



Ballarat Cricket Association Procedure 1B TRIBUNAL & APPEAL PROCESS

GENERAL TRIBUNAL AND APPEALS INFORMATION

- Discipline Tribunal hearings arising from match day player, coach or Club official reports are to be conducted as soon as possible after the incident is reported or the match completed.
 - Target day is the following Thursday for the hearing.
 - If it is not possible for the Disciplinary Tribunal to be conducted prior to the next scheduled game, then either the Chair of the Pennant Committee or the President of the BCA will make a decision as to if the player can participate in the next scheduled game based on:
 1. The severity of the alleged report
 2. An assessment of the validity of the underlying reasons for delay
 - If the tribunal hearing cannot be held due to a player, umpire or witness being unwell, they may attend via an online video link. Medical proof may be required.
 - Otherwise, the reported player will not be allowed to participate in any future game until the hearing has been conducted.
- Discipline Tribunal hearings arising from Match Review Officer (MRO) referrals, or Club requests after receiving an MRO decision, are to be conducted as soon as possible after the incident is reported or the match completed.
 - Target day is the following Thursday for the hearing.
 - If it is not possible for the Disciplinary Tribunal to be conducted prior to the next scheduled game, then either the Chair of the Pennant Committee or the President of the BCA will make a decision as to if the player can participate in the next scheduled game based on:
 1. The severity of the alleged report
 2. An assessment of the validity of the underlying reasons for delay
 - If the tribunal hearing cannot be held due to a player, umpire or witness being unwell, they may attend via an online video link. Medical proof may be required.



- Otherwise, the reported player will not be allowed to participate in any future game until the hearing has been conducted.
- Discipline Tribunal hearings referred by the BCA Investigations Officer are to be conducted as soon as possible after such a referral.
 - Target day is the following Thursday for the hearing.
 - If it is not possible for the Disciplinary Tribunal to be conducted prior to the next scheduled game, then either the Chair of the Pennant Committee or the President of the BCA will make a decision as to if the player can participate in the next scheduled game based on:
 1. The severity of the alleged report
 2. An assessment of the validity of the underlying reasons for delay
 - If the tribunal hearing cannot be held due to a player, umpire or witness being unwell, they may attend via an online video link. Medical proof may be required.
 - Otherwise, the reported player will not be allowed to participate in any future game until the hearing has been conducted.
- Appeals Committee hearings are to be conducted within 7 days of receipt of the appeal.
- A non-refundable fee of \$500 will be invoiced to the Club upon receipt of the appeal to the Appeals Committee, or the referral of an MRO decision to the discipline tribunal. All appeals committees and tribunals have the authority to return some or all the \$500 fee as paid.
- All hearings will be conducted at the BCA office situated at the Eastern Oval, Ballarat, unless otherwise notified.
- Non-attendance at an Appeals Committee hearing or any preliminary enquiry, by the participating parties as requested and specified by the Operations Officer shall result in a penalty upon the party in question under BCA Rule 5.
- **The BCA Tribunal/Appeals panel or Pennant Committee may hear evidence from any person, or any source as deemed necessary or warranted. No hearing before the BCA Tribunal/Appeals panel or Pennant Committee is bound by the laws of evidence, which apply to Courts of Law.**
- **Any person involved in a disciplinary tribunal or appeal hearing required to provide evidence is to do so with honesty and integrity. Any person deemed to have provided inadequate, false, or misleading information/evidence to**



- Failure to follow the above process will see any appeal dismissed with no further action.

Procedure

- The Pennant Committee will:
 - Consider the information provided
 - Request any further information from either club involved in the match dispute/ protest
 - Consider the appropriate rules and policies
 - Make a decision
- Formal advice of the decision is forwarded to the Club Secretary via email.

Either club may appeal the decision of the Pennant Committee to the BCA Appeals Committee. This appeal must clearly state the reasons and grounds for the appeal.

DISCIPLINARY TRIBUNAL PROCEDURES

Attendees at the Disciplinary Tribunal

- The person/s bringing the charges to the Disciplinary Tribunal:
 - The Umpire including advocate
 - The Match Review Officer including support person if required
 - The BCA Investigations Officer including support person if required
- The player or person or reported club. The player or reported person can request an advocate to attend, however that advocate is to be a Club Executive member only. If a club has been reported then two members of the Club Executive must attend.
- If the player at the centre of the appeal is under the age of 18, then a guardian/parent/s as well as an advocate may be present.
- If the player or person or reported club is unable to attend, a reason must be submitted to the Operations Officer 24 hours prior to any hearing.
- A reported player or person or reported club who fails to attend their Tribunal Hearing shall be suspended from playing until they attend the Tribunal and the case is dealt with.



- Witnesses can be called during proceedings, only after notifying the Tribunal panel at least 2 hours prior to the hearing commencement.

