



Code of Conduct

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GIZ Code of Conduct 2020 +

Contents

ARTICLE 1.SCOPE	3
ARTICLE 2.OFFENCES	3
2.1 Level 1 Offences.....	3
2.2 Level 2 Offences.....	4
2.3 Level 3 Offences.....	6
2.4 Level 4 Offences.....	7
ARTICLE 3.REPORTING AN ALLEGED OFFENCE	8
ARTICLE 4.NOTIFICATION PROCEDURE.....	10
ARTICLE 5.THE DISCIPLINARY PROCEDURE	11
General Principles of Procedure	13
ARTICLE 6. STANDARD OF PROOF AND EVIDENCE.....	15
ARTICLE 7. SANCTIONS ON REPORTED PERSONS.....	15
Prescribed Sanctions	17
ARTICLE 8. APPEALS.....	21
ARTICLE 9. CODE OF CONDUCT COMMISSIONER.....	24
ARTICLE 10. JUDICIARY	25

GIZ Code of Conduct 2020 +

ARTICLE 1. SCOPE

1.1 All Players, team, match and association officials including selectors and scorers are automatically bound by and required to comply with all of the provisions of Cricket NSW By-Laws 4.2 Code of Conduct. Accordingly, by their participation or involvement in any way in the sport of cricket, such Players shall be deemed to have agreed:

1.1.1 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 as set out in this document;

1.1.2 To submit to the exclusive jurisdiction of any Commissioner, Code of Conduct Commissioner or Judiciary (as the case may be) convened under the Code of Conduct to hear and determine charges brought pursuant to the Code of Conduct.

ARTICLE 2. OFFENCES

2.1 Level 1 Offences:

2.1.1 Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match.

NOTE: Article 2.1.1 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets and any action(s) that intentionally or negligently results in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.

2.1.2 Showing dissent at an Umpire's decision during a Match.

NOTE: Article 2.1.2 includes: (a) excessive, obvious or inappropriate disappointment with an Umpire's decision; (b) an obvious delay in resuming play or leaving the wicket; (c) shaking the head; (d) pointing or looking at the inside edge when given out lbw; (e) pointing to the pad or rubbing the shoulder when caught behind; (f) snatching the cap from the Umpire; (g) arguing or enteringⁱ into a prolonged discussion with the Umpire about his or her decision.

2.1.3 Using language or a gesture that is obscene, offensive or insulting during a Match.

NOTE: Article 2.1.3 includes: (a) audible or repetitious swearing; and (b) obscene gestures which are not directed at another person, such as swearing in frustration at one's own poor play or fortune. This offence is not intended to penalise trivial behaviour.

When assessing the seriousness of the breach, the Umpire shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as obscene; (b) give offence; or (c) insult another person.

GIZ Code of Conduct 2020 +

2.1.4 Excessive appealing during a Match.

NOTE: For the purposes of Article 2.1.4, 'excessive' shall 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; or (c) celebrating or assuming a dismissal before the decision has been given. It is not intended to prevent loud or enthusiastic appealing.

2.1.5 Pointing or gesturing towards the pavilion by a bowler or other member of the fielding side upon the dismissal of a batsman during a Match.

2.2 Level 2 Offences:

2.2.1 Showing serious dissent at an Umpire's decision during a Match.

NOTE: Dissent, including the examples given in Article 2.1.2 above, will be classified as 'serious' when the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision or where there is excessive delay in resuming play or leaving the wicket or where there is persistent reference to the incident over time. It shall not be a defence to any charge brought under this Article to show that the Umpire might have been wrong.

2.2.2 Inappropriate and deliberate physical contact with Players, Umpires or other Persons, during a Match.

NOTE: Cricket is a non-contact sport and, as such, inappropriate physical contact of a serious nature will not be tolerated. Without limitation, Players will breach this regulation if they deliberately walk or run into or shoulder another Player. Accidental or genuinely unavoidable physical contact which occurs during the course of play shall not be considered an offence under this Article 2.2.2.

2.2.3 Charging or advancing towards the Umpire in an aggressive manner when appealing during a Match.

2.2.4 Deliberate and malicious distraction or obstruction of a Player or Umpire on the field of play during a Match.

NOTE: This regulation includes Players deliberately attempting to distract a striker by words or gestures or deliberately shepherding a batsman while running or attempting to run between the wickets.

2.2.5 Throwing a ball (or any other item of cricket equipment such as a water bottle) at or near a Player, Umpire or any other third person in an inappropriate and/or dangerous

GIZ Code of Conduct 2020 +

manner during a Match.

NOTE: This regulation will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion.

2.2.6 Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to another Reported Person or any other third person during a Match.

NOTE: It is acknowledged that there will be verbal exchanges between Players in the course of play. Rather than seeking to eliminate these exchanges entirely, Umpires will be required to report such conduct that falls below an acceptable standard. This offence is not intended to penalise trivial behaviour. When assessing the seriousness of the breach, the Umpire shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as seriously obscene; or (b) give serious offence; or (c) seriously insult another person.

