



TOOWOOMBA CRICKET INCORPORATED CODE OF BEHAVIOUR

Read in conjunction with Queensland Cricket Code of Behaviour

1. PLAYER BEHAVIOUR

In recent seasons the Board of Toowoomba Cricket has noticed a fluctuation in the standards of player behaviour in competition matches. Traditionally, cricket has been the one sport to maintain and promote the highest levels of conduct and sportsmanship. While always a competitive sport, its continued strengthening of its image relies on the acceptance of the Umpire's decision and a preparedness to play within the 'Spirit of the Game'.

2. CODE OF BEHAVIOUR

- a) It is the **responsibility of each Club** to ensure that all registered players are aware of the regulations and policies governing Grade and Competition matches, including the Code of Behaviour, The Intoxicated Player Policy and the Racial and Religious Vilification Code.
- b) **The captains are responsible** at all times for ensuring that play is conducted within the 'Spirit of the Game' as well as the Laws.
- c) The Code applies to conduct on the field of play and off the field of play in respect of any match. It applies in addition to and not in substitution for the ICC Code of Conduct and Cricket Australia Code of Behaviour, Racial and Religious Vilification Code and the Anti Harassment Policy.
- Specifically:
- 1] Players, officials and umpires must not abuse cricket equipment or clothing, ground equipment or fixtures and fittings.
 - 2] Players, officials and umpires must not assault or attempt to assault an umpire, a player, an official or a spectator.
 - 3] Players and officials must not react with unnecessary obvious dissent, displeasure or disapproval either towards an umpire, his decision, or generally, following an umpiring decision.
 - 4] Players and officials must not use crude or abusive language, or otherwise engage in conduct detrimental to the spirit of the game. An umpire would be expected to caution the player and advise the Captain of his concern before reporting any player for this type of behaviour.
 - 5] Players and officials must not indulge in conduct detrimental to the game.
 - 6] Players and officials must in no way use crude or abusive hand signals.
 - 7] Players and officials must not engage in any form of racial or religious abuse or harassment as defined in the Cricket Australia Racial and Religious Vilification Code or Anti Harassment Policies.
 - 8] Players, officials and affiliates of the TCI shall not make any public pronouncement or media comment which is detrimental either to the game in general, or to a particular game in which they are involved, or to relations between the officials of the competing teams and affiliates of the TCI.

3. TCI focus on the Code of Conduct with possible suspension of players

- a] Should any player or team official commit any breach of the regulations or Code of Behaviour, the Judiciary Committee may fine the offender, suspend the offender from playing or otherwise deal with him at its discretion. The areas of main concern to the TCI are:
- (i) The use of offensive language - generally in the form of a disparaging and abusive remark to an opposing player or towards an Umpire, or even as an expression of frustration or self admonishment. Not only is such language generally audible beyond the playing arena, but too frequently it is an over-reaction to some quite straight forward incident.
 - (ii) The questioning/disputing of the Umpire's decision - often in an aggressive or sarcastic manner. This applies equally to dismissals and unsuccessful appeals as to the judgment of calls on no balls, wides, byes etc.
 - (iii) The excessive number of frivolous and ridiculous appeals - primarily aimed at pressuring and intimidating the Umpire into a favourable decision.
 - (iv) The actions of the dismissed batsman - in failing to leave the crease promptly on being given out and then banging his bat into the ground and/or throwing his bat when returning to the pavilion.
 - (v) The use of sledging language - the Board is primarily interested in having all cricket under their control played within the spirit and traditions of the game.
- b. The Board has one process for the reporting and consideration of unsatisfactory conduct.
- c. Serious breaches of the code of behaviour will see the player or official reported at the end of the match to the Commissioner who will investigate the matter where the offender may be called on to appear before a judiciary committee to answer the report. Details of that report will appear on the relevant match report form.
- d. Should the player or official be found guilty of an act of misconduct, he shall be liable to a penalty as determined by the judiciary committee.
- e. The recruitment and retention of Umpires is certainly not being made easier by the unacceptable levels of player conduct. Few people are willing to continually subject themselves to the childish behaviour and offensive language which is too frequently prevalent on and beyond the cricket field.
- f. All players can certainly play a role in raising the general standard of umpiring and the level of experience within



the Toowoomba Cricket Umpires Association Inc by lifting their personal level of behaviour and permitting the Umpire to concentrate on those aspects of the game for which he or she is responsible.

- g. All umpires will be requested to take a firm line with respect to player misconduct, especially with regards to the use of offensive language and the disputation of any decisions.
- h. All players should be well aware of the standards expected by the Board and consequently any player called before the Judiciary Committee with respect to misconduct can expect little sympathy from the Committee, if found guilty.
- i. It is the responsibility of everyone associated with Toowoomba Cricket, Clubs, Officials, Team Captains and especially the players to ensure a return to the level of conduct and sportsmanship traditionally inherent in the game.

