



## Glenbrook-Blaxland Cricket Club Incorporated

ABN 33 933 818 528

### BY-LAWS

#### Preamble

The following By-Laws can be approved and amended by the Management Committee as and when required. If members have any problems with the By-Laws, they should approach the Management Committee and state their case for amendment.

## 1. MEMBERSHIP FORMS

1.1 To nominate as either an active, junior, senior member or as a member of any junior development programs, one must:

(a) Complete an application as nominated by the club, which may consist of, but is not limited to, for the relevant membership:

- (i) an on-line registration; or
- (ii) an Application/registration Form

(b) Pay the prescribed fee for the season before the start of the competition. The player cannot compete in the competition or program until the fee is paid, unless approval is granted by the management committee for a reduction, variation, or waiver.

(c) Acknowledge acceptance the GBCC by-laws.

## 2. MEMBERSHIP FEES

Note: as a non-profit organisation with a turnover of less than \$150,000 the club is not required and is not registered for collecting GST as per the guidelines from Australian Tax Office.

2.1 **Active Members (Non-Playing) Fees** shall be \$5.00 per annum per family (where applicable).

2.2 **Junior Playing Member Fees** will be:

<b>PJCA Under 9, Under 10 and Under 11 (all junior members playing this season)</b>	\$100
<b>PJCA Under 12 and above</b> (first junior member playing this season)	\$140
<b>PJCA Under 12 and above</b> (subsequent junior siblings playing this season)	\$120
<b>Girls Thunder Cricket League</b>	\$30
Playing Shirt (if required)	\$30
Cap (if required)	\$15

A junior wishing to play in both the junior and senior competitions will only pay a single (senior) registration fee.

Active Membership for parents included in the above Junior Fees.

2.3 **Senior Playing Member Fees** will be:

<b>NDCA Full Season</b>	
Registration paid in full <b>prior</b> to first round	\$175
Registration paid in full <b>after</b> first round	\$200



<b>NDCA Part Time</b> (maximum of 13 games)	
Registration paid in full <b>prior</b> to first round	\$140
Registration paid in full <b>after</b> first round	\$160
<b>NDCA High School Student</b>	
Registration paid in full <b>prior</b> to first round	\$140
Registration paid in full <b>after</b> first round	\$160
Playing Shirt (if required)	\$30
Cap (if required)	\$15

- 2.4 The fees for SMCA games will be determined by the Management Committee.
- 2.5 The fees for Milo In2Cricket, T20 Blast and any other developmental programs will be determined by the Management Committee based on the recommended cost as advised by either Cricket Australia or Cricket NSW.
- 2.6 Membership for **Life Members** will be free.

### 3. NOMINATION FOR MANAGEMENT COMMITTEE

Nomination form for the Management Committee is at Attachment E

### 4. DELEGATES

- 4.1 The Management Committee shall call for volunteers from within the Management Committee to become Delegates and Alternate Delegates to the following:
- Penrith Junior Cricket Association (PJCA) and
  - Nepean District Cricket Association (NDCA).
- 4.2 The Delegates or Alternate Delegates are to provide regular reports to the Management Committee from their meetings with the PJCA and NDCA.
- 4.3 The Delegates or Alternate Delegates are required to present the Management Committee concerns to any items raised by the PJCA or NDCA at the relevant meetings. (If matters are contentious, then a letter signed by the President and Secretary should be forwarded to the PJCA or NDCA).

### 5. TREASURER

The Treasurer should be responsible for the following:

- Ensuring that all money collected at Registration and Special Events is banked at the earliest possible opportunity.
- Seeking Management Committee approval for all payments made by the Club.
- Providing monthly financial reports to the Management Committee.
- Providing annual Financial Statements for the Auditor.
- Ensuring the Public Officer is given an Audited copy of the Financial Statements to forward to the Department of Fair Trading if required.

### 6. PUBLIC OFFICER

The Management Committee shall appoint either the Secretary or Treasurer as the Public Officer, who shall be responsible for the following:

- Advising the Department of Fair Trading they are the new Public Officer for the Glenbrook-Blaxland Cricket Club Incorporated.



