

# CNSW Code of Conduct Procedures

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## 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 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 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) For the avoidance of doubt, a reference to Match Referee 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.

## Part 2 Spirit of Cricket

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



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### **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, Articles A.1 to A.21 will amount to an 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.
- (3.2) 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.
- (3.3) For the purposes of the Code of Conduct, the phrase "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, for example in the changing rooms, or during any of the intervals in the Match and will be deemed to have occurred "On Field" for the purposes of this Code of Conduct.
- (3.4) For the avoidance of doubt, in circumstances where a Person Reported is involved in an off-field 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 Person Reported 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 in the manner described in clause 5.2, below (a Report):
- (a) An Umpire;
  - (b) 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;
  - (c) CNSW Chief Executive Officer (or his or her designee);
  - (d) An Executive Officer or appointed official who is from or affiliated with the Cricket Association to which the relevant Reported Person belongs.
- (4.2) All Reports must be completed on the CNSW Reporting Form as made available for this purpose by CNSW from time to time. All Reports must be signed and dated by the Person Reporting.
- (4.3) A Report may be withdrawn at any time before a hearing by the Person Reporting.

## Part 5 Initial review and Notification procedure

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

Classification of Offence	Person Reporting	Reporting Deadline
Level 1	Umpire	Within 2 days from the day of match completion
Level 1	Any other person described at clause 4.1(b) to (d)	Within 48 hours of becoming aware of the Offence
Level 2	Umpire	Within 2 days from the day of match completion
Level 2	Any other person described at clause 4.1(b) to (d)	Within 48 hours of becoming aware of the Offence
Level 3 (on-field)	Any person described at clause 4.1	Within 7 days from the day of match completion
Level 3 (off-field)	Any person described at clause 4.1	Within 21 days from the day of match completion
Level 4 (on-field)	Any person described at clause 4.1	Within 7 days from the day of match completion
Level 4 (off-field)	Any person described at clause 4.1	Within 21 days from the day of match completion



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- (5.2) 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.
- (5.3) Commissioner may, in their absolute discretion, seek further evidence as part of the initial review including notifying the Person Reported.
- (5.4) If the Commissioner believes that there is no case to answer, they will notify the Competition Administrator and/or Head of Integrity as appropriate who will inform the Person Reporting of the decision and the reasons that such a determination has been made and that no action is to be taken against the Person Reported.

#### **Notice of Charge**

- (5.5) After the initial review is complete, the Commissioner will 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.
- (5.6) Non-compliance of the Person Reported to respond to the Notice of Charge, or attend any hearing, will not prevent the relevant 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.

## **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) Any Commissioner or Judiciary Committee will conduct any disciplinary procedure under these Code of Conduct Procedures with as little formality and technicality and as quickly as possible, subject to proper consideration of the Report being permitted.
- (6.3) For any Level 1 Offence and Level 2 Offence that proceeds to a hearing, the case will be heard by the Commissioner.
- (6.4) The Commissioner 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) For any Level 3 Offence and Level 4 Offence or a Level 2 offence under A.12, A.15 and A.21 that proceeds to a hearing, the case will be heard by the CNSW Judiciary Committee.
- (6.6) The Judiciary Committee 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.



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## 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 Commissioner and/or the Judiciary Committee is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.
- (7.2) The Commissioner and/or the Judiciary Committee 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.
- (7.3) The Commissioner and/or the Judiciary Committee 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 8 Sanctions on Reported Persons

- (8.1) Where a Commissioner or Judiciary Committee 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 B.
- (8.3) In determining the sanction, the Commissioner must first consider whether the Reported Person has previously been found guilty of any offences at the same Level (but not necessarily under the same Article) of the Code of Conduct (or any predecessor regulations that may have applied) within a period of three years prior to the date on which the proven offence took place.
- (8.4) Other than the consideration at clause 8.3, the Commissioner or Judiciary 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 Schedule B, 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 Person Reported'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.
- (8.5) For the purpose of determining suspension periods for a Reported Person, the interpretative provisions regarding Suspended Players as set out in the CNSW By-laws will apply.
- (8.6) 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 perimeter boards) at any time, including during any scheduled or unscheduled breaks in play.
- (8.7) For the avoidance of doubt:



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- (a) the Commissioner or any Judiciary Committee has no jurisdiction to adjust, reverse or amend the results 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 Commissioner or a Judiciary Committee 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 they have been charged.

