

AUSTRALIAN POLO FEDERATION

Disciplinary Regulations

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Disciplinary Regulations

1. INTRODUCTION

1.1 Background

- (a) Any and all policies and regulations previously enacted by APF concerning Disciplinary Incidents and Tribunals are hereby withdrawn and replaced by these Regulations.
- (b) These Regulations are made and implemented as by-laws under clause 26 of the Constitution.
- (c) These Regulations:
 - (i) are subject to the Constitution;
 - (ii) are consistent with the Constitution; and
 - (iii) when in force, are binding on all Members and have the same effect as a provision in the Constitution.

1.2 Definitions

In these Regulations, the following terms have the corresponding meaning:

Ad Hoc Tribunal Member means a person appointed from outside the Standing Committee to sit on a Tribunal in accordance with clauses 4.2(c) or 6.2(b).

APF means Australian Polo Federation Ltd (ABN 23 129 452 017).

APF Policy means and includes all rules, policies and procedures of APF, including but not limited to the Constitution, Rules of Polo, these Regulations and any other by-laws, rules, regulations, policies and directions of APF.

Appeals Tribunal means an appeal tribunal convened under clause 7 to hear a valid appeal in accordance with these Regulations.

Chair means the chair of a particular Hearings Tribunal or Appeals Tribunal, as the case may be, in accordance with these Regulations.

Club means a Polo club that is a member of a State Association.

Constitution means the APF constitution as amended from time to time.

Directors mean the directors of APF as elected and/or appointed from time to time under the Constitution.

Disciplinary Incident means and includes any alleged conduct or incident relating to one or more of a Player, Member, Club or Facility that is alleged to:

- (a) be prejudicial to the interests and good order of APF or the sport of Polo;
- (b) be in breach of the Rules of Polo; and/or
- (c) be in breach of any one or more APF Policy.

EO means the person employed as executive officer of APF from time to time.

Event means a Polo event sanctioned by one or more of a Club, State Association or APF.

Facility means the proprietor or custodian of a property where an Event is held.

FIP means the Federation of International Polo.

Flag means a flag awarded to a Player by an umpire during an Event in accordance with the Rules of Polo.

Hearings Tribunal means a first-instance tribunal formed under clause 4 to determine a Disciplinary Incident in accordance with these Regulations.

Incident Report means a report of a Disciplinary Incident as set out in clause 3.2.

Member means a member of APF as recognised by clause 6 of the Constitution.

Player means a participant in an Event.

Polo means the sport of polo as recognised and regulated by the FIP from time to time.

Regulations mean these disciplinary regulations.

Respondent means the person(s) who is/are charged with breaching an APF Policy as a result of a Disciplinary Incident.

Rules of Polo means the Australian Rules of Polo as adopted by APF, including but not limited to the 'Players Code of Conduct' and 'Etiquette of Polo'.

SC Chair means the person appointed chair of the Standing Committee under clause 2.2(d).

SC Member means a person appointed to the Standing Committee under clauses 2.2 or 2.4.

Standing Committee means collectively the group of individuals appointed under clauses 2.2 and 2.4 from whom the Tribunal Members for each Tribunal will be selected, subject to clauses 4.2(c) and 6.2(b).

State Association means a body affiliated with APF as a 'member state' under the Constitution and who is responsible for administering Polo in its particular State or Territory of Australia.

Tribunal means either a Hearings Tribunal or an Appeals Tribunal.

Tribunal Member means an individual person sitting on a Tribunal.

1.3 Interpretation

- (a) If a question arises as to the interpretation of any part of these Regulations, the Directors may issue a determination as to the proper interpretation of the relevant clause(s), and such determination shall thereafter, unless and until withdrawn by the Directors, have the same force and effect as if it were part of the Regulations.

- (b) These Regulations are the only applicable APF procedure for determining Disciplinary Incidents. Members agree they are subject to, and submit unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms set out in these Regulations. Members agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of these Regulations, or any decision made under these Regulations, before any court of law or other dispute resolution body.

2. STANDING COMMITTEE

2.1 Composition of Standing Committee

- (a) The Standing Committee will comprise Legal Practitioners, Sports Administrators and Retired Players.
- (b) For the purposes of these Regulations:
 - (i) **Legal Practitioner** includes both a person holding a current practising certificate as a lawyer or barrister in any Australian jurisdiction, or a person who has held such a certificate at any time within the three years immediately prior to their date of appointment to the Standing Committee;
 - (ii) **Sports Administrator** means a person who currently, or within the previous five years, is or has been employed in the field of sports administration; and
 - (iii) **Retired Player** means a person who achieved a 0 goal handicap at any stage during their period competing in Polo.

2.2 Appointment

- (a) The Directors will appoint not less than six and not more than 12 individuals to the Standing Committee.
- (b) The Directors will use reasonable endeavours to ensure the Standing Committee comprises at least two or more Legal Practitioners, two or more Sports Administrators and two or more Retired Players at any one time.
- (c) Individuals holding any of the following positions within Polo are ineligible to be members of the Standing Committee:
 - (i) current employees and directors of APF;
 - (ii) chief umpires of APF, a State Association or Club; and
 - (iii) directors or committee members of a State Association,(collectively, a **Disqualifying Position**).

