

CODE OF CONDUCT PROCEDURE for ORANGE CRICKET



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DEFINITIONS

In this Code:

Appeal means an Appeal against the decision of the Commissioner or Judiciary in accordance with Article 8.

Association means the Orange District Cricket Association or the Orange District Junior Cricket Association as the context may require.

BOIDC means Bathurst & Orange Inter-District Cricket.

Club means any cricket club or team that is participating in a competition organised by the Association.

Code means this Code of Conduct.

Commissioner means the person acting as Code of Conduct Commissioner under this Code and includes the Assistant Code of Conduct Commissioner where applicable.

ODCA means the Orange District Cricket Association.

ODJCA means the Orange District Junior Cricket Association.

Orange Cricket Umpires Association means the cricket umpires association responsible for the appointment of umpires to ODCA and/or ODJCA matches.

Playing Days means the regular playing days of the Association's competition as determined by the Committee of Management from year to year. Each day on which the Association schedules competition match/es shall be a Playing Day.

Report means a report lodged by a Reporting Person alleging a breach of this Code by the Reported Person.

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

Reporting Person means a person lodging a Report under this Code.

Umpire means an umpire who has been appointed to the match.

ARTICLE 1. SCOPE AND APPLICATION

1.1 All Players, umpires, club members and club officials (including coaches, managers, scorers, selectors and office bearers) are automatically bound by and required to comply with all of the provisions of the Code of Conduct. Accordingly, by their participation, attendance or involvement in any way in any competition run by the Association, such persons shall be deemed to have agreed:

- 1.1.1 That it is their personal responsibility to familiarise themselves with all of the requirements of the Code of Conduct, including what behaviour constitutes an offence;
- 1.1.2 To submit to the exclusive jurisdiction of any Code of Conduct Commissioner or Judiciary (as the case may be) convened under the Code of Conduct to hear and determine charges brought pursuant to the Code of Conduct.

ARTICLE 2. OFFENCES

The behaviour described in Articles 2.1– 2.19, if committed by a Player or Official or other person bound by this Code shall amount to an offence by such Player or Official or other person under this Code of Conduct.

Each of the rules for behaviour has a guideline. The guidelines are intended as an illustrative guide only and in the case of any doubt as to the interpretation of the Rule, the provisions of the Rule itself shall take precedence over the provision of the guidelines. The guidelines should not be read as an exhaustive list of offences or prohibited conduct.

Article	
2.1 Using language, actions or gestures which disparage or which could provoke an aggressive reaction from a batter upon his/her dismissal during a Match	
<p><i>Note: Article 2.1 includes any language, action or gesture used by a Player and directed towards a batter upon his/her dismissal which has the potential to provoke an aggressive reaction from the dismissed batter, or which could be considered to disparage or demean the dismissed batter, regardless of whether the batter feels disparaged or demeaned (in other words, a 'send off').</i></p> <p><i>Without limitation, Article 2.1 includes:</i></p> <ul style="list-style-type: none"><i>(a) excessive celebration directed at and in close proximity to the dismissed batter;</i><i>(b) verbally abusing the dismissed batter; or</i><i>(c) pointing or gesturing towards the pavilion.</i> <p><i>Nothing in this Article 2.1 is intended to stop Players celebrating, in an appropriate fashion, the dismissal of a batter.</i></p>	
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable

2.2 Excessive appealing during a Match	
<p><i>Note: For the purposes of Article 2.2, 'excessive' may include:</i></p> <ul style="list-style-type: none"> <i>(a) repeated appealing of the same decision/appeal;</i> <i>(b) repeated appealing of different decisions/appeals when the bowler/fielder knows the batter is not out with the intention of placing the Umpire under pressure;</i> <i>(c) charging or advancing towards the Umpire in an aggressive manner when appealing; or</i> <i>(d) celebrating or assuming a dismissal before the decision has been given.</i> <p><i>It is not intended to prevent loud or enthusiastic appealing.</i></p>	
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
2.3 Use of an audible obscenity during a Match	
<p><i>Note: Article 2.3 covers the use of words commonly known and understood to be offensive, obscene and/or profane (in any language) which can be heard by spectators. This conduct may include, for example, swearing in frustration at one's own play or misfortune.</i></p>	
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
2.4 Disobeying an Umpire's instruction during a Match	
<p><i>Note: Article 2.4 includes any repeated failure to comply with the instruction or directive of an Umpire during a Match.</i></p>	
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable
Level 4	Not applicable
2.5 Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match	
<p><i>Note: Article 2.5 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets or any deliberate (ie intentionally), reckless or negligent (in either case even if accidental) action(s) to fixtures or fittings including but not limited to boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.</i></p>	
Level 1	✓
Level 2	Not applicable
Level 3	Not applicable