- b. Providing the Department of Fair Trading with a copy of the Audited Financial Statements for the Club after each Annual General Meeting if required.
- c. Ensuring that copies of the Constitution and By-Laws are kept up to date.
- d. Act as a contact point for all matters with the Department of Fair Trading.
- e. Providing regular reports to the Management Committee.

## 7. CLUB HISTORIAN

The Management Committee shall appoint a person to be the Club Historian who will be responsible for the following:

- (a) Provision of statistical records of player performance from when the Clubs commenced.
- (b) Maintaining Club Records for the new Under 8 and 9 (Mini), Juniors and Seniors.
- (c) Storing all statistical and financial records for the Club.
- (d) Providing Statistical Records and Club Records for the End of Year Reports and the Annual Report for the Club.
- (e) Providing regular reports to the Management Committee.

## 8. PATRON

The Management Committee will ask the members at the Annual General Meeting if they wish to nominate a person or persons for a Patron. The committee will then approach the person(s) to determine if they are willing to become a Patron. If the person accepts the position of Patron, the Management Committee should advise members in the next issue of the Chronicle.

## 9. AUDITOR

The Management Committee should approach an independent Certified Practising Accountant or Chartered Accountant to act as Auditor of the Club, for several years if possible, so that continuity can be maintained in the verification of the Club's accounting procedures.

## 10. EQUIPMENT OFFICER

The Equipment Officer(s) for the Junior and/or Senior Teams should be a member of the Management Committee and be responsible for:

- (a) Reviewing each existing kit to determine the state of the equipment during the off season and preparing a list of replacements required for the coming season.
- (b) Once the number and age of the teams for the new season are known, and if the teams cannot use the existing kits, preparing a list of new equipment required for their kits.
- (c) In liaison with the Treasurer, preparing a list of all equipment needed to bring the old kits up to date, cricket balls for the season and any new kits needed, so quotes can be called, and once the quotes have been approved by the Management Committee, then the equipment and balls can be purchased.
- (d) Purchasing additional equipment and balls required during the season, once the Management Committee has approved the purchase.
- (e) Providing regular reports to the Management Committee.
- (f) Arranging the storage of kits at the end of the season and providing an inventory for the Treasurer to go into the Annual Financial Statements.

## 11. REGISTRAR

The Registrar(s) for the Junior and/or Senior Teams should be a member of the Management Committee and be responsible for:

- (a) Liaising with the Promotion and Publication Committee to place advertisements in whatever medium they deem appropriate for the Junior and Senior Registration Days.



- (b) Preparing Registration Letters and Registration Forms for Junior and Senior Players and submitting to the Management Committee for approval.
- (c) Organising Management Committee members and others to assist on Registration Days.
- (d) Liaising with the Treasurer on the collection of Registration Fees.
- (e) Preparing lists of players, arranged in Age or Grade order, to the Management Committee to determine the number of teams to be entered into the-relevant competitions for the season.
- (f) Preparing Team Registration forms for submission to the relevant associations.
- (g) Liaising with the Treasurer for Team Registration fees to be paid to the relevant associations.
- (h) Providing updated team lists of registered players to the Competition Secretary.
- (i) Providing regular reports to the Management Committee.
- (j) Providing statistics and other registration information to the Club Historian as required.

## 12. COMPETITION SECRETARY

The Competition Secretary(s) for the Junior and/or Senior Teams should be a member of the Management Committee and be responsible for:

- (a) Arranging for the Score Books to be given to the Competition Sub-Committees for issue to the relevant Coaches of Junior Teams and Captains of Senior Teams.
- (b) Ensuring the Team Nomination and confirmation of results and scores to the respective associations within the required time frame. **Note:** If a nominated representative does not submit within the required time frame, they are responsible for paying any applicable fine at the discretion of the management committee.
- (e) Collecting the Score Books at the end of the competition and forwarding them to the Club Historian to store the Score Books.
- (f) Providing regular reports of the progress of the teams to the Management Committee.

