



CRICKET NSW

New South Wales Cricket Association

By-Laws

September 2024

NEW SOUTH WALES CRICKET ASSOCIATION

BY-LAWS

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NEW SOUTH WALES CRICKET ASSOCIATION BY-LAWS

INTERPRETATION

1.1. Definitions

In these By-Laws, unless the subject matter or context otherwise indicates or requires:

"**Affiliate**" means any club, association or other body which is affiliated directly or indirectly with NSWCA, SCA or NSWCCA.

"**Association**" means any of NSWCA, SCA or NSWCCA.

"**Associations**" means all of NSWCA, SCA and NSWCCA. "**By-Laws**" means these By-Laws.

"**Board**" means the board of directors of NSWCA acting as a body. "**CA**" means Cricket Australia.

"**Captain**" means the person nominated at the commencement of a cricket match as the Captain of the Team.

"**Chief Executive**" means the Chief Executive of NSWCA.

"**Code of Conduct**" means the Code of Conduct contained in these By-Laws.

"**Commissioner**" means the NSWCA Code of Conduct Commissioner appointed pursuant to **By-Law 6** in these By-Laws and includes, where appropriate, a reference to Assistant Commissioner.

"**Committee of Management**" means the Committee of Management of SCA or NSWCCA, as the context requires.

"**Constitution**" means the Constitution of NSWCA and includes rules and by-laws, as the case may be.

"**Cricket Event**" means any Match, tournament, tour, contest, event, activity (including training), whether on a one-off basis or as part of a series, league or competition sanctioned or organised by NSWCA or a Cricket Organisation;

"**Cricket Participant**" includes:

- (a) Players;
- (b) individuals who are registered with or entitled to participate in an Affiliate or Association or a Cricket Event;
- (c) coaches appointed to train a Player or Team of an Affiliate or Association or for a Cricket Event;
- (d) administrators who have a role in the administration or operation of an Affiliate or

- Association, including owners, directors, committee members or other persons;
- (e) officials including referees, umpires, technical officials, or other officials appointed by an Affiliate or Association or any league, competition, series, club or Team sanctioned by NSWCA;
 - (f) Player Support Personnel who are appointed in a professional or voluntary capacity by an Affiliate or Association;
 - (g) individuals who are registered as members with an Affiliate or Association or any league, competition, series, club or Team sanctioned by NSWCA;
 - (h) employees;
 - (i) contractors;
 - (j) volunteers; and
 - (k) any other individual who has agreed to be bound by the Integrity Policies;

"Match" means a cricket match between two teams sanctioned or organised by NSWCA, an Affiliate and / or Association; **"NSW"** means New South Wales.

"NSWCA" means the New South Wales Cricket Association.

"NSWCCA" means New South Wales Country Cricket Association Incorporated.

"NSW Premier Cricket Competition" means the premier cricket competition conducted by SCA.

"Person Reporting" means the person who has lodged a report to the Commissioner under **By-Law 6**.

"Player" means a participant in a Cricket Event (including in addition to those that are playing in a Team) organised, sanctioned or otherwise under the auspices of an Affiliate or Association and includes representative competitions, tours and carnivals;

"Player Support Personnel" includes any parent, guardian, coach, trainer, Team manager, Player agent, selector, umpire, Team official, doctor, physiotherapist, dietitian, fitness or other health-related advisor or any other person employed by, contracted to, representing or otherwise affiliated to an Affiliate or Association, or any parent or other person working with, treating or assisting a Player

"Principal Place of Abode" means the place of residence where the relevant person ordinarily lives and sleeps at night.

"Reported Person" means the person against whom a report has been made to the Commissioner under **By-Law 6**.

"SCA" means Sydney Cricket Association Incorporated.

"Sydney Grade Cricket Region" means the area specified in these By-Laws to be the Sydney Grade Cricket Region.

"Sydney Shires Competition" means the shires cricket competition conducted by SCA.

"Team" means a collection or squad of Players who compete and/or train in cricket and/or cricket activities.

1.2. Construction

In these By-Laws, unless the subject matter or context otherwise indicates or requires:

- (a) words (including defined expressions) importing the singular number only shall include the plural and vice versa;
- (b) words (including defined expressions) importing any gender shall include other genders;
- (c) words (including defined expressions) importing persons shall include corporations and bodies politic;
- (d) expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a tangible and permanently visible form and includes electronic transmission;
- (e) references to business days means days other than Saturdays, Sundays and public holidays; and
- (f) references to days and cognate terms shall not be construed as referring only to business days but shall be construed to include Saturdays, Sundays and public holidays.

1.3. Headings

Headings do not affect the interpretation of the By-Laws.

1.4. Constitution

These By-Laws are made by the Board under the Constitution and are subject to the Constitution. In the event of any consistency between the Constitution and the By-Laws the Constitution shall prevail. Unless otherwise defined in the By-Laws terms used in the By-Laws shall be defined and interpreted in accordance with the Constitution.

2. APPLICATION OF BY-LAWS

The By-Laws shall be binding on:

- (a) the Associations;
- (b) the members and office-bearers of the Associations;
- (c) the Affiliates;
- (d) the members and office-bearers of the Affiliates;
- (e) the bodies which elect or are represented by Delegates of the Associations;
- (f) the members and office-bearers of the bodies referred to in paragraph (e) above; and
- (g) any other Cricket Participants.

3. MEETINGS OF ASSOCIATIONS

3.1 Order of Business at General Meetings

The order of business at general meetings of the Associations shall be:

- (a) apologies and proxy appointments;

- (b) confirmation of minutes;
- (c) formal correspondence;
- (d) financial statement;
- (e) reports and recommendations of the Board, SCA Committee of Management or NSWCCA Committee of Management, as applicable;
- (f) other reports and recommendations;
- (g) motions; and
- (h) any other business in accordance with the Constitution of the relevant Association.

