

# Safety Testing Committee Guidelines

As adopted by



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## Revision Information

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STCG2014-1	Guidelines to Committee (in addition to APF Alcohol & Drugs Safety Testing Policy)		1.0	31.3.2014

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# APF SAFETY TESTING COMMITTEE TERMS OF DELEGATION AND GUIDELINES

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## 1. SCOPE

- (a) These APF Safety Testing Committee Terms of Delegation and Guidelines (**Guidelines**) apply to the APF Safety Testing Committee (**Committee**).
- (b) The Interpretation of this document is solely the province of the Board.

## 2. DEFINITIONS

In this document the following terms have the following corresponding meaning:

"**APF**" means the Australian Polo Federation Limited.

"**Board**" means the board of the APF.

"**Conflict of Interest**" means a conflict between a duty of a Committee member and the private interests of the Committee member which could influence the performance of the Committee member's official duties and responsibilities. A reasonable perception of a conflict of interest is where a fair minded person, properly informed as to the nature of the interests held by a Committee member, might reasonably perceive that the Committee member might be influenced in the performance of his or her official Committee duties and responsibilities. Ultimately, what constitutes a conflict of interest will always depend on the facts and circumstances.

"**Committee**" means the APF Safety Testing Committee.

"**Policy**" means the APF Alcohol & Drugs Safety Testing Policy.

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

"**State Safety Officers**" means a safety officer appointed by each State Association under clause 7(a) of the Policy.

## 3. ROLE OF COMMITTEE

- (a) The Committee is responsible for the implementation the APF Alcohol & Drugs Safety Testing Policy (**Policy**), through the planning and coordination of testing and results, and other matters relating to the Policy and safety testing in the sport of Polo. The Committee shall undertake such duties in accordance with the directives from the Board as set out at **Schedule 1** to these Guidelines.
- (b) Confidentiality is a key component to the operation of the Committee, both with regard to testing dates/locations and test results. To this end, it is imperative that the Committee, State Safety Officers and the external testing agency engaged to undertake the tests under the Policy, are the only persons who know when and where testing under the Policy will occur.

## 4. STRUCTURE, COMPOSITION AND AUTHORITY

- (a) The Committee is a subcommittee of the Board and reports directly to the Board.

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- (b) The Board appoints the members of the Committee (including appointing Chair of the Committee and an Administrator/Secretary of the Committee) annually at the AGM. State Safety Officers are automatically appointed to the Committee. It is preferable that current players are not appointed as either:
- (i) Committee members;
  - (ii) State Safety Officers; or
  - (iii) Administrator/Secretary of the Committee;
- as this may create a Conflict of Interest (or at the very least the perception of a Conflict of Interest) given current players are subject to testing under the Policy. However current players are not precluded from being appointed to those positions.
- (c) Each member of the Committee is required to acknowledge their acceptance of these Guidelines by completing the declaration at Annexure 1 to these Guidelines.
- (d) The Committee act on behalf of the Board in implementing the testing of players under the Policy. The Committee also has an advisory role to the Board for policy development in relation to safety testing and related areas.

### **5. PROCEEDINGS**

The proceedings of the Committee shall be as follows:

- (a) Convening a Committee meeting
- (i) The Committee shall meet as required, but shall meet on at least 6 occasions in each year.
  - (ii) Unless all Committee members agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced in writing or by their presence) not less than 2 days' written notice of the meeting of the Committee shall be given to each Committee member.
  - (iii) Written notice of each Committee meeting, specifying the general nature of the business to be transacted, shall be served on each Committee member by:
    - (A) delivering it to that member personally;
    - (B) sending it in writing, by facsimile or other means of electronic communication (subject to receiving appropriate confirmation that the notice has been effectively dispatched);in accordance with the Committee member's last notified contact details, and no other business shall be transacted at such a meeting.
- (b) Quorum
- (i) Three (3) members of the Committee shall constitute a quorum for the transaction of the business of a meeting of the Committee.
  - (ii) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the

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meeting shall stand adjourned for a period of two to three weeks and at a time to be fixed.

- (iii) The Committee may act notwithstanding any vacancy.
- (c) Procedures at Meetings
- (i) The Chair appointed by the Board as Chair of the Committee shall chair the meetings of the Committee. If the Chair is unavailable or unwilling to act as chair at any meeting of the Committee, the Committee shall choose a person from amongst their number to chair that meeting only.
  - (ii) Questions arising at a meeting of the Committee shall be determined on a show of hands or, if demanded by a member of the Committee, by a poll taken in such manner as the persons chairing at the meeting may determine.
  - (iii) Subject to clause 5(f), each member of the Committee present at a meeting of the Committee (including the person chairing the meeting) is entitled to one vote and in the event of an equality of votes on any question, the person chairing the meeting may exercise the second or casting vote.
  - (iv) A resolution in writing signed or assented to by email, facsimile or other form of visible or other electronic communication by all the members of the Committee shall be as valid and effectual as if it had been passed at a meeting of the Committee duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the members of the Committee.
  - (v) Without limiting the power of the Committee to regulate its meetings as it thinks fit, a meeting of the members of the Committee may be held where one or more of the members of the Committee is not physically present at the meeting, provided that:
    - (A) all persons participating in the meeting are able to communicate with each other effectively simultaneously and instantaneously whether by means of telephone or other form of communication;
    - (B) notice of the meeting is given to all the members of the Committee entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Committee and such notice specifies that the members of the Committee are not required to be present in person;
    - (C) in the event that a failure in communications prevents condition (A) from being satisfied by that number of members of the Committee which constitutes a quorum, and no members of the Committee are present at the place where the meeting is deemed to be held (under clause 5.3(c)(v)(D)), then the meeting shall be suspended until condition (A) is satisfied again. If such condition is not satisfied within 15 minutes from the interruption the meeting shall be deemed to have terminated; and
    - (D) any meeting held where one or more of the members of the Committee is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a member of the Committee is there present and if no member of the Committee is

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there present the meeting shall be deemed to be held at the place where the person chairing the meeting is located.

(d) Minutes

The Administrator/Secretary of the Committee shall keep minutes of the resolutions and proceedings of each Committee meeting in books provided for that purpose, together with a record of the names of persons present at all meetings. Such minutes are confidential to the Committee and Administrator/Secretary of the Committee. If it is necessary to distribute the minutes to the Board any personal confidential information will be redacted as required.

(e) Committee Interests

A Committee member is disqualified from holding any place of profit or position of employment in APF, or in any company or incorporated association in which APF is a shareholder or otherwise interested or from contracting with APF either as vendor, purchaser or otherwise except with written approval of the APF Board. Any such contract or any contract or arrangement entered into by or on behalf of APF in which any member of the Committee is in anyway interested will be voided for such reason.

(f) Disclosure of Conflict of Interests

The nature of any Conflict of Interest of a Committee member must be declared by the Committee member at the meeting of the Committee at which the matter, contract or arrangement is first taken into consideration if the interest then exists or in any other case at the first meeting of the Committee after the acquisition of the interest. If a Committee member becomes interested in a matter, contract or arrangement after it is made or entered into, the declaration of the Conflict of Interest must be made at the first meeting of the Committee held after the Committee member becomes so interested.

(g) General Disclosure

A general notice of a Conflict of Interest that a Committee member is a member of any specified team, club, firm or company and is to be regarded as interested in all matters, transactions or arrangements with that team, club, firm or company is sufficient declaration under clause 5(f) as regards such Committee member and the said matter, transactions or arrangements. After such general notice of a Conflict of Interest it is not necessary for the Committee member to give a special notice relating to any particular matter, transaction or arrangement with that team, club, firm or company.

(h) Recording Disclosures

Any declaration of a Conflict of Interest made or any general notice of a Conflict of Interest given by a Committee member must be recorded in the minutes of the Committee.

(i) Conflict of Interest

A Committee member, notwithstanding any declared Conflict of Interest, may be counted in the quorum present at any meeting but cannot vote or debate in respect of any matter, contract or arrangement in which the Committee member is interested. If, despite this the Committee member votes any such vote shall not be counted.

(j) Duty of Confidence

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- (i) As a consequence of being a Committee Member such persons will have access to and acquire confidential information including but not limited to confidential information relating to APF, the Committee and the safety testing carried out under the Policy (**Confidential Information**).
- (ii) During their term as a Committee Member, Committee Members must not:
  - (A) unless compelled to do so by law, pursuant to any court order or where authorised by the Committee or the Board, make unauthorised disclosure or use of the Confidential Information.
  - (B) reveal any discussions or meetings or documents relating to the Policy or plans about the implementation of the Policy without the consent of the Committee or the Board;
  - (C) publically criticise the Committee (all Committee Members should support all determinations of the Committee regardless of their support or dissent during any Committee Meeting. It is essential that discussions of the Committee are freely entered into, however it is imperative that beyond the meetings of the Committee all Committee Members are united in the determination of the Committee).
- (iii) The restraint contained in clause 5(g)(ii) will continue to apply to the Committee Members after the expiration or termination of their term as Committee Members but will cease to apply to Confidential Information which comes into the public domain other than as a result of the unauthorised acts or omissions of the Committee Member.

### **6. REPORTING**

- (a) Breaches of the Policy are ascertained through drug and alcohol testing. In circumstances where there is a breach of the Policy, the Committee is to refer such breach to the relevant State Association where the disciplinary process under the Policy will commence.
- (b) The Chair of the Committee is responsible for ensuring Reports from the Committee detailing activities and results to date will be provided to the Board at least annually, to an APF Board meeting. These reports shall be in a general form with number of tests carried out & number of positive tests, etc. rather than in detailed form containing personal confidential information.

