



CRICKET NSW

CNSW Code of Conduct Procedures 2024-25 season

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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 and/or Judiciary Committee has the definition as set out in Part 10 of this Procedure and where validly appointed has the same jurisdiction, power and responsibility as the CNSW Code of Conduct Commissioner. Collectively, the Commissioner, Judiciary Committee and/or Match Referee are a ‘decision-maker’ as set out in these Procedures.

Part 2 Spirit of Cricket

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

The Spirit of Cricket

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

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

Respect is central to the Spirit of Cricket.

Respect your captain, team-mates, opponents and the authority of the umpires. Play hard and play fair.
Accept the umpire's decision.

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

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

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

Part 3 Code of Conduct Offences

- (3.1) The conduct described in Schedule A and Schedule B will amount to an Offence under the Code of Conduct if committed by a person (or a Team) who is bound by the Cricket NSW By-Laws and/or who has otherwise agreed to be bound by the Code of Conduct.
- (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” or “during a match” should be interpreted broadly to cover all conduct which takes place at the ground on the day of a Match, which is incidental to, relating to, arising from, subsequent to or in connection with such conduct, and not just conduct which takes place on the field of play. It will therefore include conduct which takes place off the field of play at the ground on the day of the Match, and it may also include conduct that is incidental to, or connected to matters which transpired prior to, on the field of play, or after the Match. Examples include conduct in the changing rooms, during any of the intervals in the Match, conduct at a location nearby the ground after play has concluded, dissent of an Umpire's decision on social media.
- (3.4) For the avoidance of doubt, in circumstances where a 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 notified to the CNSW Integrity Unit within the timeframes set out in Part 5 and be in the form requested or they may be rejected.
- (4.3) A Report may be withdrawn at any time before a hearing by the Person Reporting.
- (4.4) All Reports raised through clause 4.1(c) will follow these Procedures as if they were being made for the first time notwithstanding any prior process that may have been undertaken by another Cricket Organisation.

Part 5 Initial review and notification procedure and provisional action

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

Classification of Offence	Reporting Deadline
Level 1 and 2 (General Offences)	Within 48 hours of Match completion or of becoming aware of the Offence
Level 3 and 4 (General Offences)	Within 7 days from the day of Match completion
Serious Offences (all Levels)	Within 21 days from the day of Match completion

- (5.2) The Commissioner may, in their absolute discretion, accept a Report outside of the time frames set out at clause 5.1 if exceptional circumstances exist.
- (5.3) All Reports will go through an initial review by the Commissioner who will determine whether the Reported Person named in the Report has a case to answer in relation to the matters identified in the Report and, if so, determine the type and/or level of offence is. As part of that review, the Commissioner may, in their absolute discretion, seek further evidence as part of the initial review including:
- (a) notifying the 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.

- (5.4) 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 CNSW Constitution and/or By-Laws.
- (5.5) For the purpose of clause 5.4(d), the matter may be brought back to be managed under these Procedures if the circumstances of the case require it.

Notice of Charge

- (5.6) After the initial review is complete, the Commissioner may issue a Notice of Charge that will specify the Reported Person has the following options:
- (a) they may admit the offence charged and accept the proposed sanctions specified in the Notice of Charge, provided that the admission is received by the Commissioner or the Head of Integrity (as the case may be) prior to the time specified for the hearing; or
 - (b) they may admit the offence charged and dispute the proposed sanction specified in the Notice of Charge, in which case the matter will proceed to a hearing in accordance with Part 6; or
 - (c) they may deny the offence charged, in which case the matter will proceed to a hearing in accordance with Part 6.
- (5.7) Non-compliance of the Person Reported to respond to the Notice of Charge, or attend any hearing, will not prevent the decision-maker from proceeding with the hearing in their absence, provided that the decision-maker has made reasonable enquiries as to why there has been no response.

Provisional Action

- (5.8) When a Report is lodged in relation to any Level 3 or Level 4 offence the Head of Integrity may impose a provisional suspension on the Reported Person if the evidence available suggests there is a further or ongoing risk of harm that may be suffered by one or more persons involved in the sport of cricket.
- (5.9) Any provisional suspension imposed will remain in place pending the outcome of the disciplinary procedure, including the implementation of any sanction or appeal process.
- (5.10) There is no appeal against a decision of the Head of Integrity in relation to Provisional Action.
- (5.11) Where a provisional suspension is imposed, the Reported Person shall be entitled to an expedited hearing to be held as soon as practicable after the imposition of the suspension.

