



Water Polo
AUSTRALIA

NATIONAL SANCTIONING POLICY

REVIEW HISTORY

Version	Revision No.	Date Reviewed	Date Endorsed	Content Reviewed/Purpose
1	2019			The National Sanctioning Guidelines were first introduced for WPA events for the 2020 season. They were applied only to WPA events and State Associations had the option of using if they wished.
2	2022	Feb 2022		WPA conducted a review of the National Sanctioning Guidelines after the Summer Slam, improving the process and management of the Inappropriate Contact allegations.
3	2022	Sept 2022	Oct 28, 2022	Guidelines re-drafted and upgraded to be a Policy document
4.	2023	May 2023		Content updated to include changes made necessary by amendments to Sport Integrity Australia Complaints, Disputes and Discipline Policy and to address feedback on procedural matters.

Note

This Policy will be reviewed annually by June 30. The annual review will include key stakeholders and consider, but is not be limited to the following parameters:

1. Operation of the National Internal Tribunal Panel, central log of matters, consistency of application.
2. Application and management of Suspensions across multiple jurisdictions and the ability to manage these.
3. The effectiveness of the Revsport Competition Management system in tracking Suspensions.
4. Impact on Member behaviour relating to this Policy
5. Review case studies that did not fit this, Policy.
6. Consider alternative sanctions for specific offences, such as mechanisms for Offenders to give back to the water polo community in an appropriate manner.

Table of Contents

1.	DEFINITIONS AND INTERPRETATION	4
2.	INTERPRETATION	6
3.	PURPOSE	6
4.	COVERAGE	7
5.	OFFENCE LIST AND PENALTY POINTS SCHEME	9
6.	GENERAL INFORMATION	12
7.	ADDITIONAL OR ALTERNATIVE SANCTIONS.....	13
8.	PENALTIES.....	14
9.	MISCONDUCT - INAPPROPRIATE CONDUCT	16
	APPENDIX 1: FORMS	18
	APPENDIX 2: CHARGE NOTICE TEMPLATE.....	19
	APPENDIX 3: CHARGE NOTICE TEMPLATE (AUTOMATIC INTERNAL TRIBUNAL or REFERRED FOLLOWING INVESTIGATION).....	20
	APPENDIX 4: NATIONAL SANCTIONING POLICY PROCESS.....	21
	APPENDIX 5 COMPETITION MANAGER CHECKLIST.....	22
	APPENDIX 6: INTERNAL TRIBUNAL PROCEDURE.....	23
	APPENDIX 7: INTERNAL APPEALS TRIBUNAL PROCEDURE	25
	APPENDIX 8: APPEALS FROM INTERNAL TRIBUNAL AND NATIONAL SPORTS TRIBUNAL	27

1. DEFINITIONS AND INTERPRETATION

The definitions in the Water Polo Australia Limited (**WPA**) constitution apply for the purposes of interpretation of this Sanctioning Policy where the same capitalised terms are used.

Further, for the purposes of this Sanctioning Policy, the following terms shall be ascribed the corresponding meanings:

Applicant refers to a member who lodges a complaint, via their Club in relation to an Incident that occurred within a game that was not witnessed by an Official.

Appellant refers to an Offender who Appeals or applies to appeal a decision and is a relevant term during the Appeals process.

Charge Notice means a notice (in the form set out in Appendix 2, 3 or 4) charging a member with an Offence.

Coach means any person who undertakes any type of coaching role at the time when their behaviour is deemed to be an Offence under clause 4 of this Policy.

Competition in this Policy means a format of competition where teams play on non-consecutive days, as opposed to a Tournament, where teams may play games on two or more consecutive days.

Competition Manager means the person assigned by the Organisation to manage specific competitions, events or tournaments.

Complaint Form refers to the electronic form to be used by Clubs to lodge a complaint in relation to Clause 4.e or 9. The form can be found on the WPA website.

Constitution means the constitution of the Organisation, adopted by the Members and as subsequently amended, modified or replaced from time to time.

Event means anything that is coordinated or sanctioned by the Organisation but does not meet the definition of Competition or Tournament. This includes but is not limited to training camps, awards and functions.

GRF means a Game Report Form.

Incident refers to something that occurs that may or not breach a Policy of the Organisation and cannot yet be referred to as an Offence.

Internal Tribunal means an internal hearing conducted to determine the guilt or innocence of a member who has been charged with an Offence under this Policy.

Internal Appeals Tribunal Chair means a person nominated by WPA to lead the Internal Appeals Tribunal, who is also solely responsible for granting or denying an Appellant the leave to appeal the Internal Tribunal decision.

Mandatory Reporting means the legislative requirement for specific people or groups of people to report suspected cases of child abuse, a summary of which is available [here](#).

Member means a person who is a member of an Organisation, or a person who was a member of an Organisation at the time that they perpetrated any conduct which could be dealt with under this Policy. Noting that the specific definition of a member may vary between Organisation Constitutions, the term will take on its ordinary meaning as determined by the Tribunal taking into account factors including but not limited to registration, payment of fees and Organisation records of membership.

National Internal Tribunal Panel means a panel of appointed persons, who may be called upon to form an Internal Tribunal to hear matters across any jurisdiction via a virtual communications platform.

Offence means an offence listed in clause 5

Offender means the person who either accepts or is found guilty by the Internal Tribunal of a charge in a Charge Notice.

Official means a person appointed by the Organisation or their representative as a delegate, referee, goal judge or any other appointed official role at a water polo game.

Organisation means the governing body responsible for the delivery of the Competition, Tournament or Event, in respect of which this Policy is invoked.

Penalty Points means the points allocated to each Offence as described in clause 5.

Prohibited Conduct means the conduct defined as such under the National Integrity Framework (NIF) and Water Polo Australia (WPA) Policies. The types of conduct deemed prohibited is defined specifically relevant to each NIF Policy.

Respondent refers to the member, against whom a complaint has been lodged, either via the Game Report Form or via a Club following the process outlined in this Policy.

Round means a game within a specific Tournament to which a suspension applies.

Suspension means the sanction imposed on an Offender either by the Offender accepting the Charge Notice or via an Internal Tribunal process.

Suspension Period means, where the suspension includes but is not limited to a Competition, the time from the commencement of the suspension, up until 11:59pm on the time zone in which the Offender is participating, on the specified end date at which point the period of suspension ends. For the avoidance of doubt the Suspension Period may include multiple Rounds of a Tournament, multiple games within a competition or a combination of both, if the duration and timing of the Suspension requires such.

Sanctioning Policy means this “Sanctioning Policy” including the Appendices applicable as amended from time to time.

Season means the period commencing on 1 September each year to 31 August of the following year.

Tournament in this Policy means a format of competition where teams play games over two or more consecutive days as opposed to a Competition which is played on non-consecutive days. For the avoidance of doubt, Competitions includes any Event that does not meet the definition of a Tournament. For the purpose of this Policy, the Australian Water Polo League (AWL) will be deemed a Tournament, unless it is reasonable for it to be treated as a Competition, for the purpose of the timings of responses and hearings.

Water Polo Activities means any activity connected to water polo including but not limited to playing, coaching, refereeing and officiating.

2. INTERPRETATION

In these Sanctioning Guidelines:

- a. Headings are for convenience only and do not affect interpretation.
- b. Any reference to a gender indicator is inclusive of all gender identities and sex characteristics.
- c. The singular includes the plural and vice versa.
- d. Where a word or phrase is defined, its other grammatical forms have corresponding meanings.
- e. A reference to a rule or sub-rule is to a rule or sub-rule, as the case may be, of this Policy unless stated to the contrary.
- f. A mention of anything after “include”, “includes” or “including” does not limit what else might be included.
- g. A reference to a “person” includes a corporation, incorporated association, trust, partnership, unincorporated association or other entity, whether or not it comprises a separate legal entity.
- h. Nothing in this Policy shall prevent the hearing of two or more matters jointly where the Chair forms the view that it is necessary or desirable to do so in the interests of fairness and/or efficiency in the due dispatch of the Policy’s functions.

3. PURPOSE

The purpose of this Sanctioning Policy is to provide a consistent, nationwide framework for sanctioning Players, Coaches, Officials and other Members for Offences committed during or related to a game of water polo; and to ensure the sport of water polo is played in a manner consistent with Code of Conduct, other relevant Policies and upholds the behaviours identified in the Think.Act.Play guidelines.

To the extent that matters are not directly or sufficiently addressed within this Policy or where matters occur outside the field of play, it should be read in conjunction with the following documents :

1. [WPA Conduct and Disciplinary Policy](#)
2. [WPA Code of Conduct](#)
3. [WPA Review and Appeals Policy](#)
4. [WPA Personal Grievances Policy](#)
5. [Member Protection Policy](#)
6. [National Integrity Framework \(including all related policies and addendums\)](#)
7. [Child Safeguarding Policy](#)
8. [Complaints, Disputes and Discipline Policy](#)
9. [Sport Integrity Australia Investigation of Complaints Guidelines](#)
10. [National Integrity Framework: Case Categorisation and Guidance for Sanctions Booklet](#)

Note that as of 1 February 2023, due to amendments to the Complaints, Disputes and Disciplinary Policy by Sport Integrity Australia), Sport Integrity Australia can only deal with matters regarding the abuse of children, as well as discrimination based on characteristics including race, disability, sex, religion or age. Matters that fall outside of Sport Integrity

Australia's jurisdiction will need to be dealt with by the Organisations or may be referred to external agencies.

WPA may vary this Policy at any time in accordance with the authority conferred by the current WPA Constitution and the amendments will be binding under this Policy as provided for in the amendments, or otherwise with immediate effect.

4. COVERAGE

- a. This Sanctioning Policy addresses the Offences listed in clause 5 which includes, but is not limited to, breaches of World Aquatics Rules of Water Polo.
- b. This Sanctioning Policy is designed to deal with:
 - i. complaints and referrals involving players, coaches, managers, spectators, officials and Members participating in or present at any Competition, Tournament or Event sanctioned by the Organisation;
 - ii. matters directly related to the game, that fall under the authority and adjudication of the Officials;
 - iii. incidents that occur in and around the playing of the game. This may include but is not limited to any in-pool incidents, the warm-up, game time, breaks, or post game formalities (e.g., handshakes), that are directly connected to the game.
- c. This Sanctioning Policy is not designed to deal with incidents that occur once the players, teams, Officials and Members have left the field of play area or prior to them arriving at the field of play area. If an incident occurs in the same precinct after a game, within, around or outside of the facility, it does not fall under this Sanctioning Policy. This Policy does not permit third parties to lodge complaints or protests on behalf of others when the third party was not directly involved in the conduct the subject of the complaint, except as described in 4.e. Any incident that occurs outside of the scope of the Sanctioning Policy shall be dealt with under the relevant Policy within [WPA National Integrity and Policy Framework if applicable](#). It is the responsibility of the parties involved in such incidents to refer them to the Organisation or [Sport Integrity Australia](#), as the circumstances dictate.
- d. It should be noted that there may be some incidents that occur during a game, that may be considered Prohibited Conduct as defined within the relevant Policies of the National Integrity Framework or Water Polo Australia. Members may choose to report such matters via the appropriate channels if it is deemed by the member to be more appropriate than being managed under this Policy. Every effort should be made to ensure that conduct is dealt with singularly under one Policy, rather than under multiple policies. All Competitions, Events and Tournaments sanctioned by the Organisation are covered by this Policy.
- e. With respect to incidents that are reported by the referees on the Game Report Form, that subsequently result in the charge being appealed and then heard by an Internal Tribunal, there must be sufficient evidence provided to overturn the decision made by the referees. For the avoidance of doubt, If the evidence is inconclusive, the Internal Tribunal will uphold the charge. The process outlined in 6.d through to 6.h is designed to ensure that if an error has been made by the referee, that this is determined, and

changes made before the charge is laid and these incidents do not reach the Internal Tribunal stage.

- f. For matters that occur within the course of a game, but are not witnessed or reported , and do not meet the threshold for the individual to report the matter to either Sport Integrity Australia or Water Polo Australia under another Policy, the individual must discuss the matter with their Club and only the Club can lodge a formal complaint via the Complaint Form (Appendix 1) with the relevant Competition Manager, no later than 48 hours after the game is completed. Complaints received outside of this timeframe will be rejected and rejections made on this basis are not appealable. The formal review process for these reports will not commence until at least 48 hours after the complaint is lodged. All persons allegedly involved in the incident will be able to continue to participate until the matter is resolved. The Complainant and the Club must understand the *benefit of the doubt* will go with the accused unless there is compelling evidence to the contrary, so it is important for the Complainant to be thorough and include all relevant, factual information in the initial report.
- g. With respect to matters raised by the process described in 4.f above, there must be clear evidence to support the allegation, or it will be dismissed.

5. OFFENCE LIST AND PENALTY POINTS SCHEME

Offence – applicable to players, coaches, managers, spectators, Officials and Members	Grade	Offence Description	Offence Guide (not limited to)	Points to be listed on the Charge Notice by the Competition Manager
1. Misconduct	1	Unacceptable Language	Unacceptable language directed at anyone during general play and includes foreign language	75 points
	1	Disrespect	A demonstration of disrespect during general play directed at anyone.	75 points
	1	Foul Play	To perform any of the following actions which would normally be single personal fouls as described in the World Aquatics Water Polo Rules, but are performed unreasonably aggressively or recklessly and/or continue longer than is reasonable: The World Aquatics Water Polo Rules that may be considered under this behaviour include but are not limited to: 9.9 To hold, sink or pull back an opponent who is not holding the ball 9.10 Anywhere in the field of play, to use two hands to hold an opponent not holding the ball. 9.12 To make disproportionate movements including kicking and striking.	75 Points - where a player has been warned earlier in the game the penalty may increase to 125 points.
	1	Other Offences	Any other occurrences including, but not limited to behaviour against the Think.Act.Play guidelines.	75 points
2. Indirect Red Card – Head Coach	1	Coach incurs a red card for player's behaviour	If a player receives a red card during a game, the Head Coach receives a yellow card. If a second player from the same team receives a red card in the same game, the Head Coach also receives a red card and is unable to coach the remainder of the game. The Head Coach is <u>not</u> suspended for the next game, nor are they charged. Further player red cards will then apply to the Assistant Coach who steps in for the Head Coach in the same method. If the Assistant Coach steps in, it requires an additional two red cards, against the same team in the same game for the Assistant Coach to also receive a red card. Please note, that a yellow or red card received by a coach for their own behaviour, is unrelated to this item.	No Penalty Points, but coach is removed from remainder of current game only

