

# Cricket Australia

## Code of Conduct for Players and Player Support Personnel

*Effective from 25 September 2017*

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**NOTE:** *This Code of Conduct applies in addition to the Cricket Australia Rules for Indoor Cricket. For the avoidance of doubt, any penalties and sanctions available under this Code of Conduct apply in addition to the penalties and sanctions available under the Cricket Australia Rules for Indoor Cricket.*

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# CODE OF CONDUCT FOR PLAYERS AND PLAYER SUPPORT PERSONNEL

## INTRODUCTION

CA is the national federation responsible for the governance of the sport of cricket and the Code of Conduct for *Players* and *Player Support Personnel* (the “**Code of Conduct**”) is adopted and implemented as part of CA’s continuing efforts to maintain the public image, popularity and integrity of cricket by providing: (a) an effective means to deter any participant from conducting themselves improperly on and off the ‘field-of-play’ or in a manner that is contrary to the ‘spirit of cricket’; and (b) a robust disciplinary procedure pursuant to which all matters of improper conduct can be dealt with fairly, with certainty and in an expeditious manner.

Unless otherwise indicated, references to Articles and Appendices are to articles and appendices of the Code of Conduct. Words in italicised text in the Code of Conduct are defined terms and their definitions are set out in Appendix 1.

## ARTICLE 1 SCOPE AND APPLICATION

**1.1** All *Players* and *Player Support Personnel* are automatically bound by and required to comply with all of the provisions of the Code of Conduct. Accordingly, by their participation or involvement in any way in the sport of cricket in Australia, such *Players* or *Player Support Personnel* shall be deemed to have agreed:

**1.1.1** that it is their personal responsibility to familiarise themselves with all of the requirements of the Code of Conduct, including what behaviour constitutes an offence under the Code of Conduct;

- 1.1.2** to submit to the exclusive jurisdiction of any *Match Referee*, *Commissioner* or *Appeals Commissioner* (as the case may be) convened under the Code of Conduct to hear and determine charges brought (and any appeals in relation thereto) pursuant to the Code of Conduct; and
- 1.1.3** not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the *Match Referee*, *Commissioner* or *Appeals Commissioner*.
- 1.2** Without prejudice to Article 1.1, CA and the State and Territory Associations shall be responsible for promoting Code of Conduct awareness and education amongst all *Players* and *Player Support Personnel*.
- 1.3** It is acknowledged that *Players* and *Player Support Personnel* may also be subject to other rules of State and/or Territory Associations (including, but not limited to, individual teams establishing their own internal rules for behaviour) that govern discipline and/or behaviour, and that the same behaviour of such *Players* and/or *Player Support Personnel* may engage not only the Code of Conduct but also such other rules that may apply. For the avoidance of any doubt, *Players* and *Player Support Personnel* acknowledge and agree that: (a) the Code of Conduct is not intended to limit the responsibilities of any *Player* or *Player Support Personnel* under such other rules and will not in any way restrict the imposition of penalties for breach of those rules; and (b) nothing in such other rules shall be capable of removing, superseding or amending in any way the jurisdiction of the *Match Referee*, *Commissioner* or *Appeals Commissioner* to determine matters properly arising pursuant to the Code of Conduct.
- 1.4** Where it is alleged that a *Player* or *Player Support Personnel* has breached an undertaking given in accepting an invitation to represent

CA or a State or Territory Association or to officiate, or that a *Player* or *Player Support Personnel* has breached a contract with, or letter of invitation from, CA or any State or Territory Association, proceedings under this Code of Conduct will not preclude or limit CA or any State or Territory Association, or any other party to such contract, letter of invitation or agreement, from taking legal or other action against any *Player* or *Player Support Personnel* who may have committed a breach thereof.

**1.5** For the avoidance of doubt, where a representative side of a National Cricket Federation participates in an international tour match against a State or Territory Association representative team or CA invitational team, for the purposes of their participation in such an international tour match:

**1.5.1** all players and player support personnel representing the National Cricket Federation's representative side are automatically bound by, required to comply with, and shall submit themselves to the jurisdiction of the ICC Code of Conduct; and

**1.5.2** all *Players* or *Player Support Personnel* representing the domestic or invitational team shall not be bound by ICC Code of Conduct. Instead, such individuals will be bound by, required to comply with, and shall submit themselves to the jurisdiction of this Code of Conduct.

## **ARTICLE 2      CODE OF CONDUCT OFFENCES**

The behaviour described in Articles 2.1 – 2.4, if committed by a *Player* or *Player Support Personnel* shall amount to an offence by such *Player* or *Player Support Personnel* under the Code of Conduct.

**NOTE:** Where considered helpful, guidance notes have been provided in text boxes beneath the description of a particular offence. Such notes are intended only to provide guidance as to the nature and examples of certain conduct that might be prohibited by a particular Article and should not be read as an exhaustive or limiting list of conduct prohibited by such Article.

**NOTE:** For the purposes of the Code of Conduct, the phrase “during a Match” should be interpreted broadly to cover all conduct which takes place at the ground on the day of a Match, and not just conduct which takes place on the field of play. It will therefore include conduct which takes place off the field of play, for example in the changing rooms, or during any of the intervals in the match.

**NOTE:** For the avoidance of doubt, in circumstances where a Player or Player Support Personnel is involved in an off-field incident which may warrant action under this Code of Conduct and the ICC Code of Conduct or any code of conduct or disciplinary rules of the Player or Player Support Personnel’s National Cricket Federation (if not CA), CA will consult with the ICC or relevant National Cricket Federation in order to determine what the most appropriate course of action against the Player or Player Support Personnel should be.

## **2.1 Level 1 Offences:**

**2.1.1 Breach of CA’s Clothing and Equipment Regulations or CA’s W/BBL Clothing and Equipment Regulations during any Match, save for breaches relating to a ‘Commercial Logo’ or a ‘Player’s Bat Logo’ as those terms are defined therein.**

**NOTE:** One of the core objectives of CA’s Clothing and Equipment Regulations and CA’s W/BBL Clothing and Equipment Regulations is to ensure appropriate and professional standards of appearance on the field of play and to prevent those practices that undermine that objective (for example the cover up/alteration of clothing and equipment with sticking plaster or marker pens, the wearing of batting pads painted with paint that subsequently fades or falls off and/or the use of prohibited logos).

For the avoidance of any doubt, there shall be no requirement that the Umpire must first provide a warning to the offending person to remove or cover up a prohibited logo before a breach of this Article can be established.

### 2.1.2 Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match.

**NOTE:** Article 2.1.2 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets and any action(s) that intentionally or negligently results in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.

### 2.1.3 Showing dissent at an Umpire's decision during a Match.

**NOTE:** Article 2.1.3 includes: (a) excessive, obvious or inappropriate disappointment with an Umpire's decision; (b) an obvious delay in resuming play or leaving the wicket; (c) shaking the head; (d) pointing or looking at the inside edge when given out lbw; (e) pointing to the pad or rubbing the shoulder when caught behind; (f) snatching the cap from the Umpire; (g) requesting a referral to the TV Umpire (other than in the context of a legitimate request for a referral as may be permitted in such Match); and (h) arguing or entering into a prolonged discussion with the Umpire about his or her decision.

*It shall not be a defence to any charge brought under this Article to show that the Umpire might have, or in fact did, get any decision wrong.*

### 2.1.4 Using language or a gesture that is obscene, offensive or insulting during a Match.

**NOTE:** Article 2.1.4 includes: (a) audible or repetitious swearing; and (b) obscene gestures which are not directed at another person, such as swearing in frustration at one's own poor play or fortune. This offence is not intended to penalise trivial behaviour.

*When assessing the seriousness of the breach, the Umpire shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as obscene; (b) give offence; or (c) insult another person.*

### 2.1.5 Excessive appealing during a Match.

**NOTE:** For the purposes of Article 2.1.5, 'excessive' shall include: (a) repeated appealing of the same decision/appeal; (b) repeated appealing of different decisions/appeals when the bowler/fielder knows the batter is not out with the

*intention of placing the Umpire under pressure; or (c) celebrating or assuming a dismissal before the decision has been given. It is not intended to prevent loud or enthusiastic appealing.*

**2.1.6** Pointing or gesturing towards the pavilion by a bowler or other member of the fielding side upon the dismissal of a batsman during a *Match*.

## **2.2 Level 2 Offences:**

**2.2.1** Breach of CA's *State Clothing and Equipment Regulations* or CA's *W/BBL Clothing and Equipment Regulations* during a *Match* relating to a 'Commercial Logo' or a 'Player's Bat Logo' as those terms are defined.

**NOTE:** *Article 2.2.1 only relates to breaches of the regulations regarding 'Commercial Logos' and 'Player's Bat Logos'.*

*For the avoidance of any doubt, there shall be no requirement that the Umpire must first provide a warning to the offending person to remove or cover up a prohibited logo before a breach of this Article can be established.*

**2.2.2** Showing serious dissent at an *Umpire's* decision during a *Match*.

**NOTE:** *Dissent, including the examples given in Article 2.1.3 above, will be classified as 'serious' when the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision or where there is excessive delay in resuming play or leaving the wicket or where there is persistent reference to the incident over time.*

*It shall not be a defence to any charge brought under this Article to show that the Umpire might have, or in fact did, get any decision wrong.*

**2.2.3** Public or media comment that is detrimental to the interests of cricket, irrespective of when or where such comment is made.

**NOTE:** Without limitation, Players and Player Support Personnel will be deemed to have made comment detrimental to the interests of cricket in breach of Article 2.2.3 if they:

- Publicly denigrate or criticise a Player or Player Support Personnel, or a team against which they are playing or have played, whether or not in relation to incidents which occurred in a Match, or against which they are likely to play;
- Denigrate or criticise CA, the ICC, a State or Territory Association, Big Bash League or any Women's Big Bash League team or any of their respective commercial partners;
- Denigrate a country in which they are touring or have toured or are likely to be touring or officiating;
- Denigrate the home country of a touring team against which they are playing or have played or are likely to be playing or in respect of which they are officiating or have officiated or are or are likely to be officiating;
- Comment on the likely outcome of a hearing of a Report or an appeal;
- Criticise the outcome of a hearing of a Report or an appeal under this Code of Conduct; or
- Criticise any evidence, submission or other comment made by any person at the hearing of a Report or any appeal under this Code of Conduct.

When assessing the seriousness of the breach, the context within which the comments have been made and the gravity of the offending comments must be taken into account.

For the avoidance of doubt, any posting by a Player or Player Support Personnel of comments on a social media platform (including, without limitation, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn and Snapchat) shall be deemed to be 'public' for the purposes of this offence.

#### **2.2.4** Inappropriate and deliberate physical contact with a *Player*, with *Player Support Personnel* or with any other person (including a spectator), during a *Match*.

**NOTE:** Cricket is a non-contact sport and, as such, inappropriate physical contact of a serious nature will not be tolerated. Without limitation, Players will breach this regulation if they deliberately walk or run into or shoulder another Player.

