

## PART E. REPORTS OF BREACHES OF BY-LAWS AND MISCONDUCT

### E1. REPORTING OF PLAYERS/PERSON

1. In the event of an officer of the Association (as defined in Clause 14 of the Constitution and Rules of the Association) ["officer"] or such other person who is appointed by the Board of Management of the Association pursuant to By-Law 1A hereof (an "appointed person") who is present at a match or an umpire, during or on the day of a match, deeming it necessary to report:
  - (i) any player/person in that match who is playing in the Senior or Under 18 competition of the Association;
  - (ii) any officer of a Club who is present at such a senior or Under 18 match; and/or
  - (iii) a person who is a registered member of the Association who is playing in a representative team comprising one or more players who are registered with the Association;for misconduct as referred to in paragraph 2 (either on or off the field during the day or days of the match) or for any other breach which the umpire is obliged to report under the Laws of Cricket or for any breach of these By-Laws, the officer, the appointed person or the umpire shall:-
  - (a) notify the offending player/person and both captains of his/her intention to report;
  - (b) inform the Executive Officer by phone, fax or email of impending report or deliver, transmit by fax, email or post a written report in the form prescribed by the Board of Management of the Association (Form 1 Notice of Report) prior to the commencement of the season to the Executive Officer of the Association so as to reach him/her by 1.00pm on the first working day after the completion of the match on which the alleged misconduct or other alleged breach occurred; and
  - (c) (i) present himself/herself in due course at the hearing before the Commissioner.  
The written report forwarded to the Executive Officer of the Association under paragraph (b) hereof shall constitute a charge against the player/person for the purpose or By-Law E2.  
(ii) Any wording in relation to a report written in the comments field of an online Match Review is not deemed as a report. The ATCA Form 1: Notice of Report must be submitted in accordance with paragraph (b).  
(iii) Every care should be taken in ensuring that the notice of report is as detailed and precise as possible. Notwithstanding that both the CEP and Commissioner are not bound by its detail or lack of and exercise the right after the gathering and hearing of all the evidence to determine the appropriate classification of the offence under the Code of Conduct Guidelines
- 1A The Board of Management may each season appoint up to ten (10) persons who, together with each officer of the Association, shall each have the following powers:
  - (a) in a game where there is at least one official appointed umpire - to report players or an officer of a Club for "misconduct" as referred to in paragraph 2 arising from an incident on or off the field which might not reasonably have been seen or heard in detail by an officiating umpire;
  - (b) in a game where there is no official appointed umpire - to report a player\_or an officer of a Club for "misconduct" arising from any incident during a game;
  - (c) to refer a team's or player's behaviour to the ATCA Compliance Committee arising from the person's considered assessment of player behaviour as it applies to the ATCA Code of Conduct Guidelines and By-Law 2. In the case of the Executive Officer such assessment is not confined to personal observation or encumbered by reports not officially laying charges of a reportable offence in accordance with the Bylaws ; and
  - (d) to refer to the Executive Officer those matters referred to in paragraph 1C of this By-Law.
- 1B Where an officer of the Association or one of the persons appointed by the Board of Management pursuant to paragraph 1A of this By-Law reports a player or a person pursuant to the power in subparagraph (a) or (b) of the said paragraph 1A he/she shall advise the reported player or a person that he/she has been reported as soon as practicable after the incident the subject of the report and in all cases shall advise the Executive Officer of the details of the report by 1.00pm on the Monday, or the Tuesday if a long weekend, either immediately after the day on which the said incident occurred or at the conclusion of the match. If the incident occurred on a long weekend, then all days referred to in this Part E shall be pushed back one day (i.e. Monday becomes Tuesday and so on).
- 1C In the event of an officer, an appointed person or an umpire determining that the behaviour (on or off the field and during or on the day of a match) of a player who is playing in the Junior section of the Association, other than the Under 18 competition, or an officer of a Club which has a team playing in the Junior section of the Association, amounts to misconduct, he/she shall refer the matter to the Executive Officer who shall, in turn, refer the matter to a member of the Compliance Committee who is responsible for matters relating to players of that age.
2. **Code of Conduct**

The captains are responsible at all times for ensuring that play is conducted within the spirit of the game as well as within the Laws, including the Preamble "The Spirit of Cricket" in the 2000 code.

