Victorian Metropolitan Cricket Union
(Incorporated)

Part III

By Laws

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1 APPOINTMENT OF COMMITTEES

1.1 The following Committees, whose duties are specified in these By Laws, shall assist the Board in the management of the Union.

- Match Committee.
- Selection Committees.
- Appeals, Disputes and Tribunal.
- Finance
- Senior Rules Committee
- Junior Rules Committee

The Board may also appoint ad hoc Committees and Sub Committees from time to time to assist in the operation of the Union and these Committees and / or Sub Committees shall be responsible to the Board in their various fields and tasks.

1.2 All Committees and Sub Committees shall be chaired by a Board Member who shall also be a Member of that Committee.

1.3 The President is an ex officio Member of all Committees with full voting rights.

1.4 A Member of a Committee or Sub Committee shall not vote on any matter in which he has a pecuniary interest or in which he is a Member of a Member Association directly concerned with the business at hand.

1.5 The chairperson of a Committee shall have a casting vote in addition to his primary vote on all matters where an equality of votes on a question or motion exists.

1.6 The Board may at its discretion co-opt any Member to assist the Committees or Sub-Committees in the execution of their duties.

1.7 The Board may from time to time disband any Committee or Sub Committee appointed by it under these By Laws.

1.8 All Committees may exercise all the powers, shall have such authorities, discretion's and do all such acts as are permitted by the Rules of the Union and these By Laws or as directed from time to time by the Board.

1.9 Members may nominate persons for appointment to any Committee. Such nominations shall be in writing and lodged with the

Administrator of the Union not less than seven (7) days before the Annual General Meeting. The appointment of such nominees to a Committee including a Selection Committee shall be solely at the discretion of the Board.

1.10 A Member Association shall not have more than one (1) representative on any Committee or Sub Committee of the Union.

1.11 Committees shall deal with all matters that may from time to time be delegated by the Board but shall at all times be limited by the specific powers vested in such Committee or Sub Committee by the Board.

1.12 Committees shall not be empowered to incur debts or enter into contracts on behalf of the Union without prior approval of the Board.

1.13 The office of a Committee Member shall be deemed vacant if any of the circumstances set out in Rule 13 of the Rules of the Union apply to such Committeeman.

1.14 A casual vacancy arising on any Committee, or Sub 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.

1.15 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 on a majority of votes.

1.16 In the event that the appointed Chairman of a Committee is unable to attend a Meeting, then another Member of the Board shall be appointed to chair that Meeting.

1.17 The appointed Chairman of a Committee or any two (2) Committee Member of such Committee may at anytime summon a Meeting of such Committee.

1.18 The quorum necessary for the transaction of business at a Committee Meeting shall be a majority number of persons on that Committee. The President as an ex-officio Member of such Committee if present shall be included in the count.

2 MATCH COMMITTEE

2.1 The Match Committee shall consist of a Director as Chairman and four (4) other members appointed by the Board as defined in the rules. It shall be the responsibility of the Committee to:

2.1.1 Recommend to the Board a program of matches for the season for use by all Member Associations.

2.1.2 Recommend and arrange inter association matches including the Keith Mitchell Shield / Neil Wright Shield and other Junior and Senior matches as required.

2.1.3 Review possibilities for other representative cricket as deemed appropriate

2.1.4 Deal with any other matter referred to it by the Board

3 SELECTION COMMITTEES

3.1 Selection Committees shall consist of three members appointed by the Board.

3.1.1 They shall be responsible to the Board for the selection of representative teams.

3.1.2 The Board shall be empowered to fill any casual vacancies occurring during the period of office of a Selection Committee.

3.1.3 A Selection Committee shall have clear guidelines on the criteria for selection. All Associations and players shall be made aware of such criteria.

3.1.4 The Board shall have the power to exclude a player from any team selected by a Union Selection Committee however such exclusion shall be restricted solely to proper grounds not related to that person's playing ability.

3.1.5 Any player excluded from a team under By Law 3.1.4 shall have the right to appeal to a Meeting of the Board. Such appeal shall be in writing and the Administrator shall then include the appeal as an agenda item of the next available Board Meeting.

3.1.6 Selection Committees shall carry out all duties of a like nature as may from time to time be directed by the Board.

3.1.7 Selection Committee members shall hold office for such period as the Board may specify but, in every case, not later than the conclusion of the next Annual General Meeting of the Union.

