
COMPLAINTS AND RESOLUTION POLICY
A BY-LAW OF CRICKET VICTORIA

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CONTENTS

SUMMARY – KEY COMPLAINTS AND RESOLUTION PRINCIPLES	1
COMPLAINTS AND RESOLUTION PROCESS FLOWCHART	3
PART I – INTRODUCTION	4
1. What is the purpose of this policy?	4
2. Who does this policy apply to?	4
3. When this policy applies	4
4. What do words in this policy mean?	5
5. Conflicting provisions	5
PART II – BREACHES OF THIS POLICY.....	5
6. Breaches	5
PART III – COMPLAINTS AND REPORTS	6
7. Complaints	6
8. Reports	7
9. Children or young people, Vulnerable Persons and support persons	7
10. Managing Reports or Complaints	8
11. Submitting a complaint or report	10
12. Confidentiality	10
13. Appointment of managers	11
14. Failure to cooperate	11
PART IV – INITIAL RESPONSE	11
15. Evaluation	11
16. Case Categorisation	12
17. External referral	13
18. Provisional Action	13
19. Investigation.....	14
20. Standard of proof	14
21. Alternative Dispute Resolution	14
PART V – RESOLUTION.....	15
22. Findings	15
23. Resolution Process	15
24. Sanctions	15
25. Breach Notice	16
26. Referral to a Hearing Tribunal	18
27. Hearing Tribunal	18
28. Appeals.....	18
29. Sanction Implementation.....	19
30. Closure	20
PART VI - GENERAL.....	20
31. Status of this Policy.....	20
32. Interpretation.....	20
33. Responsibilities under this Policy	21
SCHEDULE 1 - POLICY DEFINITIONS	22
SCHEDULE 2 – COMMUNITY CRICKET HEARING TRIBUNALS.....	27
1. Community Cricket Peak Body or Region Hearings	27
SCHEDULE 3 – CRICKET VICTORIA HEARING TRIBUNALS	31

1. Cricket Victoria Hearings.....	31
<u>SCHEDULE 4 - APPEAL BODIES.....</u>	<u>34</u>
1. Appeals – Non Premier Clubs or Cricket Victoria	34
2. Appeals – Premier Clubs and Cricket Victoria.....	35
<u>ANNEXURE A - CRICKET VICTORIA COMPLAINT FORM.....</u>	<u>37</u>
<u>ANNEXURE B – TEMPLATE LETTERS.....</u>	<u>40</u>

SUMMARY – KEY COMPLAINTS AND RESOLUTION PRINCIPLES

This Complaints and Resolution By-law (**Policy**), effective from 26 August 2024, sets out the processes to be followed when Reports and Complaints of alleged non-Match Day misconduct (adult or child-related) are made in Victorian cricket. Match Day misconduct will generally be dealt with via the relevant competition rules.

By adopting and enforcing this Policy, Cricket Victoria is committed to working with Victorian Cricket Organisations and providing guidance as needed in order to most appropriately, effectively and efficiently resolve any Report or Complaint under any Relevant Policy.

The following key principles apply to the resolution of all Reports and Complaints under this Policy from 26 August 2024, even if the Complaint or Report arose prior to that date:

- P1 A Complaint is a formal, written submission of one or more breaches of Relevant Policies, by a named Complainant against a named Respondent and it cannot be anonymous. This is because the person against whom the Complaint is made – the Respondent – is entitled to understand the allegations made against them and who has made that Complaint, in order to provide them with a fair opportunity to be able to respond to those allegations.
- P2 A Report also relates to allegations of misconduct or a breach of a Relevant Policy, but does not meet the definition of a Complaint. This may be because it may not be formal or written and/or it may be submitted anonymously. While all persons are encouraged to make Reports – particularly regarding the safety and wellbeing of Children and Young People - if submitted anonymously, it may limit the ability to investigate and/or resolve that Report unless further details of who is making the allegations are provided.
- P3 Reports and Complaints involving Children or Young People and Serious Breaches involving potentially criminal conduct should initially be referred to Cricket Victoria via its MPIO mailbox at mpio@cricketvictoria.com.au. Cricket Victoria may delegate a Report or Complaint to another relevant Victorian Cricket Organisation, as appropriate.
- P4 Where appropriate and having regard to the seriousness and complexity of the matter and any conflicts of interest (see the factors in clauses 10.1 to 10.4 of this Policy), Reports and Complaints will be dealt with by the Relevant Victorian Cricket Organisation that is most directly related to the allegations (club, indoor centre, association, region, Peak Body or Cricket Victoria).
- P5 Every Victorian Cricket Organisation must appoint a Complaints Manager to facilitate any complaint process (which is recommended to be their existing Child Safe Officer and/or MPIO) to manage the Reports and Complaints processes under this Policy. For this purpose:
- Ideally, the head of each Victorian Cricket Organisation (President or equivalent, or an appropriately appointed person) will act as a Decision Maker to make decisions in relation to Reports and Complaints under this Policy; and
 - the Complaints Manager and Decision Maker must be different people for a particular Report or Complaint.

- P6 Various processes are available to resolve Complaints and Reports, including investigation and issuing a Breach Notice, referral to a Hearing Tribunal, external referral, Alternative Dispute Resolution, or a combination of these. Template letters have been drafted to assist Victorian Cricket Organisations to manage Complaints and Reports and can be found at Annexure A of this Policy.
- P7 Central to any process conducted under this Policy is the concept of 'procedural fairness'. This means that the person against whom the allegations are made – the Respondent - has a right to:
- a decision made by an unbiased adjudicator (for example, the adjudicator(s) has/have no applicable conflict of interest); and
 - adequate notice of the case against them, and a right to respond (for example, the Respondent receives details of the allegations made against them and copies of any evidence to be relied on to attempt to prove those allegations).
- P8 If a matter goes to a Hearing Tribunal, that Hearing Tribunal will be convened by the Victorian Cricket Organisation that is managing the Complaint. For Affiliated Associations and Clubs, they may seek to convene a Hearing Tribunal with the assistance of their Community Cricket Peak Body.
- P9 If a Breach is substantiated and a Sanction imposed, the Victorian Cricket Organisation managing the Complaint must update the Play HQ and/or Umpire HQ Database and notify Cricket Victoria in certain circumstances, and all Victorian Cricket Organisations must ensure Sanctions under this Policy are enforced and upheld in all Victorian Cricket Organisations.
- P10 Decisions made under this Policy (other than in relation to provisional (or temporary) action made to reduce any risk to the safety of others in cricket) may be appealed once. Appeals must be notified within 72 hours of notification of the original decision and require a fee of \$500 to be paid to the Victorian Cricket Organisation managing the appeal, within seven days of lodging the notification of intention to appeal.

COMPLAINTS AND RESOLUTION PROCESS FLOWCHART



COMPLAINTS AND RESOLUTION PROCESS FLOWCHART

AS AT AUGUST 2024

Support - Do the parties to the complaint need support? Explore throughout the process
Further Detail - Please reference the Cricket Victoria [Complaints & Resolution Policy](#) for details at each step



PART I – INTRODUCTION

1. WHAT IS THE PURPOSE OF THIS POLICY?

- 1.1** The purpose of this Policy is to ensure that alleged breaches of Cricket Victoria’s Member Protection Policy and Australian Cricket’s Child Safe Policies are managed through an effective, consistent and timely process, which is fair and transparent.
- 1.2** This Policy sets out the process and parameters for how alleged Breaches are reported, managed and resolved.
- 1.3** By adopting and enforcing this Policy, Cricket Victoria is committed to working with Victorian Cricket Organisations and providing guidance as needed, in order to most appropriately, effectively and efficiently resolve any Report or Complaint under any Relevant Policy.
- 1.4** This Policy should be read and used in conjunction with the Member Protection Policy and Australian Cricket’s Child Safe Policies.
- 1.5** It is not intended that this Policy deals with allegations of breaches of Match Day and/or competition policies unless, at the discretion of Cricket Victoria, any such allegation(s) relate to Children or Young People and/or Serious Breaches.

2. WHO DOES THIS POLICY APPLY TO?

- 2.1** This Policy applies to the following organisations and individuals (each a **Relevant Person** or **Relevant Organisation** as applicable):
- (a) all Bound Persons and Bound Organisations as defined in the Member Protection Policy;
 - (b) all those bound by any Relevant Policy;
 - (c) any person who, or organisation that:
 - (i) has had a Complaint or Report made against them; and
 - (ii) was bound by the Relevant Policies at the time of the alleged Breach, even if they are no longer a Relevant Person or Relevant Organisation.
- 2.2** Employees are expected to abide by the terms of the Relevant Policies as a reasonable and lawful direction of the Relevant Organisation they are employed by (as applicable) as their employer.
- 2.3** Any person or organisation who has had a Complaint or Report made against them and was bound by the Relevant Policies at the time of the alleged behaviour continues to be bound by the Relevant Policies until the Complaint or Report is finalised and any sanction has been complied with.

3. WHEN THIS POLICY APPLIES

- 3.1** This Policy applies to Reports or Complaints of allegations of Breaches under each of the Relevant Policies from 26 August 2024.

3.2 Match Day allegations of misconduct or behavioural breaches involving adults and/or Children or Young People will generally be dealt with under the relevant rules of the competition in which Victorian cricket matches are played. At the discretion of Cricket Victoria, this is subject to:

- (a) Match Day allegations of misconduct or behavioural breaches being part of a broader Report or Complaint under the Relevant Policies;
- (b) competition rules not providing for conduct or behaviour the subject of the Report or Complaint; or
- (c) Match Day allegations of misconduct that involve Children or Young People and/or Serious Breaches being referred to Cricket Victoria for requested triage and/or management.

4. WHAT DO WORDS IN THIS POLICY MEAN?

4.1 In this Policy, words appearing with a capital shall have the meaning set out in Schedule 1 or as defined elsewhere in this Policy, and Schedule 1 forms part of this Policy.

5. CONFLICTING PROVISIONS

5.1 Laws of the Commonwealth and/or the laws of the State Victoria take precedence over this Policy and must be complied with in the first instance.