Repeat Offenders

- (5.12) If a Player is reported for a breach of the Code of Conduct and:
- (a) it is the Player's fourth or more offence of any kind under the Code of Conduct within two (2) seasons; or

- (b) the Player has been proven to have committed six (6) or more offences of any kind; the Player may be referred directly to the Judiciary Committee to determine the penalty to be imposed taking into account:
 - (c) the submissions of the CEO and /or the Commissioner;
 - (d) the nature and type of offences committed and with regard to the guidance on subsequent penalties in the Schedules; and
 - (e) whether the Player remains a fit and proper person to be registered to play cricket in New South Wales.
- (5.13) For the purpose of calculating the periods of time in clause 5.12, the initial relevant starting date for all Players is 1 July 2023, and thereafter in respect of a Player the periods of time shall reset or restart upon any finding of a breach under these Procedures.

Part 6 Disciplinary procedure

- (6.1) A Reported Person cannot attempt to negotiate, bargain or otherwise seek to reduce the imposed sanction in relation to any alleged offence committed under this Code of Conduct.
- (6.2) The decision-maker will conduct any disciplinary procedure under these Code of Conduct Procedures with as little formality and technicality and as quickly as possible, subject to proper consideration of the Report being permitted.
- (6.3) For any Level 1 and Level 2 Offence that proceeds to a hearing, the case will be heard by the Commissioner or by a Match Referee.
- (6.4) For any Level 3 Offence and Level 4 Offence that proceeds to a hearing, the case will be heard by a Judiciary Committee.
- (6.5) The decision-maker may determine the procedure at the hearing in their absolute discretion, subject to ensuring that the Reported Person is provided a fair and reasonable opportunity to present their case.

Part 7 Standard of Proof and evidence

- (7.1) Unless otherwise described herein, the standard of proof in all cases brought under the CNSW Code of Conduct is whether the decision-maker is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.
- (7.2) The decision-maker will not be bound by the rules of evidence. Instead, facts relating to an offence allegedly committed under the Code of Conduct may be established by any reliable means, including admissions.
- (7.3) 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 8 Sanctions on Reported Persons

- (8.1) Where a decision-maker determines that an offence under the Code of Conduct has been committed, they must impose a sanction on the Reported Person.

- (8.2) Sanctions will be imposed using the prescribed penalties set out at Schedule A for General Offences and Schedule B for Serious Offences, or as otherwise provided in these Procedures.
- (8.3) 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.
- (8.4) 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 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.

Interpretative matters when imposing suspensions

- (8.5) 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.
- (8.6) 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 Match to which a suspension is to be served or applied (herein a "Relevant Suspension" and a "Relevant Match") is subsequently cancelled, postponed or otherwise abandoned prior to conducting the toss between the two relevant captains then the Relevant Suspension must be reallocated to the next subsequent Match(es) in which the Player is eligible to participate in;
 - (d) Where a Relevant Match is cancelled, postponed or otherwise abandoned prior to conducting the toss over a period of more than twice the intended period of the Relevant Suspension, the Person Reported can apply to the Commissioner for alteration of the sanction;
 - (e) Where a prescribed penalty provides for a suspension of Match(es), then an alternate sanction may be imposed for a fixed period of time measured in weeks equivalent to the relevant number of Match(es) or range of Matches; or any

combination of Match(es) or a fixed period of time provided the maximum suspension imposed does not exceed that stated in Schedules A and/or B;

- (f) Where 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;
- (g) 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
- (h) the interpretative provisions regarding Suspended Players as set out in the CNSW By-laws will apply.

Effect of Sanctions imposed

- (8.7) 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.

- (8.8) For the avoidance of 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 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 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 they have been charged.

Deferred Suspensions

- (8.9) Subject to this Part and the relevant Schedule, a prescribed sanction or part thereof may be deferred at the discretion of the decision-maker, noting that:
 - (a) provided any minimum Match suspensions are applied, the decision-maker has the discretion to apply all or any portion of any permissible Match suspensions as deferred or implemented in any combination; and

- (b) if a Deferred Suspension is imposed and the Reported Person is found guilty of a further offence as prescribed under the Code of Conduct within the Prescribed Period, the Deferred Suspension must be served immediately upon the guilty finding and cannot be further deferred, irrespective of whether any Match suspensions are imposed relevant to the subsequent further offence.