  - (a) assaulting or attempting to assault an umpire, player or person;
  - (b) reacting in an unreasonably provocative or disapproving manner, either towards an umpire or otherwise, following an umpiring decision;

- (c) using crude and/or abusive language to an umpire, player or person or engaging in conduct detrimental to the spirit of the game;
- (d) making offensive hand gestures to an umpire, player or person;
- (e) engaging in unjustified appealing in a persistent, aggressive or threatening manner; and
- (f) making a dismissive, aggressive or abusive comment or gesture to a batsman after he/she has been dismissed.

Any breach of the foregoing of Code of Conduct shall be considered to be misconduct under this Bylaw. In addition, the *Code of Conduct and Guidelines for Penalties* as set out in Part G of these Bylaws list other conduct which will be considered misconduct under this Bylaw.

- 2A Where a team or player(s) of a team engage in misconduct, the captain of that team will be liable to be reported for that misconduct.
- 2B For the purposes of Part E of these Bylaws an "officer of a Club" includes a person who is a member of that Club's Committee of Management (howsoever the committee of a Club managing its affairs is described) or occupies the position of coach or assistant coach of a Club or a team in that Club.
- 3. Where there are no official umpires officiating in a match, the captains of the teams playing in that match shall assume the responsibilities under paragraph 1 of this By-Law. Each captain shall as far as practicable, follow the procedures set out in paragraph 1 of this By-Law.
- 4. There shall be a sub-committee called the Compliance Committee to be chaired by a member of the Board of Management and each member of the sub-committee (two of whom shall have, in addition to their other responsibilities, the specific responsibility for matters relating to players playing in the Junior section of the Association) shall have the following powers and duties:
  - (a) to assess matters referred to the Compliance Committee by the Executive Officer including those relating to player behaviour, team behaviour and compliance by a Club with its administrative responsibilities under the By-Laws;
  - (b) to communicate in writing and orally with representatives of a Club in relation to any matter referred to the Compliance Committee under sub-paragraph (a); and
  - (c) after consultation with the Chairman of the Compliance Committee or his/her delegate, to refer a matter to the Tribunal constituted under By-Law E4 and to appear before the Tribunal at any hearing conducted by it in relation to the matter so referred.
  - (d) to assess matters referred under By-Law E1 1A (c) by the Executive Officer and if deemed appropriate refer directly to the Commissioner's Enquiry Panel for deliberation
- 5. Where:
  - (a) a captain of a team within a Club is found guilty of misconduct; or
  - (b) in the opinion of a member of the Compliance Committee, the conduct of a senior or junior player or players within a Club or an officer of that Club or the Coach or Team Manager of a junior player is such that a Club should take disciplinary action against that player or those players, that officer or that Coach or Team Manager, that member of the Compliance Committee shall take the following action:
    - (1) write a letter to the Club requiring the Club to:
      - (i) inquire into the matter and to take appropriate disciplinary action against the player or players, the officer of the Club or the Coach or Team Manager;
      - (ii) advise that member of the Compliance Committee in writing within ten (10) days of the date of the letter of the disciplinary action taken by the Club and the reasons for that action; and
    - (2) after consultation with the Chairman of the Compliance Committee or his/her delegate, refer the matter to the Tribunal if that member of the Compliance Committee is not satisfied with any aspect of the club's response to the letter referred to in sub-paragraph (1) hereof.

## E2. COMMISSIONER

- 1. Subject to paragraph 9 of this By-Law, the Commissioner's Enquiry Panel (refer 2A) and the Commissioner (refer 2A) shall exercise the powers of the Association relating to the hearing and determination of charges against players/persons referred, pursuant to these By-Laws and ATCA Policies and the imposition of penalties.
- 2. Prior to the commencement of each season, the Board of Management shall appoint a panel of Commissioners ("**Panel of Commissioners**").
- 2A Prior to the commencement of each season, the Executive Officer shall prepare a roster for each week from the Panel of Commissioners to apply during the season, each week to comprise:
  - (i) two Commissioners ("**Commissioner's Enquiry Panel**"); and
  - (ii) a third Commissioner who will solely act in the conduct of a Commissioner's hearing, if required ("**the Commissioner**").
- 3. Upon receipt of a report lodged under the provisions of paragraph 1 or 3 of By-Law E1, the Executive Officer of the Association shall promptly give notice, which may initially be verbal, to the:
  - (a) Commissioner's Enquiry Panel;
  - (b) the Commissioner; and

