

NZC – CODE OF CONDUCT

1. Introduction

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

2. Commissioners

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 Rules 3.1, 2 or 3 below.

2.2 The Board will appoint a minimum of three First Class Commissioners to hear and decide on any reports on alleged breaches in men's domestic competitions (Plunket Shield, Ford Trophy and McDonalds Super Smash).

2.3 The Board will appoint a National Commissioner(s) to hear and decide on any appeals from any decision of a First Class 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 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 commissioners from time to time.

2.7 If the National Commissioner or one of the First Class or Association Commissioners 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 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-exhaustive list of examples of unacceptable behaviour, and how they should be addressed.

3.2 Players must not infringe the rules relating to advertising on cricket clothing and equipment (refer to First Class Playing Condition 23).

3.3 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.

For the purposes of this Code the term “team official(s)” shall include without limitation any team manager, team cricket manager or team coach appointed by an Association to manage and/or coach a team or any other person holding any official position within cricket.

4. Eligibility to lodge a report

- 4.1 An alleged breach of Rules 3.1, 2 or 3 may be reported by:
- (a) either, all or both Umpires, including 3rd or 4th Umpires; or
 - (b) the Chief Executive of NZC (the “Chief Executive NZC”); or
 - (c) a NZC Board member; or
 - (d) the Chairman of any Association or his/her nominee e.g. the appointed match manager/referee; or
 - (e) any team official
- 4.2 No alleged breach of Rules 3.1 or 3.2 shall be reported by any of the persons referred to in 4.1(b), (c), (d) or (e) above unless they have first consulted with the Umpire or Umpires in respect of any on-field conduct or behavior 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 4.1 above.
- 4.3 All reports of an alleged breach or breaches of the code must be in writing in the form Appendix B or substantially in compliance with such form stating the level of offending alleged.

5. Reports – Procedure

- 5.1 Where any person entitled to do so wishes to report an alleged breach of the rules, he/she shall complete a written report 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). The written report must be provided to the player and to the Chief Executive or the Executive Director or Secretary of the Major or District Association or his/her nominee, at the earliest opportunity and in any event no later than 24 hours after the breach is alleged to have occurred.

Commentary – the report should be completed and advised to the person allegedly in breach of the code or a representative or a team official within the two-hour time period. This is to allow for proper enquiry and preparation for any hearing which may eventuate. In cases involving alleged breaches of Rules 3.1 or 3.2 the report should normally be lodged within two hours of the close of the

day's play. There may be circumstances where this may not be possible or which would justify the later lodging of a report. Such a later lodging of the report should be the exception rather than the rule however.

- 5.2 The report shall describe the alleged conduct in terms of Appendix A where applicable. Such description shall not bind the First Class, Association, or National Commissioner.
- 5.3 The Chief Executive, Executive Director or Secretary of the Major or District Association or his/her nominee will at the earliest opportunity advise that a report has been lodged and forward the report to the player and/or the team official reported, his team manager and the First Class or Association Commissioner.
- 5.4 If the player on report is an international professional contracted to play in New Zealand, a New Zealand Cricket or MA professional player, then any hearing shall be conducted by one of the three NZC appointed First Class Commissioners- irrespective of the cricket competition from which the report emanated. E.g. Provincial A, Hawke Cup. This is to ensure that a consistent approach can be applied to the professional player.
- 5.5 Upon receipt of the report, the First Class or Association Commissioner will arrange a hearing as soon as possible. Unless excused by the First Class or 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;
 - (c) the initiator of the report
- 5.6 It is likely that the First Class Commissioner will facilitate hearings in the men's domestic competitions (Plunket Shield, Ford Trophy and McDonalds Super Smash) by video conferencing. This process will be managed by NZC and information provided separately.
- 5.7 The First Class or Association Commissioner may require any person subject to the code to attend the hearing where in the opinion of the first Class or Association commissioner that person might assist in any way.
- 5.8 Where any person required to attend a hearing pursuant to clause 5.3 or 5.5 above (other than the person reported) fails to attend without reasonable justification, this may be treated as a breach of clause 3.3 and any person entitled to do so may make a report as set out above.
- 5.9 The First Class or Association 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 of the code.

5.10 The First Class or Association Commissioner must communicate the decision orally within 48 hours 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 First Class or Association Commissioner will ensure that the written decision will be forwarded in the first instance to:

- (a) the player and/or team official concerned;
- (b) the initiator of the report;
- (c) the Chief Executive, Executive Director or Secretary of the Major or District Association or his/her nominee;
- (d) and NZC.

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. Appeals – Procedure

6.1 Where a player or team official or NZC wishes to appeal against any decision of a First Class or Association Commissioner in relation to any alleged breach of the Rules, an application for leave to appeal must be lodged in writing with the Chief Executive NZC within 72 hours of the written decision being provided to the player or team official concerned. The application for leave shall record in full the basis of the application.