5.2 Where conduct may constitute a Breach but is a Protected Disclosure with respect to Cricket Victoria, it must be dealt with under the CV Whistleblower Policy.

5.3 Nothing in the Relevant Policies prevents the Relevant Organisation or Relevant Person from referring any alleged Breach or criminal conduct to an external law enforcement agency.

5.4 The Relevant Policies are subject to the Cricket Victoria Constitution and if there is any inconsistency, that Constitution will prevail.

PART II – BREACHES OF THIS POLICY

6. BREACHES

6.1 Subject to clause 6.2, in addition to the conduct prohibited under each of the Relevant Policies, a Relevant Person or Relevant Organisation will breach this Policy if they:

- (a) fail to report any conduct which is reasonably likely to be a Breach, to a Victorian Cricket Organisation in accordance with clause 10, as soon as reasonably practicable after they become aware of it, without reasonable cause;
- (b) deliberately or wilfully withhold information in relation to any conduct which is reasonably likely to be a Breach;

- (c) fail to provide further information or documentation as requested during the Complaints Process without reasonable cause;
- (d) fail to comply with a Breach Notice or Sanction;
- (e) knowingly provide any inaccurate and/or misleading information during the course of any Complaints Process under this Policy;
- (f) make a vexatious or malicious Complaint; or
- (g) fail to comply with obligations under this Policy to keep information confidential.

6.2 A Relevant Person or Relevant Organisation will not be deemed to have breached this Policy if they fail to answer a question or provide information on the grounds that doing so would be a breach of any applicable law.

6.3 A Victorian Cricket Organisation may initiate a Complaints Process under this Policy if it becomes aware of a potential breach of clause 6.1 of this Policy.

PART III – COMPLAINTS AND REPORTS

7. COMPLAINTS

7.1 A Complaint is a formal written submission of an allegation:

- (a) made by a Complainant (who cannot make the Complaint anonymously);
- (b) relating to an alleged Breach of a Relevant Policy; and
- (c) against a Respondent.

7.2 A Complainant is a person or an organisation who or which is directly affected by the alleged Breach and makes a Complaint about a Respondent in accordance with this Policy.

7.3 Where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or carer. The Vulnerable Person will still be the Complainant when a Complaint is submitted on their behalf.

7.4 A Complainant cannot be anonymous.

7.5 A Complaint Form may only be submitted on behalf of a Victorian Cricket Organisation by a director, president, chief executive officer, secretary or general manager (or equivalent(s)) of the Victorian Cricket Organisation.

7.6 A Respondent is a Relevant Person or Relevant Organisation about whom a Complaint or Report has been made and who was bound by a Relevant Policy at the time the alleged Breach occurred.

8. REPORTS

- 8.1** A Report is a submission of allegations that a Respondent has engaged in conduct which may be a Breach, which does not meet the definition of a Complaint, including that it may not be a formal, written submission of an alleged Breach.
- 8.2** Reports received by a Victorian Cricket Organisation may be recorded for information purposes only with no further action taken. The process for managing a Report will be at the discretion of the applicable Complaints Manager. In some circumstances, Reports may be managed through the Complaints Process. Reporters may not be contacted regarding their Report unless further information is required.
- 8.3** Factors that may be taken into account in determining whether to progress a Report through the Complaints Process include (but are not limited to):
- (a) the seriousness of the alleged Breach;
 - (b) the availability of evidence that could be relied upon in an investigation;
 - (c) whether a person or organisation has been directly affected by the alleged Breach and if so, their circumstances and preferences as to progressing the Report;
 - (d) the perceived risk to Victorian cricket participants; and
 - (e) whether there have been other Reports relating to similar allegations.
- 8.4** A Report may be made anonymously, including to facilitate a Child-Focused Approach to managing the concerns contained in the Report, however this may limit the action that can be taken in relation to the allegations.
- 8.5** Where multiple Reports relate to the same or related alleged conduct by the same Respondent, they may be combined for the purposes of the Complaints Process.
- 8.6** If a Report is to be progressed through the Complaints Process, any reference to a Complaint throughout this Policy will apply to the Report.
- 8.7** A Reporter is any person or organisation, including a Relevant Person or Relevant Organisation, who or which has reason to believe that a Breach may have occurred and makes a Report. A Reporter may be anonymous under clause 8.4.
- 8.8** A Reporter is not entitled to the same rights throughout the Complaints Process as a Complainant. For example, a Reporter may not be kept informed of any decisions made in relation to the Report or participate in any Alternative Dispute Resolution.

9. CHILDREN OR YOUNG PEOPLE, VULNERABLE PERSONS AND SUPPORT PERSONS

- 9.1** Where Children or Young People are involved in Reports or Complaints, Victorian Cricket Organisations must take a Child-Focused Approach to resolving the Report or Complaint, in line with the [Victorian Child Safe Standards](#)¹ - Standard 7. Victorian Cricket Organisations will have regard to the guide entitled "*Complaint Handling Guide: Upholding the rights of children and young people*" issued by the National

¹ Section 17(1) of the *Child Wellbeing and Safety Act 2005* (Vic).

Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons who are Children or Young People, currently available at [Complaint Handling Guide: Upholding the rights of children and young people](http://pmc.gov.au) (pmc.gov.au), or such other guide that may replace it or complement it and/or any other guide produced by Cricket Victoria to assist Victorian Cricket Organisations.

- 9.2** A parent, guardian or carer of a Vulnerable Person who is a party to a Report or Complaint may support the Vulnerable Person and/or act on their behalf, as necessary, through the Complaints and Resolution Process and any subsequent Resolution Process.
- 9.3** A party to a Report or Complaint may request that they be assisted by a support person or authorised representative or a parent, carer or guardian of a party to a Complaint may request to be a support person for a party to a Complaint. This request will generally be granted unless there is a specific reason to deny it (for example, where a nominated support person or authorised representative is also a witness to the allegations or is actively hindering the interview process or is a Legal Representative but not the parent/guardian). Reporters and witnesses may be permitted to be assisted by a support person or authorised representative where this is considered appropriate.

10. MANAGING REPORTS OR COMPLAINTS

- 10.1** A Complaint or Report may be submitted to a Victorian Cricket Organisation in relation to any alleged Breach. Subject to clauses 10.2 to 10.4 and clause 10.6, an alleged Breach should be submitted to the Victorian Cricket Organisation that administers, or is closest to administering, the level of cricket to which the alleged Breach relates. As a general guide, a Complaint or Report relating to:
- (a) a Premier Club should be submitted to a Premier Club;
 - (b) a Community Cricket Peak Body should be submitted to that Community Cricket Peak Body;
 - (c) a Region, should be submitted to that Region or the relevant Community Cricket Peak Body;
 - (d) an Indoor Cricket Centre, should be submitted to that Indoor Cricket Centre; and
 - (e) an Affiliated Association or Club, should be submitted to the Affiliated Association or Club.
- 10.2** Serious Breaches (as determined by Cricket Victoria) and alleged Breaches of Australian Cricket's Child Safe Policies must be referred to Cricket Victoria via email to mpio@cricketvictoria.com.au, which may (at its discretion) administer the Complaints Process and/or Resolution Process, or delegate one or both processes² to another Victorian Cricket Organisation. When deciding which Victorian Cricket Organisation is most appropriate to manage a Complaint, Cricket Victoria must take into account:
- (a) the seriousness and complexity of the Complaint or Report; and

² Either in full or in part.

(b) any conflicts of interest and whether they can be appropriately managed.

10.3 Where a Report or Complaint has the potential to be managed by either Cricket Victoria or another Victorian Cricket Organisation, Cricket Victoria will determine at its discretion which Victorian Cricket Organisation is best placed to manage the Complaint.

10.4 An alleged Breach occurring below the level of cricket administered by the recipient Victorian Cricket Organisation may be delegated to a more relevant³ Victorian Cricket Organisation, including the Complaints Process and/or Resolution Process⁴, subject to the recipient Victorian Cricket Organisation:

(a) taking into account the factors in clauses 10.2(a) and (b); and

(b) not delegating those functions and responsibilities set out in this clause.

10.5 If a Report or Complaint is delegated by a Victorian Cricket Organisation to another Victorian Cricket Organisation under this Policy:

(a) any reference in this Policy to a Victorian Cricket Organisation in provisions relevant to the delegated functions will be read as a reference to the delegated Victorian Cricket Organisation; and

(b) the matter remains subject to overview and review by Cricket Victoria, which may require the Victorian Cricket Organisation managing the Complaint to remedy any failure to discharge a delegated responsibility and/or improper exercise of a delegated function.

10.6 Notwithstanding anything in this Policy:

(a) the Victorian Cricket Organisation in receipt of a Report or Complaint may request that another relevant Victorian Cricket Organisation assume administration of the Complaints Process and/or Resolution Process, which the requested Victorian Cricket Organisation may do at its discretion, which need not be exercised;

(b) in response to a request under clause 10.6, Cricket Victoria may, at its discretion by notice in writing to the Victorian Cricket Organisation managing the Complaint or Report, assume administration of the Complaints Process and/or Resolution Process (each in full or in part) of that Complaint or Report;

(c) separately to (a) and (b) and following notice in writing to another Victorian Cricket Organisation, Cricket Victoria may assume administration of a Complaint being handled by that Victorian Cricket Organisation;

(d) following notice in writing to Cricket Victoria, Cricket Australia may assume administration of a Serious Breach, following which the matter will be dealt with under applicable Cricket Australia policies.

10.7 The Victorian Cricket Organisation managing the Report or Complaint may appoint

³ The CV Organisation lower down the hierarchy of cricket that is closest to the level at which the alleged Breach occurred.

⁴ Either in full or in part.

an independent investigator where appropriate, but will remain responsible for overall management of the Report or Complaint and any professional fees and/or costs resulting from the appointment. Where possible, such appointments should be made on a pro-bono basis.