4 POWER TO SETTLE DISPUTES

4.1 The Board shall have the power to settle disputes which may arise in connection with any matches played by or arranged between Member Associations or Associations subject to the jurisdiction of the Union or in connection with any matches played under its patronage and without in any way limiting the generality of the powers hereby conferred the Board may do all other acts, deeds or things which are authorized by the Rules of the Union or which may be deemed necessary for carrying out the objects of the Union or which the Board may consider conducive to the interests of the game of Cricket provided that the Board may delegate such powers or any of them to an Independent Tribunal of three (3) persons appointed by the Board to act in a manner consistent with the provisions of the Act, the Statement of Purposes, Rules and By Laws of the Union or which may be determined by the Board jointly with any other governing cricket body.

5 REFERRAL OF DISPUTES

5.1 Each Member Association shall manage its own competitions and affairs and shall have the power to refer any dispute or question to the VMCU for determination provided always that the Rules of such Member Association make provision for such reference. The decision of the VMCU shall be final.

6 TRIBUNAL

6.1 The Board shall from time to time have the power to appoint an Independent Tribunal of three (3) persons to hear all disputes referred to it and all charges against persons or Member Associations or their teams, or Umpires, Members or Officials, arising out of matches, trials

or events under the Union's direct jurisdiction provided that the Union may at its discretion delegate the powers and duties of the Tribunal to an existing properly constituted Tribunal of a Member Association to determine the matter. The Tribunal may at its discretion recommend actions to the Board in matters referred to it, and shall have the power to suspend, fine or reprimand players, Members or umpires reported for offences under the Laws of Cricket, Rules or Competition or Codes of Conduct, but such power shall be limited at all times by the specific powers invested in the Tribunal by the Board.

6.2 The Tribunal shall hear all charges against persons or Members referred to it by the Board. The Tribunal shall be convened as determined by the Tribunal Chairman in consultation with the Administrator and the parties concerned.

6.3 The Tribunal in hearing every charge shall observe the following procedure:

6.3.1 Every person, Member or team charged shall be afforded the opportunity to be present and hear all evidence given. If desired, they may be represented by an advocate, or if an Umpire by a member of his Umpires Organization and they or representative shall have the right to question any witness called against him and to lead evidence and produce witnesses in the defence and to address the Tribunal.

A legal practitioner, only in exceptional circumstances, can act for any person appearing before the Tribunal. Notwithstanding this restriction, the Tribunal shall have absolute discretion to grant or refuse leave in the circumstances where a Club official, who would normally be expected to assist a party before the Tribunal, is a legal practitioner.

6.3.2 Reported individuals and teams are required to attend the Tribunal unless and until excused by the Tribunal.

6.3.3 The Tribunal shall impose such penalty by way of disqualification, suspension, fine, reprimand or otherwise as it thinks fit on any person, team or Member found guilty of a charge as reported.

6.3.4 The Chairman of the Tribunal shall forthwith report to the Board any determination or decision made by the Tribunal. The Board shall notify all parties in writing within seven (7) days of receipt of the Tribunal's advice.

6.3.5 Persons, teams, Members, Officials or Umpires at any match conducted by the Union or under its direct auspices may be reported to the Administrator of the Union in writing for:
(a) breaches of Codes of Conduct,
(b) breaches of the Laws of Cricket,
(c) misconduct, or
(d) bringing the game of cricket into disrepute

7 SUSPENDED PLAYERS, UMPIRES, OFFICIALS OR CLUBS

7.1 Any player, umpire, official or club disqualified by:

7.1.1 The Victorian Metropolitan Cricket Union (VMCU)

7.1.2 or a VMCU affiliated association

7.1.3 or the Victorian Cricket Association (VCA)

7.1.4 or VCA affiliated associations and clubs

7.1.5 or the Victorian Country Cricket League (VCCL) or its affiliated associations

shall be disqualified from playing or participating in any match or any competition of a Member Association or Region until the suspension has been served or removed by the responsible Tribunal or Association Authority.

7.2 Member Associations suspending players, Clubs or Officials by due and proper process may notify the Administrator of the Union in writing of the names of persons or Clubs so suspended, the terms of suspension and other relevant details. Where such suspensions exceed 4 weeks Member Associations shall notify the Administrator of the term of the suspension and the date of effect. As soon as is convenient after the receipt of any such notice, the Administrator shall notify all Member Associations.

7.3 The notification in writing of the suspension of players, Officials or Clubs received by the Administrator from properly constituted cricket

bodies affiliated with the VCA shall be dealt with in the same manner as in sub clause 7.2.

