

NELSON CRICKET ASSOCIATION

8. CODE OF CONDUCT

8.1. INTRODUCTION

This Code of Conduct shall apply to all competitions and games subject to Nelson Cricket Association (NCA) playing conditions.

The New Zealand Cricket (“NZC”) Code of Conduct shall apply to all District Association representative matches.

8.2. COMMISSIONERS

- a. Prior to 1 September each year, NCA will nominate and have approved by the NCA Board, sufficient Club Commissioners to hear and decide on any reports of alleged breaches of Rules 8.3 a, b or c below.
- b. For the purposes of nominating, approving and appointing Commissioners, the Board will have regard to the need for such Commissioners to conduct enquiries into alleged breaches of the Code of Conduct in a quasi-judicial manner in accordance with the rules of natural justice, and for the Commissioners to have an adequate understanding of the Laws of Cricket, and the best interests of the game to dispose of any alleged breaches of the Code in a fair and timely fashion.
- c. A Commissioner shall be appointed on each occasion to conduct enquiries into any alleged breach of the Code of Conduct. If two Commissioners cannot be contacted within any of the time limits herein stated then contact may be made with the General Manager of NCA, his/her nominee or the Chairman of the NCA Board.
- d. The Commissioners shall have a discretionary power to extend all time limits under this Code, whether the time limit has passed.
- e. NCA shall be responsible for maintaining a register of all reports, appeals and decisions taken, and circulating these decisions to all Commissioners from time to time.

8.3. RULES OF THE CODE

- a. Players and team officials must not indulge in unacceptable behaviour on any part of a cricket ground including the field of play. Appendix A sets out a non-exhaustive list of examples of unacceptable behaviour, and how they might be addressed.
- b. Players must not infringe the rules relating to advertising on cricket clothing and equipment as set out in the NCA playing conditions.

- c. Players and Team Officials (including any person holding any official position within cricket) must not make any public announcement or media comment or engage in any act, omission or conduct prejudicial to the interests of cricket or which may bring the game of cricket or any cricketer or group of cricketers into disrepute.

8.4. ELIGIBILITY TO LODGE A REPORT

- a. An alleged breach of any Rules in 8.3 may be reported by:
 - i. either all, or both, Umpires; or
 - ii. the General Manager of NCA or
 - iii. a NCA staff member; or
 - iv. any Team Official. (See clause 8.9).
- b. Alleged breach of Rules 8.3(a) or (b) shall be reported by any of the persons referred to in 8.4(ii), (iii) or (iv) above the person lodging the reports shall first consult with the Umpire or Umpires in respect of any on-field conduct or behaviour that is alleged to have breached this Code. For the avoidance of doubt, notwithstanding the requirement to consult with the Umpire or Umpires before making a report, the decision as to whether a report shall be made shall remain that of the person named in Clause 8.4(a)(ii), (iii) or (iv) above.
- c. All reports of an alleged breach or breaches of the code must be in writing in the form set out in Appendix B, or substantially in compliance with such form, stating the offending alleged.
- d. Any person wishing to make a complaint of an alleged breach of the Code shall notify the General Manager of NCA as soon as practicable and the report alleging the breach must be submitted no later than 48 hours after completion of the day's play on which the alleged breach occurred.

8.5. REPORTS – PROCEDURE

Report and Notification

- a. The General Manager of NCA or his/her nominee will at the earliest reasonable opportunity forward a copy of the report of the alleged breach to the player and/or the Team Official reported and his / her team manager and appoint a Commissioner to conduct a hearing into the alleged breach or breaches.
- b. Notice of the report shall be deemed to have been duly given or made:
 - i. If given by hand, on personal delivery to the player or Team Official reported; and
 - ii. In the case of communication by letter, on the second day after being posted by mail, correctly addressed, and stamped; and

- iii. In the case of communication by email, when the sender has received electronic confirmation that the message has been sent to the last known email address of the player or Team Official reported or, alternatively to the email address of the Club of which the player or Team Official is associated and known to NCA.
- c. Upon receipt of the report, lodged in accordance with rule 8.4, the Commissioner must investigate and determine the alleged breach or breaches of this Code as required by this code.

