

## 5 CODE OF CONDUCT

### 5.1 Persons who must comply with the Code of Conduct

The following persons must comply with the Code of Conduct:

- (a) players (including those who act as substitute fielders) who participate in matches organised by the Association;
- (b) umpires who participate in matches organised by the Association;
- (c) persons who are in attendance at matches organised by the Association and who are members of bodies which elect or are represented by Delegate Members of the Association;
- (d) persons who are in attendance at matches organised by the Association and who are members of any of the Affiliates;
- (e) persons who are in attendance at matches organised by the Association and who are office-bearers of bodies which elect or are represented by Delegate Members of the Association;
- (f) persons who are in attendance at matches organised by the Association and who are office-bearers of any of the Affiliates;
- (g) players (including those who act as substitute fielders) who play in teams representing the Association or are selected by the Selection Panel of the Association;
- (h) persons who are in attendance at matches involving teams representing the Association or selected by the Selection Panel of the Association and who are members of bodies which elect or are represented by Delegate Members of the Association; and
- (i) persons who are in attendance at matches involving teams representing the Association or selected by the Selection Panel of the Association and who are Committee Members of the Association.

### 5.2 Code of Conduct

- (a) No person bound by this Code of Conduct shall engage in disorderly or improper conduct or behaviour.
- (b) A person who engages in disorderly or improper conduct or behaviour breaches this Code of Conduct.
- (c) Disorderly or improper conduct or behaviour includes, but is not restricted to, a person:
  - (i) assaulting or attempting to assault, or abusing, either orally or physically, an umpire, player or spectator;
  - (ii) disputing, as distinct from questioning, an umpire's decision, or reacting in an obviously provocative manner towards an umpire;
  - (iii) using crude or abusive language, or hand signals or other gestures;
  - (iv) engaging in any form of conduct or behaviour (including posting comments or other material on social media) detrimental to the spirit of the game or likely to bring the game into disrepute; or
  - (v) refusing to supply that person's name and that person's address when required by another person who is lodging a report.
- (d) The captain of a team shall ensure that the players (including a person acting as substitute fielder) comply with the Code of Conduct.
- (e) The captain of a team breaches the Code of Conduct if a player in that team engages in continuing disorderly or improper conduct or behaviour.

- (f) The code of conduct also extends to the official cricket functions organised by the Association or any Affiliate.

### **5.3 Effect of penalties imposed under the Code of Conduct**

- (a) No replacement player or substitute is allowed for any player who is suspended or disqualified under the Code of Conduct of the Association during the course of a match.
- (b) Any person who has been suspended or fined or otherwise dealt with by the Judiciary Committee may, at the discretion of the Judiciary Committee:
  - (i) be prohibited from acting in any administrative position or as an office-bearer of the person's club or as captain of any team taking part in any match conducted by the Association; and
  - (ii) not be eligible to act as a Delegate Member or an office-bearer of the Association, until the annual general meeting of the Association held after the expiration of such suspension or disqualification or held after the day on which such fine is paid to the Association.

### **5.4 Suspended players**

- (a) Any player who has been suspended under the Association's Code of Conduct or by any other properly constituted cricket disciplinary authority at club, association, council, zone or NSW Country level will be ineligible for selection during the period of the suspension in any team in a competition conducted by the Association or in any team selected by or representing the Association or in any team at any other level of cricket (i.e. club, association, council, zone, NSW Country etc).
- (b) For the purpose of (a) above, the period of suspension shall be:
  - (i) the period from the first date until the last date, both dates inclusive, where a time period suspension is imposed; and
  - (ii) each day of play of a match where a match based suspension is imposed. Where a match is not played due to inclement weather or for any other reason, the original scheduled days of play shall constitute the period of suspension.
- (c) Any player who has been suspended under the Association's Code of Conduct or by any other properly constituted cricket disciplinary authority at club, association, council, zone or NSW Country level will be ineligible to be appointed or to act as captain of any team representing the Association until the commencement of the annual general meeting of the Association held after the expiration of the suspension.
- (d) A player who lodges an appeal against a suspension imposed under the Association's Code of Conduct or by any other properly constituted cricket disciplinary authority at club, association, council, zone or NSW Country level will be ineligible for selection in any team in a competition conducted by the Association or in any team selected by or representing the Association or in any team at any other level of cricket (i.e. council, zone, NSW Country etc) until the decision to suspend the player has been overturned or amended by the appellate body or the period of the suspension has expired.

