



# CNSW Code of Conduct Procedures

## Table of Contents

Part 1	Scope and application .....	1
Part 2	Spirit of Cricket .....	1
Part 3	Code of Conduct Offences .....	2
Part 4	Reporting .....	4
Part 5	Initial review and notification procedure and provisional action .....	4
Part 6	Disciplinary procedure .....	7
Part 7	Standard of Proof and evidence .....	8
Part 8	Sanctions on Reported Persons .....	8
Part 9	Appeals .....	9
Part 10	Code of Conduct Register .....	11
Part 11	Definitions and Interpretation .....	11
Part 12	Schedule A – General Offences .....	12
Part 13	Schedule B – Serious Offences .....	21
Appendix A	– Interpretive document .....	27

## Part 1 Scope and application

- (1.1) All Players registered to play cricket in any competition owned, operated and/or managed under the auspices of CNSW or its Affiliates are bound by and comply with all rules, regulations, constitutions and by-laws, codes of conduct, and policies of CNSW.
- (1.2) Players acknowledge that it is their personal responsibility to familiarise themselves with all of the requirements of the Code of Conduct; including what behaviour, action or inaction constitutes an offence as set out in this document.
- (1.3) Players agree to submit to the exclusive jurisdiction of the CNSW Code of Conduct Commissioner, Judiciary Committee or other Hearing Tribunal convened under the Code of Conduct to hear and determine charges brought pursuant to the Code of Conduct.
- (1.4) These Procedures must be read in conjunction with the Interpretative Document set out at Appendix A.
- (1.5) For the avoidance of doubt, a reference to Match Referee and/or Judiciary Committee has the definition as set out in Part 10 of this Procedure and where validly appointed has the same jurisdiction, power and responsibility as the CNSW Code of Conduct Commissioner. Collectively, the Commissioner, Judiciary Committee and/or Match Referee are a 'decision-maker' as set out in these Procedures.

## Part 2 Spirit of Cricket

- (2.1) The Preamble to the Laws of Cricket sets out the Spirit of Cricket as follows:

## The Spirit of Cricket

Cricket owes much of its appeal and enjoyment to the fact that it should be played not only according to the Laws, but also within the Spirit of Cricket.

The major responsibility for ensuring fair play rests with the captains, but extends to all players, Match Officials and, especially in junior cricket, teachers, coaches and parents.

Respect is central to the Spirit of Cricket.

Respect your captain, team-mates, opponents and the authority of the umpires. Play hard and play fair.

Accept the umpire's decision.

Create a positive atmosphere by your own conduct, and encourage others to do likewise. Show self-discipline, even when things go against you.

Congratulate the opposition on their successes, and enjoy those of your own team. Thank the officials and your opposition at the end of the match, whatever the result.

Cricket is an exciting game that encourages leadership, friendship and teamwork, which brings together people from different nationalities, cultures and religions, especially when played within the Spirit of Cricket.

## Part 3 Code of Conduct Offences

- (3.1) The conduct described in Schedule A and Schedule B (the headings for which are listed below for ease of reference) will amount to an Offence under the Code of Conduct if committed by a person (or a Team) who is bound by the Cricket NSW By-Laws and/or who has otherwise agreed to be bound by the Code of Conduct.

### Schedule A

A.1 – Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles A.2 to A.20, conduct that is contrary to the spirit of cricket

A.2 – Personal abuse of a Player or Cricket Participant during a Match

A.3 – Excessive appealing during a Match

A.4 – Use of an audible obscenity during a Match

A.5 – Disobeying an Umpire or Match Referee's instruction during a Match

A.6 – Abuse of cricket equipment or fixtures and fittings during a Match

A.7 – Throwing a ball (or any other item of cricket equipment including, without limitation, a bat, helmet, gloves or water bottle) at or near a Player, Player Support Personnel, or any other third person in an inappropriate and/or dangerous manner during a Match

A.8 – Showing dissent at an Umpire's decision during a Match

A.9 – Using a gesture(s) that is obscene, offensive or insulting during a Match

A.10 – Any attempt to manipulate a Match for inappropriate strategic or tactical reasons

A.11 – Failing or refusing, without compelling justification, to cooperate with any investigation in accordance as reasonably requested by the Code of Conduct Commissioner, Judiciary Committee or Head of Integrity

A.12 – Public or media comment that is detrimental to the interests of cricket, irrespective of when or where such comment is made

A.13 – Off-field use of language or gestures by way of public or media comment that can reasonably be viewed to offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person’s race, religion, gender, colour, descent, sexuality or national or ethnic origin

A.14 – Any conduct (including any language, actions or gestures, and whether made during or after a Match or by any public or media comment) which disparage or denigrate an Umpire and/or any decision made by an Umpire (other than as covered by offence A.8) – including as to allegations (whether express or implied or which can be inferred) of incompetence, bias and/or cheating on the part of such Umpire.

A.15 – Changing the condition of the ball in breach of Law 41 of the Laws of Cricket

A.16 – Intimidation or attempted intimidation of an Umpire or Match Referee whether by language or conduct (including gestures) during a Match

A.17 – Attempting to gain an unfair advantage during a Match

A.18 – Any Integrity offence, investigation or matter referred to the Code of Conduct Commissioner

A.19 – Consumption of alcohol and illicit substances during a Match

A.20 – Captain’s breach of the Code of Conduct

#### Schedule B

B.1 – Threat of physical abuse of another Player, Cricket Participant, or any other person during a Match

B.2 – Inappropriate physical contact during a Match

B.3 – Breach of Code of Conduct by a Team or Club

B.4 – Where the facts of the alleged incident are not adequately or clearly covered by an offence under the Articles contained in Schedule A, or Articles B.1 to B.3, conduct that either: (a) is unbecoming of a representative or official; (b) is or could be harmful to the interests of cricket; or (c) does or could bring the game of cricket into disrepute

(3.2) Guidance notes have been provided in the text boxes beneath the description of a particular offence in Schedule A and Schedule B detailed in Part 12 and Part 13 of these Procedures. Such notes are intended only to provide guidance as to the nature and examples of certain conduct that might be prohibited by a particular Article and should not be read as an exhaustive or limiting list of conduct prohibited by such Article.

(3.3) For the purposes of the Code of Conduct, the phrase “during a Match” or “during a match” should be interpreted broadly to cover all conduct which takes place at the ground on the day of a Match, which is incidental to, relating to, arising from, subsequent to or in connection with such conduct, and not just conduct which takes place on the field of play. It will therefore include conduct which takes place off the field of play at the ground on the day of the Match, and it may also include conduct that is incidental to, or connected to matters which transpired prior to, on the field of play, or after the Match.

Examples include conduct in the changing rooms, during any of the intervals in the Match, conduct at a location nearby the ground after play has concluded, dissent of an Umpire's decision on social media.

- (3.4) For the avoidance of doubt, in circumstances where a Reported Person is involved in an incident which may warrant action under the CNSW Integrity Framework, the Commissioner will liaise with the CNSW Head of Integrity to determine what the most appropriate course of action against the Reported Person should be.

## Part 4 Reporting

- (4.1) Any one of the following individuals can report an alleged offence under the Code of Conduct by lodging a Report:
- (a) an Umpire; and/or
  - (b) CNSW Chief Executive Officer (or his or her designee).
- (4.2) Any one of the following individuals can report an alleged offence under the Code of Conduct:
- (a) an Executive Officer or appointed official of either of the two Cricket Organisations whose representative Teams participated in the Match during or in relation to which the alleged offence was committed;
  - (b) an Executive Officer or appointed official who is from or Affiliated with the Cricket Association to which the relevant Reported Person belongs;
  - (c) a person who officiated in the Match during or in relation to which the alleged offence was committed who is a member of or related to either of the Clubs or Teams participating in the relevant Match (for example, a player umpire, parent, family member or spectator); or
  - (d) any other person who does not have standing in accordance with 4.1

provided that such individual apply for leave to submit a Report to the Commissioner in order for such Report to be managed in accordance with these Procedures.

- (4.3) All Reports must be notified to the CNSW Integrity Unit within the timeframes set out in Part 5 and be in the form requested or they may be rejected.

Note: If multiple persons are reported from the same match, they must each be the subject of a separate report in the form requested by CNSW.

- (4.4) A Report may be withdrawn at any time before a hearing by the Person Reporting.
- (4.5) All Reports raised through clause 4.1(b) will follow these Procedures as if they were being made for the first time notwithstanding any prior process that may have been undertaken by another Cricket Organisation.

## Part 5 Initial review and notification procedure and provisional action

- (5.1) The following will apply to the lodgement of all Reports:

Classification of Person Reporting	Reporting Deadline

Pursuant to clauses 4.1(a) or clause 4.2	Within 48 hours of Match completion
Pursuant to clause 4.1(b)	Within 7 days from the day of Match completion

Note: In the case of a Match that has multiple days of play, the Person Reporting is encouraged to submit their report at the end of play on the match day the relevant conduct occurred.

- (5.2) The Commissioner may, in their absolute discretion, accept a Report outside of the time frames set out at clause 5.1 if exceptional circumstances exist.
- (5.3) All Reports will go through an initial review by the Commissioner who will determine whether the Reported Person named in the Report has a case to answer in relation to the matters identified in the Report and, if so, determine the type and/or level of offence is. As part of that review, the Commissioner may, in their absolute discretion, seek further evidence as part of the initial review including:
- (a) notifying the Reported Person and/or asking further questions of them;
  - (b) requesting further information from the Person Reporting, other witnesses and/or the relevant Club or Association; and/or
  - (c) making such other inquiries as appropriate in the circumstances.
- (5.4) Following the initial review, the Commissioner may:
- (a) determine that there is no case to answer and take no action against the Reported Person; or
  - (b) issue a Notice of Charge against the Reported Person or any other person in accordance with these Procedures; and/or
  - (c) refer the matter to a hearing in accordance with these Procedures; or
  - (d) refer the matter to be managed under a different process in accordance with the CNSW Constitution and/or By-Laws.
- (5.5) For the purpose of clause 5.4(d), the matter may be brought back to be managed under these Procedures if the circumstances of the case require it.

