

# Cricket Australia Player Safety Policy

Version	Issue Date	Comments	Created By	Review date
1	May 2019	Policy Created	Australian Cricket Sports Science Sports Medicine	March 2020

# Cricket Australia Player Safety Policy

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## PRELIMINARY

### Definitions

For the purpose of this Policy and unless the context otherwise requires:

<b>Affiliated Associations and Clubs</b>	Any cricket association or club that is affiliated with a State and Territory Association.
<b>Australian Cricket</b>	CA and each of the State and Territory Associations.
<b>Community Cricket</b>	Any cricket competition conducted by an Affiliated Association and Club other than Elite Cricket competitions, which for the avoidance of doubt, includes Premier Cricket.
<b>Cricket Australia Safety Panel</b>	The panel of experts convened from time to time by the Head of Integrity of Cricket Australia to consider any application brought under this Policy.
<b>Discrimination Legislation</b>	<ul style="list-style-type: none"><li>a) Sex Discrimination Act 1984 (Cth);</li><li>b) Discrimination Act 1991 (ACT);</li><li>c) Anti-Discrimination Act 1977 (NSW);</li><li>d) Anti-Discrimination Act 1996 (NT);</li><li>e) Anti-Discrimination Act 1991 (Qld);</li><li>f) Equal Opportunity Act 1984 (SA);</li><li>g) Anti-Discrimination Act 1998 (Tas);</li><li>h) Equal Opportunity Act 2010 (Vic);</li><li>i) Equal Opportunity Act 1984 (WA).</li></ul>
<b>Elite Cricket</b>	Any cricket match that is: <ul style="list-style-type: none"><li>a) played as part of the Australian domestic male's first class competition;</li><li>b) played as part of the Australian domestic men's and women's one day competition;</li><li>c) played as part of the BBL competition (including any practice matches);</li><li>d) played between a State Association or invitational representative Australian team;</li><li>e) played by a W/BBL Team against a touring international team;</li><li>f) played as part of the WBBL competition (including any practice matches);</li><li>g) played as part of the Futures League (second XI) competition and practice matches (men's and women's);</li><li>h) played as part of the National Under 19 Male Championships; and</li><li>i) played as part of the National Under 18 Female Championships.</li></ul>
<b>Premier Cricket</b>	The highest non-professional level of cricket in each State or Territory Association involving Premier Cricket Clubs.

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<b>Relevant Disparity</b>	Relevant and significant disparity in the player's strength, stamina or physique when compared to other cricket participants in the relevant category of Elite Cricket which has an appreciable effect on the ability to compete.
<b>Serious Injury</b>	Any injury that can be sustained during a course of a cricket match or training session that requires urgent medical attention including but limited to serious head or neck injury, eye injury, spinal injury, the loss of bodily function (including a fractured/broken bone) or internal injury.
<b>State and Territory Associations</b>	<ul style="list-style-type: none"><li>a) ACT Cricket Association (ABN 61 741 344 332);</li><li>b) Northern Territory Cricket Association (ABN 21 938 643 056);</li><li>c) New South Wales Cricket Association (ABN 27 000 011 987);</li><li>d) Queensland Cricket Association (ABN55 612 695 676);</li><li>e) South Australian Cricket Association Limited (ABN 44 623 135 393);</li><li>f) Tasmanian Cricket Association (ABN 34 009 476 993);</li><li>g) Victorian Cricket Association (ABN 53 004 128 812);</li><li>h) Western Australian Cricket Association (ABN 44 026 744 769);</li><li>i) Melbourne Stars Ltd (ABN 48 152 852 278); and</li><li>j) Melbourne Renegades Pty Ltd (ABN 84 153 209 628).</li></ul>
<b>WHS Legislation</b>	<ul style="list-style-type: none"><li>a) <i>Work Health &amp; Safety Act 2011</i> (ACT);</li><li>b) <i>Work Health &amp; Safety Act 2011</i> (NSW);</li><li>c) <i>Work Health &amp; Safety Act 2011</i> (QLD);</li><li>d) <i>Work Health and Safety</i> (National Uniform Legislation) NT 2011;</li><li>e) <i>Work Health &amp; Safety Act 2012</i> (TAS);</li><li>f) <i>Work Health &amp; Safety Act 2012</i> (SA);</li><li>g) <i>Occupational Health &amp; Safety Act 2004</i> (VIC);</li><li>h) <i>Occupational Safety &amp; Health Act 1984</i> (WA).</li></ul>

## 1 PURPOSE

The Australian Cricket Player Safety Policy (the **Policy**) is intended to address the Relevant Disparity between players at Community Cricket level where such Relevant Disparity cannot be dealt with by selection, grading and/or umpire adjudication alone and there is an ongoing concern regarding the health and safety of players.

## 2 SCOPE

This Policy applies to Affiliated Associations and Clubs conducting Community Cricket competitions.

