

This document contains the proposed amendments to clause 15 of the North Sydney District Cricket Club constitution, which have been proposed by the Management Committee for Members' approval, along with explanatory notes in yellow highlight. The amendments include the addition of a new clause 16 (also included in this document), with all subsequent clauses in the Constitution to be re-numbered.

Please refer to the tracked change version of the proposed revised Constitution for the full set of changes being proposed via the Special Resolution at the 2024 AGM.

15. Disciplining of Members

- (a) A complaint may be made to the Management Committee by any person Where the President or the Honorary Secretary are of the opinion that a Member has:
- i) has refused or neglected without reasonable cause to comply with a provision or provisions of these Rules;
 - ii) persistently refused or neglected to comply with a provision of the New South Wales Cricket Association By-Laws (as amended or updated from time to time);
 - iii) acted in a manner prejudicial to the interests of the game of cricket;
 - iv) has wilfully acted in a matter manner prejudicial to the interests of the Club; or
 - v) has breached a condition of any code of behavior of the Club as determined from time to time by the Management Committee.
- [The above clause has been amended to align better with the CNSW template. We prefer having complaints made to the Committee as a whole rather than to Pres / Sec]
- (b) The Management Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- [New clause included from CNSW template]
- (c) If the Management Committee decides to deal with the complaint, the Management Committee the President or Honorary Secretary may refer the matter to a Judiciary Committee being a sub-committee of three members of the Management Committee (“Judiciary Committee”).
- [Amendments made to align better with CNSW template. Note however the template has the complaint being dealt with by the Management Committee – we’ve kept the Judiciary Committee concept as if a complaint needs to be addressed quickly – e.g. before next round – it is easier to convene a committee of 3 rather than the full committee.]
- (b) The Judiciary Committee may, after hearing the matter: [clause moved down to (e)]
- i) issue a warning in the nature of a reprimand to the Member;
 - ii) suspend any or all of the privileges attaching to membership of the Club for a specified period;
 - iii) suspend or disqualify the member from membership of the Club for a specified period;
 - iv) expel the Member from the Club; or
 - v) otherwise deal with the member
- (e)(d) Where the President or Honorary Secretary Management Committee refers a matter to the Judiciary Committee under clause (ca) the Honorary Secretary must promptly shall, within 48 hours or as soon as practicable thereafter, notify the Mmember that he or she is

~~to appear before the Judiciary Committee and serve the member with a notice advising concerned:~~

- i) ~~as to~~ the nature of ~~the~~ complaint ~~and the grounds on which it is based;~~
- ~~ii)~~ ii) that he or she is to appear before the Judiciary Committee, at a meeting to be held not earlier than 3 days and not later than 14 days after service of the notice; [the CNSW template provides for 14 days – we've kept ours at min 3 days to provide flexibility during the season in case a matter needs to be addressed quickly.]
- ii) ~~that the Member is required to appear before the Judiciary Committee at a meeting to be held not earlier than 3 days and not later than 14 days after service of the notice;~~
- iii) the date, place and time of that Judiciary Committee meeting; and
- iv) that the Member may at that meeting:
 - A. make oral representations in relation to the matter;
 - ~~B.~~ ask any question of the complaint or any witnesses called to give evidence on the matter; [removed – we think it is probably too much detail, and doesn't reflect the reality of these processes]
 - ~~C.~~ B. submit any written material or evidence, in relation to the matter;
 - ~~D.~~ C. produce any witnesses on his or her behalf; and
 - ~~E.~~ D. be represented.

~~(d)~~ (e) The Judiciary Committee may, after hearing the matter:

- i) issue a warning in the nature of a reprimand to the Member;
- ii) suspend any or all of the privileges attaching to the Member's membership of the Club for a specified period;
- iii) suspend or disqualify the Mmember from membership of the Club for a specified period;
- ~~ii)~~ iv) expel the Member from the Club; or
- ~~iii)~~ v) otherwise make directions to the Member in relation to actions relevant to the subject matter of the complaint. ~~deal with the member.~~

~~(e)~~ (f) Where a Member is the subject of a disciplinary process under the New South Wales Cricket Association By-Laws or Cricket New South Wales Complaints and Dispute Resolution Policy (or otherwise under the Cricket New South Wales Integrity Framework (as amended or updated from time to time)) and is required to appear before ~~the a~~ a Judiciary Committee or equivalent of the Sydney Cricket Association (“the Association Judiciary”) in relation to a complaint which is the subject of a matter referred to the Judiciary Committee of the Club under clause 15 ~~(ca)~~:

- i) the Member will not be required to appear before the Judiciary Committee of the Club until that matter has been heard and determined by the Association Judiciary; and
- ii) the time as requirement specified in clause 15(de) for the notification of a Member and the service of a notice thereunder, shall not commence until that matter has been heard and determined by the Association Judiciary.

~~(f)~~(g) The Judiciary Committee may adjudicate in the absence of the Member who is the subject of the complaint should that Member fail to attend before the Judiciary Committee as required.

~~(g)~~(h) Where the Judiciary Committee imposes a penalty under clause 15(ea) the Honorary Secretary shall, within 7 days after that decision has been given made, by notice in writing, inform the Member of the decision and of the Member's right to appeal under clause 16(h).

(i) Any penalty imposed upon a Member by the Judiciary Committee under clause (eb) shall have effect immediately upon its imposition, notwithstanding the rights of a Member to appeal against the decision of the Judiciary Committee under clause 16(h). [note this is not aligned with the CNSW template – which provides that the penalty does not apply until after any appeals notification or appeal has run its course.]

16. Right of appeal of disciplined Member

(a) ~~Any~~ Member may appeal against the decision of the Judiciary Committee under clause 15(e) within 7 days after ~~the receipt of a notice of the decision issued~~ under clause 15(hf) is served on the Member, by lodging with the Honorary Secretary a notice to that effect. [minor amendments made to better reflect the CNSW template.]

~~(a)~~(b) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal. [Extracted from CNSW template.]

~~(b)~~(c) Upon receipt of a notice from a Member under clause 16(a)(h), the Honorary Secretary shall notify the Management Committee which shall appoint 35 of its members to form an Appeals Committee which shall hear the appeal within 7 days after the date on which the Honorary Secretary received the notice. The members of the Management Committee who were members of the Judiciary Committee which dealt with the matter in the first instance shall be excluded from appointment to the Appeals Committee. [Note we've reduced the number of members of appeals committee from 5 down to 3.]

~~(c)~~(d) The Appeals Committee may confirm, amend or reverse any decision of the Judiciary Committee.

~~(d)~~(e) A Member who has been suspended or has had any of his or her membership privileges suspended by the Judiciary Committee under clause 15(eb), and who has not been completely exonerated on appeal, if any, by the Appeals Committee, shall be prohibited from acting in any administration position or as an Office-bearer of the Club or as a captain of any team controlled by the Club until the next Annual General Meeting of the Club held after the expiration of such suspension.