3. Misconduct	2	Unacceptable Language	Unacceptable language directed at anyone during general play and includes foreign language	Mandatory Minimum 150 points
	2	Disrespect	Continuous disrespect, during general play to anyone, or refusal to comply with the reasonable directions of an Official	Mandatory Minimum 150 points
	2	Other Offences	Any other occurrences determined by the Officials including behaviour against the Think.Act.Play guidelines or likely to bring the game into disrepute.	Mandatory Minimum 150 points
	2	Foul Play	Aggressive or persistent foul play as determined by the Official.	Mandatory Minimum 175 points
4. Violent Action inside the field of play		Violent Action	Including without limitation, to play in a violent manner, kicking, striking <u>or</u> attempting to kick <u>or</u> strike with malicious intent, against a Member. The World Aquatics Water Polo Rules that may be considered under this behaviour are listed as follows. 9.14 To commit a violent action, including kicking, striking, or attempting to kick or strike with malicious intent an opponent or official, whether during actual play, during any stoppages, timeouts, after a goal has been scored or during intervals between periods of play. If the offending player is the goalkeeper, a substitute goalkeeper may be changed for another player in accordance with VI.2.6.	Competition Manager may recommend a penalty of between 200 to 400 points in the charge notice depending on the severity.
5. Assault - actual or threatened- outside the field of play		Assault	Actual or threatened unwanted physical force against a player, coach, Official, or Member including pushing, striking, standing unreasonably close to the other person in a manner which is perceived by the other person to be physically threatening or where the other person has asked for some physical separation or attempted to provide some physical separation and the offender persists in limiting the distance between the two, verbal threats, or inviting the other person to engage in fighting.	Automatic Internal Tribunal
6. Verbal abuse of a Player, Coach, Official or Member		Verbal Abuse	Verbal abuse includes, but is not limited to, abuse based on religion, colour, national or ethnic origin, sexual orientation and could be interpreted as threatening and/or intimidatory that is witnessed and reported by the Officials on the GRF.	Automatic Internal Tribunal
7. Bringing the game into disrepute		Damaging the image of water	This includes but is not limited to behaviour that occurs in and around the field of play, by persons connected to a game, but who are not players, coaches, managers or Officials for that specific game. This may	Automatic Internal Tribunal

		polo or bringing it into disrepute.	include, but is not limited to Organisation leaders, committee members, delegates, representatives and spectators. Such behaviours may include but are not limited to physical violence, intimidation, emotional abuse, sexual harassment and abuse of position, power or age. <i>* It is recognised that some of the behaviours and conduct described here may constitute an offence under law or be automatically referred to the Tribunal.</i>	
For matters not witnessed or sanctioned by the referees during a game, the following applies.				
8. Misconduct – Inappropriate Conduct not witnessed or sanctioned by the Official.		Inappropriate Conduct	<i>Action including without limitation any conduct with another player where such conduct is not witnessed by the Official. but nonetheless is conduct which could reasonably be considered:</i> <i>(a) non-accidental, reckless or careless;</i> <i>(b) engaged in by the perpetrating player for no proper purpose; and</i> <i>(c) not conduct of the type or kind that would under any reasonable circumstances be conduct that would be expected to occur in a game of water polo.</i>	Review by Competition Manager Scope for penalty of up to 400 points

6. GENERAL INFORMATION

- a. Offences 1 to 7 in clause 5 will be reported on the GRF ([Appendix 1](#)), when sanctioned by an Official.
- b. Offence 8 in clause 5 can also be included in the GRF, if reported during the game as per the process described in clause 9.
- c. If Offence 8 is not reported in the GRF, as per paragraph 6.b, it may be reported via the mechanism described in paragraph 4.e. Any offence which falls outside of the mechanisms in 6(a) to (c) will be excluded under this Policy.
- d. Officials must use their best endeavours to complete the GRF as soon as possible after the game but no later than 24 hours post-game. The GRF must be promptly submitted to the Competition Manager (or their nominee), who will either confirm it contains all required information or request additional information and if so, the GRF may be updated, provided it is agreed by both the Competition Manager and the relevant Official. If the GRF is not completed within the relevant timeframe, the GRF may be completed outside of that timeframe at the sole discretion of the appointed Internal Tribunal Chair where such an Internal Tribunal panel has been convened.
- e. Where the Competition Manager (or their nominee) considers that further investigation is necessary prior to preparing a Charge Notice, the Organisation will follow the Investigation Process set out in the Sport Integrity Australia [Investigation of Complaints Guidelines](#) from clause 3 onwards to the maximum extent that they can be sensibly applied to the matter within the timeframe available.
- f. Where time constraints mean it will not be possible or practicable to apply the Investigation of Complaints Guidelines prior to the preparation of a Charge Notice, the Organisation will apply such sections as can be applied within the relevant timeframe, so that sufficient evidence can be obtained to prepare the Charge Notice and for the Internal Tribunal to properly deal with the matter.
- g. If there is not consensus between the Competition Manager and Official about the content of a Charge Notice, the Competition Manager may confer with one member of the National Tribunal panel's, nominated Chairs about the appropriate charge. For the avoidance of doubt, the Internal Tribunal will not have been formed at this stage, so this does not refer to the Chair of any specific Internal Tribunal.
- h. The Competition Manager may, after reviewing the available evidence, and consultation with the relevant Official:
 - i. dismiss the alleged charge and advise the parties involved;
 - ii. issue a Charge Notice which includes a sanction to the member and the Club delegate or team manager of the member's club; or
 - iii. issue a Charge Notice (Appendix 4) referring the matter directly to an Internal Tribunal.
- i. If the Respondent successfully appeals the Charge, the Tribunal can either dismiss the charge or downgrade the charge.
- j. If the respondent appeals the charge and is unsuccessful the Internal Tribunal may increase the penalty points at its discretion
- k. Competition Managers are advised that when in doubt between two levels of charge, to err on the lower charge and allow the Tribunal to increase the Penalty Points of the sanction at the hearing if they see fit. A note to this effect should be included in the notice to the Internal Tribunal from the Competition Manager.
- l. Upon receipt of the Charge Notice, the Member must either:
 - i. accept the penalty listed in the Charge Notice by giving notice to the Competition Manager (or their nominee), within:
 - 1. 24 hours of being sent the Charge Notice if related to a Competition; or

