

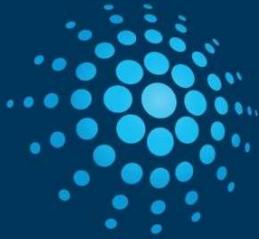
GDNA Code of Behaviour

Version 2022

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GDNA Operates under the guidance of all policies provided and updated by Netball NSW Website (nsw.netball.com.au) (Policies inserted on following pages)



netball
NEW SOUTH WALES

Code of Behaviour Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 15 February 2022

Last Reviewed: February 2022
Next Reviewed: November 2022

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1. PURPOSE OF POLICY

- 1.1 Netball NSW and Affiliates seek to provide a safe, fair and inclusive environment for everyone involved in Netball.
- 1.2 To achieve this, Netball NSW and Affiliates require certain standards of behaviour of players/athletes, coaches, officials, administrators, parents/guardians (of Child participants) and spectators.
- 1.3 The Codes of Behaviour are underpinned by the following core values:
 - To act within the rules and spirit of Netball.
 - To display respect and courtesy towards everyone involved in Netball and prevent discrimination, bullying and sexual harassment.
 - To prioritise the safety and well-being of Children and Young People involved in Netball.
 - To encourage and support opportunities for participation in all aspects of Netball.

2. DEFINITIONS

Affiliate means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Child (Young Person) means a person under 18 years of age.

Individual Member (Member) means a natural person who is a registered financial member of Netball NSW or an Affiliate.

Member Protection Policy (MPP) means the Netball NSW Member Protection Policy as amended from time to time.

Netball means the sport of game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Procedures means the Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures.

3. WHEN DOES THIS POLICY APPLY?

3.1 The Codes of Behaviour apply to the following people whether or not they are operating in a paid or unpaid/voluntary capacity in Netball NSW or as an Affiliate:

- Individual Members of Netball NSW and/or Affiliates, including service award holders and life members;
- Individuals who are members of Boards, committees and sub-committees of Netball NSW or Affiliates;
- All employees, volunteers, independent contractors and other workplace participants;
- Any other person or organisation that is a member of or affiliated to Netball NSW;
- Any person who is a Participant in a Netball Activity;
- Parents, guardians, spectators and sponsors and any other person to the full extent that is possible; and
- Any other Person who has agreed to be bound by this Policy.

3.2 The Codes of Behaviour applies to each of the above persons at all times during Netball Activities sanctioned or controlled by Netball NSW and/or Affiliates and at all times when acting in any capacity, whether voluntary or paid, on behalf of Netball NSW or an Affiliate.

4. BREACH OF THIS POLICY

4.1 Any alleged breach of the Codes of Behaviour should be managed using the process outlined in the Netball NSW Member Protection Policy – Attachment B (Complaints Handling Procedures).

4.2 A list of related Netball NSW policies which may be considered when dealing with an alleged breach of the Codes of Behaviour are listed below:

- Netball NSW Member Protection Policy
- Netball NSW Grievance and Dispute Resolution Policy
- Netball NSW Disciplinary Policy
- Netball NSW Pregnancy Policy
- Netball NSW Social Media Policy
- Netball NSW Photography Policy

5. ROLE SPECIFIC CODES OF BEHAVIOUR

5.1 In addition to the General Code of Behaviour, Netball NSW has developed role-specific Codes of Behaviour. These codes are as follows:

- Player Code of Behaviour
- Coach Code of Behaviour
- Umpire Code of Behaviour
- Administrator Code of Behaviour
- Officials Code of Behaviour

- Parent/Guardian/Spectator Code of Behaviour

6.

GENERAL CODE OF BEHAVIOUR

As a person required to comply with this Policy, you are to meet the following requirements in regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate.

- 6.1. Respect the rights, dignity and worth of all people involved in Netball regardless of their gender, ability, cultural background, religion or any other personal characteristic.
- 6.2. Be ethical, fair, considerate and honest in all dealings with others.
- 6.3. Make a commitment to providing a quality service.
- 6.4. Operate within the rules and spirit of Netball including national and state guidelines, and policies which govern Netball NSW and Affiliates.
- 6.5. Do not use your involvement with Netball to promote your own beliefs, behaviours or practices where these are inconsistent with those of Netball NSW or Affiliates.
- 6.6. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example and they can be easily influenced.
- 6.7. Always place the safety and welfare of children above other considerations.
- 6.8. Avoid unaccompanied and unobserved activities with persons under 18 years of age, whenever possible.
- 6.9. Comply with all relevant Australian laws (Commonwealth and State), particularly anti-discrimination, occupational health and safety and child protection laws.
- 6.10. Refrain from any behaviour that may bring Netball NSW or Affiliates into disrepute.
- 6.11. Provide a safe environment for the conduct of Netball Activities.
- 6.12. Show concern and caution towards others who may be sick or injured.
- 6.13. Be a positive role model.
- 6.14. Be responsible and accountable for your conduct.

6.15. Abide by the relevant Netball NSW role-specific codes of behaviour and understand the consequences if you breach, or are aware of any breaches of this Code of Behaviour.

7. PLAYER CODE OF BEHAVIOUR

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate. In your role as a player you are to:

- 7.1. Respect the rights, dignity and worth of fellow players, coaches, officials and spectators.
- 7.2. Refrain from conduct which could be regarded as sexual harassment, discrimination, bullying and/or victimisation.
- 7.3. Respect the talent, potential and development of fellow players and competitors.
- 7.4. Participate fairly and safely.
- 7.5. Be frank and honest with your coach concerning illness and injury and your ability to train and play fully.
- 7.6. Conduct yourself in a responsible manner relating to language, temper and punctuality. Do not use profane language at any time.
- 7.7. Abide by the rules and respect the decision of the umpires. Be courteous and use the correct process when seeking a rule clarification.
- 7.8. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
- 7.9. Co-operate with coaches and staff in relation to programs that adequately prepare you for competition.
- 7.10. Do not engage in illegal practices that affect sporting performance (including illegal drug use or sports doping).
- 7.11. Applaud all good play, by your own team and opponents.
- 7.12. Respect and acknowledge the contribution of those who create the opportunity for you to play (e.g. scorers, coaches, timekeepers, administrators and umpires).

COACH CODE OF BEHAVIOUR

regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate. In your role as a coach you are to:

- 8.1. Operate within the rules and spirit of Netball, promoting fair play.
- 8.2. Develop a positive Netball environment by emphasising enjoyment and by providing appropriate development and competitive experiences.
- 8.3. Support opportunities for participation in all aspects of the sport.
- 8.4. Treat each person as an individual. Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion.
- 8.5. Display control, courtesy and respect to all involved with Netball.
- 8.6. Respect the decisions of umpires, officials, other coaches and administrators in the conduct of Netball programs and competitions.
- 8.7. Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance will or is likely to exist) with people under the age of 18 years.
- 8.8. Ensure activities, equipment and facilities are safe and appropriate to the ability level of participating players. Activities, rules, equipment, length of games and training schedules should take into consideration the age, ability and maturity level of the participants.

- 8.9. Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- 8.10. Ensure your decisions and actions contribute to a safe environment. Place the safety and welfare of the players above all else.
- 8.11. Ensure your decisions and actions contribute to an environment free of sexual harassment, bullying, discrimination and victimisation.
- 8.12. Any physical contact with a player should be appropriate to the situation and necessary for the player's skill development.
- 8.13. Adopt and display responsible behaviour in relation to alcohol and other drugs.
- 8.14. Be honest and do not allow your qualifications/accreditation to be misrepresented.

10.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

UMPIRE CODE OF BEHAVIOUR

regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate. In your role as an umpire you are to:

9.1. Umpire in accordance with the Official Rules of Netball (as modified by Netball NSW and/or Affiliates from time to time).

9.2. Treat all players, coaches, and other umpires/officials with respect.

9.3. Place the safety and welfare of the players above all else, including:

- Ensuring the court and its surrounds are compliant with the rules.
- Taking appropriate action to manage dangerous play.

9.4. Maintain a high standard of personal behaviour at all times.

9.5. Be a positive role model through behaviour and personal appearance projecting a favourable image of Netball and umpiring at all times.

9.6. Refrain from conduct which could be regarded as sexual harassment, discrimination, bullying and/or victimisation.

9.7. Be courteous, respectful and open to discussion and interaction with other Netball participants.

11.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

9.8. Maintain or improve your current performance level and seek continual improvement.

9.9. Be honest and do not allow your qualifications/accreditation to be misrepresented.

ADMINISTRATOR CODE OF BEHAVIOUR

regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate. In your role as an administrator you are to:

10.1. Be fair, considerate and honest in all dealings with others.

10.2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.

10.3. Resolve conflicts fairly and promptly through established procedures.

10.4. Maintain strict impartiality.

10.5. Be aware of and comply with your legal responsibilities, including those under anti-discrimination, child protection and occupational health and safety legislation.

12.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 10.6. Develop a positive Netball environment by emphasising enjoyment and by providing appropriate development and competitive experiences.
- 10.7. Involve relevant stakeholders in the planning, evaluation, leadership and decision-making related to Netball programs and events.
- 10.8. Ensure activities, equipment and facilities are safe and appropriate to the ability level of participating players. Activities, rules, equipment, length of games and training schedules should take into consideration the age, ability and maturity level of the participants.
- 10.9. Encourage everyone (administrators, coaches, players, umpires, parents, spectators, sponsors and physicians) to emphasise fair play in Netball activities and games.
- 10.10. Where appropriate, distribute the Codes of Behaviour to coaches, umpires, players, parents, spectators and the media.

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

11. OFFICIALS CODE OF BEHAVIOUR

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate. In your role as an Official you are to:

- 11.1. Officiate in accordance with the Official Rules of Netball and Event/Competition Guidelines.
- 11.2. Treat all players, coaches, umpires and other officials with respect.
- 11.3. Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- 11.4. Be consistent and impartial when making decisions.
- 11.5. Maintain a high standard of personal behaviour at all times.
- 11.6. Be a positive role model through behaviour and personal appearance projecting a favourable image of Netball and officiating at all times.
- 11.7. Refrain from conduct which could be regarded as sexual harassment, discrimination, bullying and/or victimisation.
- 11.8. Be courteous, respectful and open to discussion and interaction.
- 11.9. Maintain or improve your current performance level and seek continual improvement.
- 11.10. Be honest and do not allow your qualifications/accreditation to be misrepresented.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

12. PARENT/GUARDIAN/SPECTATOR CODE OF BEHAVIOUR

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with regard to your conduct during any Netball Activity sanctioned by Netball NSW or an Affiliate. As a parent/guardian or spectator you are to:

- 12.1. Encourage players to participate but do not force them.
- 12.2. Focus upon a player's efforts and performance rather than the overall outcome of the event. This assists players in setting realistic goals related to their ability by reducing the emphasis on winning.
- 12.3. Teach players that an honest effort is as important as winning, so that the result of each game is accepted without undue disappointment.
- 12.4. Encourage players to always play according to the rules.
- 12.5. Be a model of good sports behaviour for players to copy. Applaud good play by all players.
- 12.6. Never ridicule or yell at a player for making a mistake or losing a game.
- 12.7. Respect the decision of the umpires. Encourage players to play according to the rules and official decisions, and develop your own knowledge of the rules. If you disagree with an umpire or coach raise the issue through the appropriate channels rather than question their judgement and honesty in public.
- 12.8. Refrain from conduct which could be regarded as sexual harassment, discrimination, bullying and/or victimisation.
- 12.9. Recognise and respect the value and importance of volunteer administrators, coaches and umpires. They give up their time and resources to provide recreational activities for players and deserve your support.
- 12.10. Be courteous in communication with administrators, coaches, players, umpires and all other parents, guardians and spectators. Teach players to do the same.

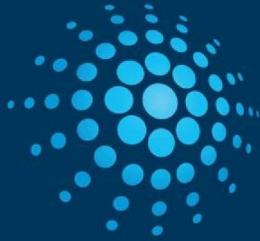
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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

12.11. Support the use of age appropriate development activities and modified rules.

12.12. Condemn the use of violence in any form, be it by administrators, coaches, players, umpires, or other spectators.

12.13. Acknowledge that a breach of this Code of Behaviour may result in disciplinary action being taken against other members in connection with your behaviour (where applicable). This may include expulsion from game(s), suspension or termination of membership.



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NEW SOUTH WALES

Netball NSW

Social Media Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 14 September 2021.

Last Reviewed: August 2021
Next Reviewed: August 2022

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In addition to Netball NSW’s General Code of Behaviour, you are to meet the following requirements with

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1 Introduction

The Netball NSW Social Media Policy (Policy) aims to ensure that Netball NSW’s core values, good reputation and positive behaviours and attitudes are maintained. To achieve this, it is vital that every person involved in Netball is treated with respect and dignity, and is safe and protected from abuse. Netball NSW acknowledges that the safe environment we wish to maintain for our Netball family is not solely confined to the netball court; it includes maintaining a harmonious environment during all activities related to and/or that have a connection with Netball.

Netball NSW are enthusiastically involved with the use of Information and Communication Technologies (ICT) devices and technologies which bring a great deal of benefits to Netball NSW, our Members and partners. Netball NSW recognises that social networking through the use of a range of internet-based and other electronic Social Media platforms are integrated into everyday life. They should be embraced as an important technique to ensure that Netball NSW Members

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with and Affiliates remain connected and informed. For this reason, Netball NSW is committed to supporting people's rights to interact socially through electronic communication, blogging, microblogging, video and audio sharing sites, wikis and other interaction via Social Media. However, Netball NSW is also acutely aware of the potentially adverse implications stemming from the misuses of ICT and Social Media and the possibility for these negative outcomes to create an environment where Members are not safe from harm or abuse.

For this reason, Netball NSW has developed this Policy in order to strike a balance between the indisputable benefits of ICT and the need to ensure that our Members are treated with respect and dignity, and to the extent that we are able to, protect our Members and Affiliates from abuse.

2 Definitions

Affiliate means a Premier League Licensee, Association or Club, howsoever described, whether incorporated or unincorporated, a company limited by guarantee or otherwise, which is a member of Netball NSW.

Content means any image, words, sounds or drawings however they appear.

Cyber Abuse is behaviour that uses technology to threaten, intimidate, harass or humiliate someone, with the intent to hurt them socially, psychologically or even physically.

Cyber Safety refers to the safe and responsible use of the internet and ICT equipment / devices, including mobile phones.

ICT means Information and Communication Technologies being the set of technologies developed to manage information and send it from one place to another such as computers and mobile telephones.

ICT Equipment / Devices includes any electronic device which can be used to communicate via the internet.

Inappropriate Material means the conduct outlined in clause 4.2.

Individual Member (Member) means a natural person who is a registered financial member of Netball NSW.

Netball means the sport or game played under the Rules of Netball determined or adopted from time to time by Netball NSW.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and /or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Competition organised, controlled or sanctioned by Netball NSW or an Affiliate.

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

Policy and This Policy mean the Netball NSW Social Media Policy as amended from time to time.

Social Media means the collective of online communications channels dedicated to community-based input, interaction, Content-sharing and collaboration. Examples of Social Media platforms include but are not limited to Facebook, Instagram, Twitter, Snapchat, Tik Tok, Reddit and Tumblr.

3 When does this Policy Apply?

3.1 Who is captured by the Policy?

3.1.1 This Policy will apply when a Member or Affiliate uses Social Media or any other ICT in the following circumstances:

- a) If the Member or Affiliate posts Content on Social Media or via any other ICT that amounts to a breach of this Policy as set out in Clause 4, as amended from time to time; or
- b) Where a Member or Affiliate posts Content on Social Media or via any other ICT that might otherwise affect the business, products, services, events, sponsors, members or reputation of Netball NSW and/or an Affiliate or bring Netball NSW and/or an Affiliate into disrepute.

3.1.2 Where Content has been posted on an official Netball NSW or Affiliate Social Media platform (or via any other official ICT such as official Affiliate email accounts), Netball NSW or an Affiliate will treat the Content as having being posted/sent by the specific individual.

NOTE: This Policy and particular Clause 3.1.1 does not apply to the use of a private Social Media or other ICT where there is no reference to Netball NSW or an Affiliate.

For the avoidance of doubt, Netball NSW recognises that in the majority of cases Members are not contracted, professional athletes. Therefore, Netball NSW or its Affiliates do not hold its Members to the same standards as professional athletes and will not take action in circumstances where the only connection to Netball is that one or more of the persons involved are participants in a Netball Activity in whatever capacity.

Messages in private "chats" or instant messages will not be captured under this Policy.

Circumstances involving private chats should be dealt with under the Netball NSW Member Protection Policy (e.g. where the conduct constitutes bullying, sexual harassment etc.) or the Netball NSW Grievance and Dispute Resolution Policy if deemed appropriate.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

4 Breach of Policy

- 4.1 It is a breach of this Policy for any Member or Affiliate to which this Policy applies to have been found to have:
- a) posted Inappropriate Material (see Clause 4.2) via Social Media or via another ICT; or
 - b) posted Content on Social Media or via another ICT which has, or could be reasonably be expected to have a negative impact on the business, services or reputation of Netball NSW or an Affiliate, or which otherwise brings Netball NSW or an Affiliate into Disrepute.

4.2 For the purpose of Clause 4.1(a) above, Inappropriate Material includes, but is not limited to:

- a) Content which is intended to harass, intimidate, bully, threaten or humiliate another Participant; or
- b) Any Content relating to, or involving child abuse as defined in the Netball NSW Member Protection Policy and relevant state and federal legislation; or
- c) Any Content which should be considered discriminatory against another Participant in accordance with the Netball NSW Member Protection Policy and relevant state and federal legislation; or
- d) Any sexually explicit Content, or Content which constitute sexual harassment of another person in accordance with the Netball NSW Member Protection Policy and relevant state and federal legislation; or
- e) Any Content which amounts to victimisation of another person as defined in the Netball NSW Member Protection Policy; or
- f) Any Content which amounts to Cyber Abuse of another person.

5 Procedure of Handling Alleged Breaches of the Policy

- 5.1 Allegations of breaches of this Policy should be investigated and managed in accordance with the policies and procedures as set out in Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures (the **Procedures**). The Procedures are available at the following link: [14. NNSW MPP- Attachment B - Complaints Handling Procedures 2Jan2019.pdf \(netball.com.au\)](https://www.netball.com.au/14-NNSW-MPP-Attachment-B-Complaints-Handling-Procedures-2Jan2019.pdf).
- 5.2 Applicable sanctions for breach of the Policy are outlined in the Procedures.
- 5.3 Where appropriate Netball NSW and/ or an Affiliate may determine that a matter raised under this Policy represents a grievance only and therefore should be handled in accordance with the Netball NSW Grievance and Dispute Resolution Process.

In addition to Netball NSW's General Code of Behaviour, members to meet the following requirements with

NB: Any matter involving allegations NOTE: Any matter involving allegations of child abuse or harm to a child should be immediately and directly reported to the police.

6 Recommendations for persons who feel they have been the victims of a misuse of Social Media or other ICT.

If any person feels that they have been the victim of a misuse of Social Media or other ICT, it is recommended that they:

- a) Save and store the offending material on their computer, mobile phone or other device (including by way of screen shots etc); and
- b) Inform the police immediately if the conduct may be unlawful and/or the Content is of a sexually explicit nature.

7 Individual Responsibilities

Individuals who are bound by this Policy are responsible for:

- a) Making themselves aware of the Policy and ensuring that their conduct does not represent a breach of this Policy under Clause 4; and
- b) Understanding the possible consequences of breaching this Policy.

8 Further Information

The following resources provide additional information on strategies and behaviours to avoid misuse of Social Media or other ICT and may be useful in assisting Affiliates to develop strategies to mitigate the risks associated with Social Media and other ICT:

- a) 'Recommendations and Strategies' identified by the Australian Signals Directorate to mitigate potential cyber intrusions. These recommendations can be found at the following link: [Strategies to Mitigate Cyber Security Incidents | Cyber.gov.au](#) These guidelines can assist Members and Affiliates to be vigilant about the security of their accounts and take all reasonable steps to protect themselves, for example, not sharing passwords or allowing others to log on to their individual accounts.
- b) Office of the eSafety Commissioner [Homepage | eSafety Commissioner](#)
- c) Australian Signals Directorate - "Stay Safe Online" [ACSC | Cyber.gov.au](#)
- d) ThinkUKnow Australia [ThinkUKnow](#)

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with



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NEW SOUTH WALES

Netball NSW

Photography Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 9 December 2021

Next Reviewed: November 2022
Last Reviewed: June 2020

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In addition to Netball NSW’s General Code of Behaviour, you are to meet the following requirements with

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

1. Introduction

This Policy addresses the acquisition and display of images of registered Members, including Children and Young People, participating in Netball Activities throughout NSW. It also serves as an administrative reference in relation to the management of photography and videography by any person at Netball NSW and Affiliate Netball Activities.

Most people taking images at sporting events are doing so for acceptable reasons and are using appropriate methods, for example, a parent videoing their child at a sports presentation, grandparents photographing their grandchild on the field during play or a professional photographer taking photos for a club. This may also include Participants and administrators taking images for coaching purposes, umpire development or general publicity.

This Policy sets out Netball NSW's position in relation to the capturing of images and recordings of both Adults and Children at all Netball Activities. This Policy also provides some guidance for Affiliates around handling situations where Members do not wish to be (or cannot be) photographed.

2 Definitions

Affiliate means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Child (Young Person) means a person under 18 years of age.

26.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with **Individual Member (Member)** means a natural person who is a registered financial member of Netball NSW or an Affiliate.

Member Protection Policy (MPP) means the Netball NSW Member Protection Policy as amended from time to time.

Netball means the sport or game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Policy means this Netball NSW [Photography Policy](#).

Procedures means the Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures.

Vulnerable Person means an adult (over the age of 18) who may be unable to take care of themselves or who may be vulnerable to harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

3. Scope of this Policy

3.1 This Policy applies to:

- a. Netball NSW and its Members;
- b. Affiliates and their Members;
- c. Individuals sitting on boards, committees and sub-committees of Netball NSW and/or its Affiliates;
- d. All employees, volunteers, independent contractors and other workplace participants;
- e. Any other person or organisation that is an Individual member of or affiliated with Netball NSW;
- f. Any person who is a Participant in a Netball Activity;
- g. Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible; and
- h. Any other person who has agreed to be bound by this Policy.

27.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

3.2 This Policy applies:

- a. At any Netball NSW or Affiliate Netball Activity;
- b. During paid or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other participants in Netball in NSW;
- c. During all netball related activities including games, training events and camps;
- d. At all times when providing services on behalf of Netball NSW or an Affiliate; and
- e. At all times when acting in any capacity, whether voluntary or paid on behalf of Netball NSW or an Affiliate.

3.3 Acting in a manner that is inconsistent with this Policy may constitute a breach of the MPP and should be dealt with in accordance with the MPP and the Complaint Handling Procedures set out in Attachment B.

4 Position Statement: Capturing images/recordings of Children/Young People/Vulnerable Persons

4.1 In Australia, generally speaking, there is no law restricting photography or videography of people including Children in public spaces as long as the images are NOT

- Indecent (such as 'upskirt' or 'downblouse' photographs taken covertly),
- Being used for voyeurism or made for the purpose of observing and visually recording a person's genital or anal region,
- Protected by a court order (e.g. child custody or witness protection),
- Defamatory, or
- Being for commercial purposes (person's likeness is used to endorse or entice people to buy a product).

Photos of a Child (including your own Child) may also contravene criminal laws and censorship laws if the Child is photographed in a provocative or sexual manner.

4.2 Despite this legal position, wherever possible, Netball NSW requires every person and organisation bound by this Policy to obtain permission from a Child's parent/guardian before taking an image of a Child that is not their own. They should also make sure the parent / guardian understands how the image will be used. Ideally, Affiliates should include an acknowledgement on their membership application attesting to the fact that they are aware that images are likely to be taken and that such images may be used for Netball NSW and/or Affiliate purposes.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

Note: If a photographer or videographer is in any doubt about whether a Participant is a Child/Young Person, the photographer/videographer should seek permission before capturing any images or footage.

4.3 If a Parent/Guardian or a Child themselves requests that the Child is not photographed or recorded, Netball NSW and its Affiliates require all persons bound by this Policy to respect this request.

4.4 Where a sporting event is held on a club's private property, privately owned land, a school or council owned facilities, the owner of private property or venue is able to restrict, ban or require permission for photography anywhere in their venue. There is nothing, however, to prevent a person from photographing outside the property boundary unless it is for indecent purposes.

If a person is taking photographs inappropriately, for example, in breach of any restrictions in place for the private property or venue, the person should be requested to stop and if that person refuses, the police or security may be called to escort them off the property.

4.5 Netball NSW requires the privacy of others to be respected and prohibits the use of camera phones, videos and cameras inside changing areas, showers and toilets. If any person believes that someone is taking photographs that are indecent or in areas like toilets/changerooms they should contact the police.

5 Position Statement: Capturing images/recordings of Adults

5.1 Per Clause 4.1 above, there is no law preventing photography or recording of adults in public places unless the images/footage captured is indecent as set out in Clause 4.1.

5.2 Where a Member does not wish to be photographed or recorded, Netball NSW and its Affiliates require all persons bound by this Policy to respect this request.

5.3 Netball NSW requires the privacy of others to be respected and prohibits the use of camera phones, videos and cameras inside changing areas, showers and toilets. If any person believes that someone is taking photographs that are indecent or in areas like toilets/changerooms they should contact the police.

5.4 Per Clause 4.4 above, owners of private property may place restrictions on photography or videography within their private premises and may take action to ensure compliance with any such restrictions.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

In the event that a Member (or a Parent/Guardian in the case of a Member who is a Child or Young Person or Vulnerable Person) does not wish their image to be captured and/or published for any reason, the Member (or Parent/Guardian) must notify Netball NSW or the Affiliate of this request. Appendix A should be used for this purpose. In such cases Netball NSW and/or the Affiliate will use its best endeavors to comply with this request.

6 Displaying Images

- 6.1 Netball NSW and Affiliates will not publish personal information about any Member in connection with an image or video such as residential address, email address or telephone numbers without gaining consent from the Member (or a parent/guardian in the case of a Member that is a Child or Young Person).
- 6.2 Should any Member (or a parent/guardian in the case of a Member that is a Child or Young Person) wish that their name not be published in any digital or print media, Netball NSW and Affiliates will take all reasonable steps to respect this request.
- 6.3 Netball NSW and Affiliates will not publicly provide or publish to any person or organisation information about a Child or Young Person's hobbies, interests, school etc.
- 6.4 Netball NSW and Affiliates will only use appropriate images or video footage of a Member, relevant to Netball and depicting the Member suitably clothed in a manner that promotes participation in Netball.
- 6.5 Wherever possible, Netball NSW will seek permission from a Child/Young Person's parent/guardian before using an image or video footage.

7 Netball NSW Events

- 7.1 Netball NSW is responsible for a number of Netball Activities. For Netball Activities organised and run by Netball NSW, the following conditions apply:
 - (a) All photographers/videographers must be officially accredited (by completing Appendix B) together with such other persons as may be reasonably requested by Netball NSW.
 - (b) Accreditation will be granted on the terms and conditions set out in the accreditation form.
- 7.2 Affiliates are encouraged to adopt the foregoing procedures for their own events.

