

# CODE OF CONDUCT PROCEDURE for ORANGE CRICKET



revised September 2024

## Contents

DEFINITIONS .....	2
PART 1 SCOPE AND APPLICATION .....	4
PART 2 OFFENCES.....	4
PART 3 REPORTING AN ALLEGED OFFENCE .....	4
PART 4 INITIAL REVIEW AND NOTIFICATION PROCEDURE .....	5
PART 5 THE DISCIPLINARY PROCEDURE.....	7
PART 6 STANDARD OF PROOF AND EVIDENCE .....	9
PART 7 SANCTIONS ON REPORTED PERSONS .....	9
PART 8 APPEALS .....	12
PART 9 CODE OF CONDUCT REGISTER.....	13
PART 10 SCHEDULE A – GENERAL OFFENCES .....	15
PART 11 SCHEDULE B – SERIOUS OFFENCES .....	27

## DEFINITIONS

Term	Meaning
Affiliated Clubs	means the cricket clubs and/or teams affiliated with the Association
Appeal	means an Appeal against the decision of the Commissioner or Judiciary in accordance with Article 8
Association	means the Orange District Cricket Association or the Orange District Junior Cricket Association as the context may require
CNSW Integrity Policies	has the meaning as prescribed in the CNSW By-Laws.
Code	means this Code of Conduct
Club	means any cricket club or team that is participating in a competition organised by the Association.
Commissioner	means the Association’s Code of Conduct Commissioner (and includes any Assistant Commissioner) appointed under the Association’s By-Laws.
Cricket Event	means any Match, tournament, tour, contest, event, activity (including training), whether on a one-off basis or as part of a series, league or competition sanctioned or organised by the Association or a Cricket Organisation
Cricket Organisation	<p>Any of the following organisations:</p> <ul style="list-style-type: none"> <li>(a) ODCA;</li> <li>(b) ODJCA;</li> <li>(c) each Club and/or Team that is a member or affiliate of the Association;</li> <li>(d) Team, which means a collection or squad of athletes who compete and/or train in cricket and/or cricket activities; and</li> <li>(e) any other organisation who has agreed to be bound by the Association By-Laws.</li> </ul>
Cricket Participant	<p>includes:</p> <ul style="list-style-type: none"> <li>(a) Players;</li> <li>(b) individuals who are registered with or entitled to participate in an Association or a Cricket Event;</li> <li>(c) coaches appointed to train a Player or Team of a Club or for a Cricket Event;</li> <li>(d) administrators who have a role in the administration or operation of an Affiliate or Association, including owners, directors, committee members or other persons;</li> <li>(e) officials including umpires, technical officials, or other officials appointed by the Association or any league, competition, series, club or Team sanctioned by the Association;</li> <li>(f) Player Support Personnel who are appointed in a professional or voluntary capacity by a Club of the Association;</li> </ul>

	<p>(g) individuals who are registered as members with an Club or any league, competition, series, club or Team sanctioned by the Association;</p> <p>(h) employees;</p> <p>(i) contractors;</p> <p>(j) volunteers; and</p> <p>(k) any other individual who has agreed to be bound by the Integrity Policies;</p>
General Offences	The offences set out in Articles A.1 to A.22 in Schedule A.
Head of Integrity	means the Cricket NSW Head of Integrity position or nominee.
Judiciary Committee	means the Judiciary Committee convened in accordance with the Associations 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.
ODCA	means the Orange District Cricket Association
ODJCA	means the Orange District Junior Cricket Association
Player	means a participant in a Cricket Event (including in addition to those that are playing in a Team) organised, sanctioned or otherwise under the auspices of the Association.
Player Support Personnel	includes any parent, guardian, coach, trainer, Team manager, Player agent, selector, umpire, Team official, doctor, physiotherapist, dietitian, fitness or other health-related advisor or any other person employed by, contracted to, representing or otherwise affiliated to an Affiliated Club or the Association, or any parent or other person working with, treating or assisting a Player.
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 Associations By-Laws.
Reporting Person	means the person who has made a Report of an alleged breach of the Code of Conduct.
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 Team in a Match or competition that is under the jurisdiction of the Association's Code of Conduct Commissioner in accordance with the By-Laws.
Umpire	means a person who officiated in the Match during or in relation to which the alleged offence was committed, whether or not they are an accredited Umpire with the Mitchell Cricket Umpires Association.

## **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 the Association are bound by and required to comply with all rules, regulations, constitutions and by-laws, codes of conduct, and polices of the Association.
- 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 constitutes an offence under 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 Code of Conduct Commissioner or Judiciary (as the case may be) convened under the Code of Conduct to hear and determine charges brought pursuant to the Code of Conduct.
- 1.4 For the avoidance of doubt, a reference to Judiciary Committee has the definition as set out in the Associations By-Laws and where validly appointed has the same jurisdiction, power and responsibility as the Code of Conduct Commissioner. Collectively, the Commissioner and Judiciary Committee are a ‘decision-maker’ as set out in these Procedures.

