

CODE OF CONDUCT

September 2017



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1. Introduction

This NZC Code of Conduct shall apply to all competitions subject to NZC Playing Conditions.

2. Commissioners and Match Referees

- 2.1 Each Major Association must nominate and have approved by the Board of NZC ('the Board') sufficient Association Commissioner(s) to hear and decide on any reports of alleged breaches of clauses 3.1, 3.2 and 3.3 below (respectively Rule 3.1, Rule 3.2 and Rule 3.3).
- 2.2 The Board will appoint Match Referees and a minimum of four First Class Commissioners to hear and decide on any reports on alleged breaches: (i) in men's domestic competitions (Plunket Shield, Ford Trophy and Super Smash) and (ii) by professional players in women's domestic competitions (T20 and One Day Competitions).
- 2.3 The Board will appoint a National Commissioner(s) to hear and decide on any appeals from any decision of a First Class Commissioner or Association Commissioner.
- 2.4 If the position of National Commissioner becomes vacant or the National Commissioner is unavailable at any time then a person nominated by the Chairman of the Board NZC shall take the place of the National Commissioner for the specific time or purpose fixed by the Chairman.
- 2.5 The National Commissioner and First Class Commissioners shall have a discretionary power to extend all time limits under this Code, whether or not the time limit has passed.
- 2.6 NZC shall be responsible for maintaining a register of all reports, appeals and decisions taken, and circulating these decisions to all Match Referees and Commissioners from time to time.
- 2.7 If the National Commissioner, one of the First Class or Association Commissioners, or a Match Referee cannot be contacted within any of the time limits herein stated, then contact may be made with the Chief Executive of NZC, his/her nominee or the NZC Board Chairman.

3. Rules of the Code

3.1 Rule 3.1:

Players and team officials must not indulge in unacceptable behavior on any part of a cricket ground including the field of play. Appendix A sets out a non-

- 4.3 All reports of an alleged breach or breaches of the code must be in writing in the form attached at Appendix B or substantially in compliance with such form stating the level of offending alleged.

5. Reports and Procedure

General

- 5.1 Alleged infringements of this Code of Conduct shall be dealt with in accordance with the following procedures:

Men's Domestic Competitions:

Breach of Rule 3.1 (Level 1 Offence): Reports lodged and matters heard by the Match Referee officiating at the relevant match as set out in clauses 5.2 - 5.7;

Breaches of Rules 3.1 (Level 2, 3 or 4 Offence), 3.2 or 3.3: Reports lodged and matters heard by First Class Commissioners as set out in clauses 5.8 - 5.16;

Women's Domestic Competitions:

Breach of Rules 3.1, 3.2 or 3.3: Reports lodged and matters heard by Association Commissioners as set out in clauses 5.17 - 5.24;

All other Competitions subject to NZC Playing Conditions:

Breach of Rules 3.1, 3.2 or 3.3: Reports lodged and matters heard by Association Commissioners as set out in clauses 5.17 - 5.24;

Notwithstanding the above, if a player on report is:

- (a) a men's international professional contracted to play in New Zealand or a New Zealand Cricket or Major Association professional player and such report relates to a match below a men's domestic competition match (e.g. a Provincial A, Hawke Cup); or
- (b) a women's international professional contracted to play in New Zealand or a New Zealand Cricket professional player and such report relates to any match in New Zealand subject to this Code,

then any hearing shall be conducted by one of the four NZC appointed First Class Commissioners, irrespective of the cricket competition from which the report emanated. This is to ensure that a consistent approach can be applied to the professional player.

Men's Domestic Competitions – Rule 3.1 (Level 1 Offences)

- 5.2 Where any person entitled to do so wishes to report an alleged breach of Rule 3.1 (Level 1), he/she shall complete a written report in the form attached at Appendix B ("Code of Conduct Report") and provide this to the Match Referee officiating at the relevant match within two hours of the close of the day's play.

- 5.6 The Match Referee must communicate the player's response to the Notice of Charge in a timely manner and notify the same individuals as set out in Clause 5.4.

No-one shall be entitled to make any comment in relation to any such commission and sanction, unless and until the individuals set out in Clause 5.4 have been notified.

