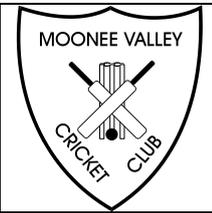




Moonee Valley Cricket Club Inc.

A Section of the Moonee Valley Sporting Club Inc.

ORMOND PARK
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Tuesday, March 14, 2023

MOONEE VALLEY-GELLIBRAND – COVERS

VTCA – Zoran Havranek

Moonee Valley disagrees in the strongest possible terms with your advice tonight on our protest, and wishes to have it revisited.

The handling of our protest, compliance with the VTCA's rules and your advice regarding your reasoning leaves much to be desired.

We seek to have it revisited on multiple points, being:

- You appear to have given considerable weight to an unauthorised text from the Moonee Valley stand-in captain – which we understand was sent to his Gellibrand counterpart.
- The appointed captain of Moonee Valley's Second Eleven, who was unavailable for the semi final due to injury, endorsed the decision to dispute the result.
- The official dispute was lodged by myself as President of our Club – initially on MyCricket, and with a follow-up email to the VTCA Secretary expanding on our reasons – as MyCricket only accepts 500 characters.
- This complied with E81.2 – which states any Club must also indicate that there is a protest on MyCricket by clicking “Result in Dispute”.
- The stand-in captain had no authority to overrule the official dispute process lodged by a club President acting on behalf of the committee, and the VTCA should not have given a private text message any weight whatsoever.
- My follow-up email, containing full detail of the protest, was sent to the official Gellibrand email address listed on MyCricket.

- Gellibrand has failed to comply with E81.6, which requires it to provide the protesting club with a written response within 48 hours. We have still not received Gellibrand's response.
- There was multiple advice from our club in advance that we intended to dispute the match on the basis of a breach of bylaws requirements – a text message to the VTCA Secretary on Saturday evening, and advice to the umpire on each of the two days.
- On the Sunday the umpire advised that he had spoken to his superior at the VTCA and sought guidance. He said his superior advised that the match should continue, and that the breach of the rules could be addressed afterwards.
- You have misinterpreted or misread your own rules when you state that Moonee Valley did not follow correct procedure with lodgment of the match report.
- Your own rule E81.1 states that “any Club making a protest **where possible** complete the Captains Match report in the prescribed manner, sign it, and endorse that the match is subject to a protest. **Failure to sign off the match report as subject to protest, does not invalidate the right to protest.**” Moonee Valley's lodgment of the process complied with this clause.
- Rule 81.1 relates directly to a protest by a **Club** – this is the process we have followed. Neither 81.1 nor any other rule puts any official weight on any stand-in captain, or unauthorised text message. Our Club lodged the dispute.
- You refer to an “afterthought” from Moonee Valley. We find this insulting. As advised, a text was sent to the VTCA Secretary on Saturday evening, the umpire was involved on both days and also sought guidance from his superior. How can this be considered an afterthought?
- You or one of your colleagues at last Wednesday's compulsory captains' meeting advised all clubs of the requirements for covering pitches – covers and hessians. So all participating clubs were aware.
- It was pointed out to Gellibrand by our stand-in captain and also our appointed captain at the conclusion of the first day's play that they were required to use hessians. Despite this, hessians were not used for Day 2.
- Regardless of any unofficial text message from a stand-in captain, your decision on Moonee Valley's protest does not comply with your own rules and bylaws, namely:
 - E52.2: Due to Council requirements, an underlay material **must** be used when covers are laid prior to each day of a play.

- E52.6: At all times leading up prior to the implementation of Rule E52.1, the Curator or Ground Manager must use the Cover and underlay in order to obtain the best possible conditions of play for each match-day.
- E53.1: Any Club failing to comply with the Rule E51 and Rule E52 **will** lose the match and may also be dealt with by the Board of Management.

In sending this letter Moonee Valley has sought to comply with the VTCA's Appeals Procedure, but nowhere in your bylaws is there a process that fits this situation.

E82.3 states that "Where the Protest Sub Committee upholds the protest and the decision involves the loss of match or percentage, the decision is subject to appeal. (See VTCA Appeals Procedure)". The sub-committee did not uphold the protest.

Rule 2.2 pertains to a Club dissatisfied with a decision of the Tribunal or a VTCA disciplinary decision.

This is not a matter involving a tribunal or a disciplinary action.

Your rules refer to a hearing by an Appeals Board – but again there is no process for a hearing into a matter involving a protest – only hearings relating to a Tribunal or disciplinary matter.

Given there is no process in your bylaws for an appeal of this nature, we believe this matter needs to be referred back to the protest committee to make a deliberation based on the issues listed above and to comply with the requirements of E52.2, E52.6 and E53.1 – noting that the rules state without any ambiguity that any club failing to comply **WILL** lose the match.



Graeme "Charlie" Walker.
President
Moonee Valley Cricket Club