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1. BACKGROUND

This Procedure provides a nationally consistent approach to address Reportable Offences arising from Canoe Polo Competitions, at all levels of the sport.

2. DEFINITIONS

The following terms in this Procedure have the following respective meanings:

"Affiliated Club"	means a paddling club or association admitted as an Affiliate Member of PA.
"Alternative Procedure"	means the process, pursuant to clause 6, by which a Report may be determined without being referred to a Tribunal.
"Canoe Polo Competition"	means a Canoe Polo competition, tournament or event conducted or sanctioned by a Paddle Organisation.
"Charged Person"	means an individual the subject of a Report, who is alleged to have committed a Reportable Offence.
"Coach"	means an individual who undertakes any type of coaching role in respect of a Canoe Polo Competition.
"Illegal Play"	means any of the conduct referred to in Chapter 10 of the ICF Competition Rules.
"ICF"	means the International Canoe Federation.
"NST"	means the National Sports Tribunal.
"Official"	means an individual appointed by a Paddle Organisation (or their authorised representative) to an official role at a Canoe Polo Competition including but not limited to: <ul style="list-style-type: none">• competition or technical organizer• referee manager• chief scrutineer• chief table official• timekeeper• scorekeeper• referee• goal line judge• scrutineer

PA”	means Paddle Australia Limited.
“Paddle Organisation”	means PA, an SPA or Affiliated Club.
“Party”	means the Charged Person or Reporting Person.
“Penalty”	means a penalty imposed in accordance with clause 10.
“Report”	means the formal submission of information about a Reportable Offence.
“Reportable Offence”	means any of the conduct referred to in clause 4.
“Reporting Person”	means the person who submits a Report.
“SPA”	means a State Paddle Association recognised as a Member State of PA.
“Tribunal”	means a tribunal established pursuant to this Procedure.

3. SCOPE

- a) This Procedure applies where a Player, Coach or Official commits or is alleged to have committed a Reportable Offence in or at a Canoe Polo Competition.
- b) Nothing in this Procedure shall prevent matters that fall within the scope of this Procedure from also being dealt with:
 - i) by the relevant referee, Competition Committee and/or Jury, during the Canoe Polo Competition, in accordance with the Competition Rules and/or PA Competition Policy; and/or
 - ii) pursuant to the PA Complaints, Disputes and Discipline Policy, where the conduct in question may also constitute Prohibited Conduct under another PA Policy such as the Member Protection Policy or Code of Behaviour Policy.

4. REPORTABLE OFFENCES

Offence	Description
Offensive language or gesture	Verbal or body language which may be considered offensive, foul, or obscene. Includes swearing.

Verbal abuse	Language or tone of voice which may be considered insulting, attacking, or intimidating. Includes sledging.
Dissent	Failing to demonstrate due respect towards an Official in relation to their official functions. For example, criticising a referee's decision or failing to comply with the reasonable direction of an official.
Property damage	Intentional or reckless damage to equipment or facilities.
Unsporting or dishonourable conduct	Any other conduct which may be considered inappropriate. Includes serious or persistent acts of Unsporting Behaviour or Dishonourable Play within the meaning of the ICF Competition Rules.
Dangerous or unsafe play	Reckless or careless acts within or incidental to play which unreasonably or unnecessarily place another player at risk of physical harm.
Assault	Intentional physical contact, or attempted contact, with another person outside the norms of play. Includes grabbing, punching, slapping, bumping, head-butting, elbowing, kicking and striking with an object.
Threatening	Verbal or body language which may be considered threatening. It is irrelevant whether the threat is genuine or any other person is, in fact, threatened.
Spitting	Spitting on, at, towards or near another person.
Bringing the game into disrepute	Any other conduct which may reflect poorly on the sport of Canoe Polo. Includes serious and/or repeated breaches of the ICF Competition Rules (for example, Illegal Play).
Contempt	Any conduct which may interfere with or undermine the authority or performance of a Tribunal.

5. REPORTS

- a) Any person is entitled to make a Report.
- b) Officials are required to make a Report if they believe there has been a Reportable Offence.

- c) Reports must be submitted to PA in the prescribed form and may not be anonymous.
- d) Reports must be submitted within 7 days of the relevant Canoe Polo Competition. Matters not reported within this time shall not be dealt with under this Procedure, except in PA's absolute discretion.
- e) On receipt of a Report, PA shall notify the Charged Person and:
 - i. refer the Report to the Tribunal chair to consider and, if appropriate, use the Alternative Procedure under clause 6; or
 - ii. if the Alternative Procedure is not considered suitable or the Penalty offered is not accepted, appoint a Tribunal to determine the Report.
- f) The Charged Person shall be entitled to participate in Canoe Polo Competitions pending determination of the Report, unless the Tribunal chair is of the opinion that their continued participation constitutes an unreasonable danger to others, in which case the Charged Person shall be notified of this decision, which shall not be subject to appeal.

