

# PLAYER TRANSFER POLICY

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## **1. INTRODUCTION**

This Player Transfer Policy is made under the authority of Water Polo Western Australia (Inc) (WPWAI) to ensure a fair and equitable competition.

With the introduction of a National Strategic Framework, National Performance Framework and the revised Performance Programs in Western Australia, the Player Transfer Policy has been created to align with the strategic direction of the organisation and support strong, well matched teams in the future.

## **2. RELATED DOCUMENTS**

The Constitution of the WPWAI is the authority under and through which WPWAI govern and manage the sport and business of Water Polo in WA.

The Competition Rules of WPWAI are the framework within which water polo competitions are regulated and conducted.

## **3. PURPOSE**

The intention of WPWAI in adopting this Player Transfer Policy is to:

1. Maintain a level of stability in the membership of Clubs and Teams.
2. Prevent Clubs from obtaining an unfair proportion of the best and most talented Players.
3. Provide Clubs with incentives to develop Players, their Teams and the Game.
4. Create a Pathway for all Players.

**Any determination, interpretation or variation of any Rule in this Player Transfer Policy by the Board shall be final and binding upon members of WPWAI.**

#### 4. DEFINITIONS

**Board** means the Board of the WPWAI.

**Board Member** means a member of the Board of the WPWAI.

**Clearance** means the Existing Club certifying that the Player does not owe any money relating to their Registration.

**Club** means an incorporated water polo organisation which comprises of individual members who participate in water polo activities and whose objectives include fielding teams in competitive water polo tournaments, competitions, matches sanctioned from time to time by WPWAI or Water Polo Australia Limited (“WPAL”) or any State Member of WPAL and aligns with and is consistent with the objects of WPWAI.

**Club Official** means a person elected or appointed as a Club committee member, coach, team manager, support personnel, timekeeper or any other person acting in an official capacity for a Club.

**Competition** means a group of Grades for purposes of a competition (i.e.: Men’s, Women’s, Juniors) conducted with the approval of, and under the auspices of, WPWAI.

**Competition Rules** means the Competition Rules of WPWAI which provide the framework within which competitions are regulated and conducted.

**Conference** means the designated area of North or South to which the affiliated club belongs as approved by WPWAI.

**Conference Clubs** means:

*Northern Conference:*

- Newman Water Polo Players Association
- North Coast Water Polo Club
- Phantoms Water Polo Club
- Stirling Raiders Water Polo Club
- Triton Water Polo Club
- UWA Water Polo Club

*Southern Conference:*

- Dolphins Water Polo Club
- Cockburn Water Polo Club
- Melville Water Polo Club
- Peel Water Polo Club
- Somerset Water Polo Club

**Constitution** means the Constitution of WPWAI.

**Designated Official** means the person nominated by a Club to authorise the Transfer of a Player from or to their Club.

**Exceptional Circumstance** means-

- a) If the Existing Club is disbanded, merges with any other Club, or ceases to exist.
- b) If the Team within the Existing Club is disbanded or ceases to exist.
- c) If the Junior Player is a child of, or otherwise under the full time care of, a person who has relocated their usual place of residence:
  - I. in connection with that person's employment; or
  - II. for compassionate reasons; and
  - III. where the Junior Player lives with that parent or guardian, and where, as a consequence of that relocation, the Junior Player would have to travel an unreasonable distance to train with the Existing Club.
- d) If the Junior Player is in a situation where his parents, guardians or family unit has separated, and where live with arrangements are in place in relation to the Junior Player meaning that it would be unreasonable for the Junior Player to train with the Existing Club.
- e) If the Existing Club does not, or cannot, field a Team in a Competition with reference to that Junior Player's age and ability for more than two (2) consecutive seasons.
- f) Such other circumstances as may be determined as Exceptional Circumstances by the General Manager of WPWAI.

**Existing Club** means the most recent Club that the Player was, within the last 24 months, Registered to play the Sport for.

**General Manager** means the General Manager (or Executive Officer or other title) of WPWAI and includes any person acting in that position.

**Interstate Club** means a Club in State or Territory of Australia other than Western Australia.

**Interstate Association** means the State or Territory Association in Australia with which the Interstate Club is affiliated and which is affiliated with WPA.

**Junior Player** means players who are registered to play water polo and who are aged under 18 years and under as at 31 December each year.

**Junior Competition** means age-limited Competitions for players aged 18 years and under.

**Loan Player** means the process as defined in the *WPWAI Competition Rules* by which a Player from a Club is permitted by WPWAI to play for a team of another Club and Loan Player Arrangement has a corresponding meaning.