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

8 Further Information

Further information may also be obtained from the following websites:

Play By the Rules Taking Images of Children at Sporting Events

<https://www.playbytherules.net.au/got-an-issue/child-safe-sport/taking-images-of-children>

Australian Government Australian Sports Commission Acquiring and Displaying Images of Children

<http://aofc.com.au/juniorfiles/2015%20Acquiring%20Displaying%20Images%20Of%20Children%20V2.pdf>

Appendix A - Request not to Photograph/Record a Member

[Name of Parent/Guardian/ Member] request that no images by way of still photography or recording be taken or published of [Name of Protected Person].

Reason for request:

- Not Disclosed
- General Request
- Court Mandated/ Court Order → Other (please specify):

Signed:

(Parent/Guardian/ Member)

Print Name:

(Parent/Guardian/ Member)

Date:

Team Name:

Grade / Division:

31.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

Acknowledged by:

(Netball NSW/Affiliate Official)

Signed:

(Netball NSW/Affiliate Official)

Date:

Appendix B - Netball NSW – Photography/Videography Accreditation

Netball NSW/ [Affiliate] will issue a Photography/Videographer Accreditation Pass (**Accreditation**) based on the following terms and conditions:

1. Images/Footage taken during the accredited event are only to be used for editorial or Club/Affiliate purposes only, not for commercial purposes unless prior written permission is provided by Netball NSW/ [Affiliate].
2. All Accreditation passes are personal, unless otherwise stated.
3. The Accreditation pass is the property of Netball NSW/ [Affiliate] and as such, Netball NSW/ [Affiliate] retains the right at its sole discretion to suspend or revoke accreditations at any time.
4. All accredited photographers/videographers must clearly display their valid accreditation pass at all times, as supplied by Netball NSW/ [Affiliate] while in a venue where a Netball Activity is occurring.
5. Access is only permitted during the dates requested by the individual media.

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

6. Photographers/Videographers must position themselves in appropriate safe areas courtside for the duration of match-play.
7. Any images/footage taken during the accredited event must not be provided to other media, agencies, sponsors or similar (other than those the photographer/videographer is accredited for) without the prior consent of **Netball NSW/ [Affiliate]**.
8. The Accreditation Pass is not transferable.
9. Accreditation Pass holders must comply will all reasonable requests from **Netball NSW/ [Affiliate]** Staff and the **Netball NSW/ [Affiliate]** Media Team.
10. If approached by the public and/or questioned, please direct the persons to **Netball NSW/ [Affiliate]** staff to handle the enquiry immediately.
11. At certain Netball Activities, **Netball NSW/ [Affiliate]** may have a list of teams which must not be photographed under any circumstances. It is essential that all photographers/videographers adhere to any such direction.
12. All attendees at **Netball NSW/ [Affiliate]** Netball Activities using long-lens or professional photographic gear must fill-in an accreditation form and wear a lanyard.

Name:	
Association/Club:	
Date of Birth:	
Email:	Mobile:
Home address:	
Media outlet (if applicable):	

I understand and agree to abide by the terms and conditions of accreditation as outlined above

Signature

Date:

Please return your complete form to **[Event Control/ Clubhouse etc.] at the venue, where you will be given a accreditation lanyard, which must be worn and visible while on site.**



netball
NEW SOUTH WALES

Netball NSW

Member Protection Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 15 February 2022

Last Reviewed: February 2022
Next Reviewed: December 2022

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

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1 Introduction

Netball is not immune to acts of discrimination, harassment and abuse. In fact, Netball shares the common features of most sporting environments where close physical and emotional relationships can develop and inappropriate or unlawful behaviour can take place.

Netball NSW has both an ethical and legal responsibility to prevent discrimination and more specifically harassment from occurring in Netball to the fullest extent possible. The adoption of this Policy reflects Netball NSW's commitment to serving and protecting its Members throughout all levels of the sport. Netball's vision is that "everyone in Australia values their connection with Netball". Netball Australia and Netball NSW will know that this vision is achieved when everyone in New South Wales has an opportunity to be involved in the sport of Netball in a way that brings them good health, recognition, achievement, enjoyment and a sense of belonging.

This Policy assists Netball NSW and Affiliates as they seek to ensure that every person involved in Netball is treated with respect and dignity and is protected from discrimination,

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with harassment and abuse and other inappropriate / unacceptable behaviour. This Policy also seeks to ensure that everyone involved in Netball is aware of their legal and ethical rights and responsibilities as well as the standards of behaviour expected of them.

This Policy also reflects Netball NSW's support of the sport industry principles and values outlined in *The Essence of Australian Sport – principles of fairness, respect, responsibility and safety*. These principals can be found at the following link: [The Essence of Australian Sport - what we stand for \(sapetanque.com\)](http://www.sapetanque.com)

This Policy is accompanied by attachments that describe the practical steps (including the complaints handling procedures) that Netball NSW and/or Affiliates will take to reduce discrimination, harassment, child abuse and other forms of inappropriate behaviour from occurring in Netball. Netball NSW and Affiliates may take disciplinary action against any person or organisation bound by this Policy if they breach it.

This Policy is only one component of the overall strategy. The implementation and enforcement of this Policy will require ongoing commitment from all levels of the sport. The Policy also complements a range of other Netball NSW policies which can be accessed at the following link: [Policies - Netball NSW](#).

2 Definitions

Affiliate means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Child (Young Person) means a person under 18 years of age.

Content means any image, words, sounds or drawings however they appear.

Cyber Abuse is behaviour that uses technology to threaten, intimidate, harass or humiliate someone, with the intent to hurt them socially, psychologically or even physically.

Gender means the way a person identifies or expresses their masculine or feminine characteristics. A person's Gender Identity or Gender Expression is not always exclusively male or female and may differ from the Sex they were assigned at birth.

Gender Diverse is an umbrella term that includes all the different ways gender can be experienced and perceived outside of binary genders. It refers to people whose Gender Expression or Gender Identity differs from the Gender Identity associated with the Sex assigned to them at birth or through societal expectations. This can include people

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with questioning their Gender, those who identify as Trans/Transgender; genderqueer; NonBinary; gender nonconforming; Intersex and many more.

Gender Expression means the way in which a person externally expresses their Gender. This may include the person's choice of name, pronouns and appearance. This Gender Expression is not static and may change over time.

Gender Identity means the Gender related identity, appearance or mannerisms or other gender related characteristics of a person (whether by way of medical intervention or not), without regard to the person's designated physical Sex at birth. It describes the way in which a person feels about their gender, how they present this to others and how they want to be treated by others.

ICT means Information and Communication Technologies being the set of technologies developed to manage information and send it from one place to another such as computers and mobile telephones.

Individual Member (Member) means a natural person who is a registered financial member of Netball NSW or an Affiliate.

Member Protection Framework means the framework of Netball NSW Policies which relate to the protection of Members, being this Policy and its Attachments, the Netball NSW Code of Behaviour Policy, the Netball NSW Photography Policy and the Netball NSW Social Media Policy.

Netball means the sport of game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Non-Binary means a person who does not identify exclusively as either a man or a woman. This person might feel like a mix of genders, or like they have no gender at all.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Policy means this Netball NSW Member Protection Policy (**MPP**).

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with **Social Media** means the collective of online communications channels dedicated to community-based input, interaction, Content-sharing and collaboration. Examples of Social Media platforms include but are not limited to Facebook, Instagram, Twitter, Snapchat, Tik Tok, Reddit and Tumblr.

Vulnerable Person means an adult (over the age of 18) who may be unable to take care of themselves or who may be vulnerable to harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

3 Scope of the Policy

3.1 Who Does this Policy Apply To?

3.1.1 This Policy applies to the following people / organisations, whether they are operating in a paid or unpaid/voluntary capacity in Netball NSW or with an Affiliate:

- a) Netball NSW and its Members
- b) Affiliates and their Members;
- c) Individuals sitting on Boards, committees and sub-committees of Netball NSW and/or its Affiliates;
- d) All employees, volunteers, independent contractors and other workplace participants of Netball NSW and/or an Affiliate, including:
 - (i) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sports trainers etc);
 - (ii) Coaches and assistant coaches;
 - (iii) Athletes and players;
 - (iv) Umpires, bench officials and other officials; and (v) Administrators.
- e) Any other person or organisation that is an Individual Member of or affiliated with Netball NSW;
- f) All Participants in a Netball Activity to the fullest extent possible; and
- g) Any other person who has agreed to be bound by this Policy.

3.2 When Does This Policy Apply?

3.2.1 This Policy applies:

- a) at any Netball NSW or Affiliate Netball Activity;
- b) during paid or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other participants in Netball in NSW;
- c) at all times when providing services on behalf of Netball NSW or an Affiliate; and
- d) at all times when acting in any capacity, whether voluntary or paid on behalf of Netball NSW or an Affiliate.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 3.2.2 This Policy also covers private behaviour by people/organisations to whom this Policy applies under clause 3.1.1 where, in the view of Netball NSW, that behaviour brings or is likely to bring Netball NSW, an Affiliate or the sport of Netball into disrepute, or situations where there is suspicion of harm towards a Child or Young Person.
- 3.2.3 This Policy will continue to apply to a person even after they have stopped their association or employment with Netball NSW and/or an Affiliate if action against that person has commenced.

4 Organisational Responsibilities

- 4.1 Netball NSW and Affiliates are to:
 - 4.1.1 Adopt, implement and comply with this Policy and its attachments. This includes other Netball NSW policies which relate to member protection being the Netball NSW Social Media Policy, The Netball NSW Code of Behaviour Policy and the Netball NSW Photography Policy (**Member Protection Framework**).
 - 4.1.2 Publish, distribute and otherwise promote this Policy and the consequences of any breach.
 - 4.1.3 Promote appropriate standards of conduct at all times.
 - 4.1.4 Deal with any breaches of, or complaints made, under this Policy in an impartial, sensitive, fair, timely and confidential manner.
 - 4.1.5 Apply this Policy consistently without fear or favour.
 - 4.1.6 Recognise and enforce any penalty imposed under this Policy.
 - 4.1.7 Endeavour to ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies.
 - 4.1.8 Appoint or have access to appropriately trained people to receive and handle complaints and allegations (i.e. Member Protection Information Officers - MPIOs and Hearing Officers).
 - 4.1.9 Monitor and review this Policy as required.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

5 Individual Responsibilities

- 5.1 Individuals bound by this Policy are responsible for:
- 5.1.1 Making themselves aware of the Policy and associated documents across the Member Protection Framework and complying with the codes and standards of behaviour they set out.
 - 5.1.2 Undertaking any training required by Netball NSW and/or Affiliates to enforce and ensure compliance with this Policy.
 - 5.1.3 Consenting to undergo screening as per Attachment A: Employment Screening / Working with Children Check Requirements and/or NSW State legislation if the person holds or applies for a role that involves regular unsupervised contact with people under the age of 18 years.
 - 5.1.4 Placing the safety and welfare of Children above all other considerations.
 - 5.1.5 Being held accountable for their own behaviour.
 - 5.1.6 Following the steps outlined in this Policy for making a complaint or reporting possible Child abuse per Appendix A to Attachment B: Complaints Handling Procedure.
 - 5.1.7 Complying with any decisions and/or disciplinary measures imposed under this Policy.
 - 5.1.8 Co-operating to create and maintain a netball environment free of discrimination, child abuse, bullying, sexual harassment and victimisation.
 - 5.1.9 Understanding the possible consequences of breaching this Policy.
 - 5.1.10 Complying with all other requirements of this Policy and associated documents.
 - 5.1.11 Co-operating fully with investigation processes commenced under this Policy per Attachment B: Complaints Handling Procedures including answering questions and responding accordingly and complying with all other obligations and/or requests made under that Attachment B.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

6 Position Statement: Protection of Children/Young People and Vulnerable People

- 6.1 Netball NSW and Affiliates are committed to seeking to ensure the safety and wellbeing of all Children, Young People and Vulnerable People who participate in Netball and access Netball's services. Netball NSW supports the rights of the Child/Young Person or Vulnerable Person and will seek to ensure a child-safe environment is maintained.
- 6.2 Netball NSW and Affiliates prohibit all forms of Child/Young Person abuse, or abuse of Vulnerable People of any kind.
- 6.3 Abuse in this context involves conduct which puts a Child/Young Person or Vulnerable Person at risk of harm and may include but is not limited to:
 - 6.3.1 **Physical abuse**, by hurting a Child/Young Person/Vulnerable Person or a Child's/Young Person's/Vulnerable Person's development (e.g. hitting, shaking or other physical harm; giving a Child/Young Person/Vulnerable Person alcohol or drugs; or training that exceeds the person's development or maturity).
 - 6.3.2 **Sexual abuse** by adults or other Children/Young People/Vulnerable People, where a Child/Young Person/Vulnerable Person is exposed to or encouraged or forced to watch sexually inappropriate material and/or to engage in sexual activity, or where a Child/Young Person/Vulnerable Person is subject to any other inappropriate conduct of a sexual nature (e.g. sexual touching, sexual intercourse, masturbation, oral sex, pornography including Child pornography, or inappropriate touching or conversations).
 - 6.3.3 **Emotional abuse**, by ill-treating a Child/Young Person/Vulnerable Person (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a Child/Young Person/Vulnerable Person). Note that this does not include legitimate and reasonable discipline or performance management.
 - 6.3.4 **Neglect** (e.g. failing to give a Child/Young Person/Vulnerable Person food, water, shelter or clothing or to protect a Child/Vulnerable Person from danger or foreseeable risk of harm or injury).
- 6.4 **Actions that may be indicative of potential abuse of the kinds mention in Clauses 6.3.1 to 6.3.4 include, but are not limited to, the following:**

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- inappropriate touching;
- inappropriate comments;
- inappropriate phone contact (including but not limited to phone calls, phone or text messages, voice messages, sharing of images, electronic chat communications etc);
- inappropriate social media contact;
- unauthorised transportation;
- invasion of personal space;
- attending the home of a Child/Vulnerable Person without proper reason;
- inappropriate gift giving;
- lewd joke telling;
- enabling and condoning rule breaking;
- inappropriate personal correspondence (by electronic or non-electronic means);
- providing money;
- providing drugs and/or alcohol;
- teaching the Child/Vulnerable Person to drive;
- encouraging nudity; or • attending parties of the players.

Some general signs that person has been subjected to abuse may include:

- showing wariness and distrust of adults
- rocking, sucking or biting excessively
- bedwetting or soiling
- demanding or aggressive behaviour
- sleeping difficulties, often being tired and falling asleep
- low self-esteem
- difficulty relating to adults and peers
- abusing alcohol or drugs
- being seemingly accident prone
- having broken bones or unexplained bruising, burns or welts in different stages of healing
- being unable to explain an injury, or providing explanations that are inconsistent, vague or unbelievable
- feeling suicidal or attempting suicide
- having difficulty concentrating
- being withdrawn or overly obedient
- being reluctant to go home
- creating stories, poems or artwork about abuse.

Some indicators of neglect include:

- malnutrition, begging, stealing or hoarding food
- poor hygiene, matted hair, dirty skin or body odour
- unattended physical or medical problems
- comments from a child that no one is home to provide care
- being constantly tired
- frequent lateness or absence from school or work
- inappropriate clothing, especially inadequate clothing in winter
- frequent illness, infections or sores

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- being left unsupervised for long periods.

6.5 Procedures to support the protection of Children/Young Persons/Vulnerable People and the reporting of incidents involving Children/Young People/Vulnerable People are outlined in Appendix A to Attachment B: Complaint handling procedures and include the following:

6.5.1 Identify and analyse risk of harm

- a) Netball NSW and Affiliates will seek to implement the screening procedures outlined in Attachment A to this Policy and also comply with the procedures in Annexure A of Part B to this Policy (Complaint Handling Procedures) so far as reasonably practicable in order to minimise as far as possible the risk of harm to a Child/Young Person or Vulnerable Persons.

6.5.2 Adhere to the Netball NSW Code of Behaviour

- a) Netball NSW and Affiliates (where applicable and relevant) will seek to promote the Netball NSW Codes of Behaviour.

6.5.3 Choose suitable employees and volunteers

- a) Netball NSW and/or Affiliates will endeavour to ensure that their organisation takes reasonable steps to engage the most suitable and appropriate people to work with Children/Young People/Vulnerable People, especially those in positions that involve regular unsupervised contact with Children/Young People/Vulnerable People. This may be achieved using the measures set out in Attachment A to this Policy.
- b) Netball NSW and Affiliates will ensure that working with children checks or screening are conducted for employees and volunteers who work with Children/Young People, in accordance with Attachment A: Employment Screening / Working with Children Check Requirements.
- c) If a person is identified as having a criminal history as part of the screening process, Netball NSW and/or Affiliates will handle this information confidentially and in accordance with relevant state requirements.

6.5.4 Support, Train, Supervise and Enhance Performance

- a) Netball NSW and Affiliates (where applicable and relevant) bound by this Policy, will endeavour to take all reasonably practicable steps to ensure that all volunteers and employees who work with Children/Young People/Vulnerable People have ongoing supervision, support and training. The goal is to develop the skills and capacity to enhance their performance so as to maintain a child-safe Netball environment.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

6.5.5 Empower and Promote the Participation of Children/Young People and Vulnerable People.

- a) Netball NSW and Affiliates (where applicable and relevant) will encourage junior participants to be involved in developing and maintaining a child-safe environment for Netball.

6.5.6 Report and respond appropriately to suspected abuse and neglect in accordance with the procedures outlined in Appendix A to Attachment B: Complaints Handling Procedures.

- a) Netball NSW and Affiliates bound by this Policy will endeavour to ensure that all volunteers and employees are able to identify and respond appropriately to Children/Young People/Vulnerable People at risk of harm including their responsibilities under respective State/Territory laws to make a report if they suspect on reasonable grounds that a Child has been or is being abused or neglected.
- b) Netball NSW requires that any Child/Young Person/Vulnerable Person who is abused or anyone who reasonably suspects that a Child/ Vulnerable Person has been or is being abused by someone within Netball, report it immediately to the New South Wales Police Force and Netball NSW.
- c) If any person believes that another person or organisation bound by this Policy is acting inappropriately towards a Child/Young Person or Vulnerable Person, or is in breach of this Policy, she/he may make an internal complaint in accordance with Attachment B: Complaints Handling Procedure.
- d) Netball NSW and Affiliates will seek to ensure that all allegations of Child abuse are dealt with promptly, seriously, sensitively and confidentially. A person should not be victimised for reporting an allegation of Child/ Young Person abuse and Netball NSW will seek to ensure that the privacy of all persons concerned will be respected. Netball NSW's procedures for handling allegations of Child/Young Person/Vulnerable Person abuse are outlined in Attachment B to this Policy.
- e) If anyone bound by this Policy reasonably suspects that a Child/Young Person/Vulnerable Person is being abused by their parent/s, they are advised to contact the NSW Police Force and Netball NSW.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

7 Position Statement: Taking Images of Children

- 7.1 Netball NSW and Affiliates should comply with the procedures within the Netball NSW Photography Policy which is available at the following link: [Policies - Netball NSW](#).
- 7.2 Netball NSW and Affiliates also require the privacy of others to be respected and prohibit the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- 7.3 When using a photo of a Child/Young Person, Netball NSW and Affiliates will not name or identify the Child, publish personal information such as residential address, email address or telephone numbers without the consent of the parent/guardian.
- 7.4 Netball NSW and Affiliates will not publicly provide or publish to any person or organisation, information about a Child's/Young Person's hobbies, interests, school, or the like, as this information can be used to groom a Child/Young Person.
- 7.5 Netball NSW and Affiliates will only use images of Children/Young People that are relevant to Netball and will ensure that they are suitably clothed in a manner that promotes participation in Netball. Wherever possible, the organisation will seek permission from a Child's /Young Person's parent/guardian before using the image.

8 Position Description: Anti-Discrimination, Bullying, Sexual Harassment and Victimisation

- 8.1 Netball NSW and Affiliates aim to provide a sporting environment where all those involved in Netball Activities are treated with dignity and respect.
- 8.2 Netball NSW and Affiliates recognise that people cannot participate, enjoy themselves or perform at their best if they are discriminated against, sexually harassed or bullied.
- 8.3 This Policy sets out what conduct will constitute discrimination, bullying, sexual harassment and victimisation.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

8.4 Discrimination

- 8.4.1 Discrimination occurs when someone is treated less favourably on the basis of a particular personal characteristic in comparison to the treatment of a person that does not hold the relevant personal characteristic. This is known as direct discrimination.
- 8.4.2 Discrimination may also be indirect. Indirect discrimination is unreasonably imposing, or proposing to impose a requirement, condition or practice that applies equally to everyone, but which has or is likely to have the effect of disadvantaging persons with a particular personal characteristic.
- 8.4.3 In Australia, it is against the law to discriminate against someone because of their:
- a) age
 - b) disability / impairment (physical, intellectual, mental or psychiatric)
 - c) HIV/AIDs status
 - d) employment activity
 - e) industrial activity / inactivity or membership of an industrial association
 - f) lawful sexual activity / sexual orientation
 - g) gender identity
 - h) transgender, transsexual or intersex status
 - i) marital or relationship status
 - j) physical features
 - k) political belief or activity
 - l) pregnancy, potential pregnancy or breastfeeding
 - m) race, colour, descent
 - n) national or ethnic origin
 - o) religious belief or activity
 - p) sex or gender
 - q) status as a parent or carer
 - r) family responsibilities
 - s) irrelevant criminal conviction
 - t) medical record
 - u) personal association with someone who is identified by reference to any of the above attributes.
- 8.4.4 Unlawful discrimination may occur in a person's treatment in their employment or prospective employment; in the provision of goods, services or facilities; in their access to premises or through their participation in the activities of a club or sport.
- 8.4.5 Examples of discrimination are available on the Play By The Rules website:
www.playbytherules.net.au/legal-stuff/discrimination.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 8.4.6 Some specific exceptions to State / Territory and Federal anti-discrimination law apply. For example, it is not unlawful discrimination for Netball NSW to hold a competitive sporting activity for boys and girls only who are under the age of 12, or of any age where strength, stamina or physique is relevant.

8.5 Bullying

- 8.5.1 Bullying is repeated, unreasonable behaviour directed towards a person, or group of persons, that creates risk to health and safety.

- 8.5.2 Bullying can be direct or indirect and it can include, but is not limited to, behaviours such as:

- a) abusive, insulting or offensive language;
- b) intimidating behaviour, for example, an attack or threat;
- c) malicious teasing or practical jokes;
- d) giving unreasonable assignments or deadlines;
- e) intruding on an individual's privacy by spying or stalking;
- f) displaying offensive material;
- g) taking credit for someone else's work;
- h) giving unfavourable duties to specific individuals;
- i) excluding or socially isolating an individual; or
- j) failure to intervene to stop bullying.

- 8.5.3 Bullying is not:

- a) legitimate and reasonable management action;
- b) legitimate and reasonable performance management processes;
- c) legitimate and reasonable disciplinary action; or
- d) legitimate and reasonable allocation of work in compliance with systems.

8.6 Sexual Harassment

- 8.6.1 Means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment or makes a person feel humiliated, intimidated or offended.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 8.6.2 Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, who are both open to and willing to engage in intimate/sexual conduct, it is not sexual harassment.
- 8.6.3 Sexual harassment can occur regardless of any "innocent intent" on the part of the offender, and can take many forms and can be physical, visual, verbal or written.
- 8.6.4 Sexual harassment is prohibited regardless of the gender of the parties. A person can be the victim of sexual harassment and can make a complaint accordingly if they are harassed by someone of the same sex.

8.7 Victimisation

- 8.7.1 All persons captured by this Policy must not engage in victimisation of any person whom they believe may be providing information to Netball NSW or an Affiliate in relation to an ongoing or potential complaint under this Policy or any other Netball NSW Policy or Procedure.
- 8.7.2 Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government State or Federal legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.
- 8.8 Discrimination, sexual harassment, bullying and victimisation are not only unacceptable, they may be unlawful pursuant to State and Federal legislation.
- 8.9 Netball NSW and Affiliates prohibit all forms of sexual harassment, bullying, discrimination and victimisation.
- 8.10 It is the responsibility of all persons bound by this Policy to ensure that proper standards of conduct are upheld in connection with netball and to take action to prevent discrimination, sexual harassment, bullying and victimisation.
- 8.11 If any person feels they are being sexually harassed, bullied, discriminated against or victimised by another person or organisation bound by this Policy, they may make a complaint under this Policy. In some circumstances they may also be able to make a complaint to an external organisation. (Refer to Attachment B: Complaint Handling Procedures).

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

9 Position Statement: Sexual Relationships between Adults

- 9.1 Consensual sexual relationships between coaches, officials or athlete support personnel and adult athletes may not necessarily constitute sexual harassment or be contrary to any other law. However, these relationships could be perceived to be exploitative due to the differences in authority, maturity, status and dependence between the athlete and coach, official or athlete support personnel.
- 9.2 Recognising the risk that the relative power of the coach, official or athlete support personnel may be a factor in the development of such relationships, the coach, official or athlete support personnel at all levels should exercise caution before entering into any such relationship.
- 9.3 Coaches, officials and athlete support personnel are not to engage in any form of intimate or inappropriate relationship with a Child/Young Person or Vulnerable Person. Netball NSW does not condone relationships involving a coach, official or other support personnel with a Child/Young Person or Vulnerable Person. Such relationships are also likely to be in contravention of State and Federal laws in most cases.

10 Position Statement: Pregnancy

- 10.1 Netball NSW has a distinct Pregnancy Policy (available at [Policies - Netball NSW](#)).
- 10.2 Netball NSW seeks to provide an inclusive sporting environment for pregnant persons involved in Netball. Netball NSW expects everyone who is bound by this Policy to treat pregnant persons with dignity and respect.
- 10.3 All those bound by this Policy should remove any unreasonable barriers to participation in Netball that disadvantage persons due to pregnancy or potential pregnancy.
- 10.4 It is Netball NSW's position that it is the decision of the pregnant person (in consultation with their medical professionals) whether they will continue to participate in Netball Activities whilst pregnant. This decision will be supported by Netball NSW and Affiliates.
- 10.5 Netball NSW and Affiliates will not tolerate any unlawful discrimination or sexual harassment against pregnant persons or persons who may become pregnant. Further details about behaviour that may amount to discrimination or sexual harassment are provided in Clause 8 of this Policy.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 10.6 Netball NSW and Affiliates will endeavour to take all reasonably practicable steps to ensure the safety, health and well-being of pregnant persons and their unborn children.
- 10.7 Netball NSW and Affiliates encourage all pregnant persons to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities, including Netball.
- 10.8 Netball NSW and Affiliates will only require pregnant persons to sign a disclaimer if all other participants are required to sign one in similar circumstances. Persons must not be required to undertake a pregnancy test prior to participation in any Netball Activity.
- 10.9 If any person feels they are being sexually harassed or discriminated against by another person or organisation bound by this Policy, they may make a complaint in accordance with Clause 14 of this Policy and/or Attachment B: Complaints Handling Procedures.