6. ALTERNATIVE PROCEDURE

- a) The Alternative Procedure may only be used where the Tribunal chair considers that all alleged Reportable Offences the subject of the Report are relatively minor in nature and shall not be used where Assault or Threatening is alleged.
- b) The Tribunal chair may offer the Charged Person a discounted Penalty to finalise the matter without a Tribunal hearing.
- c) The Charged Person has 48 hours to accept the offer. If not accepted within this time, the matter shall proceed to a Tribunal hearing.
- d) If the Charged Person accepts the offer, the relevant Penalty shall take effect immediately as if it were a determination of the Tribunal (but may not be subject to appeal).

7. TRIBUNAL COMPOSITION

- a) Where the matter is referred to a Tribunal hearing, PA shall appoint Tribunal members as soon as practicable.
- b) The Tribunal shall be composed of between two to three members, at least one of whom must have formal legal training.
- c) The Tribunal chair must be a person whom PA considers has experience and skills suitable to the function of chairing a tribunal and, to the extent practicable, particular knowledge of Canoe Polo.

- d) Tribunal members must declare any actual or perceived conflict of interest, such as a close personal connection to the Charged Person or the matters under consideration.
- e) Should a Tribunal member become unable to sit on a Tribunal once appointed, PA shall appoint a replacement.
- f) No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.

8. ATTENDANCE AT TRIBUNAL HEARING

- a) The Charged Person and the Reporting Person are required to attend the Tribunal hearing.
- b) The following persons shall be entitled to attend the Tribunal hearing:
 - i. witnesses called to give evidence by a Party (the number of which shall be subject to the approval of the Tribunal chair in their absolute discretion);
 - ii. any person that the Tribunal chair considers will assist the Tribunal and invites to attend the Tribunal for that purpose; and
 - iii. where a Party or witness is under the age of 18 years, an adult adviser, who will in the absence of unavailability or other extraordinary circumstance be expected to be such person's parent or guardian.
- c) Legal Practitioners are not permitted to appear before, or represent a Party at, the Tribunal unless in their personal capacity as a Party, witness or advisor to a person under the age of 18 years.
- d) PA shall notify in writing all persons required or entitled to attend the Tribunal hearing, at least 7 days in advance, of the appointed date, time and place (or alternative arrangements if conducted via technology).
- e) A Party may apply to PA to have a Tribunal hearing adjourned or convened in another way if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience. PA has sole and absolute discretion to determine such application, which must be made within 24 hours being notified of the hearing arrangements.
- f) If a Party fails to attend the Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Tribunal in the absence of that Party, provided that the Tribunal is satisfied that they were notified in accordance with this clause.
- g) A Party or witness who is unable to attend a Tribunal hearing may provide a written statement containing the evidence they would have provided to the Tribunal. The Tribunal may give less weight to written evidence than oral evidence.

9. TRIBUNAL PROCEDURE

- a) The Tribunal shall conduct the hearing in such manner as it sees fit and may in its absolute discretion:
 - i. consider any evidence, and in any form that it deems relevant;
 - ii. question any person giving evidence;
 - iii. limit the number of witnesses; and
 - iv. act in an inquisitorial manner to establish the truth of the matter before it.

- b) Tribunal hearings shall not be recorded, except at the discretion of the Tribunal chair. Any person who records a Tribunal hearing in breach of this clause shall be found guilty of Contempt and may be dealt with by the Tribunal accordingly.

- c) Without limiting the Tribunal's power to regulate its own procedure as it sees fit, the Tribunal shall ordinarily proceed in accordance with the following steps:
 - i. At the commencement of a hearing, the chair will identify the Tribunal members and determine whether each Party is present.
 - ii. Should a Party challenge the impartiality of any 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 PA or, if unavailable or unable to act, the other Tribunal members.
 - iii. Each Party shall be notified of their right to remain in the hearing until all evidence is given but not to be present while the Tribunal considers its findings.
 - iv. The chair shall advise all those present of the method of recording the hearing (if any).
 - v. The alleged Reportable Offences and relevant information contained in the Report shall be read out in the presence of all persons eligible to be present.
 - vi. Where it appears to the Tribunal that the Report has omitted or incorrectly included a Reportable Offence, the Tribunal may, of its own motion, vary the Reportable Offences to be determined.
 - vii. The Charged Person shall be asked whether or not they intend to contest the allegation(s).
 - viii. If the Charged Person does not contest the allegation(s), the chair will provide the Parties with an opportunity to make submissions as to the appropriate Penalty (if any) to be imposed. In such circumstances, either Party may call witnesses to give evidence regarding the seriousness or otherwise of the Reportable Offence, and any other mitigating or aggravating factors.
 - ix. If the Charged Person contests the allegation(s), the chair will ask all witnesses except the Parties (and their adviser if under the age of 18 years) to leave the hearing and to wait to be called to give their evidence.
 - x. The Reporting Person shall give evidence first, followed by each of their witnesses (if any). The Charged Person shall then give evidence, followed by each of their witnesses (if any).
 - xi. Each Party (and their adviser if under the age of 18 years) may ask questions of the other Party and each of their witness called.

