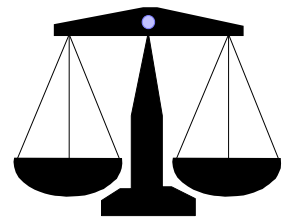


# Commission of Inquiry into Cricket Match Fixing and Related Matters



Est. May 2000

## **SECOND INTERIM REPORT Recommendations and Suggestions**

1. Pursuant to Paragraph A of the Terms of Reference the Commission is required to make recommendations concerning the matters referred to in Paragraphs A1, 2, 3 and 4 thereof.
2. Paragraphs A1, 2 and 3 are the subject of the first Interim Report, Paragraph A4 has still to be dealt with by the Commission.
3. It incorporates an enquiry into whether, during a specified period, any member of the South African team or team official indulged in any of 14 different but inter-related activities relating to match-fixing and/or related matters, and it is accordingly pertinent to consider measures which can be taken to deal with these activities. That is the purpose of this report.
4. The recommendations and suggestions in this report are aimed at ensuring, or assisting to ensure, that malpractice such as has already been disclosed in evidence, and the like, is eliminated once and for all from the game of cricket. This report is presented now rather than incorporated into the final report; it can be supplemented if evidence at the further sitting of the Commission so requires.
5. In response to an invitation to assist the Commission a substantial and representative number of supporters of the game have sent a veritable profusion of suggestions and recommendations; these have been of great assistance – cricket is very greatly indebted to these good people; their love of the game, so cogently and forcefully expressed, directly and by clear inference, and their determination that the game be cleansed, should be both an encouragement and an admonition to all concerned; public confidence in the integrity of the game must be

restored; cricket is only as strong as the support it receives from the public.

6. Measures which, it is suggested, may be of assistance fall into several broad categories: these are –

- Education and Training
- Control and Supervision
- Financial Security
- Governance
- Punishment and Sanctions

These categories overlap and certain suggestions have aspects of, and fall into more than one.

### **Education and Training**

7. It is trite that cricketers should, from their earliest days in the game, in addition to learning how the game is played, be made aware of the spirit of the game and what is fair and what is unfair. The inculcation of the spirit of fair play will arm the young cricketer and make him (or her) better able to resist and withstand the pressures to which those who play at the highest level are subject.

8. This education in the culture of fair play should be ongoing, bearing in mind that the further a cricketer progresses the greater will be the pressures put upon him.

9. The suggestions are of application to the national side; it is assumed that the necessary groundwork will have been done, at school, academy and provincial levels and that players chosen to

represent their country will have a proper understanding of their responsibilities.

10. It will be part of the education of the players that they understand the necessity, in their own interest and in the greater interest of the game, for protective and preventative measures to be taken; these will of course require the full co-operation of players and officials; they should be invited to make input into the deliberations before decisions affecting them are taken.
11. Workshops should be held countrywide for players, officials, administrators, cricket journalists and interested members of the public for discussion of the present state of cricket and suggestions as to how best to prevent a recurrence of what has happened; one such suggestion could be the setting up of a standing investigatory, watchdog committee specifically to oversee the game and report breaches of the code of conduct to the governing body.
12. Education of a different sort is referred to under the heading Financial Security.
13. Sight should not be lost of the fact that cricketers who represent their country are young men who have had greatness thrust upon them. They are very much on centre stage. They should enjoy the benefit of ongoing counselling and mentoring, by professionals if necessary and also by persons holding senior positions in the UCB structure and, more immediately the manager, coach and captain.

## **Control and Supervision**

14. Supervision of players and a measure of control over their activities is necessary but it is a sensitive issue which should be handled with circumspection and delicacy.
15. It has become apparent that up to now access to players has been far too free and easy; this requires correction and it may be necessary, for a time, to overreact to some extent.
16. However, sight must not be lost of the role played by the cricketers, particularly when on tour overseas. They are ambassadors for their country and for their sport. They are to a certain extent public property and are regarded as role models.
17. This in itself puts them under a great deal of pressure and the way to counter this is surely not to isolate them from the public. This would not only be bad for the morale of the team, it would also be bad for the game.
18. A compromise needs to be found between supervising the players' activities on the one hand and ensuring that they are protected from contact with undesirable elements on the other; cricketers must not be made to feel that they are required to lead a monastic existence.
19. Unauthorised access, or access by unsuitable persons or under unsuitable circumstances, should be prohibited. Measures which can be considered in this regard include:
  - (a) The introduction of an accreditation system; only UCB accredited persons should be permitted access to players, in

circumstances approved by the team management. Players should be given a list of such persons.

