



Newcastle District
Cricket Association Inc

NEWCASTLE DISTRICT CRICKET

ASSOCIATION INC.

CODE OF CONDUCT.

Sept 2014

CODE OF CONDUCT.

1. DEFINITIONS

In this Code:

Board means the Board of Management of the NDCA.

Club has the same meaning as “district club” or “club” in Clause 1(1) of the NDCA Constitution

Code means this Code of Conduct.

Commissioner means the person acting as the Code of Conduct Commissioner under this Code.

Complaint means a report lodged by a person alleging a breach of this Code by the Reported Person.

Complaint Form means a form to be used by a person when making a Complaint and which contains the information set out in the attached form. This form may be altered by the Board at any time.

Interested Parties are:

- (a) The Person’s Club (but if the Person is not a member of a Club then the Person).
- (b) The Person’s Club (but if the Reported Person is not a member of a Club then the Reported Person).
- (c) The Umpire’s Association if the Complaint has come from or relates to an Official Umpire.
- (d) The complainant, if not an Official Umpire.
- (e) NDCA.

Judiciary means the standing committee established pursuant to Clause 23(1)(a)(v) of the NDCA Constitution

NDCA is the Newcastle District Cricket Association Inc.

Offence means the offences described in the Rules of Behaviour which forms part of this Code

Official Umpire is an umpire officially appointed to the match by the Umpires’ Association.

Players has the same meaning as “playing member” in Clause 1(1) of the NDCA Constitution

Reported Person is the person who is alleged to have breached the Code.

Complainant is the person or Club who makes the Complaint.

Umpires’ Association is the Newcastle District Cricket Umpires’ Association

2. WHO DOES THIS CODE APPLY TO?

This Code applies to:

- 2.1 Players (including juniors) (whether playing or not);
- 2.2 Umpires;
- 2.3 Club members;
- 2.4 Officials (including coaches, managers, scorers, selectors and office bearers of Clubs, participating in, or attending NDCA cricket fixtures).

3. WHO CAN MAKE A COMPLAINT?

Any person or Club may make a Complaint.

4. WHAT BEHAVIOUR IS UNACCEPTABLE?

4.1 Offences Under the Rules for Behaviour

A person who commits an Offence set out in the attached “**Rules for Behaviour**” breaches this Code.

4.2 Assistance from the Guidelines

The guidelines in those Rules for Behaviour provide assistance in defining each Offence but if there is doubt the definition of the Offence prevails. The guidelines are for purposes of illustration and are not exhaustive.

4.3 Both on and off field behaviour caught

The Code applies to conduct both on and off the field.

5. HOW IS A COMPLAINT MADE?

5.1 Follow the Procedure

A Complaint must be made in accordance with the attached “**Reporting Procedure**”.

5.2 *Commissioner can waive strict compliance*

The Commissioner may waive strict compliance with the Reporting Procedure.

5.3 *Time Limits*

A Complaint can only be acted on by the Commissioner if it is:

- (a) received by the Commissioner no later than **6.00 pm on the next Monday after the completion of the match**; or
- (b) referred, at any time, by the Board to the Commissioner.

5.4 *Official Umpire's Obligations.*

Where an Official Umpire intends making a Complaint, the Official Umpire may inform the Reported Person and/ or the Reported Person's captain or office bearer of the Reported Person's Club verbally of that intention on the day of the incident. The Commissioner is to be advised in written format in accordance with Clause 5.3 – E-mail is acceptable.

The Official Umpire has absolute and sole discretion as to whether or not to inform the player, captain or other officials at the ground on the day.

6. CODE OF CONDUCT COMMISSIONER

6.1 *Appointment*

The Commissioner is appointed by the Board. There may be more than one Commissioner.

6.2 *All Complaints go to the Commissioner*

All Complaints must be forwarded to the Commissioner.

6.3 *Own enquiries*

The Commissioner may conduct his/her own investigations into each Complaint.

6.4.1 *Powers*

In relation to each Complaint received the Commissioner must either (a)
Accept an early plea; or
(b) Refer the Complaint to the Judiciary.

6.5 *Method of Communicating with a Reported Person*

The Commissioner may choose to deal only with a Reported Person's Club and need not make contact directly with the Reported Person. Any information provided by that Club in respect of a Reported Person is binding on the Reported Person. It is the Reported Person's Club that is responsible for passing on all information to the Reported Person.