## **PART 2 CODE OF CONDUCT OFFENCES**

- 2.1 The conduct described in Schedule A and Schedule B, will amount to an Offence under the Code of Conduct if committed by a Player or Official or other person bound by the Code of Conduct.
- 2.2 Guidance notes have been provided in the text boxes beneath the description of a particular offence. 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.
- 2.3 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, 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, 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.

## **PART 3 REPORTING AN ALLEGED OFFENCE**

- 3.1 Any one of the following individuals can report an alleged offence under the Code of Conduct by lodging a report in the manner described in clause 3.2 below (a “Report”):
  - (a) An Umpire who officiated in the Match during or in relation to which the alleged offence was committed;
  - (b) An Executive Officer or appointed official of either of the two cricket organisations whose teams participated in the Match during or in relation to which the alleged offence was committed;

- (c) An Executive Officer of the Association.
- 3.2 All Reports must be notified to the Association within the timeframes set out in clause 3.4 below and be in the form requested or they may be rejected. All Reports should be completed on the Code of Conduct Report Form (or such other form as may be made available for such purpose by the Association from time to time). All Reports must be signed and dated by the person lodging the Report.
- 3.3 A Report may be withdrawn at any time before a hearing by the Person Reporting.
- 3.4 The following will apply to the lodgement of all Reports.

<b>Classification of Offence</b>	<b>Reporting Deadline</b>
On field offences Weekend matches	By 6pm Monday following Match completion or within 48 hours of becoming aware of the Offence
On field offences Weekday matches	Within 48 hours following Match Completion or within 48 hours of becoming aware of the Offence
Off field offences	Within 7 days of the Offence or of becoming aware of the Offence

- (a) the Commissioner may, in their absolute discretion accept a report outside of the time frames set out at clause 3.4 if exceptional circumstances exist.
- (b) The Commissioner may, at their sole and absolute discretion, vary, amend or waive compliance with a procedural step (or timing) referred to in this Code if they take the view that non-compliance does not adversely affect the Reported Person.

## **PART 4 INITIAL REVIEW AND NOTIFICATION PROCEDURE**

### **Initial Review**

- 4.1 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 Person Reported and/or asking further questions of them;
  - (b) requesting further information from the Reporting Person, other witnesses and/or the relevant Club or Association; and/or
  - (c) making such other inquiries as appropriate in the circumstances.
- 4.2 The Commissioner may choose to deal with the Reported Person’s Club in addition to contacting the Reported Person. Any information that may be provided by that Club in respect of the Reported Person may be considered by the Commissioner at their discretion. It is the Reported Person’s Club that is responsible for passing on all information to the Reported Person. The Commissioner may contact the Reported Person to discuss the report, seek information relevant to the charge, and may make further enquiries as deemed appropriate for further examination.

- 4.3 Following the initial review, the Commissioner may:
- (a) determine that there is no case to answer and take no action against the Person Reported; or
  - (b) issue a Notice of Charge against the Person Reported or any other person in accordance with these Procedures; 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 Association's Constitution and/or By-Laws.
- 4.4 For the purpose of clause 4.3(d), the matter may be brought back to be managed under these Procedures if the circumstances of the case require it.
- 4.5 If the initial review of the Report reveals that there is no case to answer in relation to the specific type and/or level of offence, then the Commissioner shall notify the Reporting Person's Club or Body, who will inform the person who filed the Report of that fact, advising them of the reasons that such a determination has been made and, where applicable, providing guidance on which specific type and level of offence considers to be appropriate.

#### **Notice of Charge**

- 4.6 For Level 1 and/or Level 2 Offences only, The Notice of Charge shall specify that the Reported Person shall have the following options;
- (a) they may admit the offence charged and accept the proposed sanction specified in the Notice of Charge (which sanction shall be strictly at the Commissioner's discretion, but at all times within the appropriate range for the level of offence), provided that the admission is received by the Commissioner prior to the time specified for the hearing;
  - (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 5. A Judiciary hearing shall only be required to determine any sanction that may be imposed.
  - (c) they may deny the offence charged; in which case the matter will proceed to a hearing in accordance with PART 5.
- 4.7 For Level 3 and/or Level 4 Offences, or other matters referred directly to the Judiciary, the Notice of Charge shall specify that the Reported Person shall have the following options:
- (a) they may admit the offence charged in the Notice of Charge. In such circumstances, and provided that such admission has been received by the Commissioner prior to the commencement of the hearing at the time/place specified in the Notice of Charge, the hearing before the Judiciary shall only be required to for the determination of any sanction that may be imposed.
  - (b) they may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with PART 5.
- 4.8 The Notice of Charge shall specify the time (nominally 6pm Thursday) and the place for the Judiciary hearing, should it be required.
- 4.9 The Notice of Charge and a copy of the Report shall be provided to the following individuals:
- (a) The Reported Person (via the Person's Club if appropriate); and

- (b) The Reported Person's Club or Body; and
  - (c) The Association Secretary, and
  - (d) the secretary of the Mitchell Cricket Umpires Association, if the Reporting Person was an umpire.
- 4.10 The Association Secretary shall promptly advise both the Chairman of the Association and the Judiciary Chairman that a Report has been received and that a Judiciary hearing may be required.
- 4.11 For the avoidance of doubt, if the Reported Person has not accepted the proposed sanction (refer 4.6(a) above) by 8pm Wednesday, the matter will proceed to a Judiciary hearing.
- 4.12 Should the Reported Person admit the offence and accept the proposed sanction, the Commissioner will then announce the final decision directly to the Reported Person and shall provide a written decision to the Secretary of the Association, who shall inform the Reported Persons Club or Body, the Chairman of the Association and the Secretary of the Mitchell Cricket Umpires Association, if the Reporting Person was an umpire.