4. Conducts Commissioner and Judiciary Committee

- a. The Board will appoint a Commissioner who will be responsible for receiving and investigating any alleged breach of the Code of Behaviour.
- b. The Board will have nominated from Clubs names of suitable candidates who may be called on to sit on Judiciary Committees.
- c. Each Judiciary Committee will consist of three persons selected by the Board from this list who will hear matters brought before them by the Conducts Commissioner.
- d. Members of the Judiciary Committee will not be representatives of the Club or Clubs involved in the hearing.
- e. The Judiciary Committee will conduct hearings:
 - (i) in private unless all parties to the report and the Commissioner agree otherwise
 - (ii) in other respects as the Judiciary Committee Chairman determines necessary with as little formality and technicality as reasonable
 - (iii) as quickly as possible as proper consideration of the report and complaint permits
- f. The Judiciary Committee:
 - (i) will allow the person alleged to have breached the Code to be represented by a member of the Executive of his Club (Provided that person is not a Barrister, Solicitor or Paralegal. The Chairman of the Committee in consultation with the other members of the Committee may allow such representation in extreme circumstances where potential civil action or criminal charges may arise but players should note that it will be rare for these circumstances to occur.)
 - (ii) will allow the person/persons reporting the incident to be represented by an advocate provided again that such advocate is not a Barrister, Solicitor or Paralegal.
 - (iii) 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 through the Chairman.
 - (iv) may appoint another person to assist it
- g. All people attending a hearing before the Judiciary Committee must:
 - (i) dress in a manner acceptable to the Judiciary Committee
 - (ii) behave with due decorum
 - (iii) comply with the directions of the Judiciary Committee Chairman as to the manner in which the hearing will be conducted
 - [iv] Any person who fails to comply may be ejected from the hearing room and sanctioned under this Code
- h. All parties except the Judiciary Committee and the Commissioner must leave the room when the Committee is deliberating on its decision.
- i. The Judiciary Committee may impose any penalty it thinks fit in accordance with its Regulations.
- j. In the event that the Judiciary Committee hearing cannot be completed prior to the commencement of the next fixture, the Commissioner may make such interim ruling as he deems appropriate including the interim suspension of a player pending completion of the hearing.
- k. The Judiciary Committee Chairman shall ensure that a completed Findings Sheet is lodged with the Secretary of the TCI. The Secretary will then distribute copies of the Findings Sheet to the accused player, the Clubs involved, the TCUA and the Conducts Commissioner.

5. Method of Handling Breaches of the Code of Conduct.

- a. An alleged breach of the Code of Behaviour may be reported by:
 - (i) a player participating in the particular match in which an alleged breach occurs;
 - (ii) either or both Umpires;
 - (iii) the Secretaries of the clubs participating in the match in which the alleged breach occurred;
 - (iv) the TCI.
- b. Where an Umpire is considering or wishes to report an alleged breach of the Code of Behaviour, the umpire(s) must inform the captain(s) of the lodgement or pending lodgement of a report of his/her player as soon as practical at the close of the day's play. The umpire(s) must complete the prescribed Umpire's Report Form and



forward a copy of the report, together with any further written submission to the Rules Co-ordinator or the Commissioner not later than 7.00pm Tuesday after the completion of the match. **NOTE** Umpire(s) must nominate the grade of the offence on the report.

- c. Where a player or Official as outlined above wishes to report an alleged breach of the Code of Behaviour, he shall forward a written submission to the Rules Co-ordinator or the Commissioner not later than 7.00pm Tuesday after the end of the day's play.
- d. The Board of Toowoomba Cricket Incorporated may lodge a report or instigate an investigation within 48 hours of becoming aware of any facts which are capable of constituting a breach under this Code.
- e. There are three levels of Grading of Offences to apply;

Level 1 player report is referred to the Commissioner for investigation and determination. The Commissioner may invoke any of the following options:

- i] official reprimand
- ii] a suspended sentence
- iii] a one (1) match suspension or
- iv] refer the report to a Judiciary Committee

Level 2 player report is referred to the Commissioner for investigation and determination. The Commissioner may invoke any of the following options:

- i] official reprimand
- ii] a suspended sentence
- iii] may impose up to two (2) match suspension or
- iv] refer the report to the Judiciary Committee

Level 3 player report is referred to the Commissioner for investigation and determination. The Judiciary Committee may impose any penalty as it sees fit.