2.2.7 Changing the condition of the ball in breach of Law 41.3 of the Laws of Cricket.

NOTE: Any action(s) likely to alter the condition of the ball which were not specifically permitted under Law 41.3.2.1 -.3 may be regarded as 'unfair'. The following actions shall 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.

The Umpires shall 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, shall 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 shall not be permitted.

2.2.8 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- (a) is contrary to the spirit of the game;
- (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.

NOTE: Article 2.2.8 is intended to be a 'catch-all' provision to cover all types of misconduct of a serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.

Article 2.2.8 includes but is not limited to:

GIZ Code of Conduct 2020 +

(i) On-Field

- » Any conduct that is considered 'unfair play' under Rule 41 of the Laws of Cricket or against the spirit in which the game of cricket should be played;
- » Failure to comply with the provisions of the playing conditions for the relevant competition of which the relevant Match forms part; and/or

(ii) Off-Field

- » Public acts of misconduct;
- » Unruly public behaviour.

2.3 Level 3 Offences

2.3.1 Intimidation or attempted intimidation of an Umpire or Commissioner whether by language or behaviour (including gestures) during a Match.

NOTE: Includes appealing in an aggressive or threatening manner.

2.3.2 Threat of assault on another Player, or any other person (including a spectator) during a Match.

NOTE: This offence is not intended to cover threats of assault against Umpires or Commissioners, which are prohibited under Article 2.4.1.

2.3.3 Use language or gestures that 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: This offence is not intended to limit the operation of the NSWCA By-Laws 4A Racial and Religious Vilification Code.

2.3.4 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- (a) is contrary to the spirit of the game;
- (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.

NOTE: Article 2.3.4 is intended to be a 'catch-all' provision to cover all types of misconduct of a very serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.

Article 2.3.4 includes but is not limited to:

(i) On-Field

- » Failure to comply with the provisions of the playing conditions for the relevant competition

GIZ Code of Conduct 2020 +

of which the relevant Match forms part; and/or

» Any conduct that is considered 'unfair play' under Rule 41 of the Laws of Cricket or against the spirit in which the game of cricket should be played.

(ii) Off-Field

» Serious or repeated public acts of misconduct;

» Serious or repeated unruly public behaviour.

2.4 Level 4 Offences:

2.4.1 Threat of assault on an Umpire or Commissioner during a Match.

2.4.2 Physical assault of another Player, Umpire, Commissioner or any other person (including a spectator) during a Match.

2.4.3 Any act of violence on the field of play during a Match.

NOTE: Cricket is a non-contact sport and, as such, inappropriate physical contact of a serious nature will not be tolerated.

2.4.4 Use language or gestures that seriously 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: This offence is not intended to limit the operation of the By Laws 4A Racial and Religious Vilification Code.

2.4.5 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- (a) is contrary to the spirit of the game;
- (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.

NOTE: Article 2.4.5 is intended to be a 'catch-all' provision to cover all types of misconduct of an extremely serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.

Article 2.4.5 includes but is not limited to:

(i) On-Field

» Failure to comply with the provisions of the playing conditions for the relevant competition of which the relevant Match forms part; and/or

» Any conduct that is considered 'unfair play' under Rule 41 of the Laws of Cricket or against the spirit in which the game of cricket should be played.

GIZ Code of Conduct 2020 +

(ii) Off-Field

- » Extremely serious or repeated public acts of misconduct;
- » Extremely serious or repeated unruly public behaviour.

ARTICLE 3. REPORTING AN ALLEGED OFFENCE

3.1 Any one of the following individuals can report an alleged offence under the Code of Conduct by lodging a report in the manner described in Article 3.2, below (a “**Report**”):

3.1.1 An Umpire who officiated in the Match during or in relation to which the alleged offence was committed;

3.1.2 An Executive Office bearer or appointed official of either of the two Cricket Associations whose representative teams participated in the Match during or in relation to which the alleged offence was committed;

3.1.3 NSWCA official or the Chair of GIZ.

3.2 All Reports must be completed on Form “Rep 1” (or such other form as may be made available for such purpose by GIZ from time to time). All Reports must be signed and dated by the person lodging the Report.

3.2.1 Where the Report is lodged by any of the individuals described in Articles 3.1.1 or 3.1.2 in relation to:

3.2.1.1 Level 1 Offence or a Level 2 Offence that is alleged to have been committed on the field of play during a Match, then the Report should be lodge with the GIZ Administrator within 24hrs (close of play)

3.2.1.2 Level 3 Offence or a Level 4 Offence that is alleged to have been committed on the field of play during a Match, then the Report must be lodged with the GIZ Administrator as soon as reasonably practicable and, in any event no later than 24 hours after either (a) the commission of the offence or (b) the alleged offence was brought to the attention of the person lodging the Report, whichever is the later.