6.6 *Early plea*

Upon receiving a Complaint, the Commissioner must (if he/she considers that an early plea is acceptable):

- (a) Inform the Reported Person's Club (by any means the Commissioner considers appropriate) that:
 - an early plea is available; and
 - the number of points (as set out in the Rules for Behaviour under the heading "Early Plea Points") that will be allocated if that early plea is accepted by the Reported Person.
- (b) The Reported Person has until **6.00 pm on the Tuesday after the Commissioner has informed the Reported Person or the Reported Person's Club** to notify the Commissioner whether or not he or she wishes to enter an early plea. If the Reported Person enters an early plea

the Commissioner must notify the Interested Parties of the early plea and the Early Plea Points allocated as soon as possible.

- (c) If the Reported Person **does not notify** the Commissioner by **6.00 pm on that Tuesday** that he or she wants the Complaint referred to the Judiciary, the Reported Person will be deemed to have entered an early plea and the Early Plea Points will apply.
- (d) If the Reported Person notifies the Commissioner by **6.00 pm on that Tuesday** that he or she wants the Complaint referred to the Judiciary, the Reported Person must indicate that the reason for the referral is to EITHER appeal against the severity of the penalty OR contest the Complaint. **Such notification must be in writing.**
- (e) A reported person appealing against the severity of a penalty has the option to submit their appeal in writing to the Commissioner by **5.00 pm on that Wednesday** on the understanding that the appeal will be passed on to the Judiciary for its consideration. This may be done in a manner prescribed by the Commissioner. The decision of the Judiciary must be communicated to the Commissioner no later than 9.00AM on the Friday following the lodging of the appeal. The Commissioner is then responsible

for passing on the details of the judgment to all relevant parties by 5pm on that Friday.

- (f) Appeals against the Commissioner's application of early points are subject to a fee as determined by the NDCA Board which will not exceed \$100.

6.7 *Referrals to the Judiciary*

(a) The Commissioner in his/her absolute and sole discretion may refer any Complaint to the Judiciary

- If the Commissioner is of the opinion that the Offence is so serious that an early plea is inappropriate;
- If the Reported Person has been the subject of a previous Complaint or Complaints; or
- For any other reason the Commissioner deems appropriate.

(b) If the Commissioner refers a Complaint to the Judiciary then the Commissioner must, subject to the completion of any investigations that he/she may see fit to undertake:

By 6.00PM on the Wednesday following the receipt of the complaint notify by email or other means the Interested Parties that a Hearing will be held at **7.00 pm on the next**

Thursday after the incident at a location specified by the Commissioner.

- Provide the Interested Parties with a copy of the Complaint.
- Communicate to the Reported Person the reason for the Complaint is being referred to the Judiciary

- attend the Judiciary hearing.

within 24 hours after the Judiciary hearing notify the Interested Parties of the Judiciary's decision.

(c) If the Reported Person requests a Complaint be referred to the Judiciary pursuant to Clause 6.6(d) the Commissioner will notify all interested parties of the Judiciary hearing time and date as per Clause 6.7.(b)

6.8 No right of appeal

There is no right of appeal against a decision of the Commissioner to refer a Complaint to the Judiciary.

6.9 Records

The Commissioner must:

- (a) Keep all Complaints for a period of 3 years;
- (b) Keep a record of points accumulated by each Reported Person;
- (c) Keep a record of all early pleas.
- (d) Keep records of the outcome of all Judiciary hearings.
- (e) Make all records and other information available to the Board.

6.10 Notifications

The Commissioner must:

- (a) Notify a Reported Person's Club and the Board when that Reported Person's accumulated points mean that a suspension occurs. The

Commissioner will advise the Reported Person's Club of the matches that a Reported Person is suspended from playing.

(b) Provide the Judiciary with information on previous breaches of this Code or any previous Code and penalties imposed on or points accumulated by a Reported Person who is to appear before the Judiciary.

(c) Notify the Interested Parties and the Board of all decisions of the Judiciary.

6.11 *Power to vary procedures*

In his/her sole and absolute discretion the Commissioner may amend or waive any non-compliance with a procedural step referred to in this Code if the Commissioner takes the view that the non-compliance does not adversely affect the Reported Person.

7 JUDICIARY

7.1 *Appointment*

The Judiciary is appointed by the Board in accordance with Clause 23(1)(iv) of the NDCA Constitution.

7.2 *Quorum*

The Judiciary's quorum is in accordance with Clause 23(5)(e) of the NDCA Constitution.

7.3 *Powers and Functions*

The powers and functions of the Judiciary are in accordance with Clause 23(9)(a) of the NDCA Constitution. When conducting a hearing in regard to an Offence the Judiciary may:

- (a) Reduce/Increase the Judiciary Points allocated to a particular Offence – but the Judiciary may only do this if it finds that exceptional circumstances exist and after it has taken into account all of the following:
 - * The seriousness of the breach;
 - The harm caused by the breach to the interests of cricket; and
 - The Reported Person’s seniority and standing in the game.
- (b) take into account the prior record of the Reported Person in abiding by this Code or any previous code when imposing a penalty;
 - (c) Direct that the Reported Person may not captain a team for a specified period of time or specified number of matches;
 - (d) Disqualify the Reported Person from participating in matches for a specific period, for an indefinite period or for life;
 - (e) Suspend the Reported Person from acting in any administrative position or as an office bearer (including as a coach, manager or selector);
 - (f) Suspend any penalty of up to 20 points for a period up to 2 years; or
 - (h) Where the Rules for Behaviour do not specify a number for either Early Plea Points or Judiciary Points but rather indicate “Judiciary” or “Judiciary’s Discretion” then determine, in the Judiciary’s sole and absolute discretion, the number of points to apply to that particular Offence or Offences if the Judiciary finds the Reported Person guilty of committing that Offence.

7.4 Procedure

Refer to Clause 25(10) of the NDCA Constitution.

7.7 Right of Appeal

Appeals against the decision of the Judiciary may be made in writing to the Board. Every appeal must be made through the NDCA Secretary within 7 days of receipt of the Judiciary’s ruling and be accompanied by a \$200.00 fee which will be

refunded if the appeal is upheld, and at the discretion of the Board **may** be refunded if the appeal is dismissed.

8.SUSPENSIONS

8.1

Suspended players not to be replaced

No replacement player or substitute is allowed for any player who is suspended or disqualified during the course of a match. This means that a substitute fielder is not permitted.

8.2

Representative matches

A suspended player is ineligible to take part in practice sessions and trial matches and is ineligible for selection in any representative match which is played during the course of that player's suspension.

8.3

What matches are affected?

A suspension applies to the number of matches which have been scheduled by the NDCA for the Grade in which the player was playing at the time of the incident which lead to his or her suspension. (For example: If a second Grade player is suspended for 5 matches then that suspension applies for the full length of time during which 5 official NDCA fixtures are scheduled to be played). The suspension includes all other games, including representative matches the player could otherwise have played in during the period of the suspension.

8.4

Match based suspensions

If a player is suspended for a match or a number of matches:

- (a) The suspension applies to each day of the match; and
- (b) If the player has participated in part of the match before the suspension takes effect then the player is suspended for the remainder of that match in addition to the length of the actual suspension;

If a match is not played due to weather or other reason the originally scheduled days of play are still considered to be a match.

9 PUBLICATION OF OFFENCES

The Board may make public (for example: in a newspaper or on a website):

- (a) Points accumulated by any person;
- (b) Penalties imposed by the Judiciary.

In the case of points accumulated and penalties imposed by the Judiciary on persons under the age of 18 at the time of the offence such information will only be communicated to:

- (a) the person and his/her parent/guardian and the secretary of his/her club;
- (b) the person lodging the complaint and the secretary of his/her club or affiliated association;
- (c) the Secretary of the Newcastle District Cricket Association.

NEWCASTLE DISTRICT CRICKET ASSOCIATION

RULES FOR BEHAVIOUR

	OFFENCE	GUIDELINES	EARLY PLEA POINTS	JUDICIARY POINTS
1.	Abuse cricket equipment or clothing, ground equipment or fixtures and fittings <u>on the field of play</u>	Includes actions outside the course of normal cricket actions – such as: <ul style="list-style-type: none"> • hitting or kicking the wickets • actions which intentionally or negligently result in damage to boundary markers, fences and other fixtures and fittings • Throwing a bat or other equipment 	10	20
2.	Abuse cricket equipment or clothing, ground equipment or fixtures and fittings <u>off the field of play</u>	Includes actions outside the course of normal cricket actions – such as: <ul style="list-style-type: none"> • actions which intentionally or negligently result in damage to dressing room and other fixtures and fittings • Throwing a bat or other equipment if that occurs off the field of play 	5	10
3.	Show dissent at an umpire's decision by action or verbal abuse	<ul style="list-style-type: none"> ▪ Includes excessive, obvious disappointment with an umpire's decision or with an umpire making the decision and obvious delay in resuming play or leaving the wicket ▪ This rule does not prohibit the bowler involved in the decision or the captain from asking an umpire to provide an explanation for a decision ▪ dissent is expressed by a specific action such as a blatant and obvious shaking of the head, snatching cap from 	10	20

	OFFENCE	GUIDELINES	EARLY PLEA POINTS	JUDICIARY POINTS
		umpire, pointing at pad or inside edge, other displays of anger or abusive language directed at the umpire, or excessive delay in resuming play or leaving the wicket.		
4.	Use language that is obscene, offensive or insulting and/or the making of an obscene and/or offensive gesture <u>not directed at another person</u>	<ul style="list-style-type: none"> ▪ This includes swearing and offensive gestures which are not directed at another person – such as swearing in frustration of one’s own poor play or fortune ▪ This offence is not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence must be taken into account when assessing the seriousness of the breach 	5	10
5.	Use language that is obscene, offensive or of an insulting nature and/or the making of an obscene and/or offensive gesture <u>to another player, official or spectator</u>	This is language or gestures which are directed at another person including verbal send-offs when a batsmen is dismissed	10	20
6.	Engage in excessive and/or frivolous and/or orchestrated appealing	Excessive shall mean repeated appealing when the bowler/fielder knows the batsman is not out – with the intention of placing the umpire under pressure (It is not intended to prevent loud or enthusiastic appealing. However the practice of celebrating or assuming a dismissal before the decision has been given may also come within this rule)	5	10
7.	Charge or advance towards the umpire in an		10	20

	OFFENCE	GUIDELINES	EARLY PLEA POINTS	JUDICIARY POINTS
	aggressive manner when appealing			
8.	Point or gesture towards the pavilion in an aggressive manner upon the dismissal of a batsman		5	10
9.	Engage in inappropriate and deliberate physical contact with other players or officials in the course of play	Where a player deliberately walks or runs into or shoulders another player, official or match official	50	80
10.	Deliberately and maliciously distract or obstruct another player or official on the field of play	A deliberate attempt to distract a striker by words or gestures or deliberately shepherd a batsman while running or attempting to run between wickets	10	20
11.	Deliberately throw the ball at or near a player or official in an inappropriate and/or dangerous manner	This offence involves a deliberate action on the part of the person who throws the ball and is not intended to penalise a player who is making a genuine effort to run out a batsman	20	40
12.	Change the condition of the ball	Prohibited behaviour includes picking the seam and the application of moisture to the ball (apart from perspiration and saliva) Directly spitting on the ball is not allowed as this is loading the ball. Roughing up the ball with an object or using artificial substances to polish the ball	20	40
13.	Change the condition of the ball	Prohibited behaviour includes deliberately and excessively throwing or bowling the ball into the ground for	5	10

	OFFENCE	GUIDELINES	EARLY PLEA POINTS	JUDICIARY POINTS
		the purpose of roughening it up. Removing mud or matter from the ball without supervision of the Umpire. Rubbing the ball on the ground to affect the seam or surface of the ball is not allowed		
14.	Attempting to manipulate a match in regard to the result, net run rate, bonus points or otherwise. The captain of any team guilty of such conduct will be held responsible	This includes incidents where a team bats in such a way as to either adversely affect its own, or improve its opponents, bonus points, net run rate or quotient. The person held responsible for this offence is the captain.	30	50
15.	Intimidate an umpire by language or conduct	Includes advancing towards an Umpire after dismissal	30	50
16.	Threaten to assault another player, team official or spectator		Judiciary (Min 30)	Judiciary's Discretion →
17.	Use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, colour, descent or national or ethnic origin		Judiciary (Min 30)	Judiciary's Discretion →
18.	Threaten to assault an umpire		Judiciary (Min 60)	Judiciary's Discretion →
19.	Physically assault another player, umpire, official or spectator		Judiciary (Min 100)	Judiciary's Discretion →

	OFFENCE	GUIDELINES	EARLY PLEA POINTS	JUDICIARY POINTS
20.	Engage in any act of violence on the field of play		Judiciary (Min 100)	Judiciary's Discretion
			→	
21.	Players must obey the Laws of Cricket and play within the spirit of the game. The captain and team coach must use their best efforts to ensure that their team and individual members of the team comply with this rule	<ul style="list-style-type: none"> • This is meant as a general rule to deal with situations where the facts or gravity or seriousness of the incident are not adequately or clearly covered elsewhere in this Code • Conduct prohibited under this rule includes time wasting and any conduct which is considered “unfair play” under Law 42 of the Laws of Cricket • This rule does not punish unintentional breaches 	Judiciary (Min 40)	Judiciary's Discretion
			→	
22.	Without limiting any other rule, players, umpires, Club members and officials must not at any time engage in behaviour unbecoming to a player, umpire, Club member or official that could bring the game of cricket into disrepute or be harmful to the interests of cricket or which is disorderly or improper conduct or behaviour	<ul style="list-style-type: none"> • This is meant as a general rule to deal with situations where the facts or gravity or seriousness of the incident are not adequately or clearly covered elsewhere in this Code • It is intended to include serious or repeated misconduct, unruly behaviour and cheating during play 	Judiciary (Min 40)	Judiciary's Discretion
			→	
23.	Breach of captain's responsibilities	<ul style="list-style-type: none"> ▪ A captain is responsible for any breach of this Code which the captain could reasonably have prevented ▪ This would include failure by a captain to attempt to prevent 	Judiciary (Min 50)	Judiciary's Discretion



	OFFENCE	GUIDELINES	EARLY PLEA POINTS	JUDICIARY POINTS
		<p>members of his team from breaching the Code</p> <ul style="list-style-type: none"> ▪ Where there is no official umpire it is the captain's responsibility to appoint players from his team who are capable of impartially performing that role 		
24.	Alcohol	No player, umpire or anyone else participating in a game may consume alcohol between the time the game begins and the time when stumps are officially drawn on that day.	Judiciary (Min 30)	Judiciary's Discretion

ACCUMULATION OF POINTS:

1. Points for a breach of the Code apply for 2 years from the date on which the Offence occurred and are added together over that 2 year period.
2. After that 2 year period has passed, the points for each Offence are removed from the Reported Person's record once a period of 2 years has elapsed from the date on which the particular Offence occurred.
3. For every 10 points accumulated by a Reported Person an automatic 1 match suspension applies (For example: 40 points = 4 matches). So even if a Reported Person serves a 1 match suspension after accumulating 10 points, if that Reported Person accumulates more points during the 2 year period then the suspension that applies next time is equal to the total number of points accumulated at that time.

4. An example of how this automatic suspension system works:
- (a) If a Reported Person gets 10 points in the 2013/14 season he or she is suspended for 1 match.
 - (b) If that Reported Person gets another 10 points in the 2014/15 system he or she is suspended for a further 2 matches.
 - (c) If that Reported Person receives no more points then 2 years after the date of the first Offence the Reported Person's points drop back to 10.

1.2 A Complaint may be withdrawn at any time.

1.3 Separate incidents require separate Complaints.



NEWCASTLE DISTRICT CRICKET ASSOCIATION



COMPLAINT FORM

(To be completed when alleging a breach of the Code of Conduct)

Note: This Complaint must be lodged with the Code of Conduct Commissioner by 6.00 pm on the Monday after the incident

To: Code of Conduct Commissioner – email: ...
Copy to: ndcaza@gmail.com

<u>Name of Person lodging this Complaint:</u>	
Contact No:	Email:
Were you an Official Umpire when the incident occurred: Yes / No	
Partners Name:	Contact No:
Email:	Were you an Official Umpire when the incident occurred: Yes / No

<u>Name of Person being reported:</u>	Match:	-v-
<u>That Person's Captain:</u>	Grade:	
<u>That Person's Club:</u>	Venue:	Date:

Alleged Offence:

Number of the Offence

(taken from the 28 numbered Offences listed in the Rules for Behaviour):

Was the Player advised on the day:

Yes / No

Was the Captain or a Club Official advised on the day:

Yes / No

Briefly but Factually Indicate specifically why the Person has been reported: (Use reverse or *attach a separate page if necessary*)