
**ATHLETES' COMMISSION
CHARTER**

**WATER POLO
AUSTRALIA LIMITED**

ADOPTED ON 31st August
2020

ATHLETES' COMMISSION CHARTER

Preliminary

- 1 This Athletes' Commission Charter (the "**Charter**") of Water Polo Australia Limited ("**WPA**") is made pursuant to the powers set out in clause 45(k) of the constitution of WPA, last amended by WPA in August 2020 (the "**Constitution**").
- 2 This Charter is effective on and from 31st August 2020.
- 3 For all purposes:
 - (a) Any reference in the Constitution to the "Athletes Commission" is a reference to the WPA's athletes' commission (the "**Commission**") referred to in and governed by this Charter; and
 - (b) This Charter is deemed to be **Appendix F** to the Constitution, as if this Charter were set out in the body of the Constitution.
- 4 Capitalised terms used in this Charter, which are defined in the Constitution, are taken to have the same meanings as given to the same term in the Constitution, unless expressly stated to the contrary.

Purpose

- 5 The purpose of the Commission is to represent the views of WPA's athletes (the "**Athletes**") to WPA.
- 6 The functions of the Commission are as follows:
 - (a) To advise WPA and its Board on any matters relating to water polo, which impact on the Athletes.
 - (b) To appoint the Athletes Commission Director in accordance with the Constitution.
 - (c) To nominate eligible people for election to the Australian Olympic Committee's ("**AOC**") Athletes' Commission (the "**AOC Athletes' Commission**") in accordance with the AOC's constitution and rules.
 - (d) To provide leadership and direction on any matter that relates to, or impacts on, Athletes.

Composition and eligibility

- 7 The composition of the Commission is governed by clause 45(l) of the Constitution. In accordance with the Constitution, the Commission is comprised as follows:
 - (a) Three (3) Athletes who are party to a current athlete agreement with WPA.
 - (b) Two (2) people who each were members of an Olympic Squad for the most recent or second-to-last Olympic Games.

- (c) As an ex-officio member, any person who is a member of the Australian Olympic Committee Athletes' Commission who is or has been a member of a Representative Squad or Olympic Squad.
- 8 A person is ineligible to be a member of the Commission or otherwise participate in the activities of the Commission, including the election of Commission members, if:
 - (a) The person is younger than 18 years of age; or
 - (b) If the person has at any time been found guilty, in respect of any anti-doping rule violation or other doping offence, by any tribunal or other body holding the requisite jurisdiction.

Election to the Commission

- 9 Persons appointed to the Commission are appointed for a period ending on 31 October in the year of an Olympic Games.
- 10 The election of persons to the Commission shall be conducted before 31 October in the year of an Olympic Games in respect of the period commencing on 1 November in that same year.
- 11 The following persons shall be entitled to vote in an election of candidates to the Commission, provided that the person is not ineligible by operation of clause 8:
 - (a) Any person that is or has been a member of an Olympic Squad for the Olympic Games held in the year of the election, or the immediate previous Olympic Games.
 - (b) Any person that is, or has at any time in the previous 18 months been, a member of a Senior Representative Squad.
 - (i) For the avoidance of doubt, a member of a Senior Representative Squad includes a player who has played at least one (1) official international game for the Australian Men's or Women's team during the period.
- 12 In any election held to appoint any person to the Commission:
 - (a) A person eligible to vote in the election shall have one (1) vote; and
 - (b) A person may cast a vote in any manner determined by the Commission; but
 - (c) No person eligible to vote shall be entitled to appoint any other person to act as the first person's proxy for the purposes of voting; and
 - (d) Elections shall be conducted as simple, "first past the post" elections, with the principle being that (subject to the provisions of this Charter relating to the minimum number of male and female members of the Commission) the highest-polling candidates are elected; and
 - (e) A candidate may be nominated for election to a position described in clause 7(a) and a position described in clause 7(b) in the event that the candidate meets the criteria prescribed.
- 13 Of the people elected to the Commission pursuant to clauses 7(a) and 7(b):
 - (a) At least two (2) of the candidates elected must be male; and