## 13. GROUNDS OFFICER

The Grounds Officer should be a member of the Management Committee and be responsible for:

- (a) Liaising with PJCA and NDCA on the availability of cricket grounds suitable for either Junior and/or Senior Teams and book the grounds with Blue Mountains Council.
- (b) Booking the Practice Nets at the ovals, parks or schools that are required for training.
- (c) Arranging for toilet facilities at cricket grounds to be opened by Rangers or have keys available for use by teams to open the toilets themselves.
- (d) Arranging for BMCC to repair cricket grounds or practice nets before the season begins and during the season if necessary.
- (e) Assisting the Management Committee in preparing a schedule of new cricket grounds or practice nets that will be required in the future for the Lower Mountains.

## 14. APPAREL OFFICER

The Apparel Officer should be a member of the Management Committee and be responsible for:

- (a) Obtaining a list of apparel items requested by players at their Registration.
- (b) Obtaining quotes for Shirts, Caps, Hats and other apparel that has been approved by the Management Committee for issue to players.
- (c) When quotes have been approved by the Management Committee, placing orders with the nominated suppliers, inspecting and taking delivery of the finished articles, and forwarding invoices to the Treasurer for payment.
- (d) Arranging for issuing the apparel to players who have ordered the items.
- (e) Providing regular reports to the Management Committee.
- (f) Arranging for the storage of surplus items and providing an inventory for the Treasurer to go into the Annual Financial Statements.



## 15. COACHING CO-ORDINATOR

The Management Committee should call for volunteers for the position of Coaching Co-Ordinator and once selected the Coaching Co-Ordinator will be responsible for:

- (a) Developing a coaching policy for the Club that should be approved by the Management Committee.
- (b) Ensuring that all Junior teams have an Accredited Coach (Level 0 or 1).
- (c) Arranging with the PJCA for Accredited Coaches and potential Coaches to attend the Appropriate Coaching courses to either maintain their qualifications or obtain a Level 0 or 1 Certificate.
- (d) Arranging with the Nepean District Cricket Umpiring Association for Coaches, Managers and other members to either obtain their Umpiring Certificates and to do refresher courses.
- (e) Maintaining records of Coaching and Umpiring qualifications of members of the Club.
- (f) Providing regular reports to the Management Committee.

## 16. JUNIOR CRICKET DEVELOPMENT CO-ORDINATOR

The Management Committee should call for volunteers for the position of Junior Cricket Development Co-Ordinator and once selected the Co-Ordinator will be responsible for:

**Note:** The Co-Ordinator will require several Assistants to coach the participants.

- (a) Liaising with the Promotion and Publication Committee to place advertisements in whatever medium they deem appropriate for the Registration Day(s).
- (b) Liaising with Cricket NSW to register our training programs and requesting the required number of Registration Forms (or arrange to print our own).
- (c) Assessing the amount of new equipment required for the coming season, obtaining approval from the Management Committee and ordering the equipment.
- (d) Liaising with the Treasurer on the collection of Registration Fees.
- (e) Developing a training program for the participants to provide the basics of batting, bowling and fielding skills.
- (f) With the assistance of Assistant Co-Ordinators and parents ensure that the participants enjoy themselves while learning the basic skills of cricket
- (g) Providing regular reports to the Management Committee.

## 17. SUB-COMMITTEES

The Management Committee shall call for volunteers from the Management Committee to be members of the various Sub-Committees needed by the Club. Other members of the Club may be co-opted to join the Sub-Committees as required.

### 17.1 Junior Competition Sub-Committee

The Sub-Committee will be formed from Age Co-ordinators or Coaches and Managers from the Junior Teams and with one of the two members from the Management Committee chairing the Sub-Committee which will be responsible for:

- (a) Providing information from the PJCA to the Junior Team Coaches and Managers (via the Age Co-ordinators) about the Juniors competition, including changes to Competition Rules and Code of Conduct, Team Lists including Registration Numbers, Score Books, Draws and Grounds for the season.
- (b) Receiving complaints about the competition and opposing teams.
- (c) Reviewing the effectiveness of cricket equipment and balls used by the Club.
- (d) Receiving feedback about the effectiveness of the coaching practices of the Club.
- (e) Providing regular reports to the Management Committee.



## 17.2 Senior Competition Sub-Committee

The Sub-Committee will be formed by Captains of Senior Teams and with one of the two members from the Management Committee chairing the Sub-Committee which will be responsible for:

- (a) Providing information from the NDCA to the Captains and Managers about the Seniors competition, including change of Competition Rules and Code of Conduct, Team Lists, Score Books, Draws and Grounds for the season.
- (b) Receiving complaints about the competition and opposing teams.
- (c) Review the effectiveness of cricket equipment and balls used by the Club.
- (d) Receiving feedback about the effectiveness of the coaching practices of the Club.
- (e) Providing regular reports to the Management Committee.

## 17.3 Sponsorship Sub-Committee

The Sub-Committee will be formed by selected members of the Club and at least one member of the Management Committee chairing the Sub-Committee which will be responsible for:

- (a) Approaching prospective Sponsors and Supporters of the Club to arrange for sponsorship for the club / teams in either cash or in kind.
- (b) Collecting money and forwarding it to the Treasurer so receipts can be provided to the Sponsors and Supporters.
- (c) Arranging for delivery of goods or service in kind donations.
- (d) Preparing a list of Sponsors and Supporters and their donations so Certificates of Appreciation can be delivered to them at the end of the season.
- (e) Providing regular reports to the Management Committee.

## 17.4 Special Events Sub-Committee

The Sub-Committee will be formed by several members of the Management Committee as the core of the Sub-Committee and assisted by volunteers who should have appropriate skills for the particular event. The sub-Committee will only operate for the duration of the Special Event(s) and be responsible for:

- (a) Developing a schedule of Special Events (e.g. Golf Day, Trivia Night, Presentation Day, etc.) for the season.
- (b) Provide the Management Committee with a detailed summary of individual Special Events for approval.
- (c) Advertise and promote the Special Event once it has been approved.
- (d) Managing the operation of the Special Event.
- (e) Collect and account for the funds raised and spent, and on completion give a schedule of the operating costs and expenses, and money collected to the Treasurer for banking. (Where possible expenses should be paid by Cheque).
- (f) Providing regular reports to the Management Committee.

## 17.5 Promotion and Publication Sub-Committee

The Sub-Committee will be formed by a member of the Management Committee and other members as required and will arrange for the following:

- (a) Advertising in whatever medium they deem appropriate and promotion in Schools for-all junior cricket development programs, and Junior and Senior Cricket competitions for the season.
- (b) Collecting of articles and match reports for publishing in the GBCC Chronicle.
- (c) Arranging for the printing of the GBCC Chronicle, Presentation Day Report and Annual Report.
- (d) Providing input to the Blue Mountains Gazette for special events and results of games and at the end of the season.
- (e) Providing regular reports to the Management Committee.



## 18. GRADING POLICY

### 18.1 Junior Team Formation

In Stage 1 the maximum number of players per team will be 9\*.

In Stage 2 the maximum number of players per team will be 11\*.

In Stage 3 the maximum number of players per team will be 13\*

\*Numbers may be flexible upon agreement of the coach, manager and committee

The following principles will be used when forming teams:

- (a) Players who register at the gazetted registration times will take precedence over late registrations.
- (b) Where possible, and unless otherwise requested, GBCC will aim to keep existing teams together.
- (c) If too many players register for a specific team or age group (and all within the gazetted registration times), players who played with GBCC last season will get precedence. Where possible GBCC will try to accommodate the additional players in another team (this may include another age group).
- (d) Late registrations will be taken depending on the availability of positions in the teams, with precedence given to players who have had previous playing experience with the club.
- (e) Where it is not possible to accommodate a player, GBCC will consult with other clubs to see if a place can be found.
- (f) A representative player will be placed in a Division 1 team (where available).