- (c) the secretary of the charged player's/person's club of:
  - (i) the charge; and
  - (ii) the date, time and place at which the Commissioner will hear the charge, if required; and where the reported player is playing in the Under 18 competition of the ATCA;
  - (iii) the requirement that the player's coach or team manager or a senior member of the Committee of Management of the player's club shall attend the hearing of the charge; and
  - (iv) where the person charged has previously been found guilty of misconduct the requirement that the secretary of the players club must take reasonable steps to encourage a parent of the player to attend the hearing of the charge in addition to the player's coach or team manager or a senior member of the Committee of Management of the player's club.

3A1

- (a) The Commissioner's Enquiry Panel is empowered to obtain evidence, information, submissions from any persons whom the Commissioner's Enquiry Panel deems fit. The Commissioner's Enquiry Panel is to reach a decision regarding the matter referred to them ("**CEP Decision**"). The CEP Decision after taking into account the ATCA Code of Conduct and Guidelines for Penalties, any warnings notified under Bylaws D32.2. (i) And D33.2.(i) may include a reprimand, suspension, suspended sentence, fine, expulsion, dismiss the charge/s, refer the matter to the Tribunal and/or make any recommendation to the Board of Management, such decision to be entirely at the Commissioner's Enquiry Panel's discretion. If the Commissioners Enquiry Panel cannot agree their decision, then the matter in dispute must be referred to the Commissioner for hearing.
- (b) If the investigation undertaken by the Commissioner's Enquiry Panel should reveal incidents separate from those the subject of the report that it deems would constitute possible misconduct by any player or official, they may refer the matter to the Executive Officer.
- (c) The Executive Officer upon receipt of a referral under 3A1 (b) may if he/she determines appropriate lodge a report. The processing of such a report will follow the procedures set out in E1 and will be heard by a newly constituted CEP.
- (d) The CEP if upon finding the player guilty has taken such warnings reported under Bylaws D32.2.(i) and D33.2(i) into account in determining the appropriate penalty and if he/she suspends the player concerned they then may direct that the player's recorded warnings be cleared.

3A2

By no later than 10:00am on the Wednesday following the lodging of a report, the Commissioner's Enquiry Panel must advise the Executive Officer of their CEP Decision. The Executive Officer must then promptly notify the reported players/clubs/officials and the secretary of the club of the CEP Decision. If the matter is referred to the Tribunal by the Commissioner's Enquiry Panel, then there will not be a hearing before the Commissioner of that matter as the matter in dispute will proceed directly to a Tribunal to be constituted as soon as practicable.

3A3

If the reported players/officials accept the CEP Decision, then there will be no hearing before the Commissioner. However, if the players/officials or club officials do not accept the CEP Decision or have made no indication as to acceptance or otherwise, then the matter will be referred to a hearing before the Commissioner to be heard at 5:30pm on the Wednesday or Thursday following the lodging of the report (i.e. generally the same day as the player/official is advised of the CEP Decision).

3A4

Any additional evidence gathered and relied upon by the Commissioner's Enquiry Panel in reaching its decision will be evidence available to the Commissioner and Board of Management.

4.

In relation to hearings before the Commissioner:

- (a) unless he/she has delivered to the Executive Officer by 3.00pm on the day on which the Commissioner intends to hear the charge a statement in writing, signed by him/her, that he/she wishes to plead guilty to the charge and, if he/she wishes, stating any mitigating circumstances, the charged player/person and the person or persons who made the report shall appear in person before the Commissioner and the Commissioner shall enquire into the charge;
- (b) if the charged player/person fails to appear before the Commissioner at the appointed time and place (other than where he/she has pleaded guilty in writing in accordance with sub-paragraph (a) hereof) the Commissioner shall not hear and determine the charge but shall adjourn the hearing to a date and time determined by the Commissioner. The charged player shall not play until the Commissioner has heard and determined the charge unless the Commissioner, in the exercise of his/her discretion, permits the charged player to play pending the hearing and determination of the charge;
- (c) where the charge arises from a report lodged by an umpire under the provisions of paragraph 1 of By-Law E1, the person who made the report shall give evidence at the hearing and may call witnesses and question all witnesses who give evidence at the hearing;
- (d) except where the charged player or person has pleaded guilty in accordance with sub-paragraph (a) hereof, the Commissioner shall not proceed to make a determination and exercise his powers under paragraph 6 of this By-Law without first affording to all interested parties a reasonable opportunity to call evidence, question witnesses and make submissions at the hearing;