## **PART 5 THE DISCIPLINARY PROCEDURE**

- 5.1 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.
- 5.2 The Judiciary will conduct the hearing in private, with as little formality and technicality and as quickly as possible, subject to proper consideration of the Report being permitted.
- 5.3 The procedure followed at the hearing shall be at the discretion of the Judiciary, provided that the hearing is conducted in a manner which offers the Reported Person a fair and reasonable opportunity to present their case.
- 5.4 Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the Judiciary:
- (a) the Reported Person who has been charged with the alleged offence; and
  - (b) if the Reported Person is under the age of 18, then the parent or guardian of the Reported Person, or a representative of the Club or Body that Reported Person represents, and
  - (c) the Reporting Person who lodged the Report (refer also 5.6 below).
- Where any such individual has a compelling justification for his/her non-attendance that is accepted by the Judiciary Chairman in his/her absolute discretion, then they shall be given the opportunity to participate in the hearing before the Judiciary by telephone or video conference (if available).
- 5.5 Without prejudice to the Reported Person's ability to call and to question such witnesses as may be necessary, one representative of the Club or Body that the Reported Person represents may also attend such a hearing to provide additional support and assistance to the Reported Person.
- 5.6 A Reporting Person who is an umpire:



- (a) need not attend a Judiciary hearing where the Reported Person has admitted the offence and the Judiciary hearing is only required to determine the sanction that may be imposed, in accordance with clause 4.6(b), and
  - (b) shall always have the option to participate in the hearing before the Judiciary by telephone or video conference (if available).
- 5.7 A Reported Person who appears before the Judiciary Committee shall not be entitled to legal representation or representation by any other person unless the Judiciary Committee, in its sole discretion, is of the belief that such representation would assist the orderly conduct of the proceedings.
- 5.8 The non-attendance of any Reported Person or his/her representative at the hearing shall not prevent the Judiciary from proceeding with the hearing in his/her absence and issuing a ruling in relation to the offence charged.
- 5.9 At the end of a hearing, where the Judiciary considers that further evidence is necessary or further time is required to consider the evidence that has been presented, they shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary.
- 5.10 As soon as possible after the conclusion of the hearing, the Judiciary will confirm the decision in writing, with reasons, setting out:
- (a) what sanctions, if any, are to be imposed (including any fine and/or period of suspension);
  - (b) the date that any period of suspension shall come into force and effect; and
  - (c) any rights of appeal that may exist pursuant to PART 8.
- 5.11 Notwithstanding 5.10, the Judiciary shall have the discretion to announce the substance of their decision prior to the issue of the written decision referred to in clause 5.10.
- 5.12 A copy of the written decision will be provided to:
- (a) the Reported Person (via their Club or Representative Body), and
  - (b) the Reporting Person, and
  - (c) the Mitchell Cricket Umpires Association, if the Reporting Person was an Umpire, and
  - (d) the Chairman of the Association.
- 5.13 Subject only to the rights of appeal under PART 8, the Judiciary's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.
- 5.14 Notwithstanding anything else in the Code of Conduct, where a Reported Person is alleged to have committed a Level 2 Offence and wishes to have the offence with which they have been charged referred to a hearing (as would be permitted pursuant to clause 4.6(b) and 4.6(c)) and the Reported Person or another Player or Other Person is alleged to have committed a Level 3 Offence or Level 4 Offence arising from the same incident or same set of facts, the Commissioner must refer the Level 2 Offence to the Judiciary for adjudication, but as a Level 2 Offence.

### **General Principles of Procedure**

- 5.15 Where a Report is filed by more than one of the individuals described in clause 3.1 in relation to the same alleged offence under the Code of Conduct, then the Reported Person alleged to

have committed the offence will only be served with one Report in accordance with the procedures set out in clause 4. However, all persons who filed a Report in relation to the alleged offence are required to attend the hearing before the Judiciary unless there is a compelling justification for his/her non-attendance, in which case they shall be given the opportunity to participate in the hearing by telephone (if available). Refer also clause 5.4 and clause 5.6.

- 5.16 Where two or more Reported Persons are alleged to have committed offences under the Code of Conduct, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents.
- 5.17 Where a Reported Person is alleged to have committed more than one breach of the Code of Conduct during, or in relation to the same Match, then all of the alleged offences may be dealt with at the same hearing.
- 5.18 Any failure or refusal by any Reported Person to provide assistance to a Commissioner or Judiciary in connection with any charge made pursuant to this Code of Conduct may constitute a separate offence (depending upon the seriousness and context of such failure or refusal).
- 5.19 Where a Judiciary member is, or becomes unwilling or unable to hear a Report, then the Chairman of the Association shall have the discretion to appoint another Judiciary member to hear the Report as the Association deems to be appropriate in all the circumstances.
- 5.20 A decision-maker has an absolute discretion to waive compliance with any procedural requirement of this Code of Conduct provided that no party will suffer any undue prejudice through such exercise of discretion.