11 Position Statement: Gender Identity

- 11.1 Netball NSW is committed, wherever possible, to facilitate all persons to feel comfortable and able to participate in Netball Activities of their choosing. Netball NSW's intention is that Gender Diverse and Non-Binary persons who are registered to play Netball are supported in doing so in a safe and inclusive environment.
- 11.2 Unless exceptional circumstances exist (at the discretion of Netball NSW), a Gender Diverse Person will be eligible to compete in a Netball Activity as a player in a manner that best aligns with their chosen Gender Identity.
- 11.3 There shall be no limit or restriction on any Gender Diverse person who wishes to participate in a Netball Activity in a capacity other than as a player (e.g. a person who wishes to participate in a Netball Activity as a coach, umpire or other official). Any Member or Affiliate who prevents, precludes or discourages a Gender Diverse person from participating in a Netball Activity in a capacity other than as a player as a result of their Gender Identity may be in breach of this Policy.
- 11.4 If any person feels they are being sexually harassed, bullied or discriminated against by another person or organisation bound by this Policy on the basis of their Gender Identity, they may make a complaint in accordance with Clause 14 of this Policy.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

12 Position Statement: Social Media/Online Conduct

- 12.1 Netball NSW and Affiliates should refer to the Netball NSW Social Media Policy which is accessible at the following link: [Policies - Netball NSW](#).
- 12.2 It is a breach of this Policy for any Member or Affiliate to which this Policy applies to have been found to have:
- a) posted Inappropriate Material (see Clause 12.3) via Social Media or via another ICT; or
 - b) posted Content on Social Media or via another ICT which has, or could be reasonably be expected to have a negative impact on the business, services or reputation of Netball NSW or an Affiliate, or which otherwise brings Netball NSW or an Affiliate into Disrepute.
- 12.3 For the purpose of Clause 12.2(a) above, Inappropriate Material includes, but is not limited to:
- a) Content which is intended to harass, intimidate, bully, threaten or humiliate another Member; or
 - b) Any Content relating to, or involving child abuse as defined in this Policy and relevant state and federal legislation; or
 - c) Any Content which should be considered discriminatory against another Member in accordance with this Policy and relevant state and federal legislation; or
 - d) Any sexually explicit Content, or Content which constitute sexual harassment of another person in accordance with this Policy and relevant state and federal legislation; or
 - e) Any Content which amounts to victimisation of another person as defined in this Policy; or
 - f) Any Content which amounts to Cyber Abuse of another person.
- 12.4 Netball NSW recognises that in the majority of cases Members are not contracted, professional athletes. Therefore, Netball NSW or its Affiliates do not hold its Members to the same standards as professional athletes and will not take action in circumstances where the only connection to Netball is that one or more of the persons involved are participants in a Netball Activity in whatever capacity.

13 Position Statement: Alcohol and Drugs

- 13.1 Netball NSW is committed to providing a safe environment for all persons participating in Netball Activities.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 13.2 Where the consumption of alcohol is permitted during activities covered by this Policy, Netball NSW and Affiliates requires those individuals covered by this Policy to do so responsibly and lawfully.
- 13.3 The use of illegal drugs is unlawful and will never be condoned by Netball NSW and/or Affiliates. Netball NSW does not accept or condone abuse of prescription drugs during activities covered by this Policy.
- 13.4 Any person using illegal drugs, or using prescription drugs or consuming alcohol irresponsibly will be dealt with in accordance with the procedures outlined in Attachment B: Complaint Handling Procedure.
- 13.5 A person falling under Clause 13.4 above, may also be reported to the NSW Police Force and or relevant authorities, for example, the Australian Sports Anti-Doping Authority – ASADA.

14 Complaints Procedures

- 14.1 Any allegations or concerns that a Member has breached this Policy should be dealt with in accordance with the complaint management procedures set out in Attachment B to this Policy – Complaints Handling Procedures. These procedures can be accessed at the following link: [Policies - Netball NSW](#). All complaints are treated seriously by Netball NSW and Affiliates.
- 14.2 Where a complaint relates to a Netball Activity controlled or organised by an Affiliate, the Affiliate is the appropriate body to receive and handle the complaint. Where a complaint relates to a Netball Activity controlled or organised by Netball NSW, Netball NSW is the appropriate body to receive and handle the complaint.
- 14.3 Where a complaint that relates to behaviour or an incident that occurred at the Affiliate level is serious, the applicable Affiliate may seek advice on the matter from Netball NSW which may choose to deal with the matter itself or refer it back to the Affiliate for action.
- 14.4 In order to ensure natural justice for all parties, Netball NSW and Affiliates will not deal with anonymous complaints. All information, including the name of the complainant, will be provided to the respondent in order to allow them to respond fully to the allegations.
- 14.5 Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, occupational health and safety, child protection, criminal or other relevant legislation.

14.6 Improper Complaints & Victimisation

- 14.6.1 Netball NSW seeks to provide a complaints procedure that has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

14.6.2 Netball NSW also seeks to take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for providing information in relation to a complaint. Disciplinary measures may be imposed on anyone who victimises another person for making a complaint or supporting another person's complaint.

14.6.3 Any person covered by this Policy who is found to have knowingly made an untrue, vexatious or malicious complaint may be subject to disciplinary action in accordance with Attachment B to this Policy.

15 What is a breach of this Policy?

- 15.1 It is a breach of this Policy for any person or organisation bound by this Policy to do anything contrary to this Policy, including but not limited to:
- 15.1.1 Acting in a manner contrary to this Policy any other Policy within the Member Protection Framework.
 - 15.1.2 Breaching the Netball NSW Code of Behaviour Policy by bringing Netball, Netball NSW or Affiliates into disrepute, or acting in a manner likely to bring Netball, Netball NSW or Affiliates into disrepute. This includes but is not limited to conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, and unsafe and conduct that may cause financial or reputational loss.
 - 15.1.3 Discriminating against, sexually harassing or bullying (including conduct online or via Social Media) any person covered by this Policy.
 - 15.1.4 Victimising another person for making or supporting a complaint.
 - 15.1.5 Engaging in a sexually inappropriate relationship with a Child/Young Person or Vulnerable Person.
 - 15.1.6 Verbally or physically assaulting another person, intimidating another person (include online or via Social Media) or creating a hostile environment within Netball.
 - 15.1.7 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy.
 - 15.1.8 Disclosing to any unauthorised person or organisation any Netball NSW or Affiliates information that is of a private, confidential or privileged nature.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 15.1.9 Making a complaint that they know to be untrue, vexatious, malicious or improper.
- 15.1.10 Failing to comply with a penalty or other sanction imposed after a finding that the individual has breached this Policy.
- 15.1.11 Failing to comply with a direction given to the individual as part of a disciplinary process.

16 Disciplinary Measures

- 16.1 Netball NSW or Affiliates may impose disciplinary measures on an individual or organisation for a breach of this Policy.
- 16.2 Netball NSW or Affiliates will seek to ensure that any disciplinary measure imposed is:
 - 16.2.1 Fair and reasonable.
 - 16.2.2 Applied consistently with any contractual and legal requirements.
 - 16.2.3 Based on the evidence and information presented and the seriousness of the breach.
 - 16.2.4 Determined in accordance with the relevant Constitution, By Laws, this Policy and/or the Rules of Netball.
- 16.3 If a finding is made that an individual or Affiliate has breached this Policy, consideration may be given to issuing a sanction(s) which may include (but is not limited to) the following:
 - 16.3.1 A recommendation that the individual or Affiliate make a verbal and/or written apology.
 - 16.3.2 A written warning indicating that further breaches may result in a more serious sanction(s).
 - 16.3.3 A direction that the individual attend counselling to address their behaviour.
 - 16.3.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Netball NSW or Affiliates.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- 16.3.5 A demotion or transfer of the individual to another location, role or activity.
- 16.3.6 A suspension of the individual's membership or participation or engagement in a role or activity.
- 16.3.7 Termination of the individual's membership, appointment or engagement or a recommendation to the Netball NSW Board that an Affiliate's affiliation be amended or revoked in accordance with the Netball NSW Affiliation and Membership Policy.
- 16.3.8 In the case of a coach or official, a direction that the relevant organisation deregister the accreditation of the coach or official for a period of time or permanently.
- 16.3.9 Any other form of discipline that the decision maker considers appropriate.

16.4 Factors to Consider

16.4.1 The form of discipline to be imposed on an individual or organisation may depend on factors such as:

- a) The nature and seriousness of the breach.
- b) If the person knew or should have known that the behaviour was a breach of this Policy.
- c) The person's level of contrition and person's conduct since the breach.
- d) The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences.
- e) If there have been any relevant prior warnings or disciplinary action.
- f) The ability to enforce discipline if the person is a parent or spectator (even if they are bound by this Policy).
- g) Any other relevant mitigating circumstances.

17 Attachments

- Attachment A: Employment Screening / Working with Children Check Requirements
- Attachment B: Complaint Handling Procedure



netball
NEW SOUTH WALES

Netball NSW

Member Protection Policy

Attachment A: Employment Screening and Working with Children Check Requirements

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 2 January 2019

Last Reviewed: December 2018

Next Reviewed: 1 July 2019

In addition to Netball NSW’s General Code of Behaviour, you are to meet the following requirements with

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In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

1 Introduction

Netball NSW seeks to provide a child-safe environment. As part of this, Netball NSW and Affiliates will seek to recruit appropriate competent staff and volunteers who do not pose a risk to children/young people. To this end, volunteers, independent contractors, employees and other workplace participants will be required to undertake employment screening and provide the NSW Working with Children (WWCC) check.

Employment screening and WWC checks involves criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Employment screening must be completed for all appointments to positions that involve direct, unsupervised contact with children as outlined in Attachment A1 – Employment Screening Requirements. In addition, all persons appointed to positions must sign Attachment A2 – Member Protection Declaration.

WWC check laws exist in all states and territories and appointment of personnel must comply with the relevant legislation as outlined in Attachment A3 – Working With Children Check Requirements.

Individuals travelling with children/ young people to another State or Territory in a workrelated capacity must comply with the screening requirements of that particular State or Territory.

2 Definition

Affiliate means a Premier League Licensee, Association, or Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee or otherwise, which is a member of Netball NSW.

Attachment A1:Employment Screening Requirements

This attachment explains the screening process for people who currently occupy or who apply for any work (paid or voluntary) in Netball NSW and/or Affiliates that involves direct and unsupervised contact with people under the age of 18 years. Netball NSW or Affiliates will seek to follow the below process where possible and relevant.

Screening under this policy is not a replacement for any other procedure required by law. All appointments must comply with the NSW WWCC legislation.

1. All positions where people work, coach or have unsupervised contact with children and young people under the age of 18 will be identified.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

2. Before a person is offered such a position, they will be required to complete a Member Protection Declaration (MPD) (Attachment A2).
3. If a person is unable to provide a MPD, or if they cannot satisfactorily answer the questions in the MPD, they will not be appointed to the position.
4. Where possible, a person's referees (verbal or written) will be contacted to determine their suitability for the position.
5. Each person will be required to provide the state/territory relevant Working with Children Check. If a person does not agree to obtain a WWC check, they will not be appointed to the position.
6. The privacy of each person who undertakes the screening process will be protected and all information obtained will be kept strictly confidential.
7. All the information collected as part of the screening process (e.g. completed MPD forms, WWC check and referee reports) will be returned to the relevant person if he or she is not appointed to the position. Alternatively all records will be destroyed within 28 days of the date of the decision or the expiry of any appeal period unless, within that time, the person requests the documents to be returned to him or her.
8. The records of all people appointed to positions within the organisation will be kept on file in a secure location.

Attachment A2: Member Protection Declaration

Netball NSW and Affiliates have a duty of care to all those associated with netball. It is a requirement of the Member Protection Policy, that Netball NSW and Affiliates check the background of each person who works, coaches or has regular unsupervised contact (paid or voluntary) with people under the age of 18 years.

I _____ born ____ / ____ / ____ of
 (Full Name) (DOB)

 (Address, Suburb, Postcode) Sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.

59.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World AntiDoping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge there is no other matter that Netball NSW or Affiliates may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the relevant body (Netball NSW and/or Affiliate) of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out above has changed.

Declared in the State of New South Wales on ____/____/____ (date)

Signature _____

Persons signing this form must also show proof of ID.

(✓) Administrator to tick box when ID sighted.

If the person signing the declaration is under 18 years their parent/guardian must also complete the Consent below.

Parent/Guardian Consent (on behalf of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:

Signature:

Date:

Attachment A3: NSW Child Protection Legislation

WWCC checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- Criminal history checks

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

- Signed declarations
- Referee checks, and
- Other relevant background checks to assess a person's suitability to work with children and young people.

There is no national legislation and child protection system. However, each state and territory have child protection laws specifying responsibilities for both organisations and individuals who work or who have contact with children.

WORKING WITH CHILDREN CHECKS | INFO & RESOURCES

The NSW State Government requires persons (aged 18+) in a role which involves working with children to apply online for a Working with Children Check and obtain a WWCC Number. Certain exemptions apply.

Detailed information is available from the Office of the Children's Guardian

Website: www.kidsguardian.nsw.gov.au

For enquiries about the Working with Children Check or help with an application contact the Office of the Children's Guardian on 9286 7219 or email check@kidsguardian.nsw.gov.au

Other state and territory agencies responsible for the WWC are as follows:

Australian Capital Territory – Working with Vulnerable People

Contact Access Canberra

Website: www.accesscanberra.act.gov.au

Phone: 13 22 81

Northern Territory – Working With Children Clearance Notice

Contact Safe NT

Website:

www.workingwithchildren.nt.gov.au

Phone: 1800 SAFE NT (1800 723 368)

Queensland – Blue Card System

Contact the Public Safety Business Agency – Blue Card Services

61.

In addition to Netball NSW's General Code of Behaviour, you are to meet the following requirements with

Website: www.bluecard.qld.gov.au

Phone: 1800 113 611

South Australia – Child Related Employment Screening

Contact the Department of Human Services

Website: <https://screening.sa.gov.au/home>

Phone: 1300 321 592

Tasmania – Working With Children Registration

Contact the Department of Justice

Website: www.justice.tas.gov.au/working_with_children

Phone: 1300 13 55 13

Victoria - Working with Children Check Unit, Department of Justice and Regulation

Telephone: 1300 652 879

Email:

workingwithchildren@justice.vic.gov.au

Western Australia – Working With Children Check

Contact the Department of Communities

Website:

<https://workingwithchildren.wa.gov.au>

Phone: (08) 6217 8100

Travelling to other States or Territories

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.



Netball NSW

Member Protection Policy, Attachment B

Complaint Handling Procedures

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 15 February 2022

Last Reviewed: February 2022
Next Reviewed: December 2022

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1. Introduction

Netball NSW aims to support people and Affiliates within our sport to make and resolve any complaints they may have in a fair, timely, transparent and effective way.

Individuals may seek to resolve complaints through an informal process, a formal process or through making a complaint to the relevant external body, based on their preferences and the nature of the complaint. Given the different circumstances that can arise, the process of managing an individual complaint may change.

Netball NSW and Affiliates aim to address complaints in a manner that maintains confidentiality as far as possible and will seek to ensure that no one is victimised for making, supporting or providing information about a complaint during the complaint handling process.

2. Definitions

The following definitions apply throughout this Policy and are provided to ensure consistency across the process.

Affiliate means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Appeal Tribunal is the Tribunal convened by the Appeal Officer to deal with and hear matters that have either been dealt with by a Hearing Tribunal convened by an Affiliate or Netball NSW. The Appeal Tribunal can be established at either an Affiliate or Netball NSW level.

Child (Young Person) means a person under 18 years of age.

Conflict of Interest means a situation where an individual has a personal interest in the outcome of a matter, or where they may stand to personally benefit from the outcome of a matter. This includes the situation where a person is in a position to derive personal benefit from actions or decisions made in an official capacity.

Days means calendar days being any day of the week, including weekends and public holidays.

Formal approach is a complaint made in writing whereby the complainant wishes the matter to be dealt with utilising formal inquiry procedures.

Hearing Officer is the person appointed by Netball NSW and/or an Affiliate to undertake the role of managing a complaint in accordance with the MPP and these Procedures.

Hearing Tribunal is a tribunal established by the Hearing Officer to deal with and hear matters that are alleged breaches of the MPP. The Hearing Tribunal can be established either at an Affiliate or Netball NSW level.

Informal approach means a complaint raised whereby the Complainant wishes or where the Hearing Officer considers that the matter is to be dealt with utilising lower level, informal means of resolution.

Individual Member (Member) means a natural person who is a registered financial member of Netball NSW or an

Affiliate.

Mediation is a process whereby a Complainant and Respondent(s) voluntarily enter into open discussion and negotiations facilitated by an independent third party with an aim to finding and agreeing on a resolution.

Mediator is a person who has undertaken mediation training who leads and guides the mediation process.

Member Protection Information Officer (MPIO) is to provide input and guidance as to the applicability and relevance of the MPP to alleged issues and incidents raised at the lower informal level. **A MPIO does not act on behalf of a Complainant, handle or investigate complaints.** MPIOs provide information and options available to members under this Procedure and the Netball NSW Member Protection Policy.

Netball means the sport or game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Policy means the Netball NSW Member Protection Policy (**MPP**).

Procedures means this Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures.

Relevant person is a person who has been identified by Netball NSW or an Affiliate as being a person who has the responsibility and ability to undertake duties pertaining to the application of the MPP and the management of complaints.

Vulnerable Person means an adult (over the age of 18) who may be unable to take care of themselves or who may be vulnerable to harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

All other terms in these Procedures are given the same meaning as in the Policy unless otherwise specified.

3. Using these Procedures

3.1 How a matter will be handled under these Procedures

3.1.1 Under these Procedures, Complainants may request that their concerns are dealt with formally or informally. Clause 4 details the procedures to be followed when handling a matter informally. Clause 5 details the procedures to be followed when handling a matter formally. Please refer to the flow charts on pages 8 to 11 for further details on this decision-making matrix.

- 3.1.2 In accordance with Clause 5.2.3, where a Complainant has requested that a matter be dealt with formally, a Hearing Officer may, at their discretion, determine that a complaint does not warrant a formal resolution process. In these circumstances the Hearing Officer may advise the Complainant of the informal resolution processes available to them (see Clause 4) and otherwise refrain from taking any further formal action or investigation in relation to the matter.

3.2 When these Procedures will not apply

These Procedures have been developed in accordance with Clause 14 of the Netball NSW Member Protection Policy to assist with the management of complaints involving potential breaches of the Member Protection Policy as set out in Clause 15 of the Netball NSW Member Protection Policy.

Complaints that do not involve a breach of this Policy do not fall within in the scope of these Procedures.

Therefore, the following complaints will not be managed by these Procedures:

- a) Complaints in relation to personal grievances and disputes, please refer to the Netball NSW Grievance and Dispute Policy;
- b) Complaints in relation to “on- court offences”, please refer to the Netball NSW Disciplinary Policy;
- c) Complaints in which the last incident occurred more than 6 months ago, unless the complaints involve a criminal offence or relate to a Child/ Vulnerable Person protection matter; or
- d) Frivolous and/or vexatious complaints (as determined by the Hearing Officer or Hearing Tribunal).

3.3 Complaints Involving Children/Young Persons or other Vulnerable Person

Where a complaint involves a person who is under the age of 18 years of age, or who is a Vulnerable Person:

- a) A parent, guardian or other support person may represent the interest of the Child/Young Person/Vulnerable Person; and
- b) The parent, guardian or support person may support the Child/Young Person/ Vulnerable Person to manage the complaint.

*Disclosures of serious incidents such as harm to a Child, Young Person or Vulnerable Person should be reported to the police.
Refer to Appendix A*

3.4 External Procedures

Nothing in this Policy or these Procedures will prevent an individual or organisation from pursuing a complaint externally. Serious incidents involving allegations of criminal offences such as assault or sexual assault, or harm to a Child or Young Person or Vulnerable Person should be reported to police.

3.5 Untrue, Vexatious Complaints

If at any point in the complaint process it is determined that a Complainant has **knowingly** made an untrue or vexatious complaint, the Hearing Officer or Hearing Tribunal will consider if the investigation should continue.

If a complaint is suspected of being untrue or vexatious, the Hearing Officer may consider conducting an investigation against the Complainant. Any investigation/Hearing Tribunal convened against the Complainant for making an untrue or vexatious complaint should be undertaken as set out in these Procedures.

3.6 Disclosure

Members and participants of the complaints process are to be aware, and should be made aware, that the information and evidence provided by them during the complaint management process will be required to be disclosed to those parties involved.

Netball NSW and/or Affiliate will not accept or investigate anonymous complaints. Complainants should understand that their name and the information they provide will be given to a Respondent in order to provide procedural fairness to all parties.

This disclosure is to ensure that persons are made aware of the evidence and allegations involved in the complaint to afford procedural fairness (natural justice).

3.7 Expectation Management

All persons are to be made aware at the outset of the complaints process that all participants can be kept informed of any progress occurring throughout the process at the discretion of the Hearing Officer. However, at the conclusion of a tribunal or hearing officer process only the Complainant, Respondent, the Respondent's Association (if relevant) and the Respondent's Club (if relevant) are entitled to be informed of the outcome and any applicable sanctions.

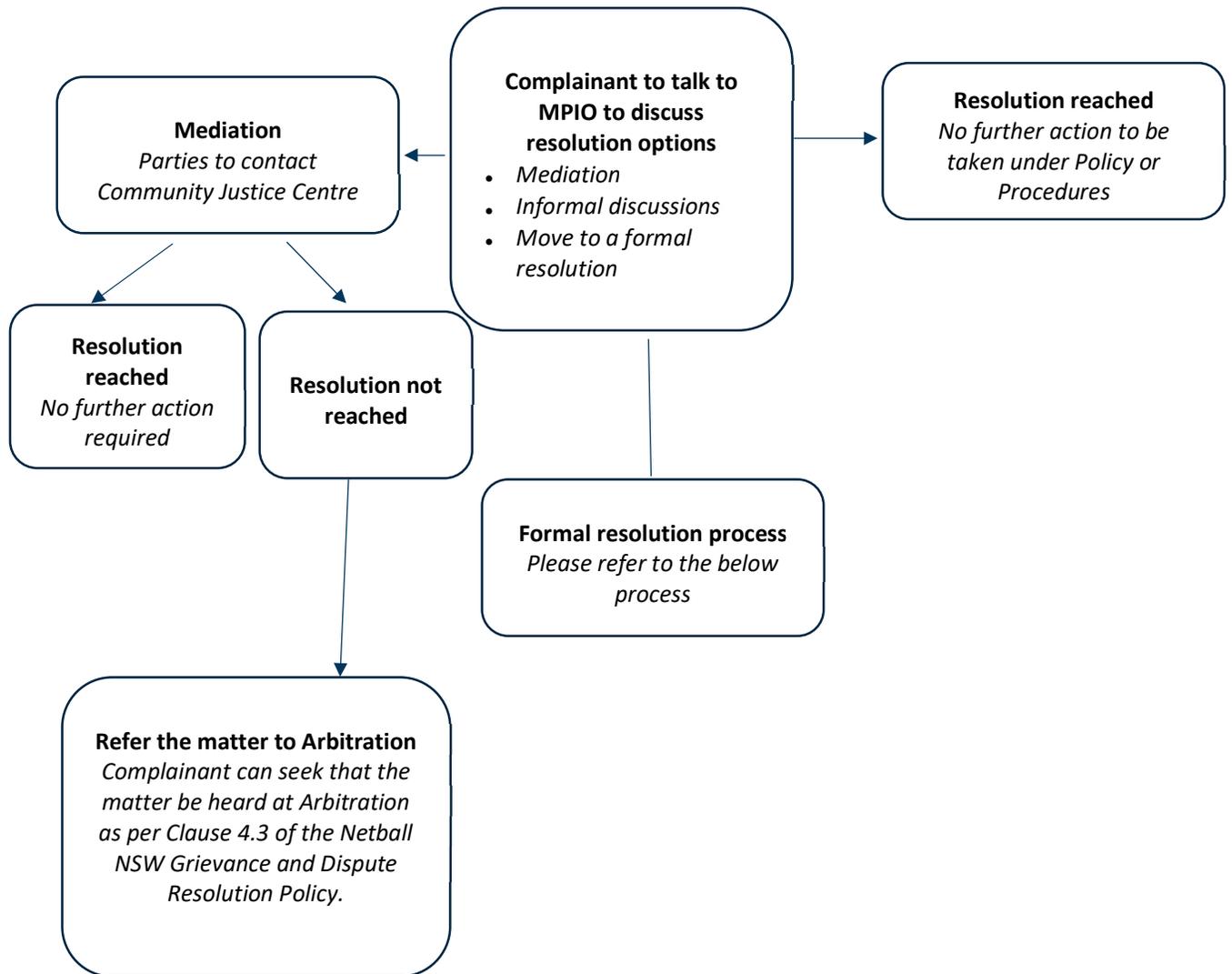
3.8 Applying Natural Justice

Natural justice, also known as procedural fairness, is a requirement of a fair disciplinary process. Failure to provide natural justice may provide the person who is the subject of the disciplinary proceedings with a reason to challenge the findings of a Tribunal or decision of a Hearing Officer.