- (e) subject to these By-Laws in so far as they relate to players playing in the Junior Section of the Association, no person appearing before the Commissioner shall be entitled to legal or other representation, unless the Commissioner decides otherwise.
5. When considering any charge the Commissioner may:
- (a) Summon any person to appear and give evidence at the hearing;
  - (b) In his/her absolute discretion, admit or reject any evidence given or tendered at the hearing;
  - (c) Inform himself/herself in such manner as he/she thinks fit without regard to the rules of evidence provided that the charged player/person shall be given the opportunity to make submissions in respect of all information received by the Commissioner;
  - (d) adjourn the hearing from time to time;
  - (e) Adopt and pursue any procedure which he/she may think convenient and proper in the hearing, adjudication and determination of the charge;
  - (f) Hear the charge, notwithstanding that the requirements of these By-Laws with respect to the reporting of the player/person have not been complied with, provided that the Commissioner shall dismiss the charge if in his/her opinion the failure to comply with those requirements has materially prejudiced the charged player/person; and/or
  - (g) in his/her absolute discretion, having regard to the complexity or seriousness of the matter, refer the charge to the Tribunal which, in hearing the charge, shall adopt such of the powers and procedures set out in By-Law E2 as are appropriate for it to hear and determine the charge.
- 6A. If, after considering the charge and all evidence, information and submissions received by him/her, the Commissioner finds the charged player/person guilty on the balance of probabilities and after taking into account the ATCA Code of Conduct, and any warnings issued under Bylaws D32.2.(i) and D33.2(i), he/she may at the Commissioner's sole discretion:
- (a) reprimand;
  - (b) suspend;
  - (c) impose a suspended sentence to remain in force for a period specified by the Commissioner (including, where necessary, into the following season);
  - (d) fine; and/or expel; the player and/or official; and/or
  - (f) make any recommendation to the Board of Management
  - (g) impose match point penalties against the charged players team
- 6A.1. The Commissioner after taking such warnings reported under Bylaws D32.2.(i) and D33.2.(i) into account in determining the appropriate penalty may if he/she suspends the player concerned direct that the player's recorded warnings be cleared.
- 6B If after such consideration the Commissioner finds the charged player/person not guilty, he/she may:
- (a) dismiss the charges against the player/person; and/or
  - (b) make any recommendation to the Board of Management which he/she deems fit.
- 6C Upon receipt of the CEP Decision or decision of the Commissioner, the Board of Management may:
- (a) appeal the matter to a Tribunal to be constituted as soon as practicable; or
  - (b) adopt the CEP Decision or the Commissioner's finding. The adoption of the CEP Decision and of the Commissioner's finding does not require any action by the Board of Management.
7. If, in connection with the hearing of a charge, the Commissioner finds that any witness (being a person under the control of the Association) has, knowingly and with intent to mislead the Commissioner, made a false statement at the hearing in respect of any matter material to the charge and directed to the proof of the guilt or triviality of the charge, the Commissioner shall forward a written report of that finding to the Board of Management as soon as practicable after the hearing is completed. Upon receipt of any such report from the Commissioner, the Board of Management may take any action which it deems fit.
8. Any person (being a person under the control of the Association) who conducts himself/herself disrespectfully to the Commissioner during the hearing of any charge, may be dealt with in such manner as the Commissioner, in his/her absolute discretion, deems fit.
9. There shall be afforded to the Board of Management and to all other parties a right of appeal against decisions of the Commissioner in accordance with the terms and conditions set out in By-Law E4.
10. Where a player/person lodges an appeal (refer By Law E4 at 5, 6, 7 and 8) against a decision of the Commissioner (as to a finding of guilt and penalty or as to penalty only), the Executive Officer must as soon as reasonably practicable constitute a Tribunal to hear such appeal. The role of the Executive Officer will be administrative only and he/she must present to the Tribunal copies of all written information together with a written summary of the reasons stated by the Commissioner for the Commissioner reaching his/her decision. The Executive Officer, or Assistant to the Tribunal (refer E4 4), shall attend at the hearing before the Tribunal to perform the responsibilities referred to in paragraph 4(2) of By-Law E4.