#### **Notice of Charge & Notice of Hearing**

- (5.6) After the initial review is complete, the Commissioner may issue a Notice of Charge that will specify the Reported Person has the following options:
- (a) they may admit the offence charged and accept the proposed sanctions specified in the Notice of Charge, provided that the admission is received by the Commissioner or the Head of Integrity (as the case may be) prior to the time specified for the hearing; or
  - (b) they may admit the offence charged and dispute the proposed sanction specified in the Notice of Charge, in which case the matter will proceed to a hearing in accordance with Part 6; or
  - (c) they may deny the offence charged, in which case the matter will proceed to a hearing in accordance with Part 6,

Note: A Reported Person may amend their response to the Notice of Charge at any time prior to the time specified for any relevant hearing.

(5.6A) A Notice of Hearing will be issued:

- (a) in relation to clause 5.4(c) and following the relevant initial review, and will to the extent the Commissioner is able or has formed a view (amongst other details and requirements) indicate the possible offences, levels and/or sanctions the Commissioner submits may be relevant to the alleged conduct, and (if applicable) such indications will form the initial basis on which the relevant decision-maker and hearing procedure will be determined; and
- (b) in relation to clause 5.6(c), and will be based on the offences, levels and/or sanctions as set out in the relevant Notice of Charge.

### **Provisional Action**

(5.7) When a Report is lodged in relation to any offence of Level 3 or above, the Head of Integrity may impose a provisional suspension on the Reported Person if the evidence available suggests:

- (a) the alleged conduct was of a material and serious nature; and/or
- (b) there is a further or ongoing risk of harm that may be suffered by one or more persons involved in the sport of cricket; and/or
- (c) that it is in the best interests of the sport of cricket to do so,

(5.8) Unless otherwise varied or removed by the Head of Integrity in their absolute discretion, any provisional suspension imposed will remain in place pending the outcome of the disciplinary procedure, including the implementation of any sanction or appeal process.

(5.9) Where a provisional suspension is imposed, the Reported Person shall be entitled to an expedited hearing to be held as soon as practicable after the imposition of the suspension.

### **Repeat Offenders**

(5.10) If a Player is reported for a breach of the Code of Conduct and:

- (a) it is the Player's fourth or more Report within two (2) calendar years, where at least three (3) prior Reports have resulted in a proven offence of any kind under the Code of Conduct; or
- (b) the Player has been proven to have committed six (6) or more offences of any kind under the Code of Conduct or in accordance with these Procedures;

then the decision-maker shall have the discretion whether to:

- (a) apply a one (1) level loading after the offence and level is determined in a particular case and the prescribed penalties for the higher level will apply; or
- (b) refer the Player directly to the Judiciary Committee to determine the penalty to be imposed taking into account:
  - (i) the submissions of the CEO and/or the Commissioner;
  - (ii) the nature and type of offences committed and with regard to the guidance on subsequent penalties in the Schedules; and

- (iii) whether the Player remains a fit and proper person to be registered to play cricket in New South Wales.

(5.11) In relation to clause 5:10:

- (a) for the purpose of calculating the periods of time, the initial relevant starting date for all Players is 1 July 2023, and:
  - (i) for the purposes of clause 5.10(a), the period of time shall be calculated as the two (2) year period ending on the date on which the most recent relevant offence occurred; and
  - (ii) for the purposes of clause 5.10(b), the relevant period of time shall remain calculated from 1 July 2023.
- (b) for the purpose of determining the number of offences, where the Reported Person was not subject to these Code of Conduct Procedures at any time from the date specified in clause 5.11(a) above then regard may be had to any offence of any kind committed in or relevant to any cricket competition the Player participated in during such time; and
- (c) without limiting any discretion or power of the Judiciary Committee under clause 5.10(d), it is open to the Judiciary Committee to:
  - (i) impose a sanction or penalty available to it under these Procedures and the CNSW By-Laws independent of any other offence(s);
  - (ii) add a loading or additional penalty to any imposed by a relevant decision-maker in relation to the immediately preceding offence committed by the Player; or
  - (iii) apply a deferred penalty to be imposed on the next proven offence to be applied in addition to any penalty imposed by a relevant decision-maker in relation to the same.

## Part 6 Disciplinary procedure

- (6.1) A Reported Person cannot attempt to negotiate, bargain or otherwise seek to reduce the imposed sanction in relation to any alleged offence committed under this Code of Conduct.
- (6.2) The decision-maker will conduct any disciplinary procedure under these Code of Conduct Procedures with as little formality and technicality and as quickly as possible, subject at all times to the requirements of procedural fairness to the Reported Person.
- (6.3) Nothing in these Procedures prevents the Commissioner, after receiving the evidence at a hearing, from deciding on a different offence, or a difference level of offence as, prescribed in these Procedures.
- (6.4) The decision-maker may determine the procedure at the hearing in their absolute discretion, subject to ensuring that the Reported Person is provided a fair and reasonable opportunity to present their case.
- (6.5) Notwithstanding clause 6.3, the Commissioner:
  - (a) has the power to do all things necessary to investigate all matters that arise from reported breaches of the Code of Conduct up and until the time specified for any relevant hearing;

- (b) shall present the evidence against the Reported Person before the Judiciary Committee (including as to witnesses) and appear at any hearing to prosecute the matter; and
  - (c) shall appear at any appeal hearing and present all evidence (including as to witnesses) relevant to the appeal that the Commissioner and/or the Judiciary Committee determine relevant.
- (6.6) At any time prior to making a decision under these Procedures, the Commissioner may withdraw or amend the Notice of Charge subject at all times to the requirements of procedural fairness to the Reported Person.

## Part 7 Standard of Proof and evidence

- (7.1) Unless otherwise described herein, the standard of proof in all cases brought under the CNSW Code of Conduct is whether the decision-maker is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.

## Part 8 Sanctions on Reported Persons

- (8.1) Where a decision-maker determines that an offence under the Code of Conduct has been committed, they must impose a sanction on the Reported Person.
- (8.2) Sanctions will be imposed using the prescribed penalties set out at Schedule A for General Offences and Schedule B for Serious Offences, or as otherwise provided in these Procedures.
- (8.3) In calculating the number of relevant Reports for the purposes of applying the appropriate range of permissible sanctions in clauses 12.2 and 13.2, the number of such relevant Reports shall be the aggregate of all prior Reports made in relation to the relevant Reported Person that have resulted in a proven offence of any kind under these Procedures (irrespective of Level) within the relevant Prescribed Period together with the current relevant Report.
- Note: For clarity, any Reported Person who was the subject of a prior Report(s) that resulted in a proven offence(s) in the 2024-25 season will be considered in the 2025-26 season to be on their Second Report or more depending on the number of relevant prior Reports.
- (8.4) The Level of the Sanction is imposed at the discretion of the decision-maker.
- (8.5) When considering the sanction for a Reported Person who was found guilty of any offence within the relevant Prescribed Period under another Code of Conduct scheme, the decision-maker is entitled to apply the reported facts of that matter and need not have regard to the specific offence proven. Regard may be had to any offence committed in any cricket competition the Player participated in during the Prescribed Period.
- (8.6) Where multiple offences are committed within the same set of circumstances, the decision-maker must apply individual sanctions to each offence. However, the decision-maker may apply an aggregate sanction for all offences proven that must not be less than the highest individual sanction available and not more than the total aggregate of all sanctions available for the offences.

For example: A Reported Person has breached A.1, A.4 and A.8 (all Level 1). If the decision-maker decides to implement individual sanctions – for example, A.1 one (1) match suspension, A.4 reprimand and A.8 two (2) match suspension one (1) deferred –



then the total sanction is three (3) matches one (1) deferred. Alternatively, the decision-maker can impose an aggregate sentence no less than two (2) matches one (1) deferred and not more than three (3) matches one (1) deferred.

- (8.7) Other than as prescribed in this Part, the decision-maker may take into account any other factors that they deem relevant and appropriate to the mitigation or aggravation of the nature of the Offence before determining, in accordance with the relevant Schedule, the appropriate sanction(s). Those factors may include:
- (a) the seriousness of the breach;
  - (b) the harm caused by the breach to the interests of cricket;
  - (c) the Reported Person's seniority and standing in the game;
  - (d) any remorse shown by the Reported Person and the prospect of further breaches;
  - (e) the prior record of the Reported Person in abiding by this Code of Conduct.
- (8.8) Where an offence is committed by an adult towards, in the presence of or visible to, any children or young people under 18 years, then a one (1) Level loading may be applied in the decision-maker's discretion, after the offence and level is determined in a particular case and the prescribed penalties for the higher level will apply.

### Deferred Suspensions

- (8.9) Subject to this Part and the relevant Schedule, a prescribed sanction or part thereof may be deferred at the discretion of the decision-maker, noting that:
- (a) provided any minimum Match suspensions are applied, the decision-maker has the discretion to apply all, or any portion of any permissible Match suspensions as deferred or implemented in any combination; and
  - (b) if a Deferred Suspension is imposed and the Reported Person is found guilty of a further offence as prescribed under the Code of Conduct within the Prescribed Period, the Deferred Suspension must be served immediately upon the guilty finding and cannot be further deferred, irrespective of whether any Match suspensions are imposed relevant to the subsequent further offence.

For the purposes of this clause, a Deferred Suspension shall include any sanction or penalty which has been deferred under or pursuant to any disciplinary proceedings relating to any cricket competition the Player participated in during the period equivalent to the Prescribed Period relevant to the further offence.