Disciplinary Tribunal Hearings Procedure

- Introduction of panel members and opening addresses by the Chair.
- Advocates or club executive representatives or reported player or person identify themselves.
- The Chair then informs all present this is a formal hearing, and all responses must be directed through the Chair of the Panel.
- Reading of the charges
- The Chair asks the player and advocate if they have any objection to any tribunal member hearing this matter and adjudicating on this report?
- The Chair requests a plea from the reported player, person or club – guilty or not guilty?
- If guilty plea:
 - The Chair asks if any person has anything to say including additional information, pleas, or character references.
 - The tribunal then retires in private to make its decision on penalty
 - The tribunal consults tribunal records for any prior history and refers to BCA Procedure 1C under the Code of Behaviour Policy relating to player and official deregistration with reference to the total number of games of suspension threshold where a player can be banned for life.
 - The tribunal consults BCA Procedure 1A – Offences and Penalties
 - The penalty is determined by consensus of the tribunal panel
 - The chair asks all parties to return and advises of the penalty imposed. In the case of suspension advises when the penalty expires, in the case of a fine when it must be paid, in the case of loss of points, when and which grades that applies to.



- The BCA Tribunal is not obliged to give the reasons for reaching the decision or determining the penalties. Therefore, participants must not ask or question the tribunals decision.

- If not guilty plea, the Chair then outlines the process for the hearing.
 - Each side will be able to present their side of the case without interruption starting with the parties who referred the charges.
 - Evidence, information and submissions, which may be in writing from:
 - The Umpire/s
 - The BCA Match Review Officer
 - The BCA Investigations Officer
 - Any other persons called to give evidence – this maybe in the form of a written statement if unable to attend.
 - The reported player, person or club
 - Witnesses
 - Character references or pleas.
 - There will be opportunities to ask questions via the Chair by members of the Tribunal Panel or attendees.
 - Advocate for the defending party will provide a short summary before the chair asks all parties to leave and the room and tribunal panel retires in private to make its decision.

- The panel will then:
 - Consider the evidence presented decide if the player, person or club is guilty or not guilty.
 - The tribunal consults tribunal records for any prior history and refers to BCA Procedure 1C under the Code of Behaviour Policy relating to player and official deregistration with reference to the total number of games of suspension threshold where a player can be banned for life.
 - The tribunal consults BCA Procedure 1A – Offences and Penalties



- The penalty is determined by consensus of the tribunal panel
 - The chair asks all parties to return and advises of the result and if guilty the penalty imposed. In the case of suspension advises when the penalty expires, in the case of a fine when it must be paid, in the case of loss of points, when and which grades that applies to.
 - The BCA Tribunal is not obliged to give the reasons for reaching the decision or determining the penalties. Therefore, participants must not ask or question the tribunals decision.
- Formal advice is forwarded by the BCA Administration officer to the Club Secretary via email and the BCA conduct records are updated.

Appeals against a Disciplinary Tribunal decision must be lodged within 48 hours of receipt of the tribunal hearing outcome. This can be done via return email of the above stating the reason for the appeal in an attached letter on club letterhead.

Appeals to the BCA Appeals Committee must clearly state the reasons and grounds for the appeal.

The penalty outcome being appealed shall be suspended until the appeal is dealt with. If the penalty outcome relates to match suspension or loss of points every endeavour will be made to hear the appeal on the Friday night prior to the next game including if that is a final. If that is not possible the penalty stands and is enforced until the appeal is dealt with.



APPEAL COMMITTEE PROCEDURES

Appeal Against a Refused Clearance

- A player may lodge only one (1) appeal in any cricket season to the Appeals Committee. Such an appeal must be lodged via email to the Operations Officer at operations.ballaratcricket@gmail.com stating the reason for the appeal.
- The appeal **must** be dealt with within 7 days of the date the appeal is lodged with the Operations Officer of the BCA (All parties to the dispute must receive a copy of such appeals by 48 hours prior to the Appeals Committee hearing.)
- Non-attendance at an Appeals Committee hearing, or any preliminary enquiry, by the participating parties as requested and specified by the Operations Officer shall result in a penalty upon the party in question under BCA Rule 5.

Attendees

- A Club Executive from the player's "former" Club.
- The player who requires a clearance. The player can request an advocate to attend, however that advocate is to be a Club Executive member only.
- Witnesses can be called during proceedings, only after notifying the Appeals Committee at least 2 hours prior to the hearing commencement.

Appeals Hearing Procedure

- Introduction of panel members and opening addresses by the Chair.
- Advocates or club executive representatives and player identify themselves.
- The Chair then informs all present this is a formal hearing, and all responses must be directed through the Chair of the Panel.
- Reading of the appeal details and basis of the appeal.