3.2 Voting and Ballots

- (a) At all meetings of the Associations the mode of voting shall be as required by the respective Constitution.
- (b) For all ballots for elections conducted by the Associations the method of recording votes shall be by writing on the ballot paper the names of all candidates and striking out the name(s) of those for whom the voter does not wish to vote. Any ballot paper on which votes are recorded for either more or less candidates than the number of positions to be filled shall be rejected as informal.
- (c) The chairman of the meeting shall appoint 2 or more persons (who need not be members of the relevant Association) as scrutineers to ascertain the result of any ballot.
- (d) The result of any ballot shall be determined as follows:
 - (i) The candidate who receives the lowest number of votes shall be excluded, and if there then remain more candidates than are required to fill the vacant positions a further ballot shall be taken.
 - (ii) The procedure set out in (i) above shall be repeated until there only remains the number of candidates required to fill the offices, who shall be declared elected.
 - (iii) If in any ballot 2 or more candidates receive the equal lowest number of votes, those candidates shall be excluded, unless the remaining number of candidates is less than the number of candidates required to fill the offices, in which case a further ballot of the members shall be taken as to which of the candidates with the equal lowest number of votes shall be excluded.
 - (iv) If after a further ballot is taken in accordance with (iii) above, there is still an equal number of votes as to which candidate or candidates shall be excluded, the chairman of the meeting shall decide which candidate or candidates shall be excluded (using a method to be determined by the chairman).

3.3 Role of the Chairman

- (a) The chairman of the meeting shall have authority to decide any point of order, but any decision may be overruled and dissented from by a majority of those present.
- (b) The chairman of the meeting shall preserve order and may at any time call to order any

members who the chairman deems to be out of order.

- (c) When 2 or more members rise to speak at the same time; the chairman of the meeting shall decide which member shall be heard first.
- (d) Any member may call the attention of the chairman of the meeting to any other member being out of order or to any point of order.
- (e) Every point of order shall be taken into consideration immediately, and decided by the chairman of the meeting.

3.4 Offensive Behaviour

- (a) No member shall make any offensive personal reflections upon, or impute any improper motives to, any member or office-bearer.
- (b) Any member so offending shall immediately, upon being required by the chairman of the meeting, withdraw the offensive expressions or retract such imputation, and make an apology satisfactory to the meeting.
- (c) Any member refusing to withdraw the offensive expressions or retract such imputation, and apologise, shall not be allowed to further address the meeting at that or any subsequent meeting until that member shall have complied with such direction, nor shall that member's vote be recorded upon any question.

3.5 Notices of Motion

- (a) Any member wishing to bring forward any motion (other than a formal motion) shall provide written notice of such motion to the secretary of the relevant Association at least 14 clear days prior to the date of the meeting at which the member wishes such motion to be considered. The secretary shall make such notice available for inspection by members until after the motion has been finally decided.
- (b) No motion, notice of which is on the business paper, shall be considered in the absence of its proposer, unless another member, other than the seconder, produces a written authority for that purpose from the proposer. Such other member shall then be allowed to move the motion.

3.6 Conduct of Business

- (a) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, that business which may be transacted pursuant to the relevant Constitution.
- (b) A report of the Board or the relevant Committee of Management (as the case may be) or a sub-committee may only be adopted or referred back to the Board or Committee of Management (as the case may be) or sub-committee for further consideration and report to the next meeting.
- (c) No member shall speak on any motion or amendment for a longer period than 10 minutes without the consent of the meeting.
- (d) The chairman of the meeting shall put all questions first in the affirmative and then in the negative and may do so as often as may be necessary to enable the chairman to determine the view of the meeting on such questions and thereupon the chairman shall

declare the chairman's decision, which shall be final unless a ballot is called for.

- (e) No motion shall be discussed until it is seconded. Any motion, once seconded, shall not be withdrawn without leave of the meeting.
- (f) No member shall speak more than once on the same question unless in explanation, and then only with the permission of the chairman of the meeting. However, any member having previously spoken on the original question shall be entitled to speak once on each amendment and the mover of the original question shall have the right of final reply.

3.7 Amendments

- (a) When a motion, or a recommendation of the Board or the Committee of Management (as the case may be) or a sub-committee, is moved and seconded, any member shall be at liberty to move an amendment to that motion or recommendation. The amendment shall not be discussed until it is seconded. The chairman of the meeting may require amendments to be submitted in writing.
- (b) No second amendment shall be taken into consideration until the previous amendment has been resolved.
- (c) If an amendment is carried, the motion or recommendation so amended shall become the question before the meeting, whereupon any other amendment may be moved.
- (d) If any amendment, either to the original motion or recommendation or any amended motion or recommendation, is lost, then a further amendment (if not to the same effect as that already lost) may be moved.
- (e) No amendment shall have the effect of reversing or contradicting the question before the meeting.

3.8 Rescission of Resolutions

- (a) A resolution which has been passed shall not be altered or rescinded except by a motion to that effect of which notice has been duly given.
- (b) Where a motion to amend or rescind a resolution has been lost, no similar motion shall be brought forward within 3 months. This By-Law shall not be evaded by substituting any motion differently worded but in principle the same.

3.9 Meetings in Committee

Any Association may resolve itself into a committee of the whole and the provisions of these By-Laws, so far as they are applicable, shall govern all committee proceedings except the provisions limiting speeches.

3.10 Close of Meetings

- (a) No motion for adjournment shall be proposed or seconded by any member who has spoken on the motion before the meeting, or who has moved or seconded or spoken to any amendment to that motion, whilst that motion or amendment is under discussion.
- (b) At any meeting, no business shall be taken after 10 pm if one-third of the members present object.

4. INTEGRITY POLICIES

4.1 Application of Integrity Policies

Consistent with its objects as set out in the Constitution, NSWCA has formulated and/or adopted the policies set out in this **clause 4.1 (Integrity Policies)**, and each person referred to in **By-Law 2** of these By-Laws must comply with, and is bound by, the Integrity Policies:

- (a) NSWCA Complaints and Dispute Resolution Policy;
- (b) NSWCA Code of Conduct – as set out in **By-Law 5** of these By-Laws;
- (c) NSWCA Member Protection Policy;
- (d) Cricket Australia Anti-Doping Code;
- (e) Cricket Australia Illicit Substances Rule;
- (f) NSWCA Anti-Corruption Policy;
- (g) NSWCA Safeguarding Children and Young People Policy;
- (h) NSWCA Code of Conduct Procedures; and
- (i) any other policy introduced by Cricket Australia or NSWCA from time to time and notified to the Associations and the Affiliates.

