

**IN THE MATTER OF PROCEEDINGS BROUGHT BY THE INTERNATIONAL TENNIS
INTEGRITY AGENCY UNDER THE 2024 TENNIS ANTI-DOPING PROGRAMME**

Before:

Michael Heron KC

BETWEEN:

INTERNATIONAL TENNIS INTEGRITY AGENCY ('ITIA')

Anti-Doping Organisation

and

LLEYTON HEWITT

Respondent

SANCTION DECISION

A. INTRODUCTION

1. In its decision of 1 August 2025 (the "Decision"), the Independent Tribunal found proven, to its comfortable satisfaction, the Charge against Mr. Hewitt (the "**Respondent**"), under Article 7.15.1.1 of the Tennis Anti-Doping Programme ("**TADP**"), namely that he engaged in offensive conduct towards a Person involved in Doping Control.

2. Pursuant to Article 8.1.1 of the TADP, the Independent Tribunal is properly seized of jurisdiction to determine any related issues, including the imposition of any Consequences.
3. The ITIA and the Respondent are collectively referred to in these proceedings as the **“Parties”**.

B. FACTUAL BACKGROUND

4. The factual background is set out in full in the decision and is summarised here.
5. The facts arose from events immediately following the [REDACTED] match of the 2024 Davis Cup tie between Australia and Italy, contested by Player 1(AUS) and Player 5(ITA) on 23 November 2024.
6. As shown on the video footage, the Australian team departed the court following their defeat, an incident occurred involving Mr. Hewitt, Team Captain of the Australian Team and Witness 2 (the **“Chaperone”** or the **“Doping Control official”**). Player 1 placed his bag over his shoulder and began walking down the tunnel, with Mr. Hewitt following a few steps behind. They passed the Italian players, exchanged handshakes, and continued down the tunnel.
7. There were many individuals present in and around the tunnel area, including Mr. Hewitt, Player 1, and others. Player 1 continued to walk down the tunnel followed by Mr. Hewitt. Witness 2, who was assigned to chaperone Player 1, was on the right-hand side of the tunnel. As Player 1 moves to the end of the tunnel, Witness 2 moves to follow behind him (moving from the right-hand side towards the centre of the tunnel, at the 22 second mark of the video footage).
8. At the same time, Mr. Hewitt continues down the tunnel but moves towards the centre to avoid a person positioned in front of him. At about this point Witness 2 and Mr. Hewitt converge. Both men are following Player 1 down the tunnel but coming from different angles and move into each other. Just as Player 1 is leaving the tunnel on the left-hand side, Witness 2 appears to attempt to follow him and leans towards Mr. Hewitt again.

At that point Mr. Hewitt pushes Witness 2 with his right hand and forces Witness 2 to the right-hand side of the tunnel¹. It is this push or “*fend off*” that is the “*offensive conduct*”.

9. The Independent Tribunal found there was convergence and contact from Witness 2 to Mr. Hewitt, as evidenced by the video footage and Mr. Hewitt's evidence. Mr. Hewitt reacted to his belief that Witness 2 was going to make contact with him again and pushed him away. The Independent Tribunal accepted Mr. Hewitt's evidence that he did not know who Witness 2 was and reacted in defence of potential further contact.
10. The Independent Tribunal accepted that Mr. Hewitt was recovering from [REDACTED] and that his medical condition “*could have continued to trouble him.*”
11. The Independent Tribunal found the push was “*too strong or forceful and was excessive or disproportionate*” and that “*there were other options available.*”
12. The Independent Tribunal concluded that “*the contact from Witness 2 could not have been so significant as to justify such a strong response, even with the medical condition Mr. Hewitt was carrying.*”
13. The Independent Tribunal rejected the ITIA's primary case that the push was unprovoked and borne out of anger or irritation from the loss against Italy.
14. The Independent Tribunal accepted Mr. Hewitt's explanation of why the conduct occurred, noting that the disproportionality and unreasonableness of his response made the conduct “*offensive*” rather than reasonable and proportionate self-defence.
15. The Independent Tribunal confirmed that Article 7.15.1.1 of the **TADP** does not require awareness that the person was involved in Doping Control nor that the person ought to have been aware.