Level 4	Not applicable
2.6	Throwing a ball (or any other item of cricket equipment including, without limitation, a bat, helmet or water bottle) at or near a Player, or any other third person in an inappropriate and/or dangerous manner during a Match
<p><i>Note: This Article will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion, or from throwing the ball at the stumps or to a team member when attempting a run out.</i></p> <p><i>When assessing the seriousness of the offence, the following factors shall be taken into account:</i></p> <p><i>(a) the context of the particular situation, including without limitation, whether the action was deliberate, reckless, negligent and/or avoidable;</i></p> <p><i>(b) whether the ball/object struck the other person;</i></p> <p><i>(c) the speed at which the ball/object was thrown; and</i></p> <p><i>(d) the distance from which the ball/object was thrown.</i></p>	
Level 1	✓
Level 2	✓
Level 3	Not applicable
Level 4	Not applicable
2.7	Showing dissent at an Umpire's decision during a Match
<p><i>Note: Without limitation, Article 2.7 may include:</i></p> <p><i>(a) excessive, obvious disappointment with an Umpire's decision;</i></p> <p><i>(b) an obvious delay in resuming play or leaving the wicket;</i></p> <p><i>(c) shaking the head;</i></p> <p><i>(d) pointing or looking at the inside edge when given out lbw;</i></p> <p><i>(e) pointing to the pad or rubbing the shoulder when caught behind;</i></p> <p><i>(f) snatching the cap from the Umpire;</i></p> <p><i>(g) arguing or entering into a prolonged discussion with the Umpire about his or her decision.</i></p> <p><i>It shall not be a defence to any charge brought under this Article to show that the Umpire might have, or in fact did, get any decision wrong.</i></p> <p><i>This offence is not intended to punish a batter showing his/her instinctive disappointment at his/her dismissal. When assessing the seriousness of the breach, the following factors (without limitation) should be considered:</i></p> <p><i>(a) whether the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision;</i></p> <p><i>(b) whether there is excessive delay in resuming play or leaving the wicket;</i></p> <p><i>or</i></p> <p><i>(c) whether there is persistent reference to the incident over time.</i></p>	
Level 1	✓
Level 2	✓ (Applies in the case of 'serious' dissent)
Level 3	Not applicable
Level 4	Not applicable

2.8 Using a gesture(s) that is obscene, offensive or insulting during a Match	
<p><i>Note: Article 2.8 includes, without limitation, obscene gestures whether directed to a Player or about another person or not. This offence is not intended to penalise trivial behaviour.</i></p> <p><i>When assessing the seriousness of the offence, the following factors shall be taken into account:</i></p> <p><i>(a) the context of the particular situation; and</i></p> <p><i>(b) whether the gesture(s) is likely to:</i></p> <p style="margin-left: 40px;"><i>(i) be regarded as obscene;</i></p> <p style="margin-left: 40px;"><i>(ii) give offence; or</i></p> <p style="margin-left: 40px;"><i>(iii) insult another person.</i></p>	
Level 1	✓
Level 2	✓ (Applies in the case of a gesture considered 'seriously' obscene, offensive or insulting gestures)
Level 3	Not applicable
Level 4	Not applicable
2.9 Committing a reportable breach of any of the Laws of Cricket that relate to Unfair Play set out in Law 41 of the Laws of Cricket	
<p><i>Note: This Article provides Umpires with a mechanism for reporting any reportable breaches that relate to Unfair Play other than breaches relating to changing the condition of the ball which shall be dealt with under Article 2.13.</i></p> <p><i>A breach of Article 2.9 includes but is not limited to:</i></p> <p><i>(a) deliberate attempt to distract striker;</i></p> <p><i>(b) deliberate distraction, deception or obstruction of batter;</i></p> <p><i>(c) bowling of a dangerous and unfair short pitched deliveries;</i></p> <p><i>(d) bowling of dangerous and unfair non-pitching deliveries;</i></p> <p><i>(e) bowling of deliberate front-foot No Ball;</i></p> <p><i>(f) time wasting by the fielding side;</i></p> <p><i>(g) batter wasting time;</i></p> <p><i>(h) fielder damaging the pitch;</i></p> <p><i>(i) bowling running on protected area;</i></p> <p><i>(j) batter damaging the pitch;</i></p> <p><i>(k) striker in protected area;</i></p> <p><i>(l) batter stealing a run; or</i></p> <p><i>(m) other unfair actions.</i></p> <p><i>When assessing the seriousness of the offence, the following factors (without limitation) shall be taken into account:</i></p> <p><i>(a) the context of the particular situation, including without limitation and where relevant, whether the action was deliberate, reckless, negligent and/or avoidable;</i></p> <p><i>(b) the potential for the action to injure another Player or Umpire; and</i></p> <p><i>(c) the degree of advantage offered by the 'unfair play'.</i></p>	
Level 1	✓
Level 2	✓ (Applies for 'serious' breaches the laws relating to Unfair Play)