7.4 All VMCU affiliated associations shall include rules that recognise suspensions notified under 7.2 & 7.3 above.

8 APPEALS

8.1 Appeals on VMCU Decisions

8.1.1 A Member, person, team, Umpire or Club dealt with by a Committee of the Union or by the Board pursuant to the Rules of the Union shall have the right of appeal against the decision of the Committee or Board as set out hereunder. However, such right of appeal shall not extend to decisions or determination of the board clearly specified in the Rules of the Union as being the sole prerogative of the Board in relation to matters of administration of the Union, arranging of competitions and matches, the raising of finances and other like matters.

8.1.2 The appeal process undertaken by any person or Member shall be limited to a single appeal only. Appeals must be lodged with the Administrator of the Union within fourteen (14) days of the decision, which is the subject of the appeal. An appeal fee of $200 or as set from time to time by the Board must accompany any appeal submitted under the By Law. The fee shall be forfeited if the appeal is deemed frivolous by the body hearing the appeal.

8.1.3 Unless otherwise stated in these Rules, all appeals by persons or Members against a ruling of any body subordinate to a Committee shall be to the relevant Committee.

8.1.4 All appeals by persons or Members against rulings or decisions of a Committee including the Tribunal in disciplinary matters or the Selection Committee shall be to the Board.

8.1.5 All appeals against rulings or decisions of the Tribunal in disciplinary matters or the Selection Committee shall be heard by a full meeting of the Board.

8.1.6 An appeal by a person or a Member Association against rulings of the Board shall be to a General Meeting by way of an ordinary resolution to rescind the Board ruling and shall in all respects comply with the Rules of the Union.

8.1.7 All decisions made on appeals shall be made on the balance of probabilities.

8.1.8 A legal practitioner, only in exceptional circumstances, can act for any person appearing before the Tribunal. Not withstanding this restriction the Tribunal shall have absolute discretion to grant or refuse leave in the circumstances where a Club official, who would normally be expected to assist a party before the Tribunal, is a legal practitioner. However, written legal opinion may be tendered in evidence.

8.1.9 No appeal shall be heard unless:

8.1.9.1 Evidence not originally presented is available which may have reasonably affected the decision of the original ruling body; or

8.1.9.2 The appellant can demonstrate that an error in law or a ruling contrary to the Rules and/or the By Laws of the Union was made by the ruling body; or

8.1.9.3 In the opinion of the body hearing the appeal or the Board the appeal ought in fairness be heard.

8.2 Appeals Process On Association Decisions

(a) All VMCU affiliated associations shall convene under the rules of their association a tribunal/executive to hear all relevant reports and hearings.

(b) All VMCU affiliated associations shall convene under the rules of their association an appeals process to an independent tribunal within their own association. No member who has sat on the original hearing or who has a perceived conflict of interest shall be party to the appeals process.

(c) All VMCU affiliated associations shall convene under the rules of their association the right of appeal to the VMCU by any person, player, club or association dealt with under (a)

and (b) above. No member who has sat on the tribunal or the appeals process under (a) and (b) above shall be party to the VMCU Appeals Tribunal

No appeal will be considered unless all of the above clauses have been complied with.

8.2.1 A person, player, official, club or umpire dealt with by an association pursuant to the rules of the association may have the right of appeal to the V.M.C.U Appeals Tribunal. This right is not available until all appeal processes have been exhausted within the association. However, such right of appeal shall not extend to decisions or determinations of the association clearly specified in the association's rules as being the sole prerogative of the association in relation to matters of:

- Administration of the association.
- Arranging the competition and matches,
- The raising of finance,
- Financial matters relating to person, club, player or umpires,
- Player registrations,
- Constitutional matters and any other like matters.

8.2.2 The appeal process undertaken by person, player, umpire or club shall be limited to a single appeal. Appeals must be lodged in writing, within fourteen (14) days of the decision/hearing date, which is the subject of the appeal. An appeal fee of $200, or as set from time to time by the V.M.C.U. Board, must accompany any appeal submitted. The fee shall be forfeited if the appeal is deemed as frivolous by the body hearing the appeal. In the case of the appeal being deemed frivolous, half of the fee shall be retained by the V.M.C.U. and half shall be refunded to the association, or body, defending the appeal.

8.2.3 Appeals shall not be processed until the following have been complied with:

8.2.3.1 Decision/hearing findings are registered with the VMCU, by the association in the case of suspensions/fines imposed by the tribunal.