*Accidental or genuinely unavoidable physical contact which occurs during the course of play shall not be considered an offence under this Article 2.2.4.*

**2.2.5** Charging or advancing towards the *Umpire* in an aggressive manner when appealing during a *Match*.

**2.2.6** Throwing a ball (or any other item of cricket equipment such as a water bottle) at or near a *Player* or *Player Support Personnel* or any other third person in an inappropriate and/or dangerous manner during a *Match*.

**NOTE:** *This regulation will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion.*

**2.2.7** Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to another *Player* or *Player Support Personnel* or any other third person during a *Match*.

**NOTE:** *It is acknowledged that there will be verbal exchanges between Players in the course of play. Rather than seeking to eliminate these exchanges entirely, Umpires will be required to report such conduct that falls below an acceptable standard. This offence is not intended to penalise trivial behaviour.*

*When assessing the seriousness of the breach, the Umpire shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as seriously obscene; or (b) give serious offence; or (c) seriously insult another person.*

**2.2.8** Changing the condition of the ball in breach of Law 41.3 of the Laws of Cricket, as modified by condition 41.3 in each set of CA's domestic match playing conditions.

**NOTE:** *This offence supplements and does not replace condition 41.3 in each set of CA's domestic match playing conditions.*

*Any action(s) likely to alter the condition of the ball which were not specifically permitted under Law 41.3.2 may be regarded as 'unfair'. The following actions shall not be permitted (this list of actions is not exhaustive but included for illustrative purposes): (a) deliberately throwing the ball into the ground for the purpose of roughening it up; (b) applying any artificial substance to the ball; and*

*applying any non-artificial substance for any purpose other than to polish the ball; (c) lifting or otherwise interfering with any of the seams of the ball; (d) scratching the surface of the ball with finger or thumb nails or any implement.*

*The Umpires shall use their judgment to apply the principle that actions taken to maintain or enhance the condition of the ball, provided no artificial substances are used, shall be permitted. Any actions taken with the purpose of damaging the condition of the ball or accelerating the deterioration of the condition of the ball shall not be permitted.*

**2.2.9** Committing a reportable breach of any of the Laws of Cricket that relate to Unfair Play set out in Law 41 of the Laws of Cricket, as modified by condition 41 in each set of CA's domestic match playing conditions, other than breaches relating to changing the condition of the ball that are covered by Article 2.2.8.

**NOTE:** *Article 2.2.9 provides umpires with a mechanism for reporting any reportable breaches that relate to Unfair Play other than breaches relating to changing the condition of the ball which shall be dealt with under Article 2.2.8.*

**2.2.10** Any attempt to manipulate a *Match* for inappropriate strategic or tactical reasons.

**NOTE:** *Article 2.2.10 is intended to prevent the manipulation of Matches for inappropriate strategic or tactical reasons e.g. prohibit incidents where a team bats in such a way as to either adversely affect its own, or improve its opponent's, bonus points, net run rate or quotient. The Team Captain of any team that committed such conduct shall be held responsible (and subject to sanction) for any offence found to have been committed under this Article.*

*Article 2.2.10 is not intended to cover any corrupt or fraudulent acts (including any use of inside information and/or related betting activity). Such conduct is prohibited under the CA Anti-Corruption Code and must be dealt with according to the procedures set out therein.*

**2.2.11** Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either: (a) is contrary to the spirit of the game; (b) is unbecoming of a representative or official; (c) is or

could be harmful to the interests of cricket; or (d) does or could bring the game of cricket into disrepute.

**NOTE:** Article 2.2.11 is intended to be a 'catch-all' provision to cover all types of misconduct of a serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.

*The spirit of the game is defined by reference to the Preamble to the Laws of Cricket and involves respect for (a) your opponents, (b) your captain and team, (c) the role of the umpires and (d) the game and its traditional values.*

Article 2.2.11 includes but is not limited to:

(i) On-Field

- The use of illegal equipment during a Match; and/or
- Cheating during a Match, including deliberate attempts to mislead the Umpire.

(ii) Off-Field

- Criminal conduct;
- Public acts of misconduct;
- Unruly public behaviour; and/or
- Sexual misconduct.

## 2.3 Level 3 Offences:

**2.3.1** Intimidation or attempted intimidation of an *Umpire* or *Match Referee* whether by language or behaviour (including gestures) during a *Match*.

**NOTE:** Includes appealing in an aggressive or threatening manner.

**2.3.2** Threat of assault on another *Player*, *Player Support Personnel* or any other person (including a spectator) during a *Match*.

**NOTE:** This offence is not intended to cover threats of assault against Umpires or Match Referees, which are prohibited under Article 2.4.1 and Article 2.4.2.

**2.3.3** Use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic origin.

**NOTE:** This offence is not intended to limit the operation of CA's Anti-Racism Code.

**2.3.4** Public or media comment that is very detrimental to the interests of cricket, irrespective of when or where such comment is made.

**NOTE:** Without limitation, Players and Player Support Personnel will be deemed to have made comment very detrimental to the interests of cricket in breach of Article 2.3.4 if they (to a more serious degree than detrimental comment that would otherwise be captured by Article 2.2.3):

- Publicly denigrate or criticise a Player or Player Support Personnel, or a team against which they are playing or have played, whether or not in relation to incidents which occurred in a Match, or against which they are likely to play;
- Denigrate or criticise CA, the ICC, a State or Territory Association, Big Bash League or any Women's Big Bash League team or any of their respective commercial partners;
- Denigrate a country in which they are touring or have toured or are likely to be touring or officiating;
- Denigrate the home country of a touring team against which they are playing or have played or are likely to be playing or in respect of which they are officiating or have officiated or are likely to be officiating;
- Comment on the likely outcome of a hearing of a Report or an appeal;
- Criticise the outcome of a hearing of a Report or an appeal under this Code of Conduct; or

- *Criticise any evidence, submission or other comment made by any person at the hearing of a Report or any appeal under this Code of Conduct.*

*When assessing the seriousness of the breach, the context within which the comments have been made and the gravity of the offending comments must be taken into account.*

*For the avoidance of doubt, any posting by a Player or Player Support Personnel of comments on a social media platform (including, without limitation, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn and Snapchat) shall be deemed to be 'public' for the purposes of this offence.*

- 2.3.5** Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either: (a) is contrary to the spirit of the game; (b) is unbecoming of a representative or official; (c) is or could be harmful to the interests of cricket; or (d) does or could bring the game of cricket into disrepute.

**NOTE:** *Article 2.3.5 is intended to be a 'catch-all' provision to cover all types of misconduct of a very serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.*

*The spirit of the game is defined by reference to the Preamble to the Laws of Cricket and involves respect for (a) your opponents, (b) your captain and team, (c) the role of the umpires and (d) the game and its traditional values.*

*Article 2.3.5 includes but is not limited to:*

*(i) On-Field*

- *Cheating during a Match, including deliberate attempts to mislead the Umpire; and/or*
- *Any conduct that is considered against the spirit in which the game of cricket should be played.*

*(ii) Off-Field*

- *Serious or repeated criminal conduct;*
- *Serious or repeated public acts of misconduct;*
- *Serious or repeated unruly public behaviour; and/or*

- *Serious or repeated sexual misconduct.*

## **2.4 Level 4 Offences:**

- 2.4.1** Threat of assault of an *Umpire* or *Match Referee* during a *Match*.
- 2.4.2** Physical assault of another *Player*, *Player Support Personnel*, *Umpire*, *Match Referee* or any other person (including a spectator) during a *Match*.
- 2.4.3** Any act of violence on the field of play during a *Match*.

**NOTE:** *Cricket is a non-contact sport and, as such, inappropriate physical contact of a serious nature will not be tolerated.*

- 2.4.4** Use language or gestures that seriously offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic origin.

**NOTE:** *This offence is not intended to limit the operation of CA's Anti-Racism Code.*

- 2.4.5** Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either: (a) is contrary to the spirit of the game; (b) is unbecoming of a representative or official; (c) is or could be harmful to the interests of cricket; or (d) does or could bring the game of cricket into disrepute.

**NOTE:** *Article 2.4.5 is intended to be a 'catch-all' provision to cover all types of misconduct of an extremely serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.*

*The spirit of the game is defined by reference to the Preamble to the Laws of Cricket and involves respect for (a) your opponents, (b) your captain and team, (c) the role of the umpires and (d) the game and its traditional values.*

*Article 2.4.5 includes but is not limited to:*

- |   |
|---|
| <p>(i) <i>On-Field</i></p> <ul style="list-style-type: none"> <li>• <i>Cheating during a Match, including deliberate attempts to mislead the Umpire; and/or</i></li> <li>• <i>Any conduct that is considered against the spirit in which the game of cricket should be played.</i></li> </ul> <p>(ii) <i>Off-Field</i></p> <ul style="list-style-type: none"> <li>• <i>Extremely serious or repeated criminal conduct;</i></li> <li>• <i>Extremely serious or repeated public acts of misconduct;</i></li> <li>• <i>Extremely serious or repeated unruly public behaviour; and/or</i></li> <li>• <i>Extremely serious or repeated sexual misconduct.</i></li> </ul> |
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## **ARTICLE 3      REPORTING AN ALLEGED OFFENCE UNDER THE CODE OF CONDUCT**

**3.1** Any one of the following individuals can report an alleged offence under the Code of Conduct by lodging a report in the manner described in Article 3.2, below (a “**Report**”):

**3.1.1** An *Umpire* who officiated in the *Match* during or in relation to which the alleged offence was committed;

**3.1.2** The Chief Executive Officer of either of the two State or Territory Cricket Associations (including Big Bash League and Women’s Big Bash League Teams) whose representative teams participated in the *Match* during or in relation to which the alleged offence was committed;

**3.1.3** CA’s *Chief Executive Officer* (or his or her designee);

**3.1.4** Any State or Territory Cricket Association Chief Executive Officer in respect of which the relevant *Player* or *Player Support Personnel* is employed or contracted or retained;

**3.1.5** The *Tournament Director* of the *Match* during or in relation to which the alleged offence was committed; or

**3.1.6** Provided it is a *Level 3 Offence* or *Level 4 Offence* that is alleged to have been committed during a *Match*, the *Match Referee* who was appointed to officiate in that *Match* during which the alleged offence was committed. For the avoidance of any doubt, the *Match Referee* is not entitled to lodge a *Report* in relation to an alleged *Level 1 Offence* or *Level 2 Offence*.

**NOTE:** For the avoidance of doubt, at all times during which the *Umpires* are deliberating over whether to report a *Player* or *Player Support Personnel* for an alleged *Level 1* or *Level 2* offence under the *Code of Conduct*, the *Match Referee* must remove him or herself from the presence of the *Umpires* and/or any conversations in which deliberations are taking place and shall not influence or attempt to influence the *Umpires* in connection with those deliberations.

*Players* and *Player Support Personnel* must not (i) enter any location allocated to the *Umpires* or the *Match Referee* for the purpose of, or with the intent of, discussing any possible or actual *Report* (unless permitted by the *Umpires* or *Match Referee*, as the case may be) or (ii) attempt to influence the *Umpires* or *Match Referee* in connection with any possible or actual *Report*.