- (b) Prohibition (or limitation to approved persons in approved circumstances) on access to player's quarters.
- (c) Strict control of telephonic access; only cellular telephones issued to players by the UCB should be allowed and details of calls made and received should be available so as to allow monitoring by the UCB. Possession of an unauthorised cell phone should be a punishable offence.
- (d) Contact by players with media representatives, representatives of sponsors and the public generally (e.g. for signatures) or more specifically e.g. appearances at functions, should be under the aegis of the UCB generally and team management specifically.
- (e) It is unfortunately necessary for players' telephone calls (and also e-mails) to be monitored. Possibly a new appointment to a touring party (whether away or at home) should be made to take charge of communication with players; liaison between team and public and player security and privacy generally. Alternatively it may be possible for the assistant manager to fulfil this role. This official could be the channel of communication between the players and the ethics committee (as to which see on).

20. Other measures, aimed at minimising if not eliminating the possibility of players being vulnerable to improper approaches, include:

The imposition on all concerned of an obligation to report, not only instances of approaches to himself, but also any information which he receives, any knowledge he obtains, however farfetched he personally may regard it, concerning

any other person including a colleague which is suggestive of improper conduct.

21. This is bound to be a sensitive issue; there is an instinctive reaction against “splitting” or “whistle-blowing” on your friends and colleagues. It must be part of a player’s education and training that this is not disreputable conduct. On the contrary, it is the decent and honourable thing to do, in the greater interest of the game and all who have to do with it. Consideration should be given to rewarding persons who report misconduct, actual or potential, although it is clearly preferable not to have a reward incentive in place.
22. Consideration should also be given to the appointment of undercover agents who would approach players in the guise of a bookie or punter with a bogus suggestion of match fixing or the like. The players should be forewarned of this possibility. It will act as a deterrent, if such should be necessary. Furthermore if players are alerted in this way, it will be less like a “trap”.
23. The process of reporting should be regulated; the person involved must be apprised of the nature and content of the report and given the opportunity to come forward. It should not be confrontational. Reporting should be facilitated by the provision, as part of a player’s kit, of a prescribed form to be completed; consideration should be given to anonymous reporting.
24. There should also be transparency where an offence has been committed; it should be suitably publicised and also advised to the ICC who should be requested to keep a central register of such events.

25. It is suggested that an ethics committee be set up, comprising e.g. the manager, coach, captain, vice-captain, a senior player and a junior player (the latter appointment is important; it will give the committee greater credibility and acceptance by the team).
26. This committee will enjoy the respect and confidence of the team and will in the first instance receive reports of possible transgressions. It will also operate as a “watchdog”.
27. Such reports of what may be described as “notifiable events’ are to be compulsory, with the sanction of penalties to be imposed for non reporting. Such events would include any approach (of whatever nature) by a bookie; punter; intermediary; colleague; official or anyone else making an improper “feeler” to either the recipient or to anyone else of which the player is, or becomes aware; his duty will be to make it known immediately to the ethics committee, under pain of punishment for failure to do so.
28. Full and immediate disclosure must be made by players and officials of any gifts (possibly above a certain value) received or additional income earned and a register is to be kept of same. By “additional” is meant additional to salary, emoluments, sponsorship fees and any other legitimate and authorised payments received.
29. By “gifts” is meant any interest or income or other unusual benefit which is cricket related; also any contact with or approaches from anyone in connection therewith. If a player has any doubt about the propriety of anyone’s conduct with regard to an offer, or potential offer, of a gift, he should immediately report it to the



chairman of the ethics committee (if such exists) alternatively to the team manager and the captain.