4.2 Breach of Integrity Policies

Notwithstanding anything else in these By-Laws, any alleged breach or complaint in relation to any of the Integrity Policies must be handled in accordance with the procedure set out in the relevant Integrity Policy.

5. CODE OF CONDUCT

5.1. Code of Conduct

Any Cricket Participant, Affiliate or Association must not:

- (a) engage in conduct which brings, or is likely to bring, the interests of cricket or NSWCA into disrepute;
- (b) act in a manner which is, or is likely to be, prejudicial to the interests of cricket or NSWCA;
- (c) engage in disorderly or improper conduct or behaviour during a cricket matches;
- (d) engage in any of the offences contained in the CNSW Code of Conduct Procedures;
- (e) verbally or physically abuse, assault or engage in violence with another person, intimidate another person or create a hostile environment;
- (f) make or post inappropriate, offensive or discriminatory comments in public (including via any form of social media) about another person, an Association or any of the Affiliates;

- (g) breach any requirements for safeguarding children and young people as set out in the NSWCA Safeguarding Children and Young People Policy;
- (h) victimise another person for making a complaint under any NSWCA policy, including any Integrity Policy;
- (i) disclose to a person or organisation any information related to cricket and/or NSWCA that is of a private, confidential or privileged nature without the required consent of the relevant person or entity;
- (j) make a complaint under NSWCA's Complaints and Dispute Resolution Policy that the Player or Player Support Personnel or Cricket NSW knows to be untrue, vexatious, malicious or improper; or
- (k) breach any provision of an Integrity Policy as set out in **clause 4.1**.

5.2. Captain's Responsibility

The Captain of a Team breaches **clause 5.1** if the Team demonstrates systemic non-compliance with the Code of Conduct, including:

- (a) where one or more Players in that Team engage in multiple breaches of the Code of Conduct during any Cricket Event; or
- (b) where one or more Players in that Team engage in continuous breaches of the Code of Conduct throughout a cricket season; or
- (c) the Captain otherwise breaches Law 41.1 of the Laws of Cricket

5.3. Code of Conduct Procedures

- (a) Subject to **clause 6.1(a)** and **clause 5.3 (b)**, any breach of this Code of Conduct by a Cricket Participant, Affiliate or Association shall be managed by NSWCA or the relevant Affiliate or Association in accordance with the CNSW Code of Conduct Procedures.
- (b) Any Affiliate or Association that manages Code of Conduct breaches under its own judicial processes shall use the offences and prescribed penalties set out in the CNSW Code of Conduct Procedures.
- (c) Notwithstanding **clause 5.3(a)** (above), NSWCA may, in its sole discretion, intervene and take control of an alleged breach of this Code of Conduct by a Cricket Participant, Affiliate or Association and deal with the matter in accordance with any of the Integrity Policies.

5.4. Effect of Penalties Imposed by a Judiciary Committee or Appeals Panel

- (a) No replacement Player or substitute is allowed for any Player who is suspended or disqualified by a judiciary committee or Appeals Panel of the NSWCA or any Affiliate or Association during the course of a match.
- (b) Any person who has been suspended or fined or otherwise dealt with by a judiciary committee of any of the Affiliates or Associations may, at the discretion of

the judiciary committee:

- (i) be prohibited from acting in any administrative position or as an office-bearer of the person's club or association or as Captain of any Team taking part in any match conducted by any of the Associations; and
- (ii) not be eligible to act as a delegate member or an office-bearer of any of the Associations,

until the annual general meeting of the relevant Association held after the expiration of such suspension or disqualification or held after the day on which such fine is paid to the relevant Association.

It is noted that in respect of this **clause 5.4** that any Judiciary Committee or Appeals Panel of the NSWCA may not impose a penalty which is inconsistent with any person's contract of employment if that person is an employee of any of the Affiliates or Associations.

5.5. Suspended Players

- (a) Any Player who has been suspended by a Commissioner or a judiciary committee of NSWCA, any Affiliate or Association or by any other properly constituted cricket disciplinary authority at club, association, NSW, CA or international level shall be ineligible for selection during the period of the suspension in any Team in a competition conducted by any of the Affiliates or Associations or in any Team selected by or representing any of the Affiliates or Associations.
- (b) For the purpose of **clause 5.5(a)**, the period of suspension shall be:
 - (i) the period from the first date until the last date, both dates inclusive, where a time period suspension is imposed; and
 - (ii) each day of play of a match where a match-based suspension is imposed. Where a match is not played due to inclement weather or for any other reason, the original scheduled days of play shall constitute the period of suspension.
- (c) Any Player who has been suspended by a judiciary committee of any of the Associations or by any other properly constituted cricket disciplinary authority at club, association, NSW, CA or international level shall be ineligible to be appointed or to act as Captain of a NSW Team or any other Team representing any of the Associations until the commencement of the Annual General Meeting of the NSWCA held after the expiration of the suspension.
- (d) A Player who lodges an appeal against a suspension imposed by a judiciary committee of any of the Associations or by any other properly constituted cricket disciplinary authority at club, association, NSW, CA or international level shall be ineligible for selection in any Team in a competition conducted by any of the Associations or in any Team selected by or representing any of the Associations until the decision to suspend the Player has been overturned or amended by the appellate body or the period of the suspension has expired.
- (e) The Chief Executive shall inform CA, the NSWCA Selection Committee or the NSW Women's Cricket Selection Committee, as appropriate, of any suspension of a representative Player or prospective representative Player as soon as possible after the imposition of such suspension comes to the attention of the Chief Executive.

For the purposes of **clause 5.5**, a “representative Player” means a person who is a party to an CA Player Contract or State Player Contract or who is a member of a NSW Squad or who has represented the CA, NSW or any of the Associations in any cricket match within a prior period of 12 months.

- (f) For the purposes of this **clause 5.5**, Rule 17.3(b) of the Constitution of the SCA and Rule 23.5 (b) of the Constitution of the NSWCCA, a Player who is a party to an CA Player Contract or a State Player Contract and is not otherwise an employee of any of the Associations is not an employee of any of the Associations.