2. 24 hours of being sent the Charge Notice if related to a Tournament where there are no further games to be played in that Tournament (final day), or
3. 1 hour of being sent the Charge Notice if related to Tournaments, where there are more games to be played in that Tournament, or
- ii. Request the charge in the Charge Notice to be heard by the Internal Tribunal by giving notice to the Competition Manager (or their nominee), within:
 1. 24 hours of being sent the Charge Notice if related to a Competition; or
 2. 24 hours of being sent the Charge Notice if related to a Tournament where there are no further games to be played in that Tournament (final day), or
 3. 1 hour of being sent the Charge Notice if related to Tournaments, where there are more games to be played, or
- m. Once a Charge Notice is issued the member cannot participate in any capacity in any Tournament, Competition or Event, until:
 - i. the member accepts the penalty listed in the Charge Notice and the member has served any relevant Suspension; or
 - ii. the charge in the Charge Notice is heard by the Internal Tribunal and a decision handed down and the member has served any Suspension imposed (if any).
- n. If the Member does not give notice to the Competition Manager (or their nominee), requesting the charge in the Charge Notice to be heard by the Internal Tribunal within the time period in paragraph 6.m above, the member will be deemed to have:
 - i. accepted the penalty and Suspension listed in the Charge Notice; and
 - ii. commenced their Suspension from the giving of the Charge Notice. Noting however if the Offence occurred in the last game of the Season or Tournament the Internal Tribunal may adjust the Suspension Period and advise the member accordingly.
- o. If a member is deemed to accept a penalty and Suspension because of paragraph 6.n, the member cannot appeal unless given express consent by WPA, in its sole and absolute discretion.
- p. If the member gives notice of acceptance to the Competition Manager (or their nominee), within the time period in paragraph 6.l above, the Member will be taken to have commenced their Suspension from the giving of the Charge Notice. Noting however if the Offence occurred in the last game of the Season or Tournament the relevant Competition Managers may adjust the Suspension Period and advise the member accordingly.
- q. The Competition Manager (or their nominee) will identify and secure any video footage available of the incident and make this available to the Internal Tribunal if required. Generally, video footage which is not footage sanctioned or directly procured by WPA will not be considered except in exceptional circumstances where WPA in its sole and absolute discretion deems it to be necessary and appropriate.
- r. All other procedural aspects of the Internal Tribunal and Internal Appeals Tribunal processes are set out in Appendix 6 and Appendix 7 to this Policy.
- s. Should any procedural aspect not be dealt with in this document, or should there be inconsistency in procedure unable to be resolved by the contents of this document, the procedure will be determined in the absolute discretion of the Organisation prior to the appointment of any Tribunal Members or in the absolute discretion of the Internal Tribunal Chair or Internal Appeals Tribunal Chair following their appointment.

7. ADDITIONAL OR ALTERNATIVE SANCTIONS

- a. The Internal Tribunal may also apply one or more of the sanctions below either in lieu of

or in addition to penalty points.

- b. The additional or alternative sanctions options include:
 - i. Order the Member to give an undertaking to abstain from particular conduct.
 - ii. Order the Member to give a verbal or written apology to a person for particular conduct.
 - iii. Requiring that the individual participate in a remedial program, education or counselling
 - iv. Order the Member to undertake such other education as the Internal Tribunal or Organisation considers appropriate.
 - v. Suspend the Member from membership of the Organisation for such period and on such terms or conditions as the Internal Tribunal or Organisation considers appropriate.
 - vi. Where the Member is already serving a Suspension, continue that Suspension for such period and on such terms or conditions as the Internal Tribunal or Organisation considers appropriate.
 - vii. Require the Member to take such steps as the Internal Tribunal or Organisation considers appropriate to correct the effect of the Member's misconduct.
 - viii. Expel the Member from membership of the Organisation for a length of time, which may include up to a life ban, including roles on committees, panels or other groups endorsed by the Organisation.
 - ix. Refer the matter to any relevant statutory investigative or law enforcement authority.
 - x. Refer the matter to Sport Integrity Australia or the National Sports Internal Tribunal, if appropriate.
 - xi. Impose a fine on a Club or Association (up to \$1,000 per first offence).
 - xii. Imposing the loss of competition points upon a team/club.
 - xiii. Issue a written warning.
 - xiv. Any other sanction deemed appropriate by the Internal Tribunal or Organisation and anywhere additional sanctions refer to deeming by the Internal Tribunal or Organisation, the deeming can only be undertaken by either the Internal Tribunal or the Organisation as appropriate, not both.
- c. Additionally, if the Organisation determines that the matter does not come within any of the categories of Offence in clause 5, but still warrants a penalty, the Organisation may administer an alternative penalty by reference to the [SIA National Integrity Framework: Case Categorisation and Guide for Sanctions](#) without proceeding further through this Policy. Reasons are not required to be given for proceeding in this manner.

8. PENALTIES

- a. The Internal Tribunal is responsible for determining the outcome of the Internal Tribunal Hearing. Once the Internal Tribunal have advised the relevant Competition Manager of the Penalty Points to be applied as a sanction, the Competition Manager in liaison with other relevant Competition Managers will then determine the impact of those points for the Offender, taking into account their involvement in the sport at different levels and roles.
- b. For every 100 Penalty Points accrued by the Offender, a one (1) Round (Tournament) or seven (7) days Competition Suspension will apply during which time the Offender is suspended from all Water Polo Activities. This includes where the Offender has a different role to that which they were suspended for.
- c. For the avoidance of doubt in relation to a Tournament, a "bye" does not count towards the serving of a suspension. For a Suspension Period for a Competition the Offender must miss at least 1 game that they would have normally participated for every 7 days

they are suspended and therefore the Suspension Period may be adjusted to accommodate this. For example,

- i. if the Offender is only involved in a single team and that team has a bye during the prescribed Suspension Period, the Suspension Period may be extended to ensure the Offender is sanctioned in line with the finding; and
 - ii. if the offence occurred during the last game of the Season and the Offender was not due to play again for several months, the commencement date of the suspension can be delayed.
- d. Once the suspension is served, and if the total number of Penalty Points is not an even multiple of 100, then the remaining Penalty Points will carry over and will be added to any further Penalty Points accrued by the member within a two-year period.
- e. Carry over points will apply to any other Tournaments or Competitions the Offender participates in. All Penalty Points will be included against the member's membership profile and visible to relevant Organisations (in line with the WPA Privacy Policy). It is incumbent on the Competition Manager of the Tournament, Competition or Event to ensure relevant carry over Penalty Point information is available and shared with WPA.
- f. A database of all Penalty Points accumulated at sanctioned Competitions, Events and Tournaments will be managed centrally by WPA in conjunction with all Organisations.
- g. Penalty Points will accumulate for two calendar years from 1 September of the relevant year. Penalty Points will expire two years after they were accrued.
- h. If a member receives three Charge Notices, across all Competitions or Tournaments within a Season, the member will automatically be referred to an Internal Tribunal to hear the current charge as well as to discuss the repeated charges.
- i. As this Policy is applicable across multiple jurisdictions, Competitions, Tournaments, and Events, an Internal Tribunal, in conjunction with the respective Organisations, will be required to take a nuanced approach when prescribing sanctions to members for Offences committed. Following an Internal Tribunal finding, the Internal Tribunal Chair will consult with the relevant Competition Manager to finalise the Suspension Period to be imposed taking into account the relevant Tournament/Competition/Event, future Tournaments/ Competitions/ Events, the seasonal nature of the sport, the various roles undertaken by the Offender, various Tournaments/Competitions/Events the Offender participates in, in any capacity. The Suspension Period can be applied in a number of ways, including:
 - i. Tournament – Member is suspended from all Water Polo Activities until the completion of a specified Round of the current Tournament, with the suspension to commence from the giving of this Charge Notice if the duration of the suspension can be completed before the end of the current Tournament, or
 - ii. Where there are insufficient Rounds left in the relevant Tournament to serve the full suspension the Member will be suspended from all Water Polo Activities for the remainder of the relevant tournament and further, from all Water Polo Activities for a Suspension Period until a specified date and time, within the current Competition season, or
 - iii. Competition – Member is be suspended from all Water Polo Activities until a specified date and time with the suspension to commence from the giving of this Charge Notice, or
 - iv. Where there are is insufficient time left in the relevant Tournament and or Competition season to serve the full suspension as described above, the member will be suspended from all Water Polo Activities until the Suspension Period can be served appropriately. This may include the end of the current Tournament or Competition Season and until a specific Round of a designated Tournament.
 - v. Where an Offender is concurrently involved in a Competition and a Tournament, the Suspension Period will be determined through consultation with the

