

## **SOUTH METROPOLITAN CRICKET ASSOCIATION P&D TRIBUNAL**

Tribunal date:

03-10-2022

Tribunal personnel:

David King , Mario Baeli

Tribunal convenor:

Ian Del Rosso (Acting Secretary)

Umpire:

Stuart Lockyer and Jason Patten



Name: Matthew Leipold

Club: Serpentine Jarrahdale

Advocate's name: A.Cheeseman

Report:

(ii) Dissent towards an umpires decision, Minor Dispute- two (2) playing days.

Tribunal notes:

David King (Chair) went through proceedings of the PnD and read the charge. David King discussed with Mr Leipold and Mr Cheeseman, that by not following the process , requesting the penalty be heard by the SMCA Tribunal as per the Prescribed Penalty deadlines noted on the form (presented to both for viewing), stated at 9pm on the day of play, that the Prescribed Penalty was deemed accepted. SJ Blues advocate (A Cheeseman) advised the appeal was based upon by-law 63, to which David King advised that this was irrelevant and not applicable to prescribed penalties process, that the requirement to notify prior to 9 pm as per the form/by-laws did not occur. (By Laws presented to both for viewing) At this point David King asked Matthew Leipold if he accepted the charge to which he replied he still wanted the matter heard. Stuart Lockyer and Jason Patten Umpires on the day, proceeded to read out their statements. Mr Lockyer, gave evidence that there was clear dissent and bad language toward him from Mr Leipold who approached him from slips, and walked toward him disputing a caught behind decision, which Mr Lockyer had turned down the appeal. Mr Lockyer felt intimidated by the verbal altercation. Whilst mid pitch the Captain of SJ Blues directed Mr Leipold to go back to the slips, after this Mr Leipold returned to the slips cordon and swore loudly, at this time My Lockyer made the decision to report him. Mr Patten, corroborated the version of events from his position at square leg, and he had written notes of the day, with recording the events. He confirmed the approach toward Central umpire Stuart Lockyer, bad language directed toward

Stuart Lockyer over the decision and then the swearing when back in the slips cordon. The game was crucial for both teams and given what was at stake, it was a very tense match throughout. ( both statements handed to tribunal for records) At the time, both umpires discussed and agreed on a prescribed penalty and attempted to get the player to sign the form and accept the penalty, Mr Leipold refused to sign it, as well as the Captain of SJ Blues was approached and also refused to sign it (D Leipold). Mr Patten went in to the umpires change rooms via the SJ Blues rooms to retrieve his and Mr Lockyer's gear , who remained outside, as they tried to avoid any further confrontation. Mr Leipold then gave his version of events whereby he admitted approaching the central umpire Mr Lockyer, disputing the decision vigorously, but did not feel he had sworn at, intimidated or got into anyone's personal space, and accepted that approached the umpire about halfway up the pitch, and on his return to the slips that he very loudly swore out of frustration and not to any person directly, he regretted this action, but his approach was only seeking to get a "clear answer" as to why the appeal was turned down. David King advised that approaching the umpire in such a manner and the dissent shown was clearly an infringement of the by-laws and code of conduct expected, however given the tense high stakes game and emotionally charged atmosphere, with the umpires taking this into account, it was decided at the time to offer a prescribed penalty instead. Mario Baeli stated that all must take into account what the umpires felt at the time and from their perception of events and how they both felt at the time, it was not a good look. Mr Cheeseman gave a glowing character reference for Mr Leipold , and noted he had stepped up to coach the club voluntarily this season, and was a good clubman sand a person of high integrity. The panel then asked all to leave and deliberated the evidence given.

#### Penalty:

Decision was made to uphold the original 2 match prescribed penalty, whilst the panel had the discretion to increase the penalty by not taking it up in the first place, it was decided to stick with the original penalty as there had been some misinterpretation of the by-law applicable as to the process.

Signee's name: Ian Del Rosso, Convenor