30. A somewhat drastic proposal is that players should contractually authorise the undergoing of a polygraph test which could be undertaken either at random or when there are grounds for suspicion present. This is comparable to the compulsory drug test that athletes in certain other disciplines are obliged to undergo. It should not be regarded as opprobrious.
31. It goes without saying that meaningful benefits should accrue to those who play fair and heavy penalties should be imposed on those who do not. These are dealt with in general terms under the headings “financial security” and “punishment and sanctions” respectively.
32. Consideration should be given to a single, international code of conduct, issued by the International Cricket Council after discussion with the full member governing bodies who should subscribe to the Code; the Code should also prescribe penalties. Some of these should be obligatory (e.g. a life ban for match fixing or an attempt thereat); some should allow a measure of discretion (e.g. a fine up to a stated amount and/or a suspension for a fixed period of up to a stated maximum).
33. The code of conduct should be incorporated by reference in the player’s contract and the player is to acknowledge therein that he knows and understands the contents of the code of conduct, the obligations it places on him and the penalties for disobedience thereto.

34. Additionally a player should be required to take an oath (or solemnly affirm if this is preferred in an individual case) before and after each match that he has not participated in match fixing or the like or been approached to do so or is aware of any approach or participation by another; further that he will not have contact, direct or indirect, with any bookie, legitimate or otherwise or other person connected with gambling on cricket matches and will not himself or through anyone on his behalf have a bet on any aspect of a match whether he is playing or not.
35. Loyalty to a captain is fundamentally important but it should be rational loyalty and not blind loyalty actuated by adulation. A captain should not be all powerful; on the field he is in control, but off the field he should be accountable to management and the UCB.
36. Tour reports should focus on any suspicious occurrences. Furthermore, the luggage of all returning players and officials should be subjected to scrutiny by customs officials. Additionally random searches of rooms and baggage could be made by those charged with supervision of officials and players.
37. Access to bank accounts and other financial documentation is another sensitive issue; it obtrudes upon a person's privacy and should only be resorted to with that person's prior consent; this consent could be incorporated into the player's contract, but even then should only be done when reasonable grounds for doing so exist. Access to similar documents of a player's wife or constant companion is an even more sensitive issue, but may well be justified in appropriate circumstances.

38. Players should receive ongoing psychological support concentrating particularly on stress management and counselling with regard to the pitfalls of success and vulnerability to approaches from unsuitable people.
39. It may well be that our boys are playing too much cricket particularly at international level. More particularly too many ODIs. Special mention is made of what are described as “meaningless tours of short duration”. There may be something to be said for restricting the number of ODIs, but as compensation playing for the World Cup annually, or more frequently than is presently the case, and/or arranging additional multinational competitions.
40. It is also arguable whether 5 Tests should be played during the course of a tour or whether 3 would be preferable; there is also the question of player burn-out to be considered. Furthermore, and allied to this, an overdose of matches can arguably breed a devil-may-care attitude conducive to a vulnerability to approaches from dishonest people; a player may feel that it doesn't really matter if there is match fixing or the like in one game out of many.
41. Modern technology is increasingly available to umpires and more use should be made of it. This is not to denigrate umpires who generally speaking perform a difficult task competently and efficiently, but wrong decisions are inevitably made and it is indefensible to have a situation where an umpire's decision is seen to be wrong, not only by the third umpire but also by millions of viewers and nothing can be done about it.
42. This is not by any means to say that a wrong decision is deliberately given, but this can happen and there is at least one

occasion in recent times when, ex post facto, a number of decisions given in a particular match have been questioned and suggestions of impropriety made.

43. More than anyone else an umpire is in a position to turn the course of a game and umpires should not resent, but rather encourage the employment of technological aids in the performance of their duties. Because of the pivotal position the umpire occupies he is bound to be a target for unscrupulous persons; the greater the assistance the umpire receives from the third eye (and ear to a lesser extent), the greater the protection he will enjoy against such persons.
44. One measure that can be readily introduced is to empower the third umpire to overrule a patently incorrect decision by a standing umpire; alternatively to refer the decision back to the latter for reconsideration after he has had the benefit of technological assistance, although this may be a too cumbersome and time wasting procedure.

### **Financial Security**

45. Intrinsically, South African professional cricketers, particularly those who enjoy international status, are well paid. They are not, and it is presumed, do not expect to be in the category of e.g. professional golfers and tennis players, but particularly for men of their age they earn good money.
46. However their professional life span is short and it covers that period of their lives when they might otherwise be qualifying themselves for their life's work, in a profession or other calling.