Level 3	Not applicable
Level 4	Not applicable
2.10 Personal abuse of a Player, Umpire or other person during a Match	
<p><i>Note: Article 2.10 is intended to cover language of a personal, insulting, obscene and/or offensive nature whether directed to any person or about another person during a Match. It is also intended to cover language of a personal, insulting, obscene and/or offensive nature relating to a family member of the Player at whom it is directed.</i></p> <p><i>When considering the seriousness of the breach, the following factors (without limitation) shall be considered:</i></p> <p><i>(a) whether such language was excessive and/or orchestrated;</i></p> <p><i>(b) whether the person at whom the language was directed (i.e. whether they were a Player or another person).</i></p> <p><i>This offence is not intended to limit the operation of the Racial and Religious Vilification Code of the Association.</i></p>	
Level 1	Not applicable
Level 2	✓ (Applies where language is of a personal, insulting, obscene and/or offensive nature whether directed to any Player or about another person other than an Umpire)
Level 3	✓ (Applies in instances of a Player directing language of a personal, insulting, obscene and/or offensive nature at or about an Umpire)
Level 4	Not applicable
2.11 Public or media comment that is detrimental to the interests of cricket, irrespective of when or where such comment is made	
<p><i>Note: Without limitation, Players or other persons covered by this Code will be deemed to have made comment detrimental to the interests of cricket in breach of Article 2.11 if they:</i></p> <ul style="list-style-type: none"> <i>• Publicly denigrate or criticise a Player or Umpire, 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;</i> <i>• Publicly denigrate or criticise the Association;</i> <i>• Publicly comment on the likely outcome of a hearing of a Report or an Appeal;</i> <i>• Publicly criticise the outcome of a hearing of a Report or an Appeal under this Code of Conduct; or</i> <i>• Publicly criticise any evidence, submission or other comment made by any person at the hearing of a Report or any Appeal under this Code of Conduct.</i> <p><i>When assessing whether there has been a breach or the seriousness of the offence, the context within which the comments have been made and the gravity of the offending comments must be taken into account.</i></p> <p><i>For the avoidance of doubt, any posting of comments by a Player or other person covered by this Code, on a social media platform (including, without</i></p>	

<i>limitation, Facebook, Twitter, YouTube, Google+, Pinterest, LinkedIn and Snapchat) shall be deemed to be 'public' for the purposes of this offence.</i>	
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies in the case of a public or media comment that is 'very' detrimental to the interests of cricket)
Level 4	Not applicable
2.12 Use of language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another reasonable person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic origin	
<p><i>Note: When assessing whether there has been a breach or the seriousness of the offence, the context within which the language or gestures have been made and the gravity of conduct must be taken into account.</i></p> <p><i>This offence is not intended to limit the operation of the Racial and Religious Vilification Code of the Association.</i></p>	
Level 1	Not applicable
Level 2	✓
Level 3	✓ (Applies for use of language or gestures that 'seriously' offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person)
Level 4	Not applicable
2.13 Changing the condition of the ball in breach of Law 41 of the Laws of Cricket	
<p><i>Note: 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'.</i></p> <p><i>The following actions shall therefore, not be permitted (this list of actions is not exhaustive but included for illustrative purposes):</i></p> <ul style="list-style-type: none"> <i>(a) deliberately throwing the ball into the ground for the purpose of roughening it up;</i> <i>(b) applying any artificial substance to the ball;</i> <i>(c) applying any natural substance for any purpose other than using sweat to polish the ball;</i> <i>(c) lifting or otherwise interfering with any of the seams of the ball;</i> <i>(d) scratching the surface of the ball with finger or thumb nails or any implement.</i> <p><i>The Umpires shall use their judgment to apply the principle that actions taken to maintain or enhance the condition of the ball, provided no artificial substances are used, shall be permitted. Any actions taken with the purpose of damaging the condition of the ball or accelerating the deterioration of the condition of the ball shall not be permitted.</i></p>	
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓

Level 4	Not applicable
2.14 Intimidation or attempted intimidation of an Umpire whether by language or conduct (including gestures) during a Match	
<p><i>Note: Article 2.14 is intended to cover any form of intimidation of an Umpire. It includes, without limitation:</i></p> <p>(a) any form of continual verbal or physical harassment;</p> <p>(b) any form of intentional behaviour that would cause the person at whom it is being directed to fear injury or harm; and</p> <p>(c) attempts to impede or block movement.</p>	
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	Not applicable
2.15 Threat of assault or physical abuse of another Player, or any other person during a Match	
<p><i>Note: Without limitation, a Player will breach this Article 2.15 if they do or say anything which would cause the Player or other person to whom such action was directed to fear harmful or offensive contact, for example and without limitation, threatening to hit the relevant individual while at the same time raising a fist, or threatening to physically harm another Player's family.</i></p>	
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓ (Applies when threat is made to another Player or any other person other than an Umpire)
Level 4	✓ (Applies when threat is made to an Umpire)
2.16 Physical assault of another Player or any other person during a Match	
<p><i>Note: Without limitation, a Player will breach this Article 2.16 if they intentionally or recklessly cause another Player or any other person bodily harm or injury.</i></p> <p><i>When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account:</i></p> <p>(a) the context of the particular situation, including without limitation, whether the contact was deliberate (ie intentional), reckless or negligent;</p> <p>(b) the force of the contact;</p> <p>(c) any resulting injury to the person with whom contact was made; or</p> <p>(d) the person with whom contact was made.</p>	
Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	✓

2.17 Any act of violence on the field of play during a Match

Note: Without limitation, a Player will breach this Article 2.17 if they kick or punch or fight another Player or any other person during a Match.

When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account:

- (a) the context of the particular situation, including without limitation, whether the contact was deliberate (ie intentional), reckless or negligent;*
- (b) the force of the contact;*
- (c) any resulting injury to the person with whom contact was made; or*
- (d) the person with whom contact was made. (This applies in a situation not covered by Article 2.16.)*

Level 1	Not applicable
Level 2	Not applicable
Level 3	✓
Level 4	✓

2.18 Inappropriate physical contact during a Match

Note: Cricket is a non-contact sport and, as such, any form of inappropriate physical contact is prohibited in cricket. Without limitation, Players will breach this Article if they deliberately, recklessly and/or negligently walk, “shoulder”, or run into another Player or any other person.