- xii. Each witness shall be entitled to remain in or leave the Tribunal hearing after giving evidence unless otherwise directed by the Tribunal.
 - xiii. Where a person under the age of 18 exercises their right to have an adult adviser present in accordance with this Procedure, they shall be provided a reasonable opportunity to consult during the hearing.
- d) At the conclusion of all evidence the chair shall ask the Parties and all other persons present to leave the hearing while the Tribunal considers its findings.
 - e) If the Tribunal is not satisfied that a charged Reportable Offence has been proven, but is satisfied that another Reportable Offence has been committed, then the Tribunal may find the Charged Person guilty of such other Reportable Offence(s).
 - f) The decision of the Tribunal shall be given by the chair in the presence of the Parties. The Tribunal is not obliged to give oral or written reasons for any decision but may do so if it wishes.
 - g) Where the Tribunal finds the Charged Person guilty of a Reportable Offence, it shall inform the Parties of its decision and provide each with an opportunity to make oral submissions as to any aggravating or mitigating factors, before the Tribunal makes a decision on Penalty.
 - h) The Tribunal shall determine the Penalty to be imposed (if any) in accordance with clause 10, taking into account any submissions made by the Parties, and the person's Reportable record, and shall advise the Parties and PA of its decision.
 - i) If a Party chooses to leave the Tribunal hearing at any time, the Tribunal may proceed to make findings and decisions in their absence. No further opportunity to give evidence or make submissions will be provided to any Party who chooses to do so. In such circumstances, the chair must arrange for the Tribunal's decision to be communicated to that Party in writing as soon as practicable.
 - j) The Tribunal chair must provide to PA accurate records of the Tribunal 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, witnesses called, and any other persons permitted to attend by the Tribunal; and
 - iii. the decision of the Tribunal, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication.

10. PENALTIES

- a) The Tribunal may impose any one or more of the following Penalties on a person found guilty of a Reportable Offence:
 - i. reprimand;
 - ii. suspension or expulsion from all Canoe Polo Competition; and
 - iii. suspension or expulsion from particular Canoe Polo Competition(s).

- b) The Tribunal may determine that any one or more Penalties be suspended for a period of good behaviour, during which the applicable Penalty will not take effect unless and until the person commits any further Reportable Offence.
- c) Where a person is found guilty of multiple Reportable Offences, the Tribunal may determine that any periods of suspension imposed be cumulative or concurrent.
- d) Where the Tribunal imposes a period of suspension, the person shall not participate, in any capacity (including as a Coach or Official), in applicable Canoe Polo Competitions, for the duration of the applicable period. For the avoidance of doubt, a person may continue to participate in training while suspended.

11. APPEALS

- a) There shall be no appeal against the decision of a Tribunal except in accordance with this clause.
- b) An appeal may only be made by a person found guilty of a Reportable Offence to the NST on one or more of the following grounds:
 - i. the Tribunal failed to comply with this Procedure to their significant detriment;
 - ii. the Tribunal's decision was affected by actual bias; and/or
 - iii. no reasonable decision maker in the position of the Tribunal, based on the material before them, could reasonably make such a decision.
- c) An appeal must be lodged, in the prescribed form, within 7 days of receipt of the Tribunal's decision.
- d) The person making the appeal shall be responsible for paying the NST application fee and any associated fees (including service fees).
- e) The NST shall determine whether any of the grounds of appeal are proven (it may not review the merits of the Tribunal's decisions) and, if so, may vary any Sanction imposed by the Tribunal, in accordance with clause 10, but otherwise in such manner as it thinks fit.
- f) The decision of the NST General Division shall be final and binding.

12. PUBLICATION OF SANCTIONS

PA shall keep a register of Tribunal decisions, including the names of persons found to have committed a Reportable Offence and applicable Penalties, accessible to the Tribunal, SPAs and the PA Canoe Polo Technical Committee.

13. CONFIDENTIALITY AND DISCLOSURE

Subject to clause 12, all Reports and proceedings under this Procedure (and all information disclosed in relation to them), shall be kept confidential and not disclosed except:

- a) where authorised and/or required under this Procedure or another PA Procedure;
- b) where authorised and/or required by law;
- c) where reasonably necessary to prevent or lessen a risk to the safety, health or wellbeing of a person.