47. Not only do cricketers earn less than professionals in certain other sports, the blandishments of ill-gotten gains from participation in illegal activities are such as to render their legitimate earnings relatively insignificant.
48. An essential ingredient in the fight against corruption in cricket is the financial security, both in the immediate and in the longer term, which is available. It is assumed that the remuneration package is subject to regular revision and that the players, or their representatives, are part of the negotiation process.
49. Other thoughts which occur are:  
That players should be encouraged to pursue tertiary education – e.g. through UNISA, or some other form of training which would find them a place in the labour market after their playing career has come to an end.
50. Concomitant with this could be the creation of a fund, to which the governing bodies – the UCB and the provincial associations – as well as the beneficiaries themselves, could contribute.
51. It is recognised that the governing bodies are largely reliant on gate takings and that it would be counterproductive to raise admission fees to the extent that people are discouraged from attending or unable to attend matches to the extent that they would like, but perhaps a small percentage of gate takings could be appropriated to the creation and maintenance of such a fund which would assist by way of bursary players' education and/or provide some sort of endowment, payable on retirement from the game.

52. All this is quite apart from benefit years awarded to deserving cricketers.
53. Players found to have seriously broken the code of conduct could be made liable to forfeiture of all or part of their entitlement.
54. Another source of funds could be a tax on all cricket bets.
55. This leads to a consideration of whether there should not be control of cricket betting by either the UCB or a statutory Board of Control. In this way malpractice could be contained, licensed cricket bookmakers could be established and sanctions could be introduced for the control of betting and “insider trading” (making use of knowledge and information which is not available to the general public) could be proscribed. This is preferable to outlawing the practice of betting which would only drive it underground. I understand that each Province has a gambling board, but it may be preferable to place the control of gambling on cricket in the hands of the UCB.
56. The information which is pertinent is that pertaining to team selection, pitch and weather conditions, composition of the teams, the status or possible outcome of the game and the like and in order to limit, as far as possible, the ambit of insider information, consideration should be given to the publication of a statement at an appropriate time before a match commences (and daily thereafter) by e.g. the UCB; the two captains; the match referee, dealing with as much information as can practicably be given.

## **Governance and Administration**

57. Various suggestions have been made concerning what has been described as “corporate governance”, “responsible custodianship” and “the need for management of systemic risk”.
58. As I understand the position the UCB is a voluntary association of persons without a corporate identity and the suggestion has been made, with some cogency, that the governors of cricket should consider transforming the UCB and its affiliates, into companies in terms of S.21 of the Companies Act. It is felt that this would assist in a greater measure of transparency and that this is desirable as a restorative of public confidence.
59. It has also been suggested that legislation should be considered which would provide for overall control and direction of all sport in the hands of a statutory body.
60. There are others again who hold the view there should be no government or quasi-government intervention in sport.
61. It would be inappropriate at this stage to make suggestions or recommendations. Suffice it to bring these concerns to the attention of the UCB and invite that body to present evidence thereon at the resumed sitting.
62. I should however mention that there is a perception that the UCB is somewhat remote from the players and officials. I am not aware of the extent of the contact between the two, but I take the liberty, with the kind permission of the Australian Cricket Board, of

quoting from a letter from Mr Malcolm Speed, Chief Executive Officer of the ACB.

“I meet with the team as a group at least once every year and address them about their contractual responsibilities concerning bribery and corruption (which include adherence to the ICC Code of Conduct and the ACB Code of Behaviour), as well as their overall responsibility to the game. I advise them in very clear terms that they are required to report any approach by any person they suspect of being involved in bookmaking or betting industries to the team captain, team manager or to me, as a matter of urgency.

This year, I am having one-on-one meetings with each of the ACB's 25 contracted players to explain their contractual obligations, after which I issue the same warnings about betting and corrupt behaviour. Additionally, I am asking each of the players whether they have ever been approached in an inappropriate manner by anyone they believe may have been connected with gambling on cricket.

Last year, I met with the Australian Under-19 team prior to its departure to England and explained in detail the issues concerning bribery and match fixing. Similarly, I require them to report any approaches which are made.

This year, each of the six State cricket squads will be counselled concerning bribery and match fixing as will all of the students at the Commonwealth Bank Cricket Academy (CBCA) in Adelaide.



Last month, the ACB appointed Mr Greg Melick as its Anti-Corruption Investigator. Mr Melick is a Sydney barrister who is a former member of the National Crime Authority in Australia.