3.2.2 Where the Report is lodged by the individual described in Article 3.1.3 in relation to a Level 3 Offence or a Level 4 Offence that is alleged to have been committed during a Match, then the Report must be lodged with the Code of Conduct Commissioner as soon as reasonably practicable and, in any event no later than two (2) days after the commission of the alleged offence.

3.3 Where it is alleged that a Reported Person has committed more than one offence under the Code of Conduct (whether arising out of the same set of facts or otherwise), then a separate Report should be filed in accordance with this Article 3 for each of the offences that are alleged to have been committed.

GIZ Code of Conduct 2020 +

ARTICLE 4. NOTIFICATION PROCEDURE

Level 1 Offences and Level 2 Offences (except 2.2.8 – “off-field”)

4.1 Where a Report lodged under Articles 3.2.1.1 or 3.2.1.2 and 3.2.2 the umpire or participating Association must promptly provide a copy of the Report, to the following individuals:

4.1.1 The Reported Person named in the Report or, where appropriate in the case of an offence under either Article 2.2.7 (changing the condition of the ball) the relevant Team Captain; and GIZ Administrator

4.1.2 The Team Manager of the relevant Reported Person named in the Report.

4.2 The Code of Conduct Commissioner may choose to deal only with the Reported Person’s Association and need not make direct contact with the Reported Person. Any information provided by that Association in respect of the Reported Person is binding on the Reported Person. It is the Reported Person’s Association that is responsible for passing on all information to the Reported Person. The Commissioner must attempt to notify the Reported Person’s Association within two (2) business days after receiving the report. The Reported Person has three (3) options;

4.2.1 he/she may admit the offence as reported and proposed sanction by the Commissioner. In which case a Judiciary hearing is not required.

4.2.2 he/she may admit the offence as reported but challenge the proposed sanction by the Commissioner. In which case a Judiciary hearing shall only be required to determination any sanction that may be imposed.

4.2.3 he/she may deny the offence charged, in which case the matter shall proceed to a Judiciary hearing in accordance with Article 5.1

Level 2.2.8 (“Off-Field” only) Offences, Level 3 Offences and Level 4 Offences:

4.3 Where the Code of Conduct Commissioner receives a Report lodged under Articles 3.2.1.2, and 3.2.2 he/she must promptly conduct a review to determine whether the Reported Person named in the Report has a case to answer in relation to the specific type and/or level of offence identified in the Report.

4.4 If the initial review of the Report reveals that there is no case to answer in relation to the specific type and/or level of offence, then the Code of Conduct Commissioner shall notify Zone Administrator and the relevant Association who will inform the person who filed the Report of that fact, advising them of the reasons that such a determination has been made and, where applicable, providing guidance on which specific type and level of offence considers to be appropriate.

GIZ Code of Conduct 2020 +

4.5 If the initial review of the Report reveals that there is a case to answer, or a revised Report is lodged pursuant to Article 4.4, then the Zone Administrator shall promptly provide a copy of the Report, to the following individuals:

4.5.1 the Reported Person named in the Report; and

4.5.2 The Team Manager of the relevant Reported Person named in the Report; and

4.5.3 The Executive Officer of the Association to which the relevant Reported Person is affiliated.

4.6 The Notice of Charge shall specify that the Reported Person shall have the following options:

4.6.1 he/she may admit the offence charged in the Notice of Charge. In such circumstances, and provided that such admission has been received by the Code of Conduct Commissioner prior to the commencement of the hearing at the time/place specified in the Notice of Charge, the hearing before the Judiciary shall only be required to for the determination of any sanction that may be imposed.

4.6.2 he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.1

ARTICLE 5. THE DISCIPLINARY PROCEDURE

Level 1 Offences and Level 2 Offences (except 2.2.8 – “Off-Field”):

5.1 Where a matter proceeds to a hearing under Article 4.2.2 or 4.2.3, then the case shall be referred to the Judiciary for adjudication in accordance with the following procedure:

5.1.1 Subject to the discretion of the Judiciary to order otherwise for good cause shown by the Reported Person, the hearing will take place at the time specified (which should be held as soon as practicable but within seven (7) daysⁱⁱ, after the Commissioner has received the report back.

5.1.2 The procedure followed at the hearing shall be at the discretion of the Judiciary, provided that the hearing is conducted in a manner which offers the Reported Person a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses where necessary), address the Judiciary and present his/her case. Except to the extent specifically set out in Article 5 the Judiciary:

(a) will conduct the hearing:

(i) in private unless the Judiciary agrees otherwise;

(ii) in all other respects as the Judiciary determines;

GIZ Code of Conduct 2020 +

- (iii) with as little formality and technicality; and
- (iv) as quickly, as proper consideration of the Report permits.

5.1.3 Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the Judiciary:

- (a) the Reported Person who has been charged with the alleged offence; and
- (b) the Reporting Person who lodged the Report.

Where any such individual has a compelling justification for his/her nonattendance that is accepted by the Judiciary in his or her absolute discretion, then they shall be given the opportunity to participate in the hearing before the Commissioner by telephone (if available). Without prejudice to the Reported Person's ability to call and to question such witnesses as may be necessary and/or to be represented by such other person of his/her own choosing pursuant to Article 5.1.5, one of the Team Captain, Team Vice-Captain or Team Manager of the team that the Reported Person represents may also attend such a hearing to provide additional support and assistance to the Player or Other Person.

5.1.4 The non-attendance of any Reported Person or his/her representative at the hearing shall not prevent the Judiciary from proceeding with the hearing in his/her absence and issuing a ruling in relation to the offence charged.

5.1.5 At the end of a hearing, where the Judiciary considers that further evidence is necessary or further time is required to consider the evidence that has been presented, he/she shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary.

5.1.6 Alternatively, at the end of a hearing:

- 5.1.6.1** brought under Article 4.2. as soon as possible after the conclusion of the hearing, the Judiciary will confirm the decision in writing, with reasons, setting out:
 - (a) what sanctions, if any, are to be imposed (including any fine and/or period of suspension);
 - (b) the date that any period of suspension shall come into force and effect;and
- (c) any rights of appeal that may exist pursuant to Article 8.

5.1.7 Notwithstanding 5.1.6, the Judiciary shall have the discretion to announce the substance of his/her decision prior to the issue of the written decision referred to in Article 5.1.6.

5.1.8 A copy of the written decision will be provided to the Reported Person, the Chair of the Reported Person's Cricket Association and, the Zone Administrator.

5.1.9 Subject only to the rights of appeal under Article 8, the Judiciary's decision shall be

GIZ Code of Conduct 2020 +

the full, final and complete disposition of the matter and will be binding on all parties.

5.1.10 Notwithstanding anything else in the Code of Conduct, where a Reported Person is alleged to have committed a Level 2 Offence and wishes to have the offence with which they have been charged referred to a hearing (as would be permitted pursuant to Article 4.2.2) and the Reported Person or another Player or Other Person is alleged to have committed a Level 3 Offence or Level 4 Offence arising from the same incident or same set of facts, the Judiciary must refer the Level 2 Offence to the Code of Conduct Commissioner for adjudication in accordance with Article 5.2 (but as a Level 2 Offence).

Level 2.2.8 ('Off-Field' only) Offences, Level 3 Offences and Level 4 Offences:

5.2 Where a matter proceeds to a hearing under Article 4.6.1 or 4.6.2, or where a matter is referred to the Judiciary by the Code of Conduct Commissioner pursuant to Article 5.1.10, then the case shall be heard by the Judiciary for Greater Illawarra Zone.

General Principles of Procedure

5.3 Where a Report is filed by more than one of the individuals described in Article 3.2 in relation to the same alleged offence under the Code of Conduct, then the Reported Person alleged to have committed the offence will only be served with one Report in accordance with the procedures set out in Article 4. However, all persons who filed a Report in relation to the alleged offence are required to attend the hearing before the Judiciary unless there is a compelling justification for his/her non-attendance, in which case they shall be given the opportunity to participate in the hearing by telephone or video conference (if available).

5.4 Where two or more Reported Persons are alleged to have committed offences under the Code of Conduct, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents as follows:

5.4.1 any number of Level 1 Offences and/or Level 2 Offences (except Level 2.2.3 and 2.2.8 – "Off Field") can all be determined by a Judiciary at the same hearing; and

5.4.2 any number of Level 2.2.3 and 2.2.8 (" Off-Field") Offences, Level 3 Offences and/or Level 4 Offences can all be determined and where required proceed to a Judiciary hearing; and

5.4.3 a Level 1 Offence and/or Level 2 Offence (other than Level 2.2.3 and 2.2.8 – "Off Field") cannot be determined at the same hearing as a Level 3 Offence or a Level 4 Offence (and vice versa) and separate proceedings should therefore be issued in relation to each alleged offence, unless the Level 2 Offence is referred to the Judiciary by the Code of Conduct Commissioner pursuant to Article 5.1.10; but

GIZ Code of Conduct 2020 +

5.4.4 a Level 3 Offence or Level 4 Offence cannot be determined by a Judiciary at the same hearing as a Level 1 Offence or a Level 2 Offence, and separate proceedings should therefore be issued in relation to each alleged offence, unless the Level 2 Offence is referred to the Judiciary by the Commissioner pursuant to Article 5.1.10.

5.5 Where a Reported Person is alleged to have committed more than one breach of the Code of Conduct during, or in relation to the same Match, then all of the alleged offences may be dealt with at the same hearing as follows:

5.5.1 any number of Level 1 Offences and/or Level 2 Offences (except Level 2.2.3 and 2.2.8 – “Off Field”) can all be determined by a Judiciary at the same hearing; and

5.5.2 any number of Level 2.2.3 and 2.2.8 (“Off-Field” only) Offences, Level 3 Offences and/or Level 4 Offences can all be determined by the Judiciary or where required proceed to a Judiciary hearing; and

5.5.3 a Level 1 Offence or Level 2 Offence (other than Level 2.2.3 and 2.2.8 – “Off Field”) can be determined by the Judiciary or where required proceed to a Judiciary hearing as a Level 3 Offence or a Level 4 Offence; but

5.5.4 a Level 3 Offence or Level 4 Offence cannot be determined by a Judiciary at the same hearing as a Level 1 Offence or a Level 2 Offence, and separate proceedings should therefore be issued in relation to each alleged offence, unless the Level 2 Offence is referred to the judiciary by the Code of Conduct Commissioner pursuant to Article 5.1.10.

5.6 Any failure or refusal by any Reported Person to provide assistance to a Judiciary, Code of Conduct Commissioner in connection with any charge made pursuant to this Code of Conduct may constitute a separate offence (depending upon the seriousness and context of such failure or refusal).

5.7 Where a Judiciary member is/or becomes unwilling or unable to hear a Report (for example, where he/she finds him/herself in a position of conflict), then the Code of Conduct Commissioner shall have the discretion to appoint another Judiciary member to hear the Report as Greater Illawarra Zone deems to be appropriate in all the circumstances. Where the alternative Judiciary is unwilling or unable to hear the case.

5.8 A Judiciary or Commissioner (as the case may be) has an absolute discretion to waive compliance with any procedural requirement of these Code of Conduct Procedures provided that no party will suffer any undue prejudice through such exercise of discretion.

GIZ Code of Conduct 2020 +

ARTICLE 6. STANDARD OF PROOF AND EVIDENCE

6.1 Unless otherwise described herein, the standard of proof in all cases brought under the Code of Conduct shall be whether the Judiciary or Code of Conduct Commissioner is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.

6.2 The Judiciary or Code of Conduct Commissioner shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an offence allegedly committed under the Code of Conduct may be established by any reliable means, including admissions.

6.3 The Judiciary or Code of Conduct Commissioner may draw an inference adverse to the Reported Person who is asserted to have committed an offence under the Code of Conduct based on his/her refusal, without compelling justification, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the Judiciary or Code of Conduct Commissioner) and/or to answer any relevant questions.

ARTICLE 7. SANCTIONS ON REPORTED PERSONS

7.1 Where a Judiciary or Code of Conduct Commissioner determines that an offence under the Code of Conduct has been committed, he/she will be required to impose an appropriate sanction on the Reported Person.

7.2 In order to determine the sanction that is to be imposed in each case, the Judiciary or Code of Conduct 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 eighteen months prior to the date on which the proven offence took place.

7.3 Once the Judiciary or Code of Conduct Commissioner has established whether this is a repeat offence within the relevant eighteen-month period, then he/she shall go on to take into account any other factors that he/she deems relevant and appropriate to the mitigation or aggravation of the nature of the Code of Conduct offence before determining, in accordance with the table below, the appropriate sanction(s). Those factors may include:

1. The seriousness of the breach;
2. The harm caused by the breach to the interests of cricket;
3. The Player's or Other Person reported seniority and standing in the game;
4. Any remorse shown by the Reported Person and the prospect of further breaches;
5. The prior record of the Reported Person in abiding by this Code of Conduct.

GIZ Code of Conduct 2020 +

7.3.1 Prescribed Sanctionsⁱⁱⁱ

Level of Offence	Range of Permissible Sanctions (1 st Offence)	Range of Permissible Sanctions (2 nd Offence within 18 months)	Range of Permissible Sanctions (3 rd Offence within 18 months)	Range of Permissible Sanctions (4 th & subsequent Offences within 18 months)
Level 1**	(a) Reprimand; Or (b) one (1) Match.	(a) Minimum (1) Match up to (2) Matches	The imposition of between two (2) and eight (8) Matches	The imposition 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) Minimum (1) Match up to (2) Matches	The imposition of between two (2) and eight (8) matches	The imposition 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.*	The imposition of a Suspension of between one (1) and five (5) years.
Level 3**	The imposition of between four (4) and eight (8) Matches	The imposition 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.*	The imposition of a suspension between one (1) year and five (5) years.	n/a
Level 4**	The imposition of eight (8) Matches or a suspension for a fixed period of time ranging between, at a minimum, the lesser of the equivalent of eight (8) Matches and one (1) year, up to a maximum of five (5) year suspension.	The imposition of a suspension of between one (1) year and Five (5) years.	n/a	n/a

GIZ Code of Conduct 2020 +

Level of Offence	Range of Permissible Sanctions (1 st Offence)	Range of Permissible Sanctions (2 nd Offence within 18 mths)	Range of Permissible Sanctions (3 rd Offence within 18 mths)	Range of Permissible Sanctions (4 th & subsequent Offences within 18 mths)
Any of offences 2.2.3, 2.2.8, 2.3.4, 2.3.5 or 2.4.5	Any one or more of the following penalties: (a) the imposition of a suspension of between one (1) Match up to a maximum of five (5) years suspension; (b) banning the person from holding (or continuing to hold) any position within NSWCA or any of its affiliates or (c) direct that the person make reparation for damage caused by that person to any property; (d) require the person undergo counselling for a specified time; (e) require the person perform voluntary service to cricket or the community; and/or (f) reprimand the person	*** Same as for first offence	*** Same as for first offence	*** Same as for first offence

NOTE: In all cases marked with a *, the maximum 'actual' period of suspension shall be no more than one (1) year, irrespective of the number and/or the practical application of any Playing Days that might be imposed.

** Excludes Offences listed in 2.2.3, 2.2.8, 2.3.4, 2.3.5 and 2.4.5.

*** For the purposes of ascertaining whether it is a second, third or fourth offence in 18 months, any of offences 2.2.3, 2.2.8, 2.3.4, 2.3.5.

7.4 Where a Judiciary or Commissioner imposes a period of suspension on any Reported Person, then, unless such period is for a fixed period of time (for example, one year) then, any such period of suspension shall be referenced by Matches,

NOTE: For clarification, whilst a decision can be referenced by either Match or Fixed Period it must comply with 7.3.1 Penalty Schedule. Given the different formats of the game a sanction referenced by both Match and Fixed Period should read, "You are suspended from playing for one match or until 'day and date, which ever shall occur first."

7.5 Where Matches are imposed against a Reported Person, then such Playing Days will be applied in accordance with the following principles:

7.6 In addition to any ban imposed under this Article (and without limiting the Judiciary or Commissioner's powers with respect to Level 2, Level 3 and Level 4 suspensions), the Judiciary / Commissioner may, if he/she deems appropriate, ban a Player from participation in any club/grade cricket match or matches in New South Wales for a specified period of time.

7.7 In the event that a Player receives a ban from playing club/grade cricket matches as a result of a breach of any offences

7.7.1 Once any Matches or fixed period of suspension has expired, the Reported Person will automatically become re-eligible to participate in Matches.

7.7.2 Suspended player(s) not to be replaced. No replacement player or substitute is allowed for any player who is suspended during the course of a match. However, a substitute fielder is permitted.

7.7.3 Should a match not be played due to weather or other reason beyond the control of the Reported Person, the match shall still be counted as being served according to the sanction originally given.

7.8 For the avoidance of any doubt:

7.8.1 The Judiciary or Commissioner will have no jurisdiction to adjust, reverse or amend the results of any Match;

7.8.2 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 sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);

7.8.3 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);

7.8.4 nothing in this Code of Conduct shall permit plea bargaining in relation to any alleged offence committed under this Code of Conduct;

where the Judiciary or Commissioner finds a Reported Person not guilty of the offence allegedly committed under the Code of Conduct, then it remains open to him/her, at his/her absolute discretion, to find the Reported Person guilty of an offence of a lower level than that with which he/she has been charged. For example, where a Reported Person has been charged with (but been found not guilty of) the Level 2 Offence of 'showing serious dissent at an Umpire's decision' (Article 2.2.1), the Judiciary may instead, find the Reported Person guilty of the Level 1 Offence of 'showing dissent at an Umpire's decision' (Article 2.1.3) and impose an appropriate sanction;

7.8.5 A Report may be withdrawn at any time before a hearing by the individual responsible for lodging the Report alleging a breach of the Code of Conduct.

7.9 Where a Reported Person has had Matches imposed against him/her or has been suspended for a fixed period of time (including a lifetime), he/she may not play, coach or otherwise participate or be involved in any capacity in any Matches which:

- (a) are covered by the application of his/her Matches as determined in accordance with Article 7.5; or
- (b) Take place during the fixed period of his/her suspension.

NOTE: For the avoidance of any doubt, a Reported Person who has had Matches imposed against him/her or has been suspended for a fixed period of time shall not, during the Matches which are covered or the period of suspension:

- (a) be nominated as, or carry out any of the duties or responsibilities of, a substitute fielder; or
- (b) enter any part of the playing area (which shall include, for the avoidance of doubt, 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.

Finally, any Reported Person so sanctioned shall not be prevented from attending any post-match ceremonies or presentations taking place anywhere on the field of play or otherwise following the conclusion of a Match covered or the period of suspension unless the suspension has been imposed in respect of a Level 3 or Level 4 Offence under this Code of Conduct. In such circumstances, the Reported Person shall not be permitted to attend such ceremonies or presentations.

7.10 Once any Matches or fixed period of suspension has expired, the Reported Person will automatically become re-eligible to participate in Matches.

7.11 where a cost award is imposed against a Reported Person Player or other Person reported, then such costs award must be paid: (a) by the Player or Other Person reported; (b) to GIZ within

thirty (30) days of receipt of the decision imposing the fine. However, GIZ will consider any request from any Reported Person to make the payment of such fines and/or costs over a prolonged period of time solely in its absolute discretion and on the grounds of financial hardship. Should any costs award (or agreed part-payment or instalment thereof) not be paid to GIZ within such deadline or by the time of the next agreed payment date, the Reported Person may not play, coach or otherwise participate or be involved in any capacity in any Match organised by the Zone or any of its affiliates until such payment has been satisfied in full.