Any member of the Standing Committee who commences a Disqualifying Position whilst a member of the Standing Committee must resign from the Standing Committee.
- (d) The Directors will appoint a person as SC Chair. The person appointed as SC Chair must:

- (i) be a Legal Practitioner; and
- (ii) in the opinion of the Directors, be reasonably capable of administering these Regulations and meeting the obligations of the SC Chair as set out in these Regulations.

2.3 Term

- (a) Each SC Member will be appointed for a term of up to three years as determined by the Directors, commencing on their date of appointment. SC Members are eligible for reappointment.
- (b) The SC Chair will be appointed annually by the Directors from among the SC Members for a term of one year, and is eligible for reappointment subject to remaining an SC Member.

2.4 Vacancy

- (a) An SC Member may resign their position by giving notice in writing to the EO.
- (b) The Directors may by resolution immediately fill any vacancy in the Standing Committee at their sole discretion by appointing a suitably qualified person to commence a new term as an SC Member.

3. DISCIPLINARY INCIDENTS

3.1 Flags

- (a) A Player who receives a Flag:
 - (i) shall be subject to the applicable prescribed penalty in the Rules of Polo; and
 - (ii) may also be the subject of an Incident Report, and subsequently charged to appear before a Hearings Tribunal under these Regulations, in addition to the penalty referred to in clause 3.1(a)(i).
- (b) For the avoidance of doubt, neither a Club nor State Association nor any other party is required to refer a Player who receives a Flag for additional sanction under these Regulations.

3.2 Reporting Disciplinary Incidents

- (a) If a Disciplinary Incident occurs at an Event, any individual who was in attendance at that Event may lodge an Incident Report, including but not limited to a Player, Member, official, umpire, or veterinary surgeon (**Reporting Official**).
- (b) Where a person other than a Reporting Official lodges a complaint or notification materially similar to an Incident Report, clause 3.3 shall apply. Such complaint or notification must be in writing and submitted to the Member conducting the Event in accordance with clause 3.2(c)(iii).
- (c) An Incident Report must be lodged:
 - (i) using the form set out in Schedule 3 to these Regulations;

- (ii) as soon as reasonably practicable after the Disciplinary Incident occurs; and
- (iii) with the Member conducting the Event, which is either a:
 - (A) Club; or
 - (B) State Association.

3.3 Investigation

- (a) Where a Club or State Association believes a Disciplinary Incident may have occurred, or a Club or State Association receives a letter of complaint about a Disciplinary Incident from any person where no Incident Report has been lodged, the Club or State Association may investigate, or appoint a person to investigate, the Disciplinary Incident and establish whether an Incident Report should be filed.
- (b) Following an investigation, the Club or State Association may lodge an Incident Report if they consider it appropriate to do so, in their sole discretion. Once an Incident Report is lodged under this clause 3.3, the Club or State Association shall thereafter for the purposes of any Hearings Tribunal in respect of such Incident Report, be considered the Reporting Official.
- (c) An Incident Report arising out of an investigation conducted under this clause 3.3 should be submitted as soon as possible after the Disciplinary Incident took place, having regard to the circumstances.
- (d) The Club or State Association conducting the investigation shall have all powers reasonably required for the purposes of the investigation, including but not limited to calling and viewing any evidence, inspecting documents or questioning witnesses. For the avoidance of doubt:
 - (i) the Club or State Association may conduct the investigation in whatever manner it sees fit; and
 - (ii) investigations (as opposed to Hearings Tribunal proceedings) need not comply with the rules of procedural fairness.

3.4 Referral to Hearings Tribunal

- (a) Where a Club receives an Incident Report, it shall:
 - (i) record in writing the date and time of receipt of the Incident Report; and
 - (ii) send a notice in writing to the person(s) submitting the Incident Report of the date and time of receipt by the Club,and either:
 - (iii) refer the Disciplinary Incident to a Hearings Tribunal under clause 3.4(c); or
 - (iv) refer the Disciplinary Incident to its State Association (which shall in turn consider whether) to:

- (A) refer the Disciplinary Incident to a Hearings Tribunal under clause 3.4(c); or
 - (B) determine that no further action will be taken in relation to that Disciplinary Incident; or
 - (v) determine that no further action will be taken in relation to that Disciplinary Incident.
- (b) Where a State Association receives an Incident Report (whether directly from a Reporting Official, or under clause 3.3(b)), it shall:
- (i) record in writing the date and time of receipt of the Incident Report;
 - (ii) send a notice in writing to the person(s) submitting the Incident Report of the date and time of receipt by the State Association,
- and either:
- (iii) refer the Disciplinary Incident to a Hearings Tribunal under clause 3.4(c); or
 - (iv) determine that no further action will be taken in relation to that Disciplinary Incident.
- (c) Where a Club or State Association chooses to refer a Disciplinary Incident to a Hearings Tribunal, the Club or State Association must:
- (i) prepare a charge sheet setting out the full details of the alleged Disciplinary Incident with respect to each individual Respondent, including:
 - (A) details of the alleged incident;
 - (B) any available evidence supporting the Incident Report;
 - (C) the specific provision(s) within each APF Policy that have allegedly been breached;
 - (D) a summary of how the alleged incident constitutes a breach of the relevant APF Policy,

in a form materially similar or identical to the 'Notice of Charge' included as Schedule 4 (**Charge Sheet**);
 - (ii) notify the EO of the Disciplinary Incident;
 - (iii) provide a copy of the Incident Report and Charge Sheet to:
 - (A) each Respondent; and
 - (B) the EO.

3.5 Interim Suspension

- (a) Where an Incident Report is referred to a Hearings Tribunal under clause 3.4, the relevant Club or State Association referring the Incident Report (**Referring**

Authority) may at any time prior to the Hearings Tribunal and in its absolute discretion, subject always to this clause 3.5, impose an interim suspension on the Respondent.

- (b) An interim suspension imposed under clause 3.5(a) may be on such terms and for such period, not exceeding the date the Hearings Tribunal hands down a decision under clause 4.6, as the Referring Authority thinks fit.
- (c) If suspended under clause 3.5(a), the Respondent shall remain under interim suspension for the period determined, unless the Referring Authority decides otherwise.

4. HEARINGS TRIBUNAL

4.1 Convening Hearings Tribunals

- (a) Upon receipt by the EO of an Incident Report and Charge Sheet under clause 3.4, the EO will notify the SC Chair of the need to convene a Hearings Tribunal.
- (b) Upon notification by the EO, the SC Chair will convene a Hearings Tribunal in accordance with this clause 4.
- (c) The Hearings Tribunal shall be convened as soon as reasonably practicable after a referral under clause 3.4, and shall endeavour to convene no later than two weeks after notification by the EO.

4.2 Composition of Hearings Tribunal

- (a) Subject to clause 4.2(c), each Hearings Tribunal shall:
 - (i) comprise three Tribunal Members selected by the SC Chair from the Standing Committee;
 - (ii) comprise one Legal Practitioner, one Sports Administrator and one Retired Player;
 - (iii) be chaired by the Chair, who shall be appointed by the SC Chair and shall be:
 - (A) a Legal Practitioner; and
 - (B) a person of experience and skills suitable to the function of chairing a Hearings Tribunal; and
- (b) The SC Chair shall use reasonable endeavours to ensure that the Tribunal Members selected for any particular Hearings Tribunal:
 - (i) do not have an actual or perceived conflict of interest in relation to the Disciplinary Incident that might reasonably call into question the impartiality of the Hearings Tribunal; and
 - (ii) do not have any close personal connection to the Respondent(s) or the matters being considered by the Hearings Tribunal.
- (c) If the availability, or ability to act, of SC Members is such that the Hearings Tribunal will not comply with clauses 4.2(a) or (b), the SC Chair may, in

his/her absolute discretion, appoint such number of Ad Hoc Tribunal Members as is necessary to ensure compliance with clauses 4.2(a) and (b).

- (d) Should a Tribunal Member become unable to sit on a Hearings Tribunal following the convening of the Hearings Tribunal for whatever reason, the SC Chair shall appoint a replacement Tribunal Member having regard to the requirements of clauses 4.2(a)(ii).
- (e) Should a Respondent challenge the impartiality of any one or more Tribunal Member, the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:
 - (i) the SC Chair; or
 - (ii) if the SC Chair is unavailable, unable to act or the Chair of the Hearings Tribunal in that instance, the other members of the Hearings Tribunal.
- (f) There shall be no right of appeal from a decision made under clause 4.2(e).
- (g) No Hearings Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal Member.

4.3 Responsibilities of Chair

Without limiting any other duties of the Chair set out under these Regulations, the person appointed as Chair of the Hearings Tribunal shall have the following responsibilities:

- (a) to chair hearings of the Hearings Tribunal;
- (b) to ensure accurate records are kept of all of the Hearings Tribunal's proceedings and decisions, including at a minimum:
 - (i) particulars of the hearing, including date, time and location;
 - (ii) the names of each Tribunal Member, Respondent, Reporting Official, witnesses called, and any other parties permitted to attend by the Hearings Tribunal;
 - (iii) the decision of the Hearing Tribunal, including whether given to the parties orally, in writing or a combination of both, and the date(s) of communication; and
- (c) to communicate to all parties of a Hearings Tribunal the results of such Tribunal, and provide a copy of the record of result to APF within seven days of the hearing.