- f. If the player report is referred to the Judiciary Committee then the Judiciary Committee may impose any penalty as it sees fit. If found guilty of a Level 1 offence by the Judiciary Committee a player would ordinarily expect to receive a minimum one (1) match suspension. If found guilty of a Level 2 offence by the Judiciary Committee a player would ordinarily expect to receive a minimum two (2) match suspension.
- g. The Commissioner may vary the Level of offence (higher or lower) and may refer a Level 1 offence to the Judiciary Committee if it involves a repeat offender. NOTE Umpire(s) nominate the grade of offence on the report. When possible any Commissioner hearing will be held as soon as possible after the lodgement of the report.
- h. A breach of the Code of Behaviour will be graded and the penalty determined within the three Levels as outlined.
- i. The finding of the Commissioner/Judiciary Committee should clearly define the time frame of the suspension be it for one day match (es), two day match (es) or a time frame.
- j. Each of the rules for behaviour has a guideline. The guidelines are intended as an illustrative guide only and in the case of any doubts 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.

GUIDELINE OFFENCES

Level 1 Offences

The Offences set out in 1.1 to 1.6 below are Level 1 Offences. Players and where applicable officials must not:

1.1 Abuse cricket equipment or clothing, ground equipment or fixtures or fittings.

This 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.

1.2 Show dissent at an umpire's decision by action or verbal abuse.

This includes excessive obvious disappointment with an umpire's decision or with an umpire making the decision and obvious delay in resuming play or leaving the wicket.

The Rule does not prohibit the bowler involved in the decision or a team captain asking an umpire to provide an explanation for the decision or a team official from making a formal complaint.

1.3 Use language that is obscene, offensive or insulting and/or the making of obscene gestures.

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.

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.

1.4 Engage in excessive appealing.

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. However the practice of celebrating or assuming a dismissal before the decision has been given may also come within this Rule.



1.5 Point or gesture towards the pavilion in an aggressive manner upon the dismissal of a batsman.

1.6 Breach any regulation regarding approved clothing or equipment.

This includes regulations regarding bat logos and regulations regarding other logos or advertising which may be worn or displayed.

Level 2 Offences

The Offences set out in 2.1 to 2.9 below are Level 2 Offences. Players and where applicable must not:

2.1 Show serious dissent at an umpire's decision by action or verbal abuse.

Dissent should be classified as serious where the dissent is expressed by a specific action such as shaking of head, snatching cap from umpire, pointing at pad or inside edge, other displays of anger or abusive language directed at the umpire or excessive delay at resuming play or leaving the wicket.

This rule does not prohibit the bowler involved in the decision or the team captain from asking an umpire to provide an explanation for a decision or a team official from making a formal complaint.

2.2 Engage in inappropriate and deliberate physical contact with other players or officials in the course of play.

Without limitations players will breach this regulation if they deliberately walk or run into or shoulder another player, official or match official.

2.3 Charge or advance towards an umpire in an aggressive manner when appealing.

2.4 Deliberately and maliciously distract or obstruct another player or official on the field of play.

Without limitations 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.

2.5 Throw the ball at or near a player or official in an inappropriate or dangerous manner.

This Rule will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion.

2.6 Use language that is obscene, offensive or of a seriously insulting nature to another player, official or spectator.

This is language or gestures that are directed at another person. See comments under Rule 1.3 above in relation to the seriousness of the breach.

2.7 Change the conditions of the ball in breach of Law 42.3.

Prohibited behaviour includes the picking of the seam or deliberately throwing the ball into the ground for the purpose of roughening it up or the application of moisture to the ball, save from perspiration and saliva.

2.8 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.

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.

2.9 Seriously breach any regulation regarding approved clothing or equipment.

See guidelines for 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 displays a logo of a competing sponsor)

Level 3 Offences

The Offences as set out in 3.1 to 3.3 below are Level 3 Offences. Players and where applicable must not:

3.1 Intimidate an umpire whether by language or conduct.

This includes appealing in an aggressive and threatening manner.

3.2 Threaten to assault another player, team official or spectator.

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 or national or ethnic origin.

k. The Judiciary Committee may impose any penalties it may think fit in accordance with the suspension of the player rule. The player or players are not permitted to participate in Grade or Representative Competition until the penalty has been met or an appeal against such finding and/or severity of the sentence has been adjudged.

l. Should an appeal subsequently be upheld, any suspension or penalty shall nevertheless be deemed to be valid.

m. In the event that a Judiciary Committee hearing cannot be completed before the start of a relevant match, the Commissioner or the Judiciary Committee may make such interim ruling as it deems appropriate including the interim suspension of a player pending completion of the hearing. The Judiciary Committee shall endeavour to hear the complaint in seven (7) days.