### **E3 UMPIRES TO REPORT BREACHES OF BY-LAWS**

It shall be the duty of the umpires to report in writing to the Executive Officer of the Association not later than 1.00pm on the Monday after the end of the match any case of lateness in commencement in play on either day

or any breach of these By-Laws and they shall notify the Captain of the team concerned on the day the breach was committed of their intention to submit such report. The Executive Officer of the Association on receipt of such report shall communicate the report thereof to the club or clubs concerned.

E4

#### **ADELAIDE TURF CRICKET ASSOCIATION TRIBUNAL ("THE TRIBUNAL")**

1. There shall be a Tribunal which shall hear and determine the following matters:
  - (a) an appeal from a decision of the Commissioner or a referral by the Commissioner pursuant to paragraph 5(g) of By-Law E2;
  - (b) a referral by a member of the Compliance Committee pursuant to sub-paragraph (2) of paragraph 5 of By-Law E1;
  - (c) a referral by the Board of Management of a matter which, in the opinion of the Board of Management, warrants the possible imposition of a major disciplinary sanction against a club or is of such complexity or seriousness that it warrants an independent assessment by the Tribunal; and
  - (d) an appeal or referral of a matter by the Executive Officer pursuant to By-Law E5; and
  - (e) a referral by the Commissioner's Enquiry Panel pursuant to paragraph 3A1 of By-Law E2.
2. **Establishment**
  - (1) **The Board of Management to Establish**

The Board of Management shall from time to time appoint persons to the Tribunal.
  - (2) **Members of Tribunal**

The Tribunal shall consist of three members at any one hearing, one of whom must be a legal member and one of whom must be a non-legal member where:

    - (a) the legal member means a Legal Practitioner of no less than five years standing, one of whom shall be the Chairman of each sitting Tribunal ("**legal member**");
    - (b) the other persons who in the opinion of the Board of Management possess sound knowledge of cricket and its etiquette ("**non-legal member**"); and
    - (c) none of the three can be the CEP Decision makers, nor the Commissioner, who heard the matter that is on appeal.
  - (3) **Absent Members**

If for any period and for any reason a Tribunal constituted in accordance with these By-Laws cannot be convened for a hearing the Board of Management may appoint a person who in its opinion is a suitable replacement.
3. **Resignation and Removal of Appeal Board Member**
  - (1) **Resignation**

A member of the Tribunal may resign by providing notice in writing to the Chairperson of the Board of Management.
  - (2) **Removal**

The Board of Management may remove a member of the Tribunal at any time at its discretion.
4. **Assistant to the Tribunal**
  - (1) **Appointment**

The Tribunal may, at its discretion, appoint an Assistant. Where the matter was referred to the Tribunal by the Commissioner's Enquiry Panel, a member of that panel shall act as the Assistant.
  - (2) **Role**

The Assistant to the Tribunal shall:

    - (a) assist the Tribunal in the efficient and proper running of matters coming before it;
    - (b) report to the Tribunal the reasons given by the Commissioner for reaching the decision appealed from (where applicable);
    - (c) where directed by the Board of Management, act as the ATCA's representative in any appeal lodged or referred by the Board of Management; and
    - (d) perform other functions as directed from time to time by the Tribunal.
5. An aggrieved person may appeal to the Tribunal in respect of a decision made by the Commissioner under paragraph 6 of By-Law E2 provided the appeal is brought no later than 1.00pm on the day after the decision of the Commissioner was made.
6. An appeal under paragraph 5 of this By-Law shall be conveyed to the Executive Officer of the Adelaide Turf Cricket Association in writing or a duly completed Notice of Appeal form as prescribed prior to the commencement of the relevant season.
7. The Tribunal shall not commence to hear the appeal unless and until a payment has been made to the Adelaide Turf Cricket Association of the sum of \$200 which sum shall be dealt with in accordance with paragraph 21 of this By-Law.
8. A Notice of Appeal shall be lodged by 1:00pm on the day after the decision of the Commissioner was made by:
  - (a) delivering; or
  - (b) transmitting by facsimile or email (and confirming with a subsequent telephone call to the Executive Officer), that Notice addressed to the Executive Officer of the Adelaide Turf Cricket Association and received by the Executive Officer no later than 1.00pm on the day after the

decision of the Commissioner was made.