6. CODE OF CONDUCT COMMISSIONER

6.1. Appointment of Commissioner

- (a) The Board shall appoint the NSWCA Code of Conduct Commissioner who has the powers set out in these By-Laws.
- (b) The Board may appoint an Assistant Code of Conduct Commissioner to assist the Commissioner in the discharge of their powers and duties and act as the Commissioner as required, including if the Commissioner is unavailable.
- (c) An Assistant Commissioner appointed pursuant to **clause 6.1** has the powers, duties and functions of the Commissioner, save and except that the Commissioner has the right to ensure that all decisions of Assistant Commissioners are consistent with these By-Laws and the Code of Conduct Procedures.
- (d) The term of appointment of the Commissioner shall be for a term at the recommendation of the Head of Integrity. A Commissioner may be appointed for more than one term, whether consecutive or otherwise.

6.2. Jurisdiction of Commissioner

The Commissioner shall be responsible for dealing with reported breaches of the Code of Conduct in the following competitions:

- (a) all competitions owned, operated and/or managed by the Sydney Cricket Association;
- (b) any competition owned, operated and/or managed directly by NSWCA;
- (c) any competition operated and/or managed by NSWCA pursuant to a Memorandum of Understanding with any cricket organisation in New South Wales;
- (d) any other competition operated by an Affiliate where that Affiliate enters into an agreement with NSWCA where it is agreed that NSWCA shall have jurisdiction over reported breaches of the Code of Conduct; and
- (e) where the circumstances in **clause 5.3(c)** of these By-Laws apply.

6.3. Appointment process

- (a) The qualifications and/or experience for appointment to the position of Commissioner are:
 - (i) a person who has experience playing, umpiring and/or administering cricket for a

period of no less than 10 years; and

- (ii) such other formal qualifications, professional experience and skills suitable to the function of performing the Commissioner role as determined by the Board.
- (b) The Head of Integrity shall undertake to identify suitable candidates for the position of Commissioner and make a recommendation to the NSWCA Board.

6.4. Powers of the Commissioner

The Commissioner has power to:

- (a) receive, investigate, examine and consider reports alleging a breach of the Integrity Policies;
- (b) determine whether:
 - (i) no action is to be taken against the Person Reported; or
 - (ii) the Person Reported is to be given a warning; or
 - (iii) the Person Reported, or any other person, is to be issued a Notice of Charge in accordance with the Code of Conduct Procedures; or
 - (iv) to refer a matter to the Judiciary Committee; or
 - (v) to refer a matter to the Head of Integrity to be heard in accordance with the Complaints and Dispute Resolution Policy; or
- (c) present the case against the Person Reported in any hearing before the Judiciary Committee;
- (d) appeal to the Board against a decision of the Judiciary Committee;
- (e) appear at the hearing of any appeal against a decision of the Judiciary Committee to present evidence as required; and
- (f) exercise the powers of the Head of Integrity as set out under the NSWCA Complaints and Dispute Resolution Policy.

For the avoidance of doubt, the Commissioner has power to investigate all matters that arise from reported breaches of the Code of Conduct.

6.5. NSWCA Code of Conduct Procedures

- (a) The Commissioner shall exercise its powers in accordance with the procedures outlined in the Code of Conduct Procedures.
- (b) Any determination made under **clause 6.4(b)(ii)** or **(iii)** against the Person Reported may be taken into account by a Judiciary Committee should the Person Reported be found guilty of another breach of the Code of Conduct within the time period prescribed in the Code of Conduct Procedures of the date of the issue of the determination.

6.6. Right of Appeal

- (a) There shall be no right of appeal against the determination of the Commissioner pursuant to:
 - (i) **clause 6.4(b)(i), (ii), (iv) or (v)**; or
 - (ii) acceptance by a Reported Person of a Notice of Charge.
- (b) The basis on which an appeal from a decision of the Commissioner can be made is otherwise set out

in the Code of Conduct Procedures.

6.7. Commissioner role before Judiciary Committee

Where a matter proceeds to a hearing before the Judiciary Committee, the Commissioner must:

- (a) appear at that hearing;
- (b) present evidence to support the allegation;
- (c) as required by the Judiciary Committee, test any defence, address the Committee and, make submissions in respect of those matters.

7. JUDICIARY COMMITTEE

7.1. Establishment of Judiciary Committee

- (a) The Judiciary Committee shall have the same jurisdiction as the Commissioner set out in **clause 6.2** of these By-laws.
- (b) All matters referred to a Judiciary Committee shall be managed in accordance with the Code of Conduct Procedures.
- (c) Members of the Judiciary Committee must not be employees or officers of NSWCA.
- (d) A Judiciary Committee must be chaired by a person who shall be a legal practitioner and a person of experience and skills suitable to the function of chairing a Judiciary Committee.
- (e) The Head of Integrity shall maintain a panel of suitable candidates to be appointed to the Judiciary Committee, and shall not appoint candidates who have any conflict of interest, including but not limited to affiliation with an Affiliate or Association relevantly involved with any matter.
- (f) Where there is an allegation or reasonable suspicion of a breach of an Integrity Policy other than the Code of Conduct, the NSWCA Head of Integrity may, at their sole discretion, intervene and take control of an allegation and deal with the matter in accordance with the Complaints and Dispute Resolution Policy.

7.2. Proceedings of Judiciary Committee

- (a) A Judiciary Committee may sit as a single member, or up to 5 members as appointed by the Head of Integrity and in accordance with the Code of Conduct Procedures.
- (b) Subject to the jurisdiction of any Appeals Panel, a Judiciary Committee shall be convened to hear matters as prescribed in the Code of Conduct Procedures.
- (c) Any appeal to a Judiciary Committee is limited to the grounds prescribed in the Code of Conduct Procedures.
- (d) Other than as prescribed in the Code of Conduct Procedures, the Judiciary Committee may determine all other matters of procedure in its absolute discretion, subject to the requirements of procedural fairness.

8. APPEALS PANEL

8.1. Establishment of Appeals Panel

- (a) The Appeals Panel shall have jurisdiction to hear and determine any appeal from the decision of an Affiliate, or a committee of an Affiliate.
- (b) Members of the Appeals Panel must not be employees or officers of NSWCA.
- (c) The Appeals Panel must be chaired by a person who shall be a legal practitioner and a person of experience and skills suitable to the function of chairing an Appeals Panel.
- (d) The Head of Integrity shall maintain a panel of suitable candidates to be appointed to the Appeals Panel and shall not appoint candidates who have any conflict of interest, including but not limited to affiliation with an Affiliate or Association relevantly involved with any matter.