### 18.2 Senior Grading

Players will play in teams consistent with the grading provided by the Annual Grading Review from the NDCA.

## 19. PETTY CASH FLOAT

The Secretary shall have a Petty Cash Float of \$100 and the Treasurer should have a Petty Cash Float of \$300 to pay for small expenses. The Petty Cash Floats can only be replenished by the Management Committee approving the expenses paid and issuing a Cheque to be cashed to bring the Float back to its approved value.

## 20. AWARDS and TROPHIES

### 20.1 Club Award – Chris Fuller Shield

Awarded to an individual (junior, senior or other active member) who has provided outstanding service to the club during the season. Nominations can be received from any member of the club, and the winner will be determined by a vote of the management committee.

### 20.2 Junior Awards

NOTE: Do not include statistics from Semi-finals and Finals when determining Junior Team or Junior Club Awards.

**Junior Team Awards** will be issued as follows:

Each child will receive one award for each competition they have been registered for in a season.

The choice of individual awards is at the discretion of the team coach/manager. Examples include most runs or wickets, Best batter, best bowler, best fielder, Most improved (batter, bowler, fielder, wicket-keeper), best all-rounder, wicket-keeper award, coaches award, etc.



**Junior Club Awards** (Perpetual Trophies) will be issued for the following:

A child is eligible for each junior competition they have been registered for in a season. The points for each competition will be considered separately. For example, a girl playing in the PJCA and Thunder Girls competitions would have two chances to win the Junior Girls Cricketer of the Year award but isn't advantaged by accumulating points across both competitions.

**For season 2018/19:**

All Rounder for Stage 1 (Under 10 and 11) (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 12 Div 1 and Div 2 (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 13 and 14 (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 15 and 16 (Best overall performance using points system)	Wicket Trophy
Junior Wicket-keeper of the Year Award (Most catches and stumpings)	Golden Gloves Trophy
Junior Girls Cricketer of the Year (Best overall performance using points system. The Club reserves the right not to award the trophy in a season when there are fewer than three girls registered.)	Laura Wright Shield
Junior Club Champion (Best overall junior performance using points system)	Junior Club Champion Trophy

**For season 2019/20:**

All Rounder for Stage 1 (Under 10 and 11) (Best overall performance using points system)	Wicket Trophy
All Rounder for Stage 2 (Under 12) (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 13 and 14 (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 15 and 16 (Best overall performance using points system)	Wicket Trophy
Junior Wicket-keeper of the Year Award (Most catches and stumpings)	Golden Gloves Trophy
Junior Girls Cricketer of the Year (Best overall performance using points system. The Club reserves the right not to award the trophy in a season when there are fewer than three girls registered.)	Laura Wright Shield
Junior Club Champion (Best overall junior performance using points system; players in Stage 2 and above are eligible)	Junior Club Champion Trophy





**For season 2020/21 and beyond:**

All Rounder for Stage 1 (Under 10 and 11) (Best overall performance using points system)	Wicket Trophy
All Rounder for Stage 2 (Under 12 and 13) (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 14 (Best overall performance using points system)	Wicket Trophy
All Rounder for Under 15 and 16 (Best overall performance using points system)	Wicket Trophy
Junior Wicket-keeper of the Year Award (Most catches and stumpings)	Golden Gloves Trophy
Junior Girls Cricketer of the Year (Best overall performance using points system. The Club reserves the right not to award the trophy in a season when there are fewer than three girls registered.)	Laura Wright Shield
Junior Club Champion (Best overall junior performance using points system; players in Stage 2 and above are eligible)	Junior Club Champion Trophy

**Junior Individual Awards** shall be provided for:

- Any multiple of 1000 Runs for the Club
- Any multiple of 100 Wickets for the Club
- Any multiple of 100 Dismissals for the Club
- Century Makers
- 5 Wickets in an Innings
- 10 Wickets in a Match
- Hat Tricks

Note: These may include statistics from Semi-Finals and Finals.

### 20.3 Senior Awards

NOTE: Do not include statistics from Semi-finals and Finals when determining Senior Team or Senior Club Awards.