## Part 9 Appeals

### General matters relating to appeals

(9.1) Subject to clause 9.4, an appeal can be lodged by:

- (a) The Person Reported; or
- (b) The Person Reporting; or
- (c) In the case of decision of Level 2 offence under A.12, A.15 and A.21 (“Off-Field” only) Offences, a Level 3 Offence or a Level 4 Offence, the CNSW Chief Executive Officer.

(9.2) There is no right of appeal against:

- (a) any Commissioner decision to take no action under clause 5.4 hereof or clause 6.4(b)(i) of the CNSW By-laws;
- (b) any Commissioner decision to refer a matter to a Judiciary Committee or the Head of Integrity for determination of procedure, or for hearing; or
- (c) the decision of a Person Reported to admit the offence charged and accept the proposed sanction.

(9.3) The following will apply to all Appeals:

Level of Offence*	Time to lodge Appeal	Appeal heard by
Level 1	Within 48 hours of notification of the original decision	Head of Integrity
Level 2		Judiciary Committee
Level 3	Within 7 days of notification of the original decision	Judiciary Committee
Level 4		
Off-field (any level)	Within 7 days of notification of the original decision	National Sports Tribunal or CNSW Appeals Board



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**\*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. In circumstances where the application of clause 9.3 would lead to the same level of adjudicator hearing the appeal as heard the first instance case, then the relevant adjudicatory body will be the higher body.

- (9.4) 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.
- (9.5) All appeals against 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.
- (9.6) All appeals from Off-Field Offences at any level will be referred to the National Sports Tribunal unless the circumstances require that the matter be referred to the CNSW Appeals Tribunal.
- (9.7) Except as provided by clauses 9.5 and 9.6, all other appeals will be heard by a Judiciary Committee in such manner as the Committee deems necessary and appropriate in the circumstances in its absolute discretion, including whether the matter will be heard by way of a hearing de novo (i.e. they hear the matter over again, from the beginning without being bound in any way by the decision being appealed) or to proceed only on a consideration of whether the original decision was erroneous.

**Note:** For the avoidance of doubt, this clause applies to decisions relating to a second or subsequent Level 1 Offence, and all Level 2, Level 3 and Level 4 Offences that occur 'in the field of play'.

- (9.8) If the matter is heard by the CNSW Appeals Tribunal, that Tribunal 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 Tribunal considers that such party has acted spuriously, frivolously, without reasonable cause or otherwise in bad faith.
- (9.9) There will be no further appeal rights available.

## Part 10 Definitions and Interpretation

### Defined Terms

- (10.1) 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.
CNSW Integrity Policies	has the meaning as prescribed in the CNSW By-Laws.
Commissioner	means the CNSW Code of Conduct 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:



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	(a) CNSW; (b) each company or incorporated association that is a member or affiliate of CNSW; (c) Team, which means a collection or squad of athletes who compete and/or train in cricket and/or cricket activities; and (d) any other organisation who has agreed to be bound by the CNSW By-Laws.
Head of Integrity	means the Cricket NSW Head of Integrity position or 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 Reported	has the meaning as prescribed in the CNSW By-Laws.
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
Report	has the meaning prescribed in Part 4 of this Procedure.
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 New South Wales Cricket Umpires and Scorers Association.

## Interpretation

(10.2) In this Policy:

- (a) references to 'including' or similar words are not words of limitation;
- (b) 'business day' means a day other than a Saturday, a Sunday or a day which is lawfully observed as a public holiday in the State of New South Wales;
- (c) all notices must be in writing and in English;
- (d) words in the singular include the plural and vice-versa;
- (e) 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; and
- (f) to the extent that there is any inconsistency between a term of any legislation and a term of this Policy, the term of that legislation overrides the Policy and applies to the extent of the inconsistency.