8.2.3.2 Person, player, official, club or umpire has notified the governing association of the intent to appeal and lodged with that association a copy of the grounds of appeal

8.2.3.3 Person, player, official, club or umpire is fully financial to the governing association.

8.2.4 Every person, player, official, club or umpire charged shall be afforded the opportunity to be present and hear all evidence given. If desired, an advocate may represent them, or if an umpire, by a member of his umpires' organisation and they or the representative shall have the right to question any witnesses called against him and lead evidence and produce witnesses in the defense and to address the tribunal.

8.2.5 The Appeals Tribunal shall be conducted in accordance with the V.M.C.U's Tribunal procedures.

8.2.6 A legal practitioner, only in exceptional circumstances, can act for any person appearing before the Tribunal. Not withstanding this restriction, the Tribunal shall have absolute discretion to grant or refuse leave in the circumstances where a club official who would normally be expected to assist a party before the Tribunal, is a legal practitioner. Written legal opinion may be tendered in evidence.

8.2.7 Appellants and governing associations will be required to attend the Tribunal unless, and until, excused by the Tribunal.

8.2.8 The Tribunal Chairman shall forthwith report to the Board any determination or decision made by the Tribunal. The Board shall notify all parties in writing within 7 days, or electronically within 48 hours of receipt of the Tribunal's advice.

8.2.9 The V.M.C.U. Appeals Tribunal shall consist of no less than three (3) persons as decided by the VMCU Board

8.2.10 No appeal shall be heard unless:

8.2.10.1 Evidence not originally presented is available which may have reasonably affected the decision of the original ruling body; or

8.2.10.2 The appellant can demonstrate that an error in law or a ruling contrary to the Rules and/or the by-Laws/Constitution of the Association, was made by the ruling Association; or

8.2.10.3 In the opinion of the body hearing the appeal, the appeal ought, in fairness be heard.

8.2.11 All decisions made on appeals shall be made on balance of probabilities, and shall be final.

9 FINANCE COMMITTEE

9.1 The finance sub committee shall comprise a Director as Chairman, the Treasurer and two (2) other members. This committee shall arrange and recommend to the Board matters for budgets, Grants and sponsorship opportunities. As directed by the Board, it shall also investigate, and formulate financial initiatives for the betterment of Member Associations and their Clubs

10 FINES

10.1 Fines must be paid within one (1) calendar month from the date of issue of due notification to the Member otherwise the Member concerned shall be ineligible to participate in competitions run by the Union or to exercise the right to vote at Meetings of the Union.

11 PLAYING RULES COMMITTEES

11.1 SENIOR RULES
The Senior Rules Committee shall consist of a Director, as Chairman, and three other members appointed by the Board.

Its duties shall be to:

11.1.1 Examine revisions to the Constitution and Rules pertinent to Senior Cricket, proposed by Officers, Board Members or Associations.

11.1.2 Make recommendations for consideration at the Annual General Meeting or a Special Meeting called for that purpose.

11.1.3 Examine revisions to the Laws of Cricket and general rules applicable to the overall best interest of metropolitan cricket.

11.1.4 Hear and deal with all appeals for Clearance, Permits, Disputes, Protests, breach of Rules or interpretation of such matters, relevant to Senior Cricket as referred by the Board.

11.1.5 Deal with any other matter referred to it by the Board.

11.2 JUNIOR RULES

The Junior Rules Committee shall consist of a Director as Chairman and three other members appointed by the Board.

Its duties shall be to:

11.2.1 Examine revisions to the Constitution and Rules pertinent to Junior Cricket, proposed by Officers, Board Members or Associations.

11.2.2 Make recommendations for consideration at the Annual General Meeting or a Special Meeting called for that purpose.

11.2.3 Hear and deal with all appeals for Clearances, Permits, Disputes, Protests, and breach of Rules or interpretations of such matters relevant to Junior Cricket as referred by the Board.

11.2.4 Deal with any other matters referred to it by the Board

12 FEES AND LEVIES PAYABLE BY ASSOCIATIONS

12.1 **Affiliation Fees and Levies**

The annual affiliation fee payable by each Member Association shall be as determined by the Board from time to time and shall be payable on or before such day as the Board may fix from time to time or upon admission to the Union.

In addition each Member Association shall be required to pay to the Union, by the date specified by notice in writing, such additional

levies and fees as the Board deems appropriate for participation in competitions, promotions, seminars and like events in conformity with the Statement of Purposes and Rules of the Union.

In fixing such additional levies or charges the Board may have regard to whether a Member Association is grouped with one or more other Members or any other special circumstance relating to the Member or to the Group within which a Member Association is to participate.