## **PART 6 STANDARD OF PROOF AND EVIDENCE**

- 6.1 Unless otherwise described herein, the standard of proof in all cases brought under the Code of Conduct shall be 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.
- 6.2 The decision-maker shall 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.
- 6.3 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.

## **PART 7 SANCTIONS ON REPORTED PERSONS**

- 7.1 Where the decision-maker determines that an offence under the Code of Conduct has been committed, they must impose a sanction on the Reported Person.
- 7.2 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.
- 7.3 A Reported Person who has previously been found guilty of the same offence (irrespective of Level) within the relevant Prescribed Period will attract the range of permissible sanctions in the relevant Schedule as relevant to the number of such prior offences. Otherwise, the Level of the Sanction is imposed at the discretion of the decision-maker.

- 7.4 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.

#### **Interpretive matters when imposing suspensions**

- 7.5 A warning can only be applied to a first occurrence of a Level 1 General Offence and cannot be applied to the same person again for any offence for the following two (2) years. A warning means that the relevant offence has been proven, however it is determined no further sanction be applied and no entry made into PlayHQ. A warning does not count as a first offence should the relevant person be subject to any other offence within the Prescribed Period.
- 7.6 For the purpose of determining suspension periods for a Reported Person:
- (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 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;
  - (d) 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;
  - (e) 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
  - (f) the interpretative provisions regarding Suspended Players as set out in the Association's By-laws will apply.
- 7.7 For the avoidance of any doubt, where a decision-maker imposes a period of suspension on a Reported Person:
- (a) A suspension of matches, the suspension should read "You are suspended from playing for 'number of' matches which will be until 'day and date' ", or
  - (b) A suspension for a fixed period, the suspension should read "You are suspended from playing until 'day and date' ".

- (c) Once a suspension has expired, the Reported Person will automatically become re-eligible to participate in matches.
- 7.8 If a player is suspended for a match or a number of matches:
- (a) The suspension applies to each day of the match; and
  - (b) The suspension applies to the number of matches which have been scheduled by the Association for the grade in which the offence occurred, or if the offence occurred in the ODCA's Bonnor Cup competition, for the grade in which the player normally plays; and
  - (c) If a match is not played due to weather or other reason the originally scheduled days of play are still considered to be a match; and
  - (d) The suspension includes all other matches the player could otherwise have played during the period of the suspension, including representative matches and ODCA Bonnor Cup matches.
- 7.9 For any suspension imposed following an offence committed in the ODCA Bonnor Cup competition the decision-maker shall have the discretion to determine whether the suspension shall only apply to that competition and not any other cricket.
- 7.10 No replacement player is allowed for any player who is suspended during the course of a match. However, a substitute fielder is permitted.

#### **Effects of Sanctions Imposed**

- 7.11 During any period of suspension, the Reported Person must not play, coach or otherwise participate or be involved in any capacity in any 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 any fence around the playing area) at any time, including any scheduled or unscheduled breaks in play.

- 7.12 For the avoidance of any doubt:
- (a) 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 result of any Match;
  - (b) 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);
  - (c) 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);
  - (d) 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 find the Reported Person guilty of an offence of a lower level than that with which he/she has been charged.

- (e) where a fine is imposed against a Reported Person it will ONLY for the purposes of compensating for damages, then such fine must be paid by the Reported Person to the Association within thirty (30) days of receipt of the decision imposing the fine.

However, the Association will consider any request from the Reported Person to make the payment of such fines and/or costs over a prolonged period of time solely in its absolute discretion and on the grounds of financial hardship. Should any fine and/or costs award (or agreed part-payment or instalment thereof) not be paid to the Association within such deadline or by the time of the next agreed payment date, the Reported Person may not play, coach or otherwise participate or be involved in any capacity in any Match until such payment has been satisfied in full.

## PART 8 APPEALS

8.1 Subject to clauses 8.2 and 8.4, an appeal from a decision made under PART 5 and/or PART 7 of these Procedures can be lodged by:

- (a) the Reported Person; or
- (b) the Reporting Person; or
- (c) In the case of a Level 3 or a Level 4 General Offence or a Serious Offence, the Chairman of the Association (or his/her designee).

8.2 There is no right of appeal against:

- (a) any Commissioner decision to take no action under clause 4.3 hereof of clause 6.4(b) of the ODCA By-Laws.
- (b) any Commissioner decision to refer a matter straight to the Judiciary.
- (c) the decision of a Reported Person to admit the offence charged and accept the proposed sanction.

8.3 All appeals shall be lodged with the Secretary of the Association, as follows:

Level of Offence*	Time to lodge Appeal
Level 1	Within 48 hours of notification of the original decision
Level 2	
Level 3	Within 7 days of notification of the original decision
Level 4	

**\*Note:** For the avoidance of doubt, the right of appeal will be determined by reference to the level of offence which the decision of the Commissioner or the Judiciary Committee (as applicable) relates to, and not the level of offence originally reported.

8.4 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.
- 8.5 For all appeals lodged, the original decision remains in effect throughout the duration of the appeal process until a decision is made by the Appeals Committee.

### **Appeals Committee**

- 8.6 All appeals will be heard by the Appeals Committee. The Chairman of the Association shall, as soon as is practicable, and within 72 hours of receiving an Appeals Notice, appoint an Appeals Committee to consider the appeal. The Appeals Committee shall consist of at least 3 members, each of whom shall not have been part of the Judiciary for the matter being appealed.
- 8.7 If the Appeals Committee determines that there are no grounds for appeal, the Appeals Committee shall notify the Secretary of the Association who shall promptly notify the appealing party of the reason for such decision.
- 8.8 Appeals hearings pursuant to this PART 8 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than seven (7) days after the appointment of the Appeals Committee.
- 8.9 It shall be open to the Appeals Committee, in their absolute discretion, to determine whether the matter (or any part thereof) be dealt with by way of written submissions only. In making such determination, the Appeals Committee must provide the appealing party the opportunity to be heard in respect of any written submissions.
- 8.10 The Appeals Committee has an absolute discretion to waive compliance with any procedural requirement of this Code of Conduct provided that no party will suffer any undue prejudice through such exercise of discretion.
- 8.11 The Appeals Committee, after considering the appeal, may confirm, amend or overturn the decision of the Judiciary Committee.
- 8.12 The Appeals Committee may reduce, increase, or otherwise vary any Sanction imposed by the Judiciary within the range of permissible sanctions for that Offence/s.
- 8.13 The Appeals Committee has discretion to order the refund of the Appeal fee and shall do so where the Appeal is upheld, or the Sanction is reduced.
- 8.14 There will be no further appeal rights available.

## **PART 9 CODE OF CONDUCT REGISTER**

- 9.1 The Commissioner must
- (a) maintain a register of all Reports for a period of at least 3 years covering:
    - (i) All Reports laid
    - (ii) All Reports and sanctions accepted by Reported Persons
    - (iii) All Commissioner and Judiciary findings / decisions.
  - (b) provide the Judiciary with a copy of the Code of Conduct Register (covering previous Reports and decisions as per (a) above).

- 9.2 The register is to be available to the Judiciary Committee for the purpose of assisting it in fixing any penalty for a breach of the Code of Conduct.
- 9.3 The register will be made publicly available on the Association's website save and except for any personal information that identifies a child or young person under the age of 18 years.
- 9.4 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 10 SCHEDULE A – GENERAL OFFENCES

10.1 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 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>Using language, actions or gestures which disparage or which could provoke an aggressive reaction from another player during a Match</b>
Note:	<p>Article A.1 includes any language, action or gesture used by a Player and directed towards another player which has the potential to provoke an aggressive reaction from that other player, or which could be considered to disparage or demean such Player, regardless of whether such Player feels disparaged or demeaned.</p> <p>Without limitation, Article A.1 includes:</p> <p>(a) excessive celebration directed at and in close proximity to the Player;</p> <p>(b) verbally abusing the Player; or</p> <p>(c) provocative conduct including pointing or gesturing towards the pavilion or scoreboard.</p> <p>Nothing in this Article A.1 is intended to stop Players celebrating, in an appropriate fashion, performance during the game.</p> <p>This offence is not intended to cover any conduct that is likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify a Cricket Participant 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 the CNSW Integrity Policies.</p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>A.2</b>	<b>Excessive appealing during a Match</b>
Note:	<p>For the purposes of Article A.2, '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) 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.3</b>	<b>Use of an audible obscenity during a Match</b>
Note:	<p>Article A.3 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 any live streaming of the relevant Match via PlayHQ or otherwise and/or</p> <p>(b) whether can be heard by Players and officials on the field and/or spectators and/or the viewing public, is repetitive and/or is materially offensive, obscene and/or profane.</p> <p>This conduct may include, for example, swearing in frustration at one's own play or misfortune.</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. Accordingly, there are certain circumstances where a lesser sanction may be imposed, including a warning.</p> <p>This offence is not intended to cover any conduct that is likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify a Cricket Participant 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 the CNSW Integrity Policies.</p> <p>NB – where any language the subject of this offence is directed at another person, offence A. 10 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.4</b>	<b>Disobeying an Umpire's instruction during a Match</b>
Note:	<p>Article A.4 includes any repeated failure to comply with the instruction or directive of an Umpire during a Match. This conduct may include challenging or arguing with an Umpires decision in relation to Law 2.7 and/or Law 2.8, or decisions made in pursuant to policy such as the Heat Policy.</p> <p>NB – where conduct is persistent and/or more egregious, offence A. 7 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.5</b>	<b>Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match</b>
Note:	<p>Article A.5 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</p>