8.2. Chair of Appeals Panel

The Chair of the Appeals Panel shall be appointed by the Board and shall have the powers set out in these By-Laws.

8.3. Proceedings of Appeals Panel

- (a) There is no automatic right of appeal from decisions of Affiliates to the Appeals Panel, other than prescribed in the By-Laws.
- (b) A person or body who is the subject of a decision of an Affiliate, or a committee of an Affiliate, may seek leave to appeal that decision to the Appeal Panel.
- (c) The Chair of the Appeal Panel, or another member of the Appeal Panel nominated by the Chair, shall determine the application for leave to appeal in their absolute discretion. There shall be no right of appeal or other review of a decision to grant or refuse that leave.
- (d) Should leave to appeal be granted, the appeal shall be heard and determined by the Appeal Panel subject to the NSWCA Constitution and these By-Laws.
- (e) An Appeals Panel may sit as a single member, or up to 5 members as appointed by the Head of Integrity.
- (f) Notwithstanding anything to the contrary in the By-Laws or the constitution of an Affiliate, the Appeal Panel shall have the power or jurisdiction to hear and determine:
 - (i) subject to the CNSW Code of Conduct Procedures, an appeal from the decision of a Judiciary Committee where the circumstances in **clause 9.1(c)** of those Procedures applies;
 - (ii) any appeal arising from the application of the Integrity Policies;
 - (iii) any decision of the NSWCA Board made under its Constitution or these By-Laws; and
 - (iv) where leave is granted to hear an appeal from a decision of an Affiliate or a committee of an Affiliate.
- (g) Notwithstanding anything to the contrary in the By-Laws or the constitution of an Affiliate, the Appeal Panel cannot adjust, reverse, amend or overturn the results of any match
- (h) the Chair of the Appeals Panel may determine all other matters of procedure in their absolute

discretion, subject to the requirements of procedural fairness.

9. PLAYER REGISTRATION

9.1. Eligibility

No Player is eligible to participate in a cricket match or competition organised by an Association or Affiliate, unless they:

- (a) are permitted by law to live and/ or work in Australia;
- (b) have registered with an Affiliate or an Association, using NSWCA's online registration system as made available from time to time, and have paid the applicable registration fee.

9.2. Registration

- (a) A Player may only register under one name and must not submit multiple concurrent registrations.
- (b) Where the Player is under the age of 18 at the time of registration, their registration must be submitted by the Player's parent or legal guardian.
- (c) Associations and Affiliates must monitor compliance with this **clause 9.2**.

9.3. Refusal, suspension or cancellation of Player registration

- (a) NSWCA reserves the right, in its absolute discretion, to refuse, suspend or cancel a Player's registration at any time.
- (b) A decision by NSWCA to refuse, suspend or cancel a Player's registration shall be made by the Board. Circumstances in which the Board may refuse, suspend or cancel a Player's registration include, but are not limited to, the following:
 - (i) false, misleading or inaccurate information has been provided as part of the registration process for that Player;
 - (ii) the Player is currently suspended (provisionally or otherwise) from participation in cricket or any other sporting code or is under investigation by Cricket Australia, an Association, an Affiliate or another sporting code for any alleged breach of any on or off field rule, regulation, code or policy;
 - (iii) the Player
 - (A) has been convicted of a criminal offence, or charged with a criminal offence; or
 - (B) is under investigation by any State/Territory police service or other statutory authority in connection with a criminal offence, and the Board considers that the offence is of such a nature or seriousness so as to present a risk to other Players or participants, or so as to present a risk of adversely affecting the reputation or interests of any Association, Affiliate or the game of cricket;
 - (iv) the Player is alleged to have acted (prior to seeking or obtaining registration) in a way that would have breached any of the Integrity Policies and it is considered necessary in all the circumstances to refuse, suspend or cancel the Player's registration;
 - (v) the Player has outstanding debts or liabilities to an Association or Affiliate, and it is considered necessary in all the circumstances to refuse, suspend or cancel the Player's registration;

- (vi) the Player's registration presents (or would present) a risk to the health and safety of another Player or any other cricket participant in NSW; or
- (vii) the Player is not considered to be a fit and proper person to be registered to participate in cricket in NSW.

9.4. Fit and proper person

When considering whether a person is a fit and proper person pursuant to **clause 9.3(b)(vii)**, the Board shall have regard to the following:

- (a) the background and personal history of the person;
- (b) the person's past history, if any, as a cricket Player or participant, or as a Player or participant in any other sport;
- (c) whether the person has previously engaged in conduct such that his registration as a Player:
 - (i) presents a risk to the health and safety of another Player or any other cricket participant;
 - (ii) might bring into disrepute or be detrimental to the interests, welfare or image of NSWCA, or any of the Associations or Affiliates or the game of cricket;
- (d) whether the person has previously engaged in conduct of a kind that, if repeated in future, might bring into disrepute or be detrimental to the interests, welfare or image of NSWCA, or any of the Associations or Affiliates or the game of cricket including the commission of serious or repeated offences under the Code of Conduct Procedures;
- (e) any other matter that, in the opinion of the Board, in its absolute discretion, should be taken into account when considering whether the Player is a fit and proper person to be registered to participate in cricket in NSW.

9.5. Notice of refusal, suspension or cancellation

If the Board refuses, suspends or cancels a Player's registration in accordance with **clause 9.3**, NSWCA shall, as soon as possible, give written notice of that fact to the Player and the Affiliate and/or Association with which the Player has registered (or has sought to register).

9.6. Obligations of Associations and Affiliates

- (a) Where NSWCA notifies an Association and/or Affiliate that a Player's registration is to be refused, the Association and Affiliate must ensure that the Player's registration is not accepted, and the Player is not allowed to participate in any cricket matches or competitions organised by that Association or Affiliate.
- (b) Where NSWCA notifies an Association and/or Affiliate that a Player's registration is to be suspended or cancelled, the Association or Affiliate must immediately take all steps required to give effect to that suspension or cancellation, and to ensure that the Player is not allowed to participate in any cricket matches or competitions organised by that Association or Affiliate.

