bankstown NRL players will face [Downing Centre Local Court](#) over their actions on 'Mad Monday', and a third has been given a [criminal infringement notice](#) (CIN) after allegedly being photographed and videoed naked, drunk and vomiting at the Harbour View Hotel at The Rocks in Sydney.

## Criminal charges

Adam Elliott and teammate Asipeli Fine have been [charged with obscene exposure](#), while the player who received the CIN has not been named.

The licensee of the hotel has also been issued with five penalty notices under the Liquor Act, including two for permitting indecent behaviour on licensed premises.

## Hefty financial penalties

The club itself imposed fines on four players: Elliott and Fine have each been fined \$25,000 (with \$10,000 suspended), while Marcelo Montoya and Zac Woolford received fines of \$10,000 (with \$5000 suspended).

The incident has also resulted in a significant financial blow to the club, with the NRL imposing a record fine of \$250,000 for bringing the game into disrepute. It [has also lost major sponsor in Jaycar](#) and a deal that's reportedly worth around \$500,000.

## Too harsh?

A number of sports commentators are shaking their heads at the severity of the consequences for the players themselves, pointing out that more serious acts have resulted in substantially lower fines.

One of those events [involved NRL players and a dog](#), another of [accusations of gang rape](#) and yet another of [wife-beating](#).

There are continual episodes of [on-field violence](#) as well as drug scandals and allegations of [match fixing](#), all of which do reflect well upon players or the game as a whole.

Some might even suggest that players should be given some leeway after a high-pressured season, and that their antics aren't much worse than some corporate Christmas Parties.

Nevertheless, Bulldogs chief [Andrew Hill has acknowledged the conduct was a 'poor reflection of both the club and the game'](#), adding that 'these are good people who have acted in an immature and juvenile way. They have accepted responsibility for their actions and have apologised to the club for their behaviour'.

Mr Hill has pledged to 'put steps in place to make sure that this situation never happens again.'

The NRL has issued a statement saying the fine of \$250,000 sends a strong signal that such conduct will not be 'tolerated on this occasion – or in the future.'

### **Is alcohol to blame?**

Some might say that is rhetoric that we've heard before. Undoubtedly, excessive alcohol consumption played a role in the men's misconduct on Mad Monday.

This is in spite of the NRL [has implemented an alcohol management strategy](#) with the help of the Australian Drug Foundation to ensure 'a whole of game approach to responsible drinking, from the grassroots clubs through to the NRL.'

But the fact of the matter is that the NRL still attracts large sums of money from alcohol sponsorship, from ads during play and in the breaks in between, in signage and on the field – and by and large the community is increasingly

uncomfortable, not just with alcohol sponsorship in sport, but seeing players adversely affected by the drug.

### **Serious consequences for players**

For Adam Elliott and Asipeli Fine, the party might have been fun, but the hangover continues.

Both are due to appear in the Downing Centre Court in Sydney on 24 October, and many will be keeping a keen eye on the outcome.

### **Obscene Exposure in NSW**

[Section 5](#) of the Summary Offences Act 1988 (NSW) makes it an offence punishable by up to 6 months' imprisonment and/or a fine of \$1,100 for a person to 'wilfully and obscenely expose his or her person... in or within view from a public place or school'.

To establish the offence, the prosecution must prove the players:

- Exposed themselves in an obscene manner, and
- Did so within view of a public place or school.

Bodily exposure [is regarded as 'obscene' if it is offensive](#) by the standard of a reasonable person at the time. The nature of exposure considered to be obscene can change over time – so whereas it might have extended to a thong bikini at the turn of the century, it would not do so in the present day.

Obscene exposure is not necessarily limited to the genitals, and the prosecution is not required to prove that a person actually saw the conduct.

A 'public place' is broadly defined by [section 3](#) the Act to encompass premises open to or used by the public, regardless of whether they are:

- ordinarily open to the public; or
- payment is required to enter; or
- open to only a class of persons.

The definition certainly extends to licensed premises.