## Part 9 Appeals

- (9.1) Subject to clauses 9.2 and 9.4, an appeal from a decision made under Part 6 and/or Part 8 of these Procedures can be lodged by:
- (a) the Reported Person; or
  - (b) the Person Reporting; or
  - (c) in the case of a decision from a Judiciary Committee, the CNSW Chief Executive Officer only.
- (9.2) There is no right of appeal against:
- (a) a decision of the Head of Integrity in relation to Provisional Action;

- (b) any Commissioner decision to refuse leave under Clause 4.2;
  - (c) any Commissioner decision to take no action under Clause 5.4(a) hereof or Clause 6.4(b)(i) of the CNSW By-laws;
  - (d) any Commissioner decision to withdraw or amend a Notice of Charge;
  - (e) any Commissioner decision to refer a matter to a hearing, or to a Judiciary Committee or the Head of Integrity for determination of procedure;
  - (f) the decision of a Reported Person to admit the offence charged and accept the proposed sanction as set out in the Notice of Charge; or
  - (g) any decision of a Judiciary Committee, other than as prescribed at Clause 9.1(c).
- (9.3) All appeals must be lodged within 48 hours of notification of the original decision.
- Note: For the avoidance of doubt, the right of appeal will be determined by reference to the level of offence as determined by the Hearing.
- (9.4) Appeals are limited to the following grounds:
- (a) denial of procedural fairness;
  - (b) that the sanction imposed is inconsistent with the Code of Conduct Procedures and/or is disproportionate (whether excessive or insufficient) to the established breach; and/or
  - (c) that no reasonable decision-maker in the position of the original decision-maker based on the material before them, could have made such a decision.
- (9.5) For all appeals lodged, the original decision remains in effect throughout the duration of the appeal process until a decision is made by the relevant appeals decision-maker.
- (9.6) All appeals confined to a first time Level 1 Offence will be heard by the Head of Integrity on the papers, and the sole ground of appeal will be a failure of the Commissioner to follow the procedures in this document and that such failure has caused a denial of procedural fairness to occur. There is no further avenue of internal appeal available in respect of these matters.
- Note: For the avoidance of doubt, where there is an appeal against a decision of a Commissioner in relation to a first-time offence that concerns more than one level or type of offences, clause 9.6 will not apply.
- (9.7) Except as provided by clause 9.6, all other appeals from a decision of a Commissioner will be heard by a Judiciary Committee in such manner as the Committee deems necessary and appropriate in the circumstances in its absolute discretion.
- (9.8) A Judiciary Committee may sit as a panel of between one (1) and five (5) members, constituted by the Head of Integrity.
- (9.9) If the matter is heard by a Judiciary Committee sitting as an Appeals Committee, that Committee will have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, the legal and/or travel/accommodation costs of the Commissioner and/or any other relevant parties) to be paid by the appealing party if the Appeals Committee considers that such party has acted spuriously, frivolously, without reasonable cause or otherwise in bad faith.
- (9.10) There will be no further appeal rights available.

## Part 10 Code of Conduct Register

- (10.1) The Integrity Unit must maintain a register(s) of all Reports of:
- (a) alleged breaches of the Code of Conduct; and
  - (b) all matters referred to the Commissioner under the CNSW Integrity Policies.
- (10.2) The register(s) must record the outcome of any Notices of Charge, hearings and appeals including any penalty accepted or imposed under the Code of Conduct or the CNSW Integrity Policies. The register(s) is to be available to the Commissioner and Judiciary Committee for the purpose of assisting it in fixing any penalty for a breach of the Code of Conduct or the CNSW Integrity Policies.
- (10.3) The register will be made publicly available on the CNSW website save and except for:
- (a) any personal information that identifies a child or young person under the age of 18 years; and
  - (b) any reports received by the Integrity Unit prior to the current relevant season.
- (10.4) The Commissioner and Judiciary Committee may also have regard to any other publicly available register in fixing any penalty for a breach in accordance with these Procedures.

## Part 11 Definitions and Interpretation

### Defined Terms

- (11.1) Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in, the CNSW By-Laws. In this Policy, the following words have the corresponding meaning:

Term	Meaning
Affiliate	has the meaning as prescribed in the CNSW By-Laws.
CDRP	CNSW Complaints and Dispute Resolution Policy
CNSW Integrity Policies	has the meaning as prescribed in the CNSW By-Laws.
Commissioner	means the CNSW Code of Conduct Commissioner (and includes any Assistant Commissioner) appointed under the CNSW By-Laws.
Competition Administrator	means the position within CNSW or the relevant Affiliate who has the responsibility for administering the competition in which the Match was played.
Cricket Organisation	Any of the following organisations: <ul style="list-style-type: none"> <li>(a) CNSW;</li> <li>(b) each company or incorporated association that is a member or Affiliate of CNSW;</li> <li>(c) Team, which means a collection or squad of athletes who compete and/or train in cricket and/or cricket activities; and</li> <li>(d) any other organisation who has agreed to be bound by the CNSW By-Laws.</li> </ul>
Deferred Suspension	means a Match suspension that the relevant decision-maker has determined shall be deferred subject to these Procedures.
General Offences	The offences set out in Articles A.1 to A.20 in Schedule A.
Head of Integrity	means the Cricket NSW staff member responsible for managing the CNSW Integrity Unit, or their nominee.
Judiciary Committee	means the Judiciary Committee convened in accordance with the

	CNSW By-Laws.
Match	means the game of cricket during or in relation to which the alleged offence was committed that is the subject of the Report.
Match Referee	means a person appointed by the CNSW Head of Competitions and Officiating to hear and determine charges brought pursuant to the Code of Conduct and, for the purpose of this Procedure, a reference to the Commissioner includes a reference to a Match Referee ..
Person Reporting	means the person who has made a Report of an alleged breach of the Code of Conduct.
Player	has the meaning as prescribed in the CNSW By-Laws.
Player Support Personnel	has the meaning as prescribed in the CNSW By-Laws.
Prescribed Period	means the period set out in Schedule A and/or Schedule B within which a person will be deemed to have committed a second or subsequent offence.
Report	has the meaning prescribed in Part 4 of this Procedure.
Reported Person	has the meaning as prescribed in the CNSW By-Laws and includes all persons caught by offence B.3 in Schedule B of Part 13.
Serious Offences	The offences set out in Articles B.1 to B.4 in Schedule B.
Team	means those selected to play for a Club or Association in a match or competition that is under the jurisdiction of the CNSW Code of Conduct Commissioner in accordance with the By-Laws.
Umpire	means a person who: <ul style="list-style-type: none"> <li>(a) is accredited and/or a member of the New South Wales Cricket Umpire and Scorers Association or one of its affiliates or a local umpiring association; and/or</li> <li>(b) was appointed to officiate in the Match but who is not:             <ul style="list-style-type: none"> <li>i. a player, member or official of either of the Teams or the relevant Clubs participating in the relevant Match; and/or</li> <li>ii. a family member, spectator or supported of (or is otherwise related to or connected with) any of the foregoing</li> </ul> </li> </ul>

### Interpretation

(11.2) In this Policy:

- (a) references to 'including' or similar words are not words of limitation;
- (b) references to 'decision-maker' including references to any person or body with delegated power in accordance with these Procedures;
- (c) words in the singular include the plural and vice-versa; and
- (d) a construction that would promote the purpose or object underlying this Policy must be preferred to a construction that would not promote that purpose or object.

## Part 12 Schedule A – General Offences

(12.1) The table below prescribes the conduct that will amount to a General Offence under the Code of Conduct if committed by a person who is bound in accordance with the Cricket NSW By-Laws and/or who has otherwise agreed to be bound by the Code of Conduct.

Code	Description
------	-------------

✓	Level applies to Offence
Not applicable	Does not apply to Offence

Article	
<b>A.1</b>	<b>Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles A.2 to A.20, conduct that is contrary to the Spirit of Cricket.</b>
Note:	<p><i>The Spirit of Cricket as set out in the Preamble to the Laws of Cricket and in Part 2 of the Code of Conduct Procedures involves respect for your captain, teammates, opponents and the authority of the Umpires. Article A.1 is intended to capture conduct which may be reasonably seen to infringe on the Spirit of Cricket and both</i></p> <p><i>(1) to cover all types of conduct that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out in this Schedule, and</i></p> <p><i>(2) despite where an individual specific offence may apply to some degree, the overall nature and characteristics of the reported conduct taken together are viewed to be best addressed under this offence.</i></p> <p><i>Relevant factors in applying (2) above include:</i></p> <p><i>(a) there are multiple offences set out in either Schedule A</i></p> <p><i>(b) the relevant conduct taken together evidence a breach of the Spirit of Cricket and/or the general provisions of the Code of Conduct</i></p> <p><i>(c) there is an aggregation of conduct, breaches and/or offences under other specific offences set out in either Schedule A and/ or Schedule B which together would support a charge hereunder of higher level or sanction than the other specific offences set out in either Schedule A</i></p> <p><i>(d) the relevant conduct does not fall entirely within a single other specific offence set out in either Schedule A.</i></p> <p><i>The level of this offence will be measured with regard to the seriousness of the conduct, the repetitive nature of the conduct, whether a warning was issued by the Umpire during the Match.</i></p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓
<b>A.2</b>	<b>Personal abuse of a Player or Cricket Participant during a Match</b>
Note:	<p><i>Article A.2 includes:</i></p> <p><i>(1) any language, action or gesture used by a Player and directed towards or about another Player, Cricket Participant, or any other person (including a spectator) during a Match which has the potential to provoke an aggressive reaction from that other Player Cricket Participant, or other person, or which could be considered to disparage or demean such Player, Cricket Participant, or other person regardless of whether such Player, Cricket Participant, or any other person feels disparaged or demeaned.</i></p> <p><i>(2) any language of a personal, insulting, obscene and/or offensive nature directed towards or about any Player, Cricket Participant, or any other person (including a spectator) during a Match.</i></p> <p><i>It is also intended to cover language of a personal, insulting, obscene and/or offensive nature relating to a family member of the Player, Cricket Participant or other person at whom it is directed.</i></p> <p><i>Without limitation, Article A.2 includes:</i></p> <p><i>(a) excessive celebration directed at and in close proximity to the Player;</i></p> <p><i>(b) verbally abusing the Player or Cricket Participant (including swearing or other disparaging, demeaning or derogatory language), or other relevant conduct, directed at or about a Player or Cricket Participant (including when engaged in banter or used in a critical or disparaging manner other than at one's self); and/or</i></p> <p><i>(c) provocative conduct including pointing or gesturing towards the pavilion or scoreboard, approaching a Player or Cricket Participant in an aggressive, forceful, intimidatory angry or emotional manner.</i></p> <p><i>Nothing in this Article A.2 is intended to stop Players celebrating during the game in an appropriate fashion.</i></p>
Level 1	✓
Level 2	✓ (Applies where conduct serious and/or is of a personal, insulting, obscene and/or offensive nature whether directed to any Player, Cricket Participant or any other person (including a spectator) or about another person (other than an Umpire or Match Referee).
Level 3	✓ (Applies where conduct is significantly serious and/or is materially personal, insulting, obscene and/or offensive