**Member** has the same meaning as given to that term in the Constitution.

**New Club** means a Club for which a Player wishes to Register to play water polo.

**Open Age Player** means a player 18 years and over as at 31 December each year.

**Open Age Competition** means Competitions primarily designed for Open Age Players.

**Official** means Club Official or WPWAI Official.

**Overseas Club** means a Club that is not in Australia.

**Player** means a person Registered to play in WPWAI competitions and includes Open Age Players and Junior Players.

**Player Transfer Policy** or **Transfer Policy** means the policy governing transfer of players between Clubs as established by WPWAI as contained herein.

**Primary Club** has the same meaning as Existing Club and is used in the context of the implementation and interpretation of Loan Player Arrangements.

**Registered** means the process of a person registering to play the game pursuant to the National Registration Policy and is financial at the time of Season commencement and **Register** and **Registration** have corresponding meanings.

**Registration Permission** means permission granted by a Players New Club approving the Transfer of a Player.

**Representative Water Polo Competition** means the elite competitions conducted by WPWAI and Water Polo Australia including, but not limited to, interstate and/or international under-age water polo competitions and including the Australian Youth Championships.

**Season** means the water polo season commencing in or about September in a calendar year or as determined by the Board of WPWAI.

**Secondary Club** means the Club for which a player has received a dispensation to play for a specific reason. Examples include but are not limited to; the Primary Club not offering the appropriate level of competition e.g A Grade; or for regional players to play in metropolitan competitions; or for a junior player to play with a different club in Open Age competitions.

**Sport** means the Sport of water polo.

**Team** means the Team within the Existing Club for which a Player plays with reference to that Player's ability.

**Transfer** means the transfer of a Player from a Club to another Club.

**Transfer Approval** means approval granted by WPWAI allowing the Transfer of a Player.

**Transfer Decision** mean the decision made by the Existing Club, the New Club or WPWAI on a transfer application.

**Transfer Permission** means approval granted by the Existing Club at which a Player is registered.

**Transfer Window** means the period between the end of one Season and 7 days before the commencement of the next Season.

**WPA** means the incorporated body, Water Polo Australia Inc. "Water Polo Australia" where used in this document has the same meaning.

**WPWAI** means the incorporated body, Water Polo Western Australia Inc. "Water Polo WA" where used in this document has the same meaning.

**WPWAI Official** means a Board Member, staff or any person appointed by the WPWAI to act on its behalf.

## **5. PLAYER TRANSFER POLICY**

- 5.1 No Transfer shall take place outside of the Transfer Window.
- 5.2 Transfers of Open Age Players from their Existing Club to a New Club is discouraged.
- 5.3 No Junior Player, who was previously registered to play for a Club at any time in the previous 24 Months, shall be permitted to transfer from their Existing Club to a New Club unless in Exceptional Circumstances.
- 5.4 Any decision by an Existing Club, the New Club and WPWAI on any request by a Player for a Transfer must be made in accordance with this policy and any other applicable rules.
- 5.5 Before a Player plays Water Polo for any Club other than their Existing Club the Player shall:
- (a) Obtain a Clearance from the Existing Club;
  - (b) Obtain a Transfer Permission from the Existing Club;
  - (c) Obtain Registration Permission from the New Club; and
  - (d) Obtain a Transfer Approval from WPWAI.
- 5.6 Notwithstanding 5.2, a Transfer Permission and Registration Permission for an Open Age Player shall not be unreasonably refused.
- 5.7 Notwithstanding 5.2, a Transfer Approval for an Open Age Player shall not be unreasonably refused save in the following circumstances:-
- (a) If two (2) or more Transfer Approvals have already been granted by WPWAI in respect of Players, who played in the same team for the same Club in the last Season of Water Polo, to move to the same New Club for the next Season.
  - (b) If four (4) or more Transfer Approvals have already been granted by WPWAI in respect of Players, who played for any Club in the last Season of Water Polo, to move to the same New Club for the next Season.
- 5.8 Notwithstanding 5.3, and despite the fact that that Exceptional Circumstances may exist, WPWAI may refuse to grant Transfer Approval for a Junior Player in any of the following circumstances:
- (a) If two (2) or more Transfer Approvals have already been granted by WPWAI in respect of Junior Players, who played in the same team for the same Club in the last Season of Water Polo, to move to the same New Club for the next Season.
  - (b) If four (4) or more Transfer Approvals have already been granted by WPWAI in respect of Junior Players, who played for any Club in the last Season of Water Polo, to move to the same New Club for the next Season.

