

# AUSTRALIAN POLO COUNCIL

## DISCIPLINE REGULATIONS AND PROCEDURES

### 1. Definitions

“**APC**” means the Australian Polo Council.

“**State Association**” means a body which is a member of the APC and which has the responsibility of controlling the sport of polo in a State or Territory of Australia.

“**Club**” means a club which is a member of a State Association.

“**Facility**” or “**Polo Facility**” means the proprietor or custodian of a property where an event sanctioned by a Club or State Association is being held.

“**International Association**” means any one or more of Hurlingham Polo Association, United States Polo Association, New Zealand Polo Association, South African Polo Association and Asociacion Argentina de Polo, and any other national polo administration body which the APC resolves to regard as an International Association for the purpose of these regulations.

“**Team**” means and includes all individuals who at any time are nominated to play or play with a particular team entered into a polo competition, irrespective of whether any individual player plays any game or part of a game of polo in the competition.

“**Disciplinary Incident**” or “**Incident**” means an incident which might be an example of Misconduct.

“**Member**” means an individual who is a member of a State Association or Club.

“**Misconduct**” means and includes any conduct which is prejudicial to the interests and good order of the APC or the game of polo, and includes breaches of the Australian Rules of Polo as adopted by the APC or, other APC rules or regulations, by laws, guidelines or directives, and includes any breach of the Players Code of Conduct or Etiquette of Polo adopted by the APC and includes but is not limited to those listed at Schedule 1.

“**Disciplinary Enquiry**” or “**Hearing**” means the process of enquiry adopted by the APC, State Association or Club to establish whether conduct the subject of a Disciplinary Incident amounts to Misconduct, and determination of any consequent Penalty.

“**Party Charged**” means any Club, Polo Facility, or member of a Club or State Association at the time of a Disciplinary Incident, whose conduct (whether alone or with others) is the subject of a Disciplinary Enquiry.

“**Discipline Committee**” means members of a State Association appointed by the Board of the State Association, or members of a Club, authorised by the Club, to conduct a Disciplinary Enquiry into a Disciplinary Incident.

“**Incident Report**” means a report, in the form set out in Schedule 2.

### 2. Reporting of Misconduct and Conduct of Enquiries on behalf of the APC

- 2.1. Any Club or Polo Facility, or member of a Club or State Association or any official, or player or veterinary surgeon or participant or spectator at any event conducted or sanctioned by the APC or a Club or State Association, may refer any Disciplinary Incident to the APC or to the Club or State Association which has conducted or sanctioned the event.

- 2.2. All State Associations and Clubs have the authority of the APC to, and shall on behalf of the APC, conduct Disciplinary Enquiries in relation to Misconduct by any Club, Facility or individual member of a Club affiliated with any State Association.
- 2.3. Disciplinary Enquiries may be conducted under the rules or regulations of a State Association or Club. Where there is a conflict between the rules or regulations of any State Association or Club conducting a Disciplinary Enquiry and these Regulations, these Regulations shall prevail.
- 2.4. If a Disciplinary Incident occurs a report or complaint of misconduct is to be made immediately to the appropriate Club in order that the matter may be investigated while witnesses are still available and have fresh and accurate recollections of events. In the interests of all concerned a matter must be investigated and dealt with as quickly as possible.
- 2.5. Immediately upon a Club or State Association receiving a complaint, it shall refer the matter to the relevant Discipline Committee. Subject to these Regulations, where an event is sanctioned by a Club, the Club Discipline Committee shall have responsibility for dealing with the matter, even if the complaint has been made to the APC or State Association.
- 2.6. If a player is sent off, the matter must be reported by the umpire to the Club officials in charge of the tournament immediately upon the conclusion of the game. The Club must prepare and submit to the relevant State Association an Incident Report within 2 days of the incident occurring.
- 2.7. An Incident Report should be in a similar form to Schedule 2 of these Regulations. It is preferable that an Incident Report in relation to an on-field incident include statements by any umpire or referee, and in relation to an off-field incident a statement by the President of the Club or State Association.
- 2.8. Schedule 1 of these Regulations, Suggested Penalties for Acts of Misconduct, is a guide only and is subject to the maximum penalties that Clubs or State Associations can impose under Regulations 3.13 and 5.15.
- 2.9. All disciplinary action taken by Clubs, whether under these regulations or not, shall be reported by the Club to the State Association within 2 days of the decision or action. Clubs are to provide sufficient accompanying information to enable a reasonable understanding of the circumstances to be formed. State Association Discipline Committees shall review such material from time to time and where necessary shall provide Clubs with guidance to assist in maintaining consistent standards.
- 2.10. No Club, nor any State Association nor the APC shall recognise a resignation by a Party Charged until the conclusion of any Disciplinary Enquiry the Party Charged is subject to.