**Senior Team Awards** will be issued for the following:

Batting Award	Most Runs* (minimum 200 runs in season)
Bowling Award	Most wickets* (minimum 15 wickets in season)

\*In the event of a tie, the award will go to the player with the better average

Any two (2) additional awards at the discretion of the Team Manager / Captain and as approved by the Seniors Vice-President.

**Senior Club Awards** (Perpetual Trophies) will be issued for the following:

Rising Star of the Year (Nominated by Senior sub-committee and judged by Seniors Vice President and executive committee)	Pat Cummins Shield
The Duck Award	Jim Abbot Cup



(Most ducks in a season)

Senior Batsman of the Year

Andrew Mackay Shield

(Most Runs in season - minimum 250 runs and minimum 5 innings)

Senior Bowler of the Year

Darrin Green Shield

(Most Wickets in season - minimum 20 wickets and minimum of 5 innings)

Senior Wicket-keeper of the Year

Senior Wicket-keeping Award

(Most catches and stumpings)

Senior Club Champion

Michael Smith Cup

(Best overall performance using points system)

**Senior Individual Awards** shall be provided for:

Any multiple of 1000 runs for the Club

Any multiple of 100 Wickets for the Club

Any multiple of 100 Dismissals for the Club

Century Makers

5 Wickets in an Innings

10 Wickets in a Match

Hat Tricks

Note: These may include statistics from Semi-Finals and Finals.

### 20.3 Determination of Junior and Senior Club Awards

These will be based on a points system as shown below:

#### **Batting**

2 points for each run

35 bonus points for scores of 35 or more in (Stage 2)

50 bonus points for scores between 50 and 99 in an innings

100 bonus points for scores between 100 and 149 in an innings

150 bonus points for scores between 150 and 199 in an innings

200 bonus points for scores of 200 or more in an innings

#### **Bowling**

(1 Day Games)

25 points for each wicket

25 bonus points for 3 wickets in an innings

50 bonus points for 4 wickets in an innings

75 bonus points for 5 wickets in an innings

100 bonus points for 6 wickets in an innings

125 bonus points for 7 wickets in an innings

150 bonus points for 8 wickets in an innings

175 bonus points for 9 wickets in an innings

200 bonus points for 10 wickets in an innings

50 bonus points for a Hat Trick



### **Bowling (2 Day Games)**

- 25 points for each wicket
- 25 bonus points for 3 or 4 wickets in an innings
- 50 bonus points for 5 or 6 wickets in an innings
- 75 bonus points for 7 or more wickets in an innings
- 100 bonus points for 10 or more wickets in a match
- 200 bonus points for 10 wickets in an innings
- 50 bonus points for a Hat Trick

### **Fielding and Wicket-keeping**

A dismissal is defined as a catch, unassisted run-out, assisted run-out or stumping.

- 25 points for each dismissal in an innings
- 15 bonus points for 2 dismissals in an innings
- 30 bonus points for 3 dismissals in an innings
- 45 bonus points for 4 dismissals in an innings
- 75 bonus points for 5 dismissals in an innings
- 100 bonus points for 6 or more dismissals in an innings

## 21. PRESENTATION DAY

- 21.1 The Annual Junior Presentation Day should be on the first Sunday in April each year (except where it is the Easter weekend).
- 21.2 The Annual Senior Presentation Day should be on the first Friday in April each year (except where it is the Easter weekend).

## 22. MONTHLY MEETING

The monthly meeting of the Management Committee will be held on the first Wednesday of the month at 7.30 pm at the Glenbrook Bowling Club.

## 23. DISCIPLINARY TRIBUNAL PANEL AND PROCESS

### 23.1 Tribunal Chairperson

The Management Committee shall appoint a Tribunal Panel Chairperson for a period of twelve (12) months as soon as practicable after the Annual General Meeting.