**3.2** All *Reports* must be completed on Form “Rep 1” (or such other form as may be made available for such purpose by CA from time to time). All *Reports* must be signed and dated by the person lodging the *Report*. Prior to the start of each *Match*, the State or Territory Cricket Association hosting such *Match* shall ensure that all officiating *Umpires* and *Match Referees* are provided with at least five (5) copies of the Form “Rep 1”. In addition, each State or Territory Cricket Association shall ensure that a sufficient number of additional copies of the Form “Rep 1” are available at each venue at which *Matches* are played in their respective territories or under their auspices for use by any person designated under Article 3.1. CA shall ensure that an electronic copy of the Form “Rep 1” is posted

on its official website (currently [www.cricketaustralia.com.au](http://www.cricketaustralia.com.au)) for use, if necessary, by any person designated under Article 3.1.

**3.2.1** Where the *Report* is lodged by any of the individuals described in Articles 3.1.1 or 3.1.2 in relation to:

**3.2.1.1** a *Level 1 Offence* or a *Level 2 Offence* that is alleged to have been committed on the field of play during a *Match*, then the *Report* must be lodged with the *Match Referee* (or, where, for logistical reasons, it is impractical to lodge with the *Match Referee*, the *Head of Cricket Operations*) within twenty-four hours of the close of the day's play in the relevant *Match*; or

**3.2.1.2** a *Level 3 Offence* or a *Level 4 Offence* that is alleged to have been committed on the field of play during a *Match*, then the *Report* must be lodged with the *Head of Integrity* as soon as reasonably practicable and, in any event no later than seven (7) days after either (a) the commission of the alleged offence or (b) the alleged offence was brought to the attention of the person lodging the *Report*, whichever is the later.

**3.2.2** Where the *Report* is lodged by any of the individuals described in Article 3.1.3 or 3.1.4 in relation to:

**3.2.2.1** a *Level 1 Offence* or a *Level 2 Offence* that is alleged to have been committed on the field of play during a *Match*, then the *Report* must be lodged with the *Match Referee* (or, where, for logistical reasons, it is impractical to lodge with the *Match Referee*, the *Head of Cricket Operations*) within five (5) days of

the alleged offence being brought to the attention of the person making the *Report*; or

**3.2.2.2** a *Level 2 Offence* that is alleged to have been committed at any time or place other than on the field of play during a *Match*, then the *Report* must be lodged with the *Head of Integrity* as soon as reasonably practicable and, in any event no later than seven (7) days after either (a) the commission of the alleged offence; or (b) the alleged offence was brought to the attention of the person lodging the *Report*, whichever is the later; or

**3.2.2.3** a *Level 3 Offence* or a *Level 4 Offence* that is alleged to have been committed at any time or place (whether on the field of play during a *Match* or otherwise), then the *Report* must be lodged with the *Head of Integrity* as soon as reasonably practicable and, in any event no later than ten (10) days after either (a) the commission of the alleged offence or (b) the alleged offence was brought to the attention of the person lodging the *Report*, whichever is the later.

**3.2.3** Where the *Report* is lodged by the individual described in Article 3.1.6 in relation to a *Level 3 Offence* or a *Level 4 Offence* that is alleged to have been committed during a *Match*, then the *Report* must be lodged with the *Head of Integrity* as soon as reasonably practicable and, in any event no later than seven (7) days after the commission of the alleged offence.

**3.3** Where it is alleged that a *Player* or *Player Support Personnel* has committed more than one offence under the Code of Conduct

(whether arising out of the same set of facts or otherwise), then a separate *Report* should be filed in accordance with this Article 3 for each of the offences that are alleged to have been committed.

**NOTE:** For the avoidance of doubt, only one *Report* should be laid per offence. As such, where the incident in question could fall within more than one offence under Article 2, for example Article 2.2.3 (detrimental public comment) and Article 2.2.11 (conduct that brings the game into disrepute) a *Report* should be laid only in respect of the offence which most specifically covers the relevant conduct (in the example above, Article 2.2.3) and not both offences.

## ARTICLE 4 NOTIFICATION PROCEDURE

### Level 1 Offences and Level 2 Offences (except 2.2.3 and 2.2.11 – “off-field”)

- 4.1 Where a *Match Referee* receives a *Report* lodged under Articles 3.2.1.1 or 3.2.2.1, he/she must promptly provide a copy of the *Report*, together with a completed Form “Not 1” (such documents comprising the ‘**Notice of Charge**’), to the following individuals:
- 4.1.1 the *Player* or *Player Support Personnel* named in the *Report* or, where appropriate in the case of an offence under either Article 2.2.8 (changing the condition of the ball) or 2.2.10 (manipulating a *Match*), the relevant *Team Captain*; and
  - 4.1.2 the *Team Manager* of the relevant *Player* or *Player Support Personnel* named in the *Report*.
- 4.2 The *Notice of Charge* shall specify that the *Player* or *Player Support Personnel* shall have the following three options:
- 4.2.1 he/she may admit the offence charged and accede to the proposed sanction specified in the *Notice of Charge* (which sanction shall be strictly at the *Match Referee*’s discretion, but at all times within the appropriate range for the level of

offence). In such circumstances, and provided that such admission has been received by the *Match Referee* prior to the commencement of the hearing at the time/place specified in the *Notice of Charge*, the hearing before the *Match Referee* shall not be required and no further action shall be taken, save that the proposed sanction shall be imposed and CA shall promptly issue a public statement confirming (a) the commission of an offence under the Code of Conduct and (b) the imposition of the applicable sanction specified in the *Notice of Charge*; or

**4.2.2** he/she may admit the offence charged but dispute the proposed sanction specified in the *Notice of Charge*, in which case the matter shall proceed to a hearing in accordance with Article 5.1; or

**4.2.3** he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.1.

**NOTE:** *For the avoidance of doubt, the Match Referee determines the proposed sanction specified in the Notice of Charge provided to the Player or Player Support Personnel without having assessed the guilt or innocence of the Player or Player Support Personnel.*

**Level 2.2.3 and 2.2.11 (“Off-Field” only) Offences, Level 3 Offences and Level 4 Offences:**

**4.3** Where the *Head of Integrity* receives a *Report* lodged under Articles 3.2.1.2, 3.2.2.1, 3.2.2.2, 3.2.2.3 or 3.2.3, he/she must promptly conduct a review to determine whether the *Player* or *Player Support Personnel* named in the *Report* has a case to answer in relation to the specific type and/or level of offence identified in the *Report* (i.e. to determine, in CA’s opinion, whether the specific type and level of

offence noted in the *Report* is properly identified when reviewed against the conduct complained of).

- 4.4** If the initial review of the *Report* reveals that there is no case to answer in relation to the specific type and/or level of offence, then CA shall notify the person who filed the *Report* of that fact, advising them of the reasons that such a determination has been made and, where applicable, providing guidance on which specific type and level of offence CA considers to be appropriate. Upon receipt of such a decision, the person who filed the *Report* shall, notwithstanding the provisions of Article 3.2 and having considered CA's guidance in good faith, within a period of twenty-four (24) hours from the time of notification by CA, notify CA whether he/she wishes to: (a) revise the specific type and/or level of the offence charged, in which case a revised *Report* must be lodged with CA within such twenty-four (24) period; (b) proceed on the basis of the original *Report* lodged; or (c) withdraw the *Report*.
- 4.5** If the initial review of the *Report* reveals that there is a case to answer, or a revised *Report* is lodged with CA pursuant to Article 4.4, then CA shall promptly provide a copy of the *Report*, together with a completed Form "Not 1" (such documents comprising the '**Notice of Charge**') to the following individuals:
- 4.5.1** the *Player* or *Player Support Personnel* named in the *Report*; and
  - 4.5.2** the *Team Manager* of the relevant *Player* or *Player Support Personnel* named in the *Report*; and
  - 4.5.3** the Chief Executive Officer of the State or Territory Cricket Association to which the relevant *Player* or *Player Support Personnel* is affiliated.

**4.6** The *Notice of Charge* shall specify that the *Player* or *Player Support Personnel* shall have the following options:

**4.6.1** he/she may admit the offence charged and accede to the proposed sanction specified in the *Notice of Charge* (which sanction shall be strictly at CA's discretion, but at all times within the appropriate range for the level of offence). In such circumstances, and provided that such admission has been received by the *Head of Integrity* prior to the commencement of the hearing at the time/place specified in the *Notice of Charge*, the hearing before the *Commissioner* shall not be required and no further action shall be taken, save that the proposed sanction shall be imposed and CA shall promptly issue a public statement confirming (a) the commission of an offence under the Code of Conduct and (b) the imposition of the applicable sanction specified in the *Notice of Charge*;  
or

**4.6.2** he/she may admit the offence charged but dispute the proposed sanction specified in the *Notice of Charge*, in which case the matter shall proceed to a hearing in accordance with Article 5.2; or

**4.6.3** he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.2.

## **ARTICLE 5 THE DISCIPLINARY PROCEDURE**

**NOTE:** Where a Match Referee appointed to adjudicate any matter brought under this Code of Conduct is not physically present at the relevant Match (and therefore required to perform his/her duties remotely) then all hearings arising under Article 5.1 will be held by telephone conference or video conference (if available) and the provisions of Article 5.1 are to be interpreted accordingly.

**Level 1 Offences and Level 2 Offences (except 2.2.3 and 2.2.11 – “Off-Field”):**

**5.1** Where a matter proceeds to a hearing under Article 4.2.2 or 4.2.3, then the case shall be referred to the *Match Referee* for adjudication in accordance with the following procedure:

**5.1.1** Subject to the discretion of the *Match Referee* to order otherwise for good cause shown by the *Player* or *Player Support Personnel*, the hearing will take place at the time specified in the *Notice of Charge* (which should be held as soon as practicable, after the receipt by the *Player* or *Player Support Personnel* of the *Notice of Charge*) and, subject to the note to Article 5, in the State or Territory in which the alleged offence was committed. For the avoidance of doubt, nothing in this Article 5.1.1 prevents a hearing from being convened at a time during which the *Match* in relation to which the alleged offence took place, remains in progress.

**5.1.2** The procedure followed at the hearing shall be at the discretion of the *Match Referee*, provided that the hearing is conducted in a manner which offers the *Player* or *Player Support Personnel* a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the *Match Referee* and present his/her case. Except to the extent specifically set out in Article 5 the *Match Referee* will conduct the hearing:

- (i) in private (unless the *Match Referee* agrees otherwise);

- (ii) with as little formality and technicality and as expeditiously, as proper consideration of the *Report* permits; and
- (iii) in all other respects as the *Match Referee* determines.

**5.1.3** Where video evidence of the alleged offence is available at the hearing before the *Match Referee*, then it may be utilised by the *Match Referee* in his or her discretion and may be relied upon by any party, provided that in either case, all other parties shall have the right to make such representations in relation to it that they may see fit.

**5.1.4** Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the *Match Referee*:

- (a) the *Player* or *Player Support Personnel* who has been charged with the alleged offence; and
- (b) the person who lodged the *Report* (or, in the case of CA's *Chief Executive Officer*, his/her representative/nominee).