### **3. Club Disciplinary Enquiry on behalf of the APC**

- 3.1. If a Disciplinary Incident occurs at a Club, or on a ground for which a Club is normally responsible, or a Club has sanctioned the event, that Club shall be responsible for holding a Disciplinary Enquiry, except if the event is organised and run by another Club, that other Club is responsible and shall hold the Disciplinary Enquiry.
- 3.2. A Club responsible under Regulation 3.1 has the authority of the APC to, and shall on behalf of the APC, conduct a Disciplinary Enquiry in relation to Misconduct by any individual member of it's own Club and/or by any other Club, Facility or individual member of a Club affiliated with any State Association.

- 3.3. A Club Disciplinary Committee may consist of one or more members of that Club who are affiliated with a State Association. More serious allegations of Misconduct should ordinarily be heard by a Club Disciplinary Committee consisting of three members.
- 3.4. A Hearing may take place at any time or place or in any manner considered appropriate as long as the principles of natural justice are applied. A less formal and immediate oral hearing at the tournament field may be considered appropriate where minor Misconduct is alleged.
- 3.5. A Hearing to investigate a Disciplinary Incident shall be held on the same day or as soon after the Disciplinary Incident as is reasonably practicable. If possible, a Hearing should take place before the next match at which the Party Charged is scheduled to play, particularly where the match is part of the same tournament in which the Disciplinary Incident occurred.
- 3.6. The Club officers should obtain names, contact details and written statements from witnesses on the same day or as soon after the Disciplinary Incident as is reasonably practicable.
- 3.7. Any Club, Facility and individual member affiliated with any State Association shall give such assistance as a Club may reasonably request in connection with a Disciplinary Enquiry including attending and giving evidence and producing relevant evidence under their control at any Hearings if required to do so by the Club. Failure to reasonably give proper assistance requested is to be considered Misconduct.
- 3.8. A Club may without holding or completing a Disciplinary Enquiry refer a Disciplinary Incident to the relevant State Association if for any reason the Club considers it is unable to, or should not further deal with a matter (eg there is a perceived or real conflict of interest, or it appears that the Disciplinary Incident is so serious that it should be dealt with by the relevant State Association ).
- 3.9. A Club may suspend the Party Charged from playing in the remainder of a tournament pending a decision by the Club or State Disciplinary Committee.
- 3.10. Where a Disciplinary Incident has been referred to a State Association by a Club and a player has been suspended by the operation of one of these Regulations, the APC shall extend any suspension of the player to all Clubs, all State Associations and will notify all International Associations pending the outcome of the State Association Disciplinary Enquiry. Where the State Association represents to the APC that exceptional circumstances exist and that such suspension would be unfair, the APC will accept the recommendation of the State Association and not enforce the suspension across all Clubs, State Associations and will not notify the International Associations.
- 3.11. If a Club Disciplinary Enquiry is not satisfied that a Disciplinary Incident involved Misconduct on the part of the Party Charged, it has the authority to dismiss the matter.
- 3.12. If a Club Disciplinary Enquiry finds that a Disciplinary Incident involved Misconduct on the part of the Party Charged it has the authority to:
  - 3.12.1. warn the Party Charged without imposing a penalty; or
  - 3.12.2. where the Party Charged is a member of the Club holding the Disciplinary Enquiry (without in any way restricting the power of that Club to take any action against its own members as may be provided for in the rules of the Club), suspend the player from playing the remainder of the tournament and / or impose a fine not exceeding \$500.
  - 3.12.3. where the Party Charged is not a member of the Club holding the Disciplinary Enquiry, suspend the player from playing the remainder of the tournament and / or impose a fine not exceeding \$500.
  - 3.12.4. refer the matter to the State Association.