NOTE: The Judiciary may ONLY impose a cost award against a Reported Person to;

- a) make restitution for any damages caused, or
- b) compensate the Association for any costs incurred. This may include any / all travel and accommodation costs

ARTICLE 8. APPEALS

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 Judiciary or Code of Conduct Commissioner (as applicable) relates to, and not necessarily the level of offence originally reported.

By way of example, a Commissioner may have been asked to determine a Level 3 Offence, but in coming to his/her decision, he/she has exercised the right afforded to him/her in Article 7.8.5 and found the Reported Person concerned not guilty of the Level 3 Offence, but guilty of a Level 2 Offence. In such circumstances, the right of appeal shall be determined on the basis of the Level 2 Offence and thus in accordance with Article 8.2.

In circumstances where the application of this note would lead to the same level of adjudicator hearing the appeal as heard the first instance case, then the relevant adjudicatory body shall be the higher body. By way of example, in the example listed above, an Appeals Commissioner would have the jurisdiction to hear the appeal against the Level 2 Offence even though technically under the Code of Behaviour a Commissioner would hear the appeal, as the first instance hearing was held before a Commissioner. The terms of this Article 8 should therefore be construed accordingly.

8.1 Appeals from decisions in relation to a first Level 1 Offence

8.1.1 Decisions made under the Code of Conduct by a Commissioner in relation to a Level 1 Offence shall be non-appealable^{iv} and shall remain the full and final decision in relation to the matter.

8.2 Appeals from decisions in relation to: (a) a second or subsequent Level 1 Offence; (b) a Level 2 Offence (except 2.2.3 and 2.2.8 – “Off-Field”)

8.2.1 Decisions made under the Code of Conduct by a Commissioner in relation to:

- (a) a second or subsequent Level 1 Offence within the applicable 18 eighteen-month

period; or

- (b) a Level 2 Offence (except 2.2.3 and 2.2.8 – “Off-Field”), may be challenged solely by appeal as set out in this Article 8.2. Such decision shall remain in effect while under appeal unless the Chairman of the Judiciary appointed by the Association to hear the appeal orders otherwise.

8.2.2 The only parties who may appeal a decision of this nature shall be:

- (a) the Reported Person found guilty of the offence or, where appropriate in the case of an offence under either Article 2.2.9 (changing the condition of the ball) or 2.2.10 (manipulation of a Match), the relevant Team Captain;
- (b) the person who lodged the Report pursuant to Article 3.1

8.2.3 Any notice to appeal under this Article must be lodged with the Code of Conduct Commissioner within 48 hours of receipt of the written decision of the Judiciary. In all cases, a copy of such notice will also be provided to the Executive of the Cricket Association to which the Reported Person is affiliated. Thereafter, the following will apply:

8.2.3.1 Within 48 hours of receipt of a notice to appeal:

- (a) Notice will be given for timing of a full Judiciary Hearing; and
- (b) The Judiciary will provide a written statement to the Code of Conduct Commissioner setting out any relevant facts (to be copied to the Reported Person).

8.2.3.2 The provisions of Articles 5.1.2 to 5.1.12, applicable to proceedings before the Judiciary, shall apply mutatis mutandis (i.e. with changes deemed to have been made as required to reflect the different context) to appeal hearings before the Judiciary.

8.2.3.3 The Judiciary shall hear and determine all issues arising from any matter which is appealed pursuant to this Article on a *de novo* basis, i.e. he/she shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. For the avoidance of doubt, the Judiciary shall have the power to increase or decrease, amend or otherwise substitute a new decision on the appropriateness (or otherwise) of the sanction imposed at first instance, provided that any new sanction must be within the permitted range of sanctions set out in the table in Article 7.3.

8.2.3.4 Appeal hearings pursuant to this Article 8.2 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than fourteen (14) days after the appointment of the Judiciary. The Greater Illawarra Zone Administrator, must notify in writing the parties to the appeal of all relevant details of the appeal as soon as practicable.

8.2.3.5 The Judiciary shall 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 he/she considers that such party has acted spuriously, frivolously, without reasonable cause or otherwise in bad faith.

8.2.3.6 Any decision made by the Judiciary under this Article 8.2, shall be the full, final and complete disposition of the matter and will be binding on all parties.

8.3 Appeals from decisions in relation to a Level 2.2.3 and 2.2.8 (“Off-Field” only) Offences, Level 3 Offence or Level 4 Offence

8.3.1 Decisions made under the Code of Conduct by a Commissioner in relation to a Level 2.2.3 and 2.2.8 (“Off-Field” only) Offence, Level 3 Offence or Level 4 Offence may be challenged solely by appeal as set out in this Article 8.3. Such decision shall remain in effect while under appeal unless the Greater Illawarra Zone Judiciary orders otherwise.

8.3.2 The only parties who may appeal a decision made in relation to a Level 2.2.3 and 2.2.8 (“Off-Field” only) Offence, Level 3 Offence or Level 4 Offence shall be: (a) the Association, from which the Reported Person found guilty of the offence; (b) the person who lodged the Report pursuant to Article 3.1 and (c) CNSW Chief Executive Officer (or his/her designee).