Where any such individual has a compelling justification for his/her non-attendance that is accepted by the *Match Referee* in his or her absolute discretion, then they shall be given the opportunity to participate in the hearing before the *Match Referee* by telephone or video conference (if available). Without prejudice to the *Player* or *Player Support Personnel's* ability to call and to question such witnesses as may be necessary and/or to be represented by such other person of his/her own choosing pursuant to Article 5.1.5, one of the *Team Captain*, *Team Vice-Captain* or *Team Manager*

of the team that the *Player* or *Player Support Personnel* represents may also attend such a hearing to provide additional support and assistance to the *Player* or *Player Support Personnel*.

- 5.1.5** Each of the individuals described in Article 5.1.4(a) and (b) shall have the right (at his/her or its own expense) to be represented at the hearing before the *Match Referee* by such representative (including legal counsel) of his/her or its own choosing. Where the person lodging the *Report* is an *Umpire* that officiated in the *Match* in question or *CA's Chief Executive Officer*, then such person shall be entitled to be represented prior to, and during, the hearing (if he/she considers necessary) by a representative of *CA's* Legal Department.
- 5.1.6** The non-attendance of any *Player* or *Player Support Personnel* or his/her representative at the hearing shall not prevent the *Match Referee* from proceeding with the hearing in his/her absence and issuing a ruling in relation to the offence charged.
- 5.1.7** At the end of a hearing, where the *Match Referee* considers that further evidence or submissions are necessary or further time is required to consider the evidence that has been presented, he/she shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary including that the *Player* or *Player Support Personnel* may, after any such adjournment(s), make any submissions that he/she might wish to make in relation to the appropriate sanction that ought to be applied.
- 5.1.8** Alternatively, at the end of a hearing:

**5.1.8.1** brought under Article 4.2.2:

- (a) as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the *Match Referee* will confirm the *Player* or *Player Support Personnel's* admission that he/she had committed a Code of Conduct offence and announce his/her decision in writing, with reasons, setting out: (a) what sanctions, if any, are to be imposed (including any fine and/or period of suspension); (b) the date that any period of suspension shall come into force and effect; and (c) any rights of appeal that may exist pursuant to Article 8.

**5.1.8.2** brought under Article 4.2.3 (or where the *Player* or *Player Support Personnel* has failed to respond in a timely fashion to the *Notice of Charge*):

- (a) the *Match Referee* shall adjourn the hearing (for a period of no less than ten (10) minutes and no more than twenty-four (24) hours), following which he/she will reconvene the hearing and verbally announce his/her finding as to whether a Code of Conduct offence has been committed;
- (b) where the *Match Referee* determines that a Code of Conduct offence has been committed, the *Player* or *Player Support*

*Personnel* may request a short adjournment (of no more than thirty (30) minutes) to prepare any submissions that he/she might wish to make in relation to the appropriate sanction that ought to be applied; and

- (c) as soon as possible after the conclusion of the hearing, including submissions as to sanctions (and, in any event, no later than forty-eight (48) hours thereafter), the *Match Referee* will announce his/her decision in writing, with reasons, setting out: (a) the finding as to whether a Code of Conduct offence had been committed; (b) what sanctions, if any, are to be imposed (including any fine and/or period of suspension); (c) the date that any period of suspension shall come into force and effect; and (d) any rights of appeal that may exist pursuant to Article 8.

**5.1.9** Notwithstanding 5.1.8, the *Match Referee* shall have the discretion to announce the substance of his/her decision prior to the issue of the written decision referred to in Article 5.1.8.

**5.1.10** A copy of the written decision will be provided to the *Player* or *Player Support Personnel*, the Chief Executive Officer of the *Player* or *Player Support Personnel's* State or Territory Cricket Association, the *Head of Cricket Operations* and the *Head of Integrity*.

- 5.1.11** Subject only to the rights of appeal under Article 8, the *Match Referee*'s decision shall be the full, final and complete disposition of the matter and will be binding on all parties.
- 5.1.12** The *Match Referee* is entitled, in his or her absolute discretion, to seek legal advice prior to or during any hearing (for which purpose the *Match Referee* is entitled to adjourn the hearing) and/or prior to giving his or her decision.
- 5.1.13** Notwithstanding anything else in this Code of Conduct, where a *Player* or *Player Support Personnel* is alleged to have committed a *Level 2 Offence* and wishes to have the offence with which they have been charged referred to a hearing (as would be permitted pursuant to Article 4.2.2 or Article 4.2.3) and the *Player* or *Player Support Personnel* or another *Player* or *Player Support Personnel* is alleged to have committed a *Level 3 Offence* or *Level 4 Offence* arising from the same incident or same set of facts, the *Match Referee* must refer the *Level 2 Offence* to the *Code of Conduct Commission* for adjudication in accordance with Article 5.2 (but as a *Level 2 Offence*). This referral does not affect the indicative range of sanctions should it be necessary to impose any sanction in respect of the *Level 2 Offence*.

**Level 2.2.3 and 2.2.11 ('Off-Field' only) Offences, Level 3 Offences and Level 4 Offences:**

- 5.2** Where a matter proceeds to a hearing under Article 4.6.2 or 4.6.3, or where a matter is referred to the *Code of Conduct Commission* by the *Match Referee* pursuant to Article 5.1.13, then the case shall be heard by a *Commissioner* for adjudication in accordance with the following procedure:

- 5.2.1** As soon as reasonably possible, CA shall appoint one member from CA's *Code of Conduct Commission* to sit as the *Commissioner* to hear the case sitting alone. The appointed member shall have had no prior involvement with the case.
- 5.2.2** The procedure followed at the hearing shall be at the discretion of the *Commissioner*, provided that the hearing is conducted in a manner which offers the *Player* or *Player Support Personnel* a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the *Commissioner* and present his/her case. Except to the extent specifically set out in Article 5 the *Commissioner* will conduct the hearing:
- (a) in private (unless the *Commissioner* agrees otherwise);
  - (b) with as little formality and technicality and as expeditiously as proper consideration of the *Report* permits; and
  - (c) in all other respects as the *Commissioner* determines.
- 5.2.3** CA may appoint a *Commission Counsel* to assist the *Commissioner* in the conduct of any hearing by presenting or facilitating the presentation of any relevant evidence and submissions relating to the charge against the *Player* or *Player Support Personnel*.
- 5.2.4** The hearing before the *Commissioner* may be recorded at the election of the *Commissioner*.

**5.2.5** Where video evidence of the alleged offence is available at the hearing before the *Commissioner*, then it may be relied upon by any party, provided that all other parties shall have the right to make such representations in relation to it that they may see fit.

**5.2.6** Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the *Commissioner*.

- (a) the *Player* or *Player Support Personnel* who has been charged with the alleged offence;
- (b) the person who lodged the *Report* (or, in the case of *CA's Chief Executive Officer*, his/her representative/nominee); and
- (c) a representative of *CA*.

Where any such individual has a compelling justification for his/her non-attendance, then they shall be given the opportunity to participate in the hearing before the *Commissioner* by telephone or video conference (if available). Without prejudice to the *Player* or *Player Support Personnel's* ability to call and to question such witnesses as may be necessary and/or to be represented by such other person of his/her own choosing pursuant to Article 5.2.7, one of the *Team Captain*, *Team Vice-Captain* or *Team Manager* of the team that the *Player* or *Player Support Personnel* represents may also attend such hearing to provide additional support and assistance to the *Player* or *Player Support Personnel*.

- 5.2.7** Each of the individuals described in Article 5.2.6(a) and (b) shall have the right (at his/her or its own expense) to be represented at the hearing before the *Commissioner* by such representative (including legal counsel) of his/her or its own choosing. Where the person lodging the *Report* is an *Umpire* that officiated in, or the *Match Referee* that presided over, the *Match* in question or *CA's Chief Executive Officer*, then such person shall be entitled to be represented prior to, and during, the hearing (if he/she considers necessary) by a representative of *CA's* Legal Department.
- 5.2.8** The non-attendance of the *Player* or *Player Support Personnel* or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the *Commissioner* from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.
- 5.2.9** At the end of a hearing, where the *Commissioner* considers that further evidence or submissions are necessary or further time is required to consider the evidence that has been presented, he/she shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary including that the *Player* or *Player Support Personnel* may, after any such adjournment(s), make any submissions that he/she might wish to make in relation to the appropriate sanction that ought to be applied.
- 5.2.10** Alternatively, at the end of a hearing:
- 5.2.10.1** brought under Article 4.5.2 or referred to the *Commission* by a *Match Referee* pursuant to Article 5.1.13 as an admitted offence but where

the *Player* or *Player Support Personnel* wishes to challenge the proposed sanction:

- (a) as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the *Commissioner* will confirm the *Player* or *Player Support Personnel's* admission that he/she had committed a Code of Conduct offence and announce his/her decision in writing, with reasons, setting out: (a) what sanctions, if any, are to be imposed (including any fine and/or period of suspension); (b) the date that any period of suspension shall come into force and effect; and (c) any rights of appeal that may exist pursuant to Article 8.

**5.2.10.2** brought under Article 4.5.3 (or where the *Player* or *Player Support Personnel* has failed to respond in a timely fashion to the *Notice of Charge*) or referred to the *Code of Conduct Commission* by a *Match Referee* pursuant to Article 5.1.13 for the reason the *Player* or *Player Support Personnel* has denied the offence charged:

- (a) the *Commissioner* shall adjourn the hearing (for a period of no less than ten (10) minutes and no more than twenty-four (24) hours), following which he/she will reconvene the hearing and verbally announce his/her finding as to whether a

Code of Conduct offence has been committed;

- (b) where the *Commissioner* determines that a Code of Conduct offence has been committed, the *Player* or *Player Support Personnel* may request a short adjournment (of no more than thirty (30) minutes) to prepare any submissions that he/she might wish to make in relation to the appropriate sanction that ought to be applied; and
- (c) as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the *Commissioner* will announce his/her decision in writing, with reasons, setting out: (a) the finding as to whether a Code of Conduct offence had been committed; (b) what sanctions, if any, are to be imposed (including any fine and/or period of suspension); (c) the date that any period of suspension shall come into force and effect; and (d) any rights of appeal that may exist pursuant to Article 8.

**5.2.11** Notwithstanding Article 5.2.10 the *Commissioner* shall have the discretion to announce the substance of his/her decision prior to the issue of the written decision referred to in Article 5.2.10.

**5.2.12** A copy of the written decision will be provided to the *Player* or *Player Support Personnel*, the CEO of the *Player* or

*Player Support Personnel's State or Territory Cricket Association, the Head of Integrity and CA's General Counsel.*

**5.2.13** Subject only to the rights of appeal under Article 8, the *Commissioner's* decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

**5.2.14** The *Commissioner* is entitled, in his or her absolute discretion, to seek legal advice prior to or during any hearing (for which purpose the *Commissioner* is entitled to adjourn the hearing) and/or prior to giving his or her decision.