When assessing the seriousness of the breach, the following factors (without limitation) shall be taken into account:

- (a) the context of the particular situation, including without limitation, whether the contact was deliberate (ie intentional), reckless or negligent, and/or avoidable;*
- (b) the force of the contact;*
- (c) any resulting injury to the person with whom contact was made; or*
- (d) the person with whom contact was made.*

Level 1	✓ (Applies only in the case of a Player (other than an Umpire) or with any other person (including a spectator))
Level 2	✓ (Applies only in the case of a Player (other than an Umpire) or with any other person (including a spectator), where the inappropriate physical contact is serious)
Level 3	✓ (Applies only in the case of an Umpire)
Level 4	✓ (Applies only in the case of an Umpire, where the inappropriate physical contact is serious)

<p>2.19 Where the facts of the alleged incident are not adequately or clearly covered by an offence under Articles 2.1 to 2.18, conduct that either:</p> <p>(a) is contrary to the Spirit of Cricket;</p> <p>(b) is unbecoming of a representative or official;</p> <p>(c) is or could be harmful to the interests of cricket; or</p> <p>(d) does or could bring the game of cricket into disrepute.</p>	
<p><i>Note: Article 2.19 is intended to be a 'catch-all' provision to cover all types of conduct that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out in Articles 2.1 to 2.18.</i></p> <p><i>The Spirit of Cricket defined by reference to the Preamble to the Laws of Cricket and involves respect for</i></p> <p><i>(a) your opponents,</i></p> <p><i>(b) your captain and team,</i></p> <p><i>(c) the role of the match officials; and</i></p> <p><i>(d) the game and its traditional values.</i></p>	
Level 1	Not applicable
Level 2	<p>✓ Applies, without limitation to:</p> <p>(a) On field:</p> <p>i. failure to comply with the provisions of the competition's playing conditions; and/or</p> <p>ii. cheating during a match, including deliberate attempts to mislead the Umpire.</p> <p>(b) Off field:</p> <p>i. public acts of misconduct; and/or</p> <p>ii. unruly public behaviours.</p>
Level 3	<p>✓ Applies, without limitation to:</p> <p>(a) On field:</p> <p>i. cheating during a match, including deliberate attempts to mislead the Umpire; and/or</p> <p>ii. any conduct considered against the spirit in which the game of cricket should be played.</p> <p>(b) Off field:</p> <p>i. serious or repeated public acts of misconduct; and/or</p> <p>ii. serious or repeated unruly public behaviour.</p>
Level 4	<p>✓ Applies, without limitation to:</p> <p>(a) On field:</p> <p>i. cheating during a match, including deliberate attempts to mislead the Umpire; and/or</p> <p>ii. any conduct considered against the spirit in which the game of cricket should be played.</p> <p>(b) Off field:</p> <p>i. extremely serious or repeated public acts of misconduct; and/or</p> <p>ii. extremely serious or repeated unruly public behaviours.</p>

ARTICLE 3. REPORTING AN ALLEGED OFFENCE

- 3.1** Any one of the following individuals can report an alleged offence under the Code of Conduct by lodging a report in the manner described in Article 3.2, below (a “Report”):
- 3.1.1** An Umpire who officiated in the Match during or in relation to which the alleged offence was committed;
 - 3.1.2** An Office Bearer of either cricket Club whose team participated in the Match during or in relation to which the alleged offence was committed;
(NOTE - For the avoidance of any doubt, an Office Bearer shall only include the President or Secretary)
 - 3.1.3** The Association Chairman (or his or her designee).
- 3.2** All Reports must be completed on the Code of Conduct Report Form (or such other form as may be made available for such purpose by the Association from time to time). All Reports must be signed and dated by the person lodging the Report.
- 3.2.1** Where the Report is lodged by any of the individuals described in Articles 3.1.1 or 3.1.2 in relation to an Offence that is alleged to have been committed on the field of play during a Match, then the Report must be lodged with the Code of Conduct Commissioner by 6pm on the Monday immediately after the close of the day’s play in that Match.

(NOTE – the Code of Conduct Commissioner has discretion to allow a report past this time due to extenuating circumstances. See Article 9.3.2).
 - 3.2.2** Where a Report is lodged by any of the individuals described in Article 3.1.3 in relation to an Offence that is alleged to have been committed on the field of play during a Match, then the Report must be lodged with the Code of Conduct Commissioner as soon as reasonably practicable and, in any event no later than two (2) days after either (i) the commission of the alleged offence or (ii) the alleged offence was brought to the attention of the person lodging the Report, whichever is the later.
 - 3.2.3** Where a Report is lodged in relation to an Offence that is alleged to have been committed at any time or place other than on the field of play during a Match, then the Report must be lodged with the Code of Conduct Commissioner as soon as reasonably practicable and, in any event no later than 7 days after either (i) the commission of the alleged offence; or (ii) the alleged offence was brought to the attention of the Reporting Person, whichever is the later;
- 3.3** Where it is alleged that a Reported Person has committed more than one offence under the Code of Conduct (whether arising out of the same set of facts or otherwise), then a separate Report should be filed in accordance with this Article 3 for each of the offences that are alleged to have been committed.