9. **Time for hearing appeal**

(1) **Notification**

Upon receipt of a Notice of Appeal, the Executive Officer shall:-

- (a) fix the date, time and place for the hearing of the appeal as soon as practicable provided that the appeal shall be heard before the day on which the appellant's Club is next scheduled to compete; and
- (b) advise all parties interested in the appeal in writing of those particulars.

(2) **Variation of Time or Place**

The Tribunal may vary the time or place specified under paragraph 9(1) and upon doing so shall immediately provide all parties interested in the appeal written notice of any such variation.

(3) **Attendance**

An appellant shall attend and appear before the Tribunal at the date, time and place fixed for the hearing of the appeal. Where an appellant fails to attend before the Tribunal, the Tribunal may still hear and determine the appeal in the appellant's absence.

(4) **Disqualification from Playing**

No player who has been suspended by the Commissioner and who has appealed from that decision to the Tribunal shall play again unless authorised to do so by the Tribunal (acting in accordance with paragraph 11(3) of this By-Law) either at the conclusion of the hearing of the appeal or pending the final determination of the appeal.

10. **Obligations of Tribunal**

(1) **Natural Justice and Other Obligations**

The Tribunal shall:

- (a) provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;
- (b) hear and determine the matter before it in an unbiased manner; and
- (c) make a decision that a reasonable body could honestly arrive at.

(2) **Express Exclusion**

Subject to paragraph 11 of this By-Law, the Tribunal shall hear and determine an appeal brought under this By-Law before the appellant's Club is next scheduled to compete, irrespective of whether the appeal is heard at short notice or whether the hearing of the appeal may affect the appellant's or the appellant's Club's preparation for the next scheduled Match. To the extent that the rules of natural justice require that:-

- (a) a person be given adequate notice of or sufficient time to prepare for an appeal; or
- (b) the appeal be scheduled at a time that does not affect the appellant's or the appellant's Club's preparation for the next scheduled Match, those requirements are expressly excluded from these Rules.

11. **Adjournment and Stay of Penalty**

(1) **Person to Serve Penalty**

Subject to paragraph 11(2) of this By-Law, where the Commissioner imposes a penalty that prevents the appellant from participating in a match, the appellant shall serve that penalty pending the determination of the appeal unless otherwise authorized by the Tribunal pursuant to paragraph 9(4) of this By-Law.

(2) **Power to Adjourn**

Subject to paragraph 11(3) of this By-Law, the Tribunal may of its own motion or upon application of any party to the appeal, order:-

- (a) that an appeal be adjourned; or
- (b) a stay of the execution of the penalty imposed by the Commissioner pending the determination of the appeal.

(3) **Exceptional and Compelling Circumstances**

The Tribunal shall make an order under paragraph 11(2) of this By-Law only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if an appropriate order was not made.

12. **New Hearing**

- (a) Subject to paragraph 12(b) of this By-Law, the Tribunal shall deal with the appeal as a new hearing.
- (b) The Tribunal may have regard to the record of the proceeding before the Commissioner as previously constituted, including a record of any evidence taken in the hearing before the Commissioner.

13. **Procedure and Evidence**

(1) **Regulate own Procedure**

Subject to the further matters set out in this By-Law, the Tribunal may regulate any proceedings brought before it in such manner as it thinks fit.

(2) **Conduct of Appeal**

The hearing before the Tribunal shall be:-

- (a) inquisitorial in nature; and
- (b) conducted with as little formality and technicality and with as much expedition as the proper consideration of the matters before it permits.

(3) **Rules of Evidence**

The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to Courts of record, but may inform itself as to any matter in any such manner as it thinks fit.