¹ Paragraph 10 of the 1 August decision contains an error. It should read ‘right-hand side of the tunnel as observed from the perspective of the video footage’.

16. The Independent Tribunal rejected the applicability of a general defence of self-defence as part of Article 7.15 of the TADP but held that an action that was taken reasonably and proportionately in self-defence would not amount to “*offensive behaviour*” under Article 7.15.1.1 of the TADP (for reasons outlined in the decision).

17. The Independent Tribunal concluded that Mr. Hewitt’s “*reaction was too strong, in the context, perhaps because of the irritation of being 'bumped' or for whatever reason.*” [...] “*It is the disproportionality and unreasonableness of Mr. Hewitt’s response that the Independent Tribunal finds, which means the conduct is 'offensive' and not reasonable and proportionate self-defence.*”

C. HEARING ON SANCTION AND COSTS

18. The Independent Tribunal heard brief remote oral submissions from the ITIA and Mr. Hewitt on 22 August 2025 at the request of the ITIA.

19. The following individuals, representing the parties, attended the hearing on sanction and costs:

For the ITIA:

- a. Mr. Adam Casselden SC, External Counsel
- b. Mr. Ben Rutherford, ITIA Senior Director, Legal
- c. Ms. Katy Stirling, ITIA Senior Legal Counsel
- d. Mr. Liam Bourke, ITIA Case Manager

For Mr. Hewitt:

- a. Mr. Tom Duggan KC, Senior Counsel
- b. Mr. Sam McDonough, Counsel
- c. Mr. Garry Winter, Solicitor
- d. Ms. Bella Baggio, Solicitor

20. In addition to the Parties submissions, the Independent Tribunal asked for guidance on whether part of any fine imposed and paid could be directed to the Chaperone. The parties did not object to that but Mr. Hewitt submitted payment to a tennis related charity was more in order.

D. SUBMISSIONS ON PENALTY

i. The ITIA's Submission.

21. The applicable rules do not stipulate any mandatory Consequences for the breach in question. Article 7.15.1.1 of the TADP relevantly provides that the Independent Tribunal may impose “*such sanctions as it sees fit (which may include a period during which the Player or other Person will not be eligible to participate in the sport)*”.

22. In line with guidance found in decisions on similar rules in other sports, the ITIA submits that both a meaningful period of suspension from participation in the sport and fine are appropriate.

23. The ITIA submitted that an appropriate sanction was:

- a) a suspension of 4 weeks from participation in tennis; and
- b) a fine of US\$25,000 (with 25% suspended on no further breaches within 12 months).

Aggravating Factors Submitted by the ITIA

24. The ITIA submitted that the following factors should be considered in assessing sanction:

- 24.1 **Seriousness of Conduct:** The incident involved forceful physical contact with a 60-year-old volunteer, who was pushed against a wall, demonstrating a high degree of seriousness;

24.2 **Impact on Victim:** When Witness 2 was asked whether he would volunteer at a tennis event again, the Chaperone stated he would “*never do it again*,” representing a tangible loss to the Anti-Doping Programme;

24.3 **Lack of Remorse:** Mr. Hewitt offered no apology and did not demonstrate any remorse or concern for the victim’s well-being;

24.4 **Disciplinary Record:** Mr. Hewitt has a “poor disciplinary record”, including five prior incidents of offensive conduct toward tennis officials and non-compliance with tennis rules. The ITIA submitted that this history should be taken into account when determining an appropriate sanction for this sixth known breach, which is also his fifth known instance of offensive conduct toward an official;

24.5 **Position of Authority:** As Australia’s Davis Cup Captain, Mr. Hewitt holds a position of responsibility and authority, which requires exemplary conduct;

24.6 **Conduct of Proceedings:** Mr. Hewitt’s conduct throughout the proceedings was obstructive and inappropriate, and the ITIA submitted that this should also be considered when assessing the sanction.