NOTE: For the avoidance of doubt, persons listed at Article 3.1, may only issue one Report per offence. As such, where the incident in question could fall within more than one offence under Article 2, for example Article 2.11 (detrimental public comment) and Article 2.19 (conduct that brings the game into disrepute) a Report should be laid only in respect of the offence which most specifically covers the relevant conduct (in the example above, Article 2.11) and not both offences.

ARTICLE 4. NOTIFICATION PROCEDURE

On Field Offences (Level 1 and Level 2):

4.1 Where the Code of Conduct Commissioner receives a Report under Article 3.2 for Level 1 and Level 2 On Field Offences, the Commissioner must promptly provide a copy of the Report, together with a Notice of Charge, to the following individuals:

4.1.1 The Reported Person (via the Person's Club if appropriate); and

4.1.2 The Reported Person's Club or Body; and

4.1.3 The Association Secretary, and

4.1.4 the secretary of the Orange Cricket Umpires' Association, if the Reporting Person was an umpire.

The Association Secretary shall promptly advise both the Chairman of the Association and the Judiciary Chairman that a Report has been received and that a Judiciary hearing may be required.

4.2 The Notice of Charge shall specify that the Reported Person shall have the following options;

4.2.1 he/she may admit the offence charged and accede to the proposed sanction specified in the Notice of Charge (which sanction shall be strictly at the Commissioner's discretion, but at all times within the appropriate range for the level of offence), in which case a Judiciary hearing is not required.

4.2.2 he/she may admit the offence charged but challenge the proposed sanction specified in the Notice of Charge, in which case a Judiciary hearing shall only be required to determination any sanction that may be imposed.

4.2.3 he/she may deny the offence charged, in which case the matter shall proceed to a Judiciary hearing in accordance with Article 5.1.

4.3 The Notice of Charge shall specify the time (nominally 6pm Thursday) and the place for the Judiciary hearing, should it be required.

4.4 For the avoidance of doubt, if the Reported Person has not accepted the proposed sanction (refer 4.2.1 above) by 8pm Wednesday, the matter will proceed to a Judiciary hearing.

4.5 The Code of Conduct Commissioner may choose to deal with the Reported Person's Club in addition to contacting the Reported Person. Any information that may be provided by that Club in respect of the Reported Person may be considered by the Commissioner at their discretion. It is the Reported Person's Club that is responsible for passing on all information to the Reported Person. The Commissioner may contact the Reported Person to discuss the report, seek information relevant to the charge, and may make further enquiries as deemed appropriate for further examination.

NOTE: The Code of Conduct Commissioner shall then announce the final decision directly to the Reported Person and shall provide a written decision to the Secretary of the Association, who shall inform the Reported Persons Club or Body, the Chairman of the Association and the Secretary of the Orange Cricket Umpires' Association, if the Reporting Person was an umpire.

On Field Offences (Level 3 and Level 4) and any Off-Field Offences:

- 4.6** Where the Code of Conduct Commissioner receives a Report lodged under Article 3.2 for Level 3 and Level 4 On Field Offences and any Off Field Offences, he / she must promptly conduct a review to determine whether the Reported Person has a case to answer in relation to the specific type and/or level of offence identified in the Report.
- 4.7** If the initial review of the Report reveals that there is no case to answer in relation to the specific type and/or level of offence, then the Code of Conduct Commissioner shall notify the Reporting Person's Club or Body, who will inform the person who filed the Report of that fact, advising them of the reasons that such a determination has been made and, where applicable, providing guidance on which specific type and level of offence considers to be appropriate.
- 4.8** If the initial review of the Report reveals that there is a case to answer, or a revised Report is lodged pursuant to Article 4.7, then the Commissioner shall promptly provide a copy of the Report, to the following individuals:
- 4.8.1** the Reported Person (via the Person's Club if appropriate); and
 - 4.8.2** The Reported Person's Club or Body; and
 - 4.8.3** The Orange Cricket Umpires' Association if the Reporting Person is an umpire; and
 - 4.8.4** The Secretary of the Association.

The Secretary shall promptly advise both the Chairman of the Association and the Judiciary Chairman that a Report has been received and a Judiciary hearing is set down for 6pm Thursday.

- 4.9** The Notice of Charge shall specify that the Reported Person shall have the following options:
- 4.9.1** he/she may admit the offence charged in the Notice of Charge. In such circumstances, and provided that such admission has been received by the Code of Conduct Commissioner prior to the commencement of the hearing at the time/place specified in the Notice of Charge, the hearing before the Judiciary shall only be required to for the determination of any sanction that may be imposed.
 - 4.9.2** he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.1.

ARTICLE 5. THE DISCIPLINARY PROCEDURE

- 5.1** Where a matter proceeds to a hearing then the case shall be referred to the Judiciary for adjudication in accordance with the following procedure:
- 5.1.1** Subject to the discretion of the Judiciary, the hearing will take place at the time and date specified.
 - 5.1.2** The procedure followed at the hearing shall be at the discretion of the Judiciary, provided that the hearing is conducted in a manner which offers the Reported Person a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses where necessary), address the Judiciary and present his/her case. Except to the extent specifically set out in Article 5 the Judiciary will conduct the hearing:

- (a) in private unless the Judiciary agrees otherwise;
- (b) in all other respects as the Judiciary determines;
- (c) with as little formality and technicality; and
- (d) as quickly, as proper consideration of the Report permits.