Part 9 Appeals

General matters relating to appeals

- (9.1) Subject to clauses 9.2 and 9.4, an appeal from a decision made under Part 6 and/or Part 8 of these Procedures can be lodged by:
- (a) The Person Reported; or
 - (b) The Person Reporting; or
 - (c) In the case of decision of a Level 3 or a Level 4 General Offence or a Serious 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 hearing, or to a Judiciary Committee or the Head of Integrity for determination of procedure;
 - (c) the decision of a Person Reported to admit the offence charged and accept the proposed sanction as set out in the Notice of Charge; or
 - (d) the decision of a Judiciary Committee on a Level 3 or Level 4 offence other than in the circumstances of clause 9.1(c).
- (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

***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) Appeals are limited to the following grounds:
- (a) denial of procedural fairness;
 - (b) that the sanction imposed is inconsistent with the Code of Conduct Procedures and/or is disproportionate (whether excessive or insufficient) to the established breach; and/or
 - (c) that no reasonable decision-maker in the position of the original decision-maker based on the material before them, could have made such a decision.

- (9.5) For all appeals lodged, the original decision remains in effect throughout the duration of the appeal process until a decision is made by the relevant appeals decision-maker.
- (9.6) All appeals 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.
- (9.7) Except as provided by clause 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.
- (9.8) A Judiciary Committee may sit as a panel of between one (1) and five (5) members, constituted by the Head of Integrity.
- (9.9) If the matter is heard by a Judiciary Committee sitting as an Appeals Committee, that Committee will have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, the legal and/or travel/accommodation costs of the Commissioner and/or any other relevant parties,) to be paid by the appealing party if the Tribunal considers that such party has acted spuriously, frivolously, without reasonable cause or otherwise in bad faith.
- (9.10) There will be no further appeal rights available.

Part 10 Code of Conduct Register

- (10.1) The Integrity Unit must maintain a register(s) of all Reports of:
 - (a) alleged breaches of the Code of Conduct; and
 - (b) all matters referred to the Commissioner under the CNSW Integrity Policies.
- (10.2) The register(s) must record the outcome of any Notices of Charge, hearings and appeals including any penalty accepted or imposed under the Code of Conduct or the CNSW Integrity Policies. The register(s) is to be available to the Commissioner and Judiciary Committee for the purpose of assisting it in fixing any penalty for a breach of the Code of Conduct or the CNSW Integrity Policies.
- (10.3) The register will be made publicly available on the CNSW website save and except for:
 - (a) any personal information that identifies a child or young person under the age of 18 years; and
 - (b) any reports received by the Integrity Unit prior to the 2024-25 season.
- (10.4) The Commissioner and Judiciary Committee may also have regard to any other publicly available register in fixing any penalty for a breach in accordance with these Procedures.

Part 11 Definitions and Interpretation

Defined Terms

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

Term	Meaning
Affiliate	has the meaning as prescribed in the CNSW By-Laws.
CDRP	CNSW Complaints and Dispute Resolution Policy
CNSW Integrity Policies	has the meaning as prescribed in the CNSW By-Laws.
Commissioner	means the CNSW Code of Conduct Commissioner (and includes any Assistant Commissioner) appointed under the CNSW By-Laws.
Competition Administrator	means the position within CNSW or the relevant Affiliate who has the responsibility for administering the competition in which the Match was played.
Cricket Organisation	Any of the following organisations: (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.
Deferred Suspension	means a Match suspension that the relevant decision-maker has determined shall be deferred subject to these Procedures.
General Offences	The offences set out in Articles A.1 to A.17 in Schedule A.
Head of Integrity	means the Cricket NSW staff member responsible for managing the CNSW Integrity Unit, or their nominee.
Judiciary Committee	means the Judiciary Committee convened in accordance with the CNSW By-Laws.
Match	means the game of cricket during or in relation to which the alleged offence was committed that is the subject of the Report.
Match Referee	means a person appointed by the CNSW Head of Competitions and Officiating to hear and determine charges brought pursuant to the Code of Conduct and, for the purpose of this Procedure, a reference to the Commissioner includes a reference to a Match Referee .
Person Reported	has the meaning as prescribed in the CNSW By-Laws and includes all persons caught by offence B.3 in Schedule B of Part 13.
Person Reporting	means the person who has made a Report of an alleged breach of the Code of Conduct.
Player	has the meaning as prescribed in the CNSW By-Laws.
Player Support Personnel	has the meaning as prescribed in the CNSW By-Laws
Prescribed Period	means the period set out in Schedule A and/or Schedule B within which a person will be deemed to have committed a second or subsequent offence.
Report	has the meaning prescribed in Part 4 of this Procedure.
Serious Offences	The offences set out in Articles B.1 to B.4 in Schedule B.
Team	means those selected to play for a Club or Association in a Match or competition that is under the jurisdiction of the CNSW Code of Conduct Commissioner in accordance with the By-Laws.
Umpire	means a person who 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