	<p>even if accidental) action(s) to fixtures or fittings including but not limited to boundary fences, 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, the wickets or any other fixtures or fittings do not need to be damaged in order to constitute a breach of Article A.5.</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.6</b>	<b>Throwing a ball (or any other item of cricket equipment including, without limitation, a bat, helmet or water bottle) at or near a Player, or any other third person in an inappropriate and/or dangerous manner during a Match</b>
Note:	<p>Article A.6 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>When assessing the seriousness of the offence, the following factors shall 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 ball/object struck the other person;</p> <p>(c) the speed at which the ball/object was thrown; and</p> <p>(d) the distance from which the ball/object was thrown.</p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
<b>A.7</b>	<b>Showing dissent at an Umpire's decision during a Match</b>
Note:	<p>Article A.7 applies to all participants during a Match. Without limitation, Article A.7 may include:</p> <p>(a) in relation to a batter - excessive, obvious disappointment with an Umpire's decision; an obvious delay in resuming play or leaving the wicket; shaking the head; pointing or looking at the inside edge when given out lbw; pointing to the pad or rubbing the shoulder when caught behind; arguing or entering into a prolonged discussion with the Umpire about his or her decision.</p>

	<p>(b) <i>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 his or her decision; Players approaching and/or congregating around the Umpire.</i></p> <p>(c) <i>continuous reference to a decision throughout the innings.</i></p> <p>(d) <i>words or conduct following an Umpire’s determination of a Playing Condition.</i></p> <p><i>It shall 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> <p>(a) <i>whether the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire’s decision;</i></p> <p>(b) <i>whether there is excessive delay in resuming play or leaving the wicket or ground;</i></p> <p>(c) <i>whether the Player’s conduct was aggressive or intimidatory; or</i></p> <p>(d) <i>whether there is persistent reference to the incident over time.</i></p>
Level 1	✓
Level 2	✓ (Applies in the case of ‘serious’ dissent)
Level 3	Not applicable
Level 4	Not applicable
<b>A.8</b>	<b>Using a gesture(s) that is obscene, offensive or insulting during a Match</b>
Note:	<p><i>Article A.8 includes, without limitation, obscene gestures whether directed to a Player 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 shall be taken into account:</i></p> <p>(a) <i>the context of the particular situation; and</i></p> <p>(b) <i>whether the gesture(s) is likely to:</i></p> <p style="padding-left: 20px;">(i) <i>be regarded as obscene;</i></p> <p style="padding-left: 20px;">(ii) <i>give offence; or</i></p> <p style="padding-left: 20px;">(iii) <i>insult another person.</i></p> <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 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.9</b>	<b>Any attempt to manipulate a Match for inappropriate strategic or tactical reasons</b>
Note:	<p><i>Article A.9 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.</i></p> <p><i>Article A.9 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.</i></p> <p><i>Without limiting Article A.9, the Team Captain of the offending side may breach this Article A.9 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	Not applicable
Level 4	Not applicable
<b>A.10</b>	<b>Personal abuse of a Player or Cricket Participant during a Match</b>
Note:	<p><i>Article A.10 is intended to cover language of a personal, insulting, obscene and/or offensive nature whether directed to any Cricket Participant, or any other person (including a spectator) or about another person during a Match. 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>When considering the seriousness of the breach, the following factors (without limitation) will be considered:</i></p> <p><i>(a) whether such language was excessive and/or orchestrated;</i></p> <p><i>(b) the person at whom the language was directed (i.e. whether they were a Player, Cricket Participant or another person).</i></p> <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, Cricket Participant, Umpire and/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 the CNSW Integrity Policies.</i></p>
Level 1	Not applicable
Level 2	✓ (Applies where language 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).)
Level 3	✓ (Applies where language is 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)
Level 4	Not applicable

<b>A.11</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><i>Without limitation, Players or other persons covered by this Code will be deemed to have made comment detrimental to the interests of cricket in breach of Article A.11 if they:</i></p> <ul style="list-style-type: none"> <li><i>Publicly denigrate or criticise a Player or Umpire, 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;</i></li> <li><i>Publicly make comments in relation to any person referenced within this offence A.11 which personally abuse such person as if offence A.10 applied to such person.</i></li> <li><i>Publicly denigrate or criticise the Association, including a representative, official or volunteer of the Association;</i></li> <li><i>Publicly comment on the likely outcome of a hearing of a Report or an Appeal;</i></li> <li><i>Publicly criticise the outcome of a hearing of a Report or an Appeal under this Code of Conduct; or</i></li> <li><i>Publicly 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.</i></li> </ul> <p><i>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.</i></p> <p><i>For the avoidance of doubt, any posting of comments by a Player or other person covered by this Code, on a social media platform (including, without limitation, TikTok, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn, Instagram and Snapchat) will be deemed to be ‘public’ for the purposes of this offence.</i></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.12</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 reasonable person on the basis of that person’s race, religion, gender, colour, descent, sexuality or national or ethnic origin</b>
Note:	<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 of comments by a Player or other person covered by this Code, on a social media platform (including, without limitation, TikTok, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn, Instagram and Snapchat) 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.13</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.7) – 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>
Note:	<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 were public or could be seen or heard by others.</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	Not applicable
Level 2	✓
Level 3	✓
Level 4	✓ (Applies to intended, express, very public, very serious conduct)
<b>A.14</b>	<b>Changing the condition of the ball in breach of Law 41 of the Laws of Cricket</b>
Note:	<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’.</i></p> <p><i>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.14 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>