11. SUBMITTING A COMPLAINT OR REPORT

- 11.1** A Complaint or Report should be submitted to a Victorian Cricket Organisation in accordance with clause 10.1.
- 11.2** A Complaint must be made in writing (including electronically).
- 11.3** A Report can be made in writing (including electronically) or verbally.
- 11.4** A Complaint can be withdrawn at any time. Withdrawing a Complaint must be done in writing (including electronically) to the organisation that it was submitted to.
- 11.5** Where a Complaint has been withdrawn, the organisation managing the Complaint may choose to continue to progress the matter through the Complaints Process.

12. CONFIDENTIALITY

- 12.1** Subject to this clause, all Complaints and Reports will be kept in confidence.
- 12.2** Any Victorian Cricket Organisation may disclose information as required or authorised by law.
- 12.3** Decisions around appropriate disclosure of information by Relevant Organisations administering a Complaints Process or Resolution Process will be addressed on a case-by-case basis. Disclosure of information to parties not directly affected by the alleged behaviour may be restricted.
- 12.4** A Victorian Cricket Organisation administering a Complaints Process or Resolution Process may make the following non-exhaustive disclosures:
 - (a) to the parties to a Complaint in relation to the Resolution Process;
 - (b) to any person or organisation (including Victorian Cricket Organisations and Australian Cricket Entities) to facilitate the proper handling of a Complaint;
 - (c) to external agencies so they can deal with the alleged conduct (eg law enforcement agencies, government or regulatory authorities, a child protection agency);
 - (d) to members or other sport organisations, including Australian Cricket Entities and Victorian Cricket Organisations, to inform them of Sanctions imposed under this Policy;
 - (e) where a Sanction is to be publicly disclosed;
 - (f) to any third party including Australian Cricket Entities and Victorian Cricket Organisations for the primary purpose of:
 - (i) preventing or lessening a risk to the safety, health, or wellbeing of a person;

- (ii) protecting Children or Young People participating in cricket; or
 - (iii) protecting the safety of participants in cricket; and
- (g) as required by law or any court.

13. APPOINTMENT OF MANAGERS

13.1 Every Victorian Cricket Organisation will appoint a:

- (a) Complaints Manager, who will be responsible for managing that Victorian Cricket Organisation's obligations under this Policy and may be (but is not limited to) a Child Safe Officer, MPIO, Secretary or Administrator; and
- (b) Decision Maker, who will make certain decisions in relation to the resolution of alleged Breaches under this Policy, who must not be the same person as the Complaints Manager for a particular alleged Breach,

and publish and display the names and contact details of such persons to its members and to Cricket Victoria.

14. FAILURE TO COOPERATE

- 14.1** Subject to clause 14.4, Relevant Persons should cooperate fully with any Complaints Process or Resolution Process they are involved in. A failure to do so may be a Breach under clause 6.1 of this Policy.
- 14.2** If a Respondent fails or refuses to respond, after a request has been made in a reasonable time in advance, to answer any relevant question, provide relevant documentation, and/or participate in a Complaints Process or Resolution Process, the relevant Victorian Cricket Organisation, a Hearing Tribunal or an Appeal Body (as applicable) may make findings based on the available information.
- 14.3** Subject to clause 14.4, a Hearing Tribunal, Appeal Body or Decision Maker may draw an inference adverse to the Respondent based on a Respondent's failure or refusal, after a request has been made in a reasonable time in advance, to answer any relevant question, provide relevant documentation and/or participate in the relevant Resolution Process. The Respondent must be made aware of such an inference being drawn in relation to any particular allegation forming part of a Report or Complaint.
- 14.4** No individual or organisation bound by this Policy is required to answer a question or provide information where to do so would be a breach of any applicable law.

PART IV – INITIAL RESPONSE

15. EVALUATION

- 15.1** Upon receipt of a Report or Complaint, the Victorian Cricket Organisation which receives the Report or Complaint will determine whether the matter falls within the scope of the Relevant Policies. In making this determination, the Victorian Cricket Organisation will consider whether the conduct alleged in the Report or Complaint would, if proven to the requisite standard, constitute an alleged Breach, as well as

whether it otherwise meets the requirements of Part III. The organisation will also make a determination in accordance with clause 10, as to which Victorian Cricket Organisation should manage the Complaint.

- 15.2** Where a Report or Complaint is determined to be out of scope under the Relevant Policies, it may be managed under an alternative policy of a Relevant Organisation (if applicable).
- 15.3** Mischievous or vexatious claims will not be managed under this Policy.
- 15.4** A Report or Complaint that has been previously managed through a Complaints Process will not be reconsidered or reinvestigated unless there are compelling reasons to do so, such as materially relevant new information becoming available.
- 15.5** Where a Report or Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of a Victorian Cricket Organisation, the matter will be managed under the most appropriate policy as determined by the applicable Victorian Cricket Organisation. Where conduct may constitute an alleged Breach, but is a Protected Disclosure with respect to Cricket Victoria, it must be dealt with under the CV Whistleblower Policy.
- 15.6** If the Report or Complaint is determined to be out of scope of the Relevant and Policies, the organisation which received the Report or Complaint will notify the Complainant and no further action will be taken under this Policy.
- 15.7** At any stage, in an emergency situation where the safety or wellbeing of any person is in imminent danger, Victoria Police should be contacted on 000, without delay.
- 15.8** If a person considers that a Child or Young Person is at risk of significant harm, dial 000 to call police and as soon as possible after, the matter must be reported to the relevant law enforcement/child protection agency.

16. CASE CATEGORISATION

- 16.1** Once a Complaint has been deemed to be in-scope, it will undergo case categorisation to determine an appropriate means of dealing with the Complaint. Complaints are categorised by reference to the nature of the alleged Breach, the possible level of harm, and complexity of the issues raised in the Complaint (refer to **Case Categorisation Guidance**).
- 16.2** Following case categorisation, any one or a combination of the following actions may be undertaken:
- (a) external referral;
 - (b) referral to a Hearing Tribunal;
 - (c) Provisional Action;
 - (d) Investigation;
 - (e) Alternative Dispute Resolution; and/or
 - (f) case closure.

16.3 For Complaints that have been categorised as a Minor Breach, the Complaint may be closed in accordance with clause 30, with:

- (a) no findings being made or Sanction imposed;
- (b) the Respondent being issued a notice by the Victorian Cricket Organisation, warning them that without findings being made, the alleged conduct could constitute a Breach; and
- (c) the Respondent reminded of their obligations under the Relevant and Policies and/or recommended to undergo education or training.

16.4 The relevant Victorian Cricket Organisation may refer a Complaint directly to a Hearing Tribunal to hear the allegations and make findings about the Complaint instead of proceeding to an investigation. In doing so, the relevant Complaints Manager may direct the Hearing Tribunal to deal with some or all the preliminary threshold issues outlined in items:

- (a) 1.3 of Schedule 2; or
- (b) 1.2 of Schedule 3,

or may deal with such matters themselves under Part IV.

16.5 With the consent of Cricket Australia, Cricket Victoria may at any time refer a Complaint to arbitration in the NST general division, where permitted under the NST legislation.

17. EXTERNAL REFERRAL

17.1 At any time during the Complaints Process, a Report or Complaint may be referred to a relevant external organisation if it will assist the Victorian Cricket Organisation to perform or exercise any of its functions, duties or powers. This may include referral to a law enforcement agency, government or regulatory authority or child protection agency.

17.2 If an external referral is made, the Complaints Process may (but need not) be suspended pending external resolution to avoid any potential compromise to the external process. Where possible, a Victorian Cricket Organisation should request advice in writing from the relevant external organisation as to what direction or preference it has as to any Complaints Process and/or Resolution Process proceeding under this Policy.

18. PROVISIONAL ACTION

18.1 Where a person who is alleged to have breached a Relevant Policy poses a risk of causing harm to a participant in cricket or may interfere with an investigation under this Policy, the Decision Maker of the relevant Victorian Cricket Organisation can take Provisional Action against that person to mitigate or reduce that potential risk.

- 18.2** Provisional Action may include, but is not limited to, suspension, supervision, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges or benefits.
- 18.3** If a decision is made to impose Provisional Action, a Respondent may seek to have that decision reviewed by a Hearing Tribunal. The Hearing Tribunal will only consider whether the decision to impose the Provisional Action is proportionate to the perceived risk of harm and will not consider the merits of the Complaint, except as is necessary to assess proportionality.

19. INVESTIGATION

- 19.1** The Victorian Cricket Organisation responsible for managing the Complaint may conduct an investigation (internal or external) to obtain additional evidence, including by way of interview and collection of additional information, to determine if the alleged Breach is a breach of a Relevant Policy.
- 19.2** In conducting an investigation, the:
- (a) rules of Procedural Fairness will apply, including by providing both the Complainant and the Respondent with a reasonable opportunity to be heard; and
 - (b) investigator may, but is not required to, take into account the Investigation Guidelines.
- 19.3** Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct that would also constitute a Breach under a Relevant Policy, the Respondent will be deemed under this Policy to have committed a Breach without requiring further investigation, or any other process.
- 19.4** Following an investigation, the Complaint will be managed in accordance with Part V of this Policy.

20. STANDARD OF PROOF

- 20.1** The standard of proof that applies to all substantive decisions (including by a Hearing Tribunal) made under this Policy in respect an alleged Breach is "balance of probabilities". This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of a Relevant Policy.

21. ALTERNATIVE DISPUTE RESOLUTION

- 21.1** The Complainant and the Respondent may agree to Alternative Dispute Resolution. The Complaints Process may be suspended while Alternative Dispute Resolution is

pursued. The Complaints Process may be discontinued if both parties are satisfied that the matter has been resolved.

- 21.2** This process will be coordinated by the Complaints Manager of the relevant Victorian Cricket Organisation, if required.
- 21.3** With the consent of Cricket Australia, Cricket Victoria may refer the Complaint to mediation, conciliation or case appraisal in the NST where permitted under NST legislation.

PART V – RESOLUTION

22. FINDINGS

- 22.1** Unless the matter has been referred directly to a Hearing Tribunal under clause 16.4, following an investigation or external referral, the Victorian Cricket Organisation managing the Complaint will determine whether, to the requisite standard of proof, the alleged Breach is substantiated, unsubstantiated or inconclusive (unable to be substantiated).
- 22.2** The Victorian Cricket Organisation managing the Complaint will notify the parties of the findings, and if the alleged Breach is substantiated, will manage the Resolution Process described in clause 23.