6. LEVELS OF OFFENCES AND PENALTIES

NOTE (REPEAT OFFENDING)

SHOULD A PLAYER BE FOUND TO HAVE BREACHED THE CODE OF BEHAVIOUR AT THE SAME LEVEL MORE THAN ONCE IN A SEASON, THEN THE PLAYER SHALL BE SUBJECT TO A HIGHER LEVEL OF PENALTY

LEVEL 1 OFFENCES

Level of offence & Penalties

NB: A fee of \$ 50.00 is to accompany the lodgement of any such Appeal

Refer 1.5 TIME OF APPEALS OF TOOWOOMBA CRICKET INC. CODE OF CONDUCT & PENALTIES

Level 1 Penalty

Official reprimand and ban of up to:

1 * Two Day Match or 2 limited over (50 over, 35 over and T20) matches.

All players, and where applicable, officials must not:

Rule	Guidelines
Number 1.1 Abuse Cricket equipment or clothing, ground equipment or fixtures and fittings	Includes actions outside the course of normal cricket actions such as hitting or kicking the wickets and actions intentionally or negligently result in damage to advertising boards, boundary fences, dressing rooms or changing facilities, or any other fixtures and fittings.
Number 1.2 Show dissent at an umpire's decision by action or verbal abuse	Includes excessive, obvious disappointment with an umpire's decision or with an umpire making the decision and obvious delay in resuming play or leaving the wicket. Note – This rule does not prohibit the bowler involved in the decision or the team captain from asking the umpire to provide an explanation for a decision or a team official from making a formal complaint.
Number 1.3 Use Language that is obscene, offensive, insulting and/or the making of an obscene gesture	This includes swearing and offensive gestures which are not directed at another person such as swearing in frustration at one's own poor performance Note – This offence is not intended to penalize trivial behaviour. The extent as to which such behaviour is likely to give offense shall be taken into account when assessing the seriousness of the breach.
Number 1.4 Engage in excessive appealing	Excessive appealing 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; however the practice of celebrating or assuming a dismissal before the decision has been given, may also come within this rule.
Rule 1.5 Point or gesture towards the pavilion/changing area in an aggressive manner upon the dismissal of the batsman	Self explanatory

LEVEL 2 OFFENCES

Level of offence & Penalties

Level 2 Penalty

Ban of a minimum of 1 * Two Day Match or

2 * Limited over matches (as defined in Level 1 Penalties)

All players, and where applicable, officials must not:

Rule	Guidelines
Number 2.1 Show serious dissent at an umpire's decision by action or verbal abuse	Dissent should be classified as serious where the dissent is expressed by a specific action such as the shaking of the head, snatching of cap, glasses or jumper from the umpire, pointing at pad or bat, other displays of anger or abusive language directed at the umpire or excessive delay in resuming play or leaving the wicket. Note – This rule does not prohibit the bowler involved in the decision or the team captain from asking the umpire to provide an explanation for a decision or a team official from making a formal complaint.
Number 2.2 Engage in inappropriate and deliberate physical contact with other players or officials in the course of play	Without limitation, players will breach this regulation if they deliberately walk or run into or shoulder or push another player or official or match official



Number 2.3 Charge or advance towards the umpire in an aggressive manner when appealing	Self explanatory
Number 2.4 Deliberately and maliciously distract or obstruct another player or official on the field of play	Without limitations, players will breach this rule if they deliberately attempt to distract the striker by words or gestures or deliberately shepherd a batsmen who is attempting to run between wickets
Number 2.5 Throw the ball at or near a player or an official in an inappropriate and or dangerous manner.	This rule does not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion
Number 2.6 Use language that is obscene, offensive or of a seriously insulting nature to another player, official or spectator	This is language or gestures which are directed at another person. See Rule 1.3 above in relation to the seriousness of the breach.
Number 2.7 Change the condition of the ball in breach of Law 42.3	Prohibited behaviour includes picking the seam or deliberately throwing the ball into the ground for the purpose of roughening up and the application of moisture to the ball, apart from perspiration or saliva
Number 2.8 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.	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 opponents, bonus points, net run rate or quotient.
Number 2.9 No player participating in a game, competition or carnival under the control of Warehouse Cricket Association is allowed to consume alcohol during playing hours, unless the game the player is competing in has ceased play.	Legal & Insurance outcomes will be put in a prejudiced position as a result.
Number 2.10	Repeat Level 1 Offences: Should a player be found to have breached the Code of Behaviour at the same level more than once a season, then the player shall be subject to a higher level of penalty

LEVEL 3 OFFENCES

Level of offence & Penalties

Level 3 Penalty Ban of a minimum of 2 * Two Day Matches or 4 * Limited over matches (as defined in Level 1 Penalties)
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All players, and where applicable, officials must not:

Rule	Guidelines
Number 3.1 Intimidate an umpire whether by language or conduct	Includes appealing in an aggressive or threatening manner
Number 3.2 Threaten to assault another player, team official or spectator	Self explanatory