- The Chair asks the player, advocate and club executive member if they have any objection to any Appeals Committee member hearing and adjudicating on this matter?
- Each side will be able to present their side of the case without interruption.
- Evidence, information and submissions, which may be in writing from:
 - The player
 - Any other persons called to give evidence – this maybe in the form of a written statement if unable to attend.
 - Witnesses
- There will be opportunities to ask questions via the Chair by members of the Appeal Panel or attendees.
- The Chair will invite both parties to provide a short summary before the chair asks all parties to leave and the room and appeal panel retires in private to make its decision.
- The panel will then:
 - Consider the evidence presented.
 - The tribunal consults BCA Playing Rules and relevant BCA policies and procedures.
 - Make its decision by consensus of the tribunal panel
 - The chair asks all parties to return and advises of the result including reasons.
 - The participants must not ask or question the panel’s decision.
- Formal advice is forwarded by the BCA Administration officer to the Club Secretaries via email.

An appeal may be made to the Victorian Country Cricket League after receipt of the decision of the Appeals Committee within a time frame as specified by the VCCL.



Appeal Against Disciplinary Tribunal Decision

Attendees

- The person/s who brought the original charges to the Disciplinary Tribunal:
 - The Umpire including advocate or
 - The Match Review Officer including support person if required or
 - The BCA Investigations Officer including support person if required
- The player or person or reported club. The player or reported person can request an advocate to attend, however that advocate is to be a Club Executive member only. If a club has been reported then two members of the Club Executive must attend.
- If the player at the centre of the appeal is under the age of 18, then a guardian/parent/s as well as an advocate may be present.
- If the reported player or person or reported club fails to attend the appeal hearing, the appeal is immediately dismissed. Unless extenuating circumstances are provided, no further appeals will be permitted.
- Witnesses can be called during proceedings, only after notifying the Tribunal panel at least 2 hours prior to the hearing commencement.

Procedure

- Introduction of panel members and opening addresses by the Chair.
- Advocates or club executive representatives or reported player or person identify themselves.
- The Chair then informs all present this is a formal hearing, and all responses must be directed through the Chair of the Panel.
- Reading of the grounds for appeal.
- The Chair asks the player and advocate if they have any objection to any tribunal member hearing this matter and adjudicating on this report?
- The Chair then outlines the process for the appeal hearing.
 - The advocate and player appealing the Discipline Tribunal decision will be able to present their grounds for appeal without interruption.



- The parties who brought the original charges to the Disciplinary Tribunal will be invited to respond without interruption.
- Evidence, information and submissions, which may be in writing from:
 - The Umpire/s
 - The BCA Match Review Officer
 - The BCA Investigations Officer
 - Any other persons called to give evidence – this maybe in the form of a written statement if unable to attend.
 - The reported player, person or club
 - Witnesses
 - Character references or pleas.
- There will be opportunities to ask questions via the Chair by members of the Appeal Panel or attendees.
- Advocate for the defending party will provide a short summary before the chair asks all parties to leave the room and appeal panel retires in private to make its decision.
- The Appeal panel will then:
 - Consider the new appeal evidence presented.
 - The tribunal consults tribunal records for any prior history
 - The tribunal consults BCA Procedure 1A – Offences and Penalties
 - Determine if the original decision of the Disciplinary Tribunal is to be upheld or rejected. If the original decision is upheld determine if any modifications are to be made to the original penalties.
 - The chair asks all parties to return and advises of the result including reasons.
- Formal advice is forwarded by the BCA Administration officer to the Club Secretary via email and the BCA conduct records are updated.

The decision of the BCA Appeals Committee is final and no further appeals are available.



Appeal Against Pennant Committee Match Dispute / Protest Decision

Attendees

- Executive members of the clubs involved in the original match dispute /protest.
- Two members of the Pennant Committee that reviewed the original match dispute.

Procedure

- Introduction of panel members and opening addresses by the Chair.
- Club executive representatives and Pennant Committee members identify themselves.
- The Chair then informs all present this is a formal hearing, and all responses must be directed through the Chair of the Panel.
- Reading of the grounds for appeal.
- The Chair asks those present if they have any objection to any Appeals Committee member hearing and adjudicating on this appeal?
- The Chair then outlines the process for the appeal hearing.
 - The club who raised the appeal will be able to present their grounds for appeal without interruption.
 - The club involved in the original match dispute / protest will be able to respond without interruption.
 - The Pennant Committee members will be able to respond without interruption.
 - Evidence, information and submissions, which may be in writing from:
 - The Umpire/s
 - The BCA Match Review Officer
 - The BCA Investigations Officer
 - Any other persons called to give evidence – this maybe in the form of a written statement if unable to attend.
 - The reported player, person or club
 - Witnesses



- There will be opportunities to ask questions via the Chair by members of the Appeal Panel or attendees.
- The appealing club will provide a short summary before the chair asks all parties to leave the room and appeal panel retires in private to make its decision.
- The Appeal panel will then:
 - Consider the new appeal evidence presented.
 - Review any relevant BCA rules and policies.
 - Determine if possible, any similar match dispute precedents.
 - Determine if the original decision of the Pennant Committee is to be upheld, rejected or modified.
 - The chair asks all parties to return and advises of the result including reasons.
- Formal advice is forwarded by the BCA Administration officer to the Club Secretaries and Pennant Committee via email and the BCA records are updated.

The decision of the BCA Appeals Committee is final and no further appeals are available.