5.1.3 Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the Judiciary:

- (a) the Reported Person who has been charged with the alleged offence; and
- (b) if the Reported Person is under the age of 18, then the parent or guardian of the Reported Person, or a representative of the Club or Body that Reported Person represents, and
- (c) the Reporting Person who lodged the Report (refer also 5.1.5 below).

Where any such individual has a compelling justification for his/her non-attendance that is accepted by the Judiciary Chairman in his/her absolute discretion, then they shall be given the opportunity to participate in the hearing before the Judiciary by telephone or video conference (if available).

5.1.4 Without prejudice to the Reported Person's ability to call and to question such witnesses as may be necessary, one representative of the Club or Body that the Reported Person represents may also attend such a hearing to provide additional support and assistance to the Reported Person.

5.1.5 A Reporting Person who is an umpire need not attend a Judiciary hearing where the Reported Person has admitted the offence and the Judiciary hearing is only required to determine the sanction that may be imposed, in accordance with Articles 4.2.2 and 4.9.1. A Reporting Person who is an umpire shall always have the option to participate in the hearing before the Judiciary by telephone or video conference (if available).

5.1.6 A Reported Person who appears before the Judiciary Committee shall not be entitled to legal representation or representation by any other person unless the Judiciary Committee, in its sole discretion, is of the belief that such representation would assist the orderly conduct of the proceedings.

5.1.7 The non-attendance of any Reported Person or his/her representative at the hearing shall not prevent the Judiciary from proceeding with the hearing in his/her absence and issuing a ruling in relation to the offence charged.

5.1.8 At the end of a hearing, where the Judiciary considers that further evidence is necessary or further time is required to consider the evidence that has been presented, they shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary.

5.1.9 As soon as possible after the conclusion of the hearing, the Judiciary will confirm the decision in writing, with reasons, setting out:

- (a) what sanctions, if any, are to be imposed (including any fine and/or period of suspension);
- (b) the date that any period of suspension shall come into force and effect; and

(c) any rights of appeal that may exist pursuant to Article 8.

5.1.10 Notwithstanding 5.1.5, the Judiciary shall have the discretion to announce the substance of their decision prior to the issue of the written decision referred to in Article 5.1.9.

5.1.11 A copy of the written decision will be provided to:

- (a) the Reported Person (via their Club or Representative Body), and
- (b) the Reporting Person, and
- (c) the Orange Cricket Umpires Association, if the Reporting Person was an Umpire, and
- (d) the Chairman of the Association.

5.1.12 Subject only to the rights of appeal under Article 8, the Judiciary's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

5.1.13 Notwithstanding anything else in the Code of Conduct, where a Reported Person is alleged to have committed a Level 2 Offence and wishes to have the offence with which they have been charged referred to a hearing (as would be permitted pursuant to Article 4.2.2 and 4.2.3) and the Reported Person or another Player or Other Person is alleged to have committed a Level 3 Offence or Level 4 Offence arising from the same incident or same set of facts, the Commissioner must refer the Level 2 Offence to the Judiciary for adjudication, but as a Level 2 Offence.

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5.2 Where a Report is filed by more than one of the individuals described in Article 3.1 in relation to the same alleged offence under the Code of Conduct, then the Reported Person alleged to have committed the offence will only be served with one Report in accordance with the procedures set out in Article 4. However, all persons who filed a Report in relation to the alleged offence are required to attend the hearing before the Judiciary unless there is a compelling justification for his/her non-attendance, in which case they shall be given the opportunity to participate in the hearing by telephone (if available). Refer also Article 5.1.3 and Article 5.1.5.

5.3 Where two or more Reported Persons are alleged to have committed offences under the Code of Conduct, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents.

5.4 Where a Reported Person is alleged to have committed more than one breach of the Code of Conduct during, or in relation to the same Match, then all of the alleged offences may be dealt with at the same hearing.

5.5 Any failure or refusal by any Reported Person to provide assistance to a Commissioner or Judiciary in connection with any charge made pursuant to this Code of Conduct may constitute a separate offence (depending upon the seriousness and context of such failure or refusal).

5.6 Where a Judiciary member is, or becomes unwilling or unable to hear a Report, then the Chairman of the Association shall have the discretion to appoint another Judiciary member to hear the Report as the Association deems to be appropriate in all the circumstances.

- 5.7** A Judiciary or Code of Conduct Commissioner (as the case may be) has an absolute discretion to waive compliance with any procedural requirement of this Code of Conduct provided that no party will suffer any undue prejudice through such exercise of discretion.

ARTICLE 6. STANDARD OF PROOF AND EVIDENCE

- 6.1** Unless otherwise described herein, the standard of proof in all cases brought under the Code of Conduct shall be whether the Code of Conduct Commissioner or Judiciary is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.
- 6.2** The Code of Conduct Commissioner or Judiciary shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an offence allegedly committed under the Code of Conduct may be established by any reliable means, including admissions.
- 6.3** The Code of Conduct Commissioner or Judiciary may draw an inference adverse to the Reported Person who is asserted to have committed an offence under the Code of Conduct based on his/her refusal, without compelling justification, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the Code of Conduct Commissioner or Judiciary) and/or to answer any relevant questions.

