



# MJCC

**METROPOLITAN JUNIOR  
COMMUNITY CRICKET**

**Reports, Investigations and Conduct Hearings**

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## Definitions

<b>MJCC</b>	refers to Metropolitan Junior Community Cricket, the governing body responsible for junior community cricket in the Perth metropolitan area and Peel region.
<b>Hearing</b>	refers to either a Conducts Tribunal hearing
<b>Conducts Tribunal</b>	refers to the group of people appointed by the MJCC to assess a Hearing
<b>Outcome</b>	the result of a Hearing or investigation
<b>Match Day Activity</b>	refers to any cricket match or any match day activity directly or indirectly concerning any match played under the jurisdiction of MJCC.
<b>Non-Match Day Activity</b>	refers to any activity not directly or indirectly concerning any match day activity. This includes, but is not limited to club training, social events, or communication to, from or between any of these parties.
<b>Match Official</b>	refers to match umpires appointed by the Association or the MJCC, scorers and MJCC officials appointed to manage a match or tournament.
<b>Team Official</b>	refers to either teams coach, team captain, team manager or team appointed umpire.
<b>Club Executive</b>	refers to any club's President, Vice President, Secretary, Treasurer or Association Delegate.
<b>Incident Report</b>	refers to a Breach of the Code of Behaviour and Playing Rules or Conditions.
<b>WA Cricket Competition Administrator</b>	refers to the WA Cricket employed person responsible for competition administration for the Association.
<b>Codes of Behaviour</b>	refers to the documents outlining the expected level of behaviour of participants involved in cricket.
<b>Flowcharts</b>	refer to the flowcharts available on the MJCC website to assist in navigating the process contained in this document.
<b>Relevant Parties and Affiliates</b>	refers to the player, other person or Club alleged to have committed an offence, and the person reporting the incident and their Club. This is in the context of notifying people and entities of the outcome of various parts of the Incident Report process, particularly in Clauses 3.3, 5.12 and 6.17. For avoidance of doubt the advice to relevant parties will only include the outcome of the process undertaken and any penalty or not imposed.
<b>Nominated or Suitable Person(s)</b>	A person or persons nominated by the MJCC Protests and Disputes sub-committee that is not a previous or current representative of any clubs involved.

## **Introduction**

All matches played under the jurisdiction of Metropolitan Junior Community Cricket (MJCC) shall be played according to the MJCC General Rules of Play and MJCC Individual Age Group Rules. Where rules are not identified within the MJCC Rules the MCC Laws of Cricket shall apply. Law 42 of the Laws of Cricket does not apply to MJCC sanctioned competitions, it is replaced by this policy and MJCC Code of Behaviour

This Policy applies to behaviours both on and off the field of play with respect to all junior community cricket. It applies in addition to and not in substitution for the detailed MJCC Codes of Behaviour, ICC Code of Conduct and the Cricket Australia Code of Behaviour, Racial and Religious Vilification Code and the Anti-Harassment Policy.

The Coaches/Managers/Captains are always responsible for ensuring that the match is conducted within the spirit of the game as well as within the Laws and Codes. They are responsible for their players, match officials and spectator's behaviour and are expected to be proactive in ensuring their members and their families are both aware of the detail in the Codes of Behaviour and to ensure that they are always complied with.

The MJCC and Clubs are responsible for their elected officials, general members and appointed match-day officials (eg Association or Club appointed umpires) behaviour. They also are expected to be proactive in ensuring their members and their families are both aware of the detail in the Codes of Behaviour and to ensure that they are always complied with.

## **Reports, Investigations and Conduct Hearings Process**

### **1. Reporting an Incident (refer Flowchart 1: Reporting an Incident)**

1.1. An alleged breach may be reported following the process outlined in Flowchart 1 by:

- Any Match Official;
- Any Team Official;
- Executive Committee Members of the Clubs participating in the Match in which the alleged breach occurred;
- A MJCC Official;
- A WA Cricket employee;

1.2. Reports will be made using the online MJCC Incident Report form or the MJCC online Match Report under the following conditions:

- Incident Reports are sent directly to WA Cricket Competition Administration.

- Incident Reports must be kept confidential and only distributed to the MJCC and relevant sub-committees.
- All Incident Reports must be received before 12 noon on the Monday directly following the incident occurring.
- Reports received after this time frame may be only be investigated in exceptional circumstances.
- The reporter of an incident must be available to attend the Conducts Tribunal on the Thursday evening after the incident occurs, on the possibility that a Conducts Tribunal is held.

1.3. Once an Incident Report is received, WA Cricket Competition Administration will provide it to the MJCC Protests and Disputes Sub-Committee to determine an early offer.

- If fourteen full days pass from the time the Incident Report is submitted, the person submitting the Incident Report may follow up with the person they initially submitted the Incident Report to for a progress update.

## **2. Early Offers**

2.1. A nominated person from the MJCC Protests and Disputes sub-committee will determine an early offer based on the information provided in the incident report. Once an early offer is received, an individual, team or club will have two options:

### **Option 1:** Accept the charge(s):

- The individual, team or Club who is the subject of the charge(s) acknowledges in writing as directed, that they accept the charge(s) and offered outcome. The matter is closed.
- All relevant parties and affiliates will then be notified of this outcome in writing.

### **Option 2:** Not accept the charge(s):

- If the individual, team or Club who is the subject of the charge(s) does not accept that the alleged charge(s) occurred or the offered outcome, they must inform the Investigator in writing within the required time frame.
- The Investigator will then respond with details of a Conducts Tribunal in which the subject of the charge(s) will attend.

2.2. Where individuals or Clubs do not respond to the Notification of Early Offer letter within the nominated time, this is taken to mean acceptance of the offered outcome and the matter is closed.

## **3. Conducts Tribunal**

3.1. The MJCC Protests and Disputes sub-committee will appoint suitable persons to sit on the Conducts Tribunal, one of which will be appointed as the Chairperson of the Conducts Tribunal.

- 3.2. Each Conducts Tribunal will consist of up to three persons, with a minimum of two persons. In addition to the appointed Conducts Tribunal members, there should also be a minute taker at the Hearing.
- 3.3. The nominated member from the MJCC Protests and Disputes sub-committee who initially assessed the report shall not be on the Conducts Tribunal. They may be called to speak to the material submitted.
- 3.4. The subject of the charge(s) may request witness statements from witnesses to the incidents. These must be submitted by 12 noon Thursday prior to their Conducts Tribunal.

#### **4. Conducts Tribunal Hearing (refer Flowchart 2: Investigation)**

- 4.1. When the charges are referred, the Conducts Tribunal will determine if, when and where the Hearing will take place.
- 4.2. If the Conducts Tribunal determines a Hearing should take place, they will hear the charge(s), evidence and statements and determine whether the charge(s) are upheld or dismissed.
- 4.3. If the charge(s) are upheld the Conducts Tribunal may impose any penalty it deems appropriate, considering the MJCC Offence and Penalty Guidelines.
- 4.4. The Conducts Tribunal will conduct Hearings:
  - In private unless otherwise agreed;
  - With as little formality and technicality as reasonable;
  - As quickly as proper consideration of the charge or penalty permits.
- 4.5. The Conducts Tribunal may:
  - Conduct the Hearing or any part of it by telephone or other conference facility;
  - Electronically record the Hearing to assist with minute taking.
- 4.6. The electronic record is not to be distributed outside of the Conducts Tribunal.
- 4.7. The electronic record is to be deleted once minutes have been completed.
- 4.8. All people attending a Hearing must:
  - Behave with due decorum while in the Hearing room and while waiting outside the Hearing room;
  - Comply with all directions given by the Conducts Tribunal Chairperson and employees of the facility the Hearing is being held in as to how the Hearing will be conducted;
  - Any person who fails to comply may be ejected from the Hearing room and/or facility and be sanctioned.
- 4.9. All people charged and appearing at a Hearing before the Conducts Tribunal may:
  - Have a support person in attendance.

- It is strongly recommended that all persons under the age of 18 have a support person to provide emotional assistance during the Hearing process. This can be extended to allow witnesses under the age of 18 to also have a support person.
  - Have a delegate from their Club in attendance.
    - The delegate can be the support person;
    - The support person or Club delegate is not an advocate and is not permitted to address the Hearing unless specifically requested to by the Conducts Tribunal Chairperson.
- 4.10. All parties except the Conducts Tribunal members and minute taker must leave the room when it is deliberating on its decision.
- 4.11. If a Conducts Tribunal Hearing cannot be started/completed before the beginning of a relevant match the Conducts Tribunal may make an interim ruling as it deems appropriate including the interim suspension of an individual, team or Club pending completion of the Hearing.
- 4.12. The Conducts Tribunal Chairperson shall ensure the relevant parties are notified of the outcome in writing as soon as practicable.

## **5. Appeals (refer Flowchart 3: Appeals)**

- 5.1. If the individual, team or Club want to appeal a Conducts Tribunal determination or penalty, they shall lodge an appeal in writing to the MJCC Administrator within seven full days of the Hearing outcome.
- 5.2. An appeal may only be made if new evidence, that was not available at the time of the Conducts Tribunal is made available, or there was an error in the process.
- 5.3. The MJCC Protests and Disputes sub-committee shall be responsible appointing a new Conducts Tribunal to assess each appeal related to a decision of a Conduct Tribunal.
- This new Conducts Tribunal will consist of up to three persons, with a minimum of two persons, one of whom shall be appointed as chairperson.
  - When there are only two members of the new Conducts Tribunal, the Chairperson has a deciding vote.
  - The new Conducts Tribunal members shall not be members of the Conduct Tribunal Hearing whose determination or penalty is being appealed.
- 5.4. Individuals, teams or Clubs shall not be permitted to participate in any competition until the penalty has been met or an appeal against the outcome and/or penalty has been adjudged by the new Conducts Tribunal.
- 5.5. The new Conducts Tribunal will review the written appeal and assess if there are grounds for an appeal.
- 5.6. The new Conducts Tribunal shall be provided with all relevant documents to the hearing of the appeal. This could include but is not limited to:
- The Minutes from the Conducts Tribunals Hearing;

- The Investigation Report and submissions presented at the Conducts Tribunal Hearing;
- The Charges and Penalties Sheet from the Conducts Tribunal Hearing;
- Information on prior offences;
- Any new or additional evidence may be included at the discretion of the new Conducts Tribunal.

5.7. If the new Conducts Tribunal determine there are grounds for an appeal:

- The new Conducts Tribunal may keep or alter charges and penalties made by the Conducts Tribunal without a rehearing if, in their opinion, a charge, determination or penalty of a Conducts Tribunal is clearly mistaken, improper or unfair;
- The new Conducts Tribunal may order a rehearing if, in their opinion, a charge, determination or penalty of a Conducts Tribunal is clearly mistaken, improper or unfair.

5.8. The rehearing shall be heard by the new Conducts Tribunal:

- The new Conducts Tribunal will provide new determinations and penalties. These may be the same as the Conducts Tribunal findings.

5.9. There shall be no automatic right of appearance before the new Conducts Tribunal by any of the parties who appeared before the Conducts Tribunal Hearing.

5.10. An appeal may be withdrawn at any time, except once the hearing of the appeal has commenced. Then the appeal may be withdrawn only with the new Conducts Tribunal's approval.

5.11. The decision of the new Conducts Tribunal is final.

5.12. Should an appeal subsequently be upheld any penalty previously served shall nevertheless be deemed to be valid.

- The new Conducts Tribunal Chairperson shall notify the relevant parties of this outcome in writing as soon as practicable.