



CJCC

COMMUNITY JUNIOR CRICKET COUNCIL

Reports, Investigations and Conduct Hearings

Document Control

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Definitions

- CJCC** refers to the Community Junior Cricket Council, the governing body responsible for junior community cricket made up of Associations in the Perth metropolitan area and Peel region.
- Association(s)** *refers to the Association or Council that administers the competition that is being played.*
- Council** *refers to the Community Junior Cricket Council, comprised of independent members and member delegates from each Association*
- Conducts Officer** refers to the person appointed by an Association management committee responsible for investigating any reports of alleged breaches of the Codes of Behaviour*
- Conducts Commissioner** refers to the person appointed by the CJCC Management Committee responsible for investigating any reports of alleged breaches of the Codes of Behaviour
- Hearing** refers to either a Conducts Panel hearing or a Conducts Tribunal hearing
- Conducts Panel** refers to the group of people appointed by an Association to assess a Hearing
- Conducts Tribunal** refers to the group of people appointed by the CJCC to assess a Hearing
- Investigator** refers to a Conducts Officer, Conducts Commissioner or, where relevant to the Associations who have one, a WA Cricket employed Competition Administrator
- Outcome** the result of a Hearing or investigation
- Match Day Activity** refers to any cricket match or any match day activity directly or indirectly concerning any match played under the jurisdiction of the CJCC or a CJCC affiliated Association;
- Non-Match Day Activity** refers to any activity not directly or indirectly concerning any match day activity. This includes, but is not limited to club or Association, training, social event, or communication to, from or between any of these parties.
- Match Official** refers to match umpires appointed by an Association or the CJCC, scorers and Association or CJCC officials appointed to manage a match or tournament.
- Team Official** refers to either teams coach, team captain, team manager or team appointed umpire.
- Club Executive** refers to any club's President, Vice President, Secretary, Treasurer or Association Delegate
- Association Executive** refers to any Association's President, Vice President, Secretary, Treasurer or CJCC Delegate
- Incident Report** refers to a Breach of the Code of Behaviour and Playing Rules or Conditions.
- WA Cricket Competition Administrator** refers to the WA Cricket employed person responsible for competition administration for an Association
- Codes of Behaviour** refers to the documents outlining the expected level of behaviour of participants involved in cricket.
- Flowcharts** refer to the flowcharts available on the CJCC website to assist in navigating the process contained in this document.

Introduction

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

- 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 Conducts Officer of the Association;
 - An Executive Committee Member of the Association;
 - A CJCC Official;
 - A WA Cricket employee;
- 1.2 Reports will be made using Appendix 1 (Incident Report Form) and submitted by email, preferably as a PDF document under the following conditions:
- Appendix 2 (Incident Report Guidelines) provides the details required to make a report.
 - All Incident Reports completed by a club or an individual associated with a club must be co-signed by a club executive committee member before it is sent.
 - Incident Reports can then be sent directly to an Investigator of the Association or CJCC, an Association Secretary or the CJCC Administrator. An Association Secretary or CJCC Administrator will forward them to an Investigator.
 - Incident Reports must be kept confidential and only distributed to Investigators.
 - All Incident Reports must be received within three full days from the end of the day in which the incident occurred (e.g: if the incident took place on a Sunday, the Incident Report must be submitted before midnight on Wednesday night)
 - Reporting of possible Level 4 breaches must be submitted to the CJCC Administrator within three full days of the incident.
 - For reporting of incidents after the required reporting period please note, reports may be submitted to the Conducts Officer of the Association, CJCC Administrator, or Chair of the CJCC and only by the following persons:

- A Conducts Officer of the Association;
- An Executive Committee Member of the Association;
- A CJCC Official;
- A WA Cricket Employee.
- Only identified Level 3 or Level 4 offences shall be investigated.
- Where there is a perceived conflict of interest within an Association, Incident Reports should be submitted directly to the CJCC Administrator

- 1.3 Once an Incident Report is received, the Association or CJCC will then refer the matter to an Investigator for investigation as per Flowchart 1 and 2.
- If a report is submitted where a perceived conflict of interest is present, the CJCC Administrator will refer it to an independent member of that Association for investigation.
 - If no independent member of the Association can be identified the CJCC Administrator will refer it to a CJCC Conducts Commissioner for investigation.
 - 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.
 - Should the initial reporter receive an unsatisfactory response, they may contact the CJCC Administrator, who shall take the necessary action to either ensure the investigation is progressed or escalate the concern to the CJCC Conducts Commissioner.

2 Investigation

- 2.1 The Management Committee of member Associations will appoint a person(s) to the position of Association Conducts Officer who will be responsible for investigating any Incident Report of alleged offences received by an Association. Conducts Officers may use Appendix 4 (Investigation Report) to assist in documenting an investigation. The CJCC Management Committee will appoint a person(s) to the position of Conducts Commissioner who will be responsible for investigating any alleged offences referred to the CJCC.
- 2.2 The WA Cricket Competition Administrator may investigate Incident Reports identified as possible breaches of Level 1 and/or Level 2 offences and determine outcomes.
- 2.3 Conducts Officers shall not be a current or former representative of the Club(s) subject of the investigation.
- 2.4 Conducts Commissioners shall not be a current or former representative of the Club(s) or Association subject of the investigation.
- 2.5 The appointed Conducts Officer(s) or Commissioner(s) may be appointed to investigate individual Incident Reports or may be appointed for a period to investigate multiple Incident reports within that time period.
- 2.6 All reports that are likely to be breaches of Level 1 and 2 of the Code of Behaviour are to be investigated and determined at Association level, except for those that meet the circumstances listed in 2.9.
- 2.7 All reports that are likely to be breaches of Level 3 of the Code of Behaviour can be investigated and determined by an Association or forwarded to the CJCC for investigation and determination.
- 2.8 All reports that are likely to be breaches of Level 4 of the Code of Behaviour must be investigated and determined by the CJCC.

- 2.9 Any reports that are likely to be breaches of Level 1 or Level 2 of the Code of Behaviour shall be investigated and determined by the CJCC Conducts Commissioner if they are part of the same incident report where the CJCC Conducts Commissioner is investigating likely breaches of Level 3 or 4 of the Code of Behaviour.
- 2.10 Upon receipt of an Incident Report the Investigator will send a request to the Club(s) identified asking the Club(s) to seek statements from witnesses that support or refute the allegation(s) being made. Should clubs not be involved in the investigation, the Investigator may take reasonable steps to make direct contact with any potential witnesses to seek statements from them. All statements should be completed on Appendix 3 Witness Statement Form
- 2.11 Should any witnesses decline to provide statements or do not do so within the timeframe nominated by the Investigator, their statement will not be included in the investigation unless extenuating circumstances exist, and an extension is requested from the Investigator. It will be at the discretion of the Investigator as to whether an extension will be granted, and statements allowed.

3 Breach(es) Identified

- 3.1 Once the Investigator has reviewed all provided Incident Reports, statements and relevant documents they will determine:
- That an offence has not been committed and take no further action. The Investigator shall inform both the individual, team or club involved as well as the person making the initial Incident Report.
 - That offence(s) has likely occurred and return responsibility of the Incident Report to the Club President(s) of the person(s) involved for an informal or internal resolution to be achieved.
 - That offence(s) has likely occurred, charges will be identified, and a penalty outcome will be offered. The penalty offer will be sent to the Association or Club where relevant, using the Notification of Breach and Offer of Penalty letter (Appendix 7), who will in turn notify the individual or team and/or Club. Refer to Flowchart 2 for the process.
- 3.2 If the penalty outcome is determined by a WA Cricket Competitions Administrator and is either a suspension or a suspended suspension the Competition Administrator shall obtain the co-signature of a Conducts Officer from a different Association to the person(s) being offered the outcome. This co-signature may be in electronic form.
- 3.3 Once received, the individual, team or Club will have two (2) options in how to respond to the notification:

Option 1: Accept the charge(s) and offered outcome:

- 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) and/or offered outcome:

- 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:

- Refer the charge(s) to a Conducts Panel or a Conducts Tribunal.

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

4 Conducts Panel or Conducts Tribunal

- 4.1 The Association Executive of the member Association will appoint suitable persons to sit on the Conducts Panel, one of which will be appointed as the Chairperson of the Conducts Panel.
- 4.2 The Management Committee of the CJCC will appoint suitable persons to sit on the Conducts Tribunal, one of which will be appointed as the Chairperson of the Conducts Tribunal.
- 4.3 Each Conducts Panel or Conducts Tribunal will consist of up to three persons, with a minimum of two persons. In addition to the appointed Conducts Panel or Conducts Tribunal members, there should also be a minute taker at the Hearing.
- 4.4 Conducts Panel or Conducts Tribunal members shall not be current or former representatives of the Club or Clubs involved in the Hearing or that the charged represent.
- 4.5 The Investigator shall not be on the Conducts Panel or Conducts Tribunal. The Investigator may be called to speak to the material submitted.

5 Conducts Panel Hearing or Conducts Tribunal Hearing (refer Flowchart 3)

- 5.1 When the charges are referred, the Conducts Panel or Conducts Tribunal will determine if, when and where the Hearing will take place. Using Appendix 5 (Notification of Conduct Hearing) the individual, team or Club will be notified that they are required to attend.
- 5.2 The Conducts Panel or Conducts Tribunal will hear the charge(s), evidence and statements and determine whether the charge(s) are upheld or dismissed.
- 5.3 If the charge(s) are upheld the Conducts Panel or Conducts Tribunal may impose any penalty it deems appropriate, considering the CJCC Offence and Penalty Guidelines.
- 5.4 The Conducts Panel and 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.
- 5.5 The Conducts Panel or 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.
- 5.6 The electronic record is not to be distributed outside of the Conducts Panel or Conducts Tribunal.
- 5.7 The electronic record is to be deleted once minutes have been completed.
- 5.8 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 Panel or 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.
- 5.9 All people charged and appearing at a Hearing before the Conducts Panel or 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 Panel or Conducts Tribunal Chairperson.
- 5.10 All parties except the Conducts Panel members or Conducts Tribunal members and minute taker must leave the room when it is deliberating on its decision.
- 5.11 If a Conducts Panel or Conducts Tribunal Hearing cannot be started/completed before the beginning of a relevant match the Conducts Panel or 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.

- 5.12 The Conducts Panel or Conducts Tribunal Chairperson shall ensure the relevant parties are notified of the outcome in writing as soon as practicable.

6 Appeals (refer Flowchart 4)

- 6.1. If the individual, Club or affiliate body want to appeal a Conducts Panel or Conducts Tribunal determination or penalty, they shall lodge an appeal in writing to the CJCC Administrator within seven full days of the Hearing outcome.
- 6.2. The CJCC Appeals Board shall be responsible for assessing all appeals related to decisions of Conduct Panels or Conduct Tribunals.
- 6.3. The CJCC Appeals Board shall be determined and appointed by the CJCC.
- 6.4. The CJCC Appeals Board will consist of up to three persons, with a minimum of two persons, one of whom shall be appointed as chairperson.
- 6.5. One or more of the CJCC Appeals Board may be a member of the CJCC.
- 6.6. When there are only two members of the CJCC Appeals Board, the Chairperson has a deciding vote.
- 6.7. CJCC Appeals Board members shall not be former or current representatives of the Clubs or clubs involved in the Conduct Panel or Conducts Tribunal Hearing.
- 6.8. CJCC Appeals Board members shall not be members of the Conduct Panel or Conduct Tribunal Hearing whose determination or penalty is being appealed.
- 6.9. 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 CJCC Appeals Board.
- 6.10. The CJCC Appeals Board will review the written appeal and assess if there are grounds for an appeal.
- 6.11. The CJCC Appeals Board shall be provided with all Incident Report(s), statements and relevant documents to the hearing of the appeal. This could include but is not limited to:
- The Minutes from the Conduct Panels or Conducts Tribunals Hearing;
 - The Investigation Report and submissions presented at the Conducts Panel or Conducts Tribunal Hearing;
 - The Charges and Penalties Sheet from the Conducts Panel or Conducts Tribunal Hearing;
 - Information on prior offences;
 - Any new or additional evidence may be included at the discretion of the CJCC Appeals Board.
- 6.12. If the CJCC Appeals Board determine there are grounds for an appeal:
- The CJCC Appeals Board may keep or alter charges and penalties made by the Conducts Panel or Conducts Tribunal without a rehearing if, in their opinion, a charge, determination or penalty of a Conducts Panel or Conducts Tribunal is clearly mistaken, improper or unfair;
 - The CJCC Appeals Board may order a rehearing if, in their opinion, a charge, determination or penalty of a Conducts Panel or Conducts Tribunal is clearly mistaken, improper or unfair.
- 6.13. The rehearing shall be heard by the CJCC Appeals Board:
- The CJCC Appeals Board will provide new determinations and penalties. These may be the same as the Conduct Panel or Conducts Tribunal findings.
- 6.14. There shall be no automatic right of appearance before the CJCC Appeals Board by any of the parties who appeared before the Conducts Panel or Conducts Tribunal Hearing.
- 6.15. 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 CJCC Appeals Board's approval.
- 6.16. The decision of the CJCC Appeals Board is final.
- 6.17. Should an appeal subsequently be upheld any penalty previously served shall nevertheless be deemed to be valid.
- The CJCC Appeals Board Chairperson shall notify the relevant parties of this outcome in writing as soon as practicable.