10. SELECTION ISSUES

10.1. Establishment of the Selection Committees

There shall be two Selection Committees which shall be called the NSWCA Men's Selection Committee and the NSWCA Women's Selection Committee.

10.2. Selection Committees and Appointment of Members of Selection Committees

The Board shall each year:

- (a) determine the number of selectors to be appointed as members of the Selection Committees;
- (b) appoint the members of the Selection Committees; and
- (c) appoint one of the appointed members of the Selection Committees to be the chairperson.

The members of the Selection Committees need not be Members.

10.3. Period for which Selection Committees Appointed

The members of the Selection Committees shall hold those positions for such period as is determined by the Board.

10.4. Person Ceasing to be Member of a Selection Committee

(a) A person shall cease to be a member of a Selection Committee if the person:

- (i) dies;
- (ii) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the Act relating to mental health; or
- (iii) is removed by the Board,

and the Board shall appoint a person to fill that vacancy.

(b) A member of a Selection Committee may resign by notice in writing delivered to the Chief Executive and shall cease to be a member of the relevant Selection Committee upon receipt by the Chief Executive of that notice. The Board shall appoint a person to fill that vacancy.

10.5. Duties of Selection Committees

The duties of the Selection Committees shall be such as are from time to time prescribed by the By-Laws.

10.6. Meetings of Selection Committees

The Selection Committees shall meet at such times and places as they each deem suitable and the chairpersons of the Selection Committees may convene a meeting of their respective Selection Committee whenever they deem it necessary.

10.7. Further Selection Committees

Notwithstanding the other provisions of this By-Law, the Board may from time to time appoint a further selection committee or selection committees for any particular match or matches. The members of such committees need not be Members.

11. SELECTION OF NSW CAPTAINS AND PLAYERS

- (a) The Selection Committees shall select Players to practise for, and Teams to represent, NSW and NSWCA in international, interstate and such other fixtures as the Board may from time to time direct.
- (b) The selection committees of NSWCA may, if they consider it desirable, make the final selection for every match or, when the NSW Team is on tour it may delegate the final selection in any match to a committee consisting of the Captain and 2 other members who

shall be chosen by the relevant selection committee from the manager and members of the Team.

- (c) For all Teams referred to in paragraph (a) above, the relevant Selection Committee shall make a recommendation to the Board regarding the appointment of the Captain and vice-captain (if the Selection Committee considers a vice-captain is necessary).
- (d) The Captains (and vice-captains if deemed necessary by the relevant selection committee) of all Teams referred to in paragraph (a) above shall be appointed by the Board at the commencement of each season. In making such appointments, the Board shall take into account the recommendations of the relevant selection committee, noting that:
 - (i) any replacement of a Captain (or vice-captain) on a temporary basis during a season for any reason may be done by the Chief of Cricket Performance, provided that such person has previously been approved as a Captain by the Board; and
 - (ii) the selection of a person who has not previously been approved as a Captain by the Board must also be endorsed by the Chair of the High Performance Sub-Committee in consultation with the Chair of the Board.

12. NSWCA CHIEF EXECUTIVE

The duties of the Chief Executive of NSWCA shall be determined by the Board from time to time, and shall include responsibility for:

- (a) the administrative work of NSWCA;
- (b) the maintenance and safe-keeping of all records and minute books of NSWCA;
- (c) keeping a record of the names and addresses of all Members;
- (d) keeping such further records as the NSW Cricket Board may determine from time to time; and
- (e) the control of the NSWCA library.

13. SYDNEY GRADE CRICKET REGION

The Sydney Grade Cricket Region shall comprise that area which the Board determines from time to time to be the Sydney Grade Cricket Region.

14. COUNTRY CRICKET ZONES

NSW, other than the Sydney Grade Cricket Region, shall be divided into country cricket zones, the number and boundaries of which shall be determined by the Board from time to time.

15. SYDNEY CRICKET ASSOCIATION

15.1. Players May Play with any Club

Subject to the other provisions of this By-Law, a Player who wishes to play in a competition conducted by SCA may play with any club which takes part in that competition.

15.2. Registration of Players

- (a) A Player shall not play in a competition conducted by SCA in any season unless the Player has first registered with:
 - (i) the club that the Player subsequently plays with; and
 - (ii) SCA,in respect of that season.
- (b) A Player shall not register or play with more than one club taking part in the NSW Premier Cricket Competition in any one season.
- (c) A Player shall not register or play with more than one club taking part in the Sydney Shires Competition in any one season.

15.3. Players Bound by By-Laws, etc

A Player who plays in a competition conducted by SCA shall be bound by and comply with the Constitution, rules and By-Laws and be subject to the jurisdiction of the Commissioner and/or the Judiciary Committee.

15.4. Principal Place of Abode

- (a) A Player whose Principal Place of Abode changes shall, within 14 days of such change, advise the Secretary of SCA in writing of the address of the new Principal Place of Abode and the date on which such change occurred.
- (b) If:
 - (i) a Player's Principal Place of Abode, on 31 July preceding the commencement of the cricket season in that year, was outside the boundaries of the Sydney Grade Cricket Region; and
 - (ii) the Player's previous cricket club was outside the boundaries of the Sydney Grade Cricket Region,the Player shall not play with a club in a competition conducted by SCA in that season unless the Player has first provided written confirmation signed by the secretary or other authorised person of the Player's previous cricket club that the Player is under no financial obligation to that cricket club.

15.5. Participation in Semi-Finals and Finals

- (a) A Player who has played during any season with a club taking part in the NSW Premier Cricket Competition shall not play in a semi-final or final match in the Sydney Shires Competition in that season without the written permission of the Committee of Management of SCA.
- (b) A Player whose Principal Place of Abode, on 31 July preceding the commencement of the cricket season in that year, was outside the boundaries of the NSW Premier Cricket Region, shall not be eligible to play in any semi-final or final match in a competition conducted by SCA in that season unless the Player has played in at least 5 other matches in that competition during that season or has received the written permission of the Committee of Management of SCA.

