

CRICKET NSW



CODE OF CONDUCT PROCEDURES
Summary of changes for upcoming 26-27 season

CONTACT DETAILS

PERSONAL RESPONSIBILITY TO MAINTAIN CURRENT CONTACT DETAILS ON PLAY HQ

- Cricket Organisation and Cricket Participants must maintain current contact details on Play HQ
- The Integrity Unit will send all correspondence to the email address on file unless otherwise notified
- Please be aware of Clause 5.12 where if a Reported Person does not respond to a Notice of Charge within the timeframe specified on the document, then they will be deemed to have accepted the offence(s) and proposed sanction(s)



LEAVE REQUIREMENTS

**FOR AN EXECUTIVE OFFICER REPORT TO BE
MANAGED UNDER THE CODE OF CONDUCT
PROCEDURES, A COMMISSIONER MUST BE
SATISFIED:**

- a) the alleged conduct is within the scope of the Procedures;
and
- b) that is in the best interests of the sport of cricket to do so.

In considering a), a Commissioner must have regard to whether the relevant Reported Person and/or reported conduct is clearly identified in the Report with sufficient detail to act in accordance with Clause 5.4

In considering b), a Commissioner must have regard to whether the relevant Report is submitted in good faith and/or is vexatious or frivolous.

**The leave
process was
pre-existing but
now there is
conditions the
Commissioner
must be
satisfied of.**

MULTIPLE DAY MATCHES

REPORTS RELATING TO A MULTIPLE DAY MATCH WILL NOT BE DEALT WITH UNTIL AFTER THE COMPLETION OF THE ENTIRE MATCH

- a Reporting Person is still encouraged to submit the report as soon as possible to ensure the Commissioner receives a contemporaneous (fresh in the mind) account of events
- a Commissioner will not take any action under Clause 5.4(a)- until after the relevant Match has been completed
- a Reported Person will be able to play the remainder of the Match unless a provisional suspension is imposed by the Head of Integrity
- a Commissioner may refer the matter to the Head of Integrity to consider taking provisional action



MATTER DISMISSED

FOR A COMMISSIONER TO MAKE A DETERMINATION TO DISMISS A MATTER, THEY MUST BE SATISFIED:

- a) it is clear on the face of the Report and any other material available at the relevant time that the conduct does not constitute an offence under the Procedures; or
- b) it is in the best interests of the sport of cricket to do so.

An Assistant Commissioner may only proceed with b) with the consent of the Commissioner.

Matter dismissed means it is finalised without a charge.

REOPENING A REPORT

THE PROCEDURES NOW ALLOW A COMMISSIONER TO REOPEN A REPORT TO CHANGE THE ORIGINAL DECISION IN SPECIFIC CIRCUMSTANCES

- the report must have been:
 1. dismissed
 2. a charge was issued that was accepted/deemed accepted by the Reported Person
- there must be fresh and compelling evidence that the Commissioner believes would have reasonably affected the original decision
- the report must be reopened within seven (7) days of being provided with the fresh and compelling evidence
- there are certain requirements for the next steps if a report is reopened



INABILITY FOR A REPORTED PERSON TO ATTEND THEIR HEARING

THE COMMISSIONER IS ONLY REQUIRED TO PROVIDE ONE (1) OPPORTUNITY TO RESCHEDULE THE HEARING

- the Reported Person receives a Notice of Hearing specifying the date and time for the hearing to take place
- the onus is on a Reported Person to make themselves available to attend a hearing
- hearings usually take place within the week and commonly after 4 pm on a Thursday
- if you are the Reported Person and you are unable to attend the date and time specified, we encourage you to let integrity@cricketnsw.com.au know as soon as possible and offer any dates and time you would be able to attend

The Commissioner may provide additional opportunities to reschedule but this will be based on the circumstances of the matter.