## **6 CODE OF CONDUCT COMMISSIONER**

### **6.1 Jurisdiction of Commissioner**

- (a) There shall be a Code of Conduct Commissioner who will be responsible for dealing with reported breaches of the Code of Conduct in competitions administered by the ODCA.

## 6.2 Appointment of Commissioner

- (a) The Committee of Management shall appoint a Code of Conduct Commissioner who shall have the powers set out in these By-Laws.
- (b) The Committee of Management may appoint an Assistant Code of Conduct Commissioner to assist the Commissioner in the discharge of their powers and duties and to act as the Commissioner if they are unavailable.
- (c) An Assistant Commissioner appointed pursuant to subclause (b), has the powers, duties and functions of the Commissioner.
- (d) The term of appointment of the Commissioner and any Assistant Commissioner shall be as determined by the Committee of Management.
- (e) A reference in these Rules to Commissioner, includes where appropriate, a reference to Assistant Commissioner.
- (f) In the event that a Commissioner cannot be appointed, the Secretary shall have the powers, duties and functions of the Commissioner until such a time as the position is filled.

## 6.3 Qualifications for appointment as Commissioner

The qualifications for appointment to the positions of Commissioner and Assistant Commissioner shall be as determined by the Committee of Management.

## 6.4 Powers

The Commissioner has power to:

- (a) receive, investigate, examine and consider reports alleging a breach of the Code of Conduct;
- (b) determine whether:
  - (i) no action is to be taken against the Person Reported; or
  - (ii) the Person Reported is to be issued a Notice of Charge in accordance with the Code of Conduct Procedures; or
  - (iii) to refer a matter to the Judiciary Committee;
- (c) present the case against the Person Reported in any hearing before the Judiciary Committee;
- (d) appeal to the Committee of Management against a decision of the Judiciary Committee; and
- (e) appear at the hearing of any appeal against a decision of the Judiciary Committee to present evidence as required.

## 6.5 ODCA Code of Conduct Procedures

- (a) The Commissioner shall exercise its powers in accordance with the procedures outlined in the Code of Conduct Procedures.
- (b) Any determination made under clause 6.4(b)(ii) against the Person Reported may be taken into account by a Judiciary Committee should the Person Reported be found guilty of another breach of the Code of Conduct within 3 years of the date of the issue of the determination.

## 6.6 Right of Appeal

- (a) There shall be no right of appeal against the determination of the Commissioner pursuant to:
  - (i) clause 6.4(b)(i) or (iii); or
  - (ii) acceptance by a Reported Person of a Notice of Charge.

### **6.7 Commissioner role before Judiciary Committee**

- (a) Where a matter proceeds to a hearing before the Judiciary Committee, the Commissioner may:
  - (i) appear at that hearing;
  - (ii) present evidence to support the allegation;
  - (iii) as required by the Judiciary Committee, test any defence, address the Committee and make submissions in respect of those matters.

## **7 JUDICIARY COMMITTEE**

### **7.1 Jurisdiction**

- (a) The Judiciary Committee shall have the same jurisdiction as the Commissioner set out in clause 6.1 of these By-laws.
- (b) All matters referred to a Judiciary Committee shall be managed in accordance with the Code of Conduct Procedures.

### **7.2 Establishment of the Judiciary Committee**

- (a) There shall be a Judiciary Committee which shall be called the Orange District Cricket Association Judiciary Committee.
- (b) Each year, at the Annual General Meeting, the Members shall:
  - (i) Elect 5 Judiciary Committee members for the coming year; and
  - (ii) Elect from among those Judiciary Committee members the chairperson of the Judiciary Committee for the coming year.
- (c) Candidates for election at the Annual General Meeting as Judiciary Committee members shall be orally nominated during the course of that meeting by those Members present. It shall not be necessary to list the names of candidates seeking election as Judiciary Committee members in any notice convening the Annual General Meeting.
- (d) The election of Judiciary Committee members shall be conducted in such usual and proper manner as the chairperson of that meeting may direct.
- (e) Candidates for election as Judiciary Committee members may be but need not be members of the Association. Retiring Judiciary Committee members may be candidates for re-election.
- (f) If all positions on the Judiciary Committee are not filled at the Annual General Meeting, the Committee of Management may appoint person/s to fill any vacancy/s.

### **7.3 Attendance at hearings**

- (a) Only 3 Judiciary Committee Members are required for a hearing.
- (b) The Committee of Management may appoint a person or persons to the Judiciary Committee to fill any vacancy or vacancies should a member of members of the Judiciary Committee:
  - (i) have a potential conflict of interest with regard to matters before the Judiciary Committee.
  - (ii) be unavailable to attend a hearing.