Competition Manager, based on the Penalty Points prescribed by the Internal Tribunal.

- j. Following any Internal Tribunal Hearing the relevant Competition Manager will advise the Officials involved with the incident of the outcome of the Internal Tribunal.

9. MISCONDUCT - INAPPROPRIATE CONDUCT

- a. For matters relating to Offence 8 in clause 5 that have not been witnessed or sanctioned by a referee during a game, the following process applies.
- b. The alleged victim (Applicant), or an official representative of the Member's Club or Association, should report the incident to the referee or delegate at the earliest opportunity. This should either be at the first game interval after the incident occurs (¼, ½, ¾ or full time), or within 30 minutes of the completion of the game. The Applicant (or their representative) must advise the referee that they wish to report an "Inappropriate Conduct" incident. The Applicant must provide the following information, at that time:
 - i. a description of the alleged behaviour;
 - ii. the cap number and name (if known) of the alleged perpetrator; and
 - iii. the approximate time and location in the pool where the alleged incident occurred.
- c. If the incident is reported as described in 9.b, the Official must include the details of the incident in the GRF, acknowledging they did not witness the incident, or if they did and chose not to apply a sanction, their comment on the incident.
- d. Understanding that players may wish to consider making a complaint before doing so, and as per clause 4.e, a complaint of *Misconduct – Inappropriate Conduct* can be made to the Competition Manager up to 48 hours after the end of the game via the Club submitting a Complaint Form (Appendix 1).
- e. Upon receipt of a Complaint Form or Game Report Form relating to *Misconduct – Inappropriate Conduct* the Competition Manager, after ensuring all relevant information has been provided, will contact a member of the National Internal Tribunal Panel to undertake an investigation into the allegation.
- f. The selection of the National Internal Tribunal Panel member should take into account the details of the alleged Offence as well as the age and gender of the parties to the alleged Offence.
- g. The appointed National Internal Tribunal Panel member will review the complaint and undertake any additional inquiries following the Investigation Process set out in the Sport Integrity Australia [Investigation of Complaints Guidelines](#) using clauses 3, 4 and 5 of that document to the maximum extent that they can be sensibly applied to the matter within the timeframe available.
- h. In relation to a complaint initiated by the Applicant via their Club, if the Applicant chooses to not partake in the investigation process the complaint may be dismissed by the National Internal Tribunal Panel member.
- i. If the Respondent chooses not to partake in the investigation process prior to any referral to the Tribunal, the Respondent will be deemed to accept the allegation to be accurate and the matter for the purposes of referral to the Tribunal may be determined by the Internal Tribunal on the basis of the information available.
- j. Both the Applicant and the Respondent are encouraged to have a support person (who may not act as a legal representative) with them for the interview. If the Applicant is under the age of 18, they are required to have a support person with them for the investigation process.
- k. Once this process is concluded the National Internal Tribunal Panel member will make a recommendation to the Competition Manager who will do one of the following:

- i. dismiss the allegation and advise the parties involved;
 - ii. issue a Charge Notice including Penalty Points and the member can choose to accept or appeal the charge, in line with the timeframes described in Clause 6.I; or
 - iii. issue a Charge Notice referring the matter directly to the Internal Tribunal.
- I. The National Internal Tribunal Panel member may also recommend that the Offence meets the threshold for Mandatory Reporting, a summary of which is available [here](#), and take the necessary appropriate action.

APPENDIX 1: FORMS

Converted to Electronic Version

1. Game Report Form [link](#)
2. Game Report Form QR Code



3. Game Report Form – Printed copy available through Competition Manager

4. Complaint Form [link](#)
5. Complaint Form QR Code



APPENDIX 2: CHARGE NOTICE TEMPLATE

To: insert name of Member that is charged with an Offence

I am cc'ing this email to Name of Club Delegate as Name of Club Club Delegate to ensure you receive this information as soon as possible.

I refer to the Game Report Form and game card (attached to email). As you will see, you have been charged with the Offence listed below.

Offence: Offence Description

Penalty points if you accept the charge: Number of Points

Maximum Penalty points if you appeal the charge and lose: At the discretion of the Internal Tribunal

Carry over points from previous Offences: Number of Points

You are suspended from participating in any capacity in either a Tournament or Competition from the giving of this Charge Notice until:

1. You accept the penalty listed in this Charge Notice and have served any relevant suspension; or
2. You fail to give notice to the Competition Manager (requesting the charge in this Charge Notice to be heard by the Internal Tribunal) within:
 - a. 48 hours of receipt of this Charge Notice for Competitions; or
 - b. 48 hours of receipt of the Charge Notice if related to a Tournament where there are no further games to be played on consecutive days in that Tournament (final day), or
 - c. 1 hour of receipt of this Charge Notice for all Tournaments.

In this case, you will be taken to have accepted the penalty points (no Internal Tribunal hearing) listed in this Charge notice and accept that this cannot be appealed once the decision has been notified. If you do wish to accept the penalty points (no Internal Tribunal hearing) listed in this Charge Notice, please notify me as soon as possible.

Based on the penalty points listed for accepting the charge in this Charge Notice and your carry over points from previous Offences, you will be suspended for (please tick the most appropriate option of the four listed):

- ☐ Tournament – You will be suspended from all Water Polo Activities until the completion of Round X of Tournament Name, Year with the suspension to commence from the giving of this Charge Notice, or
- ☐ Competition - You will be suspended from all Water Polo Activities until insert date and time with the suspension to commence from the giving of this Charge Notice, or
- ☐ Where there are insufficient Rounds left in the Tournament to serve the full suspension you will be suspended from all Water Polo Activities for the remainder of this Tournament Name, Year and from all Water Polo Activities until this date and time, or
- ☐ Where there are insufficient Rounds left in the Competition or Tournament to serve the full suspension you will be suspended from all Water Polo Activities until this date and time

Hearing by Internal Tribunal

If you require the charge in this Charge Notice to be heard by the Internal Tribunal, you must give notice in writing (email is acceptable) to the Competition Manager (details below) within the time period set out in point 2 above. For more information, please refer to Appendix 6 – Internal Tribunal Procedure.