- 5.7 For the avoidance of doubt, where a Level 1 Offence is alleged to have been committed by a player and:
- (a) that player has two or more code of conduct breaches within the previous three seasons; and/or
 - (b) that player has one or more code of conduct breaches within the current season, and/or
 - (c) for whatever reason the Match Referee, at his/her absolute discretion, does not wish to hear the matter or considers that the conduct involved should be charged as a Level 2 Offence;

the matter shall proceed to a hearing in accordance with clause clauses 5.11 - 5.16

Men's Domestic Competitions – Rule 3.1 (Level 2, 3 and 4), 3.2 or 3.3 Offences.

- 5.8 Where any person entitled to do so wishes to report an alleged breach of Rules 3.1 (Levels 2, 3 and 4), 3.2 or 3.3, he/she shall complete a written report in the form attached at Appendix B (Code of Conduct Report) and provide this to the Match Referee officiating at the relevant match within two hours of the close of the day's play (in the event of a breach of Rules 3.1 (Levels 2, 3 or 4), or 3.2) or within 24 hours of the breach (in the event of a breach of Rule 3.3).
- 5.9 The Code of Conduct Report shall describe the alleged conduct in terms of Appendix A where applicable. Such description shall not bind the First Class Commissioner or National Commissioner adjudicating the matter who shall have the discretion to amend the description of the conduct to accord with the facts and amend the Level of the conduct. NOTE: this means that the First Class Commissioner or National Commissioner can both change an offence to a higher or lower Level and can also assess the conduct in terms of a different offence within a particular Level (as the offences are set out in Appendix A).
- 5.10 The Match Referee shall immediately provide a copy of the Code of Conduct Report to:
- (a) the person reported;
 - (b) the captain and team manager of the person reported (save where the report is against the captain then the vice-captain and/or team manager);

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 First Class Commissioner's decision.

All other Competitions subject to NZC Playing Conditions:

- 5.17 Where any person entitled to do so wishes to report an alleged breach of Rules 3.1, 3.2 or 3.3, he/she shall complete a written report in the form attached at Appendix B (Code of Conduct Report) and provide this to the match or tournament manager officiating at the relevant match (as applicable). The Code of Conduct Report must be provided within two hours of the close of the day's play (in the event of a breach of Rules 3.1 or 3.2 or within 24 hours of the breach (in the event of a breach of Rule 3.3).
- 5.18 The Code of Conduct Report shall describe the alleged conduct in terms of Appendix A where applicable. Such description shall not bind the Association Commissioner adjudicating the matter who shall have the discretion to amend the description of the conduct to accord with the facts and amend the Level of the conduct. NOTE: this means that the Association Commissioner can both change an offence to a higher or lower Level and can also assess the conduct in terms of a different offence within a particular Level (as the offences are set out in Appendix A).
- 5.19 The match or tournament manager shall immediately provide a copy of the Code of Conduct Report to:
- (a) the person reported;
 - (b) the captain and team manager of the person reported (save where the report is against the captain then the vice-captain and/or team manager);
 - (c) the NZC General Manager of Cricket Operations (or his/her nominee);
 - (d) the Chief Executive, Executive Director or Secretary of the relevant Major or District Association (or his/her nominee).

The match or tournament manager will at the earliest opportunity forward the Code of Conduct Report to an Association Commissioner for determination.

- 5.20 Upon receipt of the report, the Association Commissioner must ensure that the person reported is not a person identified in clause 5.1(a) or (b). In the event that they are not, the Association Commissioner will arrange a hearing as soon as possible. Unless excused by the Association Commissioner for any reason, the hearing shall be attended by:
- (a) the person reported; and
 - (b) the Captain and/or team manager (save what where the report is against the Captain then the vice-Captain or team manager will attend) and;

- 6.3 The National Commissioner will determine the application for leave in his sole discretion and shall give a written decision as to the application for leave which will be advised to those persons with an interest as set out in clause 6.2. The National Commissioner may, if the National Commissioner decides to do so, hear the application for leave at the same time as the substantive appeal.
- 6.4 In the event that leave to appeal is granted (or if the National Commissioner decides to hear the application for leave at the same time as the substantive appeal) the National Commissioner will hear and decide on the appeal in a manner which accords with the principles of natural justice and which best ensures the fair and prompt determination of the appeal. In determining any appeal, the National Commissioner may in his sole discretion set aside, reduce, vary or increase any penalty.
- 6.5 Any decision of the National Commissioner as to the appeal itself shall be communicated to all those persons with an interest as set out in clause 6.2. 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.
- 6.6 There shall be no right of appeal from a decision of the National Commissioner either in respect of an application for leave to appeal, or in respect of an appeal which proceeds to hearing.
- 6.7 For the avoidance of doubt, decisions made by a Match Referee pursuant to clause 5.5(a) shall be non-appealable and shall remain the full and final decision in relation to the matter.