4.4 Attendance at Hearings Tribunal

- (a) The following persons shall be required to attend the Hearings Tribunal hearing conducted under these Regulations:
 - (i) the Respondent; and
 - (ii) the Reporting Official;

- (b) The following persons shall be entitled to attend a Hearings Tribunal hearing as required by the Club or State Association, or the Respondent:
 - (i) witnesses called to give evidence by a Respondent;
 - (ii) witnesses called to give evidence by the Reporting Official, or a Club or State Association;
 - (iii) any person that the Chair in their absolute discretion believes will assist the Hearings Tribunal and invites to attend the Hearings Tribunal for that purpose; and
 - (iv) where the Respondent, the Reporting Official or a witness is under the age of 18 years, an adult adviser, which will in the absence of unavailability or other extraordinary circumstance be expected to be such person's parent or guardian.
- (c) Legal representatives or legal advocates are not permitted to appear before the Hearings Tribunal.
- (d) Each party to the Hearings Tribunal shall bear their own costs.

4.5 Non-attendance by Respondent(s)

- (a) If any Respondent (or representative of a Respondent organisation) fails to attend the Hearings Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Hearings Tribunal in the absence of the Respondent, provided that the Hearings Tribunal is satisfied that these Regulations have been complied with.
- (b) A Respondent or Reporting Official may apply to the Chair to have a Hearings Tribunal hearing:
 - (i) adjourned; or
 - (ii) convened in another way (eg teleconference),
 if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to one or more parties. The Hearings Tribunal has sole discretion on whether or not to grant the application.
- (c) If the Reporting Official fails to attend a Hearings Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Hearings Tribunal in the absence of that person, provided that the Hearings Tribunal is satisfied that all notification procedures under these Regulations have been carried out.

4.6 Procedure of Hearings Tribunal

- (a) The Hearings Tribunal shall conduct the hearing in such manner as it sees fit and may in its absolute discretion:
 - (i) consider any evidence, and in any form that it deems relevant;
 - (ii) question any person giving evidence;

- (iii) limit the number of witnesses presented to those who provide any new evidence;
 - (iv) act in an inquisitorial manner in order to establish the truth of the issue/case before it.
- (b) Without limiting the Hearings Tribunal's power to regulate its own procedure as it sees fit, the Hearings Tribunal shall ordinarily proceed in accordance with the following steps:
- (i) If a body corporate, club or association is a party to a Hearings Tribunal hearing, one member of that body corporate, club or association shall be appointed by the body corporate, club or association act as spokesperson for such body at the Hearings Tribunal.
 - (ii) At the commencement of a hearing, the Chair shall identify the Tribunal Members and determine whether the Respondent is present to answer the allegation(s) in the Charge Sheet.
 - (iii) The Respondent and the Reporting Official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Hearings Tribunal considers its findings and determines an appropriate penalty (if any).
 - (iv) The Chair shall advise all those persons present of the method of recording the hearing (if any).
 - (v) The charge(s) as contained in the Charge Sheet shall be read out in the presence of all persons eligible to be present.
 - (vi) The Respondent shall be asked whether or not they intend to contest the charge(s).
 - (vii) If the Respondent does not contest the charge(s), the Chair will provide the Reporting Official and the Respondent with an opportunity to make submissions as to the appropriate sanction (if any) to be imposed. In such circumstances, the Reporting Official and/or the Respondent may, if they wish, call witnesses to give evidence regarding the seriousness or otherwise of the breach, and any other mitigating or aggravating factors.
 - (viii) If the Respondent contests the charge(s), then the Chair will ask all witnesses except the Reporting Official(s) and the Respondent (and their advisers, if appointed in accordance with these Regulations) to leave the room and to wait to be called to give their evidence.
 - (ix) The Reporting Official shall proceed to give evidence and the witnesses (if any) called by the Reporting Official(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Hearings Tribunal in its discretion. The Respondent (or, if they are a minor his/her adviser) may ask questions of the Reporting Official or any witness called.
 - (x) Each witness shall be entitled to leave the Hearings Tribunal hearing after giving evidence unless otherwise directed by the Hearings

Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Hearings Tribunal.

- (xi) The Respondent shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Hearings Tribunal in its discretion. Reporting Officials or the adviser to a Reporting Official who is a minor may ask questions of the Respondent or any witness called.
 - (xii) Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present in accordance with these Regulations, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Hearings Tribunal.
 - (xiii) Where the Respondent makes video evidence available to the Hearings Tribunal, it may, at the discretion of the Hearings Tribunal, be presented. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.
 - (xiv) The Hearings Tribunal may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference.
- (c) At the conclusion of all of the evidence and submissions the Chair shall ask the Respondent, the Reporting Official and all other persons present to leave the hearing room while the Hearings Tribunal considers its findings.
 - (d) If the Hearings Tribunal is satisfied that a charge has been proven on the balance of probabilities (ie more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
 - (e) If the Hearings Tribunal is not satisfied that the particular charge has been proved, but is satisfied that a lesser charge has been proven, then the Hearings Tribunal may find such lesser charge proved.
 - (f) Where it appears to the Hearings Tribunal that the Reporting Official has made an error in laying the wrong charge or omitted charges that should have been laid, the Hearings Tribunal may amend the charge(s), subject always to the requirement that the Respondent must be informed of the new charges and given an opportunity to respond to such charges.
 - (g) The decision of the Hearings Tribunal shall be given by the Chair in the presence of both the Respondent and Reporting Official, unless one or both choose not to remain. If:
 - (i) one of the Respondent or Reporting Official are not present, the Chair may give the decision orally, and must communicate the decision to the non-attending party in writing as soon as practicable; or
 - (ii) neither the Respondent nor Reporting Official are present, the Chair must communicate the decision to each of the Respondent and Reporting Official in writing as soon as practicable.
 - (h) The Hearings Tribunal may reserve its decision but if it does so, it will provide its decision within 14 days of the hearing.
 - (i) The Hearings Tribunal is not obliged to give oral or written reasons for any decision made by it under these Regulations, but may do so if it wishes.