	nature whether directed to any Player, Cricket Participant or any other person (including a spectator) or about another person, or whether directed at an Umpire or Match Referee)
Level 4	Not applicable
<b>A.3</b>	<b>Excessive appealing during a Match</b>
Note:	<p>For the purposes of Article A.3, 'excessive' may include:</p> <p>(a) repeated appealing of the same decision/appeal;</p> <p>(b) repeated appealing of different decisions/appeals when the bowler/fielder knows the batter is not out with the intention of placing the Umpire under pressure;</p> <p>(c) charging or advancing towards the Umpire in an aggressive manner when appealing; or</p> <p>(d) other than as covered by Article A.14, where appeal or celebration of a dismissal by Player's actions, words, tone or volume are aggressive, excessive, inappropriate or forceful towards an Umpire, and/or could (whether express or implied or which can be inferred from such conduct) be taken as an expression of judgement, sarcasm or similar on an Umpire's decision making up to and including that appeal, which can be considered to convey some criticism or negative narrative/commentary (whether directly or by inference) of or about an umpire, whether of itself or relating to an Umpire's decision making or set of circumstances relating to the Umpire or</p> <p>(e) celebrating or assuming a dismissal before the decision has been given.</p> <p>It is not intended to prevent loud or enthusiastic appealing.</p>
Level 1	✓
Level 2	✓ (Applies in the case of serious, aggressive and materially repetitive cases)
Level 3	Not applicable
Level 4	Not applicable
<b>A.4</b>	<b>Use of an audible obscenity during a Match</b>
Note:	<p>Article A.4 covers the use of words commonly known and understood to be offensive, obscene and/or profane (in any language) which:</p> <p>(a) can be heard by spectators and/or the viewing public whether by way of any audio (e.g. stump microphone or any live stream of the relevant Match via Play HQ, or any other form of media or otherwise;</p> <p>(b) is highly offensive, including words referencing genitalia; and/or</p> <p>(c) irrespective of the foregoing, is repetitive and/or is materially offensive, obscene and/or profane.</p> <p>While the use of audible obscenity is not condoned during a Match, and cricketers should be practiced at refraining from using audible obscenities during a Match, it is recognised that the use of audible obscenities can be involuntary or not within the intent of this Article. Accordingly, there are certain circumstances where:</p> <p>(a) conduct otherwise in prima facie breach of this Article A.4 is excluded – these include (but not limited to) singular circumstances of:</p> <ol style="list-style-type: none"> <li>conduct otherwise actioned under Article A.2;</li> <li>swearing in frustration at one's own play or misfortune;</li> <li>swearing due to physical pain or at own injury; or</li> <li>involuntary excitable exclamation involving swearing,</li> </ol> <p>(b) a lesser sanction may be imposed at the discretion of the decision-maker, including determination that there is no case to answer or to apply a warning.</p> <p>NB – where any language the subject of this offence is directed at another person, offence A.2 may also apply</p>
Level 1	✓
Level 2	✓ (Applies where materially offensive, obscene, profane and/or repetitive language)
Level 3	Not applicable
Level 4	Not applicable
<b>A.5</b>	<b>Disobeying an Umpire or Match Referee's instruction during a Match</b>
Note:	<p>Article A.5 includes any repeated failure to comply with the instruction or directive of an Umpire or Match Referee during a Match. This conduct may include challenging or arguing with an Umpire's decision in relation to Law 2.7 and/or Law 2.8, or decisions made pursuant to policy such as the Heat Policy.</p> <p>NB – where conduct is persistent and/or more egregious, offence A.8 may also apply</p>
Level 1	✓
Level 2	✓ (Applies for serious and intentional and/or repetitive conduct)



Level 3	Not applicable
Level 4	Not applicable
<b>A.6</b>	<b>Abuse of cricket equipment or fixtures and fittings during a Match</b>
<b>Note:</b>	<p>Article A.6 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets or any deliberate (i.e. intentional), reckless or negligent (in either case even if accidental) action(s) to including throwing any of the Player's cricket equipment or other inappropriate contact with, fixtures or fittings including (but not limited) to the advertising boards, boundary fences, ground infrastructure (e.g. nets, buildings), dressing room doors, mirrors, windows and other fixtures and fittings.</p> <p>When assessing the seriousness of the offence, the following factors will be taken into account:</p> <p>(a) the context of the particular situation, including without limitation, whether the action was deliberate, reckless, negligent and/or avoidable;</p> <p>(b) whether any object was damaged;</p> <p>(c) the force at which the object was abused; and</p> <p>(d) whether any person within proximity was injured.</p> <p>For the avoidance of doubt:</p> <p>(a) the wickets or any other fixtures or fittings do not need to be damaged in order to constitute a breach of Article A.6;</p> <p>(b) where there is loud or excessive noise emanating from a dressing room or other ground facility (e.g. a noise consistent with any foregoing fixture or fitting being hit or struck by a person or any object) then it is reasonable to assume that an offence or breach of this Article A.6 has been committed, whether or not such offence or breach have been witnessed; and</p> <p>(c) it is not a prima facie breach of this Article A.6 if of itself a Player throws their cricket equipment (e.g. bat, gloves, helmet) without hitting any of the foregoing fixtures or fittings (including, for example, where such Player merely hits the ground with their bat or hits their pads with his bat, gloves or helmet), but this does not prevent such conduct constituting or being relevant to a breach of another offence under these Procedures (e.g. Article A.7, Article A.8 or against the Spirit of Cricket).</p> <p>For example, this offence may be committed, without limitation, when a Player swings their bat vigorously in frustration and hits a structure at the ground.</p>
Level 1	✓
Level 2	✓ (Applies in the case of serious, aggressive and materially repetitive cases)
Level 3	Not applicable
Level 4	Not applicable
<b>A.7</b>	<b>Throwing a ball (or any other item of cricket equipment including, without limitation, a bat, helmet' gloves or water bottle) at or near a Player, Player Support Personnel, or any other third person in an inappropriate and/or dangerous manner during a Match</b>
<b>Note:</b>	<p>Article A.7 will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion, or from throwing the ball at the stumps or to a Team member when attempting a run out.</p> <p>For the purposes of this Offence A.7 only, merely throwing personal equipment (e.g. batting gear, fielder's clothing) is not of itself a breach – however, a breach may occur where same is excessive, aggressive, forceful, intimidating or comprises elements noted below.</p> <p>Where thrown personal equipment strikes or comes into contact with ground equipment or fixtures and fittings then the throwing of same may be relevant for Offence A.6. Further, throwing of personal equipment may be relevant to whether a breach of any other Offence has occurred (e.g. if indicative of dissent for the purposes of Offence A.8).</p> <p>When assessing the seriousness of the offence, the following factors will be taken into account:</p> <p>(a) the context of the particular situation, including without limitation, whether the action was deliberate, reckless, negligent and/or avoidable;</p> <p>(b) whether the relevant Player, Player Support Personnel, Cricket Participant and/or other person did or was likely to fear harmful or offensive contact by the relevant thrown ball or item;</p> <p>(c) whether the ball/item struck the relevant Player, Player Support Personnel, Cricket Participant and/or other person;</p> <p>(d) the speed at which the ball/object was thrown; and</p> <p>(e) the distance from which the ball/object was thrown.</p>

Level 1	✓
Level 2	✓
Level 3	✓
Level 4	Not applicable
<b>A.8</b>	<b>Showing dissent at an Umpire's decision during a Match</b>
Note:	<p><i>Article A.8 applies to all participants during a Match. Without limitation, Article A.8 may include:</i></p> <ul style="list-style-type: none"> <li><i>(a) in relation to a batter – excessive, obvious disappointment with an Umpire's decision; an obvious delay in resuming play or leaving the wicket or ground; shaking the head; pointing or looking at the inside edge of the bat when given out LBW; pointing to the pad or rubbing the shoulder when given out caught behind; arguing or entering into a prolonged discussion with the Umpire about their decision.</i></li> <li><i>(b) in relation to a bowler or fielder – excessive, obvious disappointment with an Umpire's decision; an obvious delay in resuming play; running towards the Umpire, batter or pitch; shaking the head, standing with hands on hips, head in hands; snatching the cap from the Umpire; arguing or entering into a prolonged discussion with the Umpire about their decision; Players approaching &amp;/or congregating around the Umpire.</i></li> <li><i>(c) continuous reference to a decision throughout innings</i></li> <li><i>(d) words or conduct following an Umpire's determination of a playing condition.</i></li> </ul> <p><i>It will not be a defence to any charge brought under this Article to show that the Umpire might have, or in fact did, get any decision wrong.</i></p> <p><i>This offence is not intended to punish a Player showing their instinctive disappointment at an Umpire's decision, whether in relation to their dismissal or the declining of an appeal.</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) should be considered:</i></p> <ul style="list-style-type: none"> <li><i>(a) whether the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision;</i></li> <li><i>(b) whether there is excessive delay in resuming play or leaving the wicket or ground;</i></li> <li><i>(c) whether the Player's conduct was aggressive or intimidatory; or</i></li> <li><i>(d) whether there is persistent reference to the incident over time.</i></li> </ul>
Level 1	✓
Level 2	✓ (Applies in the case of 'serious' dissent)
Level 3	✓ (Applies in the case of 'very serious' dissent)
Level 4	Not applicable
<b>A.9</b>	<b>Using a gesture(s) that is obscene, offensive or insulting during a Match</b>
Note:	<p><i>Article A.9 includes, without limitation, obscene gestures whether directed to a Player or Player Support Personnel or about another person or not. This offence is not intended to penalise trivial behaviour.</i></p> <p><i>When assessing the seriousness of the offence, the following factors will be taken into account:</i></p> <ul style="list-style-type: none"> <li><i>(a) the context of the particular situation; and</i></li> <li><i>(b) whether the gesture(s) is likely to:</i> <ul style="list-style-type: none"> <li><i>(i) be regarded as obscene;</i></li> <li><i>(ii) give offence; or</i></li> <li><i>(iii) insult another person.</i></li> </ul> </li> </ul> <p><i>This offence is not intended to cover any conduct that is likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify any reasonable person in the position of a Player or Player Support Personnel or any other person (including spectator) on the basis of that person's race, religion, culture, descent, colour, national or ethnic origin, sex, gender, sexual orientation, disability, marital status and/or parental status. Such conduct is captured by either Article A.13 or the CNSW Integrity Policies.</i></p>
Level 1	✓
Level 2	✓ (Applies in the case of a gesture considered 'seriously' obscene, offensive or insulting gestures)
Level 3	Not applicable
Level 4	Not applicable
<b>A.10</b>	<b>Any attempt to manipulate a Match for inappropriate strategic or tactical reasons</b>