23. RESOLUTION PROCESS

- 23.1** The Victorian Cricket Organisation managing the Complaint must implement an appropriate Resolution Process.
- 23.2** Where an alleged Breach has been found to be substantiated under this Policy, the Victorian Cricket Organisation ultimately tasked with administering the Complaint is responsible for issuing a Breach Notice to the Respondent and applying and administering Sanctions and other related measures as it sees fit.
- 23.3** Where a Respondent admits the alleged Breach and accepts the Sanction or fails to respond to the Breach Notice within the time prescribed within the Breach Notice, the relevant Victorian Cricket Organisation's Complaints Manager may impose the Sanction and proceed to finalise the Complaint.

24. SANCTIONS

- 24.1** The applicable Victorian Cricket Organisation may impose one or more Sanctions on a Respondent in accordance with clause 23.2.
- 24.2** The Sanction may include one or more of the following:
- (a) a direction that the Respondent attends counselling to address their conduct;
 - (b) terminating the Respondent's appointed role;
 - (c) expulsion or recommended expulsion of the Respondent's membership of a Victorian Cricket Organisation;

- (d) suspension or recommended suspension of the Respondent's participation in further activities, fixtures, competitions or events of a Victorian Cricket Organisation for a period determined appropriate;
- (e) where there has been damage to property, a direction that the Respondent pay compensation to the relevant party which controls or has possession of the property;
- (f) imposing a monetary fine for an amount determined appropriate;
- (g) imposing a warning;
- (h) in the case of a Respondent coach, deregistering the applicable accreditation for a period of time;
- (i) withdrawal of any awards, placings, records won by the Respondent in any competitions, carnivals, activities or events held or sanctioned by a Victorian Cricket Organisation;
- (j) suspending or terminating rights, privileges and benefits provided to the Respondent;
- (k) directing the Respondent (if applicable) to cease sanctioning events held by or under the auspices of that Victorian Cricket Organisation;
- (l) directing the Respondent to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by a Victorian Cricket Organisation, or any other organisation which has provided funding; or
- (m) any other such penalty or condition that the applicable Victorian Cricket Organisation considers appropriate.

24.3 In making a determination under clause 24.1, that Victorian Cricket Organisation may refer to the Case Categorisation Guidance, taking into account:

- (a) the seriousness of the behaviour;
- (b) whether it was a one-off incident or part of an overall pattern of behaviour;
- (c) whether it was an honest and reasonable mistake;
- (d) the potential impact on public confidence in the integrity of the sport;
- (e) the potential impact of the proposed Sanction on the Respondent;
- (f) the views and opinion of the Complainant; and
- (g) any other relevant aggravating or mitigating factors.

25. BREACH NOTICE

25.1 If the allegations are found to be substantiated, the relevant Victorian Cricket Organisation will issue a Breach Notice to the Respondent. Any Breach Notice issued by a Victorian Cricket Organisation to a Respondent will:

- (a) notify the Respondent of the allegations found to be substantiated, including the details or particulars of the alleged conduct;
- (b) state the proposed Sanction, if any, for the substantiated allegations;
- (c) state that the Respondent has a right to a hearing in relation to the allegations found to be substantiated and/or the proposed Sanction;
- (d) state that the Respondent may accept the findings, waive their right to a hearing and accept the proposed Sanction;
- (e) state that if the Respondent does not respond in writing within 14 days of the date of the Breach Notice, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed Sanction, unless otherwise agreed by the Victorian Cricket Organisation;
- (f) state that any response to the Breach Notice must be made to the Victorian Cricket Organisation, and provide contact details of the Complaints Manager; and
- (g) be provided to the Respondent, and (if applicable):
 - (i) any other relevant Victorian Cricket Organisation; and
 - (ii) where the Breach Notice relates to a Breach of Australian Cricket's Child Safe Policies or a Serious Breach, to Cricket Victoria.

25.2 In response to a Breach Notice, a Respondent may:

- (a) accept the findings, waive their right to a hearing and accept the proposed Sanction; or
- (b) dispute the findings and/or the proposed Sanction, in which case the matter will be referred to a Hearing Tribunal under this Policy.

25.3 Unless otherwise agreed by the relevant Victorian Cricket Organisation, a Respondent has 14 days from the date of the Breach Notice to notify the Complaints Manager in writing of their decision.

25.4 Notice given under paragraph 25.2(b). must be:

- (a) given in writing (whether by email or other means);
- (b) sent to the relevant Victorian Cricket Organisation's Complaints Manager at the address given in the Breach Notice; and
- (c) received within 14 days from the date of the Breach Notice.

25.5 If the Victorian Cricket Organisation does not receive notice under clause 25.2(b) within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to appeal.

26. REFERRAL TO A HEARING TRIBUNAL

- 26.1** If the Respondent disputes the substantiated allegations and/or the proposed Sanction in the Breach Notice, the relevant Victorian Cricket Organisation's Complaints Manager must refer the matter to a Hearing Tribunal.
- 26.2** The matter will, subject to clause 27.1, be referred to a Hearing Tribunal convened internally at the Victorian Cricket Organisation level that is administering the Complaint.

27. HEARING TRIBUNAL

- 27.1** A matter referred to a Hearing Tribunal under clause 26 that:
- (a) does not involve a Premier Club and is not administered by Cricket Victoria will be governed by the procedure in **Schedule 2**; or
 - (b) involves a Premier Club or is administered by Cricket Victoria, will be governed by the procedure in Schedule 3.
- 27.2** A Hearing Tribunal convened in accordance with clause 27.1 will:
- (a) determine whether any Provisional Action imposed in accordance with clause 18 is disproportionate;
 - (b) if referred directly to the Hearing Tribunal under clause 16.2(b), make the findings required by clause 22, and determine whether a Sanction should be imposed and if so, the nature of that Sanction; or
 - (c) if referred to a Hearing Tribunal under clause 26, arbitrate the substantiated allegations and/or proposed Sanction (as disputed) set out in the Breach Notice.

28. APPEALS

- 28.1** A decision of a Hearing Tribunal in respect of:
- (a) Provisional Action, is not subject to appeal;
 - (b) allegations referred directly to a Hearing Tribunal for a finding, is subject to appeal; and
 - (c) a substantiated allegations finding and/or Sanction, is not subject to appeal,
- by the Respondent or applicable Victorian Cricket Organisation.
- 28.2** Subject to clause 28.3, appeals from a Hearing Tribunal under clause 28.1 may be referred to the Appeal Body in accordance with the procedure in Schedule 4.
- 28.3** The decision of a:
- (a) Hearing Tribunal that is not the CV Tribunal can only be appealed by the Respondent or relevant Victorian Cricket Organisation on the basis that:

- (i) the Hearing Tribunal failed to abide by this Policy or to properly apply the Relevant Policy and such failure resulted in a denial of Procedural Fairness; and/or
 - (ii) no reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonably make such a decision; and
- (b) CV Tribunal can only be appealed by the Respondent or Premier Club (if any) on the grounds specified in clause 24.3(d) of the Cricket Victoria Constitution.

28.4 A matter the subject of appeal under this clause 28 will be governed by the procedure in the relevant item in Schedule 4.

29. SANCTION IMPLEMENTATION

29.1 It is the responsibility of the relevant Victorian Cricket Organisation to ensure that appropriate Sanctions (or other alternative actions) are applied to the Respondent(s).

29.2 For all Sanctions imposed on a Respondent, the relevant Victorian Cricket Organisation must complete all required Sanction fields in the Respondent's record in the PlayHQ Database and Umpire HQ Database (as applicable) or such other database used by Cricket Victoria from time to time.

29.3 Every Victorian Cricket Organisation shall recognise and enforce any Sanctions under this Policy.

29.4 For clarity:

- (a) No Victorian Cricket Organisation shall register and/or play a person, Affiliated Association or Club or Indoor Cricket Centre which would be ineligible to be registered by or play for another Victorian Cricket Organisation by virtue of that person, Affiliated Association or Club or Indoor Cricket Centre receiving a Sanction;
- (b) any person who is currently serving a suspension or expulsion imposed upon that person by an organisation affiliated with or recognised by Cricket Australia (Victorian Cricket Organisations and/or otherwise) shall not be eligible to play or be newly registered as a player, coach or official of any other organisation affiliated with or recognised by Cricket Australia, until that suspension has been served. For the purposes of this rule, the appearance of the person's name and suspension expiry date in the PlayHQ Database and/or Umpire HQ Database will constitute prima facie evidence that the player is legitimately suspended; and
- (c) ignorance of the Relevant Policies is not a defence, excuse or justification for Breaches and will not be considered a mitigating circumstance.

30. CLOSURE

30.1 Reports or Complaints may be closed under this Policy at any of the following times:

- (a) the Report or Complaint is evaluated as being out of scope of this Policy under clause 15;
- (b) the Complaint is categorised as a Minor Breach in accordance with clause 16.3, and no further action other than as prescribed under that clause is taken;
- (c) during investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements set out in Part III (for example, the Respondent is discovered not to have been bound by the Relevant Policies at the time the alleged conduct occurred due to information obtained during an investigation);
- (d) the Complaint is resolved through Alternative Dispute Resolution in accordance with clause 21, or the Complaint was sought to be resolved through Alternative Dispute Resolution but it was not resolved and the parties agree that the Complaint be closed;
- (e) following investigation and/or or external referral, all allegations are found to be either unsubstantiated or unable to be substantiated in accordance with clause 22;
- (f) following investigation and/or or external referral, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them in accordance with clause 25; or
- (g) the matter is finalised before a Hearing Tribunal and/or Appeal Body.

30.2 Once a matter has been closed in accordance with this clause, it has been finalised and no further action will be taken in relation to the matter under this Policy unless there is a compelling reason to do so.

30.3 The relevant Victorian Cricket Organisation will retain appropriate records of the Complaint and any outcomes for a minimum of seven years and otherwise in accordance with any relevant policies or procedures relating to record-keeping.