- (j) Where the Hearings Tribunal finds that one or more charges have been proven, it shall inform the parties of its decision and provide the Reporting Official and the Respondent with an opportunity to make submissions as to any aggravating or mitigating factors, before the Hearings Tribunal makes a decision on penalty. The Hearings Tribunal may, in its absolute discretion, decide that it is appropriate to:
 - (i) receive oral submissions as to penalty immediately after delivering its decision on liability; or
 - (ii) adjourn the hearing to allow the parties to make penalty submissions on some later date, in which case, the Hearings Tribunal shall direct whether submissions on penalty should be made orally or in writing.
- (k) After considering the parties' submissions as to penalty, the Hearings Tribunal shall determine the penalty to be imposed (if any) having regard to the provisions of clause 5 of these Regulations and shall advise the Respondent of the penalty. The Chair shall also notify the EO of the decision of the Hearings Tribunal.

5. PENALTIES

- (a) The Hearings Tribunal shall have the power to suspend, disqualify, reprimand, fine, ban or otherwise deal with any person found to have committed a breach of one or more APF Policy under these Regulations.
- (b) Penalties that may be imposed include:
 - (i) a reprimand;
 - (ii) exclusion from a particular Event or Events, competition or activity;
 - (iii) suspension, from such activities or events held by or under the auspices of APF as the Hearings Tribunal sees fit, including but not limited to participation in Events, on such terms and for such period as the Hearings Tribunal thinks fit;
 - (iv) suspension for a specified period and/or termination of any rights, privileges and benefits provided by APF;
 - (v) expulsion from APF;
 - (vi) any penalty as set out in any other APF Policy; or
 - (vii) any other such penalty as the Hearings Tribunal considers appropriate.
- (c) Schedule 1 outlines suggested penalties for a Respondent who is found to have committed a breach. For the avoidance of doubt, the Hearings Tribunal is not bound to follow the suggested penalties and may deal with any person found to have committed an offence in any way it considers appropriate.
- (d) A penalty handed down under these Regulations shall commence from the date of the Hearings Tribunal decision unless otherwise expressly directed by the Hearings Tribunal. Subject to these Regulations, participation penalties should be expressed to be in calendar weeks as opposed to the number of Events. The Hearings Tribunal has discretion to rule that a penalty will be

suspended for the number of weeks which fall between seasons or during any season break.

- (e) Where the Hearings Tribunal finds that more than one charge has been proven, it shall hand down a single penalty in respect of the totality of all charges that have been found to be proven. The penalty imposed will be determined by the Hearings Tribunal in its sole discretion having regard to the seriousness of the conduct in question, rather than by a mathematical addition of penalties that would otherwise be applicable to each individual charge.
- (f) The Hearings Tribunal may take into account any penalties previously ordered against the Respondent when determining the penalty to be handed down in each case.

6. APPEALS

6.1 Right of appeal

- (a) There shall be no appeal from any decision made by the Hearings Tribunal under the Regulations unless the person seeking to appeal, which may include any one or more of the Respondent, the Reporting Official, the Respondent's Club and State Association and APF (**Appellant**) satisfies the Chair of the Appeals Tribunal (appointed in accordance with clause 6.2(b)), in the Chair's reasonable discretion, that there is a real possibility of an Appeals Tribunal finding:
 - (i) the Hearings Tribunal failed to abide by these Regulations and such failure resulted in a denial of natural justice;
 - (ii) there was no material on which the Hearings Tribunal's decision could reasonably be based; and/or
 - (iii) the penalty imposed was manifestly excessive.
- (b) The EO will be responsible for the receipt of appeals made under these Regulations.

6.2 Notice of appeal

- (a) The Appellant must:
 - (i) lodge a notice in writing stating in full their grounds of appeal with the EO within seven (7) days of the Hearings Tribunal announcing the dismissal of the charges or the imposition of a penalty (as the case may be) (**Notice of Appeal**); and
 - (ii) pay the appeal fee of \$500.00 to the EO when lodging the Notice of Appeal.
- (b) On receipt of a Notice of Appeal, the EO will notify the Directors. The Directors will appoint a Chair of the Appeals Tribunal (**Appeal Chair**) who:
 - (i) is an SC Member;
 - (ii) is a Legal Practitioner;

- (iii) meets the requirements of clause 4.2(b); and
- (iv) did not sit on the Hearings Tribunal.