Note:	<p>Article A.10 is intended to prevent the manipulation of a Match or Matches for inappropriate strategic or tactical reasons e.g. prohibit incidents where a Team bats in such a way as to either adversely affect its own, or improve its opponent's, bonus points, net run rate or quotient. The Team Captain of any Team that committed such conduct will be held responsible (and subject to sanction) for any offence found to have been committed under this Article.</p> <p>Article A.10 is not intended to cover any corrupt or fraudulent acts (including any use of inside information and/or related betting activity). Such conduct is prohibited under the CNSW Anti-Corruption Policy and must be dealt with according to the procedures set out therein.</p> <p>Without limiting Article A.10, the Team Captain of the offending side may breach this Article A.10 in the event that the Player or Player Support Personnel involved in the breach are not able to be identified, or where the breach was planned or systematic to the extent that the Team Captain either knew, or ought to have known, that the breach was occurring.</p>
Level 1	Not applicable
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>A.11</b>	<b>Failing or refusing, without compelling justification, to cooperate with any investigation in accordance as reasonably requested by the Code of Conduct Commissioner, Judiciary Committee or Head of Integrity</b>
Level 1	✓
Level 2	✓ (Applies where intentional and/or serious in the circumstances of the matter)
Level 3	Not applicable
Level 4	Not applicable
<b>A.12</b>	<b>Public or media comment that is detrimental to the interests of cricket, irrespective of when or where such comment is made</b>
Note:	<p>Without limitation, Players and Player Support Personnel will be deemed to have made comment detrimental to the interests of cricket in breach of Article A.13 if they:</p> <ul style="list-style-type: none"> <li>Publicly denigrate or criticise a Player or Cricket Participant, or a Team against which they are playing or have played, whether or not in relation to incidents which occurred in a Match, or against which they are likely to play;</li> <li>Publicly make comments in relation to any person referenced within this offence A.13 which personally abuse such person as if offence A.12 applied to such person.</li> <li>Denigrate or criticise CNSW or its Affiliates, or any Cricket Organisation (which for the purposes hereof includes any cricket related club, team, Association or organisation) or any of their respective commercial partners;</li> <li>Denigrate or criticise a representative, official, employee, volunteer or official contractor of CNSW;</li> <li>Denigrate a town or city in which they are touring or have toured or are likely to be touring or officiating;</li> <li>Denigrate the hometown, city or country of a touring Team against which they are playing or have played or are likely to be playing or in respect of which they are officiating or have officiated or are or are likely to be officiating;</li> <li>Comment on the likely outcome of a hearing of a Report or an appeal;</li> <li>Criticise the outcome of a hearing of a Report or an appeal under this Code of Conduct; or</li> <li>Criticise any evidence, submission or other comment made by any person at the hearing of a Report or any appeal under this Code of Conduct.</li> </ul> <p>When assessing whether there has been a breach or the seriousness of the offence, the context within which the comments have been made, and the gravity of the offending comments must be taken into account.</p> <p>For the avoidance of doubt, any posting by a Player or Player Support Personnel of comments on a social media platform (including, without limitation, TikTok, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn Snapchat and Instagram) will be deemed to be 'public' for the purposes of this offence.</p>
Level 1	✓
Level 2	✓ (Applies in the case of more serious instances)
Level 3	✓ (Applies in the case of a public or media comment that is 'very' detrimental to the interests of cricket)
Level 4	Not applicable
<b>A.13</b>	<b>Off-field use of language or gestures by way of public or media comment that can reasonably be viewed to offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion,</b>

	<b>gender, colour, descent, sexuality or national or ethnic origin</b>
<b>Note:</b>	<p><i>When assessing whether there has been a breach or the seriousness of the offence, the context within which the language or gestures have been made, and the gravity of conduct must be taken into account.</i></p> <p><i>For the avoidance of doubt, any posting by a Player or Player Support Personnel of comments on any social media platform (including, without limitation, TikTok, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn, Snapchat and Instagram) will be deemed to be 'public' for the purposes of this offence.</i></p> <p><i>This offence is not intended to limit the operation of CNSW's Integrity Policies.</i></p>
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies for use of language or gestures that 'seriously' offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person)
Level 4	Not applicable
<b>A.14</b>	<b>Any conduct (including any language, actions or gestures, and whether made during or after a Match or by any public or media comment) which disparage or denigrate an Umpire and/or any decision made by an Umpire (other than as covered by offence A.8) – including as to allegations (whether express or implied or which can be inferred) of incompetence, bias and/or cheating on the part of such Umpire.</b>
<b>Note:</b>	<p><i>Respect for Umpires is a key element of the Spirit of Cricket. When assessing the seriousness of the breach, the following factors (without limitation) will be taken into account:</i></p> <p><i>(a) the context of the particular situation, including without limitation, whether the relevant conduct was deliberate (i.e. intentional), reckless or negligent, and/or avoidable;</i></p> <p><i>(b) the nature and/or substance of the relevant conduct;</i></p> <p><i>(c) the degree the relevant conduct was public or could be seen or heard by others.</i></p> <p><i>This Article A.14 may include:</i></p> <p><i>(a) aggressive, excessive, inappropriate or forceful appealing and/or celebration of an umpire's decision directed at or towards an Umpire which could; and/or</i></p> <p><i>(b) conduct (whether express or implied or which can be inferred from such conduct) which is or can be taken as an expression of judgement, sarcasm or similar on an Umpire's decision making up to and including that appeal or celebration,</i></p> <p><i>which can be considered to disparage or denigrate an Umpire or convey some criticism or negative narrative/commentary (whether directly or by inference) as to any incompetence, bias and/or cheating on the part of such Umpire, whether of itself or relating to an earlier decision or set of circumstances relating to the same</i></p> <p><i>It will not be a defence to any charge brought under this Article to show that the Umpire might have, or in fact did, get any decision wrong, nor to make or pass any judgement in relation to the Umpires competency, or in relation to their appointment and/or any affiliations they may have.</i></p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓ (Applies to intended, express, very public, very serious conduct)
<b>A.15</b>	<b>Changing the condition of the ball in breach of Law 41 of the Laws of Cricket</b>
<b>Note:</b>	<p><i>Any action(s) likely to alter the condition of the ball which are not specifically permitted under Law 41.3.2 may be regarded as 'unfair'. The following actions will, therefore, not be permitted (this list of actions is not exhaustive but included for illustrative purposes):</i></p> <p><i>(a) deliberately throwing the ball into the ground for the purpose of roughening it up;</i></p> <p><i>(b) applying any artificial substance to the ball; and applying any non-artificial substance for any purpose other than to polish the ball (see note below);</i></p> <p><i>(c) lifting or otherwise interfering with any of the seams of the ball;</i></p> <p><i>(d) scratching the surface of the ball with finger or thumb nails or any implement.</i></p> <p><i>The Umpires will use their judgment to apply the principle that actions taken to maintain or enhance the condition of the ball, provided no artificial substances are used, will be permitted. Any actions taken with the purpose of damaging the condition of the ball or accelerating the deterioration of the condition of the ball will not be permitted.</i></p> <p><i>Without limiting this offence, the Team Captain of the offending side may breach Article A.16 in the event that the Player or Player Support Personnel involved in the breach are not able to be identified, or where the breach was</i></p>

	<p><i>planned or systematic to the extent that the Team Captain either knew, or ought to have known, that the breach was occurring.</i></p> <p><i>This offence is not intended to limit the operation of CNSW's Integrity Policies.</i></p> <p><i>NB: Absent evidence of any other substance, the mere using of sweat [or saliva] to shine or polish the ball, while potentially contrary to any playing condition or regulation of law of cricket, will not fall within this offence</i></p>
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies where implements or external objects used to and/or in cases or more serious or repetitive conduct)
Level 4	Not applicable
<b>A.16</b>	<b>Intimidation or attempted intimidation of an Umpire or Match Referee whether by language or conduct (including gestures) during a Match</b>
Note:	<p><i>Article A.16 is intended to cover any form of intimidation of an Umpire or Match Referee. It includes, without limitation:</i></p> <p><i>(a) any form of continual verbal or physical harassment;</i></p> <p><i>(b) any form of intentional behaviour that would cause the person at whom it is being directed to fear injury or harm; and</i></p> <p><i>(c) attempts to impede or block movement.</i></p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	✓ (Where serious physical harassment or intimidation causing fear of injury or harm)
<b>A.17</b>	<b>Attempting to gain an unfair advantage during a Match</b>
Note:	<p><i>Article A.17 is intended to cover any attempts to cheat or gain an unfair advantage during a Match (other than conduct prohibited under CNSW's Anti-Corruption Policy, which must be dealt with according to the procedures set out therein). It includes, without limitation:</i></p> <p><i>(a) deliberate attempts to deceive an Umpire (for example by claiming a catch when the Player concerned knew that they had not caught the ball cleanly);</i></p> <p><i>(b) conspiring with other Players and/or Player Support Personnel to do anything which constitutes an attempt to gain an unfair advantage; or</i></p> <p><i>(c) taking a foreign object onto the field whose most likely reason for being there is to change the condition of the ball.</i></p> <p><i>Without limiting Article A.16, the Team Captain of the offending side may breach this Article A.17 in the event that the Player or Player Support Personnel involved in the breach are not able to be identified, or where the breach was planned or systematic to the extent that the Team Captain either knew, or ought to have known, that the breach was occurring.</i></p>
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies to more serious cases - which may include where paragraphs (b) and/or (c) in the above Note have occurred; where the conduct is repetitive or continued after questioning by an Umpire)
Level 4	Not applicable
<b>A.18</b>	<b>Any Integrity offence, investigation or matter referred to the Code of Conduct Commissioner</b>
Note:	<p><i>It is intended that breaches of the CNSW Member Protection Policy and the CNSW Safeguarding Children and Young People Policy matters may be referred to the Code of Conduct Commissioner to be managed in accordance with the Code of Conduct Procedures and any relevant Code of Conduct procedure and/or guideline (and otherwise in accordance with the CNSW Constitution, and any relevant By-Laws, Regulations and Procedures, including the CDRP) where the circumstances require it.</i></p> <p><i>While such matters will be managed in accordance with the Code of Conduct Procedures and the process outlined therein, the Commissioner has discretion to:</i></p> <ul style="list-style-type: none"> <li><i>- find on allegations of the relevant policy; and</i></li> <li><i>- impose a sanction as appropriate in the circumstances and having regard to both the sanctions available under the Code of Conduct Procedures and/or Part 8 of the CDRP.</i></li> </ul>