16. OBLIGATIONS OF AFFILIATES

16.1. Amendment of Affiliates' Constitutions

An Affiliate shall not amend its Constitution unless the amendments have been previously approved by the Board.

16.2. Financial Year for Affiliates

The financial year for all Affiliates shall end on 31 May each year unless the Board has given prior approval for such financial year to end on 30 April.

16.3. Financial Information

- (a) On or before 31 July each year, the secretary of each Affiliate of SCA shall provide to the Secretary of SCA:
 - (i) an audited statement of income and expenditure for the previous financial year;
 - (ii) an audited statement of assets and liabilities, or a balance sheet, as at the end of the previous financial year;
 - (iii) written confirmation that the statements, or statement and balance sheet have been presented to, and adopted by, the annual general meeting of the Affiliate held in that year;
 - (iv) if the statements, or statement and balance sheet, have not been presented to and adopted by the annual general meeting of the Affiliate - a written explanation providing all details; and
 - (v) 2 copies of the Affiliate's annual report.
- (b) On or before 15 September each year, the secretary of those bodies which elect or are represented by delegate members of NSWCCA shall provide to the Secretary of NSWCCA:
 - (i) an audited statement of income and expenditure for the previous financial year;
 - (ii) an audited statement of assets and liabilities, or a balance sheet, as at the end of the previous financial year;
 - (iii) written confirmation that the statements, or statement and balance sheet have been presented to, and adopted by, the annual general meeting of the body held in that year;
 - (iv) if the statements, or statement and balance sheet, have not been presented to and adopted by the annual general meeting of the body - a written explanation providing all details;
 - (v) a copy of that body's annual report; and
 - (vi) a list of that body's affiliates.
- (c) Prior to the annual general meeting of NSWCA each year, the Secretaries of SCA and NSWCCA shall provide to the Chief Executive:
 - (i) an audited statement of income and expenditure for the previous financial year;

- (ii) an audited balance sheet, as at the end of the previous financial year;
- (iii) written confirmation that the statement and balance sheet have been presented to, and adopted by, the annual general meetings of the relevant Association held in that year;
- (iv) if the statements, or statement and balance sheet, have not been presented to and adopted by the relevant annual general meeting - a written explanation providing all details; and
- (v) a copy of the Association's annual report.

16.4. Consent for Matches

- (a) No affiliate of SCA or NSWCCA or any member of those affiliates, shall negotiate for or arrange to take part in any match against any Team, club, association or body (other than those within the boundaries of the Association to which the affiliate belongs) without the consent of the Committee of Management of the Association to which the affiliate is affiliated, provided that, if the Committee of Management refuses such consent, the affiliate or member may apply to the Board for such consent.
- (b) The Board or the relevant Committee of Management may at any time withdraw any consent made pursuant to paragraph (a) above

16.5. Clothing and Apparel

No item of cricket apparel, including footwear, which has been disapproved of by the Board shall be worn by any Player or umpire taking part in a match conducted by any of the Associations or Affiliates.

16.6. Defaulters

- (a) On or before 1 August each year, the secretary of each Affiliate shall supply to NSWCA a list of defaulters to that Affiliate, in respect of amounts owing by any of its members at 31 May of that year, and still unpaid.
- (b) Such list shall state the full name of each person concerned, the person's last registered address and details of the amounts owing to the Affiliate and still unpaid, and shall be accompanied by a statement that a written communication has been previously forwarded to each of the listed defaulters advising particulars of the amounts due and the dates by which such amounts were required to be paid.
- (c) No defaulting member of any Affiliate shall take part in any match conducted by any of the Associations.
- (d) The Associations on notification from any recognised cricket controlling body in any place outside NSW that a person is a defaulter under the rules of such body, shall not permit such person, while the person is in default, to take part in any match conducted by any of the Associations or Affiliates.
- (e) Any Affiliate which knowingly plays any person who is a defaulter shall be liable to fine, suspension, disqualification or such other action as the Board may determine, and shall be declared to have lost any match in which such defaulter took part.

17. DISCIPLINING, SUSPENSION AND EXPULSION OF MEMBERS

17.1. Powers of the Board and NSWCA in general meeting

If any Member of NSWCA:

- (a) refuses or neglects to comply with a provision of the Constitution;
- (b) acts in a manner which is unbecoming of a Member;
- (c) acts in a manner which is prejudicial to the interests of NSWCA; or
- (d) neglects to comply with a lawful requirement or direction of NSWCA or the Board,

the Board and NSWCA in general meeting have the power to:

- (e) censure the Member;
- (f) impose a fine on the Member;
- (g) suspend the Member from membership of NSWCA for a specified period;
- (h) expel the Member from membership of NSWCA; and
- (i) if the Member is expelled - disqualify the Member from being readmitted as a Member for a specified period.

The above power may only be exercised in accordance with the provisions of this **By-Law 17**.

17.2. Board to Cause Notice to be Served on Member

If the Board considers that a Member may have acted in a manner referred to in **clause 17.1** and is considering passing a resolution to take action of the kind referred to in **clause 17.1** against the Member then the Board shall cause a notice to be served on the Member. The notice shall:

- (a) specify the alleged conduct that the Board considers that the Member may have engaged in;
- (b) specify the proposed resolution to be passed at a meeting of the Board;
- (c) specify the date, place and time of the meeting at which it is proposed to pass the above resolution; and
- (d) inform the Member that the Member may do either or both of the following:
 - (i) attend the meeting and address the Board at that meeting; and
 - (ii) submit to the Board either at or prior to the meeting written representations relating to the proposed resolution.

17.3. Date of Board Meeting

The meeting at which the Board is to consider the above resolution shall be held at the date, place and time specified in the notice previously forwarded to the Member. The meeting shall be held not earlier than 14 days and not later than 28 days after service of the notice on the Member.

17.4. Procedure at Board Meeting

At the meeting of the Board at which the resolution is to be considered:

- (a) the Board shall:

- (i) give to the Member an opportunity to make oral representations to the Board at that meeting;
- (ii) give due consideration to any written representations submitted to the Board by the Member at or prior to the meeting; and
- (iii) by resolution:
 - (A) vote in favour of the resolution;
 - (B) vote against the resolution; or
 - (C) vote in favour of an amended resolution so long as the penalty imposed the amended resolution is less severe than the penalty contained in the original resolution contained in the notice previously forwarded to the Member; and
- (b) the Member shall have no right to legal representation.