8.3.3.1 Any notice to appeal under this Article must be lodged with the Greater Illawarra Zone Administrator, within seven (7) days of receipt of the written decision of the Commissioner. In all cases, a copy of such notice will also be provided to the Secretary of the Zone / Association to which the Reported Person is affiliated. Thereafter, the following will apply:

8.3.3.2 Within five (5) days of receipt of a notice to appeal: (a) the GIZ Administrator will contact the Greater Illawarra Zone – Appeals sub- committee to hear the appeal; and (b) the Commissioner whose decision is being appealed will provide a written statement to the GIZ Administrator setting out any relevant facts (to be copied to the Reported Person).

8.3.3.3 Proceedings before Judiciary, shall apply mutatis mutandis (i.e. with changes deemed to have been made as required to reflect the different context) to appeal hearings before the Appeals Sub Committee to the conduct of any hearing.

8.3.3.4 Where required in order to do justice (for examples to cure procedural errors at the first instance hearing), the appeal shall take the form of a re-hearing de novo (i.e., it shall hear the matter over again, from the beginning, without being

bound in any way by the decision being appealed) of the issues raised by the case. In all other cases, the appeal shall not take the form of a de novo hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.

8.3.3.5 Appeal hearings pursuant to this Article 8.3 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than thirty (30) days after the Greater Illawarra Zones, Appeals Sub-Committee was notified. The Administrator Greater Illawarra Zone, must notify in writing the parties to the appeal of all relevant details of the appeal as soon as practicable.

It shall be open to the Greater Illawarra Zone Appeals Sub-Committee, in their discretion, to determine that the matter (or any part thereof) be dealt with by way of written submissions only.

8.3.3.6 The Greater Illawarra Zone Sub-Committee, shall have the power to order some or all of the costs of the appeal proceedings to be paid by the appealing party if it considers that such party has acted, spuriously, frivolously, without reasonable cause or otherwise in bad faith. Otherwise, each party to the appeal shall be responsible for their own costs associated with the appeal.

8.3.3.7 Any decision made by the Greater Illawarra Zone Sub- Committee under this Article 8.3, shall be the full, final and complete disposition of the matter and will be binding on all parties.

8.4 No appeal in relation to an accepted sanction

For the avoidance of doubt, where a Reported Person admits the offence charged and accedes to the proposed sanction specified in the Notice of Charge in accordance with the procedure described in Articles 4.2.1 or 4.4.1, the Reported Person waives his/her right to any appeal against the imposition of such a sanction.

ARTICLE 9. CODE OF CONDUCT COMMISSIONER

9.1 Appointment

The Code of Conduct Commissioner ("Commissioner") is appointed by the Greater Illawarra Zone Delegates at the AGM. They shall also appoint an alternative Commissioner based on availability issues. The Commissioner and the alternative shall not be currently playing or members within the same Association or be a member of one of the Clubs within the Association.

9.2 Own enquiries

The Commissioner may conduct their own preliminary investigations into each report for the sole purposes of making initial decisions on whether or not the report should proceed or in determining a proposed sanction.

9.3 Powers

In relation to each Report received by the Commissioner, they are able to;

9.3.1 Accept an early plea of guilt and acceptance of proposed sanction

9.3.2 Refer a Report straight to the Judiciary if the matter is sufficiently serious or for any reason they deem it appropriate

9.3.3 At their sole and absolute discretion, they may vary, amend or waive compliance with a procedural step (or timing) referred to in this Code if they take the view that non-compliance does not adversely affect the Reported Person.

9.4 Records

The Commissioner must;

9.4.1 Retain a register of all Reports for a period of at least 3 years covering;

9.4.1.1 All Reports laid

9.4.1.1 All Reports and sanctions accepted by Reported persons

9.4.1.3 All Commissioner and Judiciary findings / decisions

9.4.2 Communicate with the Reported Person's Club or Body in relation to the Report, Judiciary timings and outcomes covering decisions and sanctions.

9.4.3 Provide the Judiciary with a copy of the Code of Conduct Register (covering previous Reports and decisions as per 9.4.1 above).

ARTICLE 10. JUDICIARY

10.1 Appointment

The Judiciary is appointed by the Greater Illawarra Zone delegates. The Judiciary will consist of at least 3 members, however, only three need to be available to sit and preside at a hearing. At the hearing, one shall be chosen by the members present to chair the hearing.

10.2 Powers and functions

The powers and functions of the Judiciary are contained within this Code. When conducting a hearing following a Report, the Judiciary may:

10.2.1 Reduce or increase the sanction after taking into account exception circumstances

such as

10.2.1.1 the seriousness of the breach,

10.2.1.2 the hurt caused to the interests of cricket, and

10.2.1.3 the Reported Person's seniority and standing in the game.

10.2.2 Decide and direct the Reported Person not to captain the team or hold a Club office position for a specified period of time or number of matches.