- 3.13. Unless a Club Disciplinary Committee decides there are exceptional circumstances, a Party Charged shall be entitled to make oral and written representations to the Disciplinary Enquiry and to call witnesses but shall not be entitled to be accompanied except by an interpreter, or be allowed legal or other representation. If the Party Charged is under 21 years of age they may be accompanied by a parent or similar person.

#### **4. Review of Club Decision by State Associations on behalf of the APC**

- 4.1. Any Party Charged who is found guilty of Misconduct by a Club Disciplinary Enquiry shall, subject to these Regulations, have the right to have the decision reviewed by that Club's State Association, provided that State Association shall have received a written request to that effect within fourteen days of the decision in question. The request shall state in detail the grounds upon which a review is sought.
- 4.2. Any Club, Facility or person who has made a complaint or report of a Disciplinary Incident which has been decided by a Club Disciplinary Enquiry shall, subject to these Regulations, have the right to have the decision reviewed by that Club's State Association, provided that State Association shall have received a written request to that effect within fourteen days of the decision in question. The request shall state the grounds upon which a review is sought.
- 4.3. No person shall serve on a State Disciplinary Committee who was on the Club Discipline Committee enquiring into the same incident, but a member of the Club Disciplinary Committee may, if required, attend the Hearing before the State Association Disciplinary Committee and give an account of the hearing before the Club.
- 4.4. Subject to the provisions of Regulation 4.5, a State Association Disciplinary Committee will accept the findings of fact of the Disciplinary Incident as reported by the Club Disciplinary Committee and will not hear evidence or argument that the Club Disciplinary Committee erred in its finding as to the facts.
- 4.5. The only grounds upon which there shall be a right of review shall be any one or more of the following:
- 4.5.1. the finding of the Club was due to an error of interpretation of a rule or regulation;
  - 4.5.2. the conduct of the Disciplinary Enquiry was unfair;
  - 4.5.3. there is new evidence that was not reasonably available or foreseen at the time of the Disciplinary Enquiry which, had it been able to be considered, would probably have resulted in a significantly different finding or decision;
  - 4.5.4. the penalty imposed was manifestly excessive or manifestly inadequate.
- 4.6. A review may be by way of rehearing, consideration of written reports, or other procedure at the discretion of the State Association Disciplinary Committee.
- 4.7. Unless a State Association Disciplinary Committee decides there are exceptional circumstances, a Party Charged shall be entitled to make oral and written representations to the Disciplinary Enquiry and to call witnesses but shall not be entitled to be accompanied except by an interpreter, or be allowed legal or other representation. If the Party Charged is under 21 years of age they may be accompanied by a parent or similar person.
- 4.8. Any Club, Facility and individual member affiliated with any State Association shall give such assistance as a State Association Disciplinary Committee may reasonably request in connection with a Disciplinary Enquiry including attending and giving evidence and producing relevant evidence under their control at any Hearings if required to do so by the State Association Disciplinary Committee. Failure to reasonably give proper assistance requested is to be considered Misconduct

- 4.9. A State Association Disciplinary Committee may refuse to entertain any request to review a decision of a Club Disciplinary Committee if it considers the request is frivolous, vexatious or is not accompanied by sufficient or appropriate details of the grounds for the review.
- 4.10. Pending the result of a review by the State Association Disciplinary Committee, any previous decision of a Club is deemed to be effective and valid. All fines must be paid and suspensions enforced, subject to Regulation 3.11 and Regulation 7.
- 4.11. The State Association Disciplinary Committee shall not be bound by any findings of a Club and upon review of any finding or decision of a Club may by a simple majority confirm, amend or reverse the decision of a Club, and exercise any of the powers listed in Regulations 5.14 and 5.15.