Natural justice (or procedural fairness), involves three rules or principles:

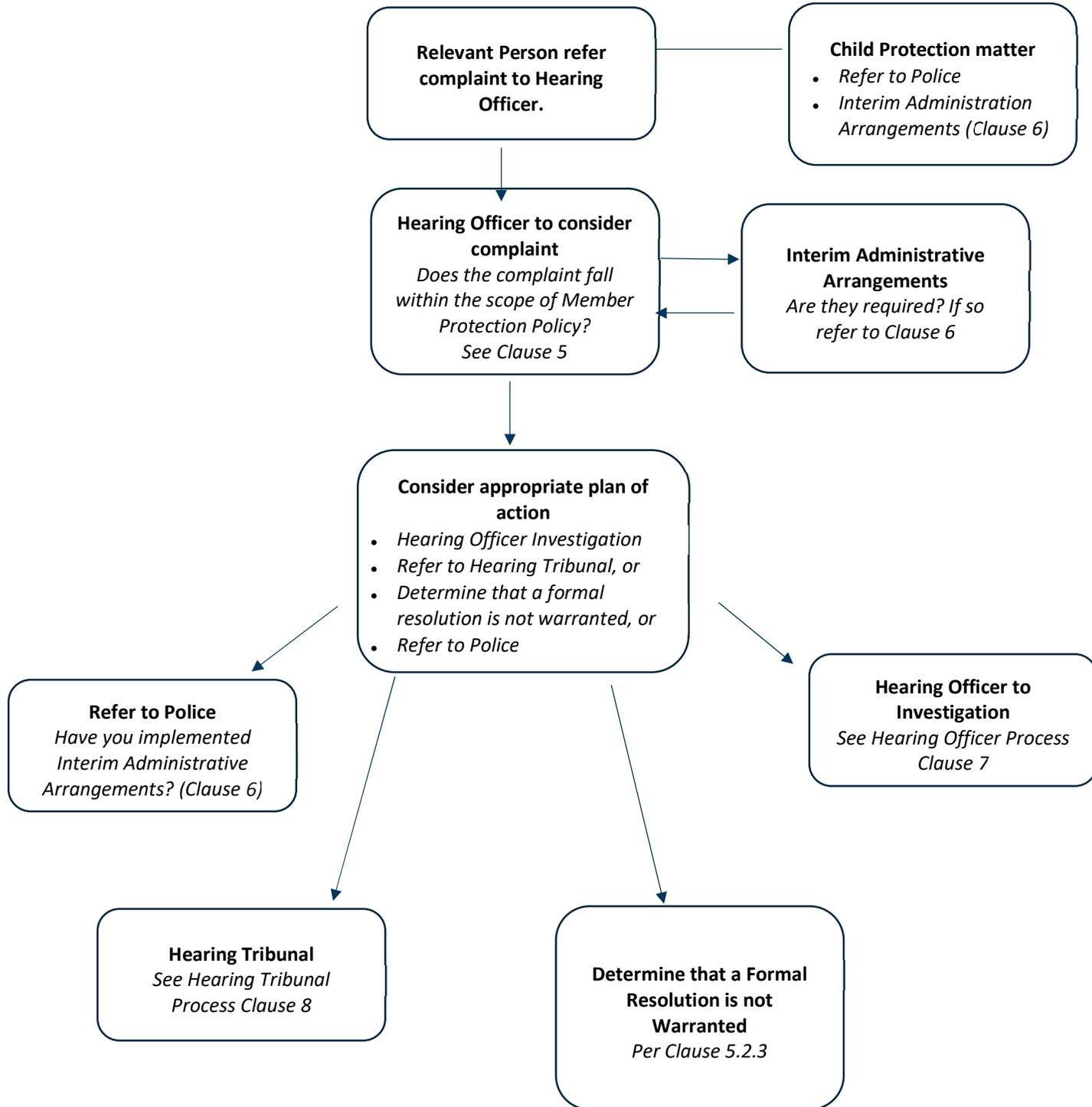
- a) Ensuring that all persons involved in complaint proceedings have the right to be heard and that they are provided with and have the right to respond to, any information presented or considered in reaching a decision;
- b) Ensuring that any decision made is free from bias or the perception of bias, and;
- c) Ensuring that any decision is made after a reasonable investigation into the issue has been conducted and relevant evidence considered.

MEMBER PROTECTION POLICY – Informal Complaint Process

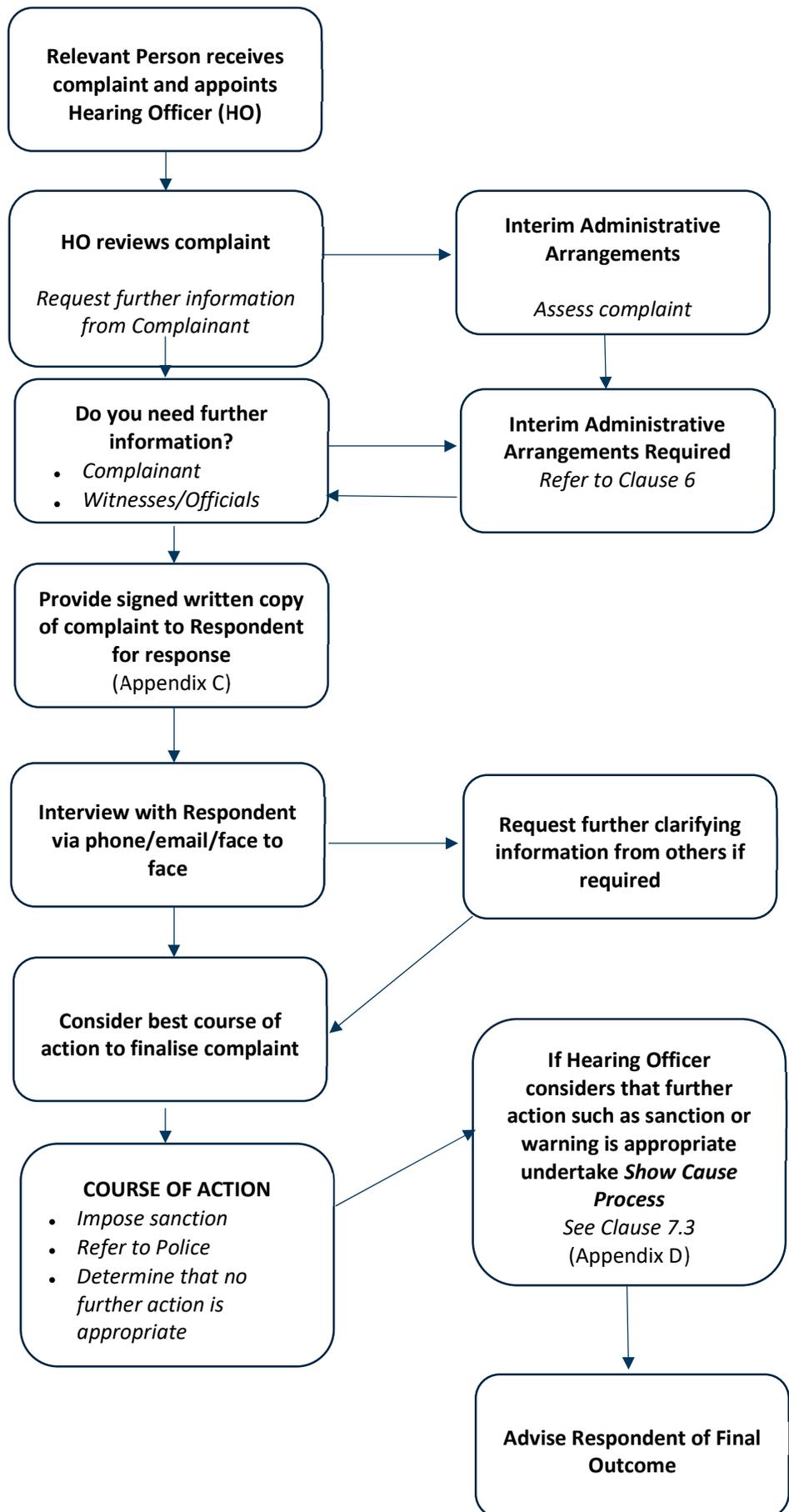


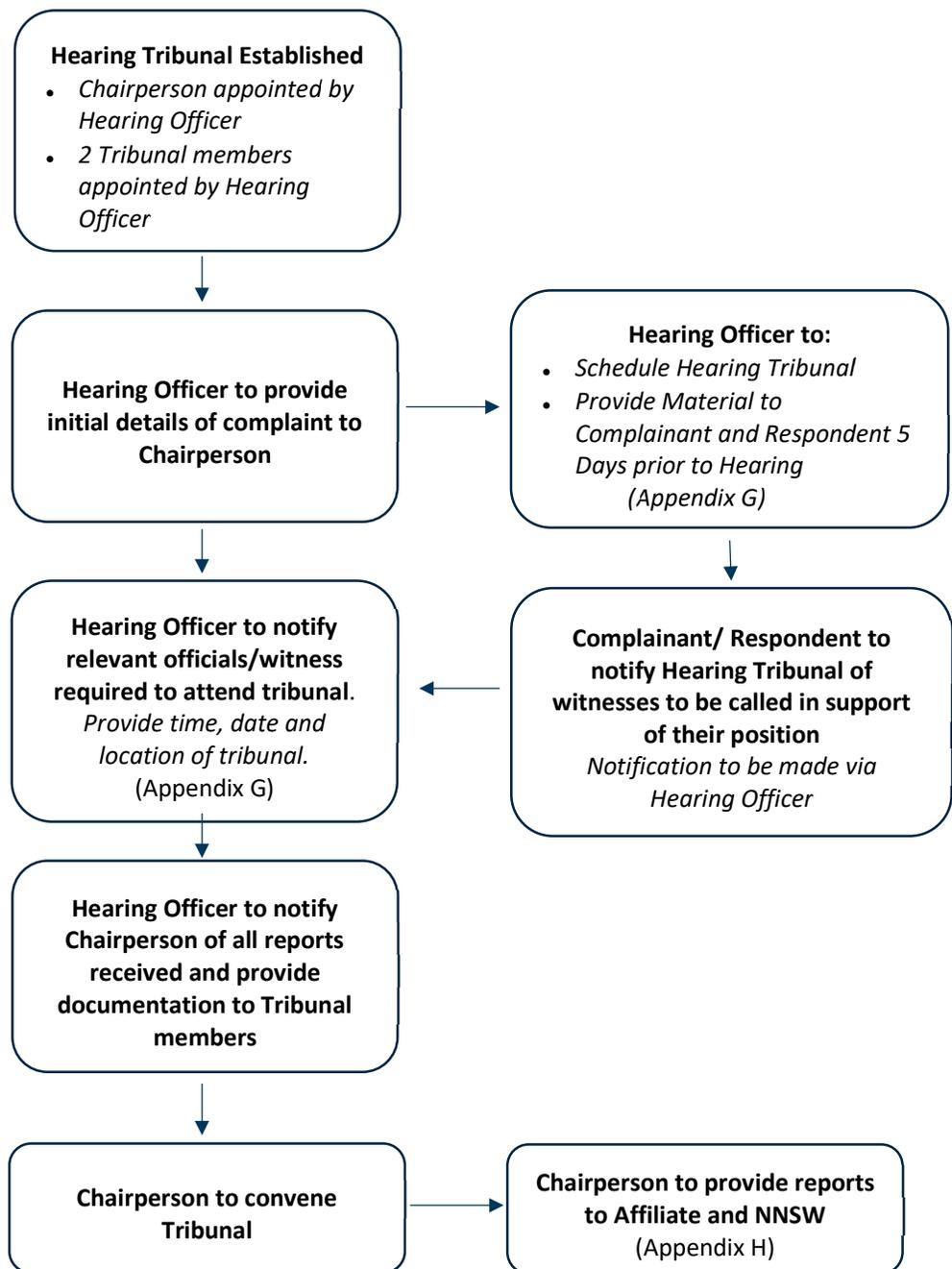
MEMBER PROTECTION POLICY – Formal Resolution Process

Serious incidents such as harm to a Child, Young Person or Vulnerable Person should be reported to police.



MEMBER PROTECTION POLICY – Hearing
Officer Investigation





4 Informal Resolution Procedure

4.1 Informal Approaches

The following steps may be taken to assist in the resolution of complaints informally under these Procedures:

Talk with the other person (if safe, reasonable and appropriate)

- 4.1.1 The Complainant should try to sort out the problem with the person or people involved if they feel confident to do so.

Contact a Member Protection Information Officer (MPIO)

4.1.2 If the Complainant is not sure how to handle the issues by themselves, and if the Complainant wants to

talk confidentially with someone and find out what options are available to resolve the problem or the problem continues after the Complainant has approached the other person, the Complainant may contact:

- a) An MPIO; or
- b) A Relevant Person within the organisation (e.g. Affiliate President/Secretary)

4.1.3 The Informal resolution processes to consider may include:

- a) Informal discussion between the parties; or
- b) Mediation (see clause 4.2).

4.1.4 The MPIO may also provide advice about the formal complaint process, however **at no time is the MPIO to undertake any form of inquiry or investigation. The MPIO and Hearing Officer are two separate roles which should not be held by the same person. This is to ensure the integrity of any future investigation and to allow a safe environment for the complainant to discuss their concerns without fear of repercussions.**

At no stage is the complaint to be the subject of an Executive Meeting or discussion amongst executives of an Affiliate or Netball NSW.

4.2 Mediation

If the complaint is determined to be a grievance or dispute and mediation has been chosen to resolve the matter, the matter will no longer fall under these Procedures and will be considered to fall under the Netball NSW Grievance and Dispute Resolution Policy which can be accessed at the following link: [Policies - Netball NSW](#). Please refer to this policy for the steps to follow in relation to mediation.

Mediation may **not** be appropriate if:

- a) The Complainant or Respondent is unwilling to attempt mediation;
- b) When the issues raised are sensitive in nature;
- c) When there is a real or perceived power imbalance between the people involved;

- d) Matters that involve serious, proven allegations; or
- e) Due to the nature of the complaint, the relationship between the Complainant and the Respondent(s) and any other relevant factors, the complaint is not suitable for mediation.

If a resolution is reached at mediation, no further action may be taken under these Procedures, except by agreement between the parties.

If the dispute is not resolved by mediation, the Complainant may within three months of the referral to CJC, have the matter referred to Arbitration as per Clause 4.3 of the Netball NSW Grievance and Dispute Resolution Policy.

5. Formal Complaint Procedures

5.1 Making a Formal Complaint

5.1.1 If the complaint cannot be resolved informally, and where mediation has **not** been attempted, the

Complainant may make a formal complaint in writing to the relevant Affiliate and/or Netball NSW. The Complainant may also make a formal complaint initially/in the first instance. If the Complainant decides to make a formal complaint in writing, the Complainant is to address the complaint to the Relevant Person within the relevant Affiliate or Netball NSW.

5.1.2 To avoid any doubt, any complaint relating to:

- a) A Netball Activity organised and run by Netball NSW shall be referred to the Relevant Person of Netball NSW and must be submitted via the Netball NSW online complaints management system;
- b) A Netball Activity organised and run by an Affiliate program shall be referred to the Relevant Person of the Affiliate. If the Affiliate has not appointed a Relevant Person, it is the responsibility of the Affiliate to appoint a suitable person to manage the complaints procedure.

5.1.3 Upon receipt of a formal complaint, the Relevant Person will appoint a Hearing Officer to review the complaint. The Relevant Person may appoint themselves as the Hearing Officer, as long as they have not also already acted as the MPIO in relation to the complaint.

5.1.4 A Complainant also has the option of approaching a relevant external agency such as NSW Police, the Australian Human Rights Commission and/or the Anti-Discrimination Board of NSW for advice at any time.

5.2 Hearing Officer to assess the complaint

5.2.1 The Hearing Officer will consider the material supporting the complaint and determine whether:

- a) The complaint is properly made and falls within the scope of this Policy and these Procedures;
- b) They are the most appropriate person to receive and handle the complaint; and
- c) A specific resolution process is appropriate based on the nature and seriousness of the complaint.

The possible resolution processes are as follows:

- Undertake a Hearing Officer investigation (see Clause 7);
- Referring the complaint to mediation (see Clause 4.2);
- Referring the complaint to a Hearing Tribunal (see Clause 8);
- Determine that the matter should not be investigated (see Clause 5.2.3); and/or
- Refer the complaint to the police or other appropriate authority (see Clause 5.2.4).

5.2.2 In certain circumstances, consideration may also be given to the implementation of interim administrative arrangements that will apply until the complaint process set out in the Procedures is completed. The steps to be taken to put in place such arrangements are identified in Clause 6 of these Procedures.

5.2.3 If the Hearing Officer considers that the complaint is of a minor and/or purely personal nature, or has no connection to the activities of Netball NSW or the Affiliate, the Hearing Officer may determine that the complaint does not warrant a formal resolution procedure and may choose not to investigate the complaint.

5.2.4 **External Reporting** - If the complaint is referred to the police or other appropriate authority, Netball NSW and/or Affiliates will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority. If the matter is referred to the police, Netball NSW and/or an Affiliate should take no further action in relation to the matter until the conclusion of the police investigation and/or any legal proceedings.

5.2.5 Any reasonable costs relating to the complaint process set out in this Procedure (e.g. investigation and/or mediation and/or tribunal processes) are to be met by the relevant jurisdiction undertaking the procedure.

5.3 Documenting the Resolution

5.3.1 It is important to ensure that the documentation pertaining to the complaint process is recorded and stored appropriately to ensure compliance with the *Privacy Act 1988*.

5.3.2 The Hearing Officer is to document the complaint, the process followed and the outcome immediately upon completion of the process.

- 5.3.3 All documentation related to the complaint is to be confidentially stored by the relevant body (the group that handled the complaint process) in a secure location and depository.
- 5.3.4 If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the Netball NSW level, the original document will be stored at the Netball NSW office with a copy stored at the Affiliate office, where one exists.

6. Interim Administrative Arrangement Orders

What is an interim administrative arrangement order?

An interim administrative arrangement order (**Orders**) is a temporary suspension from some or all roles and responsibilities within Netball NSW and/or an Affiliate whilst a complaint handling procedure is ongoing, which includes but is not limited to the below:

- a) Employment with Netball NSW;
- b) Position on a board, committee or sub-committee of Netball NSW and/or Affiliates;
- c) As a support person participating in Netball NSW and/or Affiliate activities (e.g. managers, physiotherapists, psychologists, masseurs, sports trainers etc.)
- d) As a coach or assistant coach;
- e) As a Netball Participant;
- f) As an umpire, bench official or other official; or
- g) As a Netball NSW and/or Affiliate Administrator (e.g. Club/Association president, secretary, treasurer etc.).

6.1 Procedure for implementing a proposed interim administrative arrangement

Allegations relating to harm of a Child /Young Person or Vulnerable Person will incur an immediate suspension at the discretion of Netball NSW and/or an Affiliate until the completion of police proceedings and/or a Netball NSW/ Affiliate investigation. There

In determining the details of the arrangement that is proposed, the Hearing Officer is to:

6.1.1. Consider whether the implementation of Orders is appropriate, beneficial and reasonable in the circumstances. In reaching this determination, the Hearing Officer should consider:

- a) The nature and seriousness of the allegation(s);
- b) The effect or impact that the Respondent has had or may have on the Complainant;

- c) The effect or impact that the Respondent has had or may have on other persons;
- d) The relationship/role of the Respondent to the Complainant;
- e) The effect or impact that the Orders may have on the Respondent;
- f) Whether the Orders would provide a protective or comforting role for the Complainant; and/or
- g) Whether there is a likelihood of a repeat of the behaviour.

6.1.2. After consideration of the above factors, if the Hearing Officer is of the opinion that an Order is appropriate, the Hearing Officer must then determine the specific conditions of the Order.

6.1.3. The specific conditions MUST:

- a) Be related to the complaint, including alleged behaviour and/or conduct identified in the complaint as well as the circumstances;
- b) Be balanced against the seriousness of the complaint; and
- c) Take into account the points identified in Clause 6.1.1. of these Procedures.

6.1.4. The Hearing Officer should then notify the Respondent of the proposal to consider implementing the Orders. This notification is to be provided in writing and is to include the following information (see Appendix E for template):

- a) Name of the Respondent;
- b) Name of the Complainant;
- c) The allegations that have been made by the Complainant against the Respondent, including relevant supporting information;
- d) The proposed conditions;
- e) Explanation as to why the conditions are being proposed (i.e. the safety of Complainant);
- f) Provide an opportunity for the Respondent to respond in writing within 48 hours.

Once notification of a proposed Order is provided to the Respondent per Clause 6.1.4, the Respondent is not permitted to take part in any Netball Activity in any capacity until such time as the Orders are formalised (where after they must follow the conditions set out in the Orders) or alternatively where notification is received that no Orders will be implemented.

6.1.5. The Respondent is to review the proposed Order along with the supporting information and either:

- a) Provide written submissions as to why the proposed Order should not be implemented; or
- b) Formally notify the Hearing Officer of their intention not to contest the Orders.

If no response is received by the Hearing Officer within 48 hours the Respondent will be taken to have waived their right to contest the Orders.

6.1.6. The Hearing Officer is to review any response provided by the Respondent and make a determination as to whether the proposed Orders are to be implemented or altered.

- 6.1.7. Once a determination is made the Hearings Officer is to formally advise the Respondent, in writing, the following (see Annexure F for template):
- a) The conditions to be imposed on the Respondent;
 - b) A brief outline as to why the conditions have been imposed; and
 - c) The duration of time that the conditions will be in place; or
 - d) That Orders are not considered appropriate after reviewing the Respondents response
- 6.1.8. **Review of imposed Orders:** A review of the conditions on the Orders should take place as needed and at the discretion of the Hearing Officer. The Respondent should be asked to make submissions for consideration prior to each review.
- 6.1.9. Matters involving a police investigation or legal proceedings will not be reviewed until completion of any investigation or legal proceedings. It is the responsibility of the person who is subject to the interim administrative arrangement to advise Netball NSW and/or Affiliates that the police investigation or legal proceedings have concluded. If this information is not provided to Netball NSW and/or an Affiliate the interim administrative arrangement may remain in place indefinitely.

7 Hearing Officer Investigation

7.1 Investigating the Complaint

When undertaking a Hearing Officer investigation, the Hearing Officer is to take the following steps:

Investigation

- 7.1.1. Review the complaint and determine whether further information is required. In the instance that further information is required to assist with obtaining a better understanding of the complaint, request that the Complainant and any other person from whom information is required provide such information within 7 Days of the request. Upon receipt of the information required to gain a complete understanding of the complaint, identify the following:
- a) The key points of the complaint;
 - b) How the Complainant would like the matter to be resolved;
 - c) The Respondent(s); and
 - d) The section(s) of the Member Protection Policy, including its Appendices, that the alleged conduct may be in breach of.
- 7.1.2 Provide the Respondent with the key allegations and any evidence in support of the complaint made against them (Appendix C). The Respondent should then be given 7 Days to respond to the allegations. This step is important to ensure that natural justice is afforded to the alleged Respondent(s). The signed copy of the complaint does not need to be in the format provided to the Hearing Officer by the complainant (i.e. the Hearing Officer should not simply forward an email received from the complainant). Instead, the Hearing Officer should use the template letter contained in Appendix C. However, the Hearing Officer must provide the Respondent with all information they will be seeking to

rely on as part of their investigation. Any information that is not provided to the Respondent cannot be relied on in determining the outcome of the investigation.

Note: Obtaining information from the Respondent/Witnesses is best undertaken in a formal interview process however, email is also acceptable. Where a formal interview occurs, a written record of the interview should be provided to the Respondent/Witness, and the Respondent/Witness should review and confirm the accuracy of the record by signing the document.

If email is utilised, direct the Respondent/Witnesses to provide a written response within the appropriate timeframe. Discretion will be exercised in the event a request for an extension of time is lodged.

All documentation and recorded interviews are to be stored under the relevant privacy classification and placed in a secure location. At all times, the handling and storage of such documentation is to be in accordance with the *Privacy Act 1988* (Commonwealth).

7.1.3 All participants in a Hearing Officer Investigation are bound by obligations of confidentiality. Information

relating to any Hearing Officer Investigation should not be shared with anyone external to those directly involved in the investigation. This obligation continues after the conclusion of the Hearing Officer Investigation.

7.2 Findings

7.2.1. Upon completion of the Investigation outlined in clause 7.1, the Hearing Officer will take one or more of the following actions :

- a) Direct that no further action is appropriate; or
- b) Direct that there is insufficient evidence to make a determination regarding the allegations; or
- c) Direct that on the balance of probabilities (that is, that it is more likely than not) some or all of the allegations have been substantiated and that they consider that a warning or sanction is appropriate.
The Hearing Officer should then refer to the show cause process in Clause 7.3;
and/or
- d) Refer the complaint to the police or other appropriate authority.

Note: There may be instances whereby the allegation(s) are admitted by the Respondent however, the circumstances surrounding the incident may justify the alleged conduct. Regardless of whether justification for the conduct is demonstrated, if the conduct alleged is admitted to and such conduct is inappropriate and/or in breach of the MPP, the conduct has still been carried out. Thus, although the conduct may be justifiable in the circumstances, it is still not appropriate. The circumstances in such a situation merely provide mitigation to reduce a sanction rather than a defence.

7.2.2 The Hearing Officer should provide the Respondent with a written record stating the findings following the investigation, including reasons and justification for those findings.

Where a sanction is imposed, the Hearing Officer is also required to inform the Respondent of his/her option to appeal the decision to the Appeal Tribunal, identifying timeframes and other pertinent information required to be complied with to apply for an appeal. Refer to Clause 9 of these Procedures.

7.3 Show Cause Process

If a Hearing Officer, following an investigation under Clauses 7.1 and 7.2, determines that a sanction should be imposed, the Respondent/s must first be afforded the opportunity to respond to the proposed sanctions using a show cause process. The process the Hearing Officer must follow is:

- 7.3.1 A written document providing the following information is to be provided to the Respondent (see Appendix D for template):
 - a) The proposed sanction that is being considered. The sanction must be reasonable, appropriate and relevant to the identified wrongdoing/shortcomings (Please refer Appendix B);
 - b) An outline of the allegations and/or shortcomings;
 - c) Evidence in support of the allegations and/or shortcomings;
 - d) The alleged breaches of this Policy, citing specific paragraphs and clauses relevant to the identified allegations and/or shortcomings;
 - e) Allow an opportunity for the Respondent to provide a response to the proposed sanction, evidence in support and comment on the information provided in the Show Cause document. The time for a response depends upon the seriousness of the proposed sanction. A period of 7-14 Days is generally appropriate;
 - f) Allow the Respondent the opportunity to propose another sanction and provide reasons to justify such action; and
 - g) Allow the Respondent to provide his/her own information and evidence in support.
- 7.3.2 The Hearing Officer is then to review the response to the show cause notice provided by the Respondent. The Hearing Officer is to analyse and consider all information and evidence pertaining to the allegations and alleged breaches of this Policy and determine whether the proposed sanction, another sanction or no sanction is relevant and appropriate.
- 7.3.3. The Hearing Officer should then provide the Respondent with a written record of the outcome of the show cause process above, and provide details to the Respondent regarding their option to appeal the decision to the Appeal Tribunal in accordance with Clause 9.

8 Hearing Tribunal

8.1 Authority of Hearing Tribunal

- 8.1.1 The Hearing Officer of Netball NSW and/or its Affiliates have the right to delegate the power of investigating or determining charges against a Participant for an alleged breach

of the Policy as set out in Clause 15 of the Policy (a **Member Protection Breach**) to a Hearing Tribunal which is established in accordance with these Procedures.

- 8.1.2 Where a matter arises for determination by a Hearing Tribunal it will be dealt with in the first instance by the Hearing Tribunal of the relevant Affiliate in which the alleged offence occurred (or Netball NSW in the case of a Netball Activity organised or sanctioned by Netball NSW).
- 8.1.3 Where an Affiliate has not convened a Hearing Tribunal in accordance with these Procedures, the matter may be reviewed by Netball NSW who may choose to convene a Hearing Tribunal or refer the matter back to the Affiliate to have the matter reheard by the Affiliate in accordance with the process outlined in these Procedures. A decision under this Clause is at the sole discretion of Netball NSW and does not constitute an appeal in accordance with Clause 9.
- 8.1.4 A Hearing Tribunal shall have power to suspend, disqualify, reprimand, ban or otherwise deal with any Participant in accordance with these Procedures.
- 8.1.5 A Hearing Tribunal has the authority to consider any other matter falling under any other Netball NSW policy which arises out of allegations of a Member Protection Breach.
- 8.1.6 A Hearing Tribunal must at all times act independently and impartially in carrying out its duties in accordance with these Procedures.