It is intended that this Policy will be implemented as a pilot program for a period of 12 months from date of implementation (the **Pilot Period**). At the conclusion of the Pilot Period, Cricket Australia will assess the application of this Policy and impact on Community Cricket, including the Affiliated Associations and Clubs in consultation with the State and Territory Associations.

The role of the Cricket Australia Player Safety Panel under this policy is to make recommendations (where it considers appropriate) to an Affiliated Association and Club to address any player Relevant Disparity. Any recommendations made by the Australian Cricket Player Safety Panel are non binding.

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## 3 INTRODUCTION

Affiliated Associations and Clubs have a duty of care towards all participants (including without limitation, members, players (including opposition players where they are playing at their facilities), officials, coaches, attendees of matches) of their Community Cricket competitions.

Australian Cricket emphasises the importance of ensuring the health, safety and wellbeing of players and officials as the number one priority for Affiliated Associations and Clubs and Community Cricket more broadly. The inclusive nature of Community Cricket means that players of differing abilities can play in the same competition or match. Whilst it is acknowledged that team selection and grading generally ensure the alignment of the age and ability of players participating in the level of competition that is matched to their skill level and physical abilities this is sometimes not the case for a number of reasons including social reasons, time constraints, availability of competition and/or teams etc.

It is also recognised that umpire adjudication and the use of protective equipment are long standing and effective means of ensuring the health, safety and wellbeing of players, as well as, addressing the Relevant Disparity of players.

As a sport for all Australians, Australian Cricket encourages Affiliated Associations and Clubs to allow players of all abilities to participate in any competition or match. Australian Cricket does however, recognise that in some instances, selection, grading, umpire adjudication and equipment alone may not support the health, safety and wellbeing of players participating in a match (or training session) that is well above or below their ability, placing them, or another player(s) at risk of Serious Injury or in a situation that they may unintentionally cause Serious Injury to another player(s).

To ensure the health, safety and wellbeing of all participants within Community Cricket, Australian Cricket has established this Policy to assist participants and Affiliated Associations and Clubs in considering any Relevant Disparity in ability of players in certain circumstances where, strategies of selection, grading, umpire adjudication and protective equipment alone cannot address the Relevant Disparity of players. In these circumstances, an application can be made to the Cricket Australia Safety Panel in accordance with this Policy.

It is also important to note that Discrimination Legislation exists to protect individuals from being treated unfairly based on characteristics and that Australian Cricket does not tolerate any breach of these laws.

## 4 PURPOSE OF SELECTION, GRADING & UMPIRE ADJUDICATION

This Policy acknowledges that existing policies, codes, and laws/bylaws of cricket are in place to support the participation by players of various abilities and deal with any Relevant Disparity, including:

- Selection of players for teams;
- Grading of teams in competitions and classification of tournament;
- Umpire adjudication through the Laws of Cricket; and
- Protective equipment such as helmets, neck guards, arm guards, leg guards, groin protectors etc.

## 5 PROCESS

In circumstances where a participant or official has concern about the health, safety or wellbeing of a player(s) due to a Relevant Disparity of player ability, they should bring this to the attention of the match officials adjudicating the match and/or an Affiliated Association or Club representative.

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The match officials and/or Affiliated Association or Club representative should consider the concern, and determine if the matter requires:

- (a) the implementation of immediate practical steps to resolve the Relevant Disparity (such as cautioning a player, protective equipment be worn, application of the Laws of Cricket), or
- (b) further assessment and consideration by the Affiliated Association or Club. This may include without limitation, conducting a formal risk assessment to help guide decision making processes

If the matter is resolved to the satisfaction of all participants and officials, then no further action is required.

If the matter remains unresolved, then the matter may be escalated the Cricket Australia Safety Panel using the form attached to this Policy. All applications to the Cricket Australia Safety Panel should be made through the CA Head of Integrity & Security.

## 6 CRICKET AUSTRALIA SAFETY PANEL

Upon receipt of any application made under this Policy, the CA Head of Integrity & Security will convene the Cricket Australia Safety Panel to consider the application.

If a member of the Cricket Australia Safety Panel has a perceived, potential or actual conflict with the application, they must remove themselves from the Cricket Australia Safety Panel immediately and the CA Head of Integrity & Security may, in their absolute discretion, appoint an additional member of the Cricket Australia Safety Panel.

The Cricket Australia Safety Panel agrees to keep confidential, all information presented or submitted as part of the application process and to only use such information in the course of considering any application made in accordance with this Policy.

## 7 CONSIDERATIONS

When considering any application brought to it under this Policy, the Cricket Australia Safety Panel will consider whether:

- (a) there is an apparent Relevant Disparity of player abilities;
- (b) the application of existing strategies as outlined in item 4 to address the Relevant Disparity;
- (c) the Relevant Disparity could or is likely to result in an unacceptable risk of Serious Injury;
- (d) any other matters it considers appropriate in the circumstances.