	<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>
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.15</b>	<b>Intimidation or attempted intimidation of an Umpire whether by language or conduct (including gestures) during a Match</b>
Note:	<p><i>Article A. 15 is intended to cover any form of intimidation of an Umpire. 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> <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 an Umpire 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 the CNSW Integrity Policies.</i></p> <p><i>[NB – an expressed threat of physical abuse or contact may be covered in offence A. 16]</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.16</b>	<b>Threat of physical abuse of another Player, Cricket Participant or any other person during a Match</b>
Note:	<p><i>Without limitation, a Player, Player Support Personnel or any other person subject to the Association’s Code of Conduct will breach Article A. 16 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,</i></p> <p><i>(a) threatening to hit or make contact with the relevant individual while at the same time raising a fist,</i></p> <p><i>(b) running at an individual causing the individual to fear any contact,</i></p> <p><i>(c) making any direct, implied or inferred threat of physical contact, or</i></p> <p><i>(d) threatening to physically harm another Player’s or Cricket Participant’s family.</i></p> <p><i>This Article applies to less serious verbal threats. Where more serious threats are present, or threats are made towards Umpires, Article B.1 may apply.</i></p>
Level 1	✓ (Applies when less serious threat is made to another Player, Cricket Participant (other than an Umpire) or any other person (including a spectator))

Level 2	✓ (Applies when threat is made to another Player, Cricket Participant (other than an Umpire) or any other person)
Level 3	Not applicable
Level 4	Not applicable
<b>A.17</b>	<b>Inappropriate physical contact during a Match</b>
Note:	<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 A.17 if they deliberately, recklessly and/or negligently make contact with another Player, Cricket Participant (including an Umpire) or any other person (including a spectator, member of the public or anyone else).</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account:</i></p> <p><i>(a) the context of the particular situation, including without limitation, whether the contact was deliberate (i.e. intentional), reckless or negligent, and/or avoidable;</i></p> <p><i>(b) the force of the contact;</i></p> <p><i>(c) any resulting injury to the person with whom contact was made; or</i></p> <p><i>(d) the person with whom contact was made.</i></p> <p><i>This Article applies to less serious instances of physical contact. Where more serious instances occur, or contact is made with Umpires, Article B.2 may apply.</i></p>
Level 1	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (other than an Umpire) or with any other person (including a spectator), where the inappropriate physical contact is minor including as to intent, 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 with any other person (including a spectator), where the inappropriate physical contact is moderate as to intent, force of contact, any injury caused)
Level 3	Not applicable
Level 4	Not applicable
<b>A.18</b>	<b>Attempting to gain an unfair advantage during a Match</b>
Note:	<p><i>Article A.18 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.15, the Team Captain of the offending side may breach this Article A.18 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.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 or during 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 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 Cricket NSW 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

<b>A.21</b>	<b>Failing or refusing, without compelling justification, to cooperate with any investigation in accordance as reasonably requested by the Code of Conduct Commissioner or Judiciary Committee</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.22</b>	<b>Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles A.1 to A.21, conduct that is contrary to the Spirit of Cricket.</b>
<i>Note:</i>	<p>Article A.22 is intended to be a ‘catch-all’ provision 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 Articles A.1 to A.21.</p> <p>The Spirit of Cricket as set out in the Preamble to the Laws of Cricket involves respect for your opponents, your captain, your teammates and the authority of the umpires.</p> <p>Where conduct may be reasonably seen to infringe on the Spirit of Cricket but is not otherwise captured by another offence set out above, this offence may be used to capture such conduct. 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.</p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓

10.2 The table below sets out the prescribed penalties for breaches of Articles A.1 to A.22.

Level of Offence	Range of Permissible Sanctions			
	First Offence	Second Offence within 18 months	Third Offence within 18 months	Fourth & subsequent Offences within 18 months
Level 1	(a) Warning; or (b) Reprimand; or (c) Suspension from completing the Match in which the Offence occurred; or (d) one (1) match suspension.	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
Level 2	Suspension for 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	A suspension for a period between one (1) and five (5) years

			equivalent of eight (8) matches and one (1) year	
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) and seven (7) years
Level 4	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) and seven (7) years	A suspension for a period between one (1) and ten (10) years

## PART 11 SCHEDULE B – SERIOUS OFFENCES

11.1 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 Association’s 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