PART VI - GENERAL

31. STATUS OF THIS POLICY

31.1 This Policy is a by-law of Cricket Victoria and is also adopted by the board or committee of each Premier Club, Community Cricket Peak Body, Region, Affiliated Association and Club and Indoor Cricket Centre under their respective constitutions or constituent document(s) and comes into force on the Commencement Date.

32. INTERPRETATION

32.1 In this Policy, unless the context requires otherwise;

- (a) words denoting the singular shall include the plural and vice versa; and
- (b) including means including without limitation and include shall be construed accordingly.

33. RESPONSIBILITIES UNDER THIS POLICY

33.1 Premier Clubs, Community Cricket Peak Bodies, Regions, Affiliated Associations and Clubs and Indoor Cricket Centres must:

- (a) adopt, implement and comply with this Policy (by adopting this Policy, each Premier Club, Affiliated Association and Club, Community Cricket Peak Body, Region and Indoor Cricket Centre and the respective members of each, will be bound by the terms of this Policy);
- (b) publish, distribute and promote this Policy (and any amendments made to it from time to time) to its members and make this Policy available online, for inspection, or provide a copy on request;
- (c) make such amendments to its constitution, rules and/or by laws for this Policy to be enforceable; and
- (d) use any forms, contracts and clauses recommended by Cricket Victoria to give effect to this Policy in such documents, as recommended by Cricket Victoria.

33.2 All other organisations and persons (for example, administrators, employees, officials, coaches, players, parents) to which this Policy applies, must:

- (a) make themselves aware of this Policy;
- (b) place the safety and wellbeing of Children or Young People above other considerations; and
- (c) follow the procedures outlined in Part III of this Policy when lodging a Complaint and comply with any decision or measure imposed under this Policy.

33.3 Cricket Victoria must regularly monitor this Policy and review this Policy at least once every two years.

SCHEDULE 1 - POLICY DEFINITIONS

Any capitalised term not defined in this Policy has the meaning given to it in the Member Protection Policy.

Affiliated Associations and/or Clubs means a member of a Community Cricket Peak Body other than Indoor Sports Victoria, which may include leagues, associations, clubs or teams (howsoever described).

Alternative Dispute Resolution is a collective term for processes, other than arbitration, such as mediation or conciliation that may be used to resolve an alleged Breach under this Policy.

Appeal Body means a body comprising of three members of the CV Appeals Tribunal or one or more members of an appeals tribunal of a Community Cricket Peak Body or Region (none of whom may have been members of the initial Hearing Tribunal which determined the matter at first instance).

Australian Cricket Entities mean Cricket Australia, the recognised state and territory cricket associations (including Cricket Victoria) and any women's and/or men's big bash league entities under the auspices of Cricket Australia, as these may vary.

Australian Cricket's Child Safe Policies means Australian Cricket's documents of the following name:

- (a) Policy for Safeguarding Children and Young People;
- (b) Code of Behaviour for Looking after our Kids (whether for Affiliated Associations and Clubs or for Australian Cricket Personnel, as applicable); and
- (c) the Commitment Statement to Safeguarding Children and Young People,

each as amended from time to time.

Breach or **Breaches** mean conduct prohibited in one or more of the Relevant Policies, including the conduct prohibited under clause 6 of this Policy.

Breach Notice means a written notification sent to the Respondent in accordance with clause 25.1.

Case Categorisation Guidance means the guidelines published by Cricket Victoria and available on its website for evaluating and prioritising alleged Breaches and assisting with determining an appropriate mechanism to manage a Complaint, as amended from time to time.

Child or Young Person is a person under the age of eighteen years and **Children or Young People** mean more than one Child or Young Person.

Child-Focused Approach means an approach to managing Reports or Complaints that has the welfare of the Child(ren) or Young Person(s) at the forefront of decisions as to how that Report or Complaint will be managed, in line with [Victorian Child Safe Standard 7](#).

Complainant has the meaning given in clause 7.2.

Complaint means a complaint made under clause 15.

Complaint Form means the form set out in Annexure A and otherwise prescribed and amended by Cricket Victoria from time to time.

Complaints Manager means the person appointed by a relevant Victorian Cricket Organisation to manage the Complaints Process and Resolution Process under this Policy, as appointed under clause 13.1(a).

Complaints Process means the process for managing a Complaint under the guidance of this Policy from the time the Complaint is received to the Resolution Process.

Community Cricket Peak Bodies means the Victorian Country Cricket League, Victorian Metropolitan Cricket Union, Victorian Sub-District Cricket Association, Indoor Sports Victoria (for Indoor Cricket Centres) and Cricket Victoria to the extent a Complaint relates to 'Harmony in Cricket', 'Women's Community Cricket' or other competition auspiced by Cricket Victoria (other than Premier Cricket).

Cricket Victoria means the Victorian Cricket Association.

Cricket Victoria Constitution means the constitution of Cricket Victoria (available [here](#)) as amended from time to time.

CV Appeal Tribunal means the appeal tribunal of that name appointed under the Cricket Victoria constitution.

CV Tribunal means the first instance tribunal of that name appointed under the Cricket Victoria Constitution.

CV Whistleblower Policy means the Australian Cricket document titled 'Whistle-blower Procedure' as amended from time to time.

Decision Maker means the person appointed by a relevant Victorian Cricket Organisation to make certain decisions in relation to the resolution of alleged Breaches under this Policy, as appointed under clause 13.1(b).

Hearing Tribunal means:

- (a) in the case of a matter involving a Premier Club (or an individual from a Premier Club) the CV Tribunal; or
- (b) in the case of a matter involving a Community Cricket Peak Body or a Region, the hearing tribunal established to hear and determine alleged breaches under this Policy.

Hearing Tribunal Guidelines mean the guidelines published by Cricket Victoria and available on its website for administering Hearing Tribunals, including non-binding recommended procedure, as amended from time to time.

Indoor Cricket Centres mean centres for or that administer indoor cricket that are affiliated with Indoor Sports Victoria Inc. and are consequently bound by the Cricket Victoria Constitution and the Relevant Policies.

Investigation Guidelines mean the guidelines for administering investigations including non-binding recommended procedure, published by Cricket Victoria and available on its website, as amended from time to time.

Legal Representative means a person who holds, or has held in the past five years, a practising certificate as a lawyer or barrister in any Australian jurisdiction.

Match Day means any day on which a game of cricket between two sides or teams is played in Victoria and includes any action and/or allegation relevant to the match being played. Match Day should be interpreted broadly to cover all conduct which takes place at, or in the immediate vicinity of the match venue, and anytime throughout the day of a match, and not just conduct which takes place on the field of play. It will therefore include conduct which takes place off the field of play, for example, in the changing rooms, or during any of the intervals in the match.

Member Protection Policy means Cricket Victoria's by-law of that name as amended from time to time.

Minor Breach⁵ means an alleged breach of a Relevant Policy that, if proven, would likely only result in a warning (whether informal or formal) being imposed on the Respondent as the applicable sanction.

NST means the National Sports Tribunal established under the *National Sports Tribunal Act 2019* (Cth).

Personal Grievance means any form of grievance between two or more people (including Relevant Persons and/or Victorian Cricket Organisations) that does not concern or allege a breach of a Relevant Policy, including but not limited to personality clashes.

PlayHQ Database means Cricket Victoria's cricket administration database, as adopted from time to time, which as of the date of this Policy is provided by PlayHQ.

Policy and this Policy mean this complaints and resolution policy.

Premier Clubs means the clubs participating in Victorian Premier Cricket as may from time to time be amended by Cricket Victoria.

Preliminary Decision Maker means, in relation to a Hearing Tribunal convened under Schedule 2 of this Policy, the:

- (a) chairperson alone if they are a Legal Representative; or
- (b) the Hearing Tribunal members collectively, if the chairperson is not a Legal Representative,

who, if directed by the relevant Complaints Manager under clause 16.4 of this Policy, must make decisions as to whether the Complaint falls within the scope of the Relevant Policies, the matters detailed in Schedule 2 and any other preliminary matters relevant to the Complaint that they are tasked with determining.

Procedural Fairness means and comprehends a person's right to:

- (a) a decision by an unbiased adjudicator (the hearing rule) (eg, the adjudicator(s) has/have no applicable conflict of interest); and

⁵ For example (but not limited to): (a) low-level swearing directed at an individual; (b) low-level intimidating body language; and/or (c) minor unruly behaviour that might otherwise constitute abuse or harassment.

- (b) adequate notice of the case against them, and a right to respond (the bias rule) (eg, the Respondent receives details of the allegations made against them and copies of any evidence to be relied on to attempt to prove those allegations).

Protected Disclosure means a disclosure of information to Cricket Victoria that qualifies for protection under the whistleblower laws⁶ in the *Corporations Act 2001* (Cth).

Provisional Action means the process undertaken to impose a temporary measure on a Respondent while they are subject to a Complaints Process, or an investigation by law enforcement or another external regulatory agency.

Region means an entity comprised of a number of Affiliated Associations and Clubs and recognised by Cricket Victoria or a Community Cricket Peak Body as being responsible for the development and conduct of cricket within a designated geographical area.

Relevant Policies mean the following by-laws of Cricket Victoria and policies of Cricket Australia:

- (a) Member Protection Policy;
- (b) Australian Cricket's Child Safe Policies; a
- (c) this Policy.

Report has the meaning given in clause 8.1.

Reporter has the meaning given in clause 8.7.

Resolution Process means the process from the point at which a Breach Notice has been issued to a Respondent.

Respondent has the meaning given in clause 7.6.

Sanction means the disciplinary action(s) taken against a Respondent for breaching a Relevant Policy.

Serious Breach means an alleged Breach that involves one or more of:

- (a) criminal behaviour, child abuse, sexual abuse, sexual misconduct or serious assault;
- (b) immediate risk of physical harm to a person;
- (c) use and/or trafficking of illicit drugs;
- (d) supply of alcohol and/or illicit drugs to a Vulnerable Person; and/or
- (e) failing to report child abuse or sexual misconduct.

Umpire HQ Database means Cricket Victoria's umpire administration database, as adopted from time to time.

⁶ Refer to section 1317AAB of the *Corporations Act 2001* (Cth).