8.2 Duties of the Hearing Officer

The Hearing Officer shall have the following duties:

- a) Schedule the venue, time and date to be set aside for a hearing of a Hearing Tribunal;
- b) Appoint 3 members of a Hearing Tribunal (including the Chairperson) to deal with any matters referred to it;
- c) Notify the Chairperson (or his/her delegate) of a Hearing Tribunal that a complaint has been received, and to deliver to the Chairperson (or his/her delegate) of a Hearing Tribunal the complaint and any other information relevant to the case;
- d) Notify the Respondent of the complaint, as well as any other person involved in the complaint as soon as possible after the complaint has been made;
- e) Determine the charges to be laid against the Respondent, and to communicate these to the Respondent;
- f) Provide the Hearing Tribunal panel with all material relating to the matter. Note that the Hearing Officer will not seek to obtain additional evidence/witnesses statements prior to

the tribunal hearing as this evidence should be presented at the time of the hearing unless specifically requested by the Tribunal Chairperson;

- g) Notify the Respondent and any other person required to attend the Hearing Tribunal (as determined by the Tribunal Chairperson), of the time and place of a hearing of the alleged breach as soon as reasonably practicable after receipt of the complaint. However, the date of notification must be at least 5 Days prior to the date of the Hearing Tribunal to allow for sufficient time for the Respondent to prepare for the Tribunal; and
- h) Provide the Respondent with a copy of the “Notification of Hearing Tribunal” (see Appendix G) at least 5 Days prior to the date of the Hearing Tribunal.

8.3 Membership of Hearing Tribunal

8.3.1 The Hearing Officer of Netball NSW or an Affiliate shall appoint the following persons to constitute a Hearing Tribunal Panel:

- a) A Chairperson who shall be a person of experience and skills suitable to the function of chairing a Hearing Tribunal and discharging the responsibilities set out under Clause 8.4 of these Procedures; and
- b) Two additional Hearing Tribunal members.

8.3.2 The Chairperson of the Hearing Tribunal should, if possible, have a form of legal background or be experienced in chairing tribunals.

8.3.3 A Hearing Tribunal member may hold another position within Netball NSW and/or its Affiliates, or a club or team Affiliated with Netball NSW and/or its Affiliates.

NB: Executive Committee members of the Affiliate convening the Tribunal should not sit as members of the Hearing Tribunal panel so as to avoid any bias or the perception of bias.

8.3.4 No Hearing Tribunal decision shall be invalidated by any irregularity in the appointment of a Hearing Tribunal member.

8.4 Responsibilities of Hearing Tribunal Chairperson

Without limiting the duties of a Hearing Tribunal Chairperson as set out under this Member Protection Policy, a person appointed to the position of Hearing Tribunal Chairperson shall have the following responsibilities to:

- (a) Determine which witnesses, if any, are required to attend a tribunal hearing and how they should present their evidence (e.g. in person, by written submissions, by video link etc.);
- (b) Communicate to the Hearing Officer at Netball NSW or the relevant Affiliate the outcome of a tribunal hearing within 24 Hours of the conclusion of the hearing;

- (c) Ensure relevant documents, for example the Record of Tribunal Hearing (Appendix H) are completed and provided to the Hearing Officer as soon as possible after the conclusion of the hearing; and
- (d) Ensure any potential Conflict of Interest with any Hearing Tribunal member is dealt with by removing that proposed panel member or ensuring appropriate safeguards are implemented to mitigate the risk of any such conflict.

8.5 Responsibilities of Tribunal Member

Without limiting the duties of a Hearing Tribunal member as set out under this Member Protection Policy, a person appointed to the position of Hearing Tribunal member shall have the following responsibilities to:

- a) Consider all evidence and information provided to them by the Hearing Officer and/or Tribunal Chairperson prior to the meeting;
- b) Consider any additional evidence presented by involved parties at a hearing tribunal;
- c) Provide an independent assessment of the evidence presented and contribute to an agreed decision of the tribunal (noting that each tribunal panel member is independent and is not bound to follow the direction of the Tribunal Chairperson);
- d) Declare any potential Conflicts of Interest which may impact upon their ability to act impartially as a tribunal member in relation to a particular matter.

8.6 Conduct of Hearing Tribunal

8.6.1 Attendance at Hearing Tribunal

8.6.1.1. The following persons shall be required to attend a Hearing Tribunal:

- i. The Respondent;
- ii. The Complainant(s);
- iii. Witnesses as indicated by the Complainant or Respondent and as authorised by the
Chairperson; and
- iv. Any other person required
or permitted by the Tribunal Chairperson.

Note: Any witnesses attending the Hearing Tribunal are not permitted to sit in on the Tribunal until after they have given their evidence before the Tribunal.

8.6.1.2. Should a member of Netball NSW and or its Affiliate request to attend a Hearing Tribunal, the decision is to be made at the sole discretion of the Tribunal Chairperson.

8.6.1.3. Legal representatives or legal advocates are not permitted to appear before a Hearing Tribunal.

8.6.1.4. The Chairperson may invite any other person to attend they believe will assist a Hearing Tribunal.

8.6.2 Non-Attendance at Hearing Tribunal

8.6.2.1. If a person required to attend a Hearing Tribunal fails to attend that Hearing Tribunal without a reasonable excuse (to be determined at the discretion of the Tribunal Chairperson), the hearing will proceed in the absence of the person. The Hearing Tribunal can also make a determination provided the Tribunal Chairperson is satisfied that all notification requirements under these Procedures have been carried out.

8.6.2.2. Any person required to attend a Hearing Tribunal may apply to the Hearing Officer (or the Hearing Tribunal Chairperson if already convened) to have a Hearing Tribunal adjourned. This decision is at the sole discretion of the Hearing Officer or Tribunal Chairperson if the Tribunal has been convened.

8.6.3 Procedures of a Hearing Tribunal

- a) At the commencement of a hearing, the Chairperson will identify the members of the Hearing Tribunal panel and determine whether the Respondent is present.
- b) The Complainant(s) and Respondent will be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Hearing Tribunal panel considers its findings and determines appropriate disciplinary measures (if any).
- c) The charges will be read out in the presence of all persons eligible to be present (as determined by the Tribunal Chairperson).
- d) The Respondent will be asked whether they understand the charges. If the Respondent indicates they do not understand the charges, the Chairperson must explain the charges.
- e) The Respondent will be asked whether or not they intend to contest the charges.
- f) If the Respondent does not contest the charge(s), the Chairperson may read a short summary of the facts, admit the Complainant's evidence (written/verbal) and no witnesses need be called to give evidence unless the Tribunal Chairperson determines that it is required.
- g) If the Respondent contests the charges, the Complainant will then be asked to present their evidence:
 - i. Brief notes may be referred to by the Complainant;

- ii. The Complainant will be allowed to call their witnesses who have been pre-approved to attend by the Tribunal Chairperson.
 - iii. The Respondent may be allowed to question the Complainant and their witnesses at the discretion of the Tribunal Chairperson.
- h) Each witness is entitled to leave the Hearing Tribunal after giving evidence unless otherwise directed by the Hearing Tribunal. Alternatively, witnesses will be entitled to remain for the duration of the Tribunal after they give evidence should they wish.
- i) The Respondent will then be asked to respond to the Complainant:
 - i. Brief notes may be referred to by the Respondent;
 - ii. The Respondent will be allowed to call witnesses, subject to the approval of the number of witnesses to be called by the Hearing Tribunal in its discretion; and
 - iii. The Complainant may be allowed to question the Respondent and their witnesses at the discretion of the Tribunal Chairperson.
- j) If the Tribunal Chairperson considers that at any time during the Hearing Tribunal there is any unreasonable or intimidatory behaviour from anyone present, the Tribunal Chairperson shall have the power to modify the proceedings as considered appropriate or stop any further involvement of the person in the relevant Tribunal.
- k) Where the Respondent and/or Complainant makes video evidence available to the Hearing Tribunal, it may, at the discretion of the Hearing Tribunal, be presented. The onus of providing suitable viewing equipment such as a DVD player or television set shall lie with the person requesting that the evidence be presented before the hearing.
- l) If the Hearing Tribunal is not satisfied that the particular charge has been established, but is satisfied that a lesser charge has been established, then the Hearing Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- m) Subject to Clause 8.6.3 (n) of these Procedures, where it appears to the Hearing Tribunal that the Hearing Officer has made an error which has resulted in laying the wrong charges or omitted charges that should have been laid, the Hearing Tribunal may amend the charges and proceed to make a finding. Further, the Hearing Tribunal has the right to direct that a person other than the Respondent be charged with an offence under this Policy on the basis of evidence presented before it during the course of conducting a hearing.
- n) Where the allegations have been amended or another person charged under Clause 8.6.3 (m) of these Procedures above, the Hearing Tribunal may (but is not required to) determine that an adjournment of the hearing is appropriate to provide the Respondent sufficient time to review and respond to the amended charges.
- o) Subject to Clause 8.6.3 (l) of these Procedures above, if the Hearing Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge established. Otherwise the charge shall be dismissed.
- p) If a charge has been admitted or established by the Hearing Tribunal, the Respondent shall be informed of the finding. Any previous sanctions issued against the

Respondent should then be laid before the Hearing Tribunal, if known, via the Hearing Officer of Netball NSW or its Affiliate.

- q) The Hearings Tribunal will deliberate on their findings and provide the decision verbally to the Complainant and Respondent at the conclusion unless other mitigating circumstances prevent this from occurring.
- r) The Tribunal Chairperson must provide the Hearing Officer with the details of the Tribunal Outcome as soon as possible.
- s) The Hearing officer will deliver Record of Hearing Tribunal (Appendix H) within 24 hours of receiving the details of the Tribunal outcome to the Complainant and the Secretary of the Respondent's Club and/or Association as relevant.
- t) The Record of the Hearing Tribunal (Appendix H) is to include:
 - i. An outline of the allegations;
 - ii. The evidence in support of the allegations, including any admissions;
 - iii. The evidence which does not support the allegations, including possible defences and mitigating circumstances;
 - iv. An assessment of conflicting evidence including why one person's version of events was considered more reliable than another person's, if required;
 - v. The determination on each allegation;
 - vi. Mitigating factors taken into account;
 - vii. The sanctions imposed, if any (Please refer to Appendix B);
 - viii. The right to appeal to the Appeal Tribunal outlining the restrictions and requirements on such appeals, including time restrictions.
- u) A copy of the Record of Tribunal Hearing is to be provided by the Hearing Officer of the relevant Affiliate to policy@netballnsw.com.

8.6.4. Giving evidence at a Hearing Tribunal

The Tribunal Chairperson, in their discretion, may determine that any person who is required to attend the tribunal hearing may provide evidence by any means that the Tribunal Chairperson considers appropriate. This could include:

- a) A recording undertaken with an investigating officer or other Relevant Person. A transcript of the recording should be certified by the Hearing Officer;
- b) Orally in the Tribunal hearing room;
- c) Via computer conferencing or other similar technology;
- d) Utilising alternative arrangements such as the use of screens, planned seating arrangements to reduce exposure or in premises other than the Tribunal hearing room (with necessary adjournment implemented); or
- e) Such other means as deemed appropriate by the Hearing Officer or if the Tribunal has already been convened, the Tribunal Chairperson.

9 Appeals

9.1 Right of Appeal

- 9.1.1 There may be two levels of appeal available to a person who has been found to have committed a breach and received a penalty under this Member Protection Policy (i.e. the Respondent). No other person may appeal a decision. The first level of appeal shall be an Appeal Tribunal convened by the same organisation which conducted the Hearing Tribunal, or, in the case of a Hearing Officer investigation, the same organisation that appointed the Hearing Officer to investigate the complaint.

Where the first level of appeal was conducted by an Affiliate, the second level of appeal shall be an Appeal

Tribunal convened by Netball NSW. A person must first exercise their rights to a hearing by an Appeal Tribunal (at the first level of appeal) before appealing to the Netball NSW Appeal Tribunal (at the second level of appeal). The decision of the Netball NSW Appeal Tribunal (the second level of appeal) shall be final and not subject to further appeal.

Where the first level of appeal was conducted by Netball NSW, the second level of appeal shall be an External Appeal Tribunal made up of persons not associated with Netball, with an appropriate person appointed by Netball NSW acting as Appeal Officer. A potential appellant must first exercise their rights to a hearing by an Appeal Tribunal (at the first level of appeal) before appealing to the External Appeal Tribunal (at the second level of appeal). The decision of the External Appeal Tribunal (the second level of appeal) shall be final and not subject to further appeal.

9.1.2 Appointment of Appeal Officer

- a) In respect of either a first or second level of appeal, Netball NSW and/or its Affiliate shall appoint an officer to be responsible for the receipt of appeals and to carry out the duties in connection with such appeals ("**Appeal Officer**"). The Appeal Officer may hold another position within Netball NSW and/or its Affiliate and may also be the Hearings Officer (unless the appeal involves a decision of the Hearing Officer). Unless another person is appointed to the role, the Appeal Officer shall be a Relevant Person of Netball NSW and/or its Affiliate.
- b) An Appeal Officer appointed in accordance with Clause 9.1.2(a) will have the same duties as those outlined in Clause 8.2 necessarily amended for the context of an Appeal Tribunal.

9.1.3 First Level of Appeal

- a) There shall be no appeal from a decision of a Hearing Officer or Hearing Tribunal unless the person seeking to appeal ("Appellant") satisfies the Chairperson of the Appeal Tribunal (appointed in accordance with Clauses 9.1.2 and 8.3.1(a) of these Procedures), in the Chairperson's sole discretion, that the Appellant has evidence that proves:
- i. Significant new or additional evidence has become available; or

- ii. They are challenging the severity of the penalties in regards to the breaches; or iii. There is a significant failure of natural justice.
- b) An Affiliate may request Netball NSW to conduct, hear and determine the first level of appeal. Where Netball NSW agrees to conduct, hear and determine the first level of appeal, all obligations and powers relating to the first level of appeal as set out in these Procedures will apply and bind Netball NSW as if it was an Affiliate. Netball NSW may choose (but is not obliged) to agree to conduct, hear and determine the first level of appeal. Where this occurs, Netball NSW will also be the organisation responsible for convening the second level of appeal in accordance with Clause 9.1.4 of these Procedures below.

9.1.4 Second Level of Appeal

- a) There will be no appeal from a decision of an Appeal Tribunal (first level of appeal) unless the person seeking to appeal (“Appellant”) satisfies the Chairperson of the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal) (appointed in accordance with Clause 9.1.2 and 8.3.1(a) of these Procedures), in the Chairperson's sole discretion, that:
- i) significant new or additional evidence has become available; or ii) a significant failure of natural justice has occurred.
- b) All appeals heard by the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal) must, with any necessary or incidental amendment, follow the procedures for an Appeal Tribunal held by Netball NSW and/or Affiliates, as outlined in Clause 9.2 to 9.5 of these Procedures below.
- c) The decision of the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal) is final and binding on the parties.

9.2 Application to Appeal

9.2.1 The Appellant must:

- a) Lodge an Application to Appeal stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeal Officer **within 5 Days** of receipt of the Record of Hearing using the Application to Appeal form (Appendix I); and
- b) In the case of an appeal to the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal), pay the appeal fee to the Appeal Officer when lodging the Application to Appeal, which shall be \$500. The application to Appeal will not be considered until such time as the appeal fee is paid unless Netball NSW determine that it is appropriate in the circumstances that this appeal fee is waived (at the sole discretion of the Netball NSW Appeal Officer).
- c) The appeal fee may not apply in the case of appeals by a Child/Young Person or Vulnerable Person and may be waived (in any other case) in the discretion of the Netball NSW Appeal Officer.

- 9.2.2 An Appellant will be notified by the Appeal Officer within 5 Days of receipt of the Notice of Appeal as to whether an appeal hearing is to be granted (under Clause 9.1.3 or 9.1.4 of these Procedures) and the time, date and place of the Appeal Hearing, in the event that it is granted.

9.3 Appeal Tribunal

- 9.3.1 If an appeal hearing is granted under Clauses 9.1.3 or and 9.1.4 of these Procedures, the Appeal Officer shall convene an Appeal Tribunal to hear and determine the appeal in accordance with this Member Protection Policy. Subject to Clause 9.3.2 of these Procedures, any such appeal hearing should be held within 7 Days of notification of the Appeal being granted.

- 9.3.2 Where an appeal hearing is not held within 7 Days of notification of the Appeal being granted, any sanction imposed by the Hearing Tribunal or Hearing Officer shall be suspended and the Appellant may participate in any relevant Netball Activity until the appeal hearing is held.

NB: Clause 9.3.2 does not apply in the case of allegations of harm toward Children, Young People or Vulnerable Persons. In this case the Respondent will be required to serve any sanction imposed by a Hearing Tribunal pending the outcome of the appeal.

Further, Clause 9.3.2 will not apply where an Interim Administrative Arrangements is in place pursuant to Clause 6.

- 9.3.3 An Appeal Tribunal shall consist of three (3) persons appointed by Netball NSW and/or its Affiliate as appropriate to hear appeals (i.e. one (1) Appeal Tribunal Chairperson and two (2) Appeal Tribunal Members).
- 9.3.4 Members of an Appeal Tribunal panel will have the same duties as those outlined in respect of a hearing tribunal with any necessary amendments as is appropriate in the context of an appeal.
- 9.3.5 Netball NSW and/or its Affiliate may not appoint any of the Hearing Tribunal members who were involved in the original hearing of a matter which is the subject of an appeal to the Appeal Tribunal.

9.4 Serving of Hearing Tribunal Penalties

- 9.4.1 Subject to Clause 9.4.2(b) and 9.3.2 of these Procedures, where a Hearing Tribunal imposes a penalty that prevents the Appellant from participating in a Netball Activity, the Appellant shall serve that penalty pending the determination of the appeal.
- 9.4.2 Subject to Clause 9.4.3 of these Procedures, the Appeal Tribunal Chairperson may of their own motion or upon application of any party to the appeal, order:

- a) That an appeal be adjourned; or
- b) A suspension of the penalty imposed by the Hearing Tribunal pending the determination of the appeal.

9.4.3 The Appeal Tribunal Chairperson shall make an order under Clause 9.4.2(b) of these Procedures at its sole discretion where it is satisfied that there are exceptional and compelling circumstances. In determining that question, the Appeal Tribunal Chairperson shall without limitation have regard to the:

- a) Merits of the appeal and the Appellant's prospects of success;
- b) Interests of other teams, clubs and players; and
- c) The effect on the results of the relevant competition.

9.5 Proceedings of Appeal Tribunal

9.5.1 The Appeal Officer is responsible for:

- a) ensuring the appeal is lodged within the relevant time frame of the original decision being appealed;
- b) arranging the Appeal Tribunal Chairperson to determine whether the appeal will be granted:
- c) in the event the appeal is granted, determining the place, time and date for the appeal hearing and as soon as possible thereafter notify all tribunal members; and
- d) in consultation with the Appeal Tribunal Chairperson, notifying those witnesses or other persons they deem necessary to attend.

9.5.2 The Appeal Officer shall forward records of the original Hearing Tribunal which is subject to appeal to the Chairperson of the Appeal Tribunal.

9.5.3 The Appeal Tribunal will have the discretion to conduct the hearing as it considers necessary in the circumstances. This may include either conducting a full rehearing or alternatively limiting the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under Clause 9.1.3(a) or 9.1.4(a) of these Procedures (as applicable) with the below considerations:

- a) During an Appeal Hearing, the Appeal Tribunal may make an order relating to the procedure to be followed in those proceedings.
- b) The Appeal Tribunal may call upon, where appropriate, the original decision makers to explain the reasons for the decision(s). Written records, where available, used to justify the decision taken by the decision maker(s) are to be provided to the Appeal Tribunal by the decision makers(s) appealed against. Where the decision under appeal is the result of a Tribunal or other decision the Record of Hearing Tribunal or final findings (in the case of a Hearing Officer decision) is to be provided to the Appeal Tribunal.
- c) The Appeal Tribunal may question the Appellant depending on the type of appeal.
- d) The Appeal Tribunal has the discretion to question any other person as deemed appropriate.

9.5.4 The Appeal Tribunal and Evidence

- a) An Appeal Tribunal is not to be bound by the rules of evidence but may accept any information in any form it considers appropriate.

9.5.5 Natural justice provisions are to apply to the conduct of appeals. The key principles of natural justice are:

- a) An Affiliate or an individual member must be given a reasonable opportunity to present their case before a decision is made which will affect them.
- b) The individual member or Affiliate lodging the Appeal must do so honestly and in good faith.
- c) Written submissions may be enough; the rules of natural justice do not necessarily require an opportunity be made to make oral submissions.
- d) Parties should be given adequate notice of relevant dates to enable them to make submissions.
- e) Any adverse material which may affect the decision should be disclosed and parties should have the opportunity to respond or rebut any allegations.
- f) There is no provision for any parties to have legal representation at an Appeal Tribunal.
- g) A member of the Appeal Tribunal cannot have direct or indirect interest, pecuniary or otherwise in the subject matter of the decision.

9.5.6 An Appeal Tribunal shall have the power to:

- a) Dismiss the appeal;
- b) Uphold the appeal;
- c) Impose any of the penalties set out in this Member Protection Policy; and/or
- d) Reduce, increase or otherwise vary any penalty imposed by the initial Hearing Tribunal, in such manner as it thinks fit.

9.5.7 At the conclusion of the appeal, the Chairperson of the Appeal Tribunal shall ensure that the Appellant is correctly informed of the determinations of the Appeal Tribunal. The Chairperson shall also notify the Appeal Officer of the decision of the Appeal Tribunal. The Appeal Officer shall also advise Netball NSW and the Affiliate.

9.5.8 The Appeal Tribunal is obliged to provide reasons for its decision in the form of the Record of Appeal Tribunal (Appendix K). This should be provided the Appeal Officer as soon as possible after completion of the hearing. The Appeal Officer should then pass these findings onto the Appellant.

9.6 Refund of Appeal Fee

The Appeal Fee shall be refunded if the appeal is upheld.

9.7 Costs

The Appeal Tribunal has no power to award costs and each party to an appeal shall bear their own costs.

9.8 Relationship with Criminal Matters

If, during a Hearing or Appeal Tribunal hearing or an investigation under this Member Protection Policy, it becomes known that a criminal charge has been brought (as opposed to merely being the subject of police investigation) arising out of the actions the subject of the hearing, appeal or investigation, the Hearing or Appeal Tribunal and/or Netball NSW and/or its Affiliates must rule that further action be deferred until completion of the criminal charge.

10 Appendix

Appendix A Procedure for Investigating Allegations of Child Abuse

If you believe a Child/Young Person is in immediate threat of danger or a life-threatening situation, contact the Police immediately on 000.

If there is no immediate danger to the Child/Young Person contact the Police Assistance Line 131 444.

Netball NSW and Affiliates treat allegations of harm to a Child/Young Person extremely seriously and will endeavour to manage such complaints promptly and with sensitivity.

All people working with Netball NSW or Affiliates in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

Complaint Handling Procedures relating to allegations of Child Abuse

1 Receive the allegation of harm or concern regarding Child/Young Person at risk of harm

- 1.1 Any complaints, concerns or allegations of Child abuse are to be referred should to the Relevant Person of Netball NSW or the Affiliate.
- 1.2 If a Child/Young Person raises with you an allegation of harm or abuse that relates to them or to another Child/Young Person, it is important that you listen, stay calm and be supportive. Refer to the below table for guidance on dealing with this situation.

DO

DON'T

Believe the child/young person Dismiss their concerns or report

- Reassure the Child/Young Person that what has happened. • Do not challenge or undermine the they have done the right thing by Child. reporting
- Do not seek detailed information, ask • Reassure the Child/Young Person that leading questions or offer an opinion. what has occurred is not his or her fault. • Do not discuss the details with any
- Explain that other people may need to be person other than those detailed told in order to stop what is happening. within these procedures.
- Promptly and accurately record the offender. discussion in writing. • Do not contact the alleged

2 Report the allegation

- 2.1 **Immediately report any allegation of Child or Young Person harm or abuse, or any situation involving a Child or Young at risk of harm, to the police and/or the relevant Child protection agency.** You may need to make a report to both.
- 2.2 The NSW Police Assistant Line (ph: 131 444) should be contacted for advice if there is **any** doubt about whether the allegation should be reported.
- 2.3 If the allegation involves a person to whom this policy applies, then the Relevant Person of the Affiliate **must** report the allegation to Netball NSW and the relevant Affiliate.
- 2.4 Netball NSW may choose to deal with the matter itself or refer it back to the Affiliate (including any relevant Association of the Affiliate) for action.

3 Protect the Child and manage the situation

- 3.1 If Netball NSW or an Affiliate receives a report of allegations of Child abuse, the following steps may be taken as appropriate:
 - 3.1.1 The Relevant Person will contact Netball NSW. Netball NSW will assist the Relevant Person in assessing the immediate risks to the Child and take interim steps to ensure the Child and Young Person's safety and the safety of any other Children and Young People.

If, for any reason, there are concerns for the safety of a Child/Young Person seek immediate Police advice.

- 3.1.2 This will include suspending the alleged offender as per Clause 6 of the Procedures (interim administrative arrangements)

3.1.3 The Relevant Person will consider what services may be most appropriate to support the Child or Young Person and his or her parent/s.

3.1.4 The Relevant Person will consider what support services may be appropriate for the alleged offender.

3.1.5 The Relevant Person will seek to put in place measures to protect the Child or Young Person and the alleged offender from possible victimisation and gossip.

4 Take internal action

4.1 If Netball NSW or an Affiliate receives a report of allegations of harm of a Child or Young Person, the following steps may be taken:

4.1.1 After the completion of any police and/ or Child protection agency investigation, the Hearing Officer may assess the allegations and information and determine whether further internal action can be taken by Netball NSW or the Affiliate.

4.1.2 **At no time is the Hearing Officer to undertake any further inquiry nor is the Hearing Officer to interfere with or seek evidence from the police or other party investigating the allegations.**

4.1.3 The Hearing Officer may consider all information relevant to the matter – including any findings advised by the police, the Child protection authority and/or court to determine a course of action.

4.1.4 If disciplinary action is recommended, the Hearing Officer should follow the procedures set out in the Member Protection Policy.

4.1.5 The Hearing Officer may provide the relevant government agency with a report of any disciplinary action taken, where that is required.

Appendix B Sanctions

Application of Sanctions – General Consideration

The purpose of imposing any form of sanction is to identify the wrongdoing and/or shortcoming, to undertake actions that remedy as much as possible the wrongdoing and/or shortcoming and to provide an opportunity to improve ones' conduct, performance and/or actions in an attempt to provide a positive influence on future actions. Sanctions are aimed at providing an opportunity to overcome the identified shortcoming and/or wrongdoing.

- 1 Any sanction imposed by Netball NSW and/or an Affiliate under the Policy and these Procedures must:
 - a) Conform to the principles of natural justice;
 - b) Be fair and reasonable;
 - c) Be based on the evidence and information presented; and
 - d) Be within the powers of the Hearing Officer or relevant Tribunal to impose.

- 2 The form of discipline to be imposed on an individual Member or Affiliate will depend on factors such as:
 - a) Nature and seriousness of the behaviour or incidents;
 - b) Whether the Respondent concerned knew or should have known that the behaviour was a breach of the policy;
 - c) The level of contrition of the Respondent(s);
 - d) The Respondent's actions post the alleged incident;
 - e) The effect of the proposed sanction on the Respondent(s) including any personal, professional or financial consequences;
 - f) If there have been any prior warnings, sanctions or disciplinary action; and/or
 - g) If there are any mitigating circumstances such that the Respondent(s) shouldn't be sanctioned at all or not sanctioned so seriously.