## **5. Disciplinary Enquiry by State Associations on behalf of the APC**

- 5.1. A State Association Disciplinary Committee may hold a Disciplinary Enquiry into any Discipline Incident occurring within its State or Territory, notwithstanding that the Disciplinary Incident has commenced as, or been the subject of a Disciplinary Enquiry of a Club.
- 5.2. Subject to Regulations 3.11 and 7, pending the result of a Hearing by the State Association, any previous decision by a Club is deemed to be effective and valid.
- 5.3. If a matter is referred to the State Association, the evidence must be passed to the State Association Disciplinary Committee immediately, who will examine the evidence and decide the date, place, format and procedure of any enquiry
  - 5.3.1. all parties involved will be informed regarding the Hearing;
  - 5.3.2. Hearings may be held in any manner, including by telephone or video link..
- 5.4. The Party Charged shall notify the State Association in writing of any proper objections to any particular member of the State Association Disciplinary Committee reviewing the matter. The fact that a member is known to a Party Charged is not of itself sufficient grounds for a proper objection.
- 5.5. Where it is decided to hold a Disciplinary Enquiry, it shall be held as soon as practicable and usually within fourteen days of the matter being referred.
- 5.6. No person shall serve on a State Association Disciplinary Committee who was on a Club Discipline Committee enquiring into the same incident, but a member of the Club Disciplinary Committee may, if required, attend the Hearing before the State Association Disciplinary Committee and give an account of the Hearing before the Club.
- 5.7. Any Club, Facility and individual member affiliated with any State Association shall give such assistance as a State Association Disciplinary Committee may reasonably request in connection with a Disciplinary Enquiry including attending and giving evidence and producing relevant evidence under their control at any Hearings if required to do so by the State Association Disciplinary Committee. Failure to reasonably give proper assistance requested is to be considered Misconduct
- 5.8. All evidence which a party intends to present in support of a finding that the Disciplinary Incident constituted Misconduct, including a list of witnesses and a summary of their evidence shall be made available to the State Association Disciplinary Committee and the Party Charged at least three clear days before the Hearing date.
- 5.9. All evidence which the Party Charged intends to rely upon, including a list of witnesses and a summary of their evidence shall be made available to the State Association Disciplinary Committee at least three clear days before the Hearing date.

- 5.10. The State Association Disciplinary Committee may decline to hear evidence which has not been disclosed within three clear days of the Hearing date and / or it may adjourn the Hearing to allow proper disclosure.
- 5.11. Unless a State Association Disciplinary Committee decides there are exceptional circumstances, a Party Charged shall be entitled to make oral and written representations to the Disciplinary Enquiry and to call witnesses but shall not be entitled to be accompanied except by an interpreter, or be allowed legal or other representation. If the Party Charged is under 21 years of age they may be accompanied by a parent or similar person.
- 5.12. There shall be a limited right of appeal from the decision of a State Association Disciplinary Committee as set out at Regulation 6.
- 5.13. The State Association Disciplinary Committee shall not be bound by any findings of a Club and may by a simple majority confirm, amend or reverse the decision of a Club, and may exercise any of the powers listed in Regulations 5.14 and 5.15.
- 5.14. If the State Association Discipline Committee is not satisfied on the evidence before it that the Disciplinary Incident constitutes Misconduct it may:
  - 5.14.1. dismiss the case; or
  - 5.14.2. call for further evidence.
- 5.15. If the State Association Disciplinary Committee is satisfied that the Disciplinary Incident constitutes Misconduct it may:
  - 5.15.1. warn the Party Charged without imposing a penalty, or
  - 5.15.2. impose a fine on the Party Charged up to a maximum of \$5,000 and / or
  - 5.15.3. suspend the Party Charged from playing in any match or practice chukka at or conducted by any Club affiliated with a State Association for any period or periods and shall specify the period or periods during which the suspension shall take effect, or
  - 5.15.4. expell the Party Charged from that State's Association
  - 5.15.5. by specifying a period or periods of suspension, make any suspension cumulative on any other suspension it makes or that has already been made by a Club, State Association, APC or International Association.