	<p><i>This Article A.18 does not apply to breaches of the Anti-Corruption Policy or any policy that relates to anti-doping or illicit substance use.</i></p> <p><i>NB: This offence may apply where there are multiple instances of breaches of the Code of Conduct that cross over with matters that would otherwise be matters dealt with under the CDRP, that occur on the field, or in conjunction with other breaches of the Code of Conduct.</i></p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>A.19</b>	<b>Consumption of alcohol and illicit substances during a Match</b>
Note:	<p><i>Consumption of alcohol or illicit substances which may impact judgement, performance or behaviours while on field, during or relating to a Match, including consumption by a Cricket Participant who is involved in a junior cricket Match^.</i></p> <p><i>This applies where any Player consumes alcohol or illicit substances at any time prior to or during a Match and is participating in the Match.</i></p> <p><i>It is not intended to cover post-Match celebrations.</i></p> <p><i>^Junior cricket Matches includes any Stage 1, Stage 2 and Stage 3 Matches; any club and/or representative cricket Matches where Players selected are under 17s and below.</i></p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>A.20</b>	<b>Captain's breach of the Code of Conduct</b>
Note:	<p><i>Article A.20 captures the requirements of Clause 5.2 of the CNSW By-Laws and applies where:</i></p> <p><i>(a) One or more Players in the Team engaged in multiple breaches of the Code of Conduct during a Match; and/or</i></p> <p><i>(b) Where one or more Players in the Team engage in continuous breaches of the Code of Conduct throughout a cricket season; and/or</i></p> <p><i>(c) The Captain has demonstrated a failure to address the Team's behaviour during a Match, including where the Captain has been warned by an Umpire during the Match; and/or</i></p> <p><i>(d) Where the Captain has attempted to justify breaches of the Code of Conduct by Players to Umpires during the Match.</i></p> <p><i>It will be a mitigating factor if the Captain took reasonable steps to address the Team's behaviour during a Match in all of the circumstances.</i></p> <p><i>This offence is intended to ensure that the Captain upholds the Spirit of Cricket as prescribed in Law 41.1 and is not intended to be a loading on top of any other offence that the Captain themselves is found to have engaged in.</i></p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable

(12.2) The table below sets out the prescribed penalties for breaches of Articles A.1 to A.20.

Level of Offence	Range of Permissible Sanctions (First Report)	Range of Permissible Sanctions (Second Report within 2 years)	Range of Permissible Sanctions (Third Report within 2 years)	Range of Permissible Sanctions (Fourth & subsequent Reports within 2 years)
Level 1	(a) Reprimand; and/or	A suspension of between one (1) and three (3) Matches.	A suspension of between two (2) and eight (8) Matches.	A suspension of eight (8) Matches or a suspension for a fixed period of time ranging

	(b) A suspension of between one (1) and two (2) matches (if two (2), then one (1) must be deferred).			between the equivalent of eight (8) Matches and one (1) year.
Level 2	A suspension of between one (1) and three (3) Matches.	A suspension of between two (2) and eight (8) Matches.	A suspension of eight (8) Matches, or a suspension for a fixed period of time ranging between the equivalent of eight (8) Matches and one (1) year.	A suspension for a period between one (1) year and five (5) years.
Level 3	A suspension of between four (4) and eight (8) Matches.	A suspension of eight (8) Matches, or a suspension for a fixed period of time ranging between the equivalent of eight (8) Matches and one (1) year.	A suspension for a period between one (1) year and five (5) years.	A suspension for a period between one (1) year and seven (7) years.
Level 4	A suspension of eight (8) Matches, or a suspension for a fixed period of time ranging between the lesser of the equivalent of eight (8) Matches and one (1) year.	A suspension for a period between one (1) year and five (5) years.	A suspension for a period between one (1) year and seven (7) years.	A suspension for a period between one (1) year and ten (10) years.

## Part 13 Schedule B – Serious Offences

- (13.1) The table below prescribes the conduct that will amount to a Serious Offence under the Code of Conduct if committed by a person who is bound in accordance with the Cricket NSW By-Laws and/or who has otherwise agreed to be bound by the Code of Conduct.

Code	Description
✓	Level applies to Offence
Not applicable	Does not apply to Offence

Article	
B.1	Threat of physical abuse of another Player, Cricket Participant, or any other person during a Match
Note:	<p>Without limitation, a Player, Player Support Personnel or any other person subject to CNSW Code of Conduct Procedures will breach Article B.1 if they do or say anything which would cause a Player, Cricket Participant and/or other person to whom such action was directed to fear harmful or offensive contact, for example and without limitation,</p> <p>(a) threatening to hit or make contact with the relevant individual while at the same time raising a fist,</p> <p>(b) running at an individual causing the individual to fear any contact,</p> <p>(c) making any direct, implied or inferred threat of physical contact, or</p>



	<i>(d) threatening to physically harm another Player's or Cricket Participant's family.</i>
Level 1	✓ (Applies when materially minor threat is made to of a Player, Cricket Participant (other than an Umpire or Match Referee) or with any other person (including a spectator))
Level 2	✓ (Applies when less serious threat is made to of a Player, Cricket Participant (other than an Umpire or Match Referee) or with any other person (including a spectator))
Level 3	✓ (Applies when threat is made to another Player, Cricket Participant (and in relation to an Umpire or Match Referee, includes less serious threats otherwise within Level 1) or with any other person (including a spectator))
Level 4	✓ (Applies when serious threat is made to another Player, Cricket Participant, Umpire or Match Referee or any other person)
Level 5	✓ (Applies to 'very serious threats of violence or physical abuse and/or when serious threat is made to an Umpire or Match Referee)
<b>B.2</b>	<b>Inappropriate physical contact during a Match</b>
<b>Note:</b>	<p><i>Cricket is a non-contact sport and, as such, any form of inappropriate physical contact is prohibited in cricket. Without limitation, Players or Player Support Personnel will breach Article B.2 if they deliberately, recklessly and/or negligently make contact with another Player, Cricket Participant (including an Umpire or Match Referee) or any other person (including a spectator, member of the public or anyone else). It does not include purely accidental contact occurring in the normal course of play and where there is no reckless or negligent conduct on the part of the person allegedly in breach of this offence leading to or relevant to the causing of the relevant contact.</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) will be taken into account:</i></p> <ul style="list-style-type: none"> <li><i>(a) the context of the particular situation, including without limitation, whether the contact was deliberate (ie intentional), reckless or negligent, and/or avoidable;</i></li> <li><i>(b) the force of the contact;</i></li> <li><i>(c) any resulting injury to the person with whom contact was made.</i></li> </ul>
Level 1	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (other than an Umpire or Match Referee) or with any other person (including a spectator), where the inappropriate physical contact is materially minor, incidental and/or including as to intent, recklessness or negligence; force of contact; and no injury caused)
Level 2	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (other than an Umpire or Match Referee) or with any other person (including a spectator), where the inappropriate physical contact is minor including as to intent, recklessness or negligence; force of contact; and no injury caused)
Level 3	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (and in relation to an Umpire or Match Referee, includes minor conduct otherwise within Level 1) or with any other person (including a spectator), where the inappropriate physical contact is moderate including as to intent, recklessness or negligence; force of contact, any injury caused)
Level 4	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant or with any other person (including a spectator), where the inappropriate physical contact is serious, including is deliberate, seriously reckless or negligent (or in the case of an Umpire or Match Referee is not viewed as accidental and is minor), involved a significant or material force of contact, any injury caused was moderate to serious)
Level 5	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (other than an Umpire or Match Referee) or with any other person (including a spectator) where inappropriate physical contact is very or significantly serious (e.g. shows malicious intent, is significantly forceful, involves an act of violence or assault, cause material injury), or in the case of an Umpire or Match Referee is serious)
<b>B.3</b>	<b>Breach of Code of Conduct by a Team or Club</b>
<b>Note:</b>	<p><i>Article B.3 covers the situation where there is material misconduct attributable to a particular Club or Team during or in relation to, arising from or connection with a Match. Where in the opinion of the Commissioner and the Cricket NSW Chief Executive Officer (or their nominee) there has been conduct of such material nature:</i></p> <ul style="list-style-type: none"> <li><i>(a) in relation to a Team or Club, involving any one or more of the following elements:</i> <ul style="list-style-type: none"> <li><i>• by multiple Cricket Participants in relation to the relevant Club or Team;</i></li> <li><i>• evidencing multiple offences; and/or</i></li> <li><i>• across a material or sustained period of time,</i></li> </ul> </li> <li><i>(b) in relation to an individual, such individual has materially contributed to the relevant misconduct; was a primary instigator of such misconduct and/or (in the case of a Team or Club official present at the Match) failed to take appropriate and reasonable steps to stop or mitigate such misconduct,</i></li> </ul> <p><i>then a breach of this offence will have been committed by such Team, Club or individual and the relevant sanctions set out in this Schedule B below may apply. Any sanction imposed in relation to this offence may be in addition to any action taken against any individual in relation to the same conduct or Match (subject to the provisions of Clauses 8.7(b) and (c) of these Code of Conduct Procedures).</i></p>