14. **Power of Tribunal**

- (a) The Tribunal may confirm, reverse or modify the decision of the Commissioner the subject of the appeal and make such orders and give such directions in such manner as it thinks fit.
- (b) Paragraphs 4 (other than sub-paragraph (c)), 5, 6, 7, and 8 of By-Law E2 (as necessarily adapted and to the extent that the Tribunal considers it appropriate in a particular case) shall apply to appeals before the Tribunal commenced under this By-Law and any reference to the Commissioner shall be read as a reference to the Tribunal.
- (c) Where a matter has been referred to the Tribunal pursuant to sub-paragraph (g) of paragraph 5 of By-Law E2 or sub-paragraphs (b) or (c) of paragraph 1 of this By-Law, the powers of the Tribunal shall include the powers referred to in paragraph 5 of By-Law E2 (as necessarily adapted and, in addition to those powers, the Tribunal shall be at liberty to make any recommendation to the member of the Compliance Committee or the Board of Management, as the case may be, as it deems fit.

15. **Majority Decisions**

The questions on appeal before the Tribunal must be decided according to the opinion of a majority of the members constituting the Tribunal.

16. **No Written Reasons**

The Tribunal is not obliged to give other than oral reasons for a decision under paragraph 14 of this By-Law.

17. **Onus and Standard on Appeal**

On the hearing of an appeal the appellant shall bear the onus of showing on the balance of probabilities that the Reportable Offence or matter should be dismissed or that the penalty was inappropriate, as the case may be.

18. An appellant may be represented at the hearing of the Appeal by another person.

19. The person who lodged the report which was the subject of the decision of the Commissioner which is appealed from shall appear before the Tribunal in the same capacity as that person's appearance before the Commissioner.

20. **Questions of Law and Fact**

In the hearing and determination of an appeal, the Tribunal shall decide all questions of law and fact and without limitation shall determine the meaning of any words of a Reportable Offence.

21. **Appeal Fee**

- (a) Where the Tribunal upholds an appeal as to liability or penalty (including where it dismisses the appeal as to liability but reduces the penalty imposed by the Commissioner), the payment made under paragraph 7 of this By-Law shall be refunded.
- (b) Where the Tribunal dismisses the appeal in total, the payment made under paragraph 6 of this By-Law shall not be refunded, unless in the circumstances of the case the Tribunal determines in its absolute discretion that some or all of the said payment should be refunded.

22. **Validity of Charge and Hearings**

- (a) Where there is any procedural irregularity in the manner in which an appeal has been brought, the Tribunal may still hear and determine the appeal unless it is of the opinion that the irregularity has caused or may cause injustice if the appeal was heard.
- (b) A decision of the Tribunal is not invalid because of any defect or irregularity in, or in connection with, the appointment of a Tribunal member.
- (c) Subject to paragraph 10.(1) of this By-Law, any procedure or requirement regulating the function of the Tribunal is directory in nature and a decision of the Tribunal is not invalid by reason of that procedure or requirement not being fulfilled

**E5 SUSPENSION OF PLAYERS**

- (a) No player under suspension by any other Cricket Association or Competition shall be permitted to play in any match in the Adelaide Turf Cricket Association during the period of such suspension, and if a player breaches this By-Law the Executive Officer shall refer the matter to the Tribunal which shall exercise such powers in relation to the player and the player's club as it shall deem fit. In exceptional circumstances (such as a suspension which is for a small number of matches but which, by its timing, extends into the following season) the Player may appeal to the Tribunal, which may vary the application of this By-Law.
- (b) Any suspension incurred by a player playing in the ATCA shall result in him/her being excluded from playing in all ATCA sanctioned competitions for the duration of the suspension unless directed or recorded otherwise by the CEP/Commissioner, Tribunal or Chairperson of the Compliance Committee. For the purposes of this Bylaw the Two Day Competition, LO Competition and T20 Competition are classed as

separate competitions.

- (c) If during the period of the suspension the team for whom the player was playing when he/she received the suspension is subject to no play for a designated round that abandonment does not count towards the serving of the penalty
- (d) If during the period of the suspension the team for whom the player was playing when he/she received the suspension is subject to a bye for a designated round that bye does not count towards the serving of the penalty unless determined otherwise by the CEP/Commissioner

**E6 RESTRICTION OF COMMENT BEFORE HEARINGS**

No player or Club official, nor any umpire, may make any comment to any media organisation, or representative of such organisation, or via any public media, prior to the official filing or hearing of any charge, report or protest which has been laid pursuant to the provisions of these Bylaws. Any breach of this Bylaw must be investigated by the Commissioner, who may take such action against the player or Club official and/or his/her Club, as the Commissioner deems appropriate.