ARTICLE 7. SANCTIONS ON REPORTED PERSONS

- 7.1** Where a Code of Conduct Commissioner or Judiciary determines that an offence under the Code of Conduct has been committed, they will be required to impose an appropriate sanction on the Reported Person.
- 7.2** In order to determine the sanction that is to be imposed in each case, the Code of Conduct Commissioner or Judiciary must first consider whether the Reported Person has previously been found guilty of any offences at the same 'level' (but not necessarily under the same Article) of the Code of Conduct (or any predecessor regulations that may have applied) within a period of three years prior to the date on which the proven offence took place.
- 7.3** Once the Code of Conduct Commissioner or Judiciary has established whether this is a repeat offence within the relevant three-year period, then they will take into account any other factors that they deem relevant and appropriate to the mitigation or aggravation of the nature of the Code of Conduct offence before determining, in accordance with the table below, the appropriate sanction(s). Those factors may include:
- (a) The seriousness of the breach;
 - (b) The harm caused by the breach to the interests of cricket;
 - (c) The Reported Person's seniority and standing in the game;
 - (d) Any remorse shown by the Reported Person and the prospect of further breaches;
 - (e) The prior record of the Reported Person in abiding by this Code of Conduct.

7.3.2 Table of Permissible Sanctions – On Field Offences

Level of Offence	Range of Permissible Sanctions			
	1 st Offence	2 nd Offence within 3 years	3 rd Offence within 3 years	4 th & subsequent Offences within 3 years
Level 1	(a) Issue of a caution; Or (b) suspension for one (1) Playing Day	Suspension for between one (1) and two (2) Playing Days	Suspension for between two (2) and eight (8) Playing Days	Suspension for between eight (8) Playing Days and one (1) year
Level 2	Suspension for between one (1) and two (2) Playing Days	Suspension for between two (2) and eight (8) Playing Days	Suspension for between eight (8) Playing Days and one (1) year	Suspension for between one (1) and five (5) years
Level 3	Suspension for between four (4) and eight (8) Playing Days	Suspension for between eight (8) Playing Days and one (1) year	Suspension for between one (1) year and five (5) years	n/a
Level 4	Suspension for between eight (8) Playing Days and one (1) year	Suspension for between one (1) year and five (5) years.	n/a	n/a

7.3.3 Table of Permissible Sanctions – Off Field Offences

Level of Offence	Range of Permissible Sanctions (1 st & subsequent Offences within 3 years)
Any off field offence	Any one or more of the following penalties: (a) Suspension for between one (1) Playing Day up to a maximum of five (5) years; (b) banning the person from holding (or continuing to hold) any position within the Association or any of their affiliates; (c) direct that the person make reparation for damage caused by that person to any property; and/or (d) reprimand the person.

7.4 For the avoidance of any doubt, where a Code of Conduct Commissioner or Judiciary imposes a period of suspension on a Reported Person, then for:

- (a) A suspension of Playing Days, the suspension should read “You are suspended from playing for ‘number of Playing Days or until ‘day and date’ whichever shall occur first“, or
- (b) A suspension for a fixed period, the suspension should read “You are suspended from playing until ‘day and date’ ”.

Note, match suspensions are intended to cover matches the player is likely to play in the Grade from which they were suspended and “byes” are not to count towards the player’s suspension.

7.5 Where a Reported Person has been suspended, he/she may not play, coach or otherwise participate or be involved in any capacity in any Matches which take place during the period of his/her suspension in accordance with the By-Laws of the Association.

For the avoidance of any doubt, a Reported Person who has been suspended shall not, during the period of suspension be nominated as, or carry out any of the duties or responsibilities of, a substitute fielder.

7.6 Once a suspension has expired, the Reported Person will automatically become re-eligible to participate in Matches.

7.7 No replacement player is allowed for any player who is suspended during the course of a match. However, a substitute fielder is permitted.

7.8 Should a match not be played due to weather or other reason beyond the control of the Reported Person, the match shall still be counted as being served according to the sanction originally given.

7.9 For the avoidance of any doubt:

7.9.1 the Code of Conduct Commissioner or Judiciary will have no jurisdiction to adjust, reverse or amend the result of any Match;

7.9.2 where a Reported Person is found guilty of committing two separate Code of Conduct offences that do not relate to the same incident or set of circumstances arising during a Match and sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);

7.9.3 where a Reported Person is found guilty of committing two Code of Conduct offences in relation to the same incident or set of circumstances arising during a Match and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively);

7.9.4 nothing in these Code of Conduct procedures shall permit plea bargaining in relation to any alleged offence committed under the Code of Conduct;

7.9.5 where the Code of Conduct Commissioner or Judiciary finds a Reported Person not guilty of the offence allegedly committed under the Code of Conduct, then it remains open to them, at their absolute discretion, to find the Reported Person guilty of an offence of a lower level than that with which he/she has been charged.

For example, where a Reported Person has been charged with but found not guilty of the Level 2 Offence of 'showing serious dissent at an Umpire's decision' (Article 2.7), the Judiciary may, instead, find the Reported Person guilty of the Level 1 Offence and impose an appropriate sanction;

7.9.6 where a fine is imposed against a Reported Person it will ONLY for the purposes of compensating for damages, then such fine must be paid by the Reported Person to the Association within thirty (30) days of receipt of the decision imposing the fine.