Please note, if you require the charge in this Charge Notice to be heard by the Internal Tribunal, (in addition to any other sanction the Internal Tribunal may impose), the allocated penalty points for the offence, as outlined in clause 4, may increase if found guilty.

Regards,

Name

Competition Manager (or their nominee)

Email:

APPENDIX 3: CHARGE NOTICE TEMPLATE (AUTOMATIC INTERNAL TRIBUNAL or REFERRED FOLLOWING INVESTIGATION)

To: insert name of Member that is charged with an Offence

I am cc'ing this email to Name of Club Delegate as the Name of Club Delegate to ensure you receive this information as soon as possible.

I refer to the referee incident report and game card (attached). As you will see, you have been charged with the Offence listed below.

Offence: insert charge

Penalty points – insert number of penalty points

Carry over points from previous Offences: insert number of carry over points if any

You cannot participate in any capacity in either a sanctioned Tournament or Competition from the giving of this Charge Notice until:

1. the charge in the Charge Notice is heard by the Internal Tribunal and a decision handed down (see below); and
2. you have served any required suspension.

Hearing by Disciplinary Internal Tribunal

Due to the level of the Offence, this charge will require you to attend an automatic Disciplinary Internal Tribunal hearing.

You and your Club will receive a separate Notice of Internal Tribunal from the Organisation which will outline the timing and process for the Internal Tribunal.

If you plead not guilty at the Internal Tribunal and you are found guilty, then the penalty points for the Offence may be increased.

For more information, please refer to Appendix 6 – Internal Tribunal Procedure.

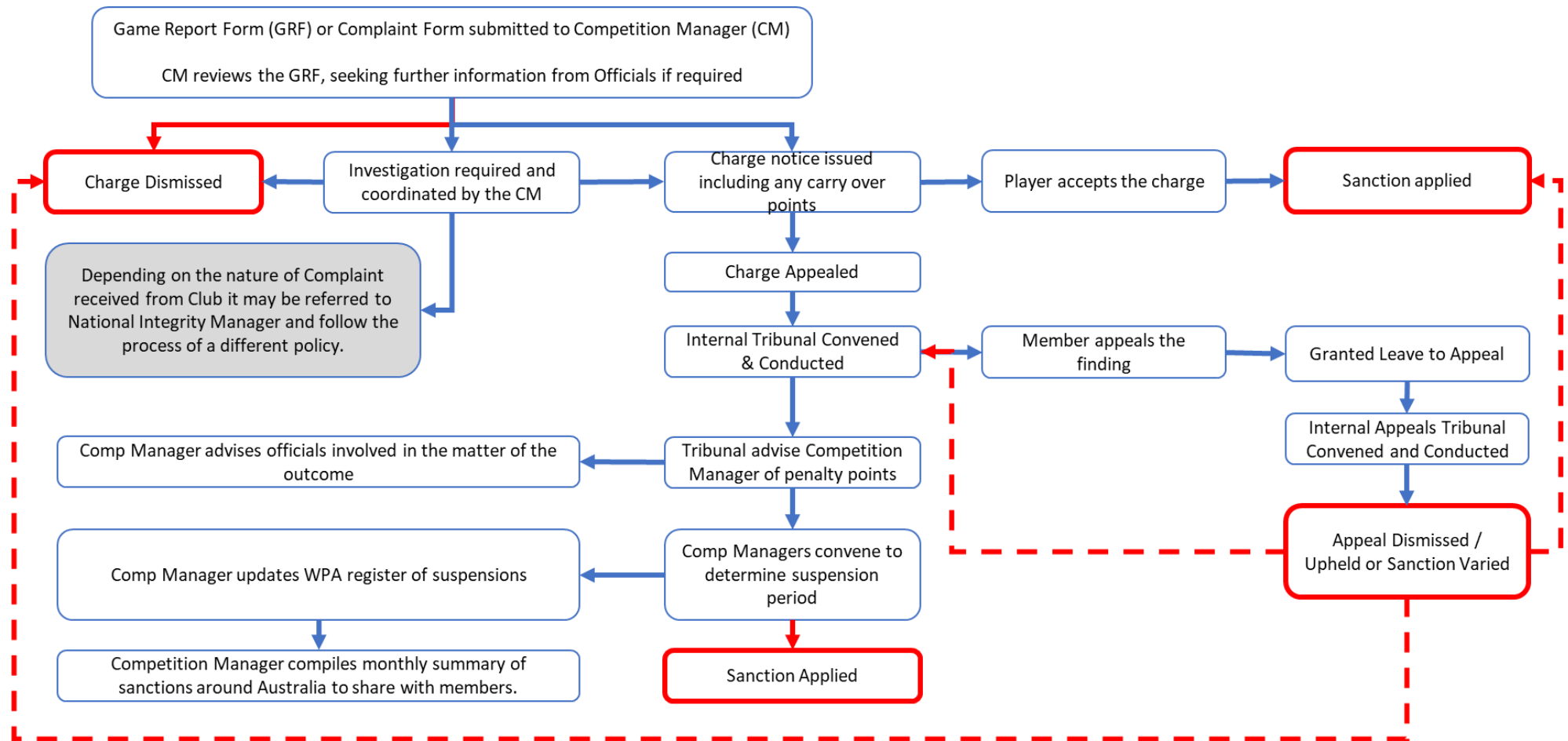
Regards,

Name

Competition Manager (or their nominee)

Email

APPENDIX 4: NATIONAL SANCTIONING POLICY PROCESS



APPENDIX 5 COMPETITION MANAGER CHECKLIST

Prior to the Competition Commencing

1. Ensure email address for the Organisation's Competition Manager is up to date with WPA. This will ensure the relevant Competition Manager receives each relevant GRF.
2. Proactively schedule Internal Tribunal hearing time slots to suit the competition schedule.
3. Identify a group of National Internal Tribunal members who are available at the scheduled time on a regular basis.
4. Ensure all teams participating in the Competition are sent a copy of the National Sanctioning Policy by email.
5. Ensure all the referees and delegates are sent a copy of the National Sanctioning Policy by email.
6. Ensure all the referees and delegates are sent a link to the electronic GRF, or the QR code and that the QR code is available at all Competition Venues played at.