7. Penalties

- 7.1 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.
- 7.2 The penalties that may be imposed are:
- (a) written censure;
 - (b) a financial penalty which may consist of a match fee or any part of such, or a fine, to a maximum of \$5000.00.
 - (c) (in the case of a Player) suspension from playing in fixtures under the control of the Board or any affiliated association or body or any other match in which NZC is involved including matches under the auspices of ICC.
 - (d) (in the case of a Team Official) suspension from any involvement with any team playing in fixtures under the control of the Board or any affiliated Association or body, or any other match in which NZC is involved including matches under the auspices of ICC.

7.6 Mitigating and aggravating circumstances

Mitigating and aggravating circumstances will be brought to account in determining the Level, and the penalty.

Mitigating circumstances include without limitation, contrition, apology, good record, and the circumstances in which a breach occurred. Aggravating circumstances include without limitation, the fact that a player is a repeat offender or has ignored an umpire's warning.

Refusal to acknowledge a breach is not an aggravating circumstance, but results in the absence of a mitigating factor.

Where a player commits three or more breaches within three seasons, a suspension rather than a monetary penalty for the third breach should be considered.

7.7 Suspension

Except where indicated above, suspension for a number of matches is not the primary penalty.

Suspension is intended to have increasing effect through Levels 2, 3 and 4 breaches.

Suspension should take into account the player's schedule. Commissioners will determine the weight to be given to that playing schedule. While suspensions will usually apply to matches of any duration, a player who has three one-day fixtures in his/her playing schedule must be set against a player who has forthcoming three or four-day fixtures.

A suspension will bring to account match fees that will be lost.

7.8 Discretion

The Commissioners and Match Referees retain an overall discretion and will endeavour to achieve consistency.

7.9 Payment of Fines

Any fine must be paid to the Chief Executive NZC within 7 days and any failure to meet this requirement will render the player ineligible and the Team Official ineligible in that capacity for selection, or involvement in any fixture under the control of the Board or any of its affiliated Association or bodies or any other match in which NZC is involved, including matches under the auspices of ICC.

APPENDIX A

The conduct described in Levels 1-4, if committed by a player or team official shall amount to an offence by such player or team official under the Code of Conduct.

Comment: Notes have been provided as guidance as to the nature of conduct that might fall within a particular Level and are not a limiting list of conduct prohibited by such Level.

1. Level 1 Offences

- 1.1 Breach of NZC's rules relating to advertising on cricket clothing and equipment.

Note: Rule 3.2

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.

- 1.2 Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a match.

Note: 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.

- 1.3 Showing dissent at an Umpire's decision during a match.

Note: this includes:

- 1.3.1 obvious disappointment with, or challenge to, an Umpire's decision;
- 1.3.2 an obvious delay in play, or leaving the wicket;
- 1.3.3 shaking the head to indicate challenge to the decision;
- 1.3.4 pointing or looking at the inside edge when given out lbw;
- 1.3.5 pointing to the pad or rubbing the shoulder or giving any other indication the decision is challenged when caught behind;
- 1.3.6 snatching the cap from the Umpire whether in petulance or as a challenge to the Umpire's decision or conduct;
- 1.3.7 requesting a referral to the TV Umpire (other than in the context of a legitimate request for a referral as may be permitted in such a match); and
- 1.3.8 entering into any debate with the Umpire about his decision.

It is no defence to any charge brought under this provision to submit that the Umpire's decision was wrong.

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.

- 1.8 A second failure by a fielding team in one season to meet the minimum over rate requirements contained in the NZC Playing Conditions for a particular match.

Note: Subjective intent on behalf of the team Captain or player to waste time is not required. It is sufficient to establish that the minimum over rate was not met.

- 1.9 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct that either:

1.9.1 is contrary to the spirit of the game; or

1.9.2 brings the game into disrepute.

Note: this provision is intended to be a “catch-all” provision to cover all types of conduct of a minor nature that is not covered by the specific offences set out elsewhere in the NZC Code of Conduct.