However, the Association will consider any request from the Reported Person to make the payment of such fines and/or costs over a prolonged period of time solely in its absolute discretion and on the grounds of financial hardship. Should any fine and/or costs award (or agreed part-payment or instalment thereof) not be paid to the Association within such deadline or by the time of the next agreed payment date, the Reported Person may not play, coach or otherwise participate

or be involved in any capacity in any Match until such payment has been satisfied in full; and

7.9.7 A Report may be withdrawn at any time before a hearing by the Reporting Person.

ARTICLE 8. APPEALS

- 8.1** Decisions made by the Commissioner to refer a matter straight to the Judiciary cannot be appealed against.
- 8.2** Where a Reported Person admits the offence charged and accedes to the proposed sanction specified in the Notice of Charge in accordance with the procedure described in Article 4.2.1, the Reported Person waives his/her right to any appeal against the imposition of such a sanction.
- 8.3** Decisions made by the Commissioner or Judiciary on Level 1 Offences (1 Offence in 3 years) cannot be appealed against.
- 8.4** Decisions made by the Judiciary are considered final and binding. For the sake of clarity, a Judiciary finding cannot be appealed against except on a point of Law, This includes but is not limited to severity of the penalty.
- 8.5** The only parties who may appeal a decision of the Judiciary shall be:
- (a) the Reported Person found to have committed the offence; and
 - (b) the Reporting Person; and
 - (c) the Chairman of the Association (or his/her designee).
- 8.6** An appeal against a decision of the Judiciary shall be made to the Secretary of the Association, who shall promptly notify the Chairman of the Association.
- 8.7** The Chairman of the Association shall, as soon as is practicable, and within 72 hours of receiving an Appeals Notice, appoint an Appeals Committee to consider the appeal. The Appeals Committee shall consist of at least 3 members, each of whom shall not have been part of the Judiciary for the matter being appealed.
- 8.8** Any suspension imposed by the Judiciary shall remain in effect while under appeal until the decision of the Appeals Committee is made.
- 8.9** If the Appeals Committee determines that there are no grounds for appeal, the Appeals Committee shall notify the Secretary of the Association who shall promptly notify the appealing party of the reason for such decision.
- 8.10** Appeals hearings pursuant to this ARTICLE 8 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than seven (7) days after the appointment of the Appeals Committee. It shall be open to the Appeals Committee, in their absolute discretion, to determine what the matter (or any part thereof) be dealt with by way of written submissions only. In making such determination, the Appeals Committee must provide the appealing party the opportunity to be heard in respect of any written submissions.
- 8.11** The Appeals Committee has an absolute discretion to waive compliance with any procedural requirement of this Code of Conduct provided that no party will suffer any undue prejudice through such exercise of discretion.

- 8.12** The Appeals Committee, after considering the appeal, may confirm, amend or overturn the decision of the Judiciary Committee.
- 8.13** Any decision made by the Appeals Committee under this ARTICLE 8, shall be the full, final and complete disposition of the matter and will be binding on all parties.

ARTICLE 9. CODE OF CONDUCT COMMISSIONER

9.1 Appointment

The Code of Conduct Commissioner (“Commissioner”) is appointed by the Committee of Management. The Committee may also appoint an alternative Commissioner based on availability issues.

9.2 Own enquiries

The Commissioner may conduct their own preliminary investigations into each Report for the sole purposes of making initial decisions on whether or not the Report should proceed or in determining a proposed sanction.

9.3 Powers

9.3.1 For clarity, in relation to each Report received by the Commissioner, they shall have the discretion to;

- (a) Determine which sanction to apply to Level 1 and Level 2 On Field Offences within the appropriate range for the level of offence, and
- (b) Accept an early plea of guilt; or
- (c) Refer a Report straight to the Judiciary if the matter is sufficiently serious or for any reason they deem it appropriate;

at all times in accordance with this Code.

9.3.2 The Commissioner may, at their sole and absolute discretion, vary, amend or waive compliance with a procedural step (or timing) referred to in this Code if they take the view that non-compliance does not adversely affect the Reported Person.

9.4 Records

The Commissioner must;

9.4.1 Retain a register of all Reports for a period of at least 3 years covering;

- (a) All Reports laid
- (b) All Reports and sanctions accepted by Reported Persons
- (c) All Commissioner and Judiciary findings / decisions

9.4.2 Communicate with the Reported Person’s Club or Body in relation to the Report, Judiciary timings and outcomes covering decisions and sanctions.

9.4.3 Provide the Judiciary with a copy of the Code of Conduct Register (covering previous Reports and decisions as per 9.4.1 above).

ARTICLE 10. JUDICIARY

10.1 Appointment

The Judiciary is appointed in accordance with the Associations By-Laws.

10.2 Attendance

Only 3 Judiciary Committee Members are required for a hearing.

10.3 Powers and functions

The powers and functions of the Judiciary are contained within this Code.

When conducting a hearing following a Report, the Judiciary may decide and direct the Reported Person not to captain the team or hold a Club office position for a specified period of time or number of matches.

For clarity, the Judiciary may not amend or change the charges laid, other than the level of the offence, where such offence has more than one level.