Hearing and Determination

- d. Without limiting the way the person the subject of the report may be given a right to be heard in relation to the alleged breach or breaches of this Code, that person must be taken to have been given the right if –
 - i. The person reported is fairly advised of all allegations concerning the alleged breach or breaches with sufficient details and time given to enable the person reported to prepare a response to the allegations made; and
 - ii. The person reported has a reasonable opportunity to be heard either by written submission or at an oral hearing (if one is held).
- e. The person reported may provide a written statement to the Commissioner together with any other submissions they wish. Any such statement or submission must be considered by the Commissioner before determining whether any breach or breaches of this Code has occurred and any penalty imposed.
- f. An oral hearing is to be held if:
 - (i) The person reported requires it, or
 - (ii) If the adjudicating Commissioner considers that an oral hearing is needed, whether to ensure an adequate hearing, or to clarify the relevant facts; or
 - (iii) The facts / allegations in the report are disputed by the person against whom the complaint has been made.

Unless excused by the Commissioner for any reason, an oral hearing must be attended by:

- iv. the person reported; and
- v. the captain and/or team manager (save where the report is against the captain then the vice-Captain or team manager will attend); and
- vi. the initiator of the report; and
- vii. any other person subject to this Code who, in the opinion of the Commissioner, might assist in any way in determination of the alleged breach and / or appropriate penalty.
- g. Where any person required to attend an oral hearing (other than the person reported) fails to attend such hearing without reasonable justification, this may be treated as a breach of

clause 8.3 (c) and any person entitled to do so may make a report of the alleged misconduct, as set out above.

- h. The Commissioner will hear and decide on the report in a manner which accords with the principles of natural justice, and which best ensures the fair and prompt determination of the alleged breach or breaches of the Code.
- i. The Commissioner must communicate their decision orally within 24 hours of the conclusion of the hearing and must deliver a written decision with full reasons for the decision within 72 hours of the decision being orally communicated. The Commissioner will ensure that their written decision is forwarded in the first instance to:
 - the player and/or Team Official concerned.
 - the initiator of the report.
 - the General Manager of NCA (as the case may be) or his/her nominee

No one shall be entitled to make any comment in relation to any such decision unless and until the person reported has been advised of the Commissioner's decision.

8.6. PENALTIES

Where a player or Team Official has been found in breach of the Code a penalty or any combination of penalties may be imposed pursuant to this Rule.

- a. The penalties that may be imposed are:
 - i. Written censure.
 - ii. A fine, up to a maximum of \$200.00.
 - iii. In the case of a player, suspension for such time as the Commissioner thinks appropriate from playing in fixtures under the control of NCA or NZC.
 - iv. In the case of a Team Official, suspension from any involvement with any team playing in fixtures under the control of NCA or any other match in which NCA is involved including matches under the auspices of NZC or NZC.
- b. Suspensions may be imposed either for a number of matches or for a defined period and shall take effect immediately following the decision to suspend (unless circumstances warrant a deferral in order that the suspension shall have disciplinary effect) and shall apply to any fixtures under the control of NCA or any other match in which NCA is involved, including matches under the auspices of NZC.
- c. When determining penalty, the Commissioner will bring into account the circumstances in which the breach occurred, and:
 - i. any mitigating circumstances including, without limitation, contrition, apology, previous good record, and the circumstances in which a breach occurred.
 - ii. any aggravating circumstances including, without limitation, ignoring the umpire's warning, the fact that a player is a repeat offender, refusal to acknowledge a breach.
 - iii. the player's forthcoming playing schedule.

- iv. any match fees that may be lost because of a suspension.
- d. The Commissioner retains an overall discretion as to any penalty to be imposed and will endeavour to achieve consistency. (Comment: While penalties are for the Commissioners to determine, the Code must respond to the fact that it will apply to both contracted players and amateur players alike. A suspension should therefore be imposed as the primary penalty in the case of a breach by an amateur player, but a financial penalty may, depending upon the circumstances, be considered more appropriate in the case of a breach by a player who is contracted by Central Districts or NZC.)
- e. Where a player or team official has been found guilty of a breach of the Code, he / she must personally pay and be liable for payment of any fine imposed.
- f. Any fine must be paid to the General Manager of NCA within 7 days of the decision being orally communicated and any failure to meet this requirement will render the player or the Team Official as the case may be ineligible for selection or involvement in any fixture under the control of NCA, or any other match in which NCA is involved including matches under the auspices of NZC until such time a fine is paid.
- g. Guideline penalties (non-binding) are set out in Appendix A. The Commissioner shall have full discretion to impose such penalty/ies as he/she thinks fit in the circumstances.

8.7. APPEALS

Any person who made a complaint or a person against whom the Commissioner has upheld a complaint may appeal the Commissioner's decision by giving written notice of the appeal to the NCA General Manager within 48 hours of the Commissioner's decision being notified, time being of the essence. Any notice of appeal must state:

- a. The date of the Commissioner's decision.
- b. The finding(s) appealed against, if any.
- c. The penalty appealed against, if any.
- d. The reason for the appeal and any submissions in support that the person appealing wishes to have considered.