	<p>Any communication in relation to this offence, including any Notice of Charge, shall be forwarded to the Secretary of the relevant Club.</p> <p>When assessing the seriousness of the breach, the following factors (without limitation) will be taken into account:</p> <ul style="list-style-type: none"> <li>(a) the context of the particular situation, including without limitation, whether the relevant conduct was deliberate (i.e. intentional), reckless or negligent, and/or avoidable;</li> <li>(b) the nature and/or substance of the relevant conduct (e.g. the offensiveness of any words or conduct);</li> <li>(c) the degree the relevant conduct was public or could be seen or heard by others;</li> <li>(d) the number of Cricket Participants involved;</li> <li>(e) the number of offences alleged to have occurred and the Levels that could be applied;</li> <li>(f) where the offence is committed in the presence of or visible to any minor(s) (under 18 years).</li> </ul> <p>When assessing whether a First or Second Offence has occurred, an individual can only be held accordingly if they have been found in breach under this specific offence on prior occasions as relevant.</p>
Level 1	Not applicable
Level 2	✓
Level 3	✓
Level 4	✓
Level 5	✓
<b>B.4</b>	Where the facts of the alleged incident are not adequately or clearly covered by an offence under the Articles contained in Schedule A, or Articles B.1 to B.3, conduct that either: (a) is unbecoming of a representative or official; (b) is or could be harmful to the interests of cricket; or (c) does or could bring the game of cricket into disrepute
Note:	<p>The Spirit of Cricket as set out in the Preamble to the Laws of Cricket and in Part 2 of the Code of Conduct Procedures involves respect for your captain, teammates, opponents and the authority of the Umpires. Article B.4 is intended to capture conduct which may be reasonably seen to infringe on the Spirit of Cricket and both</p> <ul style="list-style-type: none"> <li>(1) to cover all types of serious conduct that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out in either Schedule A and/ or Schedule B, and</li> <li>(2) despite where an individual specific offence may apply to some degree, the overall nature and characteristics of the reported conduct taken together are viewed to be best addressed under this offence.</li> </ul> <p>Relevant factors in applying (2) above include:</p> <ul style="list-style-type: none"> <li>(a) there are multiple serious offences set out in either Schedule A and/ or Schedule B;</li> <li>(b) the relevant conduct taken together evidence a serious breach of the Spirit of Cricket and/or the general provisions of the Code of Conduct;</li> <li>(c) there is an aggregation of conduct, breaches and/or offences under other specific offences set out in either Schedule A and/ or Schedule B which together is determined as serious and would support a charge hereunder of higher level or sanction than the other specific offences set out in either Schedule A and/ or Schedule B; and/or</li> <li>(d) the relevant serious conduct does not fall entirely within a single other specific offence set out in either Schedule A and/or Schedule B.</li> </ul> <p>Article B4 is also intended to capture conduct of a Cricket Participant that:</p> <ul style="list-style-type: none"> <li>(a) is unbecoming of a representative or official;</li> <li>(b) is or could be harmful to the interests of cricket; or</li> <li>(c) does or could bring the game of cricket into disrepute.</li> </ul> <p>The level of this offence will be measured with regard to the seriousness of the conduct, the repetitive nature of the conduct, whether a warning was issued by the Umpire during the Match, whether the conduct would constitute a criminal offence, whether the conduct would constitute "Prohibited Conduct" within the meaning of the CNSW Integrity Policies, and/or whether exceptional circumstances exist that warrant the imposition of an offence under the Code of Conduct.</p> <p>This offence may also apply to any conduct that may constitute cheating during a Match, deliberate attempts to mislead the Umpire, criminal conduct, public acts of misconduct, unruly public behaviours and/or sexual misconduct.</p> <p>Nothing in this offence is intended to limit the operation of the CNSW Integrity Policies.</p>
Level 1	✓

Level 2	✓
Level 3	✓
Level 4	✓
Level 5	✓

(13.2) The table below sets out the prescribed penalties for breaches of Articles B.1 to B.4.

Level of Offence	Range of Permissible Sanctions (First Report)	Range of Permissible Sanctions (Second or subsequent Report within 3 years)
Level 1	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> <li>(a) Reprimand;</li> <li>(b) A suspension between one (1) and three (3) Matches; and/or</li> <li>(c) Require the person undergo counselling and/or any training or education for a specified time.</li> </ul>	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> <li>(a) A suspension of between two (2) and six (6) Matches; and/or</li> <li>(b) Require the person undergo counselling and/or any training or education for a specified time.</li> </ul>
Level 2	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> <li>(a) A suspension of between one (1) and eight (8) Matches;</li> <li>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to the greater of six (6) months and the end of the relevant season; and/or</li> <li>(c) Require the person undergo counselling and/or any training or education for a specified time.</li> </ul> <p>As against a Team, any one or more of:</p> <ul style="list-style-type: none"> <li>(d) A deduction of competition points up to the maximum number of points available to be awarded to the relevant Team for the relevant Match; and/or</li> <li>(e) Disqualification of the relevant Team from any finals matches for one (1) season.</li> </ul>	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> <li>(a) A suspension for a period between eight (8) Matches or for a fixed period of time ranging between the equivalent of eight (8) Matches and one (1) years;</li> <li>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to twelve (12) months; and/or</li> <li>(c) Require the person undergo counselling and/or any training or education for a specified time.</li> </ul> <p>As against a Team, any one or more of:</p> <ul style="list-style-type: none"> <li>(d) A deduction of competition points up to double the maximum number of points available to be awarded to the relevant Team for the relevant Match; and/or</li> <li>(e) Disqualification of the relevant Team from any finals matches for between one (1) to two (2) seasons comprising the current relevant season and the subsequent season.</li> </ul>
Level 3	<p>Applying any one or more of the following sanctions against any individual:</p> <ul style="list-style-type: none"> <li>(a) A suspension of between four (4) and ten (10) Matches;</li> <li>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to twelve (12) months; and/or</li> </ul>	<p>Applying any one or more of the following sanctions against any individual:</p> <ul style="list-style-type: none"> <li>(a) A suspension for a period between six (6) months eighteen (18) months;</li> <li>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to two (2) years; and/or</li> </ul>



	<p>(c) Require the person undergo counselling and/or any training or education for a specified time.</p> <p>As against a Team, any one or more of:</p> <p>(d) A deduction of competition points up to the maximum number of points available to be awarded to the relevant Team for the relevant Match;</p> <p>(e) Disqualification of the relevant Team from any finals matches for between one (1) to two (2) seasons comprising the current relevant season and the subsequent season; and/or</p> <p>(f) Require the person undergo counselling and/or any training or education for a specified time.</p>	<p>(c) Require the person undergo counselling and/or any training or education for a specified time.</p> <p>As against a Team, any one or more of:</p> <p>(d) A deduction of competition points up to double the maximum number of points available to be awarded to the relevant Team for the relevant Match;</p> <p>(e) Disqualification of the relevant Team from any finals matches for between two (2) to three (3) seasons comprising the current relevant season and the next one (1) to two (2) seasons thereafter; and/or</p> <p>(f) Require the person undergo counselling and/or any training or education for a specified time.</p>
Level 4	<p>Applying any one or more of the following sanctions against any individual:</p> <p>(a) A suspension for a period between six (6) months eighteen (18) months OR (in relation to Offence B.3 only) in the case of minor contact with an Umpire, a suspension of between two (2) and ten (10) Matches;</p> <p>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to two (2) years; and/or</p> <p>(c) Require the person undergo counselling and/or any training or education for a specified time.</p> <p>As against a Team, any one or more of:</p> <p>(d) A deduction of competition points up to the maximum number of points available to be awarded to the relevant Team for the relevant Match;</p> <p>(e) Disqualification of the relevant Team from any finals matches for between one (1) to two (2) seasons; and/or</p> <p>(f) Deduction of all points earned or contributed by the relevant Team to any Club Championship, most successful Team, Club or Association (or similar) table or award for one (1) season.</p>	<p>Applying any one or more of the following sanctions against any individual:</p> <p>(a) A suspension for a period between six (6) months and five (5) years;</p> <p>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to three (3) years; and/or</p> <p>(c) Require the person undergo counselling and/or any training or education for a specified time.</p> <p>As against a Team, any one or more of:</p> <p>(d) A deduction of competition points up to double the maximum number of points available to be awarded to the relevant Team for the relevant Match;</p> <p>(e) Disqualification of the relevant Team from any finals Matches for between two (2) to three (3) seasons; and/or</p> <p>(f) Deduction of all points earned or contributed by the relevant Team to any Club Championship, most successful Team, Club or Association (or similar) table or award for between one (1) to two (2) seasons.</p>

<p>Level 5</p>	<p>Applying any one or more of the following sanctions against any individual:</p> <ul style="list-style-type: none"> <li>(a) A suspension for a period of time between six (6) months and five (5) years;</li> <li>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to three (3) years; and/or</li> <li>(c) Require the person undergo counselling and/or any training or education for a specified time.</li> </ul> <p>As against a Team, any one or more of:</p> <ul style="list-style-type: none"> <li>(d) A deduction of competition points up to double the maximum number of points available to be awarded to the relevant Team for the relevant Match;</li> <li>(e) Disqualification of the relevant Team from any finals Matches for between two (2) to three (3) seasons; and/or</li> <li>(f) Deduction of all points earned or contributed by the relevant Team to any Club Championship, most successful Team, Club or Association (or similar) table or award in the current relevant season and any of the next one (1) to two (2) subsequent seasons.</li> </ul>	<p>Applying any one or more of the following sanctions against any individual:</p> <ul style="list-style-type: none"> <li>(a) A suspension for a period between one (1) year and ten (10) years;</li> <li>(b) Banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to five (5) years; and/or</li> <li>(c) Require the person undergo counselling and/or any training or education for a specified time.</li> </ul> <p>As against a Team, any one or more of:</p> <ul style="list-style-type: none"> <li>(d) A deduction of competition points up to triple the maximum number of points available to be awarded to the relevant Team for the relevant Match;</li> <li>(e) Disqualification of the relevant Team from any finals Matches for between two (2) to four (4) seasons; and/or</li> <li>(f) Deduction of all points earned or contributed by the relevant Team to any Club Championship, most successful Team, Club or Association (or similar) table or award for between two (2) to three (3) subsequent seasons.</li> </ul>
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## Appendix A – Interpretive document