25. The ITIA submitted that the Independent Tribunal’s finding that this incident may have been due to “*irritation*”, supported a more substantial sanction. It followed from this finding that Mr. Hewitt’s conscious determination to act with force was an intemperate emotional reaction (rather than any measured defensive act, accidental overexertion or ignorance of his own strength) indicating a lack of self-control and disregard for the welfare of the Chaperone who has suffered significant distress and inconvenience as a result.

26. The ITIA submitted that Mr. Hewitt specifically rejected expressing any remorse and consistently blamed the Chaperone. He did not apologise to the Chaperone and did not check on his well-being. The ITIA submitted that there was a complete and ongoing lack of concern shown towards the Chaperone by Mr. Hewitt.

27. The ITIA submitted that it does not ordinarily submit that a respondent has conducted themselves inappropriately or obstructively (and it handles up to a hundred cases per year).

However, here it submitted that where the conduct of a respondent has imposed significant procedural inefficiency on a matter, it is right that this be considered as an aggravating factor. Otherwise, the ITIA submitted that there is no deterrent to respondents behaving vexatiously, thereby wasting the time of the Independent Tribunal and Sport Resolutions and the limited resources and time of tennis' integrity body to the detriment of the sport.

28. Whilst there is no mandatory scale of sanctions set out in the TADP or the World Anti-Doping Code, the ITIA submitted that guidance as to the appropriate sanction should be taken from the applicable competition rules and regulations and comparable cases from other sports.

29. Both the International Tennis Federation (the “ITF”) Davis Cup Regulations 2024 and ATP Rulebook 2024, provide a maximum suspension of permanent suspension/denial of accreditation for a Captain or Related Person found to have committed aggravated behaviour which is defined as *“One incident of behaviour that is flagrant and particularly injurious to the success of a Tie/tournament, or is singularly egregious...”*. [Footnote omitted].

30. The ATP Rulebook 2024 provides a sanction scale for aggravated behaviour by Players, ranging from a 21-day suspension at the low end to 12 months at the high end. Under the ITF Davis Cup Regulations 2024 and the ATP Rulebook 2024, the maximum fines for such violations are US\$250,000 and US\$100,000, respectively.

Comparative Cases

31. The ITIA relied upon the following decisions:

31.1 **Rugby Football Union (RFU) v Delon Armitage (January 2011):** The Player was suspended for 8 weeks for using his hand to push past a Doping Control official and for using abusive language. The Player contested part of the charge while admitting to another part.

There the Rugby Football Union Disciplinary Panel stated:

“He was both verbally abusive and threatening to the Doping Control Officer, who was acting in the course of his duties in accordance with the regulations which should be well known to a person of the Player’s professional experience. Doping Control Officers are entitled to expect to work without fear of abuse or threats. They must be treated with respect at all times.”²

The abusive language in the Armitage case was extreme, whereas the push was minor and occurred when Mr. Armitage may not have known who the Doping Control official was. The suspension occurred in the context of the World Rugby sanction requirements, with a 12- week suspension starting point. Here there is no such entry or starting point.

31.2 Rugby Football Union (RFU) v Kieran Brookes (4 March 2014): The Player received a 6-week suspension for pushing a match official, a charge he admitted. The conduct was found to be intentional, aimed at pushing the referee out of the way, but had no impact on the referee or the game and was determined to be spur-of-the-moment. The Rugby Union Disciplinary Panel applied the usual entry point of 24 weeks, reduced it to 12 weeks for mitigating factors, and further reduced it by 6 weeks to ensure the ultimate penalty was proportionate.

31.3 North Harbour v Ben Tameifuna (8 September 2025): The Player received a 5-week suspension for pushing a match official. It was determined that the push was intentional and without provocation, and whilst the referee was vulnerable there was no injury or impact on the game. The Disciplinary Officer took an entry point of 24 week suspension and reduced that by 12 weeks for mitigating factors and another 7 weeks to ensure the ultimate penalty was proportionate. The Judicial Officer quoted from Brookes (above):

“Match officials must be respected. They are not to be treated as mere commodities. When they become victims of disrespectful behaviour, they are entitled to expect that those responsible will be dealt with appropriately.”³

² Rugby Football Union (RFU) v Delon Armitage (2011), at page 6, paragraph 25.