FURTHER ENQUIRIES ARISING FROM A HEARING

A COMMISSIONER MAY MAKE INVESTIGATIONS AFTER A HEARING IF IT IS DETERMINED THAT MORE FURTHER ENQUIRIES SHOULD BE MADE OR STATEMENTS SHOULD BE OBTAINED

- a Hearing will be considered adjourned until further investigations have been completed
- 2 options to continue
 1. the Hearing is reconvened
 2. A determination is made on the papers
- procedural fairness must always be maintained



RACIST, HOMOPHOBIC, SEXIST OR OTHERWISE DISCRIMINATORY BEHAVIOUR

THE COMMISSIONER MAY APPLY A ONE (1) LEVEL LOADING TO THE OFFENCE

- a one (1) level loading may apply if conduct of this nature is found to have occurred
- this will allow the Commissioner to apply a more significant sanction to the Reported Person

Note: a one (1) level loading can also be applied if the offence is committed in front of, or around, a person under the age of eighteen (18) years old.



APPEALS

THERE IS NO AUTOMATIC RIGHT TO AN APPEAL

- to align with the NSWCA By-Laws process for appeals of affiliate decisions, the COC Procedures have been amended to create a leave process for appeals
- this requires the Chair of the Judiciary Committee (or Head of Integrity for a first-time sole Level 1 offence) to grant / refuse leave based on the grounds of appeal
- the grounds of appeal have remained the same
- the appeal will proceed on the evidence available before the original decision maker unless there is new evidence that
 - a. was not reasonably available at the time
 - b. would be unfairly prejudicial to not include in the appeal
- there is no longer a right to appeal for a Reporting Person

The Reported Person will be notified of any right to appeal in the Notice of Outcome.

NEW OFFENCE – A.18

OFFENSIVE COMMENTS OR BEHAVIOUR TO A CRICKET NSW EMPLOYEE AND/OR A CODE OF CONDUCT COMMISSIONER

- Includes but is not limited to:
 - (a) *the use of language or gestures that are indecent, obscene, insulting or threatening;*
 - (b) *written or verbal comments that have the capability to, or do, demean, humiliate, or intimidate a Cricket NSW employee or a Code of Conduct Commissioner;*
 - (c) *behaviour that causes serious alarm, distress, or offense to a Cricket NSW employee or a Code of Conduct Commissioner;*
 - (d) *any conduct that undermines the authority or integrity of a Cricket NSW employee or a Code of Conduct Commissioner.*
- must be while acting in their capacity as a CNSW employee or decision-maker
- must be ‘during a Match’ as described in Clause 3.3



NEW OFFENCE – B.4

BREACH OF CODE OF CONDUCT BY A CLUB OR ASSOCIATION

- to apply where there is conduct of such material nature including but not limited to:
- *significant, excessive and/or serious acts (or omissions) of one or more Cricket Participants associated with and/or representing a Club or Association; and/or*
- *combined or cumulative acts (or omissions) of multiple Cricket Participants associated with and/or representing a Club or Association; and/or*
- *multiple separate offences committed by Cricket Participants or officials associated with and/or representing the relevant Club or Association, whether arising from the same incident or over a sustained period; and/or*
- *enduring or repeated failure (deliberate, reckless or negligent) by the Club or Association, or by any officials, associated with and/or representing to prevent or adequately address such conduct provided they were aware of it (including in relation to breaches of Article B.5); and/or*
- *a committee or Board, official or other representative of a Club or Association has materially contributed to the relevant conduct comprised above; was a primary instigator of such conduct and/or has failed to take appropriate and reasonable steps to stop or mitigate such conduct or the recurrence of any such conduct*

**Previously
contained
within offence
B.3 but now it
will be a stand-
alone offence**

NEW OFFENCE – B.5

PARTICIPATING WHILE INELIGIBLE OR UNDER FALSE PRETENCES

- includes but is not limited to situations where a Cricket Participant:
 - (a) participates in a Match while knowingly ineligible under the rules, regulations, or policies of a Cricket Organisation;
 - (b) knowingly provides false, misleading or incomplete information to gain eligibility to participate in a Match (where the relevant information provided by the individual about whom such information relates then there such information is deemed to have knowingly provided the same);
 - (c) fails to disclose material information that would render the Cricket Participant ineligible to participate (including, but not limited to, information about fitness to compete and/or availability to play)
 - (d) engages in conduct that undermines the integrity of the eligibility process or fairness of the competition;
 - (e) directly or indirectly knowingly assists or abets in the commitment of any of the above.





CRICKET NSW

THANK YOU