12.2 **National Championship Levy**
For so long as the Board determines that a Union representative team shall participate in the National Metropolitan Championship competition controlled by the Australian Metropolitan Cricket Committee then the method for financing the Union's participation in the Competition shall be determined by simple majority at the Union's Annual General Meeting which immediately precedes the competition any such determination being binding on affiliated bodies. Provided always that the Board shall recommend each year or such other days as the Board may fix from time to time, alternative methods of obtaining finance for the following National Metropolitan Championship, and that any such recommendations shall be notified to Member Associations at least seven clear days prior to the Annual Meeting. In the event that none of the recommended methods are adopted at the Annual Meeting then the Union shall withdraw from the National Metropolitan Committee Competition unless the Board can arrange to finance the Union's entry without imposing financial obligation on the Members.

13 PROCEDURES AND REQUIREMENTS FOR GENERAL MEETINGS

13.1 All notices of motion for consideration at General Meetings of the Union must be delivered to the Administrator in writing at least 30 days before such Meeting.

13.2 A notice of motion, which has been entered on the business paper of a Meeting, shall not proceed in the absence of the Member giving that notice unless he has properly appointed a proxy to do so in accordance with the Rules and By Laws of the Union.

13.3 A motion shall not be discussed until it has been seconded and when seconded shall not be withdrawn without leave of the Meeting.

13.4 When a motion has been properly moved and seconded any Member shall be at liberty to move an amendment thereon. Such amendment shall not be discussed until seconded.

13.5 A second amendment to a motion shall not be accepted until the previous amendment has been determined.

13.6 If an amendment be carried, the question as thereby amended shall become the question before the Meeting whereupon any other further amendment on it may be moved.

13.7 If any amendment whether upon the original motion or upon any amended motion is lost then a further amendment (not to the same effect as that already lost) may be moved, and so on provided that not more than one question and one proposed amendment shall be before the Meeting at any one time.

13.8 Except by permission of the Chairman, all questions shall be in writing and, after the Chairman has given the answer, no discussion shall be allowed except upon a motion under notice as per 13.1.

13.9 No Member shall speak twice on the same question unless in explanation and then only with the permission of the Chairman provided than any Member who has previously spoken on the original questions shall be entitled to speak once on each amendment and that the mover of the motion shall have the right of final reply.

13.10 No Member shall speak upon any motion or amendment for a period longer than five (5) minutes without consent of the Meeting.

13.11 A Member shall, when required by the Chairman immediately withdraw any offensive expressions or imputations of motive. A Member refusing to withdraw expressions or imputations shall not be allowed to further address the chair at that or any other Meeting of the Union until he shall have complied with such requirement nor shall his vote be recorded on any question.

13.12 The Chairman shall preserve order and may at any time call to order any Member whom he may deem out of order and when two or more Members rise to speak at the same time, he shall decide the order in which they will be heard.

13.13 Any Member may call the attention of the Chairman to any other Member being out of order or to any point of order.

13.14 Every point of order shall be dealt with immediately upon its arising and shall be decided by the Chairman.

13.15 No motion to rescind any decision shall be entertained except at a General Meeting of the Union called for that purpose.

14 REGIONS

14.1 The Regions constituted under these Rules and By Laws shall be entitled to select an appropriate name for their particular Region. However, they shall not use or register such name except with prior approval of the Board or a General Meeting of the Union.

14.2 Regions shall be required to facilitate and or participate in, as appropriate, initiatives or programs approved by the Board or General Meeting of the Union for the promotion and enhancement of Cricket run by the Australian Cricket Board, the Victorian Cricket Association and / or the Union.

14.3 Regions shall not be permitted to accept sponsorships that are deemed by the Board to be contrary or detrimental to the interests of existing Sponsorships held by the Victorian Cricket Association and/or the Union. In all such cases the Board shall determine the matter in accordance with the Rules of the Union and the Region or Regions shall be entitled to be heard at any Board Meeting convened to determine the matter. The decision of the Board shall be binding on the Region or Regions and on the Member Associations.

15 RESPONSIBILITIES OF MEMBER ASSOCIATIONS

15.1 All member associations are required to incorporate in their rules any Policies adopted by the VMCU. In addition they must adopt the principles of any Guidelines produced by the VMCU from time to time. Policies and Guidelines under this rule are clearly identified on the VMCU website.

15.2 Where applicable, they should also require their member clubs to recognise such Policies and Guidelines in their member clubs' rules.

15.3 A member association, receiving an application for admission from a club previously affiliated with another member association, will not accept such application unless the club has advised its former association of the application no later than July 31th of the year in question and that association has no objection to the transfer. Any dispute arising from this action will be handled according to By- Law 5.1