The appeal shall be referred to a commissioner appointed by the Board / General Manager of the NCA, who may adopt such procedures, using clause 8.5 as a guide, as he / she thinks fit. That decision shall be final and binding.

8.8. PUBLICITY

Only the General Manager or Chairman of the Board of NCA are authorised to notify the media of a report, or a decision, and any information regarding that process. In the absence of special reasons all clubs will be notified of the disciplinary outcome in each case.

8.9. DEFINITIONS

For the purposes of this Code of Conduct:

“General Manager” shall mean the person holding that role, or equivalent role, at NCA at the relevant time.

“Team Official(s)” shall mean and include any team manager, team cricket manager, or team coach appointed by an NCA club to manage and/or coach a team participating in the match;

“Umpire” shall mean an umpire appointed by the Nelson Regional Umpires and Scorers Association to stand as an umpire in any match.

APPENDIX A - CODE OF CONDUCT

The conduct described below, if committed by a player or team official, shall amount to an offence by such player or team official under the Code of Conduct. It is not a limiting list of conduct prohibited by the Code. (Comment: Reference should also be made to the NZC Playing Conditions and to the ICC Code of Conduct Standard Playing Conditions and other Regulations at the commencement of each cricket season for further examples of unacceptable behaviour.)

1. Breach of any NZC rules relating to advertising on cricket clothing and equipment.

In all cases, the Umpire shall first require the offending person to remove or cover up the prohibited logo(s) and if this warning is ignored during that match, such conduct will constitute a breach of this provision.

2. Abuse of, or wilful damage to, cricket equipment or clothing, ground equipment or fixtures and fittings during or after a match.

This include any action(s) which fall outside the usual conduct of the same, such as hitting or kicking the wickets and any action(s) which intentionally or negligently result in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings

3. Showing dissent at an Umpire's decision during a match. This includes

Obvious disappointment with, or challenge to, an Umpire's decision;
An obvious delay in play, or leaving the wicket;
Shaking the head to indicate challenge to the decision;
Pointing or looking at the inside edge when given out lbw;
Pointing to the pad or rubbing the shoulder or giving any other indication the decision is challenged when caught behind;
Snatching the cap from the Umpire whether in petulance or as a challenge to the Umpire's decision or conduct;
Entering into any debate with the Umpire about his decision.
<i>It is no defence to any charge brought under this provision to submit that the Umpire's decision was wrong.</i>
<i>Dissent, including the examples given will be classified as 'serious' when the conduct contains an element of anger, abuse or challenge which is directed at the Umpire or the Umpire's decision or where there is excessive delay in resuming play or leaving the wicket showing such dissent or where there is persistent re-reference to the incident over time. It shall not be a defence to any charge brought under this Rule to submit that the Umpire's decision was wrong.</i>

4. Using language or a gesture that is obscene, offensive or insulting during or after a match.

Comment: This includes:

- (a) Loud or repetitious swearing; and
- (b) Obscene gestures or conduct which is/ are not directed at another person, such as swearing at one's own poor play or fortune. This offence is not intended to penalise behaviour which may be regarded as trivial.

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 so as to become more than minor.

- (c) When assessing the seriousness of the breach, Commissioners shall be required to take into account the context of the particular situation and whether the words or gesture are likely to:
- (i) be regarded by others on the field of play or outside the playing area as obscene;
 - (ii) give offence to others in the field of play or outside the playing area; or
 - (iii) insult another person.
5. Using any language or gesture that offends, insults, disparages or vilifies another person on the basis of that person's race, religion, gender, colour, descent, national or ethnic origin. NCA has a zero-tolerance policy of racist/ sexist/ homophobic/ abusive language.
 6. Excessive appealing or celebrating a dismissal before the umpire has made a decision. Comment: It is not intended this rule should prevent loud or enthusiastic appealing of itself.
 7. Charging or advancing towards, or challenging, the umpire in an aggressive, threatening, or intimidating manner when appealing during a match.
 8. Pointing or gesturing towards the pavilion by a bowler or other member of the fielding side upon the dismissal of a batsman.
 9. Inappropriate physical contact between players in the course of play during a match. Without limitation, players will breach this regulation if they deliberately, recklessly or negligently walk or run in to or shoulder another player.
 10. Assaulting or threatening to assault, an umpire, another player, team official, or any other person (including a spectator) during a match.
 11. Any act of violence on the field of play during a match.
 12. Public criticism of, or inappropriate comment, in relation to an incident occurring in a match, or in relation to any player, team official, match official or team participating in any match, irrespective of when or how or by what method such criticism or inappropriate comment is made.