(11.2) In this Policy:

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

Part 12 Schedule A – General Offences

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

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

Article	
A.1	Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles A.2 to A.23, conduct that is contrary to the Spirit of Cricket.
<i>Note:</i>	<p><i>Article A.1 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 this Schedule.</i></p> <p><i>The Spirit of Cricket as set out in the Preamble to the Laws of Cricket and in Part 2 of the Code of Conduct Procedures involves respect for your captain, teammates, opponents and the authority of the Umpires,</i></p> <p><i>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.</i></p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓

A.2	Using language, actions or gestures which disparage or which could provoke an aggressive reaction from another Player
Note:	<p>Article A.2 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. Without limitation, Article A.2 includes:</p> <p>(a) excessive celebration directed at and in close proximity to the Player;</p> <p>(b) verbally abusing the Player;</p> <p>(c) provocative conduct including pointing or gesturing towards the pavilion or scoreboard.</p> <p>Nothing in this Article A.2 is intended to stop Players celebrating during the game in an appropriate fashion.</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
A.3	Excessive appealing during a Match
Note:	<p>For the purposes of Article A.3, '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.</p>
Level 1	✓
Level 2	✓ (Applies in the case of serious, aggressive and materially repetitive cases)
Level 3	Not applicable
Level 4	Not applicable
A.4	Use of an audible obscenity during a Match
Note:	<p>Article A.4 covers the use of words commonly known and understood to be offensive, obscene and/or profane (in any language) which:</p> <p>(a) can be heard by spectators and/or the viewing public whether by way of the stump microphone or any live stream of the relevant Match via Play HQ (or any other form of media) 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. 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.12 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

A.5	Disobeying an Umpire or Match Referee's instruction during a Match
Note:	<p>Article A.5 includes any repeated failure to comply with the instruction or directive of an Umpire or Match Referee during a Match. This conduct may include challenging or arguing with an Umpire's decision in relation to Law 2.7 and/or Law 2.8, or decisions made pursuant to policy such as the Heat Policy.</p> <p>NB – where conduct is persistent and/or more egregious, offence A.8 may also apply</p>
Level 1	✓
Level 2	✓ (Applies for serious and intentional and/or repetitive conduct)
Level 3	Not applicable
Level 4	Not applicable
A.6	Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match
Note:	<p>Article A.6 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets or any deliberate (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>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 any object was damaged; (c) the force at which the object was abused; and (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.6.</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
A.7	Throwing a ball (or any other item of cricket equipment including, without limitation, a bat, helmet' gloves or water bottle) at or near a Player, Player Support Personnel, or any other third person in an inappropriate and/or dangerous manner during a Match
Note:	<p>Article A.7 will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion, or from throwing the ball at the stumps or to a Team member when attempting a run out.</p> <p>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>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable

A.8	Showing dissent at an Umpire's decision during a Match
Note:	<p>Article A.8 applies to all participants during a Match. Without limitation, Article A.8 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 or ground; shaking the head; pointing or looking at the inside edge of the bat when given out LBW; pointing to the pad or rubbing the shoulder when given out caught behind; arguing or entering into a prolonged discussion with the Umpire about their decision.</p> <p>(b) in relation to a bowler or fielder – excessive, obvious disappointment with an Umpire's decision; an obvious delay in resuming play; running towards the Umpire, batter or pitch; shaking the head, standing with hands on hips, head in hands; snatching the cap from the Umpire; arguing or entering into a prolonged discussion with the Umpire about their decision; Players approaching &/or congregating around the Umpire.</p> <p>(c) continuous reference to a decision throughout innings</p> <p>(d) words or conduct following an Umpire's determination of a playing condition.</p> <p>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.</p> <p>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.</p> <p>When assessing the seriousness of the breach, the following factors (without limitation) should be considered:</p> <p>(a) whether the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision;</p> <p>(b) whether there is excessive delay in resuming play or leaving the wicket or ground;</p> <p>(c) whether the Player's conduct was aggressive or intimidatory; or</p> <p>(d) whether there is persistent reference to the incident over time.</p>
Level 1	✓
Level 2	✓ (Applies in the case of 'serious' dissent)
Level 3	Not applicable
Level 4	Not applicable
A.9	Using a gesture(s) that is obscene, offensive or insulting during a Match
Note:	<p>Article A.9 includes, without limitation, obscene gestures whether directed to a Player or Player Support Personnel or about another person or not. This offence is not intended to penalise trivial behaviour.</p> <p>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.</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	✓ (Applies in the case of a gesture considered 'seriously' obscene, offensive or insulting gestures)
Level 3	Not applicable
Level 4	Not applicable

A.10	Any attempt to manipulate a Match for inappropriate strategic or tactical reasons
Note:	<p>Article A.10 is intended to prevent the manipulation of a Match or Matches for inappropriate strategic or tactical reasons e.g. prohibit incidents where a Team bats in such a way as to either adversely affect its own, or improve its opponent's, bonus points, net run rate or quotient. The Team Captain of any Team that committed such conduct will be held responsible (and subject to sanction) for any offence found to have been committed under this Article.</p> <p>Article A.10 is not intended to cover any corrupt or fraudulent acts (including any use of inside information and/or related betting activity). Such conduct is prohibited under the CNSW Anti-Corruption Policy and must be dealt with according to the procedures set out therein.</p> <p>Without limiting Article A.10, the Team Captain of the offending side may breach this Article A.10 in the event that the Player or Player Support Personnel involved in the breach are not able to be identified, or where the breach was planned or systematic to the extent that the Team Captain either knew, or ought to have known, that the breach was occurring.</p>
Level 1	Not applicable
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
A.11	Failing or refusing, without compelling justification, to cooperate with any investigation in accordance as reasonably requested by the Code of Conduct Commissioner, Judiciary Committee or Head of Integrity
Level 1	✓
Level 2	✓ (Applies where intentional and/or serious in the circumstances of the matter)
Level 3	Not applicable
Level 4	Not applicable
A.12	Personal abuse of a Player or Cricket Participant during a Match
Note:	<p>Article A.12 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.</p> <p>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, Cricket Participant or another person).</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, 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.</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 or Match Referee).)
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 or Match Referee)
Level 4	Not applicable

A.13	Public or media comment that is detrimental to the interests of cricket, irrespective of when or where such comment is made
Note:	<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.13 if they:</i></p> <ul style="list-style-type: none"> Publicly denigrate or criticise a Player or Cricket Participant, or a Team against which they are playing or have played, whether or not in relation to incidents which occurred in a Match, or against which they are likely to play; Publicly make comments in relation to any person referenced within this offence A.13 which personally abuse such person as if offence A.12 applied to such person. Denigrate or criticise CNSW or its Affiliates, or any Cricket Organisation (which for the purposes hereof includes any cricket related club, team, Association or organisation) or any of their respective commercial partners; Denigrate or criticise a representative, official, employee, volunteer or official contractor of CNSW; Denigrate a town or city in which they are touring or have toured or are likely to be touring or officiating; 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; Comment on the likely outcome of a hearing of a Report or an appeal; Criticise the outcome of a hearing of a Report or an appeal under this Code of Conduct; or 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. <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, Snapchat and Instagram) 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
A.14	Off-field use of language or gestures by way of public or media comment that can reasonably be viewed to offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic origin
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 by a Player or Player Support Personnel of comments on any social media platform (including, without limitation, TikTok, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn, Snapchat and Instagram) will be deemed to be 'public' for the purposes of this offence.</i></p> <p><i>This offence is not intended to limit the operation of CNSW's Integrity Policies.</i></p>
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies for use of language or gestures that 'seriously' offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person)
Level 4	Not applicable