³ Rugby Football Union (RFU) v Brookes (2014), at page 6, paragraph 21.

31.4 **The Football Association (FA) v Ryan Lowe (August 2018)**: A manager admitted verbally abusing a Doping Control Official, with no physical contact. He was suspended for two matches and fined GBP 1,500. The Committee had initially set a starting point of a three-match suspension and a fine of GBP 2,000, but reduced both in light of Mr. Lowe's admission and his otherwise exemplary disciplinary record.

32. The ITIA also referred to the decision of Anti-Corruption Hearing Officer Ian Mill KC in **ITIA v Daniel Zeferino** (May 2022), in which Mr. Mill KC held:

*"While the particular factors listed in the current [Sanctioning] Guidelines as suggesting "high culpability" do not refer to a Covered Person's position of responsibility, I have no doubt that this is a factor which may be highly significant when assessing levels of culpability."*⁴

ii. Mr. Hewitt's Submission

33. Mr. Hewitt seeks a clement penalty and submits the context of the incident places it at the lower scale of seriousness.

34. Whilst Mr. Hewitt's behaviour has been determined by the Independent Tribunal to be disproportionate, he submits that this was solely due to Mr. Hewitt anticipating further physical contact from the Chaperone. Mr. Hewitt submits there are no aggravating factors related to the offence. He did not know the Chaperone was a person connected with Doping Control, he did not follow up "*the bump*" with further physical or verbal threats, the push was not borne out of anger and the Chaperone was not injured, remained on his feet and immediately returned to his duties unabated. Mr. Hewitt submits his account has been accepted as the truth.

35. In all the circumstances, Mr. Hewitt submits that a reprimand is an appropriate penalty.

⁴ International Tennis Integrity Agency (ITIA) v Daniel Zeferino (May 2022) page 5, paragraph 15.

36. Mr. Hewitt agreed with the ITIA that there is no mandatory scale for offences like this. He submitted that the ITF Davis Cup Regulations 2024 provides guidance. The maximum penalty for physical abuse (non-aggravated) is US\$10,000 per violation.
37. Mr. Hewitt submitted that his conduct could not possibly be characterised as a Major Offence of Aggravated Behaviour under the ITF Davis Cup Regulations 2024 which would allow for an uplift in sanction level.

Mitigating Factors submitted by Mr. Hewitt

38. In summary, Mr. Hewitt submitted the following mitigating factors:

- 38.1 The incident falls at the lower end of objective seriousness. The context places the incident at the lower end of objective seriousness given the Independent Tribunal's findings.
- 38.2 There are no Aggravating Circumstances.
- 38.3 He did not know at the time that the chaperone was a Doping Control Official. Mr. Hewitt did not know the Chaperone was a Doping Control official.
- 38.4 No injury was caused.
- 38.5 No verbal abuse accompanied the act.
- 38.6 The push was not motivated by anger.
- 38.7 The Chaperone remained on his feet and returned to his duties immediately.
- 38.8 While the response was disproportionate, some reaction was understandable given the preceding contact.
- 38.9 He has a distinguished 25-year career marked by exemplary professionalism and commitment to tennis.
- 38.10 He has expressed genuine regret for the incident and bears no animosity towards the Chaperone.
- 38.11 At the time, he was recovering from [REDACTED] and ongoing tenderness contributed to his reaction.