At the conclusion of each tour by the Australian cricket team, the team manager is required to report directly to me concerning any approaches which have been reported to him (either directly or via the Captain) concerning bribery or match fixing.”

63. It is also very pertinent to know when the UCB became aware of match fixing and the like, or rumours to that effect, and what steps, if any, were taken pursuant thereto.

### **Punishment and Sanctions**

64. Punishment of offenders serves several purposes; there is an element of retribution; paying the offender back for what he has done, in this context, to the game of cricket.
65. It should also, where appropriate, be reformatory, in the case, for example, of a young cricketer who in an incident where there are mitigating circumstances present, has committed a minor offence; the punishment should act as an encouragement as well as a warning to the offender not to transgress again.
66. Perhaps most significantly in the context here, punishment must be a deterrent; it should deter not only the offender but also others, like minded, from offending.
67. The punishment should be appropriate to each individual case and the element of compassion should not be lost sight of.

68. All this having been noted, it must be remarked that it is incumbent upon the governing authorities, the International Cricket Council and in South Africa, the UCB to send a clear and emphatic message that dishonesty in cricket will not be tolerated and the most effective way of conveying this message is, together with the various ways in which the game can be safeguarded, by the prescription and imposition of severe and stringent punishment.
69. Players should also be advised that, where appropriate, an act of misconduct may be referred to the Police, in addition to whatever internal disciplinary measures are taken.
70. It is desirable that the various forms of punishment should be clearly delineated; the following is suggested, from the lightest to the most severe.

**CAUTION** - this is no more than a rap over the knuckles for minor, even trivial misdemeanours, but nonetheless requiring reaction as a warning; it should not be regarded as a “conviction”.

**REPRIMAND** - with or without submission to special counselling (i.e. over and above any routine counselling which may be in place); this would be appropriate in respect of a less serious offence committed more particularly by a first offender.

**COMPULSORY SERVICE TO CRICKET (such as e.g. coaching at clinics)** - again, appropriate where a player needs to be disciplined; it can hardly be regarded as a punishment; it could be linked to a prescribed punishment.

**A FINE UP TO A STATED MAXIMUM AND/OR A SUSPENSION FOR A STATED PERIOD** - the suspension, to be fully effective, should be from all cricket; this is for serious offences or for a less serious offence where the offender has a record of previous incidents of misconduct. Where appropriate, all or part of the punishment could itself be suspended for a fixed period – a suspended suspension; the effect of this is that the punishment would not come into operation during the period of suspension (say 1(one) year) provided the player did not during that period commit another offence; if he did it would be in the discretion of the disciplinary body to impose the suspended sentence or not, in addition to any punishment it thought fit to impose for the subsequent offence; or the suspended sentence could be brought in to operation without an additional sentence being imposed.

**A LIFE BAN** - this is the extreme penalty; consideration should be given to making a life ban compulsory for very serious offences; match fixing or other forms of dishonesty related to match fixing are obvious examples. In respect of other offences, such as failure to report breaches of the code of conduct or other reportable misconduct, or conduct of dishonesty affecting the course of a game, a life ban would be a discretionary option.

71. There could also be a provision that an attempt at match fixing or other dishonesty could carry the same punishment as if the deed had been done.
72. Additionally to whatever punishment is imposed, a forfeiture order in respect of any gain made by the offender, could be imposed.

73. The list of punishable offences could either be classified by way of one or several general provisions, dealing with fair play, the interests of the game; the spirit thereof and the like, or it could be set out specifically, covering all the relevant offences, together with the appropriate punishment for each, dependent upon the circumstances of the particular case (unless a compulsory sentence is necessitated). The list would include a catch-all provision to cover misconduct not specifically listed.
74. I incline to the view that a detailed list is preferable.
75. What could also conveniently be listed are facts and circumstances which could be taken into account in either aggravation or mitigation of punishment; here too there would be a general category of “any relevant fact or circumstances additional to those listed”.
76. It would be premature to attempt a detailed exposition of offences; and the list of possible sanctions is included (and it is not necessarily exhaustive) in the context of the Inquiry as a guide to possible disciplinary measures to be taken by the UCB.
77. The search for safeguards is ongoing; this is an interim report; if necessary a supplementary report on “recommendations and suggestions” will be produced.