### **7. RESOURCES AND BUDGET**

- (a) The Committee will until further notice, use the services of the accredited external testing agency - Integrity Sampling P/L for testing under the Policy.
- (b) An annual budget will be advised to the Committee each year.

### **8. APF BOARD**

- (a) The Board may in its sole discretion and at any time:
  - (i) vary, recall or revoke these Guidelines;
  - (ii) terminate the appointment of a member of the Committee prior to the expiration of their term;

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- (iii) amend or repeal any decision made by the Committee.

### **9. REVIEW**

The Board will review these Guidelines annually to ensure they remain consistent with the Board's objectives and responsibilities, and relevant standards of corporate governance.

## Safety Testing Committee Guidelines

### SCHEDULE 1

#### 2014 Notes to Committee

The policy allows for testing of participants at events ('participants' includes players, umpires, reserve players, medical officers, admin/logistics etc.), for alcohol & illicit drugs. The banned substances under the policy are those listed in the WADA prohibited list.

Testing for alcohol will be by an accredited tester (accredited external agency or accredited Club & State Safety Officers) using a breathalyser device as a preliminary indicator, if at or over prescribed limit (.05), a saliva sample (A & B sample) will be taken and sent to a NATA accredited laboratory for testing under the Australian Standard 4760 - 2006 Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid.

Testing for illicit drugs will be conducted by an accredited external agency using a saliva test kit, a preliminary indicator saliva test will be taken, and if this is positive a second saliva sample (A & B sample) will be taken and sent to a NATA accredited laboratory for testing under the Australian Standard 4760 - 2006 Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid. Drugs tested for with saliva sample - Morphine/ Opiates, Cocaine, Methamphetamine, Amphetamine & Marijuana.

State Safety Officers can in the interests of safety, remove someone from playing/activity if they reasonably suspect (with regard to indicative factors set out in Appendix A) there is a breach of the policy.

The role of **State Safety Officer** includes responsibility for conducting alcohol testing, coordinating drug testing at the testing site, as well as ensuring risk management procedures are adhered to & reporting of incidents (particularly player & horse injury).

The Safety Testing Committee will nominate events & groups (who) to be tested; these will be passed on to the external testing agency & State Safety Officer(s). Groups to be considered for target testing include winners/losers in decided grades, players under 25, & representative players. State Safety Officers must be present at the event & will coordinate the testing of players by the external testing agency. Results (positive) will be sent from the laboratory/testing agency to the APF Safety Testing Committee & State SO, ST Committee & State SO to liaise with State Association who will hold a disciplinary enquiry. Increased penalties are suggested where a lab result confirms the presence of multiple substances.

Integrity Sampling has national offices – the contact there is: **Ian Jameson** Managing Director Integrity Sampling (NSW) Pty Ltd, PO Box 687, Springwood NSW 2777 Tel: (02) 4751 1480 Fax: (02) 4751 7779 Mob: 0414 401 585 [ian@integritysampling.com.au](mailto:ian@integritysampling.com.au) [www.integritysampling.com.au](http://www.integritysampling.com.au) Their current testing costs are: \$95 per test at venue (min 4 tests or \$155 surcharge applies), travel included in fee but if out of area \$80ph travel cost + 80c per km. Laboratory testing \$250 each.

The 2014 budget allocated by APF Board is \$7500 (to 30 June 2014). 2015 budget (from July 2014) will be advised as soon as possible.

The following areas may be considered by the Board in the long term if required:

- look at requiring Clubs to appoint Club Safety Officer
- Arrange Safety Officer accreditation for Alcohol testing
- Allocate budget/funding for Alco sensor or similar devices – approx. \$500 ea. One for each State/Zone



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ANNEXURE 1

Committee Member Declaration

Surname or Family Name		
<input type="text"/>		
Given Names		
<input type="text"/>		
Date of Birth	Gender	
<input type="text" value="D"/> <input type="text" value="D"/> <input type="text" value="M"/> <input type="text" value="M"/> <input type="text" value="Y"/> <input type="text" value="Y"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Unit / Apt No	Street No	
<input type="text"/>	<input type="text"/>	
Mailing Address:		
<input type="text"/>		
Street Name		
<input type="text"/>		
Suburb		
<input type="text"/>		
State	Post Code / ZIP Code	Home Phone (include area code)
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/>
Mobile Phone	Work Phone (include area code)	
<input type="text"/>	<input type="text"/> <input type="text"/>	
Email		
<input type="text"/>		
<input type="text"/>		

I, the above named Committee Member, acknowledge that I have read, understood and agree to comply with the Guidelines including but not limited to the obligation to maintain confidentiality (under clause 5(j)) and the obligation to disclose conflicts of interest (under clause 5(f)).

Signed: .....

Name: .....

Date: .....