### **General Principles of Procedure**

**5.3** Where a *Report* is filed by more than one of the individuals described in Article 3.2 in relation to the same alleged offence under the *Code of Conduct*, then the *Player* or *Player Support Personnel* alleged to have committed the offence will only be served with one *Notice of Charge* in accordance with the procedures set out in Article 4. However, all persons who filed a *Report* (or, in the case of *CA's Chief Executive Officer*, his/her representative/nominee) in relation to the alleged offence are required to attend the hearing before the *Match Referee* or *Commissioner* unless there is a compelling justification for his/her non-attendance, in which case they shall be given the opportunity to participate in the hearing by telephone or video conference (if available).

**5.4** Where two or more *Players* or *Player Support Personnel* are alleged to have committed offences under the *Code of Conduct*, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents as follows:

- 5.4.1** any number of *Level 1 Offences* and/or *Level 2 Offences* (except *Level 2.2.3* and *2.2.11 – “Off Field”*) can all be determined by a *Match Referee* at the same hearing; and
- 5.4.2** any number of *Level 2.2.3* and *2.2.11 (“Off-Field”)* *Offences*, *Level 3 Offences* and/or *Level 4 Offences* can all be determined by a *Commissioner* at the same hearing; and
- 5.4.3** a *Level 1 Offence* and/or *Level 2 Offence* (other than *Level 2.2.3* and *2.2.11 – “Off Field”*) cannot be determined at the same hearing as a *Level 3 Offence* or a *Level 4 Offence* (and vice versa) and separate proceedings should therefore be issued in relation to each alleged offence, unless the *Level 2 Offence* is referred to the *Code of Conduct Commission* by a *Match Referee* pursuant to Article 5.1.13; but
- 5.4.4** a *Level 3 Offence* or *Level 4 Offence* cannot be determined by a *Match Referee* at the same hearing as a *Level 1 Offence* or a *Level 2 Offence*, and separate proceedings should therefore be issued in relation to each alleged offence, unless the *Level 2 Offence* is referred to the *Code of Conduct Commission* by a *Match Referee* pursuant to Article 5.1.13.

**5.5** Where a *Player* or *Player Support Personnel* is alleged to have committed more than one breach of the *Code of Conduct* during, or in relation to the same *Match*, then all of the alleged offences may be dealt with at the same hearing as follows:

- 5.5.1** any number of *Level 1 Offences* and/or *Level 2 Offences* (except *Level 2.2.3* and *2.2.11 – “Off Field”*) can all be determined by a *Match Referee* at the same hearing; and

- 5.5.2** any number of *Level 2.2.3* and *2.2.11* (“*Off-Field*” only) *Offences*, *Level 3 Offences* and/or *Level 4 Offences* can all be determined by a *Commissioner* at the same hearing; and
- 5.5.3** a *Level 1 Offence* or *Level 2 Offence* (other than *Level 2.2.3* and *2.2.11* – “*Off Field*”) can be determined by a *Commissioner* at the same hearing as a *Level 3 Offence* or a *Level 4 Offence*; but
- 5.5.4** a *Level 3 Offence* or *Level 4 Offence* cannot be determined by a *Match Referee* at the same hearing as a *Level 1 Offence* or a *Level 2 Offence*, and separate proceedings should therefore be issued in relation to each alleged offence, unless the *Level 2 Offence* is referred to the *Code of Conduct Commission* by a *Match Referee* pursuant to Article 5.1.13.
- 5.6** Any failure or refusal by any *Player* or *Player Support Personnel* to provide assistance to a *Match Referee*, *Commission Counsel* or *Commissioner* in connection with any charge made pursuant to this Code of Conduct may constitute a separate offence (depending upon the seriousness and context of such failure or refusal) under Articles 2.2.11, 2.3.5 or 2.4.5 of the Code of Conduct.
- 5.7** Where a *Match Referee* is, or becomes unwilling or unable to hear a *Report* (for example, where he/she finds him/herself in a position of conflict), then the *Head of Cricket Operations* (in consultation with the *Head of Integrity*) shall have the discretion to appoint another *Match Referee* to hear the *Report* as CA deems to be appropriate in all the circumstances. Where the alternative *Match Referee* is unwilling or unable to hear the case, a *Commissioner* (who shall have had no prior involvement with the case) shall be appointed as a replacement to the *Match Referee* and the hearing will proceed in

accordance with the usual procedure for a hearing before a *Match Referee*.

- 5.8** Where a *Commissioner* is, or becomes unwilling or unable to hear a *Report* (for example, where he/she finds him/herself in a position of conflict), then the *Head of Integrity* shall have the discretion to appoint another *Commissioner* (who shall have had no prior involvement with the case) as a replacement to the *Commissioner* and all of the remaining procedure will apply accordingly.
- 5.9** CA will issue a public announcement regarding any decision of the *Match Referee* or *Commissioner* made under the Code of Conduct, as soon as is reasonably practicable after the decision has been communicated to the parties. The public announcement of the decision may include details of the offences committed under the Code of Conduct and of the sanctions imposed, if any. Subject to the permitted attendance of media personnel under Article 5.1.2 and 5.2.2, until such time as a public announcement is published by CA, all parties and participants in the proceedings shall treat such proceedings as strictly confidential. For the avoidance of doubt, nothing in this Article shall prevent any party (or any relevant State or Territory Cricket Association) publicly confirming the date of the hearing, the offence that is alleged to have been committed and/or the name of the *Player* or *Player Support Personnel* charged and nothing shall prevent any party (or any relevant State or Territory Cricket Association) from issuing a public announcement regarding a decision after CA has issued its public announcement regarding the decision.
- 5.10** A *Match Referee* or *Commissioner* (as the case may be) has an absolute discretion to waive compliance with any procedural requirement of this Code of Conduct provided that no party will suffer any undue prejudice through such exercise of discretion.

## **ARTICLE 6      STANDARD OF PROOF AND EVIDENCE**

- 6.1**      Unless otherwise described herein, the standard of proof in all cases brought under the Code of Conduct shall be whether the *Match Referee* or *Commissioner* is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.
- 6.2**      The *Match Referee* or *Commissioner* shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an offence allegedly committed under the Code of Conduct may be established by any reliable means, including admissions.
- 6.3**      The *Match Referee* or *Commissioner* may draw an inference adverse to the *Player* or *Player Support Personnel* who is asserted to have committed an offence under the Code of Conduct based on his/her refusal, without compelling justification, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the *Match Referee* or *Commissioner*) and/or to answer any relevant questions.

## **ARTICLE 7      SANCTIONS ON PLAYERS AND PLAYER SUPPORT PERSONNEL**

- 7.1**      Where a *Match Referee* or *Commissioner* determines that an offence under the Code of Conduct has been committed, he/she will be required to impose an appropriate sanction on the *Player* or *Player Support Personnel*.
- 7.2**      In order to determine the sanction that is to be imposed in each case, the *Match Referee* or *Commissioner* must first consider whether the *Player* or *Player Support Personnel* has previously been found guilty of any offences at the same 'level' (but not necessarily under the same Article) of the Code of Conduct (or any predecessor

regulations that may have applied) within a period of eighteen months prior to the date on which the proven offence took place.

**7.3** Once the *Match Referee* or *Commissioner* has established whether this is a repeat offence within the relevant eighteen month period, then he/she shall go on to take into account any other factors that he/she deems relevant and appropriate to the mitigation or aggravation of the nature of the *Code of Conduct* offence before determining, in accordance with the table below, the appropriate sanction(s). Those factors may include:

1. the seriousness of the breach;
2. the harm caused by the breach to the interests of cricket;
3. the *Player's* or *Player Support Personnel's* seniority and standing in the game;
4. any remorse shown by the *Player* or *Player Support Personnel* and the prospect of further breaches;
5. the prior record of the *Player* or *Player Support Personnel* in abiding by this Code of Conduct (or any predecessor regulations that may have applied), the ICC Code of Conduct and any similar Code of Conduct; and
6. the impact of the penalty on the *Player* or *Player Support Personnel*, including his or her capacity to pay a fine as evidenced by the proportion of their annual income from CA, a State or Territory Cricket Association or a BBL or WBBL Team that the proposed fine represents.

LEVEL OF OFFENCE	RANGE OF PERMISSIBLE SANCTIONS (FIRST OFFENCE)	RANGE OF PERMISSIBLE SANCTIONS (SECOND OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (THIRD OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (FOURTH AND SUBSEQUENT OFFENCES WITHIN 18 MONTHS)
Level 1**	<p>(a) Warning/reprimand; and/or</p> <p>(b) the imposition of a fine of up to \$100; and/or</p> <p>(c) one (1) <i>Suspension Point</i>.</p>	<p>(a) The imposition of a fine between \$100 and \$200; and/or</p> <p>(b) up to two (2) <i>Suspension Points</i>.</p>	The imposition of between two (2) to eight (8) <i>Suspension Points</i> .*	The imposition of eight (8) <i>Suspension Points</i> or a suspension for a fixed period of time ranging between the equivalent of eight (8) <i>Suspension Points</i> and one (1) year. *
Level 2**	<p>(a) The imposition of a fine between \$100 and \$200; and/or</p> <p>(b) up to two (2) <i>Suspension Points</i>.</p>	The imposition of between two (2) to eight (8) <i>Suspension Points</i> .*	The imposition of eight (8) <i>Suspension Points</i> or a suspension for a fixed period of time ranging between the equivalent of eight (8) <i>Suspension Points</i> and one (1) year. *	The imposition of a suspension of between one (1) and five (5) years.

LEVEL OF OFFENCE	RANGE OF PERMISSIBLE SANCTIONS (FIRST OFFENCE)	RANGE OF PERMISSIBLE SANCTIONS (SECOND OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (THIRD OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (FOURTH AND SUBSEQUENT OFFENCES WITHIN 18 MONTHS)
Level 3**	The imposition of between four (4) and eight (8) <i>Suspension Points</i> . *	The imposition of eight (8) <i>Suspension Points</i> or a suspension for a fixed period of time ranging between the equivalent of eight (8) <i>Suspension Points</i> and one (1) year. *	The imposition of a suspension of between one (1) year and a lifetime.	n/a
Level 4**	The imposition of eight (8) <i>Suspension Points</i> or a suspension for a fixed period of time ranging between the equivalent of eight (8) <i>Suspension Points</i> and one (1) year. *	The imposition of a suspension of between one (1) year and a lifetime.	n/a	n/a
Any of offences 2.2.3, 2.2.11, 2.3.4, 2.3.5 or 2.4.5	Any one or more of the following penalties: (a) Warning/reprimand; (b) the imposition of a suspension of between one (1) suspension Point up to a	*** Same as for first offence but maximum fine of \$2,000	*** Same as for first offence but maximum fine of \$5,000	*** Same as for first offence but maximum fine of \$10,000

LEVEL OF OFFENCE	RANGE OF PERMISSIBLE SANCTIONS (FIRST OFFENCE)	RANGE OF PERMISSIBLE SANCTIONS (SECOND OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (THIRD OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (FOURTH AND SUBSEQUENT OFFENCES WITHIN 18 MONTHS)
	<p>maximum of a lifetime's suspension;</p> <p>(c) the imposition of a fine of no more than \$1,000;</p> <p>(d) banning the person from holding (or continuing to hold) any position within CA or a State or Territory Cricket Association (including any Big Bash League or Women's Big Bash League Team), including as an employee, contractor, official or officer);</p> <p>(e) direct that the person make reparation for damage caused by that person to any property;</p>			

LEVEL OF OFFENCE	RANGE OF PERMISSIBLE SANCTIONS (FIRST OFFENCE)	RANGE OF PERMISSIBLE SANCTIONS (SECOND OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (THIRD OFFENCE WITHIN 18 MONTHS)	RANGE OF PERMISSIBLE SANCTIONS (FOURTH AND SUBSEQUENT OFFENCES WITHIN 18 MONTHS)
	(f) require the person undergo counseling for a specified time;  (g) require the person perform voluntary service to cricket or the community; and/or  (h) reprimand the person			

**NOTE:** In all cases marked with a \*, the maximum ‘actual’ period of suspension shall be no more than one (1) year, irrespective of the number and/or the practical application of any Suspension Points that might be imposed.