Victorian Cricket Organisation means all of Cricket Victoria, Premier Clubs, Community Cricket Peak Bodies, Regions and Affiliated Associations and Clubs and Indoor Cricket Centres.

Vulnerable Person means person who is: (a) a Child or Young Person; or (b) aged 18 years or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason.

SCHEDULE 2 – COMMUNITY CRICKET HEARING TRIBUNALS

1. COMMUNITY CRICKET PEAK BODY OR REGION HEARINGS

- 1.1 Upon referral of a Complaint to a Hearing Tribunal, the applicable Complaints Manager (in consultation with their Community Cricket Peak Body, as necessary) shall as soon as possible do the following:
- (a) determine the composition of the Hearing Tribunal, as detailed in items 1.2 and 1.3 Schedule 2;
 - (b) for referrals other than under clause 26, send to the Respondent:
 - (i) a notice setting out the alleged Breach including details of when/where it is alleged to have occurred;
 - (ii) a notice setting out the date, time and place for the hearing of the alleged Breach which shall be as soon as reasonably practicable after referral to the Hearing Tribunal; and
 - (iii) a copy of the Complaint,
(referred to as “**Notice of Alleged Breach**”);
 - (c) for referrals under clause 26, send to:
 - (i) the Respondent the information outlined in (ii) above and a copy of the Breach Notice being disputed; and
 - (ii) the Complainant(s) and the chairperson of the Hearing Tribunal a copy of the Breach Notice being disputed; or
 - (d) for all other referrals, send to the Complainant(s) and the chairperson of the Hearing Tribunal a copy of the Notice of Alleged Breach.
- 1.2 Other than for Indoor Cricket Centres, the Hearing Tribunal for each hearing shall be comprised of members previously approved by the board or committee (however described) of the relevant Community Cricket Peak Body or Region, as determined by the Complaints Manager, and may comprise:
- (a) three persons as determined by the relevant Complaints Manager, taking into account appropriate factors including diversity and inclusion, as well as skills and experience that are relevant to the subject matter of the Complaint, at least one being a Legal Representative (who shall be the chairperson) or, if after reasonable attempts have been made to obtain a Legal Representative without success, then one of whom shall be chair and a person with considerable previous experience in the legal and/or procedural aspects of a disciplinary/hearing tribunal; or, if not possible,
 - (b) two or more persons as determined by the relevant Complaints Manager, taking into account appropriate factors including diversity and inclusion, as well as skills and experience that are relevant to the subject matter of the Complaint, subject to at least one being a Legal Representative (who shall be the chairperson) or, if after reasonable attempts have been made to obtain a Legal Representative without success, then one of whom shall be

chair and a person with considerable previous experience in the legal and/or procedural aspects of a disciplinary/hearing tribunal; or, if not possible,

- (c) a single person, subject to that person being a Legal Representative.

provided that such persons do not include:

- (i) a person who is a member of the board or committee (however described) of the organisation which appoints the Hearing Tribunal; or, if not possible
- (ii) a person who would, by reason of their relationship with the Complainant or the Respondent, be reasonably considered to be other than impartial.

1.3 For Indoor Cricket Centres, a Hearing Tribunal will be convened by the Complaint Manager of the relevant Indoor Cricket Centre in accordance with items 1.2(a) and Schedule 2.

1.4 The following preliminary threshold issues in this item 1.4 of Schedule 2 apply to all referrals to a Hearing Tribunal, other than under clause 26 (where this item does not apply), but only to the extent the Hearing Tribunal is directed to determine some or all the preliminary issues by the relevant Complaints Manager under clause 16.4.

- (a) Upon receipt of the Notice of Alleged Breach, the Preliminary Decision Maker must determine whether the Complaint fails any of the preliminary issues under 1.4(b) Schedule 2, and shall advise the parties of their determination.
- (b) The Preliminary Decision Maker must determine whether the Complaint:
 - (i) is solely a Personal Grievance;
 - (ii) is a Minor Breach;
 - (iii) is frivolous, vexatious or malicious; and/or
 - (iv) relates to an alleged Breach of the Relevant Policy that also falls under another applicable Cricket Victoria policy, procedure or requirement.
- (c) The Preliminary Decision Maker shall determine such preliminary issues as soon as practicable and in whatever manner the Preliminary Decision Maker considers appropriate in the circumstances, provided that they do so in accordance with the principles of Procedural Fairness. The Preliminary Decision Maker may, but is not required to, take into account the Hearing Tribunal Guidelines.
- (d) Upon a determination by the Preliminary Decision Maker that the Complaint fails any of the preliminary issues under item 1.4(b) Schedule 2, the Complaint is permanently discontinued. There is no right of appeal of the decision by a Preliminary Decision Maker under this item 1.4 Schedule 2.

- (e) Where the Preliminary Decision Maker finds a Complaint falls within item 1.4(b)(ii) Schedule 2, they must apply clause 16.3 as if the Preliminary Decision Maker is the Victorian Cricket Organisation in that clause.
 - (f) The Preliminary Decision Maker may refer Complaints that fall under item:
 - (i) 1.4(b)(iii) Schedule 2 to the relevant Victorian Cricket Organisation for consideration under clause 6.3; or
 - (ii) 1.4(b)(iv) Schedule 2 to Cricket Victoria or another Victorian Cricket Organisation to be dealt with under the appropriate process.
- 1.5** The Hearing Tribunal shall hear and determine the alleged Breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of Procedural Fairness and takes a Child-focused approach for matters involving Children or Young People. The Hearing Tribunal may, but is not required to, take into account the Hearing Tribunal Guidelines. **The purpose of the hearing shall be to determine whether the Respondent has committed a Breach of a Relevant Policy.** If the Hearing Tribunal considers that the Respondent has committed a Breach of a Relevant and Policy, it may impose a Sanction in accordance with clause 24.
- 1.6** The parties to the hearing shall include the Complainant, Respondent and the relevant Victorian Cricket Organisation and any witnesses, which any such party wishes to have participate in the hearing and which the chairperson of the Hearing Tribunal has permitted to partake in the hearing.
- 1.7** Any party to the hearing may be represented at the hearing by any person, excluding a Legal Representative (an advocate).
- 1.8** Costs to organise and manage hearings should be avoided and/or minimised as much as possible. If necessary or more practicable, hearings may be held online. Each party to the hearing shall bear any costs that they incur in relation to the hearing themselves .
- 1.9** The Hearing Tribunal shall give its decision as soon as practicable after the hearing and will deliver (or organise for delivery via appropriate means) a statement of its reasons in writing to:
- (a) the Victorian Cricket Organisation that established the Hearing Tribunal;
 - (b) the Complainant; and
 - (c) the Respondent.
- 1.10** Where their appointment is preapproved by the board or committee of the relevant Victorian Cricket Organisation, each member of each Hearing Tribunal established under this Policy shall be indemnified by the Victorian Cricket Organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearing Tribunal under this Schedule 2.

- 1.11** Except as otherwise provided in this Policy, all members of the Hearing Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the Hearing Tribunal) confidential.
- 1.12** The relevant Victorian Cricket Organisation must keep records of all Complaints that proceed to a Hearing Tribunal process for a minimum of 7 years.
- 1.13** Records must be maintained in a secure and confidential place – whether in electronic or hard copy (if any) versions.
- 1.14** When recording details at the finalisation of a Complaint, the person from the relevant Victorian Cricket Organisation recording the Complaint must:
- (a) file all materials lodged by each party to the Complaint in a confidential and secure location;
 - (b) document the decision made with respect to the Complaint;
 - (c) document any Sanctions arising out of the Complaint; and
 - (d) record any additional outcomes of the Complaint.
- 1.15** As soon as possible after the Complaint is resolved, the relevant Victorian Cricket Organisation must also notify CV of the outcome of the Complaint.
- 1.16** To the extent of any inconsistency between the hearing procedure set out in the constitution of the relevant Community Cricket Peak Body or Region and the hearing procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

SCHEDULE 3 – CRICKET VICTORIA HEARING TRIBUNALS

1. CRICKET VICTORIA HEARINGS

- 1.1** Upon referral to a Hearing Tribunal, the Complaints Manager shall, as soon as possible, do the following:
- (a) make arrangements for the CV Tribunal to be empanelled, including the applicable CV Tribunal member as appointed by the Complaint Manager;
 - (b) for referrals other than under clause 26, send to the Respondent:
 - (i) a notice setting out the alleged Breach including details of when/where it is alleged to have occurred; and
 - (ii) a notice setting out the date, time and place for the hearing of the alleged Breach which shall be as soon as reasonably practicable after referral to the Hearing Tribunal;
 - (iii) a copy of the Complaint,
 (referred to as "**Notice of Alleged Breach**");
 - (c) for referrals under clause 26, send to the Respondent the information outlined in (ii) above and a copy of the Breach Notice being disputed; and
 - (d) for:
 - (i) referrals under clause 26, send to the Complainant(s) and the chairperson of the CV Tribunal a copy of the Breach Notice being disputed; or
 - (ii) all other referrals, send to the Complainant(s) and the chairperson of the CV Tribunal a copy of the Notice of Alleged Breach.
- 1.2** The following preliminary threshold issues in this item 1.2 Schedule 3 apply to all referrals to the CV Tribunal under this Policy other than under clause 26 (where this item does not apply), but only to the extent the Hearing Tribunal is directed to determine some or all the preliminary issues by the relevant Complaints Manager under clause 16.4.
- (a) Upon receipt of the Notice of Alleged Breach, the CV Tribunal must determine whether the Complaint fails any of the preliminary issues under item 1.2(b) Schedule 3 and shall advise the parties of the determination.
 - (b) The CV Tribunal must determine whether the Complaint:
 - (i) is solely a Personal Grievance;
 - (ii) is a Minor Breach;
 - (iii) is frivolous, vexatious or malicious; and/or
 - (iv) relates to an alleged Breach of a Relevant Policy that also falls under another applicable Cricket Victoria policy, procedure or requirement.

- (c) The CV Tribunal shall determine such preliminary issue as soon as practicable and in whatever manner the CV Tribunal considers appropriate in the circumstances, provided that it does so in accordance with the principles of Procedural Fairness. The CV Tribunal may, but is not required to, take into account the Hearing Tribunal Guidelines.
- (d) Upon a determination by the CV Tribunal that the Complaint fails any of the preliminary issues under this item, the Complaint is permanently discontinued. There is no right of appeal of the decision by the CV Tribunal under this item 1.2 Schedule 3.
- (e) Where the CV Tribunal finds a Complaint falls within item 1.2(b)(ii) Schedule 3, they must apply clause 16.3 as if the CV Tribunal is the Victorian Cricket Organisation in that clause.
- (f) The CV Tribunal may refer Complaints that fall under item:
 - (i) 1.2(b)(iii) Schedule 3 to the relevant Victorian Cricket Organisation for consideration under clause 6.3; or
 - (ii) 1.2(b)(iv) Schedule 3 to Cricket Victoria to be dealt with under the appropriate process.

1.3 The CV Tribunal shall hear and determine the alleged Breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of Procedural Fairness and takes a Child-focused approach for matters involving Children or Young People. The CV Tribunal may, but is not required to, take into account the Hearing Tribunal Guidelines. **The purpose of the hearing shall be to determine whether the Respondent has committed a breach of a Relevant Policy.** If the CV Tribunal considers that the Respondent has committed a Breach of a Relevant Policy, it may impose a Sanction in accordance with clause 24.

1.4 The parties to the hearing shall include the Complainant, Respondent and the relevant Victorian Cricket Organisation (being the relevant Premier Club) and any witnesses, which any such party wishes to have participate in the hearing and which have been permitted to participate in the hearing by the chairperson of the CV Tribunal.

1.5 Any party to the hearing may be represented at the hearing by any person, excluding a Legal Representative.

1.6 Each party to the hearing shall bear their own costs in relation to the hearing.

1.7 The CV Tribunal shall give its decision as soon as practicable after the hearing and will deliver to the following (or organise for delivery via appropriate means) a brief statement of its reasons in writing:

- (a) the Complaint Manager of Cricket Victoria;
- (b) the president/chair or the CEO (or equivalent) of the relevant Premier Club(s) involved in the matter;
- (c) the Complainant; and

(d) the Respondent.

- 1.8** Each member of each CV Tribunal established under this Schedule 3 shall be indemnified by Cricket Victoria, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the CV Tribunal under this Policy, subject always to the board of Cricket Victoria first approving the appointment of the panel members of any such CV Tribunal.
- 1.9** Except as otherwise provided in this Policy, all members of the CV Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the CV Tribunal) confidential.
- 1.10** The record keeping requirements provided in items 1.12 to 1.14 of Schedule 2 in relation to a Hearing Tribunal under that Schedule apply equally to a CV Tribunal hearing conducted under this Schedule 3.
- 1.11** To the extent of any inconsistency between the hearing procedure of the CV Tribunal set out in the Cricket Victoria constitution and the hearing procedure set out in this Policy, the Cricket Victoria Constitution shall prevail in relation to all Complaints made under this Policy to the extent of the inconsistency.

SCHEDULE 4 - APPEAL BODIES

1. APPEALS – NON PREMIER CLUBS OR CRICKET VICTORIA

- 1.1 An appeal shall be made to the relevant Community Cricket Peak Body or Region, which shall convene an appeal tribunal comprising a member or members as provided in items 1.2 and 1.3 of Schedule 2 (none of whom may have been members of the Hearing Tribunal which determined the matter at first instance and none of whom shall have a conflict of interest arising in the matter at hand), with:
- (a) an appeal against a decision of a Hearing Tribunal established by a Region made to the appeal tribunal of the relevant Community Cricket Peak Body; or
 - (b) an appeal against a decision of a Hearing Tribunal established by a Community Cricket Peak Body made to an independent appeal tribunal convened by the Community Cricket Peak Body,
- (each referred to as the "**Appeal Body**").
- 1.2 There is only one right of appeal following the decision of the Hearing Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body.
- 1.3 The process for such appeal is as follows:
- (a) the party wishing to appeal (the "**Appellant**") shall within 72 hours of the Hearing Tribunal delivering its decision advise, in writing, the applicable Victorian Cricket Organisation of their intention to appeal ("**Notice of Intention to Appeal**"), which must include the permitted ground(s) of appeal under this Policy on which the appeal is based; and
 - (b) for all appeals, as soon as possible after receipt of the Notice of Intention to Appeal, the Complaints Manager of the relevant Victorian Cricket Organisation shall appoint an Appeal Body to hear and determine the appeal;
 - (c) within seven (7) days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
 - (i) pay an appeal fee to the Complaints Manager of the Victorian Cricket Organisation establishing the Appeal Body, which shall be \$500; and
 - (ii) submit to the Appeal Body the grounds of the appeal in writing and provide copies to the other party, via the relevant Community Cricket Peak Body or Region (as applicable),

provided that if either of the requirements in this item is not met by the due time, the appeal shall be deemed to be withdrawn;

- (d) on completion of the procedures in (a) to (c) inclusive above, the chairperson of the Appeal Body shall
 - (i) determine whether the appeal raises a valid ground of appeal under this Policy, failing which the appeal is automatically dismissed; or
 - (ii) where the appeal raises a valid ground of appeal under this Policy, determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
- (e) the procedure for the appeal shall be the same as the procedure for the Hearing Tribunal set out in Schedule 2.

1.4 The Appeal Body's arbitration of the appeal must determine, on the balance of probabilities, whether one or both grounds of appeal (as applicable) are proven and must not rehear the matter or the facts of the Complaint.

1.5 Upon hearing the appeal, the Appeal Body may do any one or more of the following:

- (a) dismiss the appeal;
- (b) uphold the appeal;
- (c) impose a Sanction in accordance with clause 24; or
- (d) reduce, increase or otherwise vary any Sanction imposed by the initial Hearing Tribunal.

1.6 The relevant Victorian Cricket Organisation from which the Appeal Body is established shall as soon as possible notify in writing Cricket Victoria, and each relevant Community Cricket Peak Body and Region of the outcome of the appeal.

1.7 The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.

1.8 Any appeals conducted by an Appeal Body under this item 1 Schedule 4 are to be recorded in accordance with item 1.14 of Schedule 2.

1.9 To the extent of any inconsistency between the hearing appeal procedure set out in the constitution of a Community Cricket Peak Body or Region and the hearing appeal procedure set out in this Schedule 4, this Schedule 4 shall prevail in relation to all Complaints under this Policy.

2. APPEALS – PREMIER CLUBS AND CRICKET VICTORIA

2.1 The Cricket Victoria Constitution governs the process and procedure for an appeal, including timing for lodgement of the appeal and the process to be adopted by the CV Appeals Tribunal.

2.2 Any appeal conducted by a CV Appeals Tribunal under this item 2 of Schedule 4 is to be recorded in the record maintained in accordance with item 1.14 of Schedule 2.

- 2.3** To the extent of any inconsistency between the appeal procedure set out in the Cricket Victoria Constitution and the appeal procedure set out in this item 2 Schedule 4, the Cricket Victoria Constitution shall prevail.

ANNEXURE A - CRICKET VICTORIA COMPLAINT FORM

Internal Use Only	
Name of person receiving Complaint	Date Complaint Form Received: / /
Organisation, role & contact details of person receiving Complaint	
Complainant to Complete	
Name of Complainant <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Complainant's contact details	Phone: Address: Email: Club/Centre/Team/League: Association:
Details of Complainant's parent/guardian if Complainant Under 18	Name: Phone: Address: Email:
Complainant's role/position within Cricket	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official
Name of person complained about (Respondent) <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18
Details of Respondent and/or Respondent's parent/guardian if Complainant under 18 (please tick below if parent/guardian) Parent/Guardian <input type="checkbox"/>	Name: Phone: Address: Email: Club/association/Team/League: Association:
Respondent's highest level of involvement within cricket	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official
Date of alleged breach by Respondent	

<p>Location of alleged breach by Respondent (include suburb and postcode)</p>	
<p>Description of alleged breach by Respondent</p> <p><i>Please provide as much information as possible, including details of who is involved, describe what happened and when, and how you found out about the breach - attach further page if necessary</i></p>	
<p>Description of impact of the alleged breach</p> <p><i>Please outline the impact the alleged breach has had on the Complainant - attach further page if necessary</i></p>	
<p>Provision(s) of Member Protection Policy/ Code of Behaviour (for adults) and/or Australian Cricket's Child Safe Policy/ Code of Behaviour for Looking after our Kids (for Children) that are alleged to be breached</p>	<p><i>Please list all specific provisions of policies that are alleged to be breached</i></p>
<p>Does the Complainant believe any other person is at risk of harm</p> <p><i>Please outline the basis on which a person may be at risk of harm, whether arising out of the Complaint or otherwise - attach further page if necessary</i></p>	
<p>Outcome the Complainant is seeking</p> <p><i>Please state what you wish to occur as a result of this process (ie, sanction, apology, removed from position, etc)</i></p>	

<p>Preferred Resolution Process</p> <p><i>Please state your preferred resolution method for this process (eg, Breach Notice, Tribunal, Mediation, etc) (noting that this decision will be made by the Complaints Manager)</i></p>	
<p>Witnesses (if any)</p>	<p>Did anyone else witness this alleged breach by the Respondent?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p> <p>If 'Yes', please list the witnesses and their contact details (if known):</p> <p>1.</p> <p>2.</p> <p>3.</p>
<p>Level of Cricket at which alleged breach occurred</p>	<p><input type="checkbox"/> Cricket Victoria level where the alleged breach relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the Cricket Victoria level;</p> <p><input type="checkbox"/> VPC, VSDCA, VMCU, VCCL, WCC or Harmony in Cricket level where the alleged breach relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at any of those levels; or</p> <p><input type="checkbox"/> Association/Club/Centre/League/Team level where the alleged breach relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the Association/Club/Centre/League/Team level.</p>
<p>Signed by Complainant</p>	<p>Signature:</p> <p>Date:</p> <p>Where Complainant is a Vulnerable Person (includes those under 18):</p> <p>Signature (Parent/Guardian):</p> <p>Name:</p> <p>Date:</p>

ANNEXURE B – TEMPLATE LETTERS

TEMPLATE SHOW CAUSE NOTICE

[insert date]

[name of respondent]

[address line 1]

[address line 2]

[email]

Dear [insert]

The conduct of Victorian cricket members is critical to ensuring a safe, welcoming and inclusive environment for all cricket participants.

We write to inform you that [name of Victorian cricket organisation] (**Organisation/Association/Club name**) has become aware of information alleging you have breached section ## of the [Cricket Victoria Member Protection Policy (**MPP**)] or [Australian Cricket's Code of Behaviour for Looking after our Kids (**Child Safe Code**)].

It is alleged that on [insert date, time and place (if applicable)] you:

1. [insert description of alleged conduct]; and

2. [insert description of alleged conduct],

(collectively the **Alleged Breach**).

In accordance with clause 24 of the Cricket Victoria Complaints and Resolution Policy, the [name of organisation] may impose one or more sanctions on a member where an alleged breach of the [policy name] has been found to be substantiated.

The [name of organisation] invites you to provide a written explanation of the Alleged Breach, and reasons as to why disciplinary action should not be taken against you based on the information received by the [name of organisation] concerning the Alleged Breach.

Please address this written explanation directly to the [name of organisation] Complaints Manager, [name], at [insert email] by [insert date].

Should you wish to discuss the above please contact me at [insert signatory email].

Yours faithfully

[insert signatory]

[insert title]

TEMPLATE MINOR BREACH OR WARNING LETTER

[insert date]

[name of respondent]
[address line 1]
[address line 2]
[email]

Dear [insert]

The conduct of Victorian cricket members is critical to ensuring a safe, welcoming and inclusive environment for all cricket participants.

We write to inform you that [name of Victorian cricket organisation] (**[Organisation/Association/Club name]**) has become aware of information alleging you have breached section ## of the [Cricket Victoria Member Protection Policy (**MPP**) or Australian Cricket's Code of Behaviour for Looking after our Kids (**Child Safe Code**)].

It is alleged that on [insert date, time and place (if applicable)] you:

1. [insert description of alleged conduct]; and
2. [insert description of alleged conduct],

(collectively the **Alleged Conduct**).

In accordance with clause 16.3 of the Cricket Victoria Complaints and Resolution Policy, the [name of organisation] has categorised the Alleged Conduct as a Minor Breach and therefore, the matter is to be closed with no findings made and no sanction imposed.

The [name of organisation] however, warns you that without findings being made, the Alleged Conduct could constitute a breach of the [MPP / Child Safe Code]. The [name of organisation] therefore:

- (a) reminds you of your obligations under the [MPP / Child Safe Code] to [insert details of relevant obligations]; and
- (b) requires that you undergo [insert details of any recommended education or training].

If you have any queries or wish to discuss the above, please contact the [name of organisation] Complaints Manager, [name], at [insert email].

Yours faithfully

[insert signatory]
[insert title]

TEMPLATE BREACH NOTICE

[insert date]

[name of respondent]

[address line 1]

[address line 2]

[email]

Dear [insert]

Thank you for your response dated [insert] to our letter notifying you of your Alleged Breach of the [Cricket Victoria Member Protection Policy (MPP) or Australian Cricket's Code of Behaviour for Looking after our Kids (Child Safe Code)].

This letter is a breach notice issued pursuant to clause 25 of the Cricket Victoria Complaints and Resolution Policy.

The [Club / Association / Organisation name] ([Club / Association / Organisation name]), has reviewed your response and determined that:

1. the following allegations have been substantiated:
 - (a) [insert description of alleged conduct]; and
 - (b) [insert description of alleged conduct],(the **Substantiated Allegation**).
2. As a result of the findings above, you have been found to have breached clause ## of the [MPP / Child Safe Code].
3. Subject to below, the following sanction(s) is/are imposed on you:
 - (a) [insert sanction]; and
 - (b) [insert sanction],(**Sanction**).

As a result of your Sanction you [insert further details if/as required].

You have the right to a hearing in relation to the Substantiated Allegation and/or the Sanction.

You are entitled to either:

- (a) accept the Substantiated Allegation has occurred, waive your right to a hearing and accept the Sanction imposed by the [Club / Association / Organisation name] as set out above; or

- (b) dispute the findings and/or the Sanction, in which case the matter will be referred to a Hearing Tribunal under clause 25.2 of the Cricket Victoria Complaints and Resolution Policy.

You must inform the [Club / Association / Organisation name] of any decision to dispute the Substantiated Allegation and/or Sanction, by notice in writing to [insert organisation representative] at [insert email], within **14 days** of the date of this letter, failing which you will be deemed to have accepted the Substantiated Breach occurred, waived your right to a hearing and accepted the Sanction.

The Sanction outlined above commences on the date of this letter, pending any required Hearing Tribunal pursuant to the Cricket Victoria Complaints and Resolution Policy.

If you have any questions in relation to this letter, please contact [insert organisation representative] at [insert email].

Yours faithfully

[insert signatory]
[insert title]

TEMPLATE HEARING NOTICE – DISPUTED FINDING/SANCTION

[insert date]

[name of respondent]

[address line 1]

[address line 2]

[email]

Dear [insert]

Notice of Hearing – Disputed [Finding/Sanction]

We refer to:

- (a) our letter to you dated [insert] notifying you of the decision of the Hearing Tribunal in respect of your alleged breach of clause ## of the [Cricket Victoria Member Protection Policy (MPP) or Australian Cricket's Code of Behaviour for Looking after our Kids (Child Safe Code)] (Notice of Decision); and
- (b) your response dated [insert] to the Breach Notice, disputing the Substantiated Allegation and/or Sanction.

A copy of the Breach Notice is attached to this letter. **[Drafting Note: Breach Notice must be attached to this letter]**

Pursuant to clause 26 of the Cricket Victoria Complaints and Resolution Policy, this matter has been referred to hearing before a Hearing Tribunal which will take place on [insert date], commencing at [insert time], at [insert address] (Hearing).

You may do one or more of the following:

- (a) attend the Hearing;
- (b) address the Hearing Tribunal; and/or
- (c) prior to or at the Hearing, give a written statement to the Hearing Tribunal.

You may be represented at the Hearing by any person or advocate, other than a Legal Representative.

If you wish to have any witnesses participate in the hearing, you must seek permission from the chairperson of the Hearing Tribunal. Further, if you wish to provide any supporting documentation or submissions to the Hearing Tribunal, such as character references, please do so by [insert time / date] to [insert organisation representative] at [insert email].

Should you choose not to provide any further documentation and/or attend the Hearing, the Tribunal will continue with its deliberation process and advise you of the outcome.

If you wish to discuss the above, please contact [insert organisation representative] at [insert email].

Yours faithfully

[insert signatory]

[insert title]

TEMPLATE HEARING NOTICE

[insert date]

[name of respondent]

[address line 1]

[address line 2]

[email]

Dear [insert]

Notice of Hearing

We refer to our previous correspondence (eg, Show Cause Notice) in this matter dated [date] regarding alleged breaches of the [Cricket Victoria Member Protection Policy (MPP) or Australian Cricket's Code of Behaviour for Looking after our Kids (Child Safe Code)].

Pursuant to clause 16.4 of the Cricket Victoria Complaints and Resolution Policy, this matter has been referred to hearing before a Hearing Tribunal which will take place on [insert date], commencing at [insert time], at [insert address] (Hearing).

You may do one or more of the following:

- (a) attend the Hearing;
- (b) address the Hearing Tribunal; and/or
- (c) prior to or at the Hearing, give a written statement to the Hearing Tribunal.

You may be represented at the Hearing by any person or advocate, other than a Legal Representative.

If you wish to have any witnesses participate in the hearing, you must seek permission from the chairperson of the Hearing Tribunal. Further, if you wish to provide any supporting documentation or submissions to the Hearing Tribunal, such as character references, please do so by [insert time / date] to [insert organisation representative] at [insert email].

Should you choose not to provide any further documentation and/or attend the Hearing, the Tribunal will continue with its deliberation process and advise you of the outcome.

If you wish to discuss the above, please contact [insert organisation representative] at [insert email].

Yours faithfully

[insert signatory]

[insert title]

TEMPLATE APPEAL NOTICE

[insert date]

[name of respondent]

[address line 1]

[address line 2]

[email]

Dear [insert]

Notice of Appeal Hearing

We refer to:

- (a) our letter to you dated [insert] notifying you of the decision of the Hearing Tribunal in respect of your alleged breach of clause ## of the [Cricket Victoria Member Protection Policy (MPP) or Australian Cricket's Code of Behaviour for Looking after our Kids (Child Safe Code)] (Notice of Decision); and
- (b) your response dated [insert] to the Notice of Decision, informing us of your intention to appeal the decision of the Hearing Tribunal (Notice of Intention to Appeal).

Pursuant to clause [1.3 of Schedule 4 (for Community Cricket matters) OR [2 of Schedule 4 (for Premier Cricket matters)] of the Cricket Victoria Complaints and Resolution Policy, this matter has been referred to an appeal hearing before the Appeal Body which will take place on [insert date], commencing at [insert time], at [insert address] (Appeal Hearing).

You may do one or more of the following:

- (a) attend the Appeal Hearing;
- (b) address the Appeal Body at the Appeal Hearing; and/or
- (c) prior to or at the Appeal Hearing, give a written statement to the Appeal Tribunal.

You may be represented at the Appeal Hearing by any person or advocate, other than a Legal Representative .

If you wish to have any witnesses participate in the Appeal Hearing, you must seek permission from the chairperson of the Appeal Body. Further, if you wish to provide any supporting documentation or submissions to the Appeal Body, such as character references, please do so by [insert time / date] to [insert organisation representative] at [insert email].

Should you choose not to provide any further documentation and/or attend the Appeal Hearing, the Appeal Body will continue with its deliberation process and advise you of the outcome.

If you wish to discuss the above, please contact [insert organisation representative] at [insert email].

Yours faithfully

[insert signatory]

[insert title]