## **6. TRANSFER PROCESS**

- 6.1 The Player, the Designated Official of each of the Existing Club and the New Club, and the General Manager of WPWAI must complete and sign the Form set out in Schedule 1 to this Transfer Policy.
- 6.2 Once completed by all parties, the Transfer can be completed on the Rev Sport online platform or such other online platform set up by WPA or WPWAI for the purpose of Registration of Players.

## **7. INTERSTATE TRANSFERS**

- 7.1 This Player Transfer Policy does not apply to Players who Transfer from an Interstate Club, or from an Overseas Club, to play for a Club in Western Australia. Such Players are free to register with a Club of their choosing upon providing a Clearance from their Interstate or overseas Club and/or Association, but once registered for a Club in Western Australia, this Player Transfer Policy thereafter applies.
- 7.2 Should a Player seek to Transfer from their Existing Club to an Interstate Club or an Overseas Club, that Player shall be required to seek a Clearance from their Existing Club and provide a copy of such Clearance to the General Manager of WPWAI prior to their Registration with the Interstate or Overseas Club.

## **8. LOAN PLAYERS**

- 8.1 Nothing in this Policy prevents a Player, by agreement between the Player's Primary Club and a Secondary Club, from being a Loan Player.
- 8.2 Such Loan Player arrangement shall only exist for one season or for such period as the Player's Primary Club does not intend to field a team in a Competition including, where appropriate, a Representative Water Polo Competition, with reference to that Player's ability.
- 8.3 For the avoidance of any doubt, at all times during any Player Loan Arrangement, the Player shall remain a Registered Player of their Existing/Primary Club.

## **9. APPEALS**

- 9.1 The only right of appeal open to a Player or Club in respect of any decision made under this Player Transfer Policy in relation to a Player is set out in this rule 9.
- 9.2 An Appellant may appeal a decision (an "Appeal") to grant or refuse to grant a:
- (a) Clearance;
  - (b) Transfer Permission;
  - (c) Registration Permission; or
  - (d) Transfer Approval.
- ("Transfer Decision") as follows:
- 9.2.1 If the Appeal arises from the Clearance, the Transfer Permission and/or the Registration Permission, then by way of written notice to the General Manager of WPWAI, addressed to the General Manager, setting out the grounds on which the Appeal is made and attaching all relevant documents and information relied on by the Appellant.



- 9.2.2 If the Appeal arises from the Transfer Approval then by way of written notice to the General Manager of WPWAI, addressed to the President of the Board of WPWAI, setting out the grounds on which the Appeal is made and attaching all relevant documents and information relied on by the Appellant.
- 9.3 Any Appeal made pursuant to rule 8 must be made within five (5) days of the Appellant receiving notification of the Transfer Decision which is appealed against.
- 9.4 The only basis on which an Appellant may Appeal a Transfer Decision is:
- (a) If this Policy has been incorrectly applied by the Existing Club or the New Club or the General Manager, or
  - (b) If a Transfer Decision has been made on the basis of incorrect or incomplete information in relation to the Player concerned.
- 9.5 The General Manager or the Board of WPWAI (as the case may be) shall, after having considered the Appellant's Appeal, either:
- (a) Refuse the Appeal, in which case the original Transfer Decision stands; or
  - (b) Allow the Appeal, in which case the General Manager shall substitute the Transfer Decision for a new decision and then order the Existing Club and the New Club to do all things necessary to give effect to the new Transfer Decision.
- 9.6 The decision of the General Manager or the Board of WPWAI (as the case may be) shall be in writing and, in relation to any Appeal, is final and shall not be capable of review or be otherwise justiciable.

**SCHEDULE I**

**FORM OF TRANSFER**

PLAYER NAME \_\_\_\_\_

PLAYER ADDRESS \_\_\_\_\_

PLAYER DATE OF BIRTH \_\_\_\_\_

**CLEARANCE**

EXISTING CLUB CONFIRMATION OF NIL AMOUNTS OWED BY PLAYER      Yes          No   

**TRANSFER PERMISSION**

EXISTING CLUB CONSENT TO TRANSFER

Club Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*(Club President or Registrar)*

**REGISTRATION APPROVAL**

NEW CLUB CONSENT TO TRANSFER

Club Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*(Club President or Registrar)*

**TRANSFER APPROVAL**

WPWAI CONSENT TO TRANSFER

Signature: \_\_\_\_\_

*(General Manger or Board Member)*