<p>Number 3.3 Use language or gestures that offend, insult, humiliate, intimidate, threaten, or disparage another person on the basis of that person's race, religion, colour, descent, or national or ethnic origin</p>	Self Explanatory
<p>Number 3.4</p>	<p>Repeat Level 2 Offences: Should a player be found to have breached the Code of Behaviour at the same level more than once a season, then the player shall be subject to a higher level of penalty</p>

Level of Offence & Penalties

Level 1 Penalty

Official reprimand and/or suspended ban of up to 1 * Two Day Match or 2 limited over (50 over, 35 over and T20) matches

Level 2 Penalty

Ban of a minimum of 1 * Two Day Match or 2 Limited over matches (as defined in Level 1 Penalties)

Level 3 Penalty

Ban of a minimum 2 * Two Day Matches or 4 Limited over matches (as defined in Level 1 Penalties)

NOTES ON PENALTIES

- The Commissioner has the right to impose a penalty based on the information provided by umpires and witnesses, if a player is reported for any of these breaches.
- If a player chooses to ignore the findings of the Commissioner and take the matter to the judiciary and is found guilty, the penalty will be doubled, compared to the original penalty imposed by the commissioner.

All players, in all competitions or carnivals run by Warehouse Cricket Association must abide by these playing conditions. It is the duty of all club presidents, secretaries, administrators, managers, coaches and captains to make all players in all of their teams, aware of these conditions. Ignorance of the rules and conditions will not be tolerated as an excuse for breaching these conditions.

7. JUDICIARY PROCEDURE

GENERAL INFORMATION

- No member of the Judiciary shall have any affiliation or connection with the Cricket Club of the player concerned.
- The player shall be automatically entitled to representation by a member of the Executive of his club or association (provided that person is not a Solicitor or Barrister).
- There will be no automatic entitlement to representation by a Solicitor or Barrister or para-legal person though, in appropriate circumstances, the Chairman of the Committee may permit such representation.
- A determination of "appropriate circumstances" shall be in the discretion of the Chairman of the Committee in consultation with the other members of the Committee.
- Any serious allegation involving potential civil action, criminal charges or circumstances of aggravation which are likely to impact on the ability of any professional or semi-professional player to earn an income are examples (though this is not an exhaustive list) of circumstances where the player may, with the leave of the Chairman of the Committee, appear with legal representation. The Committee will not encourage legal representation - players should understand it will be a rare circumstance, if ever, where such representation will be permitted.
- The Umpire involved in reporting the incident shall be entitled to be represented by an advocate appointed by the Executive of the TCUA provided such advocate is not a Solicitor or Barrister or para-legal person.

PROCESS

- The Commissioner and members of the Committee will be introduced to the player.
- The issue of representation will be discussed.
- The player will be advised that the proceedings are conducted pursuant to the Code of Behaviour established by Regulation 46 of the T.C.I. Regulations and of all relevant requirements specified by that Regulation with regard to:
 - who may report an alleged breach;
 - what that person must do to properly lodge the report; and
 - the role of the Commissioner.
- The player and the Committee Chairman will be advised of the date the report was received by the Commissioner and the precise nature of the alleged breach of the Code of Behaviour.
- The player will be invited to accept that all relevant formalities prescribed by regulation 48 have been complied with.



f. The player will be asked by the Chairman of the Committee to plead to the charge.

(i) **If GUILTY plea**

- the player may give evidence and/or submission in mitigation of penalty (with a right for the Commissioner to supply any evidence/submission if he disagrees with any comment made by the player in relation to the facts of the incident).
- The Commissioner will make a submission on penalty
- The Committee will decide on appropriate penalty in the absence of other participants
- The penalty may include a good behaviour time (bond) which is automatically applied as a minimum penalty if the player is found guilty of breaches of the Code of Behaviour during the time of the bond. A player's history may be taken into account when deciding the penalty.

(ii) **If NOT GUILTY plea**

- The Commissioner will prosecute the charge. He presents his evidence and expands upon, to the extent necessary, the matters raised in the report.
- The player gives his evidence and calls such witnesses as he requires
- CROSS EXAMINATION - . Limited cross-examination will be permitted at the complete discretion of the Chairman of the Committee.
- Players should not expect an automatic entitlement to cross-examine.
- Any cross-examination of witnesses or any party to the proceedings will be strictly monitored by the Chairman according to the relevance of the question to the charge.
- The Commissioner makes his final submission and summarises his case
- The Committee, in the absence of all other participants, decides whether a breach of the Code of Behaviour has been established.
- If the Committee decides a breach has been established then submissions on penalty are called for as if the player had pleaded guilty.
- The Committee will decide on appropriate penalty in the absence of other participants
- The penalty may include a good behaviour time (bond) which is automatically applied as a minimum penalty if the player is found guilty of breaches of the Code of Behaviour during the time of the bond. A player's history may be taken into account when deciding the penalty.