During the Competition

1. Monitor the Competition Manager's email inbox for GRFs.
2. Upon receipt of a GRF take the following steps:
 - a. Review the GRF for completeness of information.
 - b. Seek any additional information or clarification from the Officials involved.
 - c. Determine if there is official video footage available and secure as required for a potential hearing.
 - d. After consultation with the delegate and referees, confirm the charge and level.
 - e. If a Charge Notice is issued, advise the National Internal Tribunal Panel members that there may be an Internal Tribunal hearing.
3. Upon notice of appeal from the charged member, confirm Internal Tribunal (if required) with National Internal Tribunal Panel members and prepare information for Internal Tribunal including:
 - a. GRF;
 - b. Game scorecard
 - c. video Evidence; and
 - d. statements.
4. Submit information to the National Internal Tribunal Panel members.
5. Following Internal Tribunal hearing finding, or acceptance of the charge by the respondent, apply time period to penalty points based on the Events, Competitions and / or Tournaments the Member is involved with at the time. This may involve consultation with another Competition Manager.
6. Notify the Member of the outcome and the sanction period where required.
7. Advise the game officials involved with the relevant game of the Internal Tribunal outcome.
8. Update the log of sanctions with the outcome of the Internal Tribunal and ensure all penalty points and carry over points are recorded.
9. Communicate the outcome of the Internal Tribunal, publicly in the method described in this Policy.
10. Share the Internal Tribunal summary with the National Tribunal members.

APPENDIX 6: INTERNAL TRIBUNAL PROCEDURE

Interpretation

Additional definitions for this Appendix:

Chair means the chair of this Internal Tribunal as appointed by WPA

Legal Practitioner is a person holding a current practising certificate as a lawyer or barrister in any Australian jurisdiction.

Tribunal Member means a National Internal Tribunal Panel member who is on the Internal Tribunal.

Convening Internal Tribunal

1. Where required under the Policy, the Organisation will arrange for an Internal Tribunal.
2. The Internal Tribunal shall occur as soon as reasonably practicable after a referral under this Policy and by no later than two weeks after notification by the Organisation.
3. The Internal Tribunal may be convened in the most logical manner, which may be via video conference or face to face. The Competition Manager will determine this based on the parties to the matter.

Composition of Internal Tribunal

1. Each Internal Tribunal must be heard by a minimum of two persons including a Chair who is a Legal Practitioner who is also a person of experience and skills suitable to the function of chairing an Internal Tribunal. In exceptional circumstances where expediency requires the matter to be heard prior to sufficient Tribunal Members being available, the Tribunal may operate with a Chair alone with the approval of WPA.
2. The Organisation must use reasonable endeavours to ensure that the Tribunal Members selected for each Internal Tribunal:
 - (a) do not have an actual or perceived conflict of interest in relation to the matter that might reasonably call into question the impartiality of the Internal Tribunal; and
 - (b) do not have a close personal connection to any of the Members involved in the matter.
3. The Organisation may appoint a replacement Tribunal Member if a Tribunal Member becomes unable to sit on an Internal Tribunal for whatever reason.
4. 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:
 - (a) the CEO of WPA; or
 - (b) if the CEO of WPA is unavailable or unable to act, the other Tribunal Members for the Internal Tribunal.
5. There is no right of appeal from a decision made under clause 4.
6. No Internal Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal Member.

Responsibilities of Chair

1. Without limiting any other duties of the Chair, the person appointed as Chair of the Internal Tribunal shall have the following responsibilities:
 - (a) to chair hearings of the Internal Tribunal;
 - (b) to ensure accurate records are kept of all of the Internal 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, party to the dispute, witnesses called, and any other parties permitted to attend by the Internal Tribunal; and
 - (iii) the decision of the Internal Tribunal, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication.

Attendance at Internal Tribunal

1. Each party to a matter must participate in the hearing either face to face or via electronic means.
2. The following persons are entitled to attend the Internal Tribunal :
 - (a) witnesses called to give evidence by a party; and
 - (b) any person that the Chair in their absolute discretion believes will assist the Internal Tribunal and invites to attend the Internal Tribunal for that purpose.
3. Where a party to the matter or a witness is under the age of 18 years, they must be accompanied by an adult support person, who should, in the absence of unavailability or other extraordinary circumstance, be the person's parent or guardian.
4. Legal Practitioners are not permitted to appear before or represent a party at the Internal Tribunal unless in their personal capacity as a party to the matter. This clause does not prohibit a party seeking legal advice in relation to a matter or engaging a Legal Practitioner to prepare materials to be used by that party at the Internal Tribunal.
5. Each party to the Internal Tribunal shall bear their own costs.

Non-attendance by a party

1. If a party to the matter (or representative of a party) fails to participate the Internal Tribunal hearing without reasonable cause, the hearing may proceed, and a determination may be made in the absence of the party.

A party to the Dispute may apply to the Chair to have an Internal Tribunal adjourned, if there are compelling circumstances that warrant such steps being taken to avoid costs, hardship or significant inconvenience to one or more parties. The Tribunal Members have sole discretion on whether or not to grant the application.

Procedure of Internal Tribunal

1. The Internal Tribunal will be conducted in such manner as the Tribunal Members see fit and may in their absolute discretion:
 - (a) consider any evidence, and in any form that it considers relevant;
 - (b) question any person giving evidence;
 - (c) limit the number of witnesses presented to those who provide any new evidence; and
 - (d) act in an inquisitorial manner in order to establish the truth of the matter before it.
2. Without limiting the Internal Tribunal's power to regulate its own procedure as it sees fit, the Internal Tribunal shall ordinarily proceed in accordance with the following steps:
 - (a) If an Organisation is a party to a hearing, one member of that Organisation shall be appointed by the Organisation to act as spokesperson for such body at the Internal Tribunal.
 - (b) At the commencement of a hearing, the Chair will identify the Internal Tribunal Members and determine whether each party is present.
 - (c) Each party will be notified of their right to remain in the hearing until all evidence is presented but not to be present while the Internal Tribunal considers its findings.
 - (d) The Chair shall advise all those persons present of the method of recording the hearing (if any).
 - (e) Each party shall proceed to give evidence and the witnesses (if any) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Internal Tribunal in its discretion. Each party (or, if they are a minor his/her adviser) may ask questions of the other party or any witness called.

- (f) Each witness is entitled to leave the hearing after giving evidence unless otherwise directed by the Tribunal Members. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Tribunal Members.
- (g) A person under the age of 18 will be given a reasonable opportunity to consult with their support person if considered necessary by the Tribunal Members.
- (h) The Internal Tribunal may allow evidence to be given by telephone or videoconference.
- 3. At the conclusion of all of the evidence and submissions the Chair will ask the parties and all other persons present to leave the hearing room while the Tribunal Members consider their findings.
- 4. The decision of the Internal Tribunal can be given by the Chair in the presence of the parties to the matter, unless a party chooses not to remain. If:
 - (a) one of the parties is 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
 - (b) none of the parties are present, the Chair must communicate the decision to each of the parties and the relevant Organisation in writing as soon as practicable.
- 5. The Internal Tribunal may reserve its decision and will provide its decision within a reasonable time.
- 6. The Internal Tribunal may provide a written report about the matter to the relevant Organisation
- 7. The Internal Tribunal is not obliged to give oral or written reasons for any decision made by it under this Policy but may do so if it wishes.

APPENDIX 7: INTERNAL APPEALS TRIBUNAL PROCEDURE

Interpretation

In this Document:

Appeal Chair means the Internal Appeals Tribunal Chair of this Internal Appeals Tribunal as defined in Section 1 this document.