17.5. Notice of Board Resolution

The Chief Executive shall within seven days of the passing of the resolution by the Board forward written notice to the Member informing the Member of the content of the resolution which was passed and of the Member's right of appeal to the Members in general meeting.

17.6. Board Resolution

- (a) If the Member who is the subject of a Board resolution does not exercise the Member's right of appeal to NSWCA in general meeting within the period during which such right is exercisable, then the Board resolution takes effect upon the expiration of that period.
- (b) If the Member exercises the Member's right of appeal to NSWCA in general meeting, then the Board's resolution shall have no effect but the resolution of NSWCA in general meeting takes effect at the conclusion of the general meeting at which it is passed.

17.7. Right of Appeal of Disciplined Member

A Member who is the subject of a Board resolution may appeal to NSWCA in general meeting against that resolution within seven days after notice of the resolution is served on the Member by lodging with the Chief Executive a written notice which states that the Member wishes to appeal to NSWCA in general meeting.

17.8. General Meeting to be Convened

- (a) If a Member who is the subject of a Board resolution lodges written notice of that Member's intention to appeal to NSWCA in general meeting, then the Board shall convene a general meeting to determine that Member's appeal.
- (b) The notice convening the general meeting shall:
 - (i) specify the alleged conduct specified in the notice originally forwarded by the Board to the Member;
 - (ii) specify the resolution of the Board; and
 - (iii) include a copy of any written representations which the Member requested to be

sent to the Members.

- (c) The Members shall be given at least 21 days notice of the general meeting.

17.9. Procedure at General Meeting

At the general meeting:

- (a) no other business shall be transacted other than the resolution of appeals by Members against Board resolutions;
- (b) the Board and the Member shall be given an opportunity to orally address the meeting or make written representations to those present at the meeting or both for the purpose of stating their respective cases. The Members may:
 - (i) pass an ordinary resolution in similar terms to the Board resolution;
 - (ii) pass an ordinary resolution which has amendments to the Board resolution - such amendments may increase or decrease the penalty; or
 - (iii) pass an ordinary resolution that no action is to be taken against the Member; and
- (c) all voting by Members shall be by secret ballot; and
- (d) a resolution shall be passed if a majority of the Members, present and entitled to vote, vote in favour of the resolution.

17.10. Notice of General Meeting Resolution

The Chief Executive shall within seven days of the passing of a resolution by NSWCA in general meeting forward written notice to the Member stating the terms of that resolution.

17.11. No Further Right of Appeal

A Member who is the subject of a resolution by NSWCA in general meeting shall have no further right of appeal to any other body or court other than on a point of law.

17.12. Member May Elect to Proceed Directly to the General Meeting

Notwithstanding **clauses 17.2 to 17.11**, a Member may by written notice to the Chief Executive at least 24 hours before the time for holding the Board meeting at which the resolution is to be considered, elect to have the question dealt with by NSWCA in general meeting. Upon receiving such a notice the Board shall convene a general meeting of NSWCA and **clauses 17.8 to 17.11** shall apply.

18. EFFECT OF BREACH OF BY-LAWS

18.1. Powers of the Board

- (a) Notwithstanding anything in **By-Law 17** the Board may fine, suspend, disqualify or otherwise deal with any Affiliate or member of an Affiliate in the event of the Affiliate or member violating or breaching any of these By-Laws and shall report such action to the next ordinary general meeting of NSWCA.
- (b) Written notification of the result of the Board's adjudication shall be posted, on the first working day following the adjudication, to the Affiliate or member who is subject to the

adjudication. In the case of an Affiliate, the letter shall be sent to the secretary of that Affiliate and, in the case of a member, be addressed to the member care of the secretary of the Affiliate of which the member is a member.

- (c) Such letters shall be deemed to have been received two working days after posting.
- (d) The result shall also be advised orally to the member and to the secretary of the Affiliate of which the member is a member.

18.2. Effect of Decisions of Other Bodies

Subject to **clause 5.4(a)**, the Board may adopt the suspension or disqualification of any club or Player imposed or confirmed by any recognised controlling body of a sport in NSW or imposed by any recognised body controlling cricket in any place outside NSW.

18.3. Fined, Suspended or Disqualified Affiliates or Persons

- (e) An Affiliate which is under suspension or disqualification, or which has been fined by the Board and such fine remains unpaid:
 - (i) shall forfeit all its rights and privileges in the Associations;
 - (ii) its representatives shall cease to be delegate members of any Association;
 - (iii) its representatives shall cease to be members of any committee of the Associations;
and
 - (iv) its members shall be debarred from playing in any match conducted by any of the Associations or their Affiliates.
- (f) No Affiliate shall allow any person under suspension or disqualification, or who has been fined by the Board and such fine remains unpaid, to exercise any of the rights or privileges of membership of such Affiliate.
- (g) No member of any Affiliate shall knowingly play in any cricket match in which a person under suspension or disqualification, or who has been fined by the Board and such fine remains unpaid, plays.
- (h) A suspension may be imposed for any period of time which, in the case of a person, may be for life.
- (i) Where any suspension has been imposed for more than one year, but not for life, the suspended Affiliate or person may apply to NSWCA for its removal after the expiration of one year from the date of such suspension.
 - (i) Where a person is suspended for life, the person may apply to NSWCA for its removal after the expiration of 3 years from the date of the suspension.
- (j) A disqualification shall continue until removed by NSWCA following the written application of the Affiliate or person disqualified.
- (k) Any fine imposed by the Board shall be paid to NSWCA within seven days of the deemed receipt of the notification and the person so fined shall not take part in any match conducted by the Associations or their Affiliates until such fine has been paid.

- (l) No replacement Player or substitute is allowed for any Player who is suspended or disqualified during the course of a match.

19. REVIEW OF PERFORMANCE OF APPOINTED DIRECTORS

Prior to the appointment or re-appointment as the case may be, of an Appointed Director, or at such other time as a majority of the Elected Directors consider necessary, the Elected Directors shall undertake a review of the performance of any Appointed Director in such manner as the Elected Directors may determine.