A.15	Any conduct (including any language, actions or gestures, and whether made during or after a Match or by any public or media comment) which disparage or denigrate an Umpire and/or any decision made by an Umpire (other than as covered by offence A.8) – including as to allegations (whether express or implied or which can be inferred) of incompetence, bias and/or cheating on the part of such Umpire.
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: (a) the context of the particular situation, including without limitation, whether the relevant conduct was deliberate (ie intentional), reckless or negligent, and/or avoidable; (b) the nature and/or substance of the relevant conduct; (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)
A.16	Changing the condition of the ball in breach of Law 41 of the Laws of Cricket
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'. 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 (see note below); (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.</i></p> <p><i>The Umpires will use their judgment to apply the principle that actions taken to maintain or enhance the condition of the ball, provided no artificial substances are used, will be permitted. Any actions taken with the purpose of damaging the condition of the ball or accelerating the deterioration of the condition of the ball will not be permitted.</i></p> <p><i>Without limiting this offence, the Team Captain of the offending side may breach Article A.16 in the event that the Player or Player Support Personnel involved in the breach are not able to be identified, or where the breach was planned or systematic to the extent that the Team Captain either knew, or ought to have known, that the breach was occurring.</i></p> <p><i>This offence is not intended to limit the operation of CNSW's Integrity Policies.</i></p> <p><i>NB: Absent evidence of any other substance, the mere using of sweat [or saliva] to shine or polish the ball, while potentially contrary to any playing condition or regulation of law of cricket, will not fall within this offence</i></p>
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies where implements or external objects used to and/or in cases or more serious or repetitive conduct)
Level 4	Not applicable

A.17	Intimidation or attempted intimidation of an Umpire or Match Referee whether by language or conduct (including gestures) during a Match
Note:	<p>Article A.17 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> <p>[NB – an expressed threat of physical abuse or contact may be covered in offence A.19]</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)
A.18	Attempting to gain an unfair advantage during a Match
Note:	<p>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:</p> <p>(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);</p> <p>(b) conspiring with other Players and/or Player Support Personnel to do anything which constitutes an attempt to gain an unfair advantage; or</p> <p>(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.17, 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.</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
A.19	Threat of physical abuse of another Player, Cricket Participant or any other person during a Match
Note:	<p>Without limitation, a Player, Player Support Personnel or any other person subject to CNSW Code of Conduct Procedures will breach Article A.19 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, (a) threatening to hit or make contact with the relevant individual while at the same time raising a fist, (b) running at an individual causing the individual to fear any contact, (c) making any direct, implied or inferred threat of physical contact, or (d) threatening to physically harm another Player's or Cricket Participant's family.</p> <p>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.</p>
Level 1	✓(Applies when less serious threat is made to of a Player, Cricket Participant (other than an Umpire or Match Referee) or with any other person (including a spectator))
Level 2	✓(Applies when threat is made to another Player, Cricket Participant (other than an Umpire or Match Referee) or any other person)
Level 3	Not applicable
Level 4	Not applicable

A.20	Inappropriate physical contact during a Match
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.19 if they deliberately, recklessly and/or negligently make contact with another Player, Cricket Participant (including an Umpire or Match Referee) or any other person (including a spectator, member of the public or anyone else).</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 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> <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 Match Referee) 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 Match Referee) or with any other person (including a spectator), where the inappropriate physical contact is moderate including as to intent, force of contact, any injury caused)
Level 3	Not applicable
Level 4	Not applicable
A.21	Any Integrity offence, investigation or matter referred to the Code of Conduct Commissioner
Note:	<p><i>It is intended that breaches of the CNSW Integrity Policies matters may be referred to the Code of Conduct Commissioner to be managed in accordance with the Code of Conduct Procedures and any relevant Code of Conduct procedure and/or guideline (and otherwise in accordance with the CNSW Constitution, and any relevant By-Laws, Regulations and Procedures, including the CDRP) where the circumstances require it.</i></p> <p><i>While such matters will be managed in accordance with the Code of Conduct Procedures and the process outlined therein, the Commissioner has discretion to:</i></p> <ul style="list-style-type: none"> - <i>find on allegations of the relevant Integrity Policy; and</i> - <i>impose a sanction as appropriate in the circumstances and having regard to both the sanctions available under the Code of Conduct Procedures and/or Part 8 of the CDRP.</i> <p><i>NB: This offence may apply where there are multiple instances of breaches of the Code of Conduct that cross over with matters that would otherwise be matters dealt with under the CDRP, such as breaches of the Anti-Corruption Policy and/or the Safeguarding Children and Young People Policy that occur on the field, or in conjunction with other breaches of the Code of Conduct.</i></p>
A.22	Consumption of alcohol and illicit substances during a Match
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[^]. 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