The following sections describe the processes involved in tribunal process, covering:

- Raising a complaint either formally or informally
- Determination of escalation by the executive
- Assembly of Tribunal Panel
- Notification of Hearing
- Disciplinary Hearing
- Disciplinary Decision

Details of the appeals process are contained in Section 24.

### 23.2 Raising a Complaint

If any person believes that a member of the club:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Club, or
- (c) has breached accepted codes of conduct as outlined in section 35 of the GBCC constitution.

That person can choose to:



- Informally notify the club, through a member of the management committee. The informed member of the management committee shall raise it confidentially within the management committee and the committee shall consider what actions should be undertaken. This may take the form of requesting a formal complaint to enable further direct action, or whether review and monitoring the situation is a sufficient course of action. The informed management committee shall undertake reasonable endeavours to inform the person(s) raising the complaint about the course of action decided upon.
- Raise a formal complaint which must be made in writing to the Secretary or a member of the Management Committee. The person reporting the complaint shall provide, as soon as practical after the incident has occurred, details of the complaint which should endeavour to include:
  - (a) when and where the incident happened,
  - (b) the nature of the incident,
  - (c) which teams were involved,
  - (d) name(s) of the alleged offender(s),
  - (e) names, addresses and phone numbers of any witnesses so that their version of events may become available to the Disciplinary Tribunal.

### 23.3 Determination of Escalation

On receiving such a written complaint, the Secretary or the member of the Management Committee will refer the complaint to Executive, as soon as practicable.

The Executive will then consider the complaint. If a member of the Executive has a conflict of interest with the matter then they shall declare that interest. If that conflict is deemed by any member of the Executive to adversely affect the decision process, then the Executive will call on another member of the Management Committee to stand in that Executive's place.

Once a group of three (3) representing the Executive has been decided, they shall determine by majority whether a case is to be heard or referred to the NDCA/PJCA. In determining this, the Executive may consider what other governing bodies are investigating in regard to this matter as they see fit.

If the matter is not considered appropriate to be heard then, a member of the Executive:

- (a) will formally respond in writing to the complainant about why the issue is not being taken further;
- (b) report to Management Committee;
- (c) note in the disciplinary register as no further action required;
- (d) may consider:
  - (i) issuing a general warning to all club members about certain aspects of accepted levels of behaviour;
  - (ii) an informal discussion with affected members.

If the matter is deemed worthy for hearing, the Secretary will advise the Tribunal Chairperson to form a Disciplinary Panel.

### 23.4 Disciplinary Panel

The Tribunal Chairperson will be responsible for proposing a panel of three (3) members to the Executive for approval to hear the matter. The three (3) nominated members must:

- (a) be members of the Club either active, Senior or Life members,
- (b) declare any conflict of interest that they have with the matter.

The Executive will consider nominations and communicate with the Tribunal Chairperson until a panel of three (3) is approved.

### 23.5 Notification of Hearing

Once a Tribunal Panel is approved, the Tribunal Chairperson must:



- (a) notify the member concerned, as soon as possible after the complaint has been determined to be heard by the Executive. Note, if a junior member then notification will be made to their legal guardian,
- (b) determine a hearing location, date, time that is at least 14 days after the notification in clause 23.5.a,
- (c) notify at least one of the member's captain, coach, or manager concerned, as soon as possible after being determined to be heard by the Executive.

The member concerned may make a written submission to the Disciplinary Chairperson before the hearing.

### 23.6 Disciplinary Hearing

For the conduct of the hearing:

- (a) the accused is to attend the hearing at a time and place convenient to the Disciplinary Tribunal,
- (b) the accused may bring an advocate to put forward their position at the hearing, or the advocate may substitute for the accused,
- (c) the accused and the Captain/Coach or Manager of the Team are to be informed of the charge brought against them and which aspect of the MCC Rules, Local By-Laws or Code of Conduct has been breached,
- (d) the accused may elect to provide a written submission from themselves or their advocate.

If the accused does not attend the first meeting, a second hearing may be held, if a reasonable explanation from the accused is forthcoming.

The Disciplinary Tribunal is to make their decision based upon the balance of evidence both oral and written.