By way of example, this provision may (depending upon the seriousness and context of the breach) prohibit the following:

- (a) the use of an illegal bat or illegal wicket-keeping gloves;
- (b) deliberate time wasting;
- (c) cheating during a match which is conduct intended to wrongly influence any element of the game, including deliberate attempts to mislead the Umpire;
- (d) failure to comply with the provisions of New Zealand Cricket First Class Playing Condition 15 (declarations); and
- (e) any conduct which is considered ‘unfair play’ under law 41 of the Laws of Cricket.

By way of further example, this provision may also (depending upon the seriousness and context of the breach) prohibit the following:

- (a) public acts of misconduct;
- (b) unruly public behaviour; and
- (c) inappropriate comments which are detrimental to the interests of the game.

2.7.1 be regarded as seriously obscene; or

2.7.2 give serious offence; or

2.7.3 seriously insult another person

This offence is not intended to cover any use of the language or gestures that are likely to offend another person on the basis of their race, gender, colour, descent, national or ethnic origin. Such conduct is prohibited under Rule 4.5 of this Code and must be dealt with according to the procedures set out therein.

2.8 Changing the condition of the ball in breach of Law 41.3 of the Laws of Cricket, as modified by ICC Standard Test Match, ODI and Twenty20 International Match Playing Conditions.

Note: This offence supplements and does not replace ICC Standard Test Match, ODI and Twenty20 International Match Playing Conditions.

Any action(s) likely to alter the condition of the ball which are not specifically permitted under Law 41.3.2 may be regarded as 'unfair'. The following actions shall not be permitted (this list of actions is not exhaustive but included for illustrative purposes).

2.8.1 deliberately throwing the ball into the ground for the purpose of roughening it up;

2.8.2 applying any artificial substance to the ball; and applying any non-artificial substance for any purpose other than to polish the ball;

2.8.3 lifting or otherwise interfering with any of the seams of the ball;

2.8.4 scratching the surface of the ball with finger or thumb nails or any implement;

2.8.5 attempting to alter the shape of the ball.

The Umpires shall use their judgement to apply the principle that actions taken to maintain or enhance the condition of the ball, provided no artificial substances used, are permitted.

2.9 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 42 of the Laws of Cricket.

Note: this provision is intended to prevent the manipulation of matches for inappropriate strategic or tactical reasons (see New Zealand Cricket First Class Playing Condition 15). It may apply to the inappropriate manipulation of a net run rate or accumulation of bonus points or otherwise.

This provision is not intended to cover any corrupt or fraudulent acts (including any use of inside information and/or related betting activity). Such conduct is

See guidance notes to paragraph 1.9 of Level 1 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under this provision.

4. **Level 4 Offences**

- 4.1 Threat of assault on an Umpire or Match Referee during a match.
- 4.2 Physical assault of another player, Team Official, Umpire, Match Referee or any other person (including a spectator) during a match.
- 4.3 Any act of violence on the field of play during a match.
- 4.4 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct that either:
 - 4.4.1 is contrary to the spirit of the game; or
 - 4.4.2 brings the game into disrepute.

Note: this provision is intended to be a “catch-all” provision to cover all types of conduct of a serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in the NZC Code of Conduct.

See guidance notes to paragraph 1.9 of Level 1 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under this provision.

- 4.5 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.

APPENDIX C - NZC CODE OF CONDUCT NOTICE OF CHARGE FORM

This form is to be completed and sent (together with a copy of the NZC Code of Conduct Report form) for each of the individuals described in clause 5.4 (in the case of a Level 1 offences).

1. Notice of Charge
<p>This form should be treated as formal notification that the following Player/Team Official has been charged with an offence under the NZC Code of Conduct:</p> <p><i>Note: For the avoidance of doubt, the Match Referee calculates the proposed sanction in the Notice of Charge provided to the Player or Team Official without having determined the guilt or innocence of the Player or Team Official.</i></p> <p>Name:</p> <p>Team:</p> <p>Occasion (match/event etc):</p> <p>Level of offence (Level 1 or 2):</p> <p>Specific offence: (see Appendix A of the Code of Conduct):</p> <p>Proposed sanction:</p>

4. Receipt of Notification

Print Name:

Position:

Signature:

Date:

Time: