

BHRDCA - PROCEDURES FOR PROCESSING OF APPEALS

Last Reviewed June 2019

BHRDCA TRIBUNAL APPEAL PROCEDURES

These procedures are established under provisions of the By Laws, Corporate Rules and Competition Rules of the Association.

1. DEFINITIONS.

- 1.1. "Affiliate" refers to a BHRDCA Affiliated Club/Association as defined by BHRDCA Corporate Rules 3, 4 and 5.
- 1.2. "CoM" refers to the Box Hill Reporter District Cricket Association Committee of Management
- 1.3. "End Date" refers to the last day of a suspension.
- 1.4. "Appeal Board" refers to a body empowered to hear and/or determine the outcome of an appeal.
- 1.5. "Appeal Panel" refers to a body empowered only to hear an appeal and report to an Appeal Board with or without a recommendation. (NOTE: This panel may be the CoM.)
- 1.6. "Chairman" where referred to shall mean the Chair of a relevant Appeal Board or Appeal Panel as appropriate.
- 1.7. "Administrator" where referred to shall mean the BHRDCA Admin. Manager or Secretary.

2. PROCEDURES FOR APPEALING TRIBUNAL DECISIONS TO THE COMMITTEE OF MANAGEMENT.

- 2.1. Tribunal decisions may be appealed to the CoM in accordance with these procedures established under the provisions of By-Law 12.
- 2.2. Any Affiliate seeking leave to appeal under these provisions, in addition to the other terms and conditions expressed herein, accepts unreservedly that -
 - 2.2.1. the appeal process shall be undertaken by an Appeal Board or Appeal Panel (as defined in 1.3 & 1.4) and be limited to a single appeal.
 - 2.2.2. any appeal must be lodged in writing, within five (5) clear days of the decision/hearing date, which is the subject of the appeal
 - 2.2.3. an appeal fee of \$100, or as may be determined from time to time, must accompany any appeal submitted. The fee shall be forfeited if the appeal is deemed to be frivolous by the body deciding the appeal. (The appeal fee is varied to \$200 minimum from season 2009/10)
- 2.3. No appeal shall proceed until the following have been complied with.
 - 2.3.1. The Affiliate has received written notice from the Association of any such decision.
 - 2.3.2. The Affiliate is fully financial with the Association i.e. owes no overdue financial debt
- 2.4. In reaching a determination on any appeal the CoM may elect to act as an Appeal Board or appoint an Appeal Panel (per definitions above) at its discretion
 - 2.4.1. Any Appeal Panel established for the purpose of hearing such an appeal shall provide a report to the CoM which will then make its determination after due consideration of such report and any accompanying recommendations of the Appeal Panel.
 - 2.4.2. All appeal decisions shall be operative immediately they are announced by the Appeal Board.
 - 2.4.2.1. Once appealed, any decision of the Tribunal may be confirmed, revoked or varied.
 - 2.4.2.2. For suspensions of not more than two full seasons, any such confirmation or variation will be expressed in terms of the number of rounds and/or weeks of a draw in respect of the competition and grade in which the offence occurred, and
 - 2.4.2.3. in all cases, a specific time period (i.e. date to which the suspension applies).
 - 2.4.2.4. Although a given suspension will generally be the same term whichever 'expression' of 2.4.2.2 or 2.4.2.3 is applied, variations could arise under some circumstances (e.g. where a suspension straddles two seasons and the commencement date of the ensuing season is established at odds with tradition after the penalty is handed down). In such cases, to avoid erosion of relatively short term suspensions by subsequent variations to dates of play, that which provides a later 'end date' will apply.
 - 2.4.2.5. Given the continuing trend towards a variety of alternative dates of play, when setting suspension terms consideration should be given to specifying the end date on a Monday rather than a Saturday, so as to include all scenarios regarding dates of play for a given week(end).
 - 2.4.2.6. Suspensions will relate to active participation of any kind and apply to matches in all competitions and all age-groups.
- 2.5. Eligibility - Any person who was involved with the original hearing or who has a perceived conflict of interest shall be precluded from membership of the relevant appeal board or appeal panel. The Appeal Board may appoint a replacement for anyone so precluded.
- 2.6. Subject to relevance and the provisions herein, rules for conduct of appeal hearings are the same as those for conduct of VMCU appeal hearings (VMCU By-Law 8.2) and BHRDCA Disciplinary Tribunals (By-Law 10) in so far as they are applicable.

3. PROCEDURES FOR APPEALING COMMITTEE OF MANAGEMENT DECISIONS TO THE TRIBUNAL.

- 3.1. Only CoM made under By-Law 11 may be appealed to the Tribunal sitting as an Appeal Board in accordance with these procedures and established under the provisions of By-Law 12.
- 3.2. Subject to relevance and in so far as they are applicable, the preceding "PROCEDURES FOR APPEALING TRIBUNAL DECISIONS TO THE COMMITTEE OF MANAGEMENT" shall apply.

4. PROCEDURE FOR APPEALING MANDATED PENALTIES APPLIED UNDER PROVISIONS OF THE COMPETITION RULES.

- 4.1. Where a mandated penalty applied under provisions of the Competition Rules is subject to the appeals process, such appeal must first meet the pre-requisites of item 2 herein (as applicable) except that 2.2.2 does not apply to appeals against scheduled fines (Rule 15: Schedule of Administration Fees & By-Law 13.4). The Admin. Manager/Secretary shall be sole judge of whether or not such appeal warrants being heard by the Delegates in accordance with relevant regulations.