



Bunbury & Districts Cricket Association Inc.

BDCA POLICY No.B-4

Procedure for Implementing Protests, Disputes & Appeals Board

Purpose

Pursuant to Section 29 of the Constitution provides that at the discretion of BDCA Executive Committee, it can refer any matter it sees fit to the Protests, Disputes and Appeals Board.

Scope

Pursuant to Section 29 of the Constitution provides that how the The Protest, Disputes and Appeals Board is elected and the processes it uses to manage matters referred to it by the BDCA Executive Committee

Administrative Process:

- 1 A Complaint is received by the BDCA Secretary.
- 2 Secretary is then to inform Executive Committee Members.
- 3 If determined by the Executive Committee that the complaint cannot be settled by other means, or is deemed a matter to be heard by an independent tribunal. The Executive Committee (via The Secretary) then refers the matter to the Protests, Disputes & Appeals Board.
- 4 The P, D & A Board is made up of 3 persons appointed by the BDCA Executive Committee who have no active role in the BDCA Administration. One of the three persons is to appointed as the Chairman.
- 5 The BDCA Secretary is to be present to record the hearing.
- 6 The Secretary is to notify the responding individual or/and club in writing that a complaint has been lodged with the Association. A written reply is expected from the club or/on behalf of the individual/s concerned.
- 7 The Secretary is then to arrange a date and time for a P, D & A tribunal hearing and advise all parties in writing.
- 8 The Secretary is to provide the P,D & A Board the following;
 - a. *Statement from the Executive Committee on what laws have been breached and the Executive Committee's view on the matter.*
 - b. *Copies of the correspondence relating to complaint received and the reply of the respondent.*
 - c. *Copies of correspondence from relevant third parties to assist in providing evidence supporting the complaint or defence of the complaint.*
 - d. *Copies of the BDCA Local Laws and BDCA Constitution. In addition to this is copies of other relevant laws, policies and protocols from governing cricket bodies at higher level (i.e.; Cricket Australia, WACA).*

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		Reviewed:	



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- e. *BDCA Form 1 - for the Board to fill in at the conclusion of the hearing for an official record of the P, D & A Board's decision.*
- 9 Representatives from both parties relating to the complaint are required to attend to support their written presentation of their case.
- 10 The P,D & A Board will determine time of the hearing.
- 11 The P.D & A Board will determine and request the attendance of any third parties at the hearing.
- 12 The P, D & A Board will hand down a decision which is effective as it determines.
- 13 The P, D & A Board may also offer recommendations it feels needs to be addressed in addition to that matter for the BDCA Executive Committee.
- 14 Records of tribunal hearing is to be filed by the BDCA Secretary.

References

1. BDCA Local Laws
2. CA Policies and Code of Behaviour
3. Section 29 of the BDCA Constitution;

29. PROTESTS, DISPUTES AND APPEAL BOARD

- a) *There shall be a Protests Disputes and Appeal Board which shall consist of three persons not members of the Council.*
- b) *The members of the Board shall be elected at the first meeting of the Committee in each year after the Annual General meeting and shall hold office until the next Annual General Meeting. A casual vacancy in the Board shall be filled by resolution of the committee.*
- b) *The Board shall exercise the following function on any occasion when a matter is referred to it by the Committee and all decisions given by the Board shall be final and binding on all parties concerned and shall not be subject to appeal or review by any other tribunal or Court of Law:*
 - i) *Hear and determine all protests, disputes, expulsions, disqualifications and charges against players, officials and member clubs.*
 - ii) *Impose such disqualifications and inflict such fines and other penalties upon member clubs, officials or players as the Board shall think fit in cases brought before this Board.*
 - iii) *Re-open and re-hear any case previously dealt with if the Board in its discretion shall consider such re-hearing to be justified.*
- d) *Every decision of this Board shall be conveyed to the Committee under the hand of the Chairman of the Board who shall certify that the matter has been heard in accordance with the procedure laid down in the by-laws and shall be received without comment.*

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- e) *The Secretary shall act as Secretary to the Board and record and matter the Board directs.*
- f) *The Committee shall draw up any necessary by-laws to cover the procedure of the board.*

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