Tribunal Member means an individual person sitting on an Internal Appeals Tribunal.

- 1. Defined terms not otherwise defined in this Document have their ordinary meaning.
- 2. All clause references refer to this Document unless otherwise provided.

Convening Internal Appeals Tribunal

- 1. The Internal Appeals Tribunal shall be convened as soon as reasonably practicable after a referral . An Appeal Chair will be appointed first to determine alone and in their sole opinion whether there are proper grounds for appeal sufficient to require further consideration of the grounds of Appeal by the Internal Appeals Tribunal before any other Tribunal Members are appointed. The Appeal Chair at this stage has the sole power to summarily dismiss the Appeal on the basis that there are insufficient grounds, and without giving reasons, or to confirm that Tribunal Members should be appointed for full consideration of the grounds of Appeal.

Composition of Internal Appeals Tribunal

- 1. Each Internal Appeals Tribunal, formed after the Chair has determined there are proper grounds for appeal, shall:
 - (a) Comprise at least two Tribunal Members selected by the Organisation;
 - (b) Comprise at least one Legal Practitioner; and
 - (c) Be chaired by the Appeal Chair who shall be appointed by the Organisation and shall be:
 - (i) A Legal Practitioner; and
 - (ii) A person of experience and skills suitable to the function of chairing an Internal Appeals Tribunal,

none of whom sat on or was involved in the original Hearings Tribunal for the Dispute subject of the appeal. In exceptional circumstances where expediency requires the matter to be heard prior to sufficient Tribunal Members being available, the Tribunal may operate with a Chair alone with the approval of WPA.

Procedure of Internal Appeals Tribunal

1. Subject to this Document, the Internal Appeals Tribunal and persons appearing before it are bound by the same procedures under this Policy as if the Internal Appeals Tribunal was the Internal Tribunal hearing a matter at first instance.
2. The Organisation shall forward records of the Internal Tribunal hearing in which the matter the subject of the appeal was heard at first instance to the Appeal Chair.
3. The Internal Appeals Tribunal must limit its hearing to consideration of the Ground(s) of Appeal relied upon by the Appellant under the Appendix 8.
4. An Internal Appeals Tribunal has the power to:
 - (a) Dismiss the appeal;
 - (b) Uphold the appeal;
 - (c) Vary any determination imposed by the Internal Tribunal under the Policy,in accordance with clauses 7 and 8 but otherwise in such manner as it thinks fit.
1. At the conclusion of the appeal, the Appeal Chair shall ensure that the parties are informed of the determinations of the Internal Appeals Tribunal. The Appeal Chair shall also notify the Organisation of the decision of the Internal Appeals Tribunal.
2. The Internal Appeals Tribunal must provide a written report about the matter to the relevant Organisation and the report must include a summary of the decision.
3. The Internal Appeals Tribunal is not obliged to give oral or written reasons for its decision.
4. The Internal Appeals Tribunal has discretion to order the refund of the appeal fee and must order a refund if the appeal is upheld.

APPENDIX 8: APPEALS FROM INTERNAL TRIBUNAL AND NATIONAL SPORTS TRIBUNAL

1 Parties entitled to appeal

Each party to a Dispute is entitled to appeal the decision of the Internal Tribunal or the Internal Appeals Tribunal under this Policy (each an **Appellant**) solely on the following Grounds of Appeal:

- (a) No reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonably make such a decision.

2 Notice of appeal

- (a) To submit a valid notice of appeal, an Appellant must, within 14 days of the date of receipt of the decision made by the Tribunal:

- (i) If the Tribunal was the Internal Tribunal:

- 1. An Appellant who wishes to appeal to the Internal Appeals Tribunal against, or in respect of, a decision of the Internal Tribunal must first obtain leave to do so from the Internal Appeals Tribunal Chair via the following process;
 - a. Lodge with WPA the Notice of Appeal stating they wish to appeal, which states in full their Grounds of Appeal, including any relevant documents as annexures;
 - b. Pay the appeal fee of AUD\$1,000 to WPA; and
 - c. Serve, by email, by post, or physically, on the other parties to the appeal a copy of the Notice of Appeal; or

- (ii) If the Tribunal is the Internal Appeals Tribunal and is either an NST Eligible Matter, or not an NST Excluded Matter:

- 1. Lodge an 'Application for an Appeal' form with the NST, which must state in full their Grounds of Appeal;
 - 2. Pay the requisite application fee as set by the NST; and
 - 3. Serve, by email, by post, or physically, on the other parties to the appeal and WPA a copy of the 'Application for an Appeal',

(together, a **Notice of Appeal**).

3 Appeals in the NST Appeals Division

- (a) An Appellant who has appealed to the NST and has received a final decision from the NST may appeal that decision to the NST Appeals Division.
- (b) If an Appellant lodges a valid Notice of Appeal in the NST Appeals Division, the NST will determine the matter.

- (c) The procedure for an appeal in the NST Appeals Divisions will be in accordance with the NST Legislation.

4 Determination by Internal Appeals Tribunal

The Internal Appeal Tribunal's arbitration of the appeal must determine, on the balance of probabilities, whether one or both Grounds of Appeal (as applicable) are proven and must not rehear the matter or the facts of the Dispute.

5 Notification of outcome

The relevant Appeal Tribunal (either the Internal Tribunal or the Internal Appeals Tribunal) will notify the parties to the proceeding of the decision in accordance with its relevant procedures. Any NST Decisions will be notified in accordance with usual NST procedures and rules.

6 Confidentiality

- (a) All Disputes (and all information disclosed in relation to them), including the outcomes of any facilitated resolution process or hearing process will be kept confidential by WPA, and will not be disclosed to any third parties, except as provided in this clause.
- (b) WPA and other Organisations may make the following disclosures:
 - (i) To the parties to the Dispute in relation to the facilitated resolution process or hearing/appeal process to ensure a fair process;
 - (ii) To any person to facilitate the resolution of the Dispute under this Policy;
 - (iii) To external agencies so they can deal with relevant conduct (e.g., Sport Integrity Australia, law enforcement or regulatory authorities, a child protection agency, State/Territory fair trading authority, the Australian Securities & Investments Commission);
 - (iv) To Members or other Organisations to inform them of the resolution of the Dispute;
 - (v) To any third party for the primary purpose of:
 - (A) Preventing or lessening a risk to the safety, health or wellbeing of a person; or
 - (B) Protecting children participating in a sport; or
 - (C) Protecting the safety of participants in a sport; and
 - (vi) As required by law, any court or the NST.
- (a) The processes outlined in this Policy can replace any other disciplinary process, investigation, alternative dispute resolution process or tribunal process set out in any policy, by-law or rule of WPA or any other Organisation, at the absolute discretion of the relevant Organisation CEO, unless specifically excluded by this Policy.
- (b) WPA may require any dispute at any level of the sport to be managed or processed in accordance with this Policy at any time, and specifically may refer such dispute to be arbitrated, mediated, conciliated or appraised by the NST in accordance with the NST Legislation,

irrespective of whether any deadline or time limit has expired, and irrespective of the stage of process the matter has reached.