If a person complying with clause 6.2(b) is not available, the Directors may appoint an Ad Hoc Tribunal Member as Appeal Chair who otherwise meets the requirements of clauses (b)(ii) - (iv) above.

- (c) Once appointed, the Appeal Chair shall review the Notice of Appeal and decision of the Hearings Tribunal and determine, in accordance with clause 6.1(a), whether the appeal will proceed to an Appeals Tribunal. In making such a determination, the Appeal Chair will consider:
 - (i) the Notice of Appeal;
 - (ii) the record of decision of the Hearings Tribunal; and
 - (iii) any other documents or evidence that were before the Hearings Tribunal and which the Appeal Chair considers necessary to review in order to make a determination in accordance with clause 6.1(a).
- (d) The Appeal Chair shall notify the EO in writing whether the Notice of Appeal is:
 - (i) accepted, and therefore an Appeals Tribunal will be convened; or
 - (ii) rejected, in which case an Appeals Tribunal will not be convened, as soon as practicable after reaching a decision.
- (e) An Appellant shall be notified by the EO in writing as soon as practicable after the Appeal Chair's decision under clause 6.2(d). If the Notice of Appeal is accepted, the Appellant shall also be notified of the time, date and place of the Appeals Tribunal hearing.

7. APPEALS TRIBUNAL

7.1 Composition of Appeals Tribunal

- (a) If an appeal hearing is granted by the Appeal Chair under clause 6.2(d), the EO shall convene an Appeals Tribunal to hear and determine the appeal in accordance with these Regulations.
- (b) Subject to clause 7.1(c), the Appeals Tribunal shall consist of three SC Members appointed by the Appeal Chair from the Standing Committee and shall comprise the following persons:
 - (i) one Legal Practitioner, one Sports Administrator and one Retired Player;
 - (ii) the Chair who shall be:
 - (A) a Legal Practitioner; and
 - (B) a person of experience and skills suitable to the function of chairing an Appeal Tribunal;

none of whom sat on or was involved in the original Hearings Tribunal for the Disciplinary Incident subject of the appeal.

- (c) Clauses 4.2(c) to 4.2(f) (inclusive) apply to an Appeals Tribunal with any necessary amendments.

7.2 Procedure of Appeals Tribunal

- (a) Subject to this clause 7.2, the Appeals Tribunal and persons appearing before it are bound by the same procedures under these Regulations as if the Appeals Tribunal was the Hearings Tribunal hearing a matter at first instance.
- (b) The EO shall forward records of the Hearings Tribunal hearing in which the matter the subject of the Appeal was heard at first instance to the Chair of the Appeals Tribunal.
- (c) The Appeals Tribunal shall have the discretion to:
 - (i) conduct the hearing as a complete re-hearing; or
 - (ii) limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under clause 6.1.
- (d) An Appeals Tribunal has the power to:
 - (i) dismiss the appeal;
 - (ii) uphold the appeal;
 - (iii) impose any of the penalties set out in these Regulations; or
 - (iv) reduce, increase or otherwise vary any penalty imposed by the Hearings Tribunal under these Regulations,in such manner as it thinks fit.
- (e) At the conclusion of the appeal, the Chair of the Appeals Tribunal shall ensure that the Appellant, Reporting Official and the relevant Club and State Association are informed of the determinations of the Appeals Tribunal. The Chair shall also notify the EO of the decision of the Appeals Tribunal.
- (f) The Appeals Tribunal is not obliged to give oral or written reasons for its decision.
- (g) The Appeals Tribunal has discretion to order the refund of the appeal fee and shall do so where the appeal results in the charge being dismissed or the penalty reduced.

7.3 No further appeal

A decision of the Appeals Tribunal is final and binding on all parties involved and there is no further right of appeal to any external body or tribunal.

8. ENFORCEMENT OF PENALTIES

8.1 Recording penalties

- (a) The APF shall keep records of all Tribunals, including at a minimum the information set out in clause 4.3(b).
- (b) APF will notify all Clubs and State Associations of the result of any Appeals Tribunal.
- (c) The terms of any suspension, ban or expulsion from membership handed down by an Appeals Tribunal (or Hearings Tribunal if no appeal is lodged) will be communicated by APF to the FIP, with the expectation that the FIP will enforce the sanction throughout the national federations.

8.2 Enforcement of fines

- (a) All fines imposed by a Tribunal shall be paid to the APF. The APF shall apply such receipts to applicable hearing costs and distribute any excess of such receipts to player development and/or a charity as determined by the APF from time to time.
- (b) If a fine is not paid to the APF within seven days the Respondent is automatically suspended and banned from playing in any Event throughout Australia, until the fine is paid in full, unless the Respondent is able to satisfy the APF that there is good reason (eg incapacity due to illness or accident) for the delay in payment.
- (c) A sum ordered to be paid by way of a fine or costs that remains unpaid for fourteen days will constitute a debt as between the Respondent and the APF and shall be recoverable as such in the courts.