### Part 1 Disciplinary Procedure

- (1.1) Where a Reported Person elects to progress the matter to a hearing or the matter is referred to a hearing in accordance with clause 5.4(c), the decision-maker will be determined by reference to the Offences set out in the Notice of Charge or as indicated in a Notice of Hearing issued in accordance with clause 5.6A(a) of the Code of Conduct Procedures, the following will apply:
- (a) in relation to the offences set out in Schedule A of the Code of Conduct Procedures:
    - (i) Level 1, Level 2 and Level 3 offences will be heard by the Commissioner; and
    - (ii) Level 4 offences will be heard by a Judiciary Committee.
  - (b) in relation to the offences set out in Schedule B of the Code of Conduct Procedures:
    - (i) Level 1 and Level 2 offences will be heard by the Commissioner; and
    - (ii) Level 3, Level 4 and Level 5 offences will be heard by a Judiciary Committee.
- (1.2) A Judiciary Committee may sit as a panel of between one (1) and five (5) members, constituted by the Head of Integrity.
- (1.3) Non-compliance of the Reported Person to attend any hearing, will not prevent the decision-maker from proceeding with the hearing in their absence, provided that the decision-maker has made reasonable enquiries as to why there has been no response.
- (1.4) At a Hearing, a Reported Person may:
- (a) call witnesses to give evidence on their behalf;
  - (b) respond to any evidence;
  - (c) present any evidence or give oral or written statements;
  - (d) subject to this document question witnesses;
  - (e) subject to this document, have a support person present.
- (1.5) Witness availability
- (a) The Person Reporting will be invited to attend the Disciplinary Hearing to speak to their report.  
  
 Note: If the Person Reporting is an Executive Officer, the onus lies on the Executive Officer to ensure witnesses are available.
  - (b) In the event that the Person Reporting and/or witnesses are unable to attend at the scheduled time, the decision-maker will have regard to the statement submitted, and is entitled to attribute such weight to the contents of the statement, and to any evidentiary weight or reliance, as the decision-maker deems appropriate in their absolute discretion, however the Person Reporting and/or witnesses should be aware that non-attendance could result in the matter being dismissed.
- (1.6) Questioning witnesses

- (a) There is no automatic right for a Reported Person to ask questions of witnesses in proceedings under this Policy.
  - (b) Questioning of witnesses may be permitted by the decision-maker and, if so, may:
    - (i) occur either directly to the witness or through the decision-maker;
    - (ii) be undertaken using any form of telecommunications (such as video conferencing) and with or without the Respondent being present;
    - (iii) be directed to cease, or continue in an alternate form if the relevant decision-maker reasonably believes that:
      - a. the witness is being subjected to irrelevant or unreasonable questions; or
      - b. there appears to be a risk to the health, safety or welfare of that witness.
  - (c) Each witness shall be entitled to leave the hearing after giving evidence unless otherwise directed by the decision-maker. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Tribunal.
- (1.7) Support Person
- (a) A Reported Person may bring along a support person at any interview, Hearing or Appeal conducted under the Code of Conduct Procedures. However, that person must be available at the date and time specified in the documentation sent to the Reported Person.
  - (b) A support person may be directed to leave any hearing or appeal if that person unreasonably disrupts or delays proceedings. If this occurs, any hearing or appeal is to proceed to completion in the absence of that support person.
  - (c) Where a matter is heard by a Judiciary Committee, the Chair has discretion to permit legal representation at any hearing or appeal under the Code of Conduct Procedures.
  - (d) Where a Complainant or Respondent is under the age of 18, a parent or guardian must be present at the Hearing and a reasonable opportunity for consultation shall be provided by the decision-maker.
- (1.8) Evidence
- (a) The decision-maker will not be bound by the rules of evidence. Instead, facts relating to an offence allegedly committed under the Code of Conduct may be established by any reliable means, including admissions.
  - (b) The decision-maker may draw an adverse inference against the Reported Person based on their refusal, without extenuating circumstances, to appear at the hearing and/or to answer any relevant questions. Such refusal or failure to appear at a hearing for any reason shall not, of itself, be grounds for the decision-maker to determine a higher Level or increase any sanction if the relevant offence is proven (for the avoidance of doubt the decision-maker may make such a determination based on the evidence before them and any other circumstances relevant to the matter and within the Procedures and this document).

## Part 2 Interpretive matters when imposing suspensions

### (2.1) Suspension period

- (a) The suspension must be served as soon as practicable and cannot be delayed;
  - (b) Where the Reported Person has a suspension imposed while participating in a Match which has not been completed at the time the sanction is imposed, the Commissioner has discretion whether the Reported Person is able to play the rest of that Match and/or whether the sanction applies following the completion of the Match;
  - (c) Where decision-maker imposes a suspension (for this clause 2.1 a “Relevant Suspension”) to be served or applied to a match or matches (for this clause 2.1 individually and in the aggregate a “Suspended Match”):
    - i. it is open to the decision-maker (in its absolute discretion) to apply the Relevant Suspension to any match or matches for which the Reported Person is available to be selected;
    - ii. [for the avoidance of doubt, where the Relevant Suspension is to expire after completion of the [competition] in which the Match relating to the Relevant Suspension was held or conducted (for this clause 2.1(c)(ii) the “current competition”), it is open to the decision-maker (in its absolute discretion) to apply the Relevant Suspension to the remainder of the current competition (as relevant to the number of matches for which the Reported Person is available to be selected) and to either:
      - 1. any other competition held or conducted after the completion of the current competition; or
      - 2. the same competition when next held or conducted,

in both cases, as relevant to the number of matches for which the Reported Person is available to be selected]; and
  - (d) the decision-maker may may such enquiries as they determine necessary in their discretion to ascertain what matches the Reported Person is actually available for selection (including as to assessing any injury or other factor precluding availability or selection).
  - (e) Where a prescribed penalty provides for a suspension of match(es), then an alternate sanction may be imposed for a fixed period of time measured in weeks equivalent to the relevant number of match(es) or range of matches; or any combination of match(es) or a fixed period of time provided the maximum suspension imposed does not exceed that stated in Schedules A and/or B;
  - (f) Where a loading is applied in accordance with any provision of these Procedures and a relevant higher level is applied (‘New Level’), the permissible sanctions relating to such New Level shall be available to the decision-maker notwithstanding that the tables of offences stated in Schedules A and/or B indicate the New Level does not apply to such offence; the imposition of sanctions apply equally to round match(es) and finals as the case may be and it shall not be relevant that the next match in which the Reported Person is eligible to play is a final; and
  - (g) the interpretative provisions regarding Suspended Players as set out in the CNSW By-laws will apply.
- (2.2) No replacement Player or substitute is allowed for any Player who is suspended or disqualified in accordance with the Procedures during the course of a match.

(2.3) Prescribed periods

- (a) The Prescribed Period for Schedule A – General Offences is two (2) years.
- (b) The Prescribed Period for offences under Schedule B – Serious Offences is three (3) years.

Note: For the avoidance of doubt the period is to be calculated ending on the date on which the current Report occurred.

(2.4) Effect of sanctions imposed

- (a) During any period of suspension, the Reported Person must not play, coach or otherwise participate or be involved in any capacity in any relevant matches which take place during the suspension period.

Note: For the avoidance of any doubt, the Reported Person must not be nominated as, or carry out any of the duties or responsibilities of, a substitute fielder; or enter any part of the playing area (which includes the field of play and the area between the boundary and perimeter boards) at any time, including during any scheduled or unscheduled breaks in play.

- (b) For the avoidance of doubt:
  - (i) other than when imposing a sanction for a finding on a breach of Article B.3 against a Team, the decision-maker has no jurisdiction to adjust, reverse or amend the results of any Match;
  - (ii) where a Reported Person is found guilty of committing two separate Code of Conduct offences that do not relate to the same incident or set of circumstances arising during a Match and is sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);
  - (iii) where a Reported Person is found guilty of committing two Code of Conduct offences in relation to the same incident or set of circumstances arising during a Match and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively) including any aggregate sanction applied by a decision-maker pursuant to clause 8.5 in the Procedures;
  - (iv) where the decision-maker finds a Reported Person not guilty of the offence allegedly committed under the Code of Conduct, it remains open to them, in their absolute discretion to act in accordance with clause 6.3 of the Procedures and deciding on a different offence or a different level of offence (whether lower or higher), or imposing any sanction relevant thereto, as prescribed in the Procedures;
  - (v) where the Reported Person has been subject to a provisional suspension imposed in accordance with these Procedures, then the matches served during this period will be counted towards the total suspension imposed by the decision-maker;
  - (vi) where the decision-maker becomes aware that the Report Person did not participate in a match otherwise than as a result of a sanction or provisional suspension imposed in accordance with these Procedures (e.g. voluntarily or following a direction of their Club or Association), this will not count towards

the serving of the total suspension imposed by the decision-maker unless the decision-maker deems exceptional circumstances exist.

### Part 3 Appeals

- (3.1) For all appeals lodged, the original decision remains in effect throughout the duration of the appeal process until a decision is made by the relevant appeals decision-maker.
- (3.2) An Appeal Panel may sit as a panel of between one (1) and five (5) members, constituted by the Head of Integrity.
- (3.3) The Chair of the Appeal Panel may determine all matters of procedure in their absolute discretion, subject to the requirements of procedural fairness.
- (3.4) If leave to appeal is granted and the Reported Person wishes to rely on new evidence in the rehearing of the matter, the Chair of the Appeal Panel must be comfortably satisfied that the evidence was:
  - (a) not reasonably available to the Reported Person at the time of the Disciplinary Hearing; and/or
  - (b) it would be prejudicial to procedural fairness of the Reported Person for the matter to proceed without the inclusion of the new evidence.