The Cricket Australia Safety Panel may request access to video footage of any match(es) and/or training sessions where there has been a Relevant Disparity of a player's ability and any other information and/or evidence from the applicant and any individual involved in the application, required to consider the application.

## 8 DETERMINATIONS THE SAFETY PANEL

The Cricket Australia Safety Panel in its absolute discretion, may:

- (a) determine the matter and make recommendations on the papers;
- (b) determine to convene a formal hearing to consider the facts and make recommendations following that hearing;
- (c) determine that the matter to be referred to mediation.

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The Cricket Australia Safety Panel may, in its absolute discretion make any of the following recommendations to the relevant Affiliated Association or Club:

- (a) there is a Relevant Disparity in player abilities which is being appropriately managed by the Affiliated Association or Club and/or match officials, with no further action required;
- (b) there is a Relevant Disparity in player abilities that could present a risk of Serious Injury to participants, and the Relevant Disparity in abilities be addressed by a number of strategies including but not limited to:
  - i. education and awareness of match officials;
  - ii. re-grading the level of participation;
  - iii. selection and availability of competitions; or
  - iv. mandating protective equipment be worn during relevant matches,
- (c) there is no Relevant Disparity in player abilities.

The Cricket Australia Safety Panel may make any other recommendation to support the inclusion of players where there is a Relevant Disparity in player abilities, but without risk to participants.

The determinations and recommendations of the Cricket Australia Safety Panel are non-binding.

The Cricket Australia Safety Panel will liaise with the relevant Affiliated Association or Club to understand how its determinations and recommendations might be implemented by the Affiliated Association or Club (ie, whether the Affiliated Association or Club is able to accept the recommendation(s) in full, accept the recommendation(s) in part or not accept the recommendation(s) and reason(s)).

The Affiliated Association or Club should document its adoption and implementation process of the recommendation(s) made by the Cricket Australia Safety Panel.

Due to privacy, there may be circumstances where Cricket Australia Safety Panel is unable to provide details of recommendations to the applicant. In such circumstances, Cricket Australia will notify the applicant once the matter is closed.

## 9 OVERVIEW OF WHS LEGISLATION

Sporting organisations, including Affiliated Associations and Clubs have obligations under WHS Legislation to ensure the health and safety of athletes, participants, officials (whether paid or voluntary) and spectators are not put at risk from sporting programs and activities, so far as reasonably practicable.

There are inherent risks associated with the game of cricket. The usual 'rough and tumble' of the game is not included within WHS Legislation. Rough and tumble refers to playing cricket as it would be usually played in accordance with the rules.

## 10 VICTIMISATION

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under a policy, code, law or bylaw of the Affiliated Association or Club or under legislation, made a complaint, helped someone make a complaint, or refused to do something.

It is also victimisation to threaten someone (such as the person making an application under this Policy, a witness, any player) who may be involved in an application.

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Australian Cricket does not tolerate any form of victimisation and Cricket Australia will revert any allegation of victimisation to the relevant Affiliated Association or Club to deal with under the Member Protection Policy.

## **11 RELATED DOCUMENTS, LEGISLATION AND STANDARDS**

This Policy must be read and implemented in conjunction with:

- Discrimination Legislation
- Occupational Health and Safety and WHS Legislation
- Other Australian Cricket Guidelines
- Other policies, codes, and laws/bylaws of the relevant Affiliated Association or Club

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## APPLICATION FORM TO THE CRICKET AUSTRALIA SAFETY PANEL

<b>Applicant</b>	
<b>Contact number</b>	
<b>Email address</b>	
<b>Affiliated Association or Club</b>	
<b>Role within Affiliated Association or Club</b>	

**Description of Relevant Disparity concern (including participant details, background information, incidents, match officials report, report of Affiliated Association or Club)**

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**Who is at risk as a result of the current arrangement (e.g. Player, Official, Spectator) and why?**

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**Details of supporting documentation to this Application (attach video evidence, notes, risk assessment and any other supporting documents)**

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**Details of action taken by match official and/or an Affiliated Association or Club representative**  
***(NOTE: it is a pre-requisite of this Policy that the matter be dealt with by a match official and/or an Affiliated Association or Club)***

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**Recommended further action**

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I agree that the Cricket Australia Safety Panel may make further enquiries of this application, including but not limited to conducting an investigation of the matter and requesting a response from those players and officials involved.

I agree that the Cricket Australia Safety Panel has no jurisdiction to make a binding determination, but may make recommendations where it determines appropriate.

I acknowledge that it is ultimately the responsibility of the Affiliated Association and Club as to the adoption of those recommendations.

Applicant name \_\_\_\_\_ Signature \_\_\_\_\_  
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Date

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**CA USE ONLY**

Received by

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Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Applications to be lodged to [integrity@cricket.com.au](mailto:integrity@cricket.com.au)