- 3 If the Hearing Officer or Hearing Tribunal considers that an individual member or Affiliate has breached the Policy, it may impose one or more of the following sanctions:
 - a) For breaches committed by an Affiliate: If the Hearing Officer or Hearing Tribunal considers that an Affiliate has breached this Policy, it may impose one or a combination of the following sanctions on such organisations:
 - i. Direct that any funding granted or given to it by Netball NSW or an Affiliate cease from a specified date;
 - ii. Impose a warning;
 - iii. Recommend to Netball NSW and / or the relevant Affiliate that its membership of such organisation be suspended or terminated in accordance with their applicable constitution;
 - iv. Direct that any rights, privileges and benefits provided to that organisation by Netball NSW or an Affiliate be suspended for a specified period and / or terminated;
 - v. Recommend that Netball NSW and/or the Affiliate cease to sanction events held by or under the auspices of that Affiliate; or
 - vi. Any other such sanction as the Hearing Officer or Hearing Tribunal considers appropriate in the circumstances.

 - b) For breaches committed by individual Members: If the Hearing Officer or Hearing Tribunal considers that an individual member has breached the Policy, it may impose any one or a combination of the following sanctions on such person:
 - i. Impose a warning;
 - ii. Direct that the Respondent attend counselling to address their conduct;
 - iii. Recommend that Netball NSW or the relevant Affiliate terminate the appointment of the role which the Respondent holds with such Affiliate;

- Withdraw any awards, placings, records won in any tournaments, activities or events held or sanctioned by Netball NSW or an Affiliate;
- iv. Direct the Respondent to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by Netball NSW, an Affiliate or any other Affiliate which has provided funding;
 - v. De-register the Respondent as a Member of Netball NSW and an Affiliate with consideration given to a period of time in which the Respondent is not to be a registered member of Netball NSW and an Affiliate;
 - vi. Any other such sanction considered appropriate in the circumstances.
- 4 If an Affiliate or individual Member commits a second or subsequent breach under this Policy within 10 years of the last breach, then the Hearing Officer or Hearing Tribunal shall have regard to the previous breach, the sanction imposed and any other relevant factors, in imposing a sanction for the second or subsequent breach.
- 5 If the penalty imposed by a Hearing Officer or Hearing Tribunal affects other Affiliates required to comply with this Policy, the Hearing Officer shall as soon as possible notify the relevant Affiliates of the sanction.
- 6 Every Affiliate to which this Policy applies shall recognise and enforce any decision and penalty imposed by a Hearing Officer or Hearing Tribunal under this Policy.
- 7 When imposing any form of sanction, it will be accompanied by a warning that a similar breach of policy by that individual Member or Affiliate in the future may result in the imposition of a more serious form of sanction.

CNotification of Allegations

Notification of Allegations

ALLEGATIONS AGAINST [Respondent Name]

Dear [Respondent Name],

As advised via email dated [Date], in accordance with Netball NSW (NNSW) Member Protection Policy (MPP) Attachment B – Complaint Handling Procedures (the Procedures) [change this reference if proceeding under a different policy] I have been appointed as a Hearing Officer to look into allegations raised against you purporting to constitute breaches of the [Identify relevant policy]. As required by common law procedural fairness and NNSW fact finding provisions, pursuant to section 5.1(b) of the Procedures [ensure this reference is correct depending on policy used], I am now providing you with a signed written copy of the allegations made against you, along with evidence in support from [name complainant and witnesses], for your consideration and response.

I invite you to consider the allegations made against you and the evidence supporting these allegations and to provide a response to this information. If you would like to provide a response to the allegations, I request that you provide me with your response, in writing, by no later than [Date and time one week from date of letter]. You may request an extension of time for response if you feel it necessary to do so. Failure to respond by the due date will mean that I will proceed with the process without your input. It is in your best interests to provide any further information for complete fairness of process. Further input may be requested from others relevant to the issues in relation to any information provided by you and I will advise you if this is the case.

At any time, you can contact me to discuss the process and any concerns that you may have. As this process is confidential and is to remain confidential, I direct that you are not to discuss this matter with anyone other than your nominated support person.

Documentation

Enclosed in this letter are various documents which set out your rights and responsibilities as a participant in the NNSW complaints handling process. Please review these documents carefully and then sign and return these to me.

Privacy Statement. NNSW takes their privacy obligations and responsibilities seriously. Attached is a Privacy Notice which you are required to sign and date. Please take the time to read and understand what is contained within the document and contact me if you have any questions. Please sign and email me a signed copy within **three days** of receipt of this document.

Confidentiality Statement. The Hearing Officer process is to be undertaken in private and all information discussed as part of the process is to remain confidential. That means that you are not to discuss the information and the Hearing Officer process outside of the process (other than with your nominated support person). To do so is to breach confidentiality. Attached is a Confidentiality Notice which you are required to sign and date. Please take the time to read and understand

what is contained within the document and contact me if you have any questions. Please sign and email me a signed copy within **three days** of receipt of this document.

Rights and Responsibilities Notice. As a member of NNSW, you are obliged to participate to the best of your ability in this process. Attached is a Rights and Obligations Notice which you are required to sign and date. Please take the time to read and understand what is contained within the document and contact me if you have any questions. Please sign and email me a signed copy within **three days** of receipt of this document.

Victimisation

You are hereby directed, that you are not to engage in victimisation of any person whom you believe may be providing information to NNSW in relation to this complaint.

Pursuant to the MPP, Victimisation is defined as follows;

Victimisation

9.7.1 Means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government State or Federal legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.

Failure to comply with this direction may result in further action such as an immediate suspension from all roles as a member of NNSW.

Allegation 1: *Include Allegations*

[

Allegation 2:

The complainant [**Complainant**] provided the following information;

[Provide details of complaint]

Witness [**Witness Name**] provided the following information

[Provide comments on information provided by Witness]

Relevant NNSW Policies

The policies that may have been breached by your alleged conduct are as follows;

[Provide details of alleged breach]

As noted above, I now provide you with an opportunity to consider the evidence, as set out above and to provide your comment. I request that your response be provided to me, in writing, by no later than [Date and time]. Should a response from you not be forthcoming by that time, I will take that as your willingness to waive your right to procedural fairness and will continue with finalising the process. If you require an extension of time to respond, please don't hesitate to contact me.

I thank you in advance for your time and cooperation with this process. I look forward to receiving your response by the due date.

XXXXXXXX XXXXXXXX

Hearing Officer
Association/Club

Tel:

Email:

Date

Enclosures:

1. Privacy Statement
2. Confidentiality Statement
3. Rights and Responsibilities
4. XXXXXXXXXXXXXXXXXX

Notification of Proposed Findings and Sanctions following Hearing Officer Investigation

Via Email

[Include relevant email address of Respondent]

INVESTIGATION FINDINGS AND PROPOSED SANCTIONS

ALLEGATIONS AGAINST [Name of Respondent]

Dear [Respondent Name],

As advised via letter dated xxx, I have been appointed as a Hearing Officer to investigate allegations raised against you purporting to constitute breaches of the Netball NSW (NNSW) Member Protection Policy (including the Netball NSW Code of Behaviour Policy) arising out of [give brief details of complaint]. As required by common law procedural fairness and NNSW fact finding provisions, I am providing you with all responses provided to me during my investigation along with my proposed findings. I now invite you to provide your comments on these findings before I proceed to formalise these findings. If you see fit, I invite you to propose an alternative sanction and provide the reasons to justify such an action. I will take any additional information you provide into account prior to formalising my decision.

As this process is confidential and is to remain confidential, I direct that you are not to discuss this matter with anyone outside of the process. You may discuss this matter with your nominated support person.

At any time, you can contact me to discuss the process and any concerns that you may have. If you consider there is further information that can be provided in relation to my proposed findings, I request that you provide me with your response in writing by no later than [Date] You may request an extension of time for response if you feel it necessary to do so. Failure to respond by the due date will mean that I will proceed to finalise the process without your input. It is in your best interests to provide any further information for complete fairness of process.

Allegations and Evidence

[Detail allegations and evidence in support]

Relevant NNSW Policies

The policies that may have been breached by your alleged conduct are as follows;

[Provided details of policy provisions that may have been breached by conduct]

All of NNSW's policies can be accessed at the following link: [Policies - Netball NSW](#).

Investigation Findings

Provide details of proposed findings against each allegation

Proposed Sanction

Based on the findings outlined above, I determine that you have breached the following:

Provide details of findings, including references to specific breaches of policy where relevant

Accordingly I propose to issue you with the following sanctions:

[provide details of proposed sanctions]

As I noted above, I now provide you with an opportunity to consider the evidence, findings and proposed sanctions as set out above and to make comment on them. In particular, if you so wish, you may propose an alternative sanction and the reasons justifying such action. I request that your response be provided to me by no later than **[Date]**. Should a response from you not be forthcoming by that time, I will take that as your willingness to waive your right to procedural fairness and will continue with finalising the process. If you require an extension of time to respond, please don't hesitate to contact me.

XXXX

Hearing Officer

Netball NSW/ Affiliate

Tel: XXX

Email: [xxx](#)

Date: xxx

EShow Cause Letter Template for Interim Administrative Arrangements

PROPOSED INTERIM ADMINISTRATIVE ARRANGEMENTS SHOW CAUSE LETTER

Dear XXX

A complaint has been submitted to [relevant Affiliate/NNSW] pertaining to your alleged inappropriate conduct [give context of complaints].

In order to progress the complaints, I have been appointed by Netball NSW as Hearing Officer, as required under the Member Protection Policy (MPP) – Attachment B – Complaint Handling Procedures. This and all other Netball NSW policies are available for you to view at: [Policies - Netball NSW](#). I strongly recommend that you make yourself aware of the processes and procedures contained therein so that you can be informed and comfortable with the process to be undertaken;.

The allegation that has come to the attention of [relevant Affiliate/NNSW] raise concerns with the following:

[provide details of concerns]

I have reviewed the information in support of the above issues and am concerned that if the above alleged conduct is established and proven, it may constitute a breach of the NNSW Member Protection policy.

I am also concerned about the exposure of persons to the alleged conduct and the impact that has upon them. The information I have relied upon which forms the basis of my concerns are attached as attachments XXX.

As a result of these concerns, and in accordance with NNSW MPP Attachment B – Complaint Handling Regulation, Clause 6 – Interim Administrative Arrangements, I am proposing to impart the following conditions of you as follows: [delete or amend as relevant]

1. Temporary suspension as a member of [relevant Affiliate/NNSW] – You are not eligible to play in or attend any Affiliate Netball Activities, including any Netball Activity run by [relevant Affiliate/NNSW] effective **immediately [provide date]**;
2. A formal direction that you do not contact in any form the complainant in this matter effective **immediately [provide date]**;
3. A formal direction that you do not approach or be in the presence of XXX effective **immediately [provide date]**;

In accordance with the requirements of procedural fairness, I hereby give you until close of business **[48 hours from date of letter]** to provide a response, including any evidence in support, to the proposed interim administrative arrangements identified above. Once you have provided the response I will consider the information you provide and will make a final

decision on what, if any, Interim Administrative Arrangements are appropriate. A response by email is sufficient. Please ensure that you provide all evidence in support of your response. If you do not provide a response within this timeframe you will be taken to have agreed to the proposed Interim Administrative Arrangements. Please note that as indicated above the **proposed arrangements are effective immediately and will apply throughout the show cause period.**

I also make you aware that you are not to engage in any form of victimisation against any of the complainants/victims. The MPP defines this as being:

8.7 Victimisation

8.7.1 Means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government State or Federal legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.

[Delete if not relevant] I have been informed the NSW Police Force are investigating the above allegation and until such time as the Police Investigation is complete you will continue to be subject to an interim administrative arrangement and [relevant Affiliate] will not take any further action in relation to the complaint against you. It is your responsibility to notify me once the police investigation has concluded so that I can progress the complaint against you as per Netball NSW Complaint Handling Procedures, otherwise the Interim Administrative Arrangements, once finalised, will remain in place indefinitely.

If you have any concerns or questions in relation to this process, please do not hesitate to contact me.

XXX

Hearing Officer

[Association/Netball NSW]

Tel: XXX

Email: XXX

Date XXX

Final Interim Administrative Arrangements Letter Template

[relevant Affiliate/NNSW] INTERIM ADMINISTRATIVE ARRANGEMENTS NOTICE

Dear XXX,

Proposed Interim Administrative Arrangements were provided to you on [Date] by [relevant Affiliate/NNSW] pertaining to your alleged inappropriate conduct that occurred on [brief context].

The allegations against you are:

[Provide Details]

The proposed [relevant Affiliate/NNSW] interim arrangements were as follows;

Your Response

On [date] [provide details of response]. I can confirm this response was received prior to the deadline of [Date].

I have reviewed and considered your response as to why you believe the proposed interim arrangements should no longer apply.

In considering whether or not to continue or amend the proposed arrangements, I have taken the following into account; [Provide details of information considered]

In considering the affect these interim arrangements will have on both you as the respondent and both complainants, alongside the nature of the allegations, I have determined there is a moderate risk to the complainant's safety/welfare should the respondent be permitted to [outline Netball Activity respondent wishes to be involved in].

Should the allegations be proven on the balance of probabilities, you may be in breach of the following;

[Provide details of possible breaches]

Decision

Having considered the above information I have reached the following determination under Clause 6.1.7 of the Member Protection Policy – Part B Complaint Handling Procedures.

[amend as required] The terms of the proposed interim administrative arrangements provided to you on [date] will continue and will now be considered final interim administrative arrangements until such time NSW undertakes a full investigation [which will commence at the conclusion of the police investigation/judicial process].

The conditions of the final interim administrative arrangement are as follows;

[provide details of conditions]

I must also make you aware that you are not to engage in any form of victimisation against any of the complainants/victims.

The MPP defines this as being:

8.7 Victimisation

8.7.1 Means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government State or Federal legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.

You may formally request a review of the decision. However, any review will be at the absolute discretion of the Hearing Officer.

If you have any concerns or questions in relation to this process, please do not hesitate to contact me.

XXX

Hearing Officer

Association/Netball NSW

Tel: **XXX**

Email: **XXX**

[Date]

GNotification Hearing Tribunal

Notification of hearing tribunal

Insert Date

To: **Insert participant details and membership number.**

By E Mail - Hand Delivered Of: **Team name.**

Dear **Insert name,**

We refer to the complaint received on **insert date** in regards to **give context of complaint.**

As a member and participant of Netball operated by an organisation Affiliated with Netball NSW, **insert Affiliate name/NNSW**, you are subject to the Netball NSW Member Protection Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#) and you are encouraged to read this information and the Member Protection Policy.

Attendance at Tribunal Hearing

You are hereby notified that **insert Affiliate name/NNSW** has convened a Hearing Tribunal to review and adjudicate on the alleged breach detailed above.

Your attendance at this hearing is required to hear the allegation of breaches and respond. If you are under 18, or are otherwise unable to represent yourself, you should bring an adult representative (not acting as a legal practitioner) who may advise you or ask questions. Otherwise you are entitled to bring a support person.

Details of Hearing

Time: **Insert Time**

Date: **Insert Day and Date**

Location: **Insert Location** **Alleged**

Charge:

It is alleged that you have:

Include details of alleged

Confirmation of Attendance

Please confirm your attendance with Hearings Officer, **insert name and contact details** along with the details of any support person you wish to bring.

Non-attendance at Hearing Tribunal

If a person who is required to attend a Tribunal fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Hearing Tribunal provided that the Hearing Tribunal is satisfied that all notification procedures under Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures have been carried out.

A charged person, club or reporting person may apply to the Tribunal Chairperson (if convened) or Hearing Officer to have a Tribunal hearing adjourned or convened in another way if there are compelling circumstances which the applicant considers warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, reporting person or club. This decision will be solely at the discretion of the Tribunal Chairperson (if convened) or Hearing Officer.

If prior to your attendance at the hearing you have any questions, you are encouraged to contact the Hearings Officer, **insert name** who will assist you as far as practicable. Again, the Netball NSW Member Protection Policy can be accessed in full at the following link: [Policies - Netball NSW](#)

Attachment B (Complaints Handling Procedures) to this Policy outlines the procedures to be followed during the hearing.

We look forward to receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Hearings Officer/ Appeal Officer

Netball NSW Authority (*adjust to be the Affiliate name*)

P: **insert phone number**

E: **insert email**

Appendix H Record of Tribunal

Record of Tribunal Hearing

Held on the 00/00/0000

Present:

Provide details of all those present and how they are represented, include initials of each person.

Persons Charged:

Particular details of the individual(s) Member, team or club

Committing an offence of:

Provide details of offences as per Clause 15 of the Netball NSW Member Protection Policy [Or refer to other relevant doc e.g. Codes of Behaviour].

Statement of the incident:

Set out a statement of the incident.

Summary Record of Proceedings:

It is recommended that a written record of the proceedings is kept – this record can be a summary and is not required to be a detailed record of each statement during hearing.

Tribunal Decision:

Set out clear and concise decision of the Tribunal.

Sanction Imposed:

Remember each proceeding needs to be judged on its own merits. Set out sanction imposed by Tribunal

Right to Appeal

Please be advised that if you wish to appeal your Notice of Appeal must be lodged within 5 Days of Receipt of this record of appeal.

Please find attached an Application of Appeal, which is the form that must be used to request an appeal hearing.

Chairperson's Signature:

Date: 00/00/0000

Notification Requirements

The Tribunal Chairperson must provide this Record of Hearing to the relevant Hearing Officer AND Netball NSW at policy@netballnsw.com as soon as possible after the conclusion of the Tribunal.

Appendix I – Application to Appeal Form

NOTICE OF APPEAL

Notice of appeal is to be lodged within 5 Days of Receipt by charged person of the notification of a Tribunal decision. Any notice of appeal must comply with Clause 9 of Attachment B to the Netball NSW Member Protection Policy – Complaints Handling Procedures. All documentation relevant to appeal, including initial Tribunal documentation and appeal fee (if applicable) should be included.

FIRST LEVEL OF APPEAL
Relevant Appeal Officer
(Please refer to Clause 9 of Attachment B to the Netball NSW Member Protection Policy)

SECOND LEVEL OF APPEAL
Netball NSW Appeal Officer
E: policy@netballnsw.com
Post: PO Box 369, Lidcombe, NSW 1825

I hereby appeal against the decision of the Hearing Tribunal/ Appeal Tribunal made on the following date:

□□_□□_□□
dd mm yyyy

Applicant

PLEASE USE CAPITAL LETTERS

□□□□□□□□□□□□□□

FIRST NAME

□□□□□□□□□□□□□□

SURNAME

□□□□□□□□□□□□□□

DATE OF BIRTH: DAY/MONTH/YEAR

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DATE OF BIRTH: DAY/MONTH/YEAR

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CLUB / TEAM

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□□□□□□□□□□□□□□

AFFILIATES NAME

I understand there are only two levels of appeal following the decision of the initial Hearing Tribunal. Any appeal must first be made to the same organisation that convened the initial Hearing Tribunal and then to the Netball NSW Appeal Tribunal or External Appeal Tribunal as appropriate. The decision of the Netball NSW Appeal Tribunal or External Appeal Tribunal is final and binding on the parties.

[Empty signature box]

SIGNATURE

GROUNDS OF APPEAL (FIRST LEVEL OF APPEAL)

- Significant new evidence
- Variation of sanction imposed by Hearing Tribunal
- Significant Failure of Natural Justice

GROUNDS OF APPEAL (SECOND LEVEL OF APPEAL)

- Significant new evidence
- Significant Failure of Natural Justice

Further Details of Grounds of Appeal

[Large empty rounded rectangular box for further details]

Evidence Called/ Submitted

A large, empty rounded rectangular box with a thin black border, intended for recording evidence. The box is positioned below the section header and occupies most of the upper half of the page.

Appendix J - Notification of Appeal Tribunal

Notification of Appeal Tribunal

Insert Date as [Day, Date Month Year]

To: *Insert Name and Address*

By E Mail – Hand delivered

Of: *Insert Team Name*

Dear *Insert Name,*

Attendance at an Appeal Tribunal Hearing

As a Member within a competition operated by an organisation Affiliated with Netball NSW, *insert Affiliate name*, you are subject to the Netball NSW Member Protection Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#) and you are encouraged to read this information and the Member Protection Policy.

You have been granted the right to be heard by an Appel Tribunal/ You are required to attend a Appeal Tribunal hearing in relation to the findings of the Hearing Tribunal/ Appeal Tribunal (*held on insert date*) and your notice of appeal dated *insert date-delete if not relevant*. Attendance at this Appeal Tribunal hearing is required. If you are under 18, or otherwise unable to represent yourself, you should bring an adult representative (not being a legal practitioner) who may advise you or ask questions.

Details of Appeal

Tribunal Time:

Insert Time

Date: *Insert Day and Date*

Location: *Insert Location*

Statement of Appeal

The Appeal Tribunal shall either conduct a complete re-hearing or the appeal may be limited to the consideration of the grounds of the appeal – this will be determined by the Appeal Tribunal Chairperson.

Confirmation of Attendance

Please confirm your attendance with the Appeal Officer, *insert name and contact details*.

If a person who is required to attend an Appeal Tribunal fails to attend an Appeal Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Appeal Tribunal provided that the Appeal Tribunal is satisfied that all notification procedures under Attachment B to the Netball NSW Member Protection Policy have been carried out.

We look forward to receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Appeal Officer

Netball NSW Authority (*adjust to be the Affiliate name*)

P: *insert phone number*

E: *insert email*

Appendix K – Record of Appeal Tribunal

Notification of Findings by Appeal Tribunal

Insert date as [Day, Date Month Year]

To: *insert name, and address and Membership number*

By Hand Delivered /Emailed

Of: *insert team name*

Dear *name,*

Tribunal Findings and/or Decision

As a Member in a competition operated by an organisation Affiliated with Netball NSW *insert Affiliate name*, you are subject to the Netball NSW Member Protection Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#).

We refer to the Appeal Tribunal Hearing on *insert date, time and venue*. The Tribunal found *detail decision of Tribunal*

Right to Appeal

Please be advised that if you wish to appeal your Notice of Appeal must be lodged within 5 Days of Receipt of this record of appeal.

Please find attached an Application to Appeal, which is the form that must be used to request an appeal hearing.

Names of Individuals who sat on this Tribunal

Insert name – Chairperson

Insert name – Panel Member

Insert name – Panel Member

Yours sincerely,

Insert name

Hearing Officer

Netball NSW Authority (*adjust to be the Affiliate name*)

P: *insert phone number*

E: *insert email*

Appendix L Rights and Obligations of Complainants, Respondents and Witnesses

1. This document sets out the rights and obligations of persons directly involved in the complaint handling process as a complainant, respondent and/or witness. The rights and obligations are based upon the basic standards and codes of behaviour established under the Netball NSW Constitution alongside Netball NSW's policy framework including the Netball NSW Member Protection Policy, the Netball NSW Grievance and Dispute Resolution Policy, the NSW Disciplinary Policy, and the Netball NSW Code of Conduct(the Governing Framework).
2. The standards of behaviour and traits required to be complied with by the Netball NSW Governing Framework establishes a commitment to develop and maintain high standards of conduct and professionalism by showing:
 - a) Respect
 - b) Fair and equitable treatment
 - c) Courtesy
 - d) Ethical treatment and conduct
 - e) Honesty and Integrity
 - f) Safety
 - g) Consideration of others
 - h) Professional conduct
 - i) Acceptance of Responsibility
3. Each person involved in the complaint process must act in a manner that is consistent with the traits established by the Netball NSW Governing Framework, as identified in point 2 above. With this in mind, each participant is to co-operate fully with the complaint management process. This includes the obligation to provide full and frank disclosure of information and evidence, including relevant photos and documentation, and to be honest, truthful and fair when interviewed and/or responding to an Investigation Officer or other person appointed to deal with a complaint.
4. Each person must be afforded certain rights during the complaint handling process. In particular:
 - a) To be advised of the allegations against them (if any and where applicable);
 - b) To be provided with relevant evidence and information pertaining to a complaint that is relevant to them;
 - c) To have a support person made available if requested;
 - d) To be given a reasonable opportunity to consider the information provided to them at (a) and (b) above, if applicable;
 - e) To be given the opportunity to provide a response to any information provided at (a) and (b) above alongside any supporting information or evidence
 - f) Where deemed necessary, an opportunity to respond to any inconsistency that may have arisen that is pivotal to the complaint.

The rights and obligations are provided to ensure that procedural fairness is entrenched in the process and afforded to each affected person appropriately.

Netball NSW

Member Protection Policy (V6)
Attachment B: Complaint Handling Procedures
2 January 2019

- 5. Release of reports.** All persons involved in the complaints handling process are to be aware that any report drafted by the MPIO or Hearings Officer following the conclusion of an investigation, including supporting evidence, may be made available to the complainant and/or respondent at the end of the process. It is Netball NSW's policy to support a request for release of such information directly to the complainant and respondent in order to ensure that the process is both transparent and fair, with relevant privacy redactions undertaken in accordance with the Privacy Notice. In providing information to a complaint handling process, all persons are to be made aware of the potential for the information they have provided to be made available to others, either for comment and appraisal or as part of the report established to assist with the complaint handling process. All persons are to acknowledge, in writing, that any information they provide may be used in such a manner.

Name

Signature

Date

Appendix M Confidentiality Notice

This document outlines the responsibility associated with maintaining the confidentiality of information provided or received by a participant of an investigation during the course of an investigation.

As a participant of an investigation, you are not to discuss with any other person (outside of a nominated support person) any information given, received or which you are otherwise made aware of during the course of the investigation. This includes discussion with other participants of the investigation including the complainant or the respondent which is prohibited.

Any information obtained by the Hearing Officer, during the investigation process will only be utilised as part of the investigation process to ensure that all steps have been taken to enable procedural fairness to take place. This means that information provided by you may be provided to another person to whom the information relates, where it is deemed necessary to do so. This has been outlined in the Privacy Notice document.

By signing this document, you agree that you will not discuss or divulge any information received or given at any stage throughout the investigation process and nor will you discuss any aspect of the investigation with any other party.

Name

Signature

Date

Appendix N Privacy Notice

This document is provided to outline the application of the Netball NSW Privacy Policy to matters that are investigated under one or more of the Netball NSW Member Protection Policy; the Netball NSW Grievance and Dispute Resolution Policy, the NSW Disciplinary Policy, and the Netball NSW Code of Conduct (Netball NSW Policies). Complaint handling is a key activity of Netball NSW to maintain standards and codes of conduct across Netball in NSW and its Affiliates.

Any information that is provided as a complainant, witness and/or respondent in respect of an investigation under Netball NSW Policies that is 'Personal Information' is protected by law. Personal Information is defined under the *Privacy Act 1998* (Cth) (**Privacy Act**) as follows:

Personal Information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) Whether the information or opinion is true or not; and
- (b) Whether the information or opinion is recorded in a material form or not.