6.2 The Chief Executive NZC will immediately, on receipt of the application for leave, advise the initiator of the report, the First Class or Association Commissioner, the National Commissioner, and in the case of an application for leave to appeal by NZC, the player or team official concerned.

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 Rule 6.2 above.

6.4 In the event that leave to appeal is granted 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 Rule 6.2 above. 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.

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.

Commentary

Levels

Appendix A to this Code classifies breaches under Rule 3.1 at ascending Levels 1,2,3,4.

The levels are to guide those making Reports, the disciplinary process, and to assist players and team officials understand how the Code applies.

Match fees and financial penalties

The professional game has developed sanctions based on match fees and the NZC Code reflects that but the Code must respond to the fact it applies to contracted players, uncontracted players who receive a match fee and those who receive no payment at all.

A suspension may be considered more appropriate when a player is not contracted.

A financial penalty should not be fixed only by a percentage of a match fee as this would lead to inconsistency given the match fees payable for different levels of cricket (four day games, one day games and Twenty20 games).

The player's means may be relevant to mitigation of penalty but not to the point financial penalties become subjective. A consistent imposition of financial penalty is intended.

In some cases the financial penalty may extend beyond a match fee. This may result where the match fee is not sufficient – as a penalty and where a suspension is not required, or would result in loss of a match, and match fee.

Indicative penalties

1. Level 1 - the indicative entry level is a written censure and/or the imposition of either a fine or forfeiture of a match fee or part of such. Suspension may be considered appropriate for the uncontracted player. The entry point for Level 1 breaches where a financial penalty is considered appropriate is \$200.00 + GST.
2. Level 2 - the indicative entry level is a fine or forfeiture of a match fee or part of such, and/or suspension. The entry point for Level 2 offences is \$500.00+ GST where a monetary penalty is considered appropriate.
3. Level 3 - the indicative entry level is suspension.
4. Level 4 – the indicative entry level is lifetime suspension.

Mitigating and aggravating circumstances

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

Mitigating circumstances include, e.g. without limitation, contrition, apology, good record, and the circumstances in which a breach occurred. Aggravating circumstances include, e.g. without limitation, the fact that a player is a repeat offender, refusal to acknowledge a breach, ignoring umpire's warning.

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.

Suspension

Suspension is no longer the primary penalty.

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

Suspension will bring to 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 whatever 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.

Discretion

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

- 7.3 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.
- 7.4 For the avoidance of doubt, any penalties imposed by the First Class, Association or National Commissioner may be restricted by the terms of any relevant Player Agreement.

Stay of penalty

- 7.5 Lodging an appeal to the National Commissioner shall not stay the penalty imposed and/or obligations there under, but the National Commissioner may grant a stay in the exercise of discretion on an application made for that purpose.

8. Media

Only the Chief Executive NZC or the Chairman of the Board NZC are authorised to notify the media of a report, a decision, or an application for leave to appeal, or an appeal and any information regarding that process and the decisions made. In the absence of special reasons publicity will be given to the disciplinary process in each case.

APPENDIX A

The conduct described in Rules 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 Rule and are not a limiting list of conduct prohibited by such Rule.

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 Rule.

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

Note: Rule 1.2 includes 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: Rule 1.3 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 Rule to show that the Umpire might have, or in fact did, get any decision wrong.

- 1.4 Using language or a gesture that is obscene, offensive or insulting during a match.

Note: Rule 1.4 includes:

- 1.4.1 loud or repetitious swearing; and
- 1.4.2 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.

When assessing the seriousness of the breach, the Umpire shall be required to take into account the context of the particular situation and whether the words or gesture are likely to:

- (a) be regarded by others on the field of play or outside the playing area as obscene;
- (b) give offence to others in the field of play or outside the playing area; or
- (c) insult another person.

This offence is not intended to cover any use of language or gestures that are likely to offend another person on the basis of their race, religion, gender, colour, descent, national or ethnic origin. Such conduct is prohibited under Rule 4.5 of this Code.

- 1.5 Excessive appealing during a match

Note: for the purposes of Rule 1.5 "excessive" shall include:

- 1.5.1 repeated appealing which is not based on a genuine belief a batsman should be given out; or
- 1.5.2 celebrating a dismissal before the decision has been given, i.e. it is not intended to prevent loud or enthusiastic appealing;
- 1.5.3 it is not intended the Rule should prevent loud or enthusiastic appealing of itself.

- 1.6 Pointing or gesturing towards the pavilion by a bowler or other member of the fielding side upon the dismissal of a batsman.

- 1.7 Public criticism of, or inappropriate comment in relation to an incident occurring in a match, or any player, Team Official, Match Official or team participating in any match, irrespective of when such criticism or inappropriate comment is made.

