

## **CRICKET AUSTRALIA**

### **CODE OF BEHAVIOUR**

#### **PREAMBLE**

Cricket is a game that owes much of its unique appeal to the fact that it is to be played not only within its Laws, but also within the spirit of the game. Any action seen as abusing this spirit causes injury to the game itself.

Embracing the spirit of the game means participating, either as a player or as an official, fairly and exhibiting respect for other players and officials and the game's traditional values such as graciousness in defeat and humility in victory.

Cricket has a distinct place in Australian society and history. As an element in Australia's national identity, cricket plays a significant role. This status brings with it particular responsibilities for players and officials to conform to high standards of fair play and personal behaviour on and off the field.

This Code of Behaviour is intended to protect and enshrine such important qualities and standards so that all may continue to enjoy the game of cricket now and in the future.

## **DEFINITIONS AND INTERPRETATION**

1. In this Code:

**Chief Executive Officer of Cricket Australia** means the person holding that position from time to time (including any person acting in that position).

**Commission** means the Code of Behaviour Commission established by Section 2 of this Code.

**Commissioner** means a Code of Behaviour Commissioner appointed under Section 2 of this Code.

**ICC** means the International Cricket Council.

**Match** means any cricket match:

- (a) played as part of a test series, one day international series or twenty20 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 one-day competition;
- (d) played as part of the domestic four-day competition;
- (e) played as part of the domestic twenty20 competition;
- (f) played by a State Association team against a touring international team in Australia or against any other team overseas;
- (g) played as part of the State Institute Challenge;
- (h) played as part of the WNCL competition;
- (i) played as part of the Cricket Australia Cup competition (both male and female);
- (j) played as part of the National Under 19 Championships (both male and female);
- (k) played as part of the National Under 17 Championships (both male and female); and
- (l) played as part of the Australian Country Cricket Championships,

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

**official** means:

- (a) the manager or a member of the coaching, medical or fitness staff of a Team;
- (b) the selectors of a Team;
- (c) any other person acting in an official capacity for Cricket Australia or a State or Territory Association or in relation to a Team;
- (d) an umpire of a Match; or
- (e) the referee of a Match.

**Registrar** means the person appointed from time to time by Cricket Australia to act as the registrar of the Commission or, in default of such appointment, the Chief Executive Officer of Cricket Australia.

**Team** means the following cricket teams and includes both male and female teams:

- (a) the Australian 1<sup>st</sup> XI team;
- (b) the Australian 2<sup>nd</sup> XI team (commonly referred to as "Australia A");
- (c) a State or Territory 1<sup>st</sup> XI team;
- (d) a State or Territory CA Cup, 2<sup>nd</sup> XI or Institute team;
- (e) an Australian under-age team;
- (f) a State or Territory under-age team;
- (g) a team from the Cricket Australia Centre of Excellence;
- (h) a team from a State or Territory Institute of Sport; and
- (i) any other cricket team selected by or under the auspices of Cricket Australia or a State or Territory Association to compete in a Match.

***Team official*** means any of the people identified in paragraphs (a) to (c) inclusive of the definition of “official”.

***Tour Executive*** means the manager, coach, captain and vice-captain of an Australian touring Team.

2. In the interpretation of this Code:
  - (a) a construction that would promote the purpose or object underlying the Code must be preferred to a construction that would not promote that purpose or object;
  - (b) consideration may be given to any matter or document that is relevant; and
  - (c) words in the singular include the plural and vice versa.
3. This Code applies to conduct on the field of play (in respect of any Match) and off the field of play. Subject to Section 5, it applies in addition to (and not in substitution of) the ICC Code of Conduct and is not in any way limited by, or construed with reference to, the ICC code of Conduct.

## **SECTION 1: RULES FOR BEHAVIOUR - OFFENCES**

Each of the rules for behaviour has a guideline. The guidelines are intended as an illustrative guide only and in the case of any doubt as to the interpretation of the Rule, the provisions of the Rule itself shall take precedence over the provisions of the guidelines. The guidelines should not be read as an exhaustive list of offences or prohibited conduct.

### **1. Level 1 Offences**

The Offences set out at 1.1 to 1.6 below are Level 1 Offences. The range of penalties which shall be imposed for a Level 1 Offence is set out in Section 5 of this Code. Players and, where applicable, officials must not:

<b>No.</b>	<b>Rule</b>	<b>Guidelines</b>
<b>1.1</b>	Abuse cricket equipment or clothing, ground equipment or fixtures and fittings	<ul style="list-style-type: none"> <li>Includes actions outside the course of normal cricket actions such as hitting or kicking the wickets and actions which intentionally or negligently result in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.</li> </ul>
<b>1.2</b>	Show dissent at an umpire's decision	<ul style="list-style-type: none"> <li>Includes showing dissent at an umpire's decision by way of showing inappropriate or excessive disappointment, an obvious delay in resuming play or leaving the wicket, shaking the head, pointing or looking at the inside edge when given out lbw, pointing to the pad or rubbing the shoulder when caught behind, snatching the cap from the umpire, a bowler or fielder arguing or entering into an unduly prolonged discussion with the umpire about the umpire's decision.</li> <li>This Rule does not prohibit the bowler involved in the decision or a team captain from asking an umpire to provide an explanation for a decision or a Team official from making a formal complaint.</li> </ul>
<b>1.3</b>	Use language that is obscene, offensive or insulting and/or the making of an obscene gesture	<ul style="list-style-type: none"> <li>This includes swearing and offensive gestures which are not directed at another person such as swearing in frustration at one's own poor play or fortune.</li> <li>This offence is not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence shall be taken into account when deciding to report the behaviour as an offence and when assessing the seriousness of the breach.</li> </ul>
<b>1.4</b>	Engage in excessive appealing	<ul style="list-style-type: none"> <li>Excessive shall mean repeated appealing when the bowler/fielder knows the batsman is not out with the intention of placing the umpire under pressure. It is not intended to prevent loud or enthusiastic appealing. Excessive may also mean the practice of celebrating or assuming a dismissal before the decision has been given.</li> </ul>
<b>1.5</b>	Point or gesture towards the pavilion in an aggressive manner upon the dismissal of a batsman	<ul style="list-style-type: none"> <li>Self explanatory.</li> </ul>
<b>1.6</b>	Breach any regulation regarding approved clothing or equipment	<ul style="list-style-type: none"> <li>This includes regulations regarding bat logos and regulations regarding other logos or advertising which may be worn or displayed.</li> </ul>
<b>1.7</b>	Failure by a Team to ensure that the condition	<ul style="list-style-type: none"> <li>Where no individual player is reported for breach of Rule 2.7, each member of the relevant fielding team (including the 12<sup>th</sup> man) shall</li> </ul>

	of a ball is not changed in breach of Law 42.3	be considered to be in breach of this rule if the condition of the ball being used by that team has been changed in breach of Law 42.3. The presence or absence of involvement of each team member in changing the condition of the ball shall be irrelevant to a finding of guilt for Rule 2.10.
<b>Note:</b>		<ul style="list-style-type: none"> <li>In accordance with Rule 1(e) in Section 5 of this Code, any repeat of the same Level 1 Offence (other than Rule 1.7) within 12 months of such offence will for the purposes of penalty only be regarded as a Level 2 Offence.</li> </ul>

## 2. Level 2 Offences

The Offences set out at 2.1 to 2.9 below are Level 2 Offences. The range of penalties which shall be imposed for a Level 2 Offence is set out in Section 5 of this Code. Players and, where applicable, officials must not:

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
<b>2.1</b>	Show serious dissent at an umpire's decision	<ul style="list-style-type: none"> <li>Dissent (including examples given in 1.2 above) will be classified as serious where 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.</li> <li>This Rule does not prohibit the bowler involved in the decision or a team captain from asking an umpire to provide an explanation for a decision or a Team official from making a formal complaint.</li> </ul>
<b>2.2</b>	Engage in inappropriate and deliberate physical contact with other players or officials	<ul style="list-style-type: none"> <li>Without limitation, players will breach this regulation if they deliberately walk or run into or shoulder another player, official or match official either during the course of play of a Match or during the periods before or after play at the relevant venue.</li> </ul>
<b>2.3</b>	Charge or advance towards the umpire in an aggressive manner when appealing	<ul style="list-style-type: none"> <li>Self explanatory.</li> </ul>
<b>2.4</b>	Deliberately and maliciously distract or obstruct another player or official on the field of play	<ul style="list-style-type: none"> <li>This does not replace clauses 39 and 40 of the Pura Cup Playing Conditions.</li> <li>Without limitation, players will breach this rule if they deliberately attempt to distract a striker by words or gestures or deliberately shepherd a batsman while running or attempting to run between wickets.</li> </ul>
<b>2.5</b>	Throw the ball at or near a player or official in an inappropriate and/or dangerous manner	<ul style="list-style-type: none"> <li>This Rule will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion.</li> </ul>
<b>2.6</b>	Use language that is obscene, offensive or of a generally insulting nature to another player, official or spectator.	<ul style="list-style-type: none"> <li>This is language or gestures which are directed at another person or persons. In exercising his judgement as to whether the behaviour has fallen below an acceptable standard, the umpire seeking to lay a charge shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: <ul style="list-style-type: none"> <li>be regarded as obscene; or</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• give offence; or</li> <li>• insult another person.</li> </ul> <ul style="list-style-type: none"> <li>• This offence is not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence shall be taken into account when assessing the seriousness of the breach.</li> </ul>
2.7	Change the condition of the ball in breach of Law 42.3	<ul style="list-style-type: none"> <li>• Prohibited behaviour includes picking the seam or deliberately throwing the ball into ground for the purpose of roughening it up and the application of moisture to the ball, save for perspiration and saliva.</li> </ul>
2.8	Without limiting Rule 8, attempt to manipulate a Match in regard to the result, net run rate, bonus points or otherwise. The captain of any team guilty of such conduct shall be held responsible.	<ul style="list-style-type: none"> <li>• Prohibited conduct under this rule will include 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.</li> </ul>
2.9	Seriously breach any regulation regarding approved clothing or equipment	<ul style="list-style-type: none"> <li>• See guideline for Rule 1.6 above. Without limitation, a breach will be considered serious if it is done in bad faith or where it has serious commercial consequences (eg display of logo of competing CA or State sponsor)</li> </ul>
<b>Note:</b>		<ul style="list-style-type: none"> <li>• In accordance with Rule 1(e) in Section 5 of this Code any repeat of the same Level 2 Offence within 12 months of such offence will for the purposes of penalty only be regarded as a Level 3 Offence.</li> </ul>

### 3. Level 3 Offences

The Offences set out at 3.1 to 3.3 below are Level 3 Offences. The range of penalties which shall be imposed for a Level 3 Offence is set out in Section 5 of this Code. Players and, where applicable, officials must not:

<b>No.</b>	<b>Rule</b>	<b>Guidelines</b>
3.1	Intimidate or attempt to intimidate an umpire or referee whether by language or conduct	<ul style="list-style-type: none"> <li>• Includes appealing in an aggressive or threatening manner.</li> </ul>
3.2	Threaten to assault another player, Team official or spectator	<ul style="list-style-type: none"> <li>• Self explanatory.</li> </ul>
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, colour, descent, sexuality or national or ethnic origin	<ul style="list-style-type: none"> <li>• Self explanatory.</li> </ul>

<b>Note:</b>	<ul style="list-style-type: none"> <li>In accordance with Rule 1(e) in Section 5 of this Code any repeat of the same Level 3 Offence within 12 months of such offence will for the purposes of penalty only be regarded as a Level 4 Offence.</li> </ul>
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#### 4. Level 4 Offences

The Offences set out at 4.1 to 4.4 below are Level 4 Offences. The range of penalties which shall be imposed for a Level 4 Offence is set out in Section 5 of this Code. Players and, where applicable, officials must not:

<b>No.</b>	<b>Rule</b>	<b>Guidelines</b>
4.1	Threaten to assault an umpire or referee	<ul style="list-style-type: none"> <li>Self explanatory.</li> </ul>
4.2	Physically assault another player, umpire, referee, official or spectator	<ul style="list-style-type: none"> <li>Self explanatory.</li> </ul>
4.3	Engage in any act of violence on the field of play	<ul style="list-style-type: none"> <li>Self explanatory.</li> </ul>
4.4	Use language or gestures that seriously offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion, colour, descent or national or ethnic origin	<ul style="list-style-type: none"> <li>Self explanatory.</li> </ul>

#### 5. Laws of Cricket and Spirit of the Game

<b>No.</b>	<b>Rule</b>	<b>Guidelines</b>
5	Players must obey the <i>Laws of Cricket</i> and play within the spirit of the game. The captain and Team coach must use their best efforts to ensure that their Team and individual members of the Team complies with this rule	<ul style="list-style-type: none"> <li>This is meant as a general Rule to deal with situations where the facts of or the gravity or seriousness of the alleged incident are not adequately or clearly covered by the offences set out in Rules 1 – 4 (inclusive) of the Code.</li> <li>Conduct which will be prohibited under the clause includes using an illegal bat, cheating during play, time wasting and any conduct which is considered “unfair play” under Law 42 of the Laws of Cricket.</li> <li>This Rule is not intended to punish unintentional breaches of the Laws of Cricket.</li> <li>Reference may be made to any statement or explanation of the Spirit of Cricket published in conjunction with the Laws of Cricket.</li> <li>Nothing in this Rule or the Code alters the onus on the captain to ensure that the Spirit of the Game is adhered to as stated and defined in the preamble to the Laws of Cricket.</li> </ul>

## 6. Unbecoming Behaviour

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
6	Without limiting any other rule, players and officials must not at any time engage in behaviour unbecoming to a representative player or official that could bring them or the game of cricket into disrepute or be harmful to the interests of cricket	<ul style="list-style-type: none"> <li>• This is also meant as a general Rule to deal with situations where the facts of or the gravity or seriousness of the alleged incident are not adequately or clearly covered by the offences set out in Rules 1 – 4 (inclusive) of the Code.</li> <li>• It is intended to include (but not be limited to) serious or repeated criminal conduct, public acts of misconduct, unruly public behaviour and sexual misconduct.</li> <li>• This Rule applies in the following circumstances only (whichever is the longer):               <ul style="list-style-type: none"> <li>(a) subject to paragraph (b), participation in any Match, tour or training camp in Australia or overseas – from the time of departure from the player’s or official’s usual private residence prior to the tour or camp until return to that residence after the tour or camp;</li> <li>(b) participation in a Home Match or series of Home Matches – from the commencement of the day before the first day of the Match or series of Matches until the end of the day following the conclusion of the Match or series of Matches;</li> <li>(c) participation in a home training session – from the time of arrival at the venue until departure; and</li> <li>(d) attendance at an official cricket function or performance of obligations under a contract with Cricket Australia or a state or territory cricket association - from the time of departure from the player’s or official’s usual private residence prior to the function or performance of the obligation until return to that residence afterwards.</li> </ul> </li> </ul> <p>Notwithstanding the foregoing, this Rule applies at all times where the unbecoming behaviour involves the player or official being involved in:</p> <ul style="list-style-type: none"> <li>(i) serious or repeated criminal conduct; or</li> <li>(ii) public comment or comment to or in the media.</li> </ul>

## 7. Anti-Doping Policy

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
7	Players and officials must obey Cricket Australia’s Anti-Doping Policy (as amended from time to time).	<ul style="list-style-type: none"> <li>• Any behaviour prohibited by this Rule will be dealt with under the Anti-Doping Policy and not under the Code of Behaviour.</li> </ul>

## 8. Betting, Match-fixing and Corruption

Players or officials must not, directly or indirectly, engage in the following conduct:

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
8	<p>(a) bet, gamble or enter into any other form of financial speculation on any cricket match or on any event connected with any cricket match or series of cricket matches (for the purposes of this Rule, an Event);</p> <p>(b) induce or encourage any other person to bet, gamble or enter into any other form of financial speculation on any cricket match or series of cricket matches or on any Event or to offer the facility for such bets to be placed;</p> <p>(c) be a party to contriving or attempting to contrive the result of any cricket match or series of cricket matches or the occurrence of any Event in exchange for any benefit or reward (other than a benefit or reward received from his home Board);</p> <p>(d) fail to attempt to perform to the best of his ability in any cricket match for any reason whatsoever (including, in particular, owing to an arrangement relating to betting on the outcome of any cricket match or series of cricket matches or on the occurrence of any Event) other than for legitimate tactical reasons in relation to that cricket match;</p> <p>(e) induce or encourage any player not to attempt to perform to the best of the player's ability in any cricket match for any reason whatsoever (including, in particular, owing to an arrangement relating to betting on the outcome of any cricket match or series of cricket matches or on the occurrence of any Event) other than for legitimate tactical reasons in relation to that cricket match;</p> <p>(f) for money, benefit or other reward (whether for the player him or herself or any other person and whether financial or otherwise), provide any information concerning the weather, the state of the ground, a Team or its members (including, without limitation, the Team's actual or likely composition, the form of individual players or tactics) the status or possible outcome of any cricket match or series of cricket matches or the possible occurrence of any Event other than in connection with bona fide media interviews and commitments;</p> <p>(g) engage in any other form of corrupt conduct in relation to any cricket match or series of cricket matches or Event;</p> <p>(h) fail to promptly disclose to the Chief Executive Officer of Cricket Australia that he or she has received an approach from another person to engage in conduct such as that described in paragraphs (a) – (g) above (such disclosure to be in writing and include full particulars of any such approach);</p>	<ul style="list-style-type: none"> <li>• For the purpose of this Rule: <ul style="list-style-type: none"> <li>(a) a reference to a “cricket match or series of cricket matches” includes any cricket match or matches whatsoever played anywhere in the world and is not restricted to a cricket match or matches in which the player or official concerned, or any Team, took part; and</li> <li>(b) a reference to an “attempt” shall include an offer or an invitation.</li> </ul> </li> </ul>

	<p>(i) fail to promptly disclose to the Chief Executive Officer of Cricket Australia that he or she knows or reasonably suspects that any current or former player or official or any other person has engaged in conduct, or been approached to engage in conduct, such as that described in paragraphs (a) – (g) above (such disclosure to be in writing and include full particulars of any such knowledge or suspicion);</p> <p>(j) fail to promptly disclose to the Chief Executive Officer of Cricket Australia that he or she has received, or is aware or reasonably suspects that another player or official or any other person has received, actual or implied threats of any nature in relation to past or proposed conduct such as that described in paragraphs (a) – (g) above (such disclosure to be in writing and include full particulars of any such knowledge or suspicion); or</p> <p>(k) engage in conduct that relates directly or indirectly to any of the conduct described in paragraphs (a) – (j) above and is prejudicial to the interests of the game of cricket or which could bring him or her or the game of cricket into disrepute.</p> <p>A valid defence may be made to a charge in respect of any prohibited conduct set out in this Rules 8(h), (i) and (j) if the person charged proves that the conduct was the result of an honest and reasonable belief that there was a serious threat to the life or safety of the person charged or any member of the person’s family.</p>	
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## 9. Detrimental Public Comment

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
9	Without limiting any other rule, players and officials must not make public or media comment which is detrimental to the interests of the game	<p>Without limitation, players and officials will breach this rule if by making any public or media comment they:</p> <ul style="list-style-type: none"> <li>publicly denigrate another player or publicly denigrate or criticise an, official, umpire, referee or team against which they have played or will play, whether in relation to incidents which occurred in a match or otherwise;</li> <li>denigrate a country in which they are or are likely to be touring or officiating;</li> <li>denigrate the home country of a touring team against which they are or are likely to be playing or in respect of which they are or are likely to be officiating;</li> <li>denigrate another player or official by inappropriately commenting on any aspect of his or her performance, abilities or characteristics;</li> <li>comment on the likely outcome of a hearing or a report or an appeal;</li> <li>criticise the outcome of a hearing or an appeal; or</li> <li>criticise any evidence, submission or other comment made by any person at the hearing of a report or any appeal.</li> </ul>

## 10. Racial and Religious Vilification Code

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
10	Without limiting Rules 3.3 and 4.4, players and officials must obey Cricket Australia's Racial and Religious Vilification Code (as amended from time to time)	<ul style="list-style-type: none"> <li>Any behaviour prohibited by this Rule will be dealt with under the Racial and Religious Vilification Code and not under the Code of Behaviour, save where a report is made under another rule of the Code of Behaviour (in which case a player or official may also lodge a complaint under the Racial and Religious Vilification Code).</li> </ul>

## 11. Anti-Harassment Policy

<i>No.</i>	<i>Rule</i>	<i>Guidelines</i>
11	Players and officials must obey Cricket Australia's Anti-Harassment Policy (as amended from time to time).	<ul style="list-style-type: none"> <li>Any behaviour prohibited by this Rule will be dealt with under the Anti-Harassment Policy and not under the Code of Behaviour, save where a report is made under another rule of the Code of Behaviour (in which case a player or official may also lodge a complaint under the Anti-Harassment Policy).</li> </ul>

## **SECTION 2: THE CODE OF BEHAVIOUR COMMISSION**

### **Establishment**

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

### **Powers**

2. The Commission is empowered to:
  - (a) hear and decide reports and appeals brought under this Code and penalise any breaches;
  - (b) hear and decide complaints referred to it under the Racial and Religious Vilification Code and penalise any breaches; and
  - (c) deal with any other matter referred to it by Cricket Australia.

### **Membership**

3. The Commission will consist of 18 Commissioners being:
  - (a) a Senior Commissioner;
  - (b) a Deputy Senior Commissioner; and
  - (c) 16 ordinary Commissioners, being two (2) Ordinary Commissioners from each State Association and from each of ACT Cricket and the Northern Territory Cricket.
4. Cricket Australia will appoint the Senior Commissioner and the Deputy Senior Commissioner.
5.
  - (a) Cricket Australia shall appoint all ordinary Commissioners. To facilitate such appointment, by no later than 1 August in each year, each State Association and each of ACT Cricket and the Northern Territory Cricket will submit nominations to Cricket Australia of at least two (2) ordinary Commissioners who normally reside within their respective jurisdictions. A curriculum vitae of each nominated person shall be provided to Cricket Australia with each submission. All nominations must be approved by Cricket Australia before they can have effect. Should Cricket Australia not approve a nomination by a state or territory cricket association, the association concerned must make further nominations until approved by Cricket Australia.
  - (b) All Commissioners will hold office for a period of one (1) year from the date of their appointment (in the case of the Senior Commissioner and Deputy Senior Commissioner) or approval (in the case of ordinary Commissioners) by Cricket Australia. Cricket Australia may appoint or approve substitute Commissioners in the event a Commissioner is unwilling or unable to fulfil the requirements of the role at a particular time.
6.
  - (a) Subject to paragraph (b) below, any report, complaint or other matter brought to the Commission will be heard and determined by an ordinary Commissioner or the Deputy Senior Commissioner or any other Commissioner nominated by the Chief Executive Officer of Cricket Australia. Any appeal from a decision of a single Commissioner will be heard and determined by the Deputy Senior Commissioner or the Senior Commissioner or another Commissioner approved by the Chief Executive Officer of Cricket Australia. A Commissioner whose decision is the subject of appeal may not participate in hearing the appeal.
  - (b) Any report made in relation to an alleged breach by a player or official of Rule 8 of Section 1 will only be heard and determined by the Deputy Senior Commissioner. Any

appeal from the decision of the Deputy Senior Commissioner will be heard and determined by the Senior Commissioner.

- (c) Subject to the provisions of this Code, the Registrar will be responsible for determining which Commissioner will hear a particular report or complaint.

### **Register**

- 7. The Registrar must maintain a register of all reports of alleged breaches of this Code and of all complaints referred to the Commission under the Racial and Religious Vilification Code and the Anti Harassment Policy. The register must record the outcome of any hearings and appeals including any penalty imposed. 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 Behaviour and of the Racial and Religious Vilification Code and the Anti Harassment Policy. No reference may be made to the register prior to the making of a finding of guilt or innocence.

### **Address of Commission**

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

## **SECTION 3: REPORTS**

- 1. Subject to Rule 2 below, an alleged breach of the Code may be reported by:
  - (a) any:
    - (i) player participating; or
    - (ii) umpire or Match referee officiating,in the Match in connection with which the alleged breach occurs;
  - (b) the:
    - (i) manager of either Team; or
    - (ii) the Chief Executive Officer of the state or territory cricket association represented by either Team,participating in the Match in connection with which the alleged breach occurs;
  - (c) the:
    - (i) manager of the Team; or
    - (ii) Chief Executive Officer of the state or territory cricket association,of the person alleged to have committed the breach where the alleged breach does not occur in connection with a Match; or
  - (d) the Chief Executive Officer of Cricket Australia.
- 2. An alleged breach of Rule 8 of Section 1 may only be reported by the Chief Executive Officer of Cricket Australia.
- 3. Any report of an alleged breach of the Code must be made to the Commission in writing on a form approved by the Commission (the Form). Prior to the start of each Match, the state or

territory cricket association hosting such Match shall ensure that all officiating umpires are provided with at least five (5) copies of the Form. In addition, each state and territory cricket association shall ensure that a sufficient number of additional copies of the Form 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 Rule 3.1 above. Cricket Australia shall ensure that an electronic copy of the Form is posted on its official website (currently [www.cricket.com.au](http://www.cricket.com.au)) for use, if necessary, by any person designated under Rule 3.1 above.

4. In the case of an alleged breach occurring on the field, a report must be made within 24 hours of the conclusion of the Match, save that the Chief Executive Officer of Cricket Australia may lodge a report within 10 business days of becoming aware of any facts which are capable of substantiating a charge under this Code.
5. As soon as reasonably practicable after the Commission receives the report, the person against whom a report is made (and the Chief Executive Officer of the State or Territory Cricket Association of such person if the person is a player or Team official) must be informed of the making of the report, written particulars of the rules it is alleged have been breached and a brief statement as to how they have been breached.
6. A report may be withdrawn at any time.
7. Where the facts of or the gravity or seriousness of the alleged incident are not adequately or clearly covered by the offences set out in Rules 1 – 4 (inclusive) of Section 1, the person making the report may allege another offence, for example:
  - (a) breach of Rule 5 –Laws of Cricket and Spirit of the Game;
  - (b) breach of Rule 6 – Unbecoming Behaviour; or
  - (c) breach of Rule 9 – Detrimental Public Comment.
8. Where there are separate incidents in the course of a match, separate charges should be laid.

#### **SECTION 4: HEARINGS**

##### **Procedure**

1. The Commission will hold a hearing in relation to each report made under this Code. Where appropriate, the Commission may hear more than one report simultaneously where those reports are in respect of the same or related behaviour.
2. The hearing of a report will be held as soon as practicable after the report has been lodged, having regard always to the requirements to accord procedural fairness to the player or official concerned. The Commission may grant an adjournment of the hearing where the player or official demonstrates that an adjournment is essential in order to be given a fair opportunity to prepare a defence.
3. Subject to the immediately succeeding clause 4(c), the person against whom a report is made and the person who has made the report will be required to attend a hearing before the Commission at a time and place notified to them. If within 30 minutes of the notified time for commencement of the hearing:
  - (a) the person making the report is not present, the Commission may dismiss the report or adjourn the hearing to a date and time fixed by it; or
  - (b) the person against whom the report has been made is not present, the Commission may hear the report in the absence of that person; or

- (c) both persons are not present, the Commission may dismiss the report or adjourn the hearing to a date and time fixed by it.
4. The Commission:
- (a) will conduct the hearing:
    - (i) subject to paragraph (g) of this clause, in private unless all parties to the report and the Commission agree otherwise; and
    - (ii) in other respects as the Commission determines;
  - (b) will conduct the hearing:
    - (i) with as little formality and technicality; and
    - (ii) as quickly,  
as proper consideration of the report or complaint permits;
  - (c) may conduct the hearing by telephone or other conference facility;
  - (d) may request video evidence to assist it in determining whether the person reported has breached the Code, provided that the Commission shall only be entitled to use such evidence in making its decision if it has considered the video evidence in the presence of the person charged, giving the person charged, or any person on his or her behalf, an opportunity to make such comments, if any, as they wish to make on the video pictures;
  - (e) may itself and may permit the person alleged to have breached the Code and the person who lodged the report to examine and cross-examine witnesses;
  - (f) may appoint a legal representative or other person to assist it;
  - (g) may allow the person alleged to have breached the Code to be assisted by a legal representative or other person; and
  - (h) may allow media personnel who have been approved or accredited by Cricket Australia to attend and report on (but not transmit) the hearing.
5. The Commission is entitled, if, in its absolute discretion, it is required, to seek legal advice prior to or during any hearing (for which purpose the Commission is entitled to adjourn the hearing) and/or prior to giving its decision.

#### **Behaviour at Hearings**

7. All people attending a hearing before the Commission must:
- (a) dress in a manner acceptable to the Commission;
  - (b) behave with due decorum; and
  - (c) comply with the directions of the Commission as to the manner in which the hearing will be conducted.

Any person who fails to comply may be ejected from the hearing room and sanctioned under this Code in his or her absence.

#### **Notification of Decision**

8. The Commission will give:

- (a) the person reported;
- (b) the person making the report;
- (c) the person's home state or territory cricket association; and
- (d) Cricket Australia,

a written statement of the findings of the hearing and any penalty imposed.

## **SECTION 5: PENALTIES**

1. In the event the Commission decides that any person has breached any of Rules 1 – 4 (inclusive) of Section 1 of this Code of Behaviour, it will apply a penalty within the range of penalties for each level of offence set out in the table below and may also apply any or all of the penalties set out in Rule 2 of this Section (with the exception of Match bans and fines contemplated under Rules 2(a) and 2(c)).

<b>Level of Offence</b>	<b>CA and State Players (including rookies) and CA Contracted Umpire</b>	<b>Women's Cricket Players, Officials (other than CA Contracted Umpires) and Under Age Players</b>
Level 1	With the exception of Rule 1.7, official reprimand and/or fine of up to the equivalent of 50% of player or umpire's match fee  With respect to Rule 1.7, fine for each player of 10% of the match fee for the match in which the offence occurred	Official reprimand and/or suspended ban of up to 1 multi-day Match and/or 2 one-day Matches
Level 2	Fine of the equivalent of between 50% of player or umpire's match fee up to their full match fee and/or a ban of 1 multi-day Match and/or between 1 and 2 one-day Matches	Ban of 1 multi-day Match and/or between 1 and 2 one-day Matches
Level 3	Ban of between 2 and 4 multi-day Matches and/or between 4 and 8 one-day Matches	Ban of between 2 and 4 multi-day Matches and/or 4 and 8 one-day Matches
Level 4	Ban of between 5 multi-day Matches and/or 10 one-day Matches and a life ban.	Ban of between 5 multi-day Matches and/or 10 one-day Matches and a life ban.

The following rules of interpretation apply to any penalty imposed under this Rule:

- (a) A "multi-day Match" means a Match of more than one days' scheduled duration and a "one-day Match" means a Match of one days' scheduled duration (whether a 50-over match, Twenty20 match or some other limited overs match of no more than one day's scheduled duration).
- (b) The Commission must specify the type of Match or Matches in which the ban is to be served. The Commission may specify a different ban (within the applicable range) for each type of Match in respect of which the ban is to apply. For example, a player found

guilty of a Level 3 offence may be banned for 4 Pura Cup Matches, 2 Test Matches, 6 domestic one-day Matches and 5 One Day International Matches.

- (c) In addition to any ban imposed under this Rule (and without limiting the Commission's powers with respect to Level 4 bans), the Commission may, if it deems appropriate, ban the person from participation in any club match or matches for a specified period of time.
- (d) In the event that a player receives an ICC imposed international Match ban for a breach of 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) other than a Level 3 offence under the ICC Code of Conduct for a repeat of a Level 2 offence within a twelve month period, the Senior Commissioner or the Deputy Senior Commissioner (or another Commissioner nominated by the Chief Executive Officer of Cricket Australia) will conduct a hearing to determine whether the player should 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 Section 4 of this Code will apply to any hearing under this paragraph (d) except that:
  - (i) 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); and
  - (ii) the hearing must be convened within 10 business days of the relevant decision (or an appeal from that decision) under the ICC Code of Conduct.

When imposing any penalty under this paragraph (d) the following principles will apply:

- (i) the Commission may not impose a ban in relation to Test Matches or One Day International Matches;
  - (ii) the Commission 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 Commission 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 Pura Cup Matches); and
  - (iv) the Commission may take into account any circumstance it considers relevant, including those listed in Rule 3 of this Section 5.
- (e) If a player or official repeats an offence within a particular Level (excluding Rule 1.7 and Level 4) within a twelve month period, the Commission will impose a penalty in line with the next highest Level. For example, if a player is found to have committed a Level 2.3 offence and six months later is found to have committed a Level 2.6 offence, the player will be penalised as if he or she had committed a Level 3 offence.
  - (f) In relation to a fine which is determined by reference to a 'match fee' (as referred to in the table above), the relevant match will be the match in which the offence occurred.
2. Without limiting Rule 1 of this Section, in the event the Commission decides that any person has breached any of Rules 5, 6 or 9 of Section 1 of this Code of Behaviour, it will apply one or more of the following penalties:
- (a) Ban the person from participating in any Match;

- (b) Ban the person from holding (or continuing to hold) any position within Cricket Australia or a State or Territory Cricket Association (including as an employee, official or officer);
  - (c) Fine the person an amount that accords with Rule 11 of this Section;
  - (d) Direct that the person make reparation for damage caused by that person to any property;
  - (e) Require the person to undergo counselling for a specified time;
  - (f) Require the person to perform voluntary service to cricket or the community; and/or
  - (g) Reprimand the person.
3. Without limiting Rule 1 of this Section, when imposing any penalty upon a person who has breached this Code of Behaviour, the Commission may take into account any circumstance it considers relevant, including the following:
- (a) the seriousness of the breach;
  - (b) the harm caused by the breach to the interests of cricket;
  - (c) the person's seniority and standing in the game;
  - (d) remorse shown by the person and the prospect of further breaches;
  - (e) the prior record of the person in abiding by this Code, the ICC Code of Conduct and any similar code of behaviour; and
  - (f) the impact of the penalty on the person, including the person's capacity to pay a fine as evidenced by the proportion of the person's annual income from Cricket Australia or a state or territory cricket association that the proposed fine represents.
4. In the event the Commission decides that a person is guilty of an offence under any of Rules 1 – 4 of Section 1 of this Code and the person is not described in the table under Rule 1 above, the Commission will impose one or more of the penalties set out in Rule 2 of this Section, taking into account any circumstance which it considers relevant including those set out in Rule 3 of this Section.
5. Penalties for behaviour which contravenes the codes and policies described in Rules 7, 10 and 11 of Section 1 will be determined in accordance with the relevant code or policy.
6. Any player or official required to pay a fine or to make reparation must do so within thirty (30) days or as otherwise decided by the Commission. Any failure to meet this requirement will render the player or official ineligible for selection or official duties in any Team or Match.
7. If the Commission finds a person reported for separate incidents within a match to be guilty of more than one offence, it should impose separate penalties in respect of each offence. Penalties in such cases are cumulative and not concurrent.
8. Plea bargaining is not permitted. It is open to the Commission to find a person guilty of an offence in a level lower than that in which he or she is charged where the constituent elements of the lesser offence are substantially similar or the same. For example, if a player is charged with serious dissent under Rule 2.1 of Section 1, it is open to the Commission to find the player guilty of dissent under Rule 1.2 of Section 1 rather than serious dissent.
9. In the event the Commission decides that any person has breached a provision of Rule 8 of Section 1, the Commission:

- (a) may impose any or all of the penalties under Rules 2(c) to (g) inclusive; and
- (b) will impose the penalties under Rules 2 (a) and (b) of this Section, and will ban the person from (in the case of a player) being selected in a Team or (in the case of an official) being involved in any Team or Match, for the following periods of time:

- Rule 8(a) - Between 2 and 5 years
- Rule 8(b) - Between 2 and 5 years if the player or official directly benefited (or intended to directly benefit) from his or her actions; otherwise, a minimum of 1 year
- Rule 8(c) - life
- Rule 8(d) - life
- Rule 8(e) - life
- Rule 8(f) - Between 2 and 5 years if the player or official directly benefited (or intended to directly benefit) from his or her actions; otherwise, a minimum of 1 year
- Rule 8(g) - Between 2 years and life
- Rule 8(h) - Between 1 and 5 years
- Rule 8(i) - Between 1 and 5 years
- Rule 8(j) - Between 1 and 5 years
- Rule 8(k) - Between 1 and 5 years

10. Nothing in this Section limits the Commission’s ability to impose a ban **and** a fine in respect of a breach of Rule 8 of Section 1.

11. When the Commission imposes a fine for a breach of Rules 5, 6, 8 or 9 of Section 1, it will not exceed the amounts listed in the following table, provided that no fines will be imposed on players or officials who do not receive remuneration as a result of their playing or officiating duties:

<b>Rule Number</b>	<b>Description of Offence</b>	<b>First Breach</b>	<b>Further Breach</b>
Rule 5	<i>Laws of Cricket and Spirit of the Game</i>	\$5750	\$11,500
Rule 6	<i>Unbecoming Behaviour</i>	\$5750	\$11,500
Rule 8	<i>Betting, Match Fixing and Corruption</i>	unlimited	unlimited
Rule 9	<i>Detrimental Public Comment</i>	\$5750	\$11,500

**SECTION 6: APPEALS**

**Right to Appeal**

- 1. Any person found to be in breach of the Code or the initiator of any report or the Chief Executive Officer of Cricket Australia or a person who has had a penalty imposed under Rule 1(d) of Section 5, may appeal against the decision of the Commission (or a decision of the Tour Executive when acting in place of the Commission under Section 8), including but not limited to in relation to the penalty imposed, provided a \$2000 appeal deposit is paid to Cricket Australia at the time such appeal is lodged with the Commission.
- 2. An appeal may be withdrawn at any time, except that once the hearing of the appeal has commenced the appeal may be withdrawn only with the Commission’s approval.

**Time for Appeal**

- 3. The appeal must be lodged with the Commission in writing in a form approved by the Commission within 10 business days of notification of the decision under Rule 6 of Section 4 of this Code. Any penalties imposed by the Commission will be suspended pending the outcome of any such appeal.

4. The Commission must notify the other parties of the appeal and its details as soon as practicable after the Commission receives the notice of appeal.
5. The appeal will be heard as soon as practicable after the other parties to the appeal have been notified pursuant to Rule 4 above and will be commenced no later than 28 days after the appeal is lodged.

#### **Re-hearing**

6. The hearing will be a new hearing of the subject of the appeal (i.e. a hearing *de novo*) and the Commission will not be limited in any way by the previous hearing or the decision under appeal. Without limitation, in determining the appropriate penalty (if any) on an appeal, it is open to the person hearing the appeal to increase or decrease or amend the penalty or otherwise substitute the penalty for another form of penalty permissible under this Code.

#### **Applicability of Sections 4 and 5**

7. As far as appropriate, the provisions of Sections 4 and 5 of this Code will apply to any appeal heard by the Commission.

#### **Finality**

8. Any decision made by the Commission on appeal will be final and binding on the parties thereto.

#### **Costs**

9. If an appeal is dismissed, the Commission shall order the forfeiture by the appellant of the \$2000 appeal deposit. In all cases, each party to the appeal shall be responsible for their own costs associated with the appeal. Rule 4 of Section 5 applies to the non-payment of any such award of costs as if the reference therein to a fine was a reference to an award of costs under this Rule.

### **SECTION 7: MEDIA ANNOUNCEMENTS**

1. Subject to the permitted attendance of media personnel under Rule 4(g) of Section 4 and Rule 2 below, only the chief executive officers of:
  - (a) Cricket Australia;
  - (b) the reported person's State Association; or
  - (c) the State Association where the hearing or appeal was conducted,(or a representative from their respective media/public affairs departments) are authorised to notify the media of a report, an appeal or the outcome of the hearing of that report or appeal.
2. The Chief Executive Officer or media manager of Cricket Australia will, as soon as practicable, notify the media of a report, an appeal or the outcome of any such report or appeal where such report was made by the Chief Executive Officer of Cricket Australia pursuant to Rule 2 of Section 3 or the appeal relates to such a report.

### **SECTION 8: AUSTRALIAN TOURING TEAMS**

1. Other than in the case of a report made by the Chief Executive Officer of Cricket Australia pursuant to Rule 2 of Section 3 (see Rule 3 below), where a report concerns the behaviour of a player or official involved with an Australian touring Team while overseas, the provisions of this Code will apply except that:

- (a) the Tour Executive may (if so directed by the Chief Executive Officer of Cricket Australia in his absolute discretion) act in place of the Commission in the initial hearing of reports; and
  - (b) only the Chief Executive Officer or media manager of Cricket Australia will be authorised to notify the media of a report and the outcome of that report.
2. Where a report is made either by or against a member of the Tour Executive and, pursuant to Rule 1 above, the Tour Executive takes the place of the Commission for the purpose of this Code, that member will be disqualified from participating in the hearing of the report. For the purposes of that hearing only, the disqualified person's place on the Tour Executive will be taken by a person nominated by the Chief Executive Officer of Cricket Australia.
3. Where a report is made by the Chief Executive Officer of Cricket Australia pursuant to Rule 2 of Section 3 concerning the behaviour of a player or official involved with an Australian touring Team while overseas, the report shall be heard and determined by the Commission as soon as practicable after the conclusion of the relevant tour or sooner if circumstances permit. Nothing in this clause limits Cricket Australia's right to stand a player or official down from his official duties pending the outcome of the hearing into such a report.

#### **SECTION 9: BREACH OF CONTRACT OR CONDITION OF INVITATION**

Where it is alleged that a player or official has breached an undertaking given in accepting an invitation to represent a State or Territory or to officiate, or that a player or official has breached a contract with, or letter of invitation from, Cricket Australia, proceedings under this Code will not preclude or limit Cricket Australia, any of its member States, or any other party to such contract, letter of invitation or agreement, from taking legal action against any player or official who may have committed a breach thereof.

#### **SECTION 10: INTERNAL TEAM DISCIPLINE**

This Code does not prevent individual Teams from establishing their own internal rules for behaviour, such as the Player's Spirit of Australian Cricket, and for imposing penalties for breach of those rules. Such rules are in addition to the provisions of this Code, however, and will not restrict in any way the right to take any action under this Code.