## **6. Limited Appeal to Australian Polo Council**

- 6.1. There shall be a limited right of appeal or review by a Party Charged of a decision of a State Association Disciplinary Committee.
- 6.2. The only grounds upon which there shall be a right of review shall be that:
  - 6.2.1. the State Association Disciplinary Committee erred in finding Misconduct because it erred in its interpretation of these Regulations, the Rules of Polo, the Players Code of Conduct or any other relevant policy or regulation of a Club, State Association or the APC or
  - 6.2.2. the penalty imposed was imposed in error, or was manifestly excessive.
- 6.3. The APC will only consider review a decision of a State Association Disciplinary Committee if:
  - 6.3.1. a request to review the decision is received by the APC Secretariate from a Party Charged within seven days of the decision; and
  - 6.3.2. the request is accompanied by a payment of \$500 to cover administrative costs in conducting the review, which shall be refunded only if the APC finds there was no Misconduct, overturns or imposes a lesser penalty.

- 6.3.3. the request is supported by a statement which sets out clearly the alleged error of the State Association Disciplinary Committee.
- 6.4. Upon being notified that a review of a State Association Disciplinary Committee decision has been sought, the State Association shall provide to the APC a summary of the facts of the case and the reasons for its decision.
- 6.5. In reviewing a decision by a State Association Disciplinary Committee the APC will accept the findings of fact of the Disciplinary Incident as reported by the State Association Disciplinary Committee. The APC will not hear evidence or argument that the State Association Disciplinary Committee erred in its finding of facts.
- 6.6. As soon as practicable after receipt of the submissions by the Party Charged and the State Association, the APC will consider the findings. The review procedure may be held in any manner, including by one or more meetings, telephone or video links or any other procedure which the APC deems appropriate. The APC may require personal or telephone attendance by the Party Charged and / or the State Association or by any other manner the APC deems appropriate. Neither the Party Charged nor the State Association shall have a right to appear or be represented.
- 6.7. If the APC finds that the State Association Disciplinary Committee erred in its the APC may:
  - 6.7.1. dismiss the case against the Party Charged or
  - 6.7.2. amend any penalty imposed, and impose any penalty specified in Regulation 5.15.

## **7. Enforcement and Recording of Penalties**

- 7.1. All findings shall be communicated to the Party Charged by registered mail to the address maintained by the State Association for the player, Club or Facility. It is the sole responsibility of the player, Club or Facility to ensure the address held by the State Association is current.
- 7.2. All fines imposed by a Club, State Association or APC acting under these Regulations shall be paid to the APC. The APC shall apply such receipts to State Association and APC disciplinary hearing costs and distribute any excess of such receipts to player development and/or a charity as determined by the APC from time to time.
- 7.3. If a fine is not paid to the APC within seven days the Party Charged is automatically suspended and banned from playing in any tournament match or practice chukka at or conducted by any Club, Facility, State Association or the APC, throughout Australia, until the fine is paid in full, unless the Party Charged is able to satisfy the APC that there is good reason (eg incapacity due to illness or accident) for the delay in payment.
- 7.4. A sum ordered to be paid by way of fines or costs which remains unpaid for fourteen days will constitute a debt as between the Party Charged and the APC and shall be recoverable as such in the courts.
- 7.5. Clubs or Facilities shall not allow any person who is subject to a suspension imposed under these Regulations to play polo in any tournament, match or practice chukka during any period when the suspension is operative except and to the extent that the express terms of the suspension allow. Failure by a Club, Facility or State Association to enforce the terms of a suspension will itself constitute a Disciplinary Incident likely to render the Club, Facility or State Association liable to a fine for Misconduct.
- 7.6. The APC shall immediately notify all Clubs and State Associations of the results of any Disciplinary Enquiry of a Club, State Association or APC.
- 7.7. The terms of all suspensions, bans, expulsions from membership will be communicated by the APC to the International Associations, with the expectation

that the International Associations will enforce the suspensions, bans and expulsions in their respective countries.

- 7.8. Except where a general meeting of the APC resolves that in a particular case enforcement of a suspension ban or expulsion imposed by an International Association would be unfair or inappropriate, suspensions, bans and expulsions notified to the APC by an International Association will be enforced in Australia. The APC will notify Clubs and State Associations of all suspensions, bans and expulsions which are to be enforced in Australia under this Regulation.
- 7.9. The APC shall keep records of the all Club, State Association and APC Disciplinary Enquiries, including relevant submissions, umpires reports, witness statements. The record, if any, of a Party Charged shall be made available to any Club, State Association or International Association to assist in any Disciplinary Enquiry or equivalent.

## APC Disciplinary Regulations

### Schedule 1

#### Suggested Penalties for Acts of Misconduct

The penalties below are suggested maximum penalties only and the actual penalty imposed will vary according to the severity and circumstances of the Misconduct, remorse and the record of the player concerned. Any penalty may be in addition to or cumulative on any other penalty imposed. Any suspension may be affective in other Australian States and other Countries so the length of any suspension shall take account of an individual's polo playing program worldwide.

MISCONDUCT	MAXIMUM PENALTY
Assault of another player or an official in any physical way	Three years and/or fine \$5000
Abuse of an official, verbally or by any gesture	One year and/or fine \$3000
Dangerous and deliberate play to a player or pony	Four years and/or fine \$5000
Deliberate striking of own horse or the horse of another player	One year and/or fine \$3000
Physical response to physical aggression	One year and/or fine \$3000
Abuse or disrespect of the public	Six months and/or fine \$2000
Any action of danger to the public with no good reason	One year and/or fine \$3000
Abuse of another player, verbally or by any gesture	One month and/or fine \$1000
Unnecessary delay	One month and/or fine \$1000
Leaving the field without permission of the umpires	One month and/or fine \$1000
Playing in a tournament off an incorrect handicap	One month and/or fine \$1000
Playing at any affiliated club without having joined a State Association.	One month and/or fine \$1000
Player or horse tested positive for any illegal or banned substance, under any State or Commonwealth Law, or any player or official participating in any game under the influence of alcohol.	First Offence: One year and/or fine \$2000 and/or ban Horse Second Offence: Two years and/or fine \$5000 and/or ban Horse Third Offence: Expulsion of player
More minor misconduct such as: Failure to perform duties, attend presentation of prizes dress to proper standards, or be on the field at listed game start time	Fine \$200

**APC Disciplinary Regulations**

**Schedule 2**

**INCIDENT REPORT**

Send to: Secretary  
 Australian Polo Council  
 PO Box 150, Windsor, NSW 2756  
 Tel: 0459 272 277 Fax: 02 4311 2660  
 Email: [apc@australianpolo.com.au](mailto:apc@australianpolo.com.au)

DATE	CLUB	GROUND	MATCH
TEAM		TEAM	
1		1	
2		2	
3		3	
4		4	
UMPIRES		REFEREE	

**REPORT**

**SIGNATURES** .....

**NAMES (CAPS)**.....

This form should be completed to record any significant incident, including mandatory reporting incidents, misconduct incidents, horse welfare incidents and player welfare incidents.

One copy should be sent by email and post to the office above (APC), the second given to the State Association and the third kept as a record by the Club.