8. THE APPEALS SYSTEM

LOCAL APPEAL

(i) Any player wishing to appeal the decision of the Judiciary Committee must notify the Commissioner or the Secretary of Toowoomba Cricket in writing within five days of the Judiciary hearing. The appeal should outline the reasons for the appeal and be accompanied by a fee of fifty dollars. This fee is to be returned if the appeal is upheld.

(ii) The player/players are not permitted to participate in competitions until the penalty has been met or an appeal against the findings and/or the severity of the sentence has been adjudged by the Appeals Committee.

(iii) The Commissioner and the Secretary of Toowoomba Cricket will set up an Appeals Committee, set the time and date of the appeal hearing and notify all concerned.

(iv) The Appeals Committee will consist of three persons. No member of the original Judiciary Committee will be on the Appeals Committee and no member of the Appeals Committee will have any affiliation with the Club/s of the player/s concerned.

(v) The Appeals Committee shall hear and determine each appeal by reference only to all documentary and written evidence presented to the hearing before the Judiciary Committee together with the Findings Sheet and summary of outcomes from the original hearing and shall receive from all interested parties written submissions only with respect to the evidence and submissions presented before that initial hearing.

(vi). The appeal shall not constitute a re-hearing.

(vii). Any new or additional evidence shall be received by the Appeals Committee only at the discretion of the Appeals Committee.

(viii). Where the matter under appeal is regarded by the majority of the Appeals Committee as sufficiently serious, leave may be given by the Chairman of the Appeals Committee to permit the appearance by any or all of the interested parties and/or their representatives.

(ix). The Appeals Committee shall consider its decision in private and may a) uphold the appeal b) decrease the penalty c) increase the penalty.

(x). The Appeals Committee may order a re-hearing if, in their opinion, sufficient anomalies exist in the process followed by the Judiciary Committee. At its discretion, the Appeals Committee may designate the membership of the Judiciary Committee to re-hear the case.

(x). The Appeals Committee shall submit a written report to Toowoomba Cricket at the completion of proceedings.

(xi). Should an appeal be upheld any suspension or penalty previously served shall nevertheless be deemed to be valid.



FURTHER APPEAL

(i) Further appeal against the decision of the Appeals Committee of Toowoomba Cricket can be made to Queensland Country Cricket Association.

(ii) Beyond this, appeal can be made to the South Queensland Conference Appeals Tribunal.

The final arbiter in the process is the Appeals Tribunal of Queensland Cricket whose decision is absolutely final.

Appendix

INTOXICATED PLAYER POLICY

A player under the influence of alcohol or a drug poses a potential risk to themselves and to other players, spectators and officials. An intoxicated player is not permitted to participate in a T.C.I. sanctioned match. Umpires have the authority to exclude the participation of intoxicated players from a match and will exercise that authority where appropriate to facilitate the continued safe conduct of matches.

Position Statement

The players of a match of cricket have an obligation to be in a condition suitable for effective and safe play.

Toowoomba Cricket wants to promote sobriety in the game and all players and their clubs are to support this policy.

Scope

All participants (players and umpires) in matches under the management of Toowoomba Cricket.

Aims

improve player safety and sobriety.

reduce the risk of injury to players, officials and spectators.

assist umpires to determine the standard required of players.

Associated Documents

"The Laws of Cricket" Marylebone Cricket Club 2000

"Regulations governing Grade Competition Matches" T.C.I.

Principles

The following principles apply to the application of this policy:-

umpires have discretion to apply the policy;

the use of a direction is likely to be a rare event;

incidents to which the policy will apply are likely to be obvious;

mere intoxication is not considered to be an automatic breach of this policy or the Code of Behaviour.

Definitions

'Intoxicated' – visibly or demonstrably adversely affected by alcohol, drugs, or other agents, (whether prescribed or not) or any other condition, to a degree that would -
apparently affect the overall ability to play and behave in a normally acceptable manner on the field of play; or
endanger their own safety or others, or
cause to bring the game into disrepute.

APPLICATION

General – Opinion, Explanation and Direction

If an umpire forms the opinion that a player is intoxicated the umpire shall advise the player and the player's captain or club of that opinion and require the player, captain or the club to explain why the player should be allowed to participate in that day's play.

If an umpire is not satisfied with the explanation the umpire will maintain the opinion that the player is intoxicated and direct the player to be stood down from the match ["a direction"].

On receipt of a direction from an umpire, the captain or the club shall stand down the intoxicated player from the match for the duration of that day's play.

A failure to stand down the intoxicated player after a direction shall render both a player and a club liable to such sanctions as are stated in this policy and any other sanction as determined by the governing body responsible for the match.