Under Netball NSW Policies, Netball NSW will not and cannot assist a complainant to resolve a dispute if the complainant wishes to remain anonymous. This is because allowing a complainant to remain anonymous would preclude the respondent from being afforded procedural fairness. Generally, a person has the right to have access to the complete circumstances surrounding allegations made against them in order to ensure that they are able to properly respond to these allegations. This approach is in line with Principle 2.2 of the Australian Primary Principles (APP), which states that when dealing with an APP entity such as Netball NSW, an individual must have the option of dealing anonymously or by pseudonym unless it is impracticable for the APP entity to deal with individuals who have not identified themselves or who have used a pseudonym.

The investigation process requires information to be collected to and shared as is necessary in order to enable persons to have the ability to provide input into the investigation as required, including by responding fully to any allegations made against them. This means that any information that you provide may be shared with those persons who are directly affected and/or implicated by the information that you provide, including your name. However, any other Personal Information you provide such as your address, contact details and date of birth will not be disclosed to any other person. All such Personal Information provided will remain confidential and treated as such and will only be utilised as part of the investigation process.

At the completion of the investigation process, a report will be drafted and delivered to the Hearing Officer who directed that the investigation take place. Any information you provide may be utilised to enable the Hearing Officer to determine how to proceed with the matter. If deemed necessary, the final report may also be shared with the relevant Affiliate/s that you are involved in to ensure consistency of action. Nonetheless, Personal

Information will remain confidential at all times and will be kept securely within Netball NSW premises

Any person who is part of the investigation has the right to seek a copy of the report however, in such an instance, privacy deletions will be undertaken to ensure that only that information that is relevant to the requester is provided.

By signing this document, you acknowledge the purpose of the investigation process and grant permission for the information you provide to be utilised during the investigation process in a manner deemed appropriate. You further acknowledge that confidentiality will be afforded you and your information at all stages, as required and appropriate.

Name

Signature

Date

Appendix O Parent/Guardian Authority to Allow Child/Young Person/Vulnerable Person to Participate in Investigation

I, _____, parent/guardian of _____,
after having discussed the investigation request with my daughter/son and my daughter/son having
agreed to undertake such, hereby give permission for my daughter/son,
_____ to participate in an investigation or record of interview with **insert
name**, Hearing Officer appointed on **insert date** by **insert name**, [relevant Affiliate], to look into the
allegations raised in the Appointment documentation.

I have also discussed with my daughter/son that she is to be accompanied by an adult or guardian during
any interview and she/he is happy for _____ to be present.

Name

Signature

Date



netball
NEW SOUTH WALES

Netball NSW

Grievance and Dispute Resolution Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 15 February 2022

Last Reviewed: November 2021
Next Reviewed: November 2022

Contents

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1 Introduction

- 1.1 Netball NSW (as the controlling authority for Netball in NSW) has in place a range of policies and procedures for Member protection, complaint handling, reporting of concerns, disciplinary action and dispute resolution to ensure any concerns are addressed in a timely and fair manner.
- 1.2 This Grievance and Dispute Resolution Policy (**Policy**) deals primarily with grievances and/or disputes between Members of an Affiliate or between Members and an Affiliate (internal disputes) that do not involve Member protection issues or disciplinary (On-court) Offences which are dealt with under the other relevant Netball NSW policies.
- 1.3 Everyone involved in Netball in NSW is encouraged to raise concerns that they may have at any point regarding the safety, welfare, wellbeing, health, behaviours or conduct of Members, Affiliates or other Participants in Netball in NSW.
- 1.4 When identifying which Policy to follow for different complaints, grievances and/or disputes, refer to Attachment A - Netball NSW Complaints, Grievances and Disputes Decision Tree.

2 Definitions

Act means the *Associations Incorporation Act 2009* (NSW).

Affiliate means a Premier League Licensee, Association, or Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee or otherwise, which is a Member of Netball NSW.

Constitution means the constitution of an Affiliate and is a contract between the Affiliate and its Members, who agree to adhere to the provisions outlined in the Constitution.

Executive Committee means the governing body of an Affiliate.

Individual Member (Member) means a natural person who is a registered financial Member of Netball NSW.

Model Constitution (Model rules) means the NSW Department of Fair Trading Model Constitution, which covers the matters required to be addressed in an Association's Constitution by Schedule 1 of the Act and which appears as Schedule 1 of the Associations Incorporation Regulation 2016 (NSW).

Natural justice also known as procedural fairness, is a requirement of a fair dispute resolution process.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and /or its Affiliates.

Netball means the sport or game played under the Rules of Netball determined or adopted from time to time by Netball NSW or an Affiliate.

Netball NSW is the New South Wales Netball Association Limited.

Netball NSW Member Protection Policy means the Policy adopted by Netball NSW on 2 January 2019 as amended from time to time, which deals with Member protection issues. Examples of Member protection issues dealt with by the Policy include issues relating to:

- Child protection
- Child abuse
- Child neglect
- Using images of children inappropriately or illegally
- Discrimination
- Bullying
- Sexual harassment
- Victimisation
- Inappropriate sexual relationships
- Cyber bullying and inappropriate conduct

On-Court Conduct means conduct by a Member occurring during any Netball Activity including but not limited to games, training and carnivals.

On-Court Offence means any On-Court Conduct that constitutes an offence by a Member as defined in Appendix A to this Policy. This includes any offences which may have occurred before, during or after the Netball Activity, in the confines of the court or venue on which the Netball Activity is conducted or its immediate surrounds or elsewhere if directly related to the relevant Netball Activity.

Policy means this Netball NSW Grievance and Dispute Resolution Policy.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Rules of Netball means the World Netball Official Rules of Netball as published by the World Netball from time to time, unless where modified by Netball NSW and/or its Affiliates.

3 Scope of this Policy

3.1 Who Does this Policy Apply To?

3.1.1 This Policy applies to the following people/organisations, whether they are operating in a paid or unpaid/voluntary capacity in Netball NSW or with an Affiliate:

- a) Netball NSW and its Members;
- b) Affiliates and their Members;
- c) Individuals sitting on Boards, committees and sub-committees of Netball NSW and/or its Affiliates;
- d) All employees, volunteers, independent contractors and other Participants in Netball in NSW, including:
 - (i) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sports trainers etc.);
 - (ii) Coaches and assistant coaches;
 - (iii) Athletes and players;
 - (iv) Umpires, bench officials and other officials; and (v) Administrators.
- e) Any other person or organisation that is an individual Member of or affiliated with Netball NSW; and
- f) Any other person who has agreed to be bound by this Policy.

3.1.2 This Policy will continue to apply to a person even after they have stopped their association or employment with Netball NSW and/or an Affiliate if action against that person has commenced.

3.2 When Does This Policy Apply?

- 3.2.1 This Policy provides a process for dealing with grievances and/or disputes that:
- a) are outside the scope of the Netball NSW Member Protection Policy, and/or
 - b) are outside the scope the Netball NSW Disciplinary Policy which covers the circumstances when an Individual Member or any other person or organisation is charged with an On-Court Offence whilst their team/club is participating in a Netball Activity.
- 3.2.2 This Policy is intended to deal with grievances and/or disputes between Members of an Affiliate or between Members and an Affiliate (internal disputes).
- 3.2.3 Examples of grievances and disputes that might be dealt with by this Policy include but are not limited to:
- Issues between Members and Affiliates regarding coaches and other officials which didn't follow procedures as set out in their policies;
 - Issues between Members and Affiliates regarding the conduct of Members of the Executive Committee of the Affiliate;
 - Issues between Members and Affiliates concerning how the AGM meetings are run; and
 - Issues between Members and Affiliates regarding the application of the rules of the netball competitions and activities conducted by an Affiliate
- 3.2.4 This Policy applies:
- a) at any Netball NSW or Affiliate competition or event;
 - b) during paid or voluntary activities, including dealing with Members, media, sponsors, other support employees, volunteers, independent contractors and other participants in Netball in NSW;
 - c) during all netball related activities including competitions, training events and camps;
 - d) at all times when providing services on behalf of Netball NSW or an Affiliate; and
 - e) at all times when acting in any capacity, whether voluntary or paid on behalf of Netball NSW or an Affiliate.

4 Grievance and Dispute Resolution Process

Serious incidents such as harm to a child or young person should be reported to the police.

4.1 Who handles grievances and disputes?

- 4.1.1 The Executive Committee of an Affiliate is responsible for the administration of grievances and disputes that fall within the scope of this policy arising out of a Netball Activity organised and run by the Affiliate.
- 4.1.2 Grievances arising out of a Netball Activity organised and run by Netball NSW will be handled by Netball NSW in accordance with this Policy.

4.2 What should I do if I have a grievance or dispute?

The first step is to try to resolve the grievance or dispute informally with the parties involved.

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact a Member Protection Information Officer

Talk with an Affiliate Member Protection Information Officer (MPIO) if:

- Step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The MPIO will:

- ask how you would like your concern to be resolved and if you need support;
- seek to provide different options for you to address your concern;
- act as a support person, if you wish;
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality.

Any information discussed with an MPIO is subject to the requirements of confidentiality as set out in Clause 5 below. The MPIO must not discuss any details you provide with any other member of the Affiliate community.

Step 3: Decide how to address your concern

After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person; or
- to resolve the problem with the help of someone impartial, such as a mediator i.e. refer the matter to a Community Justice Centre (see Clause 4.3).

4.3 What if the matter cannot be resolved through informal discussions?

The vast majority of Affiliates that conduct netball competitions and activities in NSW are registered as 'incorporated associations' under the *Associations Incorporation Act 2009* (NSW) (ACT).

- Under this Act, any incorporated Affiliates are required to have in place a procedure for managing and handling grievances and disputes. If the Constitution of the relevant Affiliate does not include a dispute resolution procedure, then the procedure outlined in the Model Constitution is taken to be part of the Affiliate's Constitution.
- The Model Constitution can be found via <https://www.fairtrading.nsw.gov.au/associations-and-cooperatives/associations/starting-an-association/model-constitution>.

Accordingly, under either the Model Constitution, or the Affiliate Constitution there will be dispute resolution procedures which should be followed to resolve a dispute. Where an Affiliate Constitution refers members to the 'Netball NSW Complaint Handling Procedures' or words to this effect, the processes outlined in the Model Constitution should be followed.

The process for resolving disputes under the Model Constitution is as follows:

Step 1 – Refer the Matter to Mediation

Under Section 10(1) of the Model Constitution - Resolution of Disputes, a dispute between a Member and another Member (in their capacity as Members) of the Association, or a dispute between a Member or Members and the Association, are to be referred to a Community Justice Centre (CJC) for mediation under the *Community Justice Centres Act 1983*.

See clause 4.4 for further details in relation to CJC and the mediation referral process.

Step 2 – Refer matter to Arbitration if Mediation Fails

Under Clause 10(2) of the Model Constitution, if a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute may be referred to arbitration. The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

4.4 What are Community Justice Centres? What is mediation? And who is involved?

Community Justice Centres (CJCs) provide free mediation services throughout NSW.

- a) Mediation is an informal, problem-solving process in which an impartial person (a mediator) helps people with a dispute come together to reach an agreement everyone can live with. Thousands of people use mediation services every year to talk about their disputes and reach a solution.
- b) CJC mediation is run by impartial, trained mediators. The mediators don't take sides, or make a decision about a dispute. Their role is to make sure each person has a chance to have their say, keep the discussion on track, and help you come to an agreement wherever possible.
- c) Community Justice Centre mediation:
 - Is free
 - Has no waiting lists
 - Is held in a venue near you
 - Lets everyone have their say
 - Is confidential
 - Is more likely to preserve the relationships of the people involved in the conflict
- d) Community Justice Centres can be found and/or contacted on the below details:
w: www.cjc.justice.nsw.gov.au e: cjc@justice.nsw.gov.au
p: 1800 990 777

5 Confidentiality

- 5.1 All grievance and dispute actions undertaken are to remain confidential. Thus, all persons participating in the process, whether directly or indirectly, are to maintain confidentiality at all times. Persons are also to ensure that privacy is maintained throughout and beyond the process at all times. Any breach of confidentiality or privacy may form the basis of formal action against the person who breaches these requirements.
- 5.2 Please note that Netball NSW and/or Affiliates are not able to handle complaints anonymously in accordance with principals of natural justice.

6 Frequently Asked Questions

Can we remove (or discipline) a Member or committee Member who is causing trouble?

Affiliates can discipline Members so long as they follow disciplinary procedures in their Constitution, and in addition, apply principles of natural justice.

The Model Constitution contains provisions regarding the disciplining of Members and the removal of Executive Committee Members.

The grievance and dispute resolution Process did not resolve the issue. Are there other options?

Sometimes even when you follow your Affiliate's grievance and dispute resolution procedures, the situation doesn't resolve. There are some other options, depending on the circumstances, which may be able to break a 'deadlock' situation. Some are set out briefly below:

Hold a special general meeting

It can be helpful to call a special general meeting of all the Members of the Affiliate, to try and sort out what should be done about the Affiliate's problems.

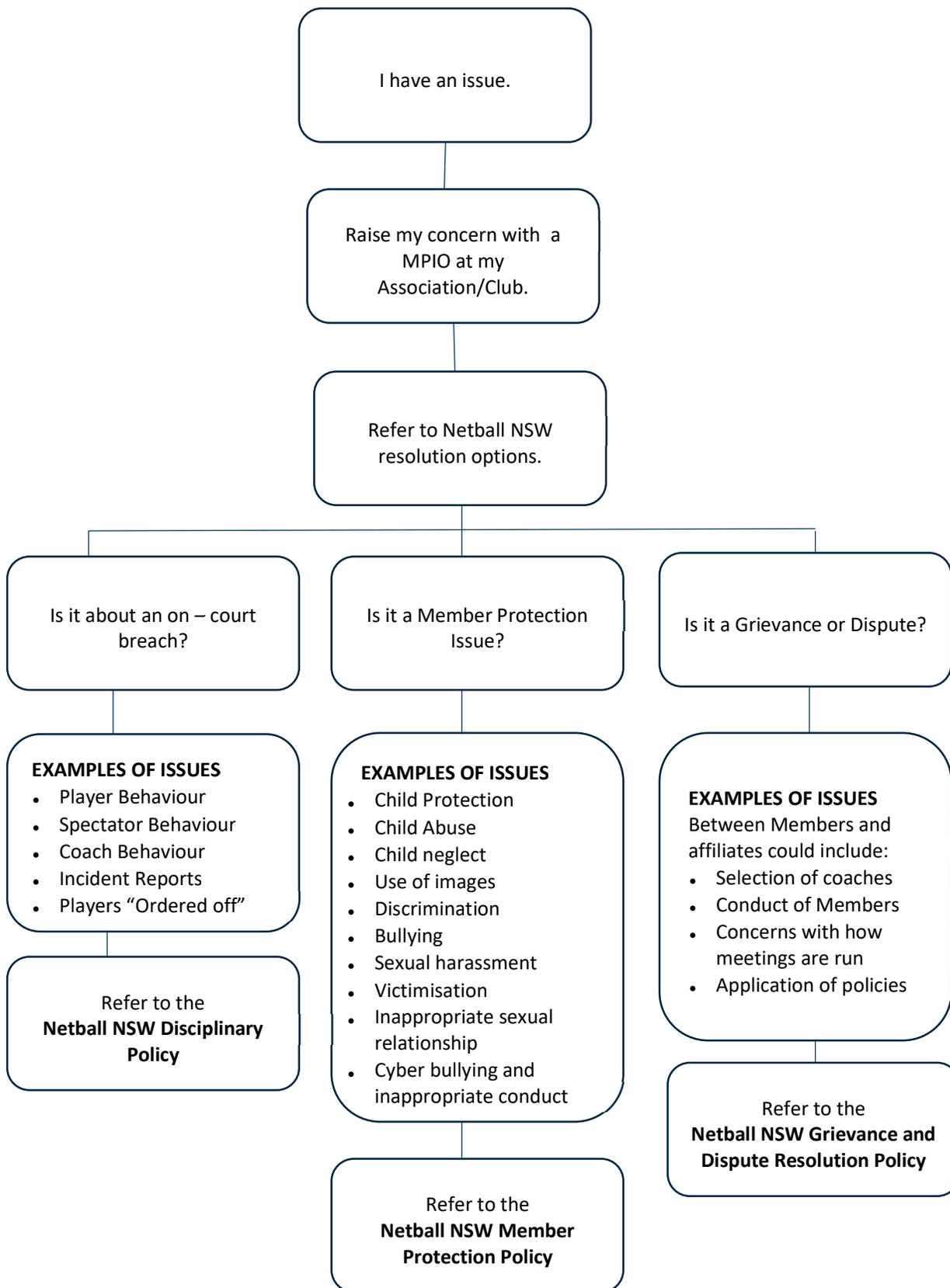
Check your Constitution to find out how to call a special general meeting.

If you think the meeting may be difficult to control, consider getting an independent person to sit in or oversee the running of the meeting to help it run as smoothly as possible.

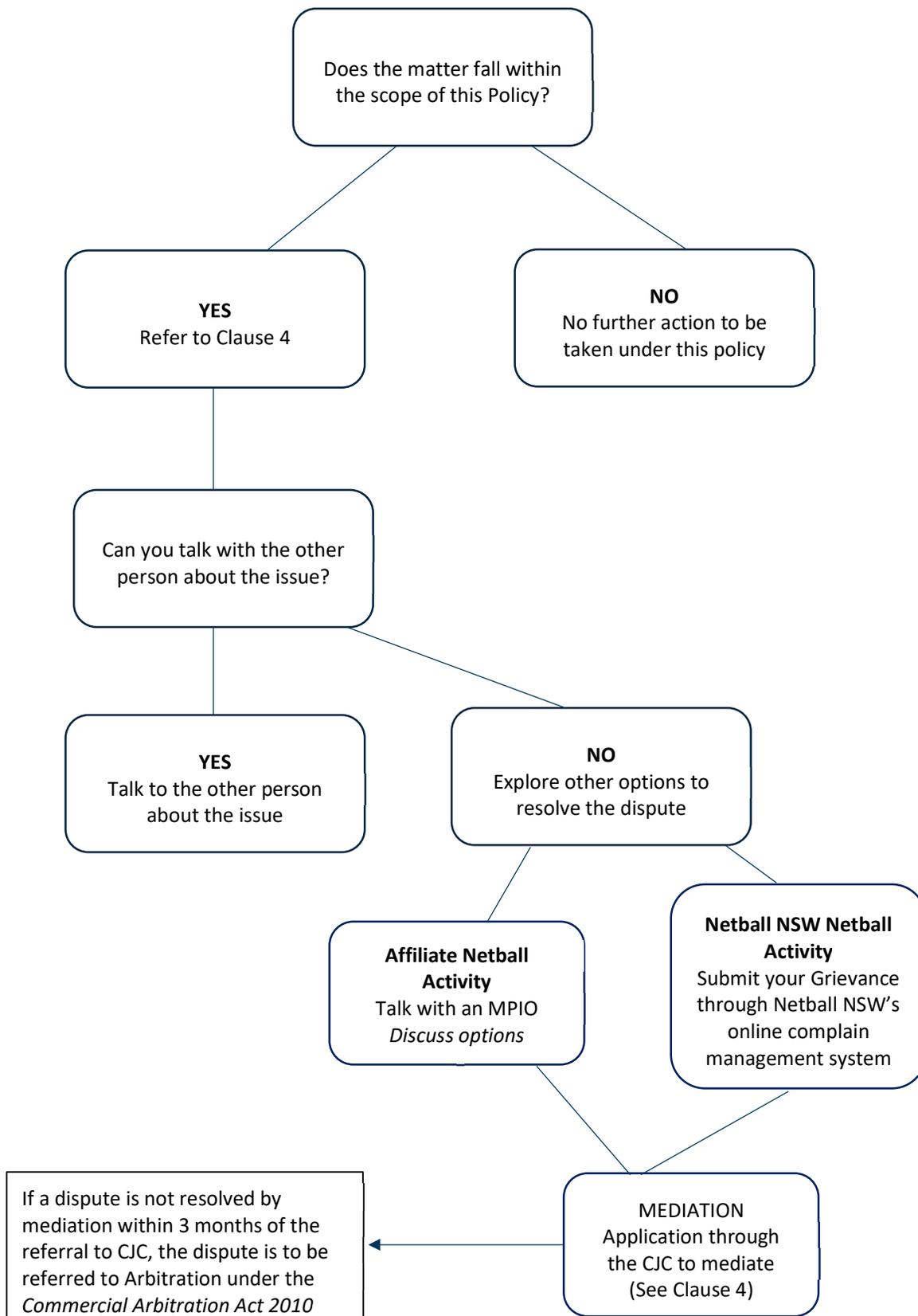
Remove yourself from the situation

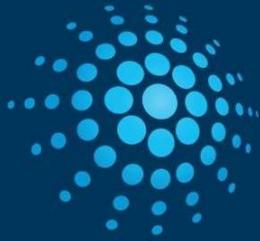
If you are personally involved in a dispute, that you feel may cannot be adequately resolved, it may be in your best interests to remove yourself from the situation and look to join another Affiliated Club or Association. Whilst this is an option of last resort, given your involvement with an Affiliate is voluntary, you should not feel that you are compelled or required to remain in a situation which is negatively impacting you.

Attachment A: Netball NSW Complaints, Grievance and Disputes Decision Tree



Attachment B: Grievance and Dispute Resolution Process





netball
NEW SOUTH WALES

Child Safeguarding Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 15 February 2022

Last Reviewed: February 2022
Next Reviewed: December 2022

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Summary

Netball NSW has a zero-tolerance policy to child abuse and neglect in any form.

Netball NSW is committed to safeguarding and promoting the welfare of Children in Netball by providing a safe and inclusive environment and by ensuring that everyone involved in Netball is educated and informed of their responsibilities to protect and look after Children.

All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in Netball in a safe, positive, and enjoyable environment.

Netball NSW aims to create and maintain an inclusive, Child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in Netball.

This Policy is part of Netball NSW's proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation and empowerment of all Children who access Netball.

This Policy seeks to ensure that everyone involved in Netball is aware of rights and responsibilities in relation to Children. This Policy sets out the standards of behaviour expected of those involved in Netball, and the behaviours that are not acceptable ('Prohibited Conduct').

This Policy also imposes obligations on Netball NSW and Affiliates in relation to responding to allegations of Prohibited Conduct (including Failure to Report and Failure to Protect obligations)

and to implement a commitment to Child safety and Child-safe practices, including recruitment and screening of staff and volunteers.

1 Definitions

Abuse means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

Affiliate means a Premier League Licensee, Netball association or Netball club, howsoever described, whether incorporated or unincorporated, a company limited by guarantee or otherwise, which is a Member of Netball NSW.

Australian Child Protection Legislation means the Children and Young Persons (Care and Protection) Act 1998 (NSW) and all other state or federal child protection legislation as amended from time to time, a summary of which is available [here](#).

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

Child or Children means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

Child Abuse has the meaning given to it in Schedule 1, and includes the following as outlined in that Schedule:

- a. Physical Abuse
- b. Emotional or Psychological Abuse
- c. Sexual Abuse
- d. Neglect
- e. Exposure to Domestic and Family Violence.

Child Safe Commitment refers to Netball NSW and Affiliate's commitment to child safety in Netball, as outlined in Annexure B.

Child Safe Practices refer to the child safety requirements and practices adopted and implemented by Netball NSW and its Affiliates to help ensure the safety of Children participating in a Netball Activity as outlined in Annexure B.

Complaint Handling Procedures (Procedures) means the Netball NSW Member Protection Policy, Attachment B – Complaint Handling Procedures.

Failure to Protect means the legislative requirement under section 43B of the *Crimes Act 1900* (NSW) whereby an adult who carries out work for an organisation (whether as an employee, contractor or volunteer) (**Position Holder**) and the organisation employs an adult (whether as an employee, contractor or volunteer) in child-related work and the Position Holder is aware that there is a serious risk that the adult worker will commit a Child Abuse offence and the Position

Holder by their position has an ability to remove or reduce that risk and fails to do so commits an offence.

Failure to Report means the legislative requirement under section 316A of the *Crimes Act 1900* (NSW) whereby an Adult who knows, believes or reasonably ought to know that a Child Abuse offence has occurred and who knows, believes or reasonably ought to know that they have information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence and who fails to provide that information to a member of the NSW Police Force is guilty of an offence.

Grooming refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

Harassment means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.¹

Member means a natural person who is a registered financial member of Netball NSW and/or an Affiliate.

Misconduct with a Child means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

Netball means the sport or game played under the World Netball Rules of Netball determined or adopted from time to time by Netball NSW.

Netball NSW means the New South Wales Netball Association Limited.

Netball NSW Member Protection Policy (MPP) means the Netball NSW Member Protection Policy as amended from time to time, which deals with member protection issues. The MPP can be found at [Policies - Netball NSW](#).

Participant means a person who participates, including but not only as an official, coach, player or umpire, parent, guardian or spectator in a Netball Activity organised, controlled or sanctioned by Netball NSW or an Affiliate.

Policy means this Child Safeguarding Policy including any schedules and annexures.

Prohibited Conduct means conduct in breach of clause 4.1 of this Policy.

¹ Refer to Clause 8 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Harassment.

Recruitment & Screening means the child safety recruitment and screening requirements adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in Netball, as outlined in Annexure C.

Sexual Misconduct means²:

- a. Sexual Harassment, which is unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b. Sexual Offences, which include (but is not limited to) any act of sexual intercourse, sexual touching or a sexual act as defined in the *Crimes Act 1900* (NSW) without the consent of the other person.

Unlawful Discrimination includes:

- a. Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- b. Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.³

Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.³

Vilification means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold.⁴

WWCC means a NSW 'Working with Children Check' under the Child Protection (Working with Children) Act 2012 (NSW).

2 Scope of Policy

2.1 Who this Policy applies to

² Refer to Clause 8 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Sexual Misconduct. ³ Refer to Clause 8 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Unlawful Discrimination

³ Refer to Clause 8 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Victimisation.

⁴ Refer to Clause 8 of the Netball NSW Member Protection Policy for examples of behaviour that may constitute Vilification

This Policy applies to all Members, Affiliates, Participants and Netball NSW (collectively **Captured Entities**).

2.2 When this Policy applies

- a. All Captured Entities to which this Policy applies must comply with this Policy at all times whilst they are a Captured Entity, in the following circumstances:
 - (i) in relation to any dealings they have with a Child arising from the Captured Entities' or the Child's, involvement in any capacity with Netball;
 - (ii) in relation to any dealings in relation to a Child that they might have with a Captured Entity or their staff, contractors, and representatives;
 - (iii) when dealing with a Child or other Captured Entity in their capacity as a Captured Entity; and
 - (iv) in relation to their Membership or standing as a Captured Entity in general.
- b. The following is not within the scope of this Policy:
 - (i) interactions involving a Captured Entity and a Child where there is no direct or indirect link to Netball.⁵ For the avoidance of doubt this Policy does not apply in circumstances where the only connection to Netball is that one or more of the persons involved are Participants in a Netball Activity in whatever capacity.