\*\* Excludes Offences listed in 2.2.3, 2.2.11, 2.3.4, 2.3.5 and 2.4.5.

\*\*\* For the purposes of ascertaining whether it is a second, third or fourth offence in 18 months, any of offences 2.2.3, 2.2.11, 2.3.4, 2.3.5.

**7.4** Where a *Match Referee* or *Commissioner* imposes a period of suspension on any *Player* or *Player Support Personnel*, then, unless such period is for a fixed period of time (for example, one year) then, any such period of suspension shall be referenced by *Suspension Points*, which shall carry the following weightings:

**7.4.1** a *Match* of at least 3 days in duration is given a weighting of two (2) *Suspension Points*; and

**7.4.2** a *Match* of one or two days duration or which is a Twenty20 match or is an *Indoor Match* is given a weighting of one (1) *Suspension Point*.

**7.5** Where *Suspension Points* are imposed against a *Player* or *Player Support Personnel*, then such *Suspension Points* will be applied in accordance with the following principles:

**7.5.1** the *Match Referee* or *Commissioner* shall have regard to the *Player's* or *Player Support Personnel's* participation in the various formats of *Matches* in order to determine (to the best of his/her ability) which of the forthcoming *Matches* the *Player* is most likely to participate in or the *Player Support Personnel* is most likely to assist the participation of a *Player* in. The exact number of suspension points shall be applied and within the shortest period available. For example, a four-day and one-day *Player* who receives a penalty of 2 suspension points, and is scheduled to next play a one-day match followed by a four-day followed by another one-day match, shall be ineligible to participate in each of the one-day matches, but shall be eligible to participate in the four-day match to ensure the full and exact application of the 2 suspension points to the sequence of scheduled games as quickly as possible;

**7.5.2** where necessary, the *Match Referee* or *Commissioner* shall be entitled to consult with CA in order to make a determination as to which of the forthcoming *Matches* the *Player* is most likely to participate in or the *Player Support*

*Personnel* is most likely to assist the participation of a *Player* in;

**7.5.3** in so far as is reasonably possible, the *Match Referee* or *Commissioner* shall apply the *Suspension Points* to the subsequent *Matches* in which the *Player* is most likely to participate in or the *Player Support Personnel* is most likely to assist the participation of a *Player* in, on a chronological basis immediately following the announcement of the decision;

**7.5.4** where a *Player* or *Player Support Personnel* has his/her *Suspension Points* applied to a *Match* that is subsequently cancelled, postponed or otherwise abandoned prior to the actual day on which it is scheduled to take place, then such *Suspension Points* must be reallocated to the next subsequent *Matches* in which the *Player* is most likely to participate in or the *Player Support Personnel* is most likely to assist the participation of a *Player* in. Where a *Match* is cancelled, postponed or otherwise abandoned at any time on the actual day on which it is scheduled to take place, then the *Suspension Points* will remain allocated to that *Match*, irrespective of such cancellation, postponement or abandonment.

**7.6** In addition to any ban imposed under this Article (and without limiting the *Commissioner's* powers with respect to Level 2, Level 3 and Level 4 suspensions), the *Commissioner* may, if he/she deems appropriate, ban a *Player* from participation in any club/grade cricket match or matches in Australia for a specified period of time.

**7.7** In the event that a *Player* receives an ICC imposed international match ban for either committing any of the offences set out in either Level 3 or Level 4 of the ICC Code of Conduct (or their equivalent

from time to time) or because the Player has accumulated sufficient demerit points under the ICC Code of Conduct to receive such an international match ban, a *Commissioner* nominated by CA's *Chief Executive Officer* may conduct a hearing to determine whether the *Player* should also receive a domestic *Match* ban during the period commencing on the first day of the ICC imposed ban and the last day of the ICC imposed ban and, if so, the type of *Match* or *Matches* in which the ban is to be served. As far as appropriate, the provisions of Article 5 of this Code of Conduct will apply to any hearing under this Article 7.7 except that:

- 7.7.1** the hearing will be a hearing as to penalty only (and will not be a review of the guilt or innocence of the *Player* under the ICC Code of Conduct or a rule of this Code of Conduct); and
- 7.7.2** the hearing must be convened within 10 business days of the relevant decision (or the determination of an appeal from that decision) under the ICC Code of Conduct.

When imposing any penalty under this Article 7.7 the following principles will apply:

- (i) the *Commissioner* may not impose a ban in relation to Test Matches, One Day International Matches or Twenty20 International Matches;
- (ii) the *Commissioner* may not impose a ban which extends beyond the last day of the ICC imposed match ban;
- (iii) the number of domestic matches in a ban imposed by the *Commissioner* must not exceed the number of matches forming part of the ICC imposed match ban (for example, a *Player* who receives a three Test Match ban may not receive a ban of more than three Sheffield Shield Matches); and
- (iv) the *Commissioner* may take into account any circumstance he/she considers relevant, including those listed in Article 7.3

or any other exceptional circumstances that may operate to vary or waive any applicable *Match* ban.

**7.8** In the event that a *Player* receives a ban from playing club/grade cricket matches as a result of committing any offences set out in any applicable rules of behaviour governing such club/grade cricket matches (“**Club Ban**”), a *Commissioner* nominated by the *Head of Integrity* may, solely at the request of the *Head of Integrity*, conduct a hearing to determine whether the *Player* should receive a *Match* ban during the period commencing on the first day of the Club Ban and concluding on the last day of the Club Ban, and if so, the number and type of *Match* or *Matches* in which the ban is to be served. As far as appropriate, the provisions of Article 5 of this Code will apply to any hearing under this Article 7.8 except that:

**7.8.1** the hearing will be a hearing as to penalty only (and will not be a review of the guilt or innocence of the *Player* under the club rules or a rule of this Code of Conduct); and

**7.8.2** the hearing must be convened within 10 business days of the relevant decision (or an appeal from that decision) under the club/grade rules.

When imposing any penalty under this Article 7.8 the following principles will apply:

(i) the *Commissioner* may not impose a ban in relation to Test Matches, One Day International Matches or Twenty20 International Matches;

(ii) the *Commissioner* may not impose a ban which extends beyond the last day of the Club Ban; and

(iii) the *Commissioner* may take into account any circumstance it considers relevant, including those listed in Article 7.3 or any

other exceptional circumstances that may operate to vary or waive any applicable *Match* ban.

**7.9** Not used.

**7.10** For the avoidance of any doubt:

**7.10.1** the *Match Referee* or *Commissioner* will have no jurisdiction to adjust, reverse or amend the results of any *Match*;

**7.10.2** where a *Player* or *Player Support Personnel* is found guilty of committing two separate Code of Conduct offences that do not relate to the same incident or set of circumstances arising during a *Match* and sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);

**7.10.3** where a *Player* or *Player Support Personnel* is found guilty of committing two Code of Conduct offences in relation to the same incident or set of circumstances arising during a *Match* and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively);

**7.10.4** nothing in this Code of Conduct shall permit plea bargaining in relation to any alleged offence committed under this Code of Conduct;

**7.10.5** where the *Match Referee* or *Commissioner* finds a *Player* or *Player Support Personnel* not guilty of the offence allegedly committed under the Code of Conduct, then it remains open to him/her, at his/her absolute discretion, to find the *Player* or *Player Support Personnel* guilty of an offence of a lower level than that with which he/she has been charged. For example, where a *Player* or *Player Support Personnel* has

been charged with (but been found not guilty of) the *Level 2 Offence* of 'showing serious dissent at an *Umpire's* decision' (Article 2.2.1), the *Match Referee* may, instead, find the *Player* or *Player Support Personnel* guilty of the *Level 1 Offence* of 'showing dissent at an *Umpire's* decision' (Article 2.1.3) and impose an appropriate sanction;

**7.10.6** where a fine and/or costs award is imposed against a *Player* or *Player Support Personnel*, then such fine and/or costs award must be paid: (a) by the *Player* or *Player Support Personnel* (and not any other third party, including a State or Territory Cricket Association); (b) to CA within thirty (30) days of receipt of the decision imposing the fine. However, CA will consider any request from any *Player* or *Player Support Personnel* to make the payment of such fines and/or costs over a prolonged period of time solely in its absolute discretion and on the grounds of financial hardship. Should any fine and/or costs award (or agreed part-payment or installment thereof) not be paid to CA within such deadline or by the time of the next agreed payment date, the *Player* or *Player Support Personnel* may not play, coach or otherwise participate or be involved in any capacity in any *Match* until such payment has been satisfied in full; and

**7.10.7** A *Report* may be withdrawn at any time before a hearing by the individual responsible for lodging the *Report* alleging a breach of the Code of Conduct.

**7.11** Where a *Player* or *Player Support Personnel* has had *Suspension Points* imposed against him/her or has been suspended for a fixed period of time (including a lifetime), he/she may not play, coach or otherwise participate or be involved in any capacity in any *Match(es)* which: (a) are covered by the application of his/her *Suspension*

*Points as determined in accordance with Article 7.5; or (b) take place during the fixed period of his/her suspension.*

**NOTE:** *For the avoidance of any doubt, a Player or (where relevant) Player Support Personnel who has had Suspension Points imposed against him/her or has been suspended for a fixed period of time shall not, during the Matches which are covered by his/her Suspension Points or the period of suspension:*

- (a) be nominated as, or carry out any of the duties or responsibilities of, a substitute fielder; or*
- (b) enter any part of the playing area (which shall include, for the avoidance of doubt, the field of play and the area between the boundary and perimeter boards) at any time, including during any scheduled or unscheduled breaks in play.*

*In addition, Player Support Personnel so sanctioned shall not be permitted to enter the players' dressing room (including the viewing areas) during any Match covered by his/her Suspension Points or the period of suspension. Players so sanctioned will, however, be permitted to enter the players' dressing room provided that the players' dressing room (or any part thereof) for the relevant Match is not within the player area described in (b) above (for example, no such Player shall be permitted access to an on-field 'dug-out').*

*Finally, any Player or Player Support Personnel so sanctioned shall not be prevented from attending any post-match ceremonies or presentations taking place anywhere on the field of play or otherwise following the conclusion of a Match covered by his/her Suspension Points or the period of suspension unless the suspension or Suspension Points have been imposed in respect of a Level 3 or Level 4 Offence under this Code of Conduct. In such circumstances, the Player or Player Support Personnel shall not be permitted to attend such ceremonies or presentations.*

**7.12** Once any *Suspension Points* or fixed period of suspension has expired, the *Player* or *Player Support Personnel* will automatically become re-eligible to participate (in the case of a *Player*) or assist

the participation (in the case of a *Player Support Personnel*) in *Matches* provided that he/she has paid, in full, all amounts forfeited under the Code of Conduct, including any fines, compensatory awards or award of costs that may have been imposed against him/her.