A.23	Captain's breach of the Code of Conduct
Note:	<p>Article A.23 captures the requirements of clause 5.2 of the CNSW By-Laws and applies where:</p> <p>(a) One or more Players in the Team engaged in multiple breaches of the Code of Conduct during a Match; and/or</p> <p>(b) Where one or more Players in the Team engage in continuous breaches of the Code of Conduct throughout a cricket season; and/or</p> <p>(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</p> <p>(d) Where the Captain has attempted to justify breaches of the Code of Conduct by Players to Umpires during the Match.</p> <p><i>It will be a mitigating factor if the Captain took reasonable steps to address the Team's behaviour during a Match in all of the circumstances.</i></p> <p><i>This offence is intended to ensure that the Captain upholds the Spirit of Cricket as prescribed in Law 41.1 and is not intended to be a loading on top of any other offence that the Captain themselves is found to have engaged in.</i></p>
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable

(12.2) The table below sets out the prescribed penalties for breaches of Articles A.1 to A.23.

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	<p>(a) Warning</p> <p>(b) Reprimand; and/or</p> <p>(c) Suspension from completing the Match in which the offence occurred (see B.1 below);</p> <p>(d) one (1) Match suspension.</p> <p>See item B.2 below See item B.4 below</p>	<p>(A suspension of between one (1) and three (3) Matches</p> <p>See item B.3 below</p>	<p>A suspension of between two (2) and eight (8) Matches</p> <p>See item B.3 below</p>	<p>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>

Level 2	A suspension of between one (1) and three (3) Matches See item B.3 below	A suspension of between two (2) and eight (8) Matches See item B.3 below	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.	A suspension for a period between one (1) year and seven (7) years.
Level 4	A suspension of eight (8) Matches, or, a suspension for a fixed period of time ranging between the lesser of the equivalent of eight (8) Matches and one (1) year, up to a maximum of five (5) years.	A suspension for a period between one (1) year and five (5) years.	A suspension for a period between one (1) year and seven (7) years.	A suspension for a period between one (1) year and ten (10) years.

Part 13 Schedule B – Serious Offences

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

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

Article	
B.1	Threat of physical abuse of another Player, Cricket Participant, or any other person during a Match
<i>Note:</i>	<i>Without limitation, a Player, Player Support Personnel or any other person subject to CNSW Code of Conduct Procedures will breach Article B.1 if they do or say anything which would cause a Player, Cricket Participant and/or other person to whom such action was directed to fear harmful or offensive contact, for example and without limitation, (a) threatening to hit or make contact with the relevant individual while at the same time raising a fist, (b) running at an individual causing the individual to fear any contact, (c) making any direct, implied or inferred threat of physical contact, or (d) threatening to physically harm another Player's or Cricket Participant's family.</i>
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓ (Applies when serious threat is made to another Player, Cricket Participant, Umpire or Match Referee or any other person)
Level 4	✓ (Applies to 'very serious threats of violence or physical abuse and/or when serious threat is made to an Umpire or Match Referee)
B.2	Inappropriate physical contact during a Match
<i>Note:</i>	<i>Cricket is a non-contact sport and, as such, any form of inappropriate physical contact is prohibited in cricket. Without limitation, Players or Player Support Personnel will breach Article B.2 if they deliberately, recklessly and/or negligently make contact with another Player, Cricket Participant (including an Umpire or Match Referee) or any other person (including a spectator, member of the public or anyone else).</i> <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>
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 Match Referee) or with any other person (including a spectator), where the inappropriate physical contact is serious, or in the case of an Umpire or Match Referee 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 Match Referee) or with any other person (including a spectator) where inappropriate physical contact is very or significantly serious (e.g. shows malicious intent, is significantly forceful, involves an act of violence or assault, cause material injury), or in the case of an Umpire or Match Referee is serious)

