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# WATER POLO QUEENSLAND DISCIPLINARY PROCEDURE

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# REVIEW HISTORY

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Version	Revision No.	Date Reviewed	Date Endorsed	Content Reviewed/Purpose
1	2017/01	N/A	29/03/2017	New Policy Formerly contained within WPQ Judicial Policy Approved by QWPI Board on 29/3/2017

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# 1. POLICY STATEMENT & COVERAGE

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## 1.1 Policy Statement

The purpose of this Policy is to outline the procedure for the following disciplinary matters:

- a) when a player or official is ordered from the field of play or issued a red card
- b) when a player or official is cited for an act or acts of Illegal and/or Foul Play in accordance with the WPQ Citing Procedure;
- c) when a player or official has been temporarily suspended (yellow card) three times in a season

The Board may vary this Policy at any time in accordance with the authority conferred by the current QWPI Constitution

## 1.2 Policy Coverage

This Policy addresses breaches of FINA Rules of Water Polo or the Water Polo Australia (WPAL) and QWPI Codes of Conduct by players and officials at any QWPI sanctioned event. This includes but is not limited to:

- State Titles
- Queensland Country Championships
- 12&U Festival of Water Polo
- Brisbane Water Polo Competitions
- Gold Coast Water Polo Competitions
- Sunshine Coast Water Polo Competitions
- Toowoomba Water Polo Competitions
- Rockhampton Water Polo Competitions
- Mackay Water Polo Competitions
- Townsville Water Polo Competitions
- Cairns Water Polo Competitions

## 2. DISCIPLINARY PROCEDURE

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### 2.1 Disciplinary Procedure

- 2.1.1. A player or official ordered from the field of play and/or issued a red card will result in an automatic minimum one round suspension. Where a player or official is ordered from the field of play or issued a red card on a second occasion in any single season or tournament they will automatically be referred to the WPQ Tribunal.
- 2.1.2. A player or official may, by 5pm on the first working day after, or within 30 minutes of, the match conclusion during a tournament following the ordering off or red card request, in writing a hearing before the WPQ Tribunal.
- 2.1.3. The Tribunal Chairperson shall review in all instances where a player and/or official has been ordered from the field of play or issued a red card and may at their absolute discretion require a player or official to show cause as to why an additional penalty above the automatic one round suspension should not be imposed. The show cause notice and supporting documentation will be issued by the Tribunal Chairperson to the player/official through their club or association secretary.
- 2.1.4. If a player or official does not request a hearing and is not required to appear in accordance with clause 2.1.3, the player shall be deemed to have been found guilty of the charge and accepted penalty of a one round suspension for the offence committed. Such a finding shall be recorded and constitute an offence on their disciplinary record.
- 2.1.5. In the event a player or official who has been cited or issued a show cause notice fails to attend their scheduled hearing, the player or official is automatically suspended from all matches pending his/her appearance. Unless reasonable notice of non-appearance (including reason) is given prior to the appointed meeting of the Tribunal, that Committee may impose such additional suspension as it considers appropriate as penalty for the failure to attend as required.

## 3. TRIBUNAL

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### 3.1 Tribunal Procedure

- 3.1.1. The Tribunal where required, must be held within a reasonable time after the match in which the offence occurred. Consideration must be given to travel arrangements and timing of next match.
- 3.1.2. The Chairperson will communicate with the reported person(s) and all Panel members to co-ordinate and confirm a mutually agreeable date and time of the hearing.
- 3.1.3. It is preferable that the reported person and the referee/official providing the report attend the Tribunal in person. If a written report has been provided by an absent party, the Tribunal may proceed without either party being in attendance.
- 3.1.4. The Chairperson will always be eligible to be part of the Tribunal
- 3.1.5. If the Chairperson is not available to conduct a hearing then he / she shall appoint a Deputy Chairperson who shall act as Chairperson in relation to any specified hearing
- 3.1.6. The Tribunal will be appointed by the QWPI Board annually and is to consist of a minimum of 3 panel members and 2 reserve panel members and no two panel members are to be from the same Club
- 3.1.7. Where circumstances prevent a panel of 3 members hearing a matter, the Tribunal may proceed with 2 panel members with the consent of the reported person

### 3.2. Hearing Procedure

The following hearing procedures shall generally apply, but may be amended by the Chairperson, depending on the circumstances and nature of the issue before the hearing.

#### 3.2.1. Announcement of the right of attendance of all parties:

- a) The Chairperson shall open the hearing and announce
  - (i) the reasons for the convening of the hearing;
  - (ii) the names of all parties to the hearing whether in person or by conference call; and
  - (iii) the right of attendance of each party in accordance with 3.2.6.1

#### 3.2.2. Reading the report:

- a) The Chairperson shall read the report/s and provide copies to the relevant person/s, for their perusal, if they have not already received copies of same.
- b) In the event of two (or more) reports arising from the same incident, the Chairperson may consider hearing them together. Submissions may be sought from the parties and other Tribunal members on this issue, however the Chairperson's decision on this matter is final.

- c) The Chairperson shall ask the applicant whether the plea is “Guilty” or “Not Guilty”.

### **3.2.3. If the plea is “Guilty:**

- a) The player (or his/her advocate) may make a submission by way of explanation of the circumstances surrounding the incident, or with a view to mitigation of penalty.
- b) Depending on the nature of the submission, the player may be subject to questioning by the referee or Tribunal.

### **3.2.4. If the plea is “Not Guilty”:**

#### First: Presenting the Case

- a) The Chairperson shall ensure that all intending witnesses (not the applicant or his/her advocate) are excluded from the hearing.
- b) The Referee(s) shall be called to expand upon their written report and make any further explanation of the circumstances so desired.
- c) The Referee(s) shall then be subject to questioning by the player/official (or advocate) and the Tribunal. The Chairperson must ensure that questions only are asked, and there is no aggressive cross-examination.
- d) The Referee(s) may choose to call one or more witnesses to provide further information before the hearing. In such a case, the above three (3) steps are repeated. Each witness must retire from the hearing prior to a subsequent witness giving evidence.

#### Second: Presenting the Defence

- e) The player/official shall then be given the opportunity to provide information before the hearing and deny any items from the incident report, including any new or additional information provided by the Referee or witness during his/her/their further explanation. If that person accepts this opportunity, assistance by his/her advocate is permitted.
- f) The player/official and any witnesses may then be subject to questioning by the Referee/complainant. The Chairperson must ensure that questions only are asked and there is no aggressive examination.
- g) The player/official may then be subject to questioning by Tribunal members, through the Chairperson.
- h) The player/official may choose to call one or more witnesses to provide further information before the hearing. In such a case, the above three (3) steps are repeated. Each witness must retire from the hearing prior to a subsequent witness giving information.

### **3.2.5. Decision Process After hearing:**

After hearing all the Information, the Chairperson shall now ask all parties to retire from the hearing until recalled for the notification of the findings of the Tribunal.

- a) The Tribunal members shall discuss the information and information presented before them in order to reach agreement on a decision.
- b) If a decision can be reached, each member of the Tribunal shall have a primary vote with the Chairperson having both a primary and a casting vote.
- c) If a decision cannot be reached, the hearing may be adjourned, and the Chairperson will announce a time and date for the reconvening of the hearing. This type of an adjournment would only occur in extenuating circumstances, such as the Tribunal requiring further information or clarification from a party not in attendance at the hearing.

The hearing shall reconvene with all in attendance, and the Chairperson shall announce the findings of fact and, if relevant, any penalty imposed.

### **3.2.6. Procedural issues of the Tribunal:**

#### **3.2.6.1. Attendance:**

Persons permitted to be present (whether in person or by telephone conference or otherwise) during the hearing, or any part of it, shall be as decided upon by the Chairperson depending on the circumstances of the matter. Such persons may be:

- a) The Tribunal members (who include the Chairperson)
- b) Referee(s)
- c) Player/Official and/or his/her parent (in the case of a minor) and/or advocate who may appear to represent and assist the player to appear at the hearing. The advocate may not possess legal qualifications. A parent must declare at the commencement of the hearing any legal qualifications.
- d) Guests/observers invited by the Chairperson to attend in an official capacity, but who take no part in the proceedings. The guests/observers shall have right of attendance as allowed by the Chairperson and may include a second parent where the other parent is present in accordance with 3.2.6.1(c).
- e) Technical officials who are experts in a particular discipline invited by the Chairperson to attend in an official capacity, to answer questions on technical matters that may arise during the hearing. The technical officials shall have right of attendance as allowed by the Chairperson.



**3.2.6.2. Recording of events:**

Any voice recording or video recording of events during the hearing shall be at the discretion of the Chairperson. In the absence of any request being made to tape record or video record the events, it shall be deemed that no authority or permission has been granted. A Tribunal Member as appointed by the Chairperson will act as Secretary.

**3.2.6.3. Nature of the hearing:**

The Tribunal is not a Court of Law and may accept evidence that would not normally be accepted in Court. The Tribunal is however required to act in an objective rather than subjective manner.

**3.2.6.4. Non-Appearance:**

If a person fails to appear or to make suitable alternate arrangements by teleconference or otherwise, then the hearing will be adjourned and the player or official will be suspended in accordance with clause 2.1.5

**3.2.6.5. Inaccuracies in reports:**

- a) If it is discovered during a hearing that any inaccuracy occurs in a written report, the Chairperson shall have the discretion to enable it to be rectified by way of verbal information being heard.
- b) If it is apparent to the Chairperson that the player/official is, or the functions of the Tribunal are, jeopardised, the Chairperson shall grant an adjournment of the hearing, as the Chairperson sees fit.

**3.2.6.6. Video evidence:**

If any party to a hearing wishes to provide information by way of a video presentation, such evidence shall be permissible at the discretion of the Chairperson. The onus of providing suitable viewing equipment shall lie in with the person desirous of presenting such information before the hearing.

## 4. SUSPENSIONS

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### 4.1. Suspensions

- 4.1.1. Any suspension awarded to a player or official as contemplated herein applies to that person's involvement and participation in all QWPI sanctioned events except where the conduct for which the person is suspended is deemed by the WPAL Board to warrant suspension from all levels of water polo competition under the control or ambit of WPAL, a Member or Club, in which case WPAL, Member or Club must enforce and uphold that suspension in relation to such other levels of water polo. Suspensions carry over from year to year and are not diminished at the end of a season.

# 5. APPEALS

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## 5.1. Appeals

- 5.1.1. All appeals against decisions made by the WPQ Tribunal must be directed in writing within 5 days of any decision to the CEO, QWPI for consideration by the QWPI Board
- 5.1.2. If an appeal is granted it will be referred to a QWPI Appeals Tribunal appointed by the QWPI Board.

## 6. PENALTIES

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### 6.1. Grading of Offences

6.1.1. For the Tribunal, the following guidelines may be used. However, each case must be individually considered when determining the grading of offences and suspensions imposed:

6.1.1.1. Misconduct - Disrespect/Disobedience/Other:

Examples of Grade 1 include:

- Unacceptable language
- Equipment abuse
- Disobedience
- Disrespect
- Splashing
- Any other occurrences determined by the reporting official

Examples of Grade 2 include:

- Attempted contact that may have caused injury if contact had been made
- Minor Contact (no injury)
- Persistent foul or rough play
- Continuous disrespect
- Any other occurrences determined by the reporting official

***Penalty Range: 1-4 Rounds***

6.1.1.2. Misconduct - Violence

Examples of Grade 1 include:

- Attempting to kick an opponent
- Attempting to strike an opponent
- Unwelcome and deliberate contact to sensitive body part (eg female breast, genitals)
- Any other occurrences determined by the reporting official

Examples of Grade 2 include:

- Kicking an opponent
- Striking an opponent
- Persistent foul or rough play
- Continuous disrespect
- Any other occurrences determined by the reporting official

***Penalty Range: 2-8 Rounds***

6.1.1.3. There is no grading for brutality or threats of brutality

***Penalty Range: 4-16 Rounds***

**6.1.1.4.** Provocation is not a defence but may be taken into consideration by the Referee and Tribunal when considering grading of offences and the sentence to apply.

**6.1.1.5.** Others factors that can be taken into account when considering the length of suspension applied is:

- Disciplinary Record including previous suspensions and Tribunal appearances
- Length of sport participation without being reported
- Acknowledged service to the sport
- Circumstances of the offence

# 7. DISCIPLINARY PROCESS