## Part 11 Schedule A – Offences

- (11.1) The table below prescribes the conduct that will amount to an 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>Using language, actions or gestures which disparage or which could provoke an aggressive reaction from a batter upon their dismissal during a Match</b>
<i>Note:</i>	<p><i>Article A.1 includes any language, action or gesture used by a Player and directed towards a batter upon their dismissal which has the potential to provoke an aggressive reaction from the dismissed batter, or which could be considered to disparage or demean the dismissed batter, regardless of whether the batter feels disparaged or demeaned (in other words, a 'send off'). Without limitation, Article A.1 includes:</i></p> <p><i>(a) excessive celebration directed at and in close proximity to the dismissed batter; (b) verbally abusing the dismissed batter; or (c) pointing or gesturing towards the pavilion.</i></p> <p><i>Nothing in this Article A.1 is intended to stop Players celebrating, in an appropriate fashion, the dismissal of a batter.</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	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>A.2</b>	<b>Excessive appealing during a Match</b>
<i>Note:</i>	<p><i>For the purposes of Article A.2, 'excessive' may include: (a) repeated appealing of the same decision/appeal; (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; (c) charging or advancing towards the Umpire in an aggressive manner when appealing; or (d) celebrating or assuming a dismissal before the decision has been given. It is not intended to prevent loud or enthusiastic appealing.</i></p>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>A.3</b>	<b>Use of an audible obscenity during a Match</b>



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<b>Note:</b>	<p>Article A.3 covers the use of words commonly known and understood to be offensive, obscene and/or profane (in any language) which can be heard by spectators and/or the viewing public whether by way of the stump microphone or otherwise. This conduct may include, for example, swearing in frustration at one's own play or misfortune.</p> <p>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.</p>
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
<b>A.4</b>	<b>Disobeying an Umpire or Match Referee's instruction during a Match</b>
<b>Note:</b>	<p>Article A.4 includes any repeated failure to comply with the instruction or directive of an Umpire or Match Referee during a Match.</p>
Level 1	✓
Level 2	Not applicable
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>
<b>Note:</b>	<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 (ie intentional), reckless or negligent (in either case even if accidental) action(s) to fixtures or fittings including but not limited to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.</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	Not applicable
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, 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.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 will be taken into account: (a) the context of the particular situation, including without limitation, whether the action was deliberate, reckless, negligent and/or avoidable; (b) whether the ball/object struck the other person; (c) the speed at which the ball/object was thrown; and (d) the distance from which the ball/object was thrown.</p>



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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><i>Without limitation, Article A.7 may include: (a) excessive, obvious disappointment with an Umpire's decision; (b) an obvious delay in resuming play or leaving the wicket or ground; (c) shaking the head; (d) pointing or looking at the inside edge of the bat when given out lbw; (e) pointing to the pad or rubbing the shoulder when given out caught behind; (f) snatching the cap from the Umpire; (g) arguing or entering into a prolonged discussion with the Umpire about their decision.</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.</i></p> <p><i>This offence is not intended to punish a batter showing their instinctive disappointment at their dismissal.</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) should be considered: (a) whether the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision; (b) whether there is excessive delay in resuming play or leaving the wicket or ground; or (c) 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 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: (a) the context of the particular situation; and (b) whether the gesture(s) is likely to: (i) be regarded as obscene; (ii) give offence; or (iii) 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>



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<p><b>Note:</b></p>	<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>
<p>Level 1</p>	<p>Not applicable</p>
<p>Level 2</p>	<p>✓</p>
<p>Level 3</p>	<p>Not applicable</p>
<p>Level 4</p>	<p>Not applicable</p>
<p><b>A.10</b></p>	<p><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></p>
<p>Level 1</p>	<p>Not applicable</p>
<p>Level 2</p>	<p>✓</p>
<p>Level 3</p>	<p>Not applicable</p>
<p>Level 4</p>	<p>Not applicable</p>
<p><b>A.11</b></p>	<p><b>Personal abuse of a Player or Player Support Personnel during a Match</b></p>
<p><b>Note:</b></p>	<p><i>Article A.11 is intended to cover language of a personal, insulting, obscene and/or offensive nature whether directed to any Player and/or Player Support Personnel 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 or the Player or Support Personnel at whom it is directed.</i></p> <p><i>When considering the seriousness of the breach, the following factors (without limitation) will be considered: (a) whether such language was excessive and/or orchestrated; and (b) the person at whom the language was directed (ie whether they were a Player, Player Support Personnel 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 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>
<p>Level 1</p>	<p>Not applicable</p>
<p>Level 2</p>	<p>✓ (Applies where language is of a personal, insulting, obscene and/or offensive nature whether directed to any Player and/or Player Support Personnel or about another person (other than an Umpire or Match Referee))</p>
<p>Level 3</p>	<p>✓ (Applies in instances of a Player or Player Support Personnel directing language of a personal, insulting, obscene and/or offensive nature at another Player, Player Support Personnel, or whether directed at an Umpire or Match Referee)</p>
<p>Level 4</p>	<p>Not applicable</p>



