

GUIDELINES TO THE SACA DISCIPLINARY PROCESS

These Guidelines are intended to assist interested persons in understanding the usual SACA disciplinary process under the current Bylaws. They are not a substitute for the Bylaws.

1. All players and club officials are bound by the Code of Conduct. Any breach of the Code of Conduct is 'misconduct' under the Bylaws (Bylaw 58).
2. The expected behaviour is described in Bylaws 137 – 140. Examples of misconduct and its varying levels of severity are described in Bylaws 141 – 144.
3. A report may be made by the umpires and other SACA officials (Bylaw 60).
4. The report is made on the attached **Form 1**. It should be as detailed as possible when describing the behaviour which is alleged to be misconduct. It is not necessary for the person making the report to characterise the behaviour as Level 1, 2, 3, or 4 offending.
5. The report should be provided to SACA as soon as possible and by no later than 9.00 am on the Monday immediately after it has been made (Bylaw 61).
6. All reports will be assessed by the Disciplinary Enquiry Panel ('DEP'). If in the opinion of the DEP the alleged misconduct constitutes Level 3 or Level 4 offending, the report shall be referred to a Commissioner for hearing. In these circumstances, the DEP has no further involvement in the matter (Bylaw 72).
7. If the report is not referred directly to a Commissioner, the DEP will consider the matter. It will rely principally upon the written report. It is for this reason that the description of what is alleged to have occurred should not be too brief. The DEP is entitled to obtain further information.
8. The function of the DEP is to assess the seriousness of the misconduct on the basis of what is alleged in the report and to impose a penalty based on that assessment. It is not the task of the DEP to adjudicate in respect of any dispute raised by the reported person.

9. By the end of the Monday, the reported person and his or her club will be advised of the decision of the DEP. This will be done by **Form 2** which is attached.
10. The reported person has a day to consider the matter and must provide a response to SACA by 5.00 pm on the Tuesday. That response must be one of the following options:
 - 10.1. The reported person accepts the decision and penalty imposed by the DEP.
 - 10.2. The reported person accepts the decision of the DEP that he or she is guilty of misconduct, but does not accept the penalty imposed.
 - 10.3. The reported person does not accept he or she is guilty of misconduct.
11. If the reported person chooses the first option, that is the end of the matter for these purposes.
12. If the reported person chooses the second or third option, the report will be referred to a Commissioner for hearing. That hearing will usually be conducted on the Wednesday evening after the conclusion of the match giving rise to the report.
13. If the reported person has chosen the second or third option, that person must complete **Form 3**. In completing that document, it is necessary for the reported person to identify fully and clearly which allegations are admitted and which allegations are disputed. This person should provide a description of what he or she says occurred. This description should be as complete as possible. It should also identify any witnesses to be relied upon at the hearing.
14. The hearing will usually occur at the CBD office of the Commissioner.
15. The Commissioner has the power to waive compliance with any procedural requirement or time limitation set out in the Bylaws (Bylaw 136).
16. The reported person must attend the hearing. He or she is permitted to have someone speak on their behalf as their representative. They are generally not entitled to legal representation. A current delegate or proxy delegate of the Grade Cricket Committee is not permitted to represent a reported person (Bylaw 87).

17. The Commissioner will determine whether the charge of misconduct has been proven. The standard of proof is the balance of probabilities. This will usually involve the giving of unsworn evidence by the reporting person(s), the reported person and any relevant witnesses whom either side brings to the hearing. The Commissioner will determine any factual disputes.
18. If the reported person is found guilty of misconduct, a penalty will be imposed by the Commissioner. The range of penalties which may be imposed include a fine and/or a reprimand and/or a period of ineligibility to participate in a number of matches in the Premier Cricket Competition (Bylaw 98).
19. The penalty to be imposed will be fixed principally by having regard to the characterisation of the misconduct as being either Level 1, 2, 3 or 4 offending. Other factors may also be relevant.
20. The indicative range of penalties is described in Bylaw 147.
21. A ban upon playing may be suspended, completely or partly (Bylaw 100).
22. It is important to appreciate that a ban imposed by a SACA Commissioner may have significant consequences in other competitions.
23. Any ban upon playing which arises from a 'red ball' match will be served in the red ball competition. During the period of that ban the player is ineligible to play 'white ball' cricket.
24. Any ban upon playing which arises from a white ball match will usually be served in the red ball competition (Bylaw 104).
25. There are particular consequences if a player participates in a representative match during the period of any ban imposed by a SACA Commissioner (Bylaw 103).
26. A player may not participate in the Redbacks League during the period of any ban imposed by a SACA Commissioner.

27. A Cricket Australia ('CA') contracted player who is banned under these Bylaws is liable to face a hearing at the direction of CA so as to determine whether they should be deemed ineligible to play in CA sanctioned matches during the period of their SACA imposed ban (CA's *Code of Conduct*, Article 7.8).
28. Players who have been banned by the International Cricket Council, CA or any other cricket association are ineligible to play in any SACA competition during the period of the other ban (Bylaws 133 – 135).
29. Any player banned by SACA is ineligible to play in any match under the control of the Adelaide Turf Cricket Association (ATCA Bylaw E5).
30. The Commissioner will provide a written decision. This will be sent to all persons involved in the hearing, to the secretary of all clubs and to the South Australian Cricket Umpires and Scorers Association. The results of reports (but not the written reasons) are available on the SACA website (Bylaws 111 – 112).
31. There is an appeal process. This is described in Bylaws 114 – 118.

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Current SACA Commissioners
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