Note: Without limitation, players and Team Officials will breach Rule 1.7 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.

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

1.8.1 is contrary to the spirit of the game; or

1.8.2 brings the game into disrepute.

Note: Rule 1.8 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, Rule 1.8.1 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 Rule 11 of the New Zealand Cricket Playing Conditions (First Class cricket); and
- (e) any conduct which is considered ‘unfair play’ under law 42 of the Laws of Cricket.

By way of example, Rule 1.8.2 may (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. **Level 2 Offences**

2.1 Showing serious dissent at an Umpire’s decision during a match.

Note: Dissent, including the examples given in Rule 1.3 above 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 show that the Umpire might have, or in fact did, get any decision wrong.

- 2.2 Serious public criticism of, or inappropriate comment in relation to an incident occurring in a match or any player, Team Official, Match Official or team participating in any match, irrespective of when such criticism or inappropriate comment is made.

Note: Without limitation, players and Team Officials will breach this rule 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.

- 2.3 Inappropriate physical contact between players in the course of play during a match.

Note: Without limitation, players will breach this regulation if they deliberately walk or run into or shoulder another player.

- 2.4 Charging or advancing towards, or challenging, the Umpire in an aggressive manner when appealing during a match.

- 2.5 Deliberate obstruction in the field of play.

- 2.6 Throwing a ball (or any other item of cricket equipment such as a water bottle) at or near a player, Team Official, Umpire, Match Referee or any other third person in an inappropriate and/or dangerous manner during a match.

- 2.7 Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to another player, Team Official, Umpire, Match Referee or any other third person during a match.

Note: 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.

When assessing the seriousness of the breach, the Umpire shall be required to take into account the context of the particular situation and whether the words or gesture are likely to:

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 42.3 of the Laws of Cricket, as modified by ICC Standard Test Match, ODI and Twenty20 International Match Playing Conditions Clause 42.1.

Note: This offence supplements and does not replace ICC Standard Test Match, ODI and Twenty20 International Match Playing Conditions Clause 42.1.

Any action(s) likely to alter the condition of the ball which are not specifically permitted under Law 42.3(a) 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: Rule 2.9 is intended to prevent the manipulation of matches for inappropriate strategic or tactical reasons (see Rule 11 of the New Zealand Cricket Playing Conditions – First class Cricket). It may apply to the inappropriate manipulation of a net run rate or accumulation of bonus points or otherwise.

Rule 2.9 is not intended to cover any corrupt or fraudulent acts (including any use of inside information and/or related betting activity). Such conduct is prohibited under the ICC's Anti-Corruption Code and must be dealt with according to the procedures set out therein.

The 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.

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

- 2.10.1 is contrary to the spirit of the game; or

2.10.2 brings the game into disrepute

Note: Rule 2.10 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 Rule 1.8 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Rule 2.10.

3. **Level 3 Offences**

3.1 Intimidation of an Umpire or Match Referee whether by language or conduct (including gestures) during a match.

Note: Includes appealing in an aggressive or threatening manner, which has or may have the effect of influencing the Umpire in his role.

3.2 Threat of assault on another player, Team Official, or any other person (including a spectator) during a match.

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

3.3.1 is contrary to the spirit of the game; or

3.3.2 brings the game into disrepute.

Note: Rule 3.3 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 Rule 1.8 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Rule 3.3.

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: Rule 4.4.1 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 Rule 1.8 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Rule 4.4.1.

- 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.

5. **Minimum Over Rate Offences**

Failure by a fielding team participating in a match to meet the minimum over rate requirements contained in Rule 3.6 or subsequent corresponding provision of the NZC Playing Conditions constitutes an offence under this NZC Code of Conduct by the relevant team Captain and each of the players in that fielding team.

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

APPENDIX B - NEW ZEALAND CRICKET CODE OF CONDUCT REPORT



ATTENTION: COMMISSIONER

In accordance with Rule ____ of the New Zealand Cricket Code of Conduct I/we make the following report:

Date report prepared:	
Prepared By:	<i>if applicable</i>
Match:	<i>if applicable</i>
Dates:	
Umpires:	<i>if applicable</i>

I/We wish to bring to your attention my/our belief that during the match aforementioned above conduct amounting to a breach of the Code of Conduct occurred. Those involved were:

PLAYER(S)	TEAM OFFICIAL(S)	TEAM

I/We believe that the conduct breached Rule _____ of the Code and as described in Appendix A, clause _____

THE CIRCUMSTANCES WERE AS FOLLOWS:

The day's play concluded at	AM / PM	DAY / MONTH / YEAR
The Chief Executive, Executive Director or Secretary of the Major Association / District Association was notified.	AM / PM	DAY / MONTH / YEAR

SIGNED		SIGNED	
NAME		NAME	
CONTACT No.		CONTACT No.	

