



# **NEWCASTLE DISTRICT CRICKET ASSOCIATION**

**Newcastle District Cricket Association Inc**

**Code of Conduct**

**(Revised September 2023)**

# 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

Complainant means the person or Club who makes the complaint.

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 Reported Person's Club (but if the Person is not a member of a Club then the Person)
- (b) The Reported 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 Umpire's 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.

Umpires' Association is the Newcastle District Cricket Umpires' Association.

## 2. WHO DOES THIS CODE APPLY TO?

This Code applies to:

1. Players (including juniors) - whether playing or not;
2. Umpires;
3. Club members;
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, at its sole discretion, 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 6.00pm 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 – Email 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 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 on 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
- b) an early plea is available; and
- c) 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.
- d) the Reported Person has until 6.00pm 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.
- e) if the Reported Person does not notify the Commissioner by 6.00pm 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.
- f) if the Reported Person notifies the Commissioner by 6.00pm 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.
- g) a Reported Person appealing against the severity of a penalty has the option to submit their appeal in writing to the Commissioner by 5.00pm 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 with the Commissioner. The Commissioner is then responsible for passing on the details of the judgment to all relevant parties by 5.00pm on that Friday.
- h) appeals against the Commissioner's application of early points are subject to a fee as determined by the NDCA Board which will not exceed the fee set out in Annexure xxx (Fines, Penalties and Fees).

#### 6.7 Referrals to the Judiciary

- (a) The Commissioner in his/her absolute and sole discretion may refer any Complaint to the Judiciary where:
  - the Commissioner is of the opinion that the Offence is so serious that an early plea is inappropriate; or

- the Reported Person has been the subject of a previous Complaint or Complaints; or
- for any other reason, the Commissioner reasonably 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 7.00pm 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 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 and/or the relevant Club

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 Commission 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)(v) 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; andThe 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 under which the Reported Person has played in Newcastle or elsewhere 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
- g) 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.
- h) Any penalty shall be expressed by the Judiciary Committee in terms of points only and shall be confirmed in writing to the Judiciary Commissioner.  
At their discretion, the Judiciary Committee may or may not verbally inform parties of their decision on conclusion of the Judiciary Hearing.

The Code of Conduct Commissioner shall then inform the Reported Person and/or his club within 24 hours of the penalty being imposed, of the effect of the penalty in terms of any suspension that may apply.

### **7.4 Procedure**

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

7.5

#### 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 the \$200.00 fee) – this fee 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 2<sup>nd</sup> 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.
- c. 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.

8.5

Any suspension imposed following an offence committed in the NDCA Masters Competition, shall only apply to that competition and not any other cricket, unless it is an offence that would ordinarily be referred direct to the Judiciary Committee.

## **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.



## **10. PUBLIC OR MEDIA COMMENT:**

Public Media comment that is detrimental to the interests of cricket, irrespective of when or where such comment is made

NOTE: Without limitation, Players and other persons bound by the Code of Conduct will be deemed to have made comment detrimental to the interests of cricket in breach of clause 10 if they publicly:

- a) Denigrate or criticise a Player or other persons bound by the Code of Conduct, or a team against which they are playing or have played, whether or not in relation to incidents which occurred in a Match, or against which they are likely to play;
- b) Denigrate or criticise Newcastle District Cricket Association, New South Wales Country Cricket Association, any affiliate Association, or any of their respective commercial partners;
- c) Denigrate any region or town in which they are touring or have toured or are likely to be touring or officiating;
- d) Comment on the likely outcome of a hearing of a Report or an appeal;
- e) Criticise the outcome of a hearing of a Report or an appeal under this Code of Conduct; or
- f) Criticise any evidence, submission or other comment made by any person at the hearing of a Report or any appeal under the Code of Conduct.

NOTE: When assessing the seriousness of the breach under this Rule 10, the context within which the comments have been made and the gravity of the offending comments must be taken into account.

For the avoidance of doubt, any posting by a Player or Persons bound by the Code of Conduct of comments on a social media platform (including, without limitation, Facebook, Twitter, YouTube, Google+, Pinterest and LinkedIn) and grouped emails shall be deemed to be 'public' for the purposes of this offence.

# NEWCASTLE DISTRICT CRICKET ASSOCIATION

## RULES FOR BEHAVIOUR

	OFFENCE	EXAMPLES	EARLY PLEA POINTS	JUDICIARY POINTS
1	Abuse cricket equipment or clothing, ground equipment or fixtures and fittings <b><u>on the field of play</u></b>	Includes actions outside the course of normal cricket actions – such as: - <ul style="list-style-type: none"> <li>* hitting or kicking the wickets;</li> <li>* actions which intentionally or negligently result in damage to boundary markers, fences, and other fixtures and fittings;</li> <li>* throwing a bat or other equipment.</li> </ul>	10	20
2	Abuse cricket equipment or clothing, ground equipment or fixtures and fittings <b><u>off the field of play</u></b>	Includes actions outside the course of normal cricket actions – such as: - <ul style="list-style-type: none"> <li>* actions which intentionally or negligently result in damage to dressing room and other fixtures and fittings;</li> <li>* throwing a bat or other equipment if that occurs off the field of play</li> </ul>	5	10
3	Show dissent at an umpire's decision by action or verbal abuse	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 or field of play.  This rule does not prohibit the bowler or Captain involved in the decision from asking an umpire to provide an explanation for a decision, but it does prohibit a bowler or Captain from continued and repetitive questioning of the decision.  Dissent is expressed by a specific action such as a blatant and obvious shaking of the head; snatching cap from 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 and/or field of play.	10	20
4	Use language that is obscene offensive or insulting and/or the making of an obscene and/or offensive gesture <b><u>not directed at another person</u></b>	This includes swearing and offensive gestures which are not necessarily directed at another person – such as swearing in frustration of one's 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, including whether in the opinion of the Umpire, this could be heard off the field of play.	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 <b><u>to another player, official or spectator</u></b>	This language or gesture which is directed at another person including verbal send-offs by the fielding Team when a batsman 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 batter 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 aggressive manner when appealing		10	20
8	Point or gesture towards the pavilion in an aggressive manner upon the dismissal of a batter		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	Judiciary	Judiciary's Discretion
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 batter 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 (Law 41.3)	Prohibited behaviour includes; <ul style="list-style-type: none"> <li>Picking the seam and the application of moisture to the ball (apart from perspiration)); and repeated application of saliva is prohibited</li> <li>Directly spitting on the ball as this is loading the ball</li> <li>Roughing up the ball with an object or using artificial substances to polish the ball</li> </ul>	20	40

13	Change the condition of the ball (Law 41.3)	Prohibited behaviour includes: <ul style="list-style-type: none"> <li>Deliberately and excessively throwing or bowling the ball into the ground for the purpose of roughing it up;</li> <li>Initial application of saliva to the ball</li> <li>Removing mud or matter from the ball without supervision of the Umpire;</li> <li>Rubbing the ball on the ground to affect the seam or surface of the ball</li> </ul>	5	10
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. This also includes where captains and/or teams collude to obtain a contrived result.	Judiciary	Judiciary's Discretion (min 40)
15	Intimidate an umpire by language or conduct	Includes advancing towards an umpire after dismissal	Judiciary	Judiciary's Discretion (min 40)
16	Threaten to assault another player, team official or spectator		Judiciary	Judiciary's Discretion (min 30)
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	Judiciary's Discretion (minimum 30)
18	Threaten to assault an umpire			Judiciary
19	Physically assault another player, umpire, official or spectator			Judiciary
20	Engage in any act of violence on the field of play			Judiciary
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, as required under the preamble to the Laws and Spirit of Cricket.	* This is meant as a general rule to deal with situations where the facts 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 <b>Law 41</b> of the Laws of Cricket. * This rule does not punish unintentional breaches.	10	Judiciary's Discretion

22	Without limiting any other rule, players, umpires 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.	<p>* 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.</p> <p>* It is intended to include serious or repeated misconduct, unruly behaviour, and cheating during play.</p>	Judiciary	Judiciary's Discretion  (minimum 40)
23	Breach of captain's responsibilities, as required under the preamble to the Laws and Spirit of Cricket.	<p>* A captain is responsible for any breach of this Code which the captain could reasonably have prevented.</p> <p>* This would include failure by a captain to attempt to prevent members of his team from breaching the Code.</p> <p>* 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</p>	Judiciary	Judiciary's Discretion  (minimum 20)
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	Judiciary's Discretion  (minimum 30)
25	Public or Media comment that is detrimental to the interests of cricket	<p>* This includes the use of social media platforms (including, without limitation, Facebook, Twitter, YouTube, Google+, Pinterest and LinkedIn). Grouped emails shall be deemed to be 'public' for the purposes of this offence.</p> <p>* When assessing the seriousness of the breach, the context within which the comments have been made and the gravity of the offending comments must be taken into account.</p>	Judiciary	Judiciary's Discretion  (Minimum 20)

## ACCUMULATION OF POINTS:

- 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.
- 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.
- 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.
- An example of how this automatic suspension system works:

- (a) if a Reported Person gets 10 points in **the previous season** he or she is suspended for 1 match;
- (b) if that Reported Person gets another 10 points **in the current season** he or she is suspended for a further 2 matches;
- (c) if that Reported Person receives no more points than 2 years after the date of the first offence the Reported Person's points drop back to 10.

## NEWCASTLE DISTRICT CRICKET ASSOCIATION

### REPORTING PROCEDURE

1.1 A Complaint must follow this procedure:

WHO IS MAKING THE COMPLAINT	WHO MUST BE NOTIFIED	HOW MUST THAT PERSON BE NOTIFIED	TIME LIMITS
<b>Official Umpire</b>	<p>1. At the discretion of the Umpire:</p> <ul style="list-style-type: none"><li>i. The Reported Person, or</li><li>ii. A member or office bearer of the Reported Person's Club; or</li><li>iii. The captain of the Reported Person's team</li></ul> <p>2. Compulsory</p> <ul style="list-style-type: none"><li>i. Code of Conduct Commissioner</li></ul>	<p>Verbal if the Umpire decides to inform on the day.</p> <p>Written (email acceptable) - use the Complaint form</p>	<p>Prior to leaving the ground at the conclusion of the match.</p> <p>By 6.00pm on the next Monday after the completion of the match.</p>
<b>Anyone else</b>	The Commissioner	Written (email acceptable) - use the Complaint form	By 6.00pm on the next Monday after the completion of the match.

1.2 A Complaint may be withdrawn at any time by the party making the complaint..

1.3 Separate incidents require a separate Complaint form.

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 6.00pm on the Monday after the completion of the match**

TO: Code of Conduct Commissioner – email: [cocc@ndca.asn.au](mailto:cocc@ndca.asn.au) Copy to: [secretary@ndca.asn.au](mailto:secretary@ndca.asn.au) and [fixtures@ndca.asn.au](mailto:fixtures@ndca.asn.au)

<u>Name of Person Lodging this Complaint:</u>
Contact No:
Email:

<u>Name of Person being Reported:</u>	Match -v-
That Person's captain:	Grade:

<u>Alleged Offence:</u>
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<u>Number of the Offence:</u> (taken from the 25 numbered Offences listed in the Code of Conduct)
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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)