Note	<i>Without limitation, players and Team Officials will breach this provision if they publicly criticise the Match Officials or denigrate a player or team against which they have played in relation to incidents which occurred in a Match. When assessing the seriousness of the breach, the context within which the comments are made and the gravity of the offending comments must be taken into account.</i>
-------------	--

13. Conduct that might objectively be considered to be an attempt to wrongly influence any element of the game, including deliberate attempts to mislead the Umpire;
14. Any action(s) likely to alter the condition of the ball which are not specifically permitted under Law 41.3 of the Laws of Cricket and which may be regarded as 'unfair'.

15. Any attempt to manipulate a match for inappropriate strategic, tactical or other reasons, including, but not limited to, any conduct which is considered 'unfair play' under Law 41 of the Laws of Cricket. The team Captain of any team guilty of such conduct shall be held responsible (and subject to sanction) for any offence found to have been committed under this Rule.
16. Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct that either:
 - 16.1 is contrary to the spirit of the game; or
 - 16.2 brings the game into disrepute; or
 - 16.3 is considered 'unfair play' under Law 41 of the Laws of Cricket.

Note: This is intended to be a "catch-all" provision to cover all types of conduct not covered by the specific offences set out elsewhere in this Code of Conduct.

Suspension Entry Points (Penalties)

The entry point is the point at which any NCA Code of Conduct penalties for a breach of the Code will first be considered by the Commissioner but shall not be binding. It is a guide against which aggravating and/or mitigating factors will be brought to account, to the effect that the entry point penalty may be increased or reduced. Examples of unacceptable behaviour (non-exhaustive):

- a. A player or team official assaulting or attempting to assault an umpire. Entry point 3 years.
- b. A player or team official assaulting or attempting to assault another player, team official or spectator. Entry point 2 years.
- c. A player or team official abusing an umpire. Entry point 5 playing days.
- d. A player or team official disputing, or showing dissent with, an umpire's decision, or reacting in an obviously provocative or disapproving manner either towards an umpire, his decision, or generally following an umpiring decision. Entry point 3 playing days.
- e. A player or team official asking an umpire the reason for a decision.

(Note: It is unacceptable for a player or team official to ask any question of an umpire, connected with a decision to dismiss or not dismiss a batsman, other than to ask a question by way of legitimate clarification for the reason for dismissal. Eg LBW, caught at the wicket, etc). Entry point 1 playing day.

- f. A player or team official intimidating an umpire by excessive appealing, celebrating a dismissal before the umpire makes his decision or charging or advancing towards an umpire in an aggressive manner when appealing. Entry point 1 playing day.
- g. A player or team official using any language or gestures that offend, insult, disparage or vilify another person on the basis of that person's race, religion, gender, colour, descent or origin. Entry point 5 playing days.
- h. A player or team official abusing another player, team official or spectator. Entry point 3 playing days.
- i. A player or team official throwing the ball at or near any other person in an inappropriate or dangerous manner. Entry point 2 playing days.
- j. A player or team official using crude or abusive hand signals or pointing or gesturing towards the pavilion in an aggressive manner upon the dismissal of a batsman. Entry point 2 playing days.
- k. A player or team official using crude and/or abusive language. Entry point 2 playing days.
- l. A player or team official changing the condition of the ball in breach of Law 42.4 of the Laws of Cricket. Entry point 7 playing days.
- m. A player or team official engaging in public criticism of or inappropriate comment on a match related incident or match official. Entry point 5 playing days.

**8.10 Appendix B
Code of Conduct Report
Club Cricket Written Report Form**

Dear Sir,

In accordance with Section 8 of the Club and Youth Cricket Handbook I make the following report:

Match:
Venue:
Dates:
Umpires:

I wish to bring to your attention my belief that during the match conduct amounting to “unacceptable” behaviour occurred. Those involved were:

Player(s) / Team Official(s): Team

I believe that the conduct breached Rule (Appendix A Number) _____ of the Code.

The circumstances were:

.....
.....
.....

This report was completed by: (the umpires jointly or eligible persons, as outlined in section 4.1 of the Code of Conduct)

The days play concluded at am / pm on the 20.....

And NCA was notified at am / pm on the 20.....

Signed:	Signed:
Contact Number:	Contact number:

Where any person wishes to make a report of an alleged breach under 4.1, 4.2 or 4.3 of the Code of Conduct they shall contact NCA at the earliest opportunity and complete a written report no later than 48 hours following completion of the day’s play.