B.3	Breach of Code of Conduct by a Team or Club
<p>Note:</p>	<p>Article B.3 covers the situation where there is material misconduct attributable to a particular Club or Team during or in relation to, arising from or connection with a Match. Where in the opinion of the Commissioner and the Cricket NSW Chief Executive Officer (or their nominee) there has been conduct of such material nature:</p> <p>(A) in relation to a Team or Club, involving any one or more of the following elements:</p> <ul style="list-style-type: none"> • by multiple Cricket Participants in relation to the relevant Club or Team; • evidencing multiple offences; and/or • across a material or sustained period of time, <p>(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,</p> <p>then a breach of this offence will have been committed by such Team, Club or individual and the relevant sanctions set out in this Schedule B below may apply. Any sanction imposed in relation to this offence may be in addition to any action taken against any individual in relation to the same conduct or Match (subject to the provisions of Clauses 8.7(b) and (c) of these Code of Conduct Procedures).</p> <p>Any communication in relation to this offence, including any Notice of Charge, shall be forwarded to the Secretary of the relevant Club.</p> <p>When assessing the seriousness of the breach, the following factors (without limitation) will be taken into account: (a) the context of the particular situation, including without limitation, whether the relevant conduct was deliberate (ie intentional), reckless or negligent, and/or avoidable; (b) the nature and/or substance of the relevant conduct (eg 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) .</p> <p>When assessing whether a First or Second Offence has occurred, an individual can only be held accordingly if they have been found in breach under this specific offence on prior occasions as relevant.</p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓
B.4	Where the facts of the alleged incident are not adequately or clearly covered by an offence under the Articles contained in Schedule A, or Articles B.1 to B.3, conduct that either: (a) is unbecoming of a representative or official; (b) is or could be harmful to the interests of cricket; or (c) does or could bring the game of cricket into disrepute
<p>Note:</p>	<p>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.</p> <p>The level of this offence will be measured with regard to the seriousness of the conduct, the repetitive nature of the conduct, whether a warning was issued by the Umpire during the Match, whether the conduct would constitute a criminal offence, whether the conduct would constitute "Prohibited Conduct" within the meaning of the CNSW Integrity Policies, and/or whether exceptional circumstances exist that warrant the imposition of an offence under the Code of Conduct.</p> <p>This offence may also apply to any conduct that may constitute cheating during a Match, deliberate attempts to mislead the Umpire, criminal conduct, public acts of misconduct, unruly public behaviours and/or sexual misconduct.</p> <p>Nothing in this offence is intended to limit the operation of the CNSW Integrity Policies.</p>
Level 1	✓
Level 2	✓
Level 3	✓
Level 4	✓

(13.2) The table below sets out the prescribed penalties for breaches of Articles B.1 to B.5.

Level of Offence	Range of Permissible Sanctions (First Offence)	Range of Permissible Sanctions (Second or subsequent Offence within 3 seasons)
Level 1	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> (a) Reprimand; (b) a suspension between one (1) and eight (8) Matches; (c) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to the greater of six (6) months and the end of the relevant season; (d) require the person undergo counselling and/or any training or education for a specified time. 	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> (a) Reprimand; (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; (c) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to twelve (12) months; and/or (d) require the person undergo counselling and/or any training or education for a specified time.
Level 2	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> (a) a suspension of between four (4) and ten (10) Matches; (b) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to twelve (12) months; and/or (c) require the person undergo counselling and/or any training or education for a specified time. 	<p>As against an individual, any one or more of:</p> <ul style="list-style-type: none"> (a) a suspension for a period between six (6) months eighteen (18) months; (b) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to two (2) years; and/or (c) require the person undergo counselling and/or any training or education for a specified time.
Level 3	<p>Applying any one or more of the following sanctions against any individual:</p> <ul style="list-style-type: none"> (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; (b) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to two (2) years; and/or (c) require the person undergo counselling and/or any training or education for a specified time. <p>As against a Team, any one or more of:</p> <ul style="list-style-type: none"> (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 	<p>Applying any one or more of the following sanctions against any individual:</p> <ul style="list-style-type: none"> (a) a suspension for a period between six (6) months and five (5) years; (b) banning the person from holding (or continuing to hold) any cricket administrator or Team position or any other role within CNSW or any of its Affiliates for a period up to three (3) years; and/or (c) require the person undergo counselling and/or any training or education for a specified time. <p>As against a Team, any one or more of:</p> <ul style="list-style-type: none"> (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 (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; and/or

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