- (a) the hearing may proceed in the absence of the accused or their advocate,
- (b) the procedure for the hearing shall be:
  - (i) the evidence against the accused shall be considered,
  - (ii) the defence of the accused including a rebuttal shall then be considered,
  - (iii) the Disciplinary Tribunal shall ascertain/clarify any issues pertinent to the charge.
- (c) the Disciplinary Tribunal will then consider the matter of guilt or innocence.
- (d) a two to one majority vote of the Disciplinary Tribunal shall be sufficient for a decision.

### 23.7 Disciplinary Decision

If, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved, the Disciplinary Tribunal will make a penalty recommendation based on the suggested penalties from the Cricket Australia and NDCA Code of Conduct and Suggested Penalties. This penalty may consider previous good conduct, to the Management Committee within 3 days. This can include to:

- (a) caution the member;
- (b) suspend the member from membership of the Club; or
- (c) expel the member from the Club.

The Tribunal Chairperson shall prepare a written report and provided it to the nominated executives per section 23.3 for review. Once reviewed the nominated executives shall provide to the Secretary for dissemination to the management committee. The management committee shall discuss the tribunal recommendation at the next convened monthly or special meeting and determine whether the recommendation from the tribunal panel shall be enacted.

The Secretary shall inform the accused of the decision by the Management Committee, within seven (7) days after the action is taken and:

- (a) provide written notice to the member of the action taken, of the reasons and recommendations given by the Disciplinary Tribunal for having taken that action, including



which aspect of the MCC laws, local By-Laws or Code of Conduct that has been breached by the guilty party,

- (b) advise the member of their right of appeal within seven (7) days under rule 24,
- (c) advise the complainant and any witnesses of the decision of the Disciplinary Tribunal and Management Committee.

The suspension or expulsion does not take effect until the expiration of the period within which the member is entitled to appeal against the resolution concerned.

## 24. RIGHT OF APPEAL OF A DISCIPLINED MEMBER

- 24.1 A member may appeal to the full Management Committee, against any decision within 7 days after notice of the decision being served on the member, but only if additional evidence can be presented, by lodging with the Secretary a notice to that effect. An appeal can be made regarding the severity of the penalty which may not require additional evidence.
- 24.2 The notice must be accompanied by a statement of the grounds on which the member intends to rely on for the purposes of the appeal.
- 24.3 On receipt of a notice from a member under clause 24 (1), the Secretary must notify the Management Committee which is to convene a meeting to be held within fourteen (14) days after the date on which the Secretary received the notice.
- 24.4 At a Management Committee meeting convened under clause (3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the Disciplinary Tribunal and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the decision should be confirmed or revoked.
- 24.5 If at the Management Committee meeting any decision is confirmed or amended, the Secretary must inform the member in writing of the decision within three (3) days.

## 25. WORKING WITH CHILDREN

To improve the protection of children and ensure the club fully complies with NSW Child Protection (Working with Children) Act 2012 No 51, and its regulations and amendments, the Management Committee will ensure that any member of the club in any of the following roles has a current working with children check:

- (a) the Management Committee,
- (b) all junior coaches and managers, including assistant coaches and managers,
- (c) all senior captains and managers.

If an identified member becomes barred, the Office of the Children's guardian will notify the President and or the Secretary. The member will be advised and removed from that role until the office of the guardian revokes the bar.

The Secretary will maintain a register of those positions identified with the member's names, position held and working with children number and verification from the office of the Guardian. If a member is unable or unwilling to provide this information then the member will be unable to perform those roles.

If a member of the club wishes to review, those positions then a request can be made through any member of the Management Committee to provide appropriate information.



**NOTE:** These By-Laws were approved at the Management Committee meeting on 07 February 2018.

Summary of Changes
2005 – Modified by previous committees
2018 – Significant changes to sections 1, 2, 18 and 20. Introduction of new sections 23, 24 and 25. Minor changes to sections 5, 6, 11, 12, 16, 17
2019 – Minor changes to sections 1, 2, 18, 23 Significant changes to 20