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<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>
<i>Note:</i>	<p><i>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.12 if they:</i></p> <ul style="list-style-type: none"> <li><i>Publicly denigrate or criticise a Player or Player Support Personnel, 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>Denigrate or criticise CNSW or its Affiliates or any of their respective commercial partners;</i></li> <li><i>Denigrate or criticise a representative, official, employee, volunteer or official contractor of CNSW;</i></li> <li><i>Denigrate a town or city in which they are touring or have toured or are likely to be touring or officiating;</i></li> <li><i>Denigrate the home town, 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;</i></li> <li><i>Comment on the likely outcome of a hearing of a Report or an appeal;</i></li> <li><i>Criticise the outcome of a hearing of a Report or an appeal under this Code of Conduct; or</i></li> <li><i>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 by a Player or Player Support Personnel of comments on a social media platform (including, without limitation, TikTok, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn and Snapchat) will be deemed to be 'public' for the purposes of this offence.</i></p>
Level 1	Not applicable
Level 2	✓
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 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>
<i>Note:</i>	<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 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.14</b>	<b>Changing the condition of the ball in breach of Law 41 of the Laws of Cricket</b>



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<p>Note:</p>	<p>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): (a) deliberately throwing the ball into the ground for the purpose of roughening it up; (b) applying any artificial substance to the ball; and applying any non-artificial substance for any purpose other than to polish the ball; (c) lifting or otherwise interfering with any of the seams of the ball; (d) scratching the surface of the ball with finger or thumb nails or any implement.</p> <p>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.</p> <p>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.</p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	Not applicable
<b>A.15</b>	<b>Intimidation or attempted intimidation of an Umpire or Match Referee whether by language or conduct (including gestures) during a Match</b>
<p>Note:</p>	<p>Article A.15 is intended to cover any form of intimidation of an Umpire or Match Referee. It includes, without limitation: (a) any form of continual verbal or physical harassment; (b) any form of intentional behaviour that would cause the person at whom it is being directed to fear injury or harm; and (c) attempts to impede or block movement.</p> <p>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 or Match Referee 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	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	Not applicable
<b>A.16</b>	<b>Attempting to gain an unfair advantage during a Match</b>



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<b>Note:</b>	<p>Article A.16 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: (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); (b) conspiring with other Players and/or Player Support Personnel to do anything which constitutes an attempt to gain an unfair advantage; or (c) taking a foreign object onto the field whose most likely reason for being there is to change the condition of the ball.</p> <p>Without limiting Article A.16, the Team Captain of the offending side may breach this 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 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	Not applicable
Level 3	✓
Level 4	Not applicable
<b>A.17</b>	<b>Threat of assault or physical abuse of another Player, Player Support Personnel or any other person during a Match</b>
<b>Note:</b>	<p>Without limitation, a Player or Player Support Personnel will breach Article A.17 if they do or say anything which would cause the Player or Player Support Personnel or other person to whom such action was directed to fear harmful or offensive contact, for example and without limitation, threatening to hit the relevant individual while at the same time raising a fist, or threatening to physically harm another Player's family.</p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓ (Applies when threat is made to another Player, Player Support Personnel (other than an Umpire or Match Referee) or any other person)
Level 4	✓ (Applies when threat is made to an Umpire or Match Referee)
<b>A.18</b>	<b>Physical assault of another Player, Player Support Personnel or any other person during a Match</b>
<b>Note:</b>	<p>Without limitation, a Player or Player Support Personnel will breach Article A.18 if they intentionally or recklessly cause the Player, Player Support Personnel or any other person bodily harm or injury.</p> <p>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 contact was deliberate (ie intentional), reckless or negligent; (b) the force of the contact; (c) any resulting injury to the person with whom contact was made; or (d) the person with whom contact was made.</p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	✓
<b>A.19</b>	<b>Any act of violence on the field of play during a Match</b>