3 Requirements of Captured Entities

3.1 Individual Responsibilities

Members and Participants must always:

- a. comply with the requirements of Responding to Child Abuse Allegations in Annexure A;
- b. comply with the Child Safe Practices as set out in Annexure B;
- c. provide true and accurate information during Recruitment & Screening;
- d. comply with all obligations that they are subject to under the Australian Child Protection Legislation; and
- e. comply with all legislative obligations that they are subject to in relation to Failure to Report or Failure to Protect Obligations or a NSW WWCC.⁶

⁵ Such as pre-existing personal or family relationships or interactions between two Members where the only connection to Netball is that they are both Members.

⁶ See NSW Office of the Children's Guardian Working with children | Service NSW.

3.2 Organisational Responsibilities

Netball NSW and/or its Affiliates must:

- a. adopt, implement, and comply with the:
 - (i) Child Safe Commitment;
 - (ii) Child Safe Practices; and
 - (iii) Recruitment & Screening,

including reviewing and amending those requirements from time to time;
- b. comply with the 'Responding to Child Abuse Allegations' in Annexure A;
- c. use best efforts to assist Members, Participants and staff or volunteers to fulfil their responsibilities under this Policy;
- d. recognise any sanction imposed under this Policy; and
- e. take all necessary steps to:
 - (i) enforce any sanction imposed under this Policy, the MPP and the Complaint Handling Procedures; and
 - (ii) procure compliance with the 'Responding to Child Abuse Allegations' in Annexure A.

4 Breach of this Policy

4.1 Prohibited Conduct

A Captured Entity engages in Prohibited Conduct when any of the following occurs:

- a. they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 2.2:
 - (i) Child Abuse;
 - (ii) Grooming;

- (iii) Misconduct with a Child;
 - (iv) requesting or inferring that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation;
 - (v) supplying alcohol, drugs (including tobacco) or medicines, except with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage; or
 - (vi) any act that would constitute Prohibited Conduct under the Netball NSW Member Protection Policy;
- b. there is a breach of a requirement imposed under clause 3.1, or sub-clauses 3.2(a), 3.2(b) 3.2(e)(ii));
 - c. they are involved in or have knowledge of and do not report a breach of clauses 4.1(a) or 4.1(b);
 - d. they have engaged in an attempt to breach sub-clauses 4.1(a) (i), (ii), (iii), (v) or (vi); or
 - e. they fail to comply with Failure to Report or Failure to Protect obligations.

4.2 Breach of this Policy to be treated as breach of Netball NSW Member Protection Policy

- a. Any Captured Entity who engages in Prohibited Conduct under Clause 4.1 of this Policy is to be considered to have breached this Policy;
- b. Breaches of this Policy are to be treated as a breach of the Netball NSW Member Protection Policy;
- c. Allegations of breaches of this Policy should be investigated and managed in accordance with the policies and procedures as set out in Attachment B to the Netball NSW Member Protection Policy – Complaint Handling Procedures (the **Complaints Handling Procedures**). The Complaints Handling Procedures are available at the following link: [Policies - Netball NSW](#).

5 Reporting

- a. Where an alleged breach requires reporting to the NSW Police under Failure to Report obligations:

- (i) Captured Entities must comply with, and procure compliance with, the requirements of Responding to Child Abuse Allegations in Annexure A including Failure to Report obligations; and
- (ii) no further action under the Complaints Handling Procedures in relation to that alleged breach should occur (excluding an Interim Administrative Arrangement under Clause 6 of the Complaint Handling Procedures) whilst investigation by any external agency is ongoing.

Note: Under NSW Child Protection legislation NNSW and/or Affiliate staff and volunteers are not mandatory reporters in most cases unless providing care for children (e.g. on an overnight camp or trip which is more than two (2) nights in duration) However, given Netball NSW and Affiliates provide child-related services, any person who is employed (whether as a paid employee, volunteer or contractor) and (as a result of their position) has the ability to reduce or remove a serious risk of Child Abuse must do so in accordance with Failure to Protect obligations. Additionally, all adults are subject to Failure to Report obligations whereby they commit an offence if they fail to provide information of a Child Abuse offence to NSW Police without reasonable excuse.

6 Application of the Complaint Handling Procedures to this Policy

The Complaint Handling Procedures apply to any alleged Prohibited Conduct under this Policy, including reports of breaches of this Policy.

Schedule 1 – Child Abuse Definitions

Child Abuse is the mistreatment of a Child that:

- causes, is causing or is likely to cause any detrimental effect to a Child's physical, psychological, or emotional wellbeing; or
 - does, or is likely to, endanger a Child's physical or emotional health, development, or wellbeing, whether through a:
 - single act, omission, or circumstance; or
 - series or combination of acts, omissions, or circumstances and includes:
1. **Physical Abuse** occurs when a person subjects a Child to application of physical force, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to:
 - (a) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
 - (b) harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.
 2. **Emotional or Psychological Abuse** occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:
 - a. repeated rejection or threats to a Child;
 - b. constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;
 - c. Bullying and Harassment;
 - d. harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.
 3. **Sexual Abuse** occurs when an adult, or a person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child cannot provide consent, therefore even if 'consent' is given, it still falls within sexual abuse.

Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.

Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child to view pornographic videos, websites,

or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

4. **Neglect** is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, and educational neglect, and abandonment.
5. **Exposure to Domestic and Family Violence** is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic and family violence, then they may be at risk of serious physical and/or psychological harm.

Annexure A: Responding to Child Abuse Allegations

You must ACT.

As a person involved in Netball you play a crucial role in protecting Children. You must follow the four actions set out below when responding to any Child Abuse allegations.

Action 1 - Responding

If a Child is at risk of immediate harm you must ensure their safety by:

- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns;
- Administering first aid, if required;
- Separating at-risk Child and any others who pose a risk to their safety (e.g. an accused person);
- Notify policy@netballnsw.com and an appropriate Affiliate contact person for ongoing liaison with the Police.

If there is no immediate harm go to Action 2 below.

Action 2 – Reporting

If you suspect, on reasonable grounds that a Child is or is at risk of being abused and/or neglected, you must report it to the police under Failure to Report obligations or the NSW Office of the Children's Guardian (which is mandatory in the case of an overnight camps of more than two (2) nights in duration ONLY) as soon as possible.

The allegation must be documented.

You must also report internally to policy@netballnsw.com and the relevant Affiliate.

Action 3 – Contact

You must contact the police and/or the NSW Department of Communities and Justice to determine the information that may be shared with parents/guardians, and who should lead this contact (i.e. police, child protection department or Affiliate and/or Netball NSW representative). This could include advice:

1. Not to contact the parents or guardians in circumstances where they are alleged to have engaged in the abuse.
2. To contact the parents/guardians and provide agreed information as soon as possible.

Action 4 - Support

- Support should be provided to any Child that has experienced abuse e.g. putting protective mechanisms in place to keep the child safe whilst maintaining routine and keeping them involved in sport as far as possible.
- It is important that the person providing support to the Child does not attempt to provide support which is outside of the scope of their role e.g. taking a report from the child. Appropriate support would include contacting the child's parent/carer, making the child feel safe and assisting them to continue playing netball in a safe environment.
- Support should also include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions which should be conducted by the appropriate authorities.
- Any allegations or disclosures should be reported to Netball NSW via policy@netballnsw.com as soon as practicable.
- Further support for the Child, relevant adults and others involved may be required, including a referral to wellbeing or healthcare professionals such as Sports Chaplaincy Australia (sportschaplaincy.com.au) and or the development of a safety plan.

Please contact policy@netballnsw.com for further advice and assistance

Annexure B: Child Safe Commitment and Practices

1. CHILD SAFE COMMITMENT STATEMENT

Netball NSW is committed to ensuring the safety and wellbeing of all Children that are involved in Netball. Our policies and procedures seek to address risks to child safety and to establish child safe culture and practices.

1.1 We are committed to keeping Children safe

- a. Through our Child Safeguarding Policy, we document our clear commitment to keeping Children safe from abuse and neglect.
- b. We communicate our commitment to all our staff and volunteers and give them access to a copy of this commitment statement.

1.2 We promote equity and respect diversity

- a. We actively anticipate Children's diverse circumstances and respond effectively to those with additional vulnerabilities.

- b. We give all Children access to information, support, and complaints processes.
- c. We consider the needs of all Children, particularly Aboriginal and Torres Strait Islander Children, Children with a disability, LGBTQI Children and Children from culturally and linguistically diverse backgrounds.

1.3 Our staff and volunteers know the behaviour we expect

- a. We ensure that each person involved in our delivery of services to Children understands their role and the behaviour we expect in relation to keeping Children safe from abuse and neglect through application of our Child Safe Practices.
- b. We utilise clear position descriptions which clearly state relevant child safe requirements.
- c. Our staff and volunteers are given a copy of and have access to the Child Safe Practices.
- d. Our staff and volunteers indicate, in writing, that they have read and are committed to the Child Safe Practices.
- e. Our staff and volunteers are aware of their Failure to Report obligations.

1.4 We minimise the likelihood of recruiting a person who is unsuitable

- a. We have appropriate measures in place to minimise the likelihood that we will recruit staff or volunteers who are unsuitable to work/volunteer with Children.
- b. We will meet the requirements of the NSW Working with Children check laws.

1.5 Induction and training are part of our commitment

- a. We will provide all new staff, volunteers, and participants with information about our commitment to Child Safety including our Child Safeguarding Policy, Child Safe Practices and Responding to Child Abuse Allegations.
- b. We support ongoing education and training for our staff and volunteers to ensure child safety information is provided and updated as required.
- c. We ensure that our staff and volunteers have up-to-date information relevant to NSW Child Safety Legislation.

1.6 We encourage the involvement of Children and their parents

- a. We involve and communicate with Children and their families in developing a safe, inclusive, and supportive environment. We will provide information to Children and their carers (such as brochures, posters, handbooks, guidelines) about:
 - (i) our commitment to keeping Children safe and communicating their rights;
 - (ii) the behaviour we expect of our staff and volunteers and of themselves;
 - (iii) our policy about responding to child abuse.

- b. We have processes for encouraging two-way communication with Children and families.
- c. We seek their feedback and have a process for responding.
- d. We respect diversity and seek to facilitate effective communication and involvement.

1.7 Our staff and volunteers understand their responsibility for reporting child abuse

- a. Our policy for responding to child abuse is approved and endorsed by the Netball NSW Board and applies to all our staff and volunteers. Staff and volunteers must:
 - (i) immediately report any potential breaches of this policy by any Captured Entity and/or any concerns with policies, practices or the behaviour of any Captured Entity that they become aware of;
 - (ii) meet any legislated or other jurisdictional reporting requirements including but not limited to Failure to Report obligations;
 - (iii) follow a specified process when reporting abuse or neglect.
- b. Our staff and volunteers are given a copy of and have access to the Complaint Handling Procedures and understand the implications of the policy for their role.
- c. We document any allegation, disclosure or concern regarding child abuse and monitor responses to all allegations, disclosures, or concerns.

1.8 We maintain and improve our policies and practices

- a. We are committed to maintaining and improving our policies, procedures, and practices to keep Children safe from neglect and abuse.
- b. We have assigned responsibility for regularly maintaining and improving our policies and procedures to our Policy and Member Protection team.
- c. Netball NSW and Affiliates monitor their staff, volunteers, and external providers to ensure appropriate practice, behaviour and policies are followed.
- d. Netball NSW and Affiliates require their staff and volunteers to disclose convictions or charges affecting their suitability to work with Children. Netball NSW and Affiliates review NSW WWCC checks regularly.
- e. We have formally reviewed our service delivery to identify and document potential risks to Children.
- f. We undertake formal reviews, at least annually, to identify and document potential risks to Children associated with our service delivery.

2. CHILD SAFE PRACTICES

- Netball NSW is committed to safeguarding everyone involved in our organisation including Children in our care, ensuring that they feel and are safe. Netball NSW Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in our sport.
- A breach of the Child Safe Practices is a breach of Netball NSW Member Protection Policy and will be managed in accordance with the Complaints Handling Procedures.
- There may be exceptional situations where aspects of the Child Safe Practices do not apply, for example in an emergency it may be appropriate to physically restrain a child.

However, it is crucial that, where possible, an individual seeks authorisation prior to taking action that does not comply with these standards or that you notify Netball NSW and/or its relevant Affiliate as soon possible after any incident in which these standards are not complied with.

2.1 Sexual misconduct

- a. Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of Children.
- b. 'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
 - (i) 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
 - (ii) 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

2.2 Professional boundaries

- a. Members, Participants and Netball NSW staff and volunteers must act within the scope of their role when working with Children who are involved or have been involved in Netball. They must not:
 - (i) provide any form of support to a child or their family unrelated to the scope of their role (e.g. financial assistance, babysitting, provide accommodation), where there is no existing social, personal, or family relationship;
 - (ii) use personal phone, camera, or video camera to take images of Children;
 - (iii) exhibit any type of favouritism towards a Child;
 - (iv) transport Children unless specifically approved;
 - (v) give gifts/presents to Children other than the provision of official awards, where there is no existing social, personal, or family relationship;
 - (vi) engage in open discussions of a mature or adult nature in the presence of Children;
 - (vii) discriminate against any Child, including on the basis of gender identity, culture, race, or disability;
 - (viii) have one on one contact with a Child outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online), where there is no existing social, personal, or family relationship; or
 - (ix) accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.
- b. If a Captured Entity becomes aware of a situation in which a Child requires assistance that is beyond the confines of that Captured Entities' role, they should undertake any or all of the following at the earliest opportunity:
 - (i) refer the matter to NSW Police;
 - (ii) refer the Child to an appropriate support agency;
 - (iii) contact the Child's parent or guardian; or
 - (iv) seek advice from Netball NSW and/or the relevant Affiliate.

2.3 Use of language and tone of voice

Language and tone of voice used in the presence of Children should:

- a. provide clear direction, boost their confidence, encourage, or affirm them;
- b. not be harmful to Children. In this respect, avoid language that is:
 - (i) discriminatory, racist, or sexist;
 - (ii) derogatory, belittling, or negative, for example, by calling a Child a 'loser' or telling them they are 'too fat';
 - (iii) intended to threaten or frighten; or (iv) profane or sexual.

2.4 Positive guidance (Discipline)

- a. Children participating in Netball will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- b. Captured Entities must use appropriate techniques and behaviour management strategies to ensure:
 - (i) an effective and positive environment; and
 - (ii) the safety and/or wellbeing of Children, or personnel participating in sport.
- c. Captured Entities must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- d. Children need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.
- e. Under no circumstances are Captured Entities to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

2.5 Supervision

- a. Children participating in Netball Activities must always be supervised. Supervision must be constant, active, and diligent and requires Members and Participants to always be in a position to observe each Child, respond to individual needs, and immediately intervene if necessary.
- b. One-to-one unsupervised situations with Children should be avoided, however some Netball Activities may involve such circumstances (e.g., medicine and physical therapy) and in this case, these situations will need to be identified and recorded by Netball NSW and/or the relevant Affiliate.
- c. Any incident of one-to-one unsupervised contact should be immediately reported to Netball NSW and/or the relevant Affiliate within 24 hours of the incident occurring.

2.6 Use of electronic or online communications

- a. For any electronic or online communication with Children in Netball we adopt a two-deep model, that is, copy in the organisation and a parent or guardian in all communication.
- b. When communicating with Children, Captured Entities must ensure content is:
 - (i) directly associated with delivering our services, such as advising that a scheduled event is cancelled;

- (ii) concise with personal or social content limited only to convey the message in a polite and friendly manner;
- (iii) devoid of any sexual behaviour; and
- (iv) not promoting unauthorised social activity or contact.

2.7 Photographs of Children

- a. Netball NSW requires every person to obtain permission from a Child's parent or guardian before taking images of a Child that is not their own. They should also make sure the parent/guardian understands how the image will be used.
- b. Netball NSW requires the privacy of others to be respected and prohibits the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- c. If any person believes that another person is taking photos that are indecent or inappropriate, they should immediately contact police.
- d. In the event that the taking of any images is banned for example due to child custody matters, wards of the state, restraining orders and witness protection, it is the responsibility of the parent or guardian or individual to notify Netball NSW or the Affiliate including where appropriate the provision of a confidential copy of the order. In such cases Netball NSW and/or the Affiliate will use its best endeavours to prevent the taking of such images.
- e. Netball NSW and/or an Affiliate will not name or identify any Child or publish any personal information such as residential address, email address or telephone numbers without written approval from the Child's parent or guardian.
- f. Netball NSW and/or an Affiliate will not provide or publish to any person or organisation information about a Child's hobbies, interests, school etc.
- g. Netball NSW and Affiliates will only use appropriate images of a Child, relevant to Netball and depicting the Child suitably clothed in a manner that promotes participation in Netball. Wherever possible, Netball NSW and/or an Affiliate will seek permission from a Child's parent or guardian before using the image.
- h. Images (digital and hardcopy) will be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.

2.8 Physical contact with Children

- a. Any physical contact with Children must be appropriate to the delivery of Netball Activities and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- b. Under no circumstances should any person have contact with Children participating in Netball Activities that:
 - (i) involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;
 - (ii) would appear to a reasonable observer to have a sexual connotation;
 - (iii) is intended to cause pain or distress to the Child (e.g. corporal punishment);
 - (iv) is overly physical (e.g. wrestling, horseplay, tickling or other roughhousing);
 - (v) is unnecessary (e.g. assisting with toileting when a Child does not require assistance);
 - or
 - (vi) is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
 - physical restraint should be a last resort;

- the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others; and
 - the incident must be reported to Netball NSW and/or an Affiliate as soon as possible.
- c. Captured Entities are required to report to Netball NSW and/or an Affiliate any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child and all Captured Entities.

2.9 Overnight stays and sleeping arrangements

- a. Overnight stays involving Children are to occur only with the Netball NSW and/or Affiliate approval and consent of the parents or guardians of the Children involved.
- b. Written approval must be obtained prior to the overnight stay. Written approval could include electronic messaging formats such as email or SMS.
- c. Practices and behaviour by Captured Entities involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of Netball Activities at all other times.
- d. Standards of conduct that must be observed by Captured Entities involved during an overnight stay include:
- (i) Children are provided with privacy when bathing, toileting, and dressing;
 - (ii) appropriate dress standards are observed when Children are present – such as no exposure to adult nudity;
 - (iii) Children will not be exposed to pornographic material, for example, through movies, television, the internet, or magazines;
 - (iv) Children will not be left under the supervision or protection of unauthorised persons such as accommodation staff, or peers;
 - (v) sleeping arrangements will not compromise the safety of Children such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a Child; and
 - (vi) Children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay.

2.10 Change room arrangements

- a. Children should be supervised in change rooms whilst ensuring their right to privacy.
- b. A minimum of two Members or Participants of the same gender as the group should always be present.
- c. Members or Participants must not shower or change at the same time as supervising groups of Children.
- d. Members or Participants must avoid one-to-one situations with a Child in a change room area.
- e. Members or Participants need to ensure adequate supervision in 'public' change rooms when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy.

- f. Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed, showering or using toilets.

2.11 Use of, possession or supply of alcohol or drugs

Members or Participants, whilst responsible for the care of Children, must not:

- a. use, possess or be under the influence of an illicit drug;
- b. use or be under the influence of alcohol;
- c. be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- d. supply alcohol or drugs (including tobacco) to a Child;
- e. supply medicines, except with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage.

2.12 Parent/Guardian Involvement

Captured Entities must:

- a. ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Netball.
- b. conduct all Netball Activities in open locations and allow parents/guardians to watch their Children during Netball Activities.
- c. make parents/guardians aware of the standard of behaviour required when watching their Child during Netball Activities.

2.13 Transporting Children

- a. Children are only to be transported in circumstances that are directly related to the delivery of Netball Activities.
- b. Other than in an emergency, it is not acceptable for Captured Entities to transport Children without prior written approval from their parent or guardian. Gaining approval involves providing information about the proposed journey, including the:
 - (i) form of transport to be used;
 - (ii) reason for the journey;
 - (iii) route to be followed, including any stops or side trips; and
 - (iv) details of anyone who will be present during the journey
- c. When transporting Children, the driver must drive responsibly, not be impaired by alcohol or any other mind-altering substances, have an unrestricted drivers' licence and to the extent practicable, not be alone in the car with a Child.
- d. Children may only be transported in a vehicle when the manufacturer stated capacity is adhered to and seatbelts and child restraints must meet Australian Standards (AS/NZS1754).

2.14 Drop off and Pick up of Children

Netball NSW and/or an Affiliate must:

- a. ensure Children and their parents or guardians know the time and location of Netball Activities, including start and finish times.
- b. arrive before scheduled practice or game times to ensure that Children are not left unattended.
- c. have an accessible register of parent and guardian emergency contact numbers and an operational phone.
- d. ensure they are aware of alternative pick up arrangements for Children and that the parent or guardian has provided consent.
- e. ensure that if a parent or guardian is late, they make reasonable attempts to contact them. It is not the responsibility of a Captured Entity to transport Children home if their parent or guardian is late for pick up.
- f. not leave the training or match until all Children have been collected by their parents and guardians.

Annexure C: Recruitment and Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across Netball. Netball NSW takes Child protection seriously and ensures that the organisation recruits' personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children.

1. Child Related Positions

- 1.1 All positions within Netball NSW or an Affiliate (employees and volunteers) will be assessed by Netball NSW or the relevant Affiliate as appropriate (new and existing) using Appendix 1: Position Assessment Checklist.
- 1.2 Positions identified as 'child related' will require the successful applicant to be cleared by the NSW Office of the Children's Guardian as a person suitable to work with Children through obtaining a Working with Children Check.

2. Position Descriptions

- 2.1 Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk.
- 2.2 Examples of appropriate selection criteria may include: 'Must have experience working with Children.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children', 'Must be able to provide evidence of a valid and current NSW WWCC'.

3. Advertising

- 3.1 All positions identified as child related will include the following statement in the position description and any advertising: *[Netball NSW/ Affiliate] is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.*

4. Interviews

- 4.1 All applicants for child related positions are required to attend at least one formal interview or informal discussion, preferably in person or on a videoconference (e.g. Zoom etc.).
- 4.2 During the interview, questions regarding the applicant's suitability to work with Children must be included. Refer to Appendix 2: Interview Requirements and Sample Questions.

5. Working with Children Checks

- 5.1 NSW Working with Children Check laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. The relevant Working with Children Check legislation in NSW is the *Child Protection (Working with Children) Act 2012* (NSW) (**Child Protection Act**).
- 5.2 These laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with Children.
- 5.3 Netball NSW and its Affiliates must be aware of and compliant with the Working with Children Check employer obligations as set out in the Child Protection Act.
- 5.4 All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment, be that Netball NSW or an Affiliate. The organisation making the appointment is responsible for verifying the WWCC.
- 5.5 Netball NSW and/or an Affiliate may not engage a person who does not have a satisfactory NSW WWCC. A WWCC from another jurisdiction is not valid in NSW and does not meet the legal requirements which exist under the *Child Protection Act*.
- 5.6 For the purpose of Clause 4.1 of this Policy, it is a serious breach of the Policy if an individual:
- (a) who has convictions that would make them ineligible to be granted a WWCC, is appointed to a child related position in Netball; or
 - (b) continues in their position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- 5.7 Any Member or Participant is required to report any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services, such as illegal drug possession or use, gun crimes and assault including adult sexual assault. It is a breach of this Policy under Clause 4.1 to fail to disclose any such conviction or charge

6. Monitoring compliance

- 6.1 Netball NSW and its Affiliates will ensure that all personnel (both employees and volunteers) in Child related positions have a current NSW WWCC.

- 6.2 Netball NSW and its Affiliates are responsible for verifying all WWCC held by all personnel in Child related positions in accordance with the requirements in the Child Protection Act.
- 6.3 Netball NSW and its Affiliates will retain, update and review relevant records of all personnel in Child related positions including the following:
- (a) Full Name;
 - (b) Date of Birth;
 - (c) WWCC number;
 - (d) WWCC expiry date;
 - (e) Verification date; and (f) Verification status.

7. Reference checks

- 7.1 Netball NSW and/or Affiliates will conduct a minimum of two reference checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.
- 7.2 The selected referees must:
- (a) be able to provide information relating to the applicant's suitability to work with Children;
 - (b) have known the applicant for at least 12 months;
 - (c) not be related to the applicant;
 - (d) be able to vouch for the applicant's reputation and character.

Please note: Written character references are not sufficient unless also followed up and verified through direct contact.

- 7.3 Referees will be asked directly about any concerns they may have about the applicant working with Children.
Refer to Appendix 3: Reference Check Requirements and Sample Questions.

8. Qualification and registration checks

Educational or vocational qualifications, or professional registration, including any coaching or umpiring qualifications will be verified for the preferred applicant for the position, if applicable.

9. Minors

- 9.1 If a person under the age of 18 is appointed to a child-related position, Netball NSW or the relevant Affiliate must:
- (a) comply with NSW WWCC requirements. Note that NSW WWCC requirements do not permit a minor to obtain a WWCC. When a minor transitions to 18 years of age they must then meet the WWCC requirements;
 - (b) undertake appropriate screening (interviews and referee checks);

- (c) ensure that they are aware that they are bound by the Child Safe Policy, Child Safe Practices and the obligations associated with working with Children; and
- (d) obtain information about any pre-existing relationships, especially where the Childapplicant interacts personally with another Child participant.

Appendix 1: Position Assessment Checklist

Step 1 - Exemptions (for certain positions only – not activities)

Netball NSW takes the view that all personnel working in a Child-related position should hold a verified NSW WWCC.

If the position is **not exempt, please move to Step Two.**

Step 2 – Contact

Contact with children Assessment		
Category	Question- Does the position/activity	Y/N
Degree of Isolation	Involve supervising children?	
	Involve being alone with children? [Please note that this should be avoided where possible].	
	Involve being alone with children? [Please note that this should be avoided where possible].	
	Involve meeting one-on-one with children? [Please note that this should be avoided where possible].	
	Involve working in unpredictable or remote settings?	
Online Environment	Involve having contact with children via phone, letter, email, or social media?	
	Involve direct one-on-one or group access to children online?	
	Involve supervising child-to-child online contact?	
	Involve online access to a child's or children's personal and/or confidential information?	

Step 3 – Vulnerability

Contact with children Assessment		
Category	Question- Does the position/activity	Y/N
Context	Engage with children with disabilities?	
	Engage with children with additional vulnerabilities?	
	Engage with children with limited support? (e.g. away from home)	
Physical	Involve demonstrating a skill to children?	
	Involve the need for physical contact/touching children?	

	Involve providing a personal service? (e.g. washing, dressing or toileting)	
	Involve transporting children?	
Supervision	Involve personnel having unsupervised contact with children?	
	Involve engaging with children in a way that is not observed or monitored?	
	Involve any of the following: one-on-one supervision; over-night supervision; out-of- town activities; advising or offering guidance to children; spending extended periods of time with children e.g. camps?	

Working with children Assessment	
	Involve developing close, personal, long-term relationships with children and/or their parents?
Authority	Contribute to important decisions regarding the future of children?
	Have access to personal/confidential information of children?
	Have a perceived or actual level of authority? (From a child's perspective)
Role Specific	Require specific skills, knowledge, qualifