

South Metropolitan Cricket Association

Minutes of Special Executive Meeting held at Leeming on
Monday 22nd February 2017.

Meeting commenced at 6:00pm



PRESENT: Graham Santich, John Griffin, Paul Speering, Ray Howe, Graeme Ashley, Gary Hartman (Minutes).

APOLOGIES: Scott Knight, Ian Hale.

The President explained that the meeting had been called to discuss the receipt of the letter (copy attached) from a lawyer claiming to act for the CBC Cricket Club requesting further information arising from the following.

On Tuesday 14th February CBC First Grade player David Bandy was found guilty by the SMCA Protests and Disputes Tribunal of dissent towards an umpire's decision and abusive language towards an umpire. Mr Bandy was suspended for six playing dates with a further six playing dates suspended.

CBC appealed the decision and this appeal was heard on Thursday 16th February. After consideration, the appeal was dismissed and the original penalty confirmed.

On Friday 17th February, the SMCA President received a letter from Mr Tony Basile of SRB Legal Insurance Lawyers requesting information in relation to CBC's concern in which the hearing before the Board was conducted.

The SMCA By-Laws 67h states that the result of any appeal to the Board shall be final and therefore CBC are acting contrary to this By-Law.

After discussion, it was resolved that the President write to CBC President advising of the following issues and request the Club to bring this matter to an end;

The Executive deemed that Mr Bandy had his case heard by the P&D, and after his admission that he had aggressively approached and swore at the umpire, was duly found guilty. CBC Cricket Club then appealed the decision without notification of any new evidence. However, in the interests of all concerned the appeal was heard and after considering all the facts, it was dismissed by the Appeals Tribunal

It is considered the matter is now complete as all avenues of appeal have been exhausted so the Executive see no worthwhile benefit in incurring

additional legal costs required to respond to the lawyer's request for information.

Should the CBC Cricket Club still decide to take the matter further and the Association is compelled to provide the information requested by their lawyer, we will be left with no alternative than to call a special general meeting of our members to discuss the issue. The Executive will be seeking approval for all 24 clubs to each commit \$1,000 towards the appointment of a legal practitioner to represent the Association and its members in this cause

MEETING CLOSED:

As there being no further business the meeting closed at 6:40pm.

See attached letter.

Your Ref:
Our Ref: AB:99997(BANDY)
Anthony.Basile@srblaw.com.au

By email: graham.santich@itvision.com.au

17 February 2017

Mr Graham Santich
President
SMCA

Dear Mr Santich

David Bandy - CBC Cricket Club

We are instructed to act on behalf of the CBC Cricket Club Inc.

Recently our Club Captain, David Bandy, was suspended by the Protests and Disputes and Appeals Board for a total of 12 playing dates.

The Club appealed the decision but the appeal was dismissed and the penalty was confirmed.

The Club has some serious concerns as to the manner in which the hearing before the Board was conducted and we are considering the Club's options in relation to the Board's decision.

To enable us to advise further we request that you provide us with the following information, namely:

1. all written evidence that was presented to the Board at the time of the hearing which was held on 14 February 2017;
2. all records of oral evidence that was heard by the Board at the hearing;
3. whether any member of the Board which we note was constituted by Mr Ron McDonald, David King and Paul Speering discussed the events leading to the hearing with:
 - 3.1. the officiating umpires, Stuart Lockyer and Sean Leighton;

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3.2. Ray How,

prior to the hearing and if so the nature of those discussions;

4. whether Mr Graeme Ashley discussed the matter with any members of the Board as it has come to light during the appeal hearing that Mr Ashley was actually present when the alleged report was made by Umpire Lockyer on Mr Bandy;
5. detailed reasons for decision by the Board members as to why they accepted that there was a valid report made when there was a conflict of evidence on that issue;
6. detailed reasons as to why they preferred the evidence of the Umpire to that of Mr Bandy particularly when one of the Board members namely, David King indicated prior to pronouncing the penalty that the Board was there to "support the umpires". This comment concerns the Club as it tends to indicate pre-judgment and possible bias against Mr Bandy.

We confirm that an appeal hearing was held on 16 February 2017 and was presided over by John Griffin, Geoff Palmer and James Hewitt. Mr Ashley was also present.

A determination was made by the Appeal Board and we require written reasons from the Board as to why the determination was made and on what basis.

It may be that once we receive all of the above information we will seek further information, however our client's concerns are that there appears to have been pre-judgment, comments made by persons who did not give evidence on the night which influenced the decision and a lack of procedural fairness and natural justice in both of the hearings.

To enable us to advise our client further, we request that this information be provided urgently, as time is of the essence.

Yours sincerely
SRB Legal