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Note:	<p>Without limitation, a Player or Player Support Personnel will breach Article A.19 if they kick or punch or fight another Player or Player Support Personnel or any other person during a Match. 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 contact was deliberate (ie intentional), reckless or negligent; (b) the force of the contact; (c) any resulting injury to the person with whom contact was made; or (d) the person with whom contact was made.</p> <p><i>This applies in a situation not covered by Article A.18.</i></p>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	✓
<b>A.20</b>	<b>Inappropriate physical contact during a Match</b>
Note:	<p>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.20 if they deliberately, recklessly and/or negligently walk, “shoulder”, or run into another Player, Player Support Personnel or any other person.</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 contact was deliberate (ie intentional), reckless or negligent, and/or avoidable; (b) the force of the contact; (c) any resulting injury to the person with whom contact was made; or (d) the person with whom contact was made.</i></p>
Level 1	✓ (Applies only in the case of a Player, Player Support Personnel (other than an Umpire or Match Referee) or with any other person (including a spectator))
Level 2	✓ (Applies only in the case of a Player, Player Support Personnel (other than an Umpire or Match Referee) or with any other person (including a spectator), where the inappropriate physical contact is serious)
Level 3	✓ (Applies only in the case of an Umpire or Match Referee)
Level 4	✓ (Applies only in the case of an Umpire or Match Referee or for any act of violence on the field of play)
<b>A.21</b>	<b>Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles A.1 to A.20, conduct that either: (a) is contrary to the Spirit of Cricket; (b) is unbecoming of a representative or official; (c) is or could be harmful to the interests of cricket; or (d) does or could bring the game of cricket into disrepute</b>
Note:	<p><i>Article A.21 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.20.</i></p> <p><i>The Spirit of Cricket as set out in Part 2 of the Code of Conduct Procedures involves respect for (a) your opponents, (b) your captain and team, (c) the role of the match officials; and (d) the game and its traditional values.</i></p>
Level 1	<p>✓</p> <p>Applies to on field and off field incidents, including without limitation the use of illegal equipment during a Match (to the extent not covered by Article A.5).</p>





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Level 2	✓ Applies, without limitation to: (a) On field: i. use of illegal equipment during a Match (to the extent not covered by Article A.5); and/or ii. cheating during a match, including deliberate attempts to mislead the Umpire. (b) Off field: i. criminal conduct; ii. public acts of misconduct; iii. unruly public behaviours; and/or iv. sexual misconduct.
Level 3	✓ Applies, without limitation to: (a) On field: i. cheating during a match, including deliberate attempts to mislead the Umpire; and/or ii. any conduct considered against the spirit in which the game of cricket should be played. (b) Off field: i. serious or repeated criminal conduct; ii. serious or repeated public acts of misconduct; iii. serious or repeated unruly public behaviours; and/or iv. serious or repeated sexual misconduct.
Level 4	✓ Applies, without limitation to: (a) On field: i. cheating during a match, including deliberate attempts to mislead the Umpire; and/or ii. any conduct considered against the spirit in which the game of cricket should be played. (b) Off field: i. extremely serious or repeated criminal conduct; ii. extremely serious or repeated public acts of misconduct; iii. extremely serious or repeated unruly public behaviours; and/or iv. extremely serious or repeated sexual misconduct.

## Part 12 Schedule B - Prescribed Sanctions

Level of Offence	Range of Permissible Sanctions (First Offence)	Range of Permissible Sanctions (Second Offence within 18 months)	Range of Permissible Sanctions (Third Offence within 18 months)	Range of Permissible Sanctions (Fourth & subsequent Offences within 18 months)
Level 1	(a) Reprimand; Or (b) one (1) Match suspension.	(A suspension of between one (1) and two (2) 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	A suspension of between one (1) and two (2) 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) 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) Match Suspension and one (1) year.*	A suspension for a period between one (1) year and five (5) years.	n/a
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, up to a maximum of five (5) years.	A suspension for a period between one (1) year and Five (5) years.	n/a	n/a

<p>Any of offences A.12, A.15, A.21</p>	<p>Any one or more of the following penalties:</p> <ul style="list-style-type: none"> <li>(a) a suspension of between one (1) Match up to a maximum of a lifetime's suspension;</li> <li>(b) banning the person from holding (or continuing to hold) any position within CNSW or any of its affiliates or</li> <li>(c) direct that the person make reparation for damage caused by that person to any property;</li> <li>(d) require the person undergo counselling for a specified time;</li> <li>(e) require the person perform voluntary service to cricket or the community; and/or</li> <li>(f) reprimand the person</li> </ul>	<p>Same as for first offence, plus:</p> <ul style="list-style-type: none"> <li>(a) A written warning about the repetitive breach.</li> </ul>	<p>Referral to a Judiciary Committee and a minimum suspension of period of six (6) months, plus any other penalties as prescribed for the first offence.</p>	<p>Referral to a Judiciary Committee and a minimum suspension of period of 12 months, plus any other penalties as prescribed for the first offence.</p>
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