## **ARTICLE 8 APPEALS**

**NOTE:** *For the avoidance of doubt, the right of appeal will be determined by reference to the level of offence which the decision of the Match Referee or Commissioner (as applicable) relates to, and not necessarily the level of offence originally reported.*

*By way of example, a Commissioner may have been asked to determine a Level 3 Offence, but in coming to his/her decision, he/she has exercised the right afforded to him/her in Article 7.10.5 and found the Player or Player Support Personnel concerned not guilty of the Level 3 Offence, but guilty of a Level 2 Offence. In such circumstances, the right of appeal shall be determined on the basis of the Level 2 Offence and thus in accordance with Article 8.2.*

*In circumstances where the application of this note would lead to the same level of adjudicator hearing the appeal as heard the first instance case, then the relevant adjudicatory body shall be the higher body. By way of example, in the example listed above, an Appeals Commissioner would have the jurisdiction to hear the appeal against the Level 2 Offence even though technically under the Code of Conduct a Commissioner would hear the appeal, as the first instance hearing was held before a Commissioner. The terms of this Article 8 should therefore be construed accordingly.*

### **8.1 Appeals from decisions in relation to a first *Level 1 Offence***

**8.1.1** Decisions made under the Code of Conduct by a *Match Referee* in relation to a first *Level 1 Offence* shall be non-appealable and shall remain the full and final decision in relation to the matter.

**8.2 Appeals from decisions in relation to: (a) a second or subsequent Level 1 Offence; (b) a Level 2 Offence (except 2.2.3 and 2.2.11 – “Off-Field”)**

**8.2.1** Decisions made under the Code of Conduct by a *Match Referee* in relation to: (a) a second or subsequent *Level 1 Offence* within the applicable 18 month period; or (b) a *Level 2 Offence (except 2.2.3 and 2.2.11 – “Off-Field”)*, may be challenged solely by appeal as set out in this Article 8.2. Such decision shall remain in effect while under appeal unless the *Commissioner* appointed by CA to hear the appeal orders otherwise.

**8.2.2** The only parties who may appeal a decision of this nature shall be: (a) the *Player* or *Player Support Personnel* found guilty of the offence or, where appropriate in the case of an offence under either Article 2.2.8 (changing the condition of the ball) or 2.2.10 (manipulation of a Match), the relevant *Team Captain*; (b) the person who lodged the *Report* pursuant to Article 3.1 and (c) CA’s *Chief Executive Officer* (or his/her designee).

**8.2.3** Any notice to appeal under this Article must be lodged with the *Head of Integrity* within 48 hours of receipt of the written decision of the *Match Referee*. In all cases, a copy of such notice (which will be in a form prescribed by the *Head of Integrity* and available on CA’s official website) will also be provided to the Chief Executive Officer of the State or Territory Cricket Association to which the *Player* or *Player Support Personnel* is affiliated. Thereafter, the following will apply:

**8.2.3.1** Within 48 hours of receipt of a notice to appeal: (a) the *Head of Integrity* will appoint a *Commissioner* to hear the appeal sitting alone; and (b) the *Match Referee* will provide a written statement to the *Head of Integrity* setting out any relevant facts (to be copied to the *Player* or *Player Support Personnel*).

- 8.2.3.2** The *provisions* of Articles 5.1.2 to 5.1.12, applicable to proceedings before the *Match Referee*, shall apply *mutatis mutandis* (i.e. with changes deemed to have been made as required to reflect the different context) to appeal hearings before the *Commissioner*. CA may appoint a *Commission Counsel* to assist the *Commissioner* in the conduct of any appeal hearing.
- 8.2.3.3** The *Commissioner* shall hear and determine all issues arising from any matter which is appealed pursuant to this Article on a *de novo* basis, i.e. he/she shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. For the avoidance of doubt, the *Commissioner* shall have the power to increase or decrease, amend or otherwise substitute a new decision on the appropriateness (or otherwise) of the sanction imposed at first instance, provided that any new sanction must be within the permitted range of sanctions set out in the table in Article 7.3.
- 8.2.3.4** Appeal hearings pursuant to this Article 8.2 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than fourteen (14) days after the appointment of the *Commissioner*. The *Head of Integrity* must notify in writing the parties to the appeal of all relevant details of the appeal as soon as practicable.
- 8.2.3.5** The *Commissioner* shall have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, the legal and/or travel/accommodation costs of the *Commissioner* and/or any other relevant parties, including CA) to be paid by the appealing party if he/she considers that such party has

acted spuriously, frivolously, without reasonable cause or otherwise in bad faith.

**8.2.3.6** Any decision made by the *Commissioner* under this Article 8.2, shall be the full, final and complete disposition of the matter and will be binding on all parties.

**8.3 Appeals from decisions in relation to a *Level 2.2.3* and *2.2.11* (“Off-Field” only) *Offences, Level 3 Offence or Level 4 Offence***

**8.3.1** Decisions made under the Code of Conduct by a *Commissioner* in relation to a *Level 2.2.3* and *2.2.11* (“Off-Field” only) *Offence, Level 3 Offence or Level 4 Offence* may be challenged solely by appeal as set out in this Article 8.3. Such decision shall remain in effect while under appeal unless any properly convened *Appeals Commissioner* orders otherwise.

**8.3.2** The only parties who may appeal a decision made in relation to a *Level 2.2.3* and *2.2.11* (“Off-Field” only) *Offence, Level 3 Offence or Level 4 Offence* shall be: (a) the *Player* or *Player Support Personnel* found guilty of the offence; (b) the person who lodged the *Report* pursuant to Article 3.1 and (c) *CA’s Chief Executive Officer* (or his/her designee).

**8.3.3** Any notice to appeal under this Article must be lodged with the *Head of Integrity* within seven (7) days of receipt of the written decision of the *Commissioner*. In all cases, a copy of such notice (which will be in a form prescribed by the *Head of Integrity* and available on *CA’s* official website) will also be provided to the Chief Executive Officer of the State or Territory Cricket Association to which the *Player* or *Player Support Personnel* is affiliated. Thereafter, the following will apply:

**8.3.3.1** Within five (5) days of receipt of a notice to appeal: (a) the *Head of Integrity* will appoint one member of *CA’s Code of Conduct Commission* to sit as the *Appeals Commissioner* to

hear the appeal; and (b) the *Commissioner* whose decision is being appealed will provide a written statement to the *Head of Integrity* setting out any relevant facts (to be copied to the *Player* or *Player Support Personnel*).

- 8.3.3.2** The provisions of Articles 5.2.2 to 5.2.14, applicable to proceedings before *Commissioner*, shall apply *mutatis mutandis* (i.e. with changes deemed to have been made as required to reflect the different context) to appeal hearings before the *Appeals Commissioner*. CA may appoint a *Commission Counsel* to assist the *Appeals Commissioner* in the conduct of any hearing.
- 8.3.3.3** Where required in order to do justice (for examples to cure procedural errors at the first instance hearing), the appeal shall take the form of a re-hearing *de novo* (i.e., it shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed) of the issues raised by the case. In all other cases, the appeal shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.
- 8.3.3.4** Appeal hearings pursuant to this Article 8.3 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than thirty (30) days after the appointment of the *Appeals Commissioner*. The *Head of Integrity* must notify in writing the parties to the appeal of all relevant details of the appeal as soon as practicable. It shall be open to the *Appeals Commissioner*, in their discretion, to determine that the matter (or any part thereof) be dealt with by way of written submissions only.

**8.3.3.5** The *Appeals Commissioner* shall have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, the legal and/or travel/accommodation costs of the *Appeals Commissioner* and/or any other relevant parties, including CA) to be paid by the appealing party if it considers that such party has acted, spuriously, frivolously, without reasonable cause or otherwise in bad faith. Otherwise, each party to the appeal shall be responsible for their own costs associated with the appeal.

**8.3.3.6** Any decision made by the *Appeals Commissioner* under this Article 8.3, shall be the full, final and complete disposition of the matter and will be binding on all parties.

#### **8.4 No appeal in relation to an accepted sanction**

For the avoidance of doubt, where a *Player* or *Player Support Personnel* admits the offence charged and accedes to the proposed sanction specified in the *Notice of Charge* in accordance with the procedure described in Articles 4.2.1 or 4.4.1, the *Player* or *Player Support Personnel* waives his/her right to any appeal against the imposition of such a sanction.

### **ARTICLE 9 RECOGNITION OF DECISIONS**

Any hearing results or other final adjudications under the Code of Conduct shall be recognised and respected by CA and the State or Territory Cricket Associations automatically upon receipt of notice of the same, without the need for any further formality. Each of CA and the State or Territory Cricket Associations shall take all steps legally available to it to enforce and give effect to such decisions.

## **ARTICLE 10    AMENDMENT AND INTERPRETATION OF THE CODE OF CONDUCT**

- 10.1**    The Code of Conduct may be amended from time to time by CA, with such amendments coming into effect on the date specified by CA.
- 10.2**    The headings used for the various Articles of the Code of Conduct are for the purpose of guidance only and shall not be deemed to be part of the substance of the Code of Conduct or to inform or affect in any way the language of the provisions to which they refer.
- 10.3**    This Code of Conduct shall come into full force and effect on 25 September 2017 (the “**Effective Date**”). It shall not apply retrospectively to matters pending before the *Effective Date*; provided, however, that any case pending prior to the *Effective Date*, or brought after the *Effective Date* but based on an offence that is alleged to have occurred before the *Effective Date*, shall be governed by the predecessor version of the Code of Conduct in force at the time of the alleged offence, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.
- 10.4**    If any Article or provision of this Code of Conduct is held invalid, unenforceable or illegal for any reason, the Code of Conduct shall remain otherwise in full force apart from such Article or provision that shall be deemed deleted insofar as it is invalid, unenforceable or illegal.
- 10.5**    The Code of Conduct is governed by and shall be construed in accordance with the laws of the State of Victoria, Australia. Strictly without prejudice to the arbitration provisions of Articles 5 and 8 of the Code of Conduct, disputes relating to the Code of Conduct shall be subject to the exclusive jurisdiction of the Victorian courts.

## **ARTICLE 11    OTHER CODES AND POLICIES**

The conduct prohibited under the following codes and policies shall also amount to an offence under this Code of Conduct, provided that the offences, processes and penalties shall be determined in accordance with the relevant code or policy:

1. CA Anti-Corruption Code;
2. CA Anti-Doping Code;
3. CA Illicit Substances Rule;
4. CA Anti-Racism Code; and
5. CA Anti-Harassment Code.

