



Mornington Peninsula Cricket Association

By-Laws of the Association

2022/2023



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ADMINISTRATIVE BY LAWS

1. The Board may appoint various committees and sub-committees from time to time to assist in the operation of the Association with responsibility to the Board in their various fields. These committees and sub-committees are to at least include an Umpires Appointment Panel, a Tribunal, a Pennant Senior Committee, a Junior Pennant Committee, a Senior Selection Committee, a Junior Selection Committee, Finance and Planning Committee, a Members and Local Government Committee and such other Committee or sub-committee as shall from time to time be determined necessary by the Board. All such committees must be chaired by a member of the Board.
2. A member of a committee or sub-committee shall not vote on any matter in which he has any pecuniary interest or in which he is a member of a member club directly concerned in the business at hand.
3. The Pennant Committee shall be comprised of the Senior Vice President who shall be the Chairperson together with two other members of the Board, together with three committeemen - elected by the Annual General Meeting.

The duties of the Pennant Committee are -

- (a) To manage all premierships matches and any other matches duly fixture by the Association;
 - (b) To deal with all applications for clearances and permits;
 - (c) To settle all disputes pertaining to premierships matches;
 - (d) To handle matters arising from matches raised by umpires, captains, players or clubs; and
 - (e) Any other duties which may be conferred upon it by the Board including maintenance of proper conduct on and off the playing field.
4. The Finance and Planning Committee shall be comprised of the Honorary Treasurer who shall be Chairperson together with one other member of the Board to be nominated by the Board together with three committeemen elected by the General Meeting.
5. The Members and Local Government Committee shall be comprised of the Junior Vice President who shall be the Chairperson together with one other member of the Board to be nominated by the Board together with five committeemen elected by the General Meeting. Each Committee members is to be a member of a member club that resides in the area governed by the local government municipality.
6. The members of all committees and sub-committees where they are elected shall be elected by ballot at the Annual General Meeting following election by the Board otherwise appointment shall be made to these sub-committees by the Board.
7. Six Committee Members shall be elected to fill the vacant positions on the Pennant Committee and the Finance and Planning Committees. At the first Board Meeting after the Annual General Meeting the Board shall nominate three Committee Members to each of the Pennant and Finance and Planning Committees.
8. The President shall be an ex-officio member of all Committees with full voting right and shall chair meetings of the relevant Committee if requested.



9. The Chairperson of a Committee shall have a casting vote on all matters where a deadlock of votes exists.

DIRECTORS RESPONSIBILITIES & COMMITTEES

10. (a) At the first Board Meeting after the Annual General Meeting the Directors shall appoint from their numbers the following office bearers:
- Director responsible for Senior Representative Cricket
 - Director responsible for Junior Representative Cricket
 - Director of Umpiring
 - Marketing Officer
 - Local Government and Public Officer, and at the same time constitute and appoint those Committee Members required to fill the remaining Committees referred to in paragraph 1.
- (b) At the first Board Meeting after the Annual General Meeting the Directors shall adopt a Player Code of Conduct for the ensuing season and advise all clubs and umpires at least 21 days prior to the commencement of the season.
11. The Board may appoint Committee Members or co-opt other persons to assist the office bearers named in Rule 10 as they may deem necessary from time to time.
12. All Committees may exercise all the powers and shall have such authorities and discretions and do all such acts as are permitted by the Rules of the Association or as directed from time to time by the Board or by the General Meeting.
13. Committees shall deal with all matters that may arise from time to time be delegated by the Board but shall be limited at all times by the specific powers vested in such committee by the Board.
14. Committees, apart from the Board, shall not be empowered to incur debts or enter into Contracts or purchase assets on behalf of the Association of an individual project value greater than \$500 or such other amount as may be determined from time to time by a General Meeting.
15. The office of a Committeeman shall be deemed to be vacant if any of the circumstances set out in Rule 20 of the Rules of the Association apply to such Committeeman.
16. Any casual vacancy arising in any committee may be filled by the Board appointing a substitute to the vacant office and the person so appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of his appointment. Where appropriate, the Board may consider persons who were nominated for that position but unsuccessful in being elected at the previous General Meeting.
17. All Committees so appointed shall meet together from time to time for the handling of business and may adjourn and or otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In the case of an equality of votes the Chairman shall have a second or casting vote.



- 18.** In the event that the appointed Chairman of a Committee is absent from a meeting then a member of the Board on such Committee shall be elected to chair the meeting or the President sitting in as an ex officio Member of the committee as approved by By-Law 6 may chair the meeting if requested.
- 19.** The appointed Chairman of a Committee or any two Committee Members of such Committee may at any time summon a meeting of such Committee.
- 20.** The quorum necessary for the transaction of business at a committee meeting shall be one half of the number of Committee Members plus one. The President as an ex-officio Member of such Committee if present shall be included in the count.
- 21.** At the first meeting of the Board after an Annual General Meeting a Disciplinary Tribunal Chairman shall be appointed together with one or more Tribunal members as deemed appropriate from time to time. The Disciplinary Tribunal shall deal with all disciplinary matters referred to it by the Board or the Pennant Committee or by Umpires and shall have the power to suspend, reprimand, placed on good behaviour bonds or suspended sentences or fine players but such power shall be limited at all times by the specific powers invested in the Tribunal by the Board.



APPEALS

22. The appeal process undertaken by any person or member club shall be limited to a single appeal only. Appeals must be submitted within 14 days of the decision which is the subject of the appeal. An Appeal Fee of \$500 must accompany any appeal submitted under this By-Law - this Fee shall be refunded if the appeal is upheld.
23. All appeals against rulings of a committee or sub-committee of a committee or tribunal shall be to a panel of five (5) member clubs' representatives. These representatives must be from their respective clubs' executive committees. The representative clubs cannot be members of the same grade (based on the associations first eleven grading) as the club which the appealing player, member, person belongs. The associations General Manager or Secretary shall select the clubs to provide the representatives to the appeal panel. The appeal panel shall, where possible given the criteria of this rule, be selected on a rotation basis. Each club selected cannot refuse to provide a person who fits this rule's criteria to the appeals panel but for exceptional circumstances as agreed to by the executive of the association's Board. The association shall provide a Board member to act as chairperson of the appeals panel. The Chairperson shall act as a guide to appeal panel representatives only and is not entitled to vote on any decision of the appeals panel.
24. All decisions made on appeals shall be made on the balance of probabilities.
25. No member of the legal profession shall represent a member Club or official or player at any appeal or at any Tribunal or at any other meeting of the Association or its Committees however written legal opinion may be tendered in evidence.
26. Any appeal by a person or member against rulings of the Board shall be to a General Meeting by way of ordinary resolution to rescind the Board ruling and shall in all respects comply with the Rules of the Association.
27. No appeal shall be heard unless in the opinion of the Appeals Panel hearing the appeal;
 - (a) Evidence not originally presented is available which may have reasonably affected the decision of the original ruling sub-committee, committee or board; or
 - (b) the appellant can demonstrate that an error in law or a ruling contrary to the Rules and or By-Laws of the Association was made by the ruling sub-committee, committee or board; or
 - (c) in the opinion of a majority of the Appeals Panel representatives selected for hearing the particular matter an appeal should be in all fairness heard.



INVESTIGATIONS OFFICER

28. The Board shall appoint an Investigations Officer from time to time.

The Investigations Officer shall investigate matters which are referred to him by the Pennant Committees or Board. He is empowered to interview all registered players, Club Officials and Club members, inspect books, records and minutes relating to the matter or incident that is the subject of referral and shall report his findings and/or recommendations to the next meeting of the Board or Pennant Committee.

The General Manager shall advise the Club(s) concerned that a certain matter has been referred to the Investigations Officer - detailing the matter, and the Investigation Officer's requirements - and informing the Club that it is the Club's responsibility to ensure the availability of appropriate persons within 48 hours at a mutually agreed time, or at a time otherwise agreed by the Club and the Investigations Officer. The relevant Pennant Committees may refer a matter to the Tribunal if a member or their official or player fails to comply with an order to co-operate and provide all information as set out in this By-Law to an appointed investigator.

REPORTING PLAYERS, TEAMS, OFFICIALS, UMPIRES AND CLUBS

29. Serious breaches of misbehaviour may see the player reported by the Umpire(s) controlling the match regardless if they are official Umpires or team Umpire(s). The player or team Captain must be advised of the report at the first available opportunity.

The Pennant Committees may refer any matter reported to it to the Association's Investigations Officer if it thinks it is necessary.

The Pennant Committees shall have the power to charge any Player, Club, Official or Umpire with an offence reported to it, with or without a report from the Investigations Officer.

For less serious breaches where an Umpire has occasion to warn a player regarding his behaviour, but does not believe a report is necessary, the incident will be noted on the Umpire's Match Report or in the case of a team Umpire, be reported directly to the General Manager.

If however, the player is the Captain **and/or the Coach** of the team, the citation shall be regarded to be a report and shall be dealt with in accordance with the Rules.

Should a player be noted on two such Reports during the Season, he may be called before the Pennant Committees to explain his behaviour.

Should an Umpire not fulfil his responsibilities in this regard he shall be requested to meet with the Pennant Committees.



- (a) (i) When a player, team or member club is to be reported, the Umpire or Captain shall inform the General Manager of the Association of the proposed report by 10.00 am on the following day.
- (ii) The Umpire or Captain MUST provide the Association with a copy of the report by 10.00am on the first business day following completion of the match and the Association MUST forward the club a copy of the report within a further twenty-four hours of receipt of the report

30. REPORTS

- (a) Players, Clubs, Officials or Umpires may be reported for any of the following but not limited to:
- Breaches of the Code of Conduct and bring the game of Cricket into disrepute;
 - Breaches of the Laws of Cricket;
 - Misconduct;
 - Racial or religious vilification; and
 - Breaches of the Member Protection By-Laws.
- (b) Misconduct of any player reported may be given a suspension for a period as specified in the Table of Prescribed Penalties.

Table of Prescribed Penalties	
Offense	Penalty
Wasting time, Cheating, Sledging, the use of crude or abusive language to an opponent, excessive or frivolous appeals primarily aimed at intimidating the Umpire into a favourable decision or failing to leave the crease promptly on being given out and generally showing dissatisfaction with the decision.	One Match but expressed from a Start Date to an End Date inclusive, and including any other MPCA Fixtured Match falling within that period.
Use of crude or abusive language in a manner, which is audible beyond the boundary. The use of crude or abusive language to an Umpire, reacting in an obviously provocative or disapproving manner either towards an Umpire, his decision, or generally, following an Umpire's decision. Knocking or kicking over the stumps by a player in an intentional act.	Two Matches but expressed from a Start Date to an End Date inclusive, and including any other MPCA Fixtured Match falling within that period.
Abusive/Threatening behaviour to another player.	Three Matches but expressed from a Start Date to an End Date inclusive, and including any other MPCA Fixtured Match falling within that period.
Abusive / Threatening behaviour to an Umpire.	Four Matches but expressed from a Start Date to an End Date inclusive, and including any other MPCA Fixtured Match falling within that period.



- (c) Where a player is given a Prescribed Penalty under the foregoing, the Report shall not be heard by the Tribunal unless so requested by either the Umpire who lodges the Report, the player or person allegedly offended against or the President/Secretary of either Club in which case the option of a Prescribed Penalty shall not be available and the matter shall be referred to a Tribunal.
- (d) Any player may appeal a Prescribed Penalty and elect to attend the Tribunal or Pennant Committee, but if the player pleads not guilty but is subsequently found guilty shall receive a penalty higher than the prescribed penalty previously offered.
- (e) Any Member receiving suspension from playing Cricket (either via a prescribed penalty or by suspension of play by Pennant, Tribunal or Board) shall not participate in any MPCA match regardless of the Grade or Competition.
- (f) Any Penalty imposed (involving the suspension of play) shall be expressed by a start and end date of the Penalty and shall be inclusive of those dates.



TRIBUNAL OR PENNANT COMMITTEE

- 31.** For the purposes of these Rules the Tribunal and Pennant Committee shall be referred to as the “Hearing Body” or “Hearing”

Any request pursuant to these provisions for a Prescribed Penalty or for the matter to be referred to the Hearing shall be made in writing and must reach the General Manager no later than 12 noon, on the Monday immediately following the match.

If the Hearing subsequently finds the charge sustained it shall have power to impose such penalty as it deems fit.

- 32.** The Hearing shall hear all other charges against persons or member clubs as may be referred to it by the Board or Pennant Committee, or as shall be reported to it by Umpires or by Captains of a team participating in matches under the auspices or control of the Association.

All reports must be dealt with by a Hearing constituted by not less than three members on such date as the Hearing Chairman may determine. The following procedures shall be observed by the Hearing upon hearing every charge:

- (a) Every person, member club or team charged shall be afforded the opportunity to be present and hear all evidence given. If desired, he may be represented by a member of his club or if an umpire, by a member of the Umpires' Association, and he or his representative shall have the right to question any witness called against him and to lead evidence in his defence and to address the Hearing. Individuals who are reported are required to attend the Hearing unless excused by the Hearing body. The Hearing body shall, at its discretion, suspend a player's Permit to play for failing to attend, until such time the player attends a Hearing at the date set for the Hearing.
- (b) The Hearing shall impose such penalty by way of disqualification, suspension, fine or reprimand, or otherwise as it thinks fit, on any person, member Club or team charged.
- (c) The Chairman of the Hearing shall forthwith report to the Board any determination or report made by the Hearing.
- (d) Any member of the Hearing Body whose Club is directly affected by a charge shall not sit on the Hearing during the hearing of same.
- (e) During any proceedings, if the Hearing is of the opinion that charges should be, or should have been laid against any person, Club or Team shall report such matters to the Pennant Committees for further action as it deems fit. This may include referring the matter to the Board or back to the Hearing Body for further action.

- 33.** Any person giving untruthful evidence before any Committee of the Association shall be dealt with by the Senior Pennant Committee



ADMINISTRATION RULES

- 34.** Invoices issued by the MPCCA to Clubs must be paid within one calendar month from the date of issue of due notification to the Member Club Secretary, otherwise the Member Club concerned will not be permitted to play in Association matches or, at the Boards discretion, may allow Teams to play but may preclude that Club gaining any points in any Grade whilst in arrears and any points lost shall remain lost. The Board may impose interest at the rate of 12% per annum on any invoices issued by the MPCCA to Clubs subsequent to the end of the playing season that remain unpaid after one calendar month from the date of its issue. The General Manager and or Treasurer shall table a statement of outstanding Invoices at each meeting of the Board. All Invoices incurred by a member club of the Association shall be sent electronically.
- 35.** A Club which is not represented at any properly called General Meeting or other meeting of the Association called by the Board or any Sub-Committee of the Board or the General Manager shall be subject to a fine. Fines as set in the Table of Fines shall apply.
- 36.** Clubs must nominate in writing the number of senior and junior teams required for the coming season. Such nomination form to be in the hands of the Association Secretary at a date prescribed by the Board. Nomination Fees shall be paid on or before the night of the Annual General Meeting.
- Team Registration Fees shall be decided at the Annual General Meeting and shall be increased annually by the lesser amount of 3% or the annual Australian Consumer Price Index (CPI) as of the date of 30 June previous to the Annual General Meeting. Such Team Registration Fees must be fully paid by the Sunday following the scheduled last day's play prior to the Christmas break. Failure to do so may incur fines as set out in the Table of Fines for each Team concerned and at the discretion of the Board, may forfeit all points for the Club whilst in default.
- 37.** Each Member Club shall by 1st September in each year produce to the General Manager of the Association a copy of their Annual Report and Financial Statements for the previous year in such form and detail as would comply with the requirements of the Associations Incorporation Act 1981.



CLUB RESPONSIBILITIES

38. (a) Clubs Meeting its Engagement

Fines, as set out in the Table of Fines will apply for any club failing to meet its engagement, breaking a Law of Cricket or failing to comply with requests of the Association in writing (within 7 days of stipulated time).

(b) Inter-Association Matches

Any player chosen in an Association match and failing to attend shall be called upon by the Pennant Committees for an explanation. Failure to furnish such an explanation will render the player liable to suspension. The Pennant Committee will consider any explanation received and will deal with the player as it deems fit.

(c) Annual Presentation Dinner

The Association shall hold an Annual Presentation Dinner that will include the annual vote count of Provincial Grade and any other such awards the MPCA Executive deem. The date of the Annual Presentation Dinner shall be as early as possible after inclusion of the season's finals matches and the date to be provided to Clubs prior to the scheduled last day's play prior to the Christmas break.

Each club must purchase at least the number of tickets equalling the number of senior teams registered with the Association in the current year and must be represented at Annual Presentation Dinner. In the case of clubs with greater than five or more senior sides, a maximum of five tickets only need be purchased.

Clubs not represented at the Annual Presentation Dinner shall be fined in accordance with the Table of Fines.

(d) Working with Children

With the introduction of the Working with Children Legislation, Clubs are expected to adhere to the Working with Children Act (2005).

CLUBS DISBANDING, MERGING OR UNABLE TO FIELD TWO SENIOR SIDES

39. (a) In circumstances where two or more Clubs merge the newly constituted club shall be graded in the highest competition in which either of the original Clubs played - subject to Rule 11 – Promotion and Relegation.

(b) In circumstances where a club disbands or two or more clubs merge or a club is unable to field two senior teams creating the need for additional teams in the Provincial and/or District competitions, the Board shall be empowered to invite Clubs which finished highest on the ladder in the previous Season in the Sub-District and/or District competitions as necessary to fill the vacancies in the Provincial and/or District Grades.