Umpire's Direction given prior to play

Where a direction is given **prior** to the exchange of teams and the toss for choice of innings, the club so affected shall be **entitled to nominate a replacement player** with full playing rights for the duration of that day's play. Until the nominated replacement arrives a substitute player may field under the twelfth man rule. [Law 2]

Umpire's Direction given after play commences

Where a direction is given **after** the exchange of teams and toss for choice of innings, the intoxicated player shall not take the field, or shall leave the field immediately and a club representative shall be notified.

An intoxicated player not taking the field, or leaving the field may not participate in the match for the duration of that day's play. The club so affected shall not be entitled to a replacement player, although a substitute may field, if required, for the duration of that day's play. **The twelfth man rule will apply.** [Law 2]

An intoxicated player who is a batsman leaving the field, or not commencing his innings shall be recorded as "Retired – Out", and shall not bat again for the duration of that day's play. [Law2 (9)(b)]



Match duration of more than one day

In matches of more than one day, any intoxicated player stood down under this policy may return to the match on the next scheduled day of play with full playing rights, provided they present themselves in a condition suitable for effective participation in the match and no further playing restriction has been imposed on the player, either by the player's club or the governing body responsible for the match.

No Umpires – Captains' Responsibility

In the event that no official umpires are in attendance at the match, the captains shall assume the role of the umpires for the purposes of this policy. If a captain is one of the concerned players, the affected team shall nominate a senior player to act in the captain's place.

SANCTIONS

Player – Exclusion

If the intoxicated player accepts the direction then the only penalty is exclusion from the day's play.

If the intoxicated player refuses the direction and insists on playing, then that action is to be regarded as a breach of the Code of Behaviour and a report must be made by the umpire.

Club and Team - Forfeit

If the intoxicated player refuses to adhere to the direction, the player's club and team captain must show responsibility and follow the umpires' direction and exclude the player from the day's play.

If the intoxicated player's club and team captain do not support the direction, the umpire will enter a forfeit by the intoxicated player's team as the outcome of the match and a report will be made by the umpires on the club, captain and player.

APPEAL

The intoxicated player, or club can appeal under the Code of Behaviour procedures.

Appendix

RACIAL AND RELIGIOUS VILIFICATION CODE

1. Purpose of Code

The purpose of this Code is to:

Recognise the commitment of the Toowoomba Cricket to the elimination of racial and religious vilification of player, umpire or official.

Establish a framework for handling complaints made by players, umpires and officials who believe they have been subjected to racial or religious vilification by another player, umpire or official.

2. Conduct Covered By The Code

A player, umpire or official who is participating in a match under the jurisdiction or auspices of T.C.I. will not engage in any conduct, act towards or speak to any other player, umpire or official in a manner which offends, insults, humiliates, intimidates, threatens, disparages or vilifies the other player, umpire or official on the basis of that player, umpire or official's race, religion, colour, descent or national or ethnic origin ("the conduct").

3. The Interrelationship Of This Code With Other Rules And Regulations Governing The Sport

This Code does not restrict any other action which may be taken in relation to the conduct covered by this Code under the Australian Cricket Board and International Cricket Council ("ICC") Code of Conduct.

4. Human Rights and Equal Opportunity Legislation

This Code does not restrict or prohibit any player from pursuing all other legal rights they may have in relation to racial and religious vilification.

5. Lodging a Complaint

Where a player, umpire or official ("the Complainant") believes he/she has been subjected to vilification under this Code, or an officiating umpire in a match ["the umpire"] believes another player, umpire or official has breached the code, the complainant or umpire may lodge a complaint with the Secretary of Toowoomba Cricket by 5pm on the first business day following the completion of the match in which the breach is alleged to have occurred.

6. What Must a Complaint Contain

A Complaint must:

- 6.1 be in writing;
- 6.2 outline the circumstances of the allegations made; and
- 6.3 if possible, be accompanied by any supporting documentation including witness statements or video evidence.

7. The Role Of The Secretary

7.1 The Secretary shall upon receipt of a complaint:

inform the person alleged to have contravened the Code ("the Respondent") of the complaint and provide that person with both a copy of the complaint and an opportunity to respond in writing;

advise the President of Toowoomba Cricket, both team captains, the Secretary of the Club and or Association as applicable, the Secretary of the Umpires Association, the T.C.I. Commissioner, as appointed by the Toowoomba Board, of the complaint;

7.1.2 conduct an investigation into the allegations made in the complaint as he/she deems fit, which may include, but is not limited to:

compiling a list of witnesses;



obtaining a written statement from any available witness;
obtaining a report from the Club, Association and or Umpires Association officials, if applicable
obtaining a report from the officiating umpires and match referees, if applicable; and
obtaining video or other evidence.

The investigation should be completed within 48 hours of receipt of the complaint, unless the Secretary, at his/her discretion, extends the time for investigation in the interests of fairness to all parties.