<b>B.1</b>	<b>Threat of physical abuse of another Player, Cricket Participant or any other person during a Match</b>
Note:	<p><i>Without limitation, a Player, Player Support Personnel or any other person subject to the Association’s Code of Conduct 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,</i></p> <p><i>(a) threatening to hit or make contact with the relevant individual while at the same time raising a fist,</i></p> <p><i>(b) running at an individual causing the individual to fear any contact,</i></p> <p><i>(c) making any direct, implied or inferred threat of physical contact, or</i></p> <p><i>(d) threatening to physically harm another Player’s or Cricket Participant’s family.</i></p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓ (Applies when serious threat is made to another Player, Cricket Participant or any other person other than an Umpire)
Level 4	✓ (Applies to very serious threats of violence or physical abuse and/or when serious threat is made to an Umpire)
<b>B.2</b>	<b>Inappropriate physical contact during a Match</b>
Note:	<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 any other person (including a spectator, member of the public or anyone else).</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account:</i></p> <p><i>(a) the context of the particular situation, including without limitation, whether the contact was deliberate (i.e. intentional), reckless or negligent, and/or avoidable;</i></p> <p><i>(b) the force of the contact;</i></p> <p><i>(c) any resulting injury to the person with whom contact was made; or</i></p> <p><i>(d) the person with whom contact was made.</i></p>
Level 1	Not applicable
Level 2	Not applicable

Level 3	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (other than an Umpire) or with any other person (including a spectator), where the inappropriate physical contact is serious, or in the case of an Umpire is not viewed as accidental and is minor, involved a minor force of contact, no injury was caused)
Level 4	✓ (Applies in the case of relevant conduct towards a Player, Cricket Participant (other than an Umpire) 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, causes material injury), or in the case of an Umpire is serious)
<b>B.3</b>	<b>Breach of Code of Conduct by a Team or Club</b>
Note:	<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 Association President (or their nominee) there has been conduct of such material nature:</i></p> <p><i>(A) in relation to a Team or Club, involving any one or more of the following elements:</i></p> <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> <p><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></p> <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 7.12(b) and (c) of these Code of Conduct Procedures).</i></p> <p><i>Any communication in relation to this offence, including any Notice of Charge, shall be forwarded to the Secretary of the relevant Club.</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) will be taken into account: (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; (b) the nature and/or substance of the relevant conduct (e.g. the offensiveness of any words or conduct); (c) the degree the relevant conduct was public or could be seen or heard by others; (d) the number of Cricket Participants involved; (e) the number of offences alleged to have occurred and the Levels that could be applied; (f) where the offence is committed in the presence of or visible to any minor(s) (under 18 years).</i></p> <p><i>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.</i></p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓

<b>B.4</b>	<p><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:</b></p> <p><b>(a) is unbecoming of a representative or official;</b></p> <p><b>(b) is or could be harmful to the interests of cricket; or</b></p> <p><b>(c) does or could bring the game of cricket into disrepute.</b></p>
Note:	<p><i>Article B.4 is intended to be a ‘catch-all’ provision 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 Schedule A or Schedule B.</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, 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.</i></p> <p><i>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.</i></p> <p><i>Nothing in this offence is intended to limit the operation of the CNSW Integrity Policies.</i></p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓

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

<b>Level of Offence</b>	<b>Range of Permissible Sanctions (First Offence)</b>	<b>Range of Permissible Sanctions (Second or subsequent Offence within 3 seasons)</b>
Level 1	<p>As against an individual, any one or more of:</p> <p>(a) Reprimand;</p> <p>(b) a suspension between one (1) and eight (8) matches;</p> <p>(c) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within the Association or any of its Affiliated Clubs for a period up to the greater of six (6) months and the end of the relevant season;</p> <p>(d) require the person undergo counselling and/or any training or education for a specified time.</p>	<p>As against an individual, any one or more of:</p> <p>(a) Reprimand;</p> <p>(b) 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;</p> <p>(c) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within the Association or any of its Affiliated Clubs for a period up to twelve (12) months; and/or</p> <p>(d) require the person undergo counselling and/or any training or education for a specified time.</p>

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 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 the Association or any of its Affiliated Clubs 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 an individual, any one or more of:</p> <ul style="list-style-type: none"> <li>(a) a suspension for a period between six (6) months and 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 the Association or any of its Affiliated Clubs for a period up to two (2) years; and/or</li> <li>(c) require the person undergo counselling and/or any training or education for a specified time.</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 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;</li> <li>(b) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within the Association or any of its Affiliated Clubs for a period up to two (2) 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 the maximum number of points available to be awarded to the relevant Team for the relevant Match; and/or</li> <li>(e) Deduction of all points earned or contributed by the relevant Team to the Club Championship (or similar) award in the relevant season.</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 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 the Association or any of its Affiliated Clubs 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 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 in the current relevant season and any of the next one (1) to two (2) subsequent seasons.</li> <li>(f) Deduction of all points earned or contributed by the relevant Team to the Club Championship (or similar) award in the current relevant season and any of the next one (1) to two (2) subsequent seasons.</li> </ul>
Level 4	<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 the</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 the</li> </ul>

<p>Association or any of its Affiliated Clubs 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 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 in the current relevant season and any of the next one (1) to two (2) subsequent seasons.</p> <p>(f) Deduction of all points earned or contributed by the relevant Team to the Club Championship (or similar) award in the current relevant season and any of the next one (1) to two (2) subsequent seasons.</p>	<p>Association or any of its Affiliated Clubs for a period up to five (5) 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 in the next one (1) to three (3) subsequent seasons.</p> <p>(f) Deduction of all points earned or contributed by the relevant Team to the Club Championship (or similar) award in the next one (1) to three (3) subsequent seasons.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------