8.3 Serving of penalties

- (a) Subject to clause 8.3(b), where a Hearings Tribunal under these Regulations imposes a penalty that prevents the Respondent from participating in an Event, the Respondent shall serve that penalty pending the determination of any appeal they may lodge.
- (b) The Appeals Tribunal may of its own motion or upon application of any party to the appeal, order:
 - (i) that an appeal be adjourned; or
 - (ii) a stay of the execution of the penalty imposed by the Hearings Tribunal, pending the determination of the appeal.
- (c) The Appeals Tribunal shall make an order under clause 8.3(b) at its sole discretion where it is satisfied that there are exceptional and compelling circumstances. In determining that question, the Appeals Tribunal shall without limitation have regard to the:
 - (i) merits of the appeal and the Appellant's prospects of success;
 - (ii) interests of other Members, Facilities and Players; and
 - (iii) effect on Polo in general.

8.4 Relationship with criminal matters

- (a) If, during a Tribunal hearing or an investigation under these Regulations, it becomes known that a criminal charge has been brought against a Respondent (as opposed to the Respondent merely being the subject of a police investigation) arising out of the actions the subject of an Incident Report, APF, the Tribunal or the Chair may at the request of the Respondent rule that further action be deferred until completion of the criminal matter.
- (b) In making a determination under clause 8.4(a), the relevant person(s) shall have regard to the need to ensure the ongoing safety of Members, Players and other persons involved in Events and Polo generally.

9. SERVICE OF DOCUMENTS

- (a) In this clause 9, "document" includes any notice or other material required to be provided by one party to one or more other parties under these Regulations.
- (b) A document may be given by one party to another party under these Regulations:
 - (i) by hand delivering it to that party's registered office; or
 - (ii) by sending it to an email (or other electronic) address nominated by the recipient party.
- (c) A document is taken to have been received under these Regulations:
 - (i) if hand delivered, on the date of delivery; or
 - (ii) if sent by email or other electronic transmission, on the date of the document's transmission, unless received by a recipient party after 5.00pm in their ordinary place of residence, in which case it will be taken to have been received on the day following its transmission.

SCHEDULE 1

Suggested Penalties

ABUSE OF PLAYER OR OFFICIAL	
Verbal abuse or disrespect to another player	Up to three or four match ban and up to \$2,000 fine
As above but with foul language or gesture which is visible or audible to any spectator or member of the public	Up to two or three week ban and up to \$5,000 fine
Verbal abuse or disrespect to an official	Up to two or three week ban and up to \$10,000 fine
As above but with foul language or gesture which is visible or audible to any spectator or member of the public	Up to one or two month ban and up to \$50,000 fine
MISUSE OF STICK	
Negligent misuse of the stick which endangers another player, official or pony	Up to three or four match ban
Intentional misuse of the stick which endangers another player or player's pony	Up to one or two month ban and up to \$10,000 fine
As above but endangers an official or his pony	Up to three months ban and up to \$30,000 fine
As above but causes intentional damage to an official or his pony	Up to three or four month ban and up to \$50,000 fine
DANGEROUS PLAY	
Dangerous play which endangers another player, official or pony	Up to two or three match ban and up to \$2,000 fine
Repeated dangerous play as above	Up to one or two month ban and up to \$5,000 fine
Dangerous play which causes a pony to lose balance or fall.	Up to one or two month ban and up to \$10,000 fine
Repeated dangerous play as above	Long term ban and up to \$20,000 fine
ABUSE OF PONY	
Abuse of own pony by jaggging in the mouth or whipping	Up to two or three match ban and up to \$2,000 fine
Abuse of another player's pony by striking or any other means	Up to one or two month ban and up to \$30,000 fine
REFUSING TO PLAY	
Leaving the field of play other than in the usual course of the match	Up to two or three match ban and up to \$2,000 fine
Refusing to participate in any match	Up to one or two month ban and up to \$50,000 fine
ASSAULT	
Physical response to physical aggression	Up to two or three match ban and up to \$3,000 fine
Assault by striking or other means of another player in any physical way	Up to two or three month ban and up to \$20,000 fine
As above but of an official in any physical way in any physical way	Two or three month ban to Long term ban and up to \$50,000 fine
SOCIAL MEDIA	
Abuse of another player on social media	Up to one year ban and/or \$20,000 fine
Abuse of an official on social media	Up to three year ban and/or \$50,000 fine

SCHEDULE 2

Flags

- 51. AWARDING OF FLAGS.** In addition to any penalty awarded, a flag may also be awarded to a player by the umpires. It may be awarded for the breach of any rule but will usually be awarded for dangerous play, unsportsmanlike conduct or persistent breach of the rules. The umpires must agree that a player should be awarded a flag and, if not in agreement, consult with the referee whose decision shall be final, and obtain the acknowledgement of the player(s) awarded the flag and their team captain(s).
- a. Sin Bin.** A player may be sin binned (sent off for 2 minutes of play) for a first offence but a player shall be sin binned if he incurs 2 yellow flags within one match. The player shall return to the pony lines or a location as designated by the host club (the sin bin) where he will remain for two minutes of playing time; this includes the time when the ball is out of play but not when the ball is dead and the clock stopped. The referee or time keeper will fly a flag during this period and as soon as it is lowered the player may re-join the game in an on-side position. This may run across two chukkas or into the next match of that tournament.
- b. Red Flag.**
- (i)** A player may be awarded a red flag at any stage, including for a first offence.
 - (ii)** A player awarded a red flag shall be sent off for the rest of the match. After 2 minutes of playing time, the sent off player may be substituted. If the player has been awarded a red flag for leaving the game before the final bell without the permission of the umpires, he may not be substituted.
 - (iii)** A player shall be awarded a red flag if he has not obtained the permission of the umpires to leave a game before the final bell and in respect of conduct after the final chukka has ended the umpires may only award a red flag.
 - (iv)** A player awarded a red flag shall be automatically suspended for the next match of the tournament and the rules for a team change shall then apply. If awarded during or after the last match in the tournament, the suspension shall apply to another match or matches of equivalent standing as decided by the relevant State Association where the incident occurred.
- c. Report Forms.** A report with details of the incident shall be completed by the umpires and referee for a red flag and a statement by the player shall be obtained by the club and submitted to the State Association and APF as soon as reasonably practicable. All reports of yellow flags are to be emailed to the APF and State Association with a short statement and the reason for the award of the yellow flag.

SCHEDULE 3

Disciplinary Incident Report Form

INCIDENT REPORT

Send to: Secretary
Australian Polo Federation
PO Box 150, Windsor, NSW 2756
Tel: 0459 272 277 Fax: 02 4311 2660
Email: apf@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 where a player is sent off or where a pony has been subject to abuse.

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

SCHEDULE 4

Charge Sheet

AUSTRALIAN POLO FEDERATION HEARINGS TRIBUNAL NOTICE OF CHARGE

Notice of Charge

[insert name]
[address line 1]
[address line 2]

Referral

1. [Insert Club / State Association name] has, in accordance with clause 3.4 of the Australian Polo Federation (**APF**) Disciplinary Regulations (**Regulations**) referred a Disciplinary Incident to a Hearings Tribunal to consider, hear, determine and if appropriate, impose sanction(s) arising from matters and allegations involving you at [+++++] (Event).

Charges

2. It is alleged that at the Event you:
 - a) [+++++];
 - b) [+++++]; and
 - c) acted in a manner which is prejudicial to the interests and good order of APF Polo.
3. It is alleged that you have consequently breached the following Rules of Polo and/or APF Policies:
 - a) [+++++]; and
 - b) [+++++].
4. Particulars of these charges are set out in paragraph 5.

Particulars

5. The alleged conduct which gives rise to these charges is as follows:
 - a) On [+++++] you attended the [+++++] at the [+++++].
 - b) At the Event you allegedly:
 - i. [insert allegations].

Penalties

6. If the Hearings Tribunal finds the charges proven the penalties which may be imposed on you under clause 5 of the Regulations include:
 - a) a reprimand;
 - b) exclusion from a particular Event or Events, competition or activity;
 - c) suspension, from such activities or events held by or under the auspices of APF as the Hearings Tribunal sees fit, including but not limited to participation in Events, on such terms and for such period as the Hearings Tribunal thinks fit;
 - d) suspension for a specified period and/or termination of any rights, privileges and benefits provided by APF;
 - e) expulsion from APF;
 - f) any penalty as set out in any other APF Policy; or
 - g) any other such penalty as the Hearings Tribunal considers appropriate.

Hearings Tribunal

7. A Hearings Tribunal has been empanelled in accordance with clause 4 of the Regulations.
8. The Hearings Tribunal hearing has been scheduled to occur at [insert time] on [+++++]
at [insert location / telephone / video details].
9. You are entitled to produce witnesses at the Hearings Tribunal in accordance with clause 4 of the Regulations.
10. Under the Regulations you may not be represented by a legal representative or advocate, or a person who is trained and/or qualified as a solicitor or barrister.
11. If you do not wish, or fail, to appear in person or submit a written explanation the Hearings Tribunal will determine the matter anyway.

Attendance

12. Please advise [+++++] of your ability or otherwise to attend the Hearing Tribunal hearing. You may apply to have a Hearings Tribunal hearing adjourned, or convened by way of teleconference, if there are compelling circumstances that warrant such steps being taken to avoid costs, hardship or significant inconvenience.
13. [+++++] can be contacted by telephone on [+++++] or by email at [+++++].
14. If you choose not to attend the Hearings Tribunal, a decision may be made by the Hearings Tribunal despite your non-attendance and in your absence in accordance with the Regulations.