## APPENDIX 1 - DEFINITIONS

Appeals Commissioner. The independent person appointed by CA from the members of the *CA Code of Conduct Commission* to perform the functions assigned to the *Appeals Commissioner* under the Code of Conduct.

BBL Match. Any match (including a practice match) played by a BBL team as part of or in connection with a BBL season.

CA. Cricket Australia or its designee.

CA Code of Conduct Commission. An official committee of CA established under Appendix 2 of this Code of Conduct.

CA's W/BBL Clothing and Equipment Regulations. CA's W/BBL Clothing and Equipment Regulations, as in force from time to time.

CA's Chief Executive Officer. The person appointed by the CA from time to time to act as the CA's Chief Executive Officer (or his/her designee).

CA's General Counsel. The person holding that position at CA from time to time (including any person acting in that position).

CA's State Clothing and Equipment Regulations. CA's State Clothing and Equipment Regulations, as in force from time to time.

Commission Counsel. means an independent person appointed by CA to assist the *Commissioner* or *Appeals Commissioner* in the conduct of a hearing.

Commissioner. The independent person appointed by CA from the *CA Code of Conduct Commission*, to perform the functions assigned to the *Commissioner* under the Code of Conduct, including Appendix 2 of this Code of Conduct.

Effective Date. As defined in Article 10.3.

Head of Cricket Operations. The person holding that position at CA from time to time (including any person acting in that position).

Head of Integrity. The person holding that position at CA from time to time (including any person acting in that position).

Indoor Match. A match played as part of the National Indoor Cricket League or a National Indoor Cricket Championship.

Level 1 Offence. Any of the offences described in Articles 2.1.1 – 2.1.6.

Level 2 Offence. Any of the offences described in Articles 2.2.1 – 2.2.11.

Level 3 Offence. Any of the offences described in Articles 2.3.1 – 2.3.5.

Level 4 Offence. Any of the offences described in Articles 2.4.1 – 2.4.5.

Match. Any cricket match:

- (a) played as part of a test series, one day international series or twenty20 international series (whether or not one or more matches are played as part of that series), whether in Australia or overseas, and whether or not played under the auspices of the ICC or any other country's governing authority for cricket;

- (b) played as part of a Cricket Australia-approved cricket tour (whether in Australia or overseas);
- (c) played as part of the domestic male one-day competition;
- (d) played as part of the domestic male four-day competition;
- (e) that is a *BBL Match*;
- (f) played by a State Association or invitational representative Australian team against a touring international team in Australia or against any other team overseas;
- (g) played by a BBL or WBBL team against a touring international team in Australia or against any team overseas;
- (h) played as part of the WNCL competition;
- (i) played as part of the WBBL competition;
- (j) played as part of the Futures League competition;
- (k) played as part of the National Under 19 Male Championships;
- (l) played as part of the National Under 18 Female Championships;
- (m) played as part of the National Under 17 Male Championships;
- (n) played as part of the National Under 15 Female Championships;
- (o) played as part of the National Indoor Cricket League;
- (p) played as part of a National Indoor Cricket Championship;

and includes any other matches played under the jurisdiction or auspices or with the consent or approval of CA or any State or Territory Association.

*Match Referee.* The independent person appointed by CA (or any other relevant party) as the official match referee for a designated *Match*, whether such *Match Referee* carries out his/her functions remotely or otherwise.

Where a *Match Referee* is not physically present at a particular *Match*, he/she may be assisted in the administrative performance of his/her duties under this Code of Conduct by any official 'Match Manager' who may be appointed to officiate at such *Match*.

*Notice of Charge*. As defined in Article 4.1 and/or Article 4.5.

*Player*. Any cricketer who is selected in any playing team or squad that is chosen to represent CA or a State or Territory Association in any *Match* or series of *Matches* or any cricketer that is contracted to CA or a State or Territory Association to play cricket.

*Player Support Personnel*. Any *Umpire*, *Match Referee*, coach, trainer, team manager, player agent, selector, team official, doctor, physiotherapist, dietitian, fitness or other health related advisor or any other person employed by, contracted to, representing or otherwise affiliated to CA or any State or Territory Association or BBL/WBBL Team or any other person employed by, contracted to, representing or otherwise affiliated to a Team or squad that is chosen to represent CA, a State or Territory Association in any *Match* or series of *Matches*.

*Report*. As defined in Article 3.1.

*Suspension Points*. The weighting points used to determine the period of suspension imposed against any *Player* or *Player Support Personnel* pursuant to Article 7 of the Code of Conduct.

*Team Captain or Vice Captain*. The official captain or vice captain of any team participating in a *Match*.

*Team Manager*. The official manager of any team participating in a *Match*.

Tournament Director. The independent person appointed by CA (or any other relevant party) as the official Tournament Director for a designated *Match*, whether such Tournament Director carries out his/her functions remotely or otherwise. Where a Tournament Director is not physically present at a particular *Match*, he/she may be assisted in the administrative performance of his/her duties under this Code of Conduct by any official 'Match Manager' or Match Referee who may have been appointed to officiate at such *Match* or Tournament (as applicable).

Umpire. Any umpire (including any third or other umpires) appointed to officiate in a *Match*.

## APPENDIX 2 – CA CODE OF CONDUCT COMMISSION

### Establishment

1. A *CA Code of Conduct Commission* (the **Commission**) is established.

### Powers

2. The *Commission* is empowered to:
  - (a) hear and decide reports and appeals brought before it in accordance with this Code of Conduct and impose penalties for any proven breaches in accordance with the terms of this Code of Conduct;
  - (b) hear and decide matters referred to it under the:
    - (i) Anti-Corruption Code;
    - (ii) Anti-Racism Code;
    - (iii) Anti-Harassment Code;
    - (iv) Playing Conditions for competitions sanctioned by CA (solely in relation to over rate and unfit ground condition penalties); and
    - (v) State and W/BBL Contracting and Remuneration Guidelines,(collectively, “**Codes**”) and impose penalties for any proven breaches in accordance with the terms of each of the respective Codes; and
  - (c) deal with any other matter relating to this Code of Conduct or any of the Codes or any other matter referred to it by CA.
3. Any *Report*, complaint or other matter brought to the *Commission* will be heard and determined by any *Commissioner(s)* in accordance with the

applicable provision of the Code of Conduct or the applicable provisions of the Codes unless otherwise agreed by the *Commissioner*.

## **Membership**

4. The *Commission* will consist of up to 8 *Commission* members being:
  - (a) a Senior Commissioner;
  - (b) a Deputy Senior Commissioner; and
  - (c) up to 6 ordinary Commissioners.
5. CA will appoint the *Commissioners*. All *Commissioners* appointed by CA should: (a) have a good and sufficient knowledge and understanding of the game of cricket; (b) be a person of considerable standing and repute and held in high regard generally; and (c) be competent to undertake the duties of a *Commissioner*. No *Commissioner*, including the Senior Commissioner, may be an officer, employee or agent of CA or of any State or Territory Cricket Association.
6. All *Commissioners* will hold office for a period commencing on the date of their appointment by CA through to 30 June of the following year. CA may appoint substitute *Commissioners* in the event a *Commissioner* is unwilling or unable to fulfill the requirements of the role at a particular time. *Commissioners* shall be eligible for re-appointment by CA at the end of that period.
7. All *Commissioners* shall enter into an undertaking to keep confidential and maintain the confidentiality of all information which comes or may come to his/her attention by virtue of his/her appointment as a *Commissioner*.

## **Removal of *Commissioners***

8. Without prejudice to the provisions of paragraph 6, the office of a *Commissioner* shall be vacated if:

- (a) he/she resigns his/her office by notice in writing delivered to the *Head of Integrity*;
  - (b) he/she refuses to enter into or breaches the confidentiality undertaking required under paragraph 7 above and CA resolves that his/her office be vacated;
  - (c) CA resolves that he/she is by reason of sickness no longer able to perform the functions of a *Commissioner* or he/she becomes a patient for any purpose of any law or statute relating to mental ill-health; or
  - (d) CA considers, in its absolute discretion and for whatever reason, that it is no longer appropriate for such individual to be a *Commissioner*.
9. In the event of the death of a *Commissioner* or in the event that the office of a *Commissioner* be vacated for any reason, CA shall, as soon as reasonably practicable, appoint a replacement for the remainder of the period of appointment of the *Commissioner* being replaced.

### **Performance of Duties**

10. All matters discussed, papers prepared and materials disclosed as part of the *Commission's* activities are strictly confidential and shall not be disclosed to any third party without the consent of CA unless it is required by law or such information is already within the public domain, such obligation remaining even after any relevant period of appointment has expired.
11. All information provided to the *Commission* shall, unless otherwise agreed by CA in advance, become and remain the property of CA even after any relevant period of appointment has expired.

12. In performing their duties and functions described in these Terms of Reference, each *Commissioner* agrees to be bound by the Australian Cricket Anti-Corruption Policy.
13. The *Commission* may utilise the services of *CA's General Counsel* (or such other members of *CA* management) to assist the *Commission* as may be appropriate from time to time. *CA* may also appoint a *Commission Counsel* to assist a *Commissioner* in the conduct of any hearing under the Code of Conduct or any of the Codes in accordance with the relevant rules.

### **Register**

14. The *Head of Integrity* must maintain a register of all reports of:
  - (a) alleged breaches of this Code of Conduct; and
  - (b) all matters referred to the *Commission* under the Codes.
15. The register must record the outcome of any hearings and appeals including any penalty imposed under Article 7 of the Code of Conduct (and any penalties levied under the Codes). The register is to be available to the *Commission* for the purpose of assisting it in fixing any penalty for a breach of this Code of Conduct and of the Codes. No reference may be made to the register prior to determining whether a breach of this Code of Conduct has occurred.

### **General Provisions**

16. Each *Commissioner* may, with the approval of the *Head of Integrity*, obtain such external third party professional advice (e.g., from experts, consultants etc.) as he/she deems reasonably necessary to assist in the proper performance of his/her duties and functions set out in these Terms of Reference. *CA* shall be fully responsible for any such costs and expenses properly incurred directly or indirectly by any such third party.

17. Each *Commissioner* shall be entitled to have all reasonable costs and expenses that they incur, with the approval of the *Head of Integrity*, reimbursed by CA.
18. CA hereby agrees to indemnify and keep indemnified each *Commissioner* from and against all liabilities, obligations, losses, damages, suits and expenses which may be incurred by or asserted against the *Commissioner* in such capacity, provided that such indemnity shall not extend to those liabilities, obligations, losses, damages, suits and expenses which have been incurred as a result of any negligence, fraud or wilful misconduct of the *Commissioner*.
19. These Terms of Reference will be reviewed as and when required from time to time by CA (taking into account any comments, feedback and/or amendments suggested by the *Commission* itself) to ensure that they remain fit for purpose.
20. These Terms of Reference shall be governed by and construed in accordance with the laws of the State of Victoria.
21. These Terms of Reference are effective on and from 25 September 2017.

**Address of *Commission***

22. The address of the *Commission* for the purposes of the lodging of documents pursuant to this Code of Conduct shall be the address for the time being of CA, which is currently: **60 Jolimont Street, Jolimont, Victoria, 3002.**