When the investigation is completed, the Secretary shall arrange for the complaint to be referred to conciliation; or

7.2 The President of Toowoomba Cricket may delegate to an officer of the T.C.I. any of the Secretary's powers or functions under this Code.

8. Conciliation Procedure

8.1 The Conciliator

Any conciliation referred to in clause 7.3 of this Code will be conducted by a nominee of the Toowoomba Cricket Board.

8.2 The Conciliation

8.2.1 The Complainant and the Respondent, should attend the conciliation. Both Team Captains, or Vice Captain if either are a party to the complaint, and a member of the Complainant and Respondent's Executive Committee.

8.2.2 The Secretary must lodge with the Conciliator prior to conciliation:

8.2.2.1 a copy of the complaint;

8.2.2.2 the Respondents' response to the complaint; and

8.2.2.3 any evidence relevant to the complaint obtained during the course of the investigation.

8.2.3 Both parties and all those attending the conciliation must participate in good faith.

8.2.4 The Conciliator must adhere to and ensure the conciliation is conducted with reference to the principles of natural justice and procedural fairness.

8.2.5 The Complainant is the person who determines the course of redress to be pursued at any conciliation.

8.2.6 Except as stated in clause 8.3.4, both parties to the complaint and any other person aware of the details or circumstances of the conciliation, including the Secretary, T.C.I. Officials, Club and Umpires Executive Committees, Umpires and Players, must at all times keep the particulars of the complaint and the conciliation confidential.

8.2.7 Except as stated in clause 8.3.4, no person referred to in clause 8.2.6 shall publicly comment on or disseminate any personal information concerning the complaint at any time prior to, during or after the conciliation.

8.2.8 Should a player, umpire or official breach Clause 8.2.6, the Conducts Committee may fine the offender, suspend him/her or otherwise deal with him/her at its discretion. Any other person in breach of clause 8.2.6 shall be subject to a penalty to be determined by the T.C.I. Commissioner.

8.3 Resolution of the Complaint

8.3.1 If the complaint is resolved at the conciliation, the complaint will be deemed withdrawn and the Complainant cannot take any further action in respect of the complaint under this code.

8.3.2 Resolution of the complaint may be formalised by way of a verbal agreement or a formal written agreement signed by the parties.

8.3.3 The Conciliator must inform the Secretary the complaint has resolved. Where a complaint is resolved, the parties may agree with the consent of the ACB, to make a public statement concerning the resolution of the complaint.

8.4 If Conciliation is Unsuccessful. Where the complaint has not been resolved successfully by conciliation, or where the conciliator believes that the complaint is not capable of successful resolution:

8.4.1 the Complainant, after notifying the Conciliator, may withdraw the complaint in which case no further action will be taken; or

8.4.2 the Conciliator must inform the Secretary that the conciliation has not been successful.

9. The Time Limit for Conciliation

An attempt to conciliate a complaint must occur within 72 hours of the Conciliator receiving notification from the Secretary of the complaint.

10. Referral to Conducts Committee

Upon notification of the failure of conciliation under Clause 8.4.2 the Secretary must refer the complaint to the Conducts Committee who will then hear the complaint in accordance with Clause 12.

11. Evidence of the Conciliation

In the event that a complaint is not successfully resolved and is referred to the Conducts Committee, no evidence will be given to or be accepted by the Conducts Committee in relation to anything said or done in any conciliation carried out pursuant to Clause 8.2.

12. The Conducts Committee

12.1 The Conducts Committee will:

receive all material arising from the investigation from the Secretary upon referral of the complaint;



hold a hearing after considering the availability of the persons affected;
advise its decision to both parties on completion of the Hearing and to the other affected parties within 24 hours of the hearing.

Hearings conducted by the Conducts Committee into complaints will not be open to members of the public.

All persons required at the hearing shall attend punctually at the time and place designated.

The Conducts Committee may hear and decide the complaint in a manner to be determined by it.

After hearing the evidence, the Conducts Committee may

find the complaint or any part of it not proven;

find the complaint or any part of it proven and if so:

refer to the Association's code of conduct register to ascertain any previous breach by the player, umpire or official;

and direct the Respondent to attend an education program at the Respondent's cost;

and then determine a penalty which may include but which is not limited to:

the respondent to prepare a written apology;

a monetary fine; or

suspension.

13. Representation

Parties may only be represented by a member of its Executive Committee, under this Code

14. Appeal

Any player, umpire or official found to be in breach of the Code has the right of appeal against the decision of the Conducts Committee to an Appeals Committee, which is a Sub Committee of the Queensland Cricket Board of Directors. Any appeal against the decision of the Conducts Committee must be lodged within 48 hours of the hearing with the Chief Executive Officer, Queensland Cricket. The player or umpire are not permitted to participate in any competition until the penalty has been met or an appeal against such finding and or severity of the sentence has been adjudged by the Queensland Cricket Board of Directors.