E. ANALYSIS ON THE SERIOUSNESS OF THE OFFENCE

39. In simple terms the conduct involved intentional physical contact with a Doping Control official (where Mr. Hewitt did not realise who the Chaperone was but, given the circumstances, he has to accept the objective risk that it was such an official). This places it within the category of conduct requiring a meaningful sanction.
40. The Independent Tribunal accepts that in itself the conduct should be regarded as relatively serious. Ultimately, it was the use of force on a person who was much older than Mr. Hewitt and who was performing an official function. Even accepting Mr. Hewitt's account, there was no good reason to push the Chaperone with the force he did. He acted impulsively and aggressively, which is unacceptable in the circumstances.
41. The Independent Tribunal agrees with the submissions of the ITIA that there was a lack of remorse from Mr. Hewitt and that should factor into the penalty. There was no apology or check on the well-being of the Chaperone by Mr. Hewitt.
42. The Independent Tribunal accepts the ITIA's submission that Mr. Hewitt holds a position of significant responsibility and is held in very high regard in the sporting world. A higher standard is expected of him as Davis Cup Captain of the Australian team.
43. The impact on the victim was significant, both in terms of being required to give evidence, but also considering his statement that he will not act as a Chaperone again. The proceedings were clearly inconvenient and stressful for him. That needs to be balanced by the fact that the original written account of the Chaperone was inaccurate and needed correction and clarification.
44. Mr. Hewitt's defence of the case against him was robust and at times unhelpful. There were many distractions which could have been avoided.
45. Balanced against that, the ITIA's case was at a level of seriousness in terms of Mr. Hewitt's knowledge and intention, that ultimately was not proven. Mr. Hewitt was entitled to robustly contest that.

46. Ultimately, the Independent Tribunal does not agree with the ITIA that the penalty should be increased on account of his conduct during the proceedings, but it accepts that his conduct cannot be treated as a mitigating factor.
47. Mr. Hewitt's disciplinary record has been carefully considered. While there are instances of intemperate behaviour towards officials, these must be weighed against the absence of any formal disciplinary findings of significance and considered in the context of the length and success of his career. Mr. Hewitt is an icon of Australian tennis and has reached the highest levels of the sport internationally, with a substantial contribution to both Australian and global tennis. The infractions highlighted by the ITIA must be viewed in that context. Ultimately, the Independent Tribunal does not consider that historic or unrelated blemishes on an otherwise exemplary career should increase the penalty for this isolated incident.
48. There are mitigating features which Mr. Hewitt points out and the Independent Tribunal accepts. These factors place it towards the lower end of seriousness of this category of offending:
- a) Mr. Hewitt was unaware that the person was a Doping Control official.
 - b) The conduct occurred in response to preceding contact, albeit disproportionately.
 - c) The Chaperone was not injured and continued his duties immediately.
 - d) The incident was not accompanied by threatening or abusive language.
 - e) It was a single, momentary lapse rather than sustained conduct.

F. CONCLUSION AND SANCTION

49. Ultimately, taking into account the context, the submissions and all relevant factors, the Independent Tribunal is satisfied that the offence falls in the lower to mid-range of physical contact offences against officials. While the physical contact was intentional and forceful, the mitigating circumstances, particularly the reactive nature, lack of knowledge, absence of injury, and medical context, place it below the cited cases involving intentional targeting of known officials with accompanying verbal abuse.

50. The final penalty should reflect that, while such contact with officials cannot be tolerated, this case involves mitigating circumstances that distinguish it from more serious examples.
51. The Independent Tribunal does not regard the Rugby Football Union cases cited above as materially helpful precedents in terms of weeks of suspension because World Rugby mandatory sanctions mean that higher levels of suspensions tend to be imposed (as opposed to combination of fines and lower suspensions).
52. The sanction ought to be meaningful and involve more than trivial monetary consequences. The fundamental principle discussed above is that officials must not be subjected to physical abuse and those who do so must face material penalties. For the reasons outlined above, a suspension for such conduct is appropriate, as well as a fine.
53. The Independent Tribunal is empowered under Article 7.15.1 of the TADP to impose sanctions where misconduct is established, and specifically, *“if the Independent Tribunal finds the misconduct alleged to be proven to its comfortable satisfaction, or if the Player or other Person admits the violation and does not request a hearing to determine the Consequences, the Independent Tribunal or (as applicable) the ITIA may impose upon the Player or other Person such sanctions as it sees fit (which may include a period during which the Player or other Person will not be eligible to participate in the sport).”* While Mr. Hewitt submitted that the maximum penalty for physical abuse should be aligned with the Davis Cup Regulations, where fines are capped at US\$10,000 per violation or US\$250,000 for aggravated behaviour, the Independent Tribunal considers those limits to be a reference point only. The consistent approach in professional tennis has been one of zero tolerance: Mr. Novak Djokovic was disqualified from the 2020 US Open and stripped of prize money after striking a line judge with a ball; Mr. Denis Shapovalov was defaulted and fined in 2017 after striking an umpire in the eye with a ball; and Mr. Alexander Zverev was disqualified, fined US\$40,000, and issued a suspended ban in 2022 after striking the umpire’s chair with his racquet. In each instance, sanctions were imposed even absent intent or actual physical contact. The present case, involving deliberate and forceful physical contact with an official, is materially more serious and justifies disqualification from events and the imposition of a substantial fine, consistent with the Independent Tribunal’s sanctioning powers and the need for deterrence.