- (b) At least two (2) of the candidates elected must be female.
- 14 In order for elections of people to the Commission pursuant to clauses 7(a) and 7(b) are conducted in accordance with the requirements of clause 13, the following rules shall apply at an election of Commission members:
- (a) The election of eligible candidates nominated to fill the positions prescribed in clause 7(a) shall be conducted first.
 - (b) The three (3) candidates polling the highest number of votes shall be declared elected to the positions prescribed in clause 7(a).
 - (c) The election of eligible candidates nominated to fill the positions prescribed in clause 7(b) shall be conducted second. The following principles shall apply:
 - (i) If the three (3) candidates declared elected pursuant to clause 14(b) are all of the same gender, then the two (2) candidates of the other gender who poll the highest number of votes shall be declared elected to the positions prescribed in clause 7(b).
 - (ii) If, of the three (3) candidates declared elected pursuant to clause 7(a), two (2) candidates are of the same gender and the third candidate is of the other gender:
 - (1) The highest-polling candidate of that other gender shall be elected to a position prescribed in clause 7(b); and
 - (2) The next highest-polling candidate of either gender shall be elected to the other position prescribed in clause 7(b).
- 15 In the event that a casual vacancy occurs in the office of any person appointed to the Commission to fill a position prescribed in clauses 7(a) or 7(b) by reason of resignation, illness, incapacity or for any other reason, then the remaining members of the Commission shall appoint a person who is eligible to fill that vacancy, in accordance with the following principles:
- (a) A person appointed to fill a casual vacancy in a position referred to in clause 7(a) must qualify for appointment under clause 7(a).
 - (b) A person appointed to fill a casual vacancy in a position referred to in clause 7(b) must qualify for appointment under clause 7(b).
 - (c) The appointment of a person to fill a casual vacancy must be made in a manner which does not cause the gender balance, prescribed in clause 13, to be breached.

Chairperson

- 16 The Commission shall, at its first meeting following 1 November in an Olympic year, elect one of its members to the position of Chairperson.

Athletes Commission

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- 17 In accordance with clause 31 (j) of the Constitution, a function of the Commission is to nominate and appoint the Athletes Commission Director for each period ending on 31 October in the year of an Olympic Games.
- 18 In accordance with clause 31(k) of the Constitution, the person nominated by the Commission as the Athletes Commission Director must:
 - (a) Be a member of the Commission; and
 - (b) Must remain a member of the Commission for the duration of the appointment, otherwise a casual vacancy will occur in that appointment (meaning that the Commission is entitled to appoint another member of the Commission to fill the casual vacancy for the balance of the term).
- 19 The Commission shall determine the appointment of the Athletes Commission Director in accordance with the procedures set out in this Charter, relating to votes of the Commission.

Meetings and procedural matters

- 20 The Commission shall meet prior to each Board meeting, and in any event at least three (3) times per year.
- 21 Meetings of the Commission may be conducted in person or by any means that a meeting of the Board may be conducted by, by reference to clause 38 and 39 of the Constitution.
- 22 The quorum for a meeting of the Commission is the attendance (in person or by the use of technology) of at least three (3) Commission members.
- 23 On any vote taken at any meeting of the Commission:
 - (a) Each member of the Commission has one (1) vote.
 - (b) A resolution may be passed by a simple majority of Commission members present and entitled to vote on that resolution.
 - (c) In the case of a deadlock, the Chairperson shall be entitled to a casting vote in addition to his or her deliberative vote.
- 24 The Commission shall cause that minutes of all meetings of the Commission are taken in respect of:
 - (a) The members of the Commission present at each meeting;
 - (b) Any resolution of the Commission;
 - (c) The proceedings of the meeting of the Commission; and
 - (d) Any other such matter determined by the Chairperson.