54. The Independent Tribunal does not accept Mr. Hewitt's argument that the effective maximum penalty is US\$10,000 as per the Davis Cup Regulations 2024. That would involve giving priority to those regulations over the TADP. This offence was one which occurred in the context of a Davis Cup tie, but that is not its defining feature, given what occurred. Whilst I accept some guidance from that maximum, I am not persuaded that that operates as a ceiling in this context. Far more significant fines have been imposed in the professional context.

G. SANCTION

55. The Independent Tribunal imposes a suspension of two (2) weeks from all forms of tennis related activities including coaching, mentoring, playing, captaincy and other associated roles.
56. It also imposes a fine of AU\$30,000 payable as directed by the ITIA. This takes into account the level of fines under the Davis Cup Regulations 2024, the 2024 ATP Official Rulebook and those under the anti-corruption rules (TACP Sanctioning Guidelines 1 January 2025).
57. A recommendation that one third of the fine received by the ITIA be paid on to the Chaperone in compensation for the stress, discomfort and embarrassment of the incident and these proceedings.

H. DATE OF EFFECT OF SUSPENSION

58. In the view of the Independent Tribunal, the suspension should be meaningful, reflecting the principle underpinning many sporting disciplinary frameworks. At the same time, it should not be structured in a way that is unduly punitive. Mr. Hewitt, through his counsel, advised that his role is as the Australian Davis Cup Captain, although he also appears to hold a mentor or advisory position, and provided the following outline of his tennis schedule:

Date	Event
August 24 - September 7	US Open
September 8 – 12	Davis Cup Training
September 13 – 14	Davis Cup (Australia vs Belgium)
September 24 – 30	Kinoshita Group Japan Open (Tokyo)
October 1 – 12	Rolex Shanghai Masters
October 27 – November 2	Rolex Paris Masters
November 9 – 16	Nitto ATP Finals

59. The ITIA contest whether Mr Hewitt is genuinely involved in the non-Davis Cup tournaments and submit that he is unlikely to be involved in the September and October tournaments on the basis of past years' attendance. I am unable to determine that with any degree of confidence in the circumstances and have to rely on Mr Hewitt's submissions. If the submission that he plans to be involved in those tournaments is incorrect and misleading, then there could be further consequences.
60. In all the circumstances, I consider that the suspension ought to commence on 24 September 2025 and conclude two weeks following that on 7 October 2025. In my view this is a real consequence but not targeted to be punitive in respect of the major events immediately forthcoming. It also enables Mr. Hewitt to appeal and apply for a stay of the suspension pending appeal if he wishes [REDACTED]. The ITIA's appeal right is also preserved.

I. COSTS

61. The ITIA made a belated application for costs in its oral submissions, but did not make any submission and reserved its position in the initial penalty submissions.
62. Mr. Hewitt opposed an order for costs on the grounds that each party had a measure of success, and the difficulty and complexity of the proceedings was a shared responsibility.
63. In all the circumstances, I make no order for costs.

J. RIGHT OF APPEAL

64. Each of the Parties has the right to appeal this Decision to the Court of Arbitration for Sport, located at Palais de Beaulieu Av. Des Bergières 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org), in accordance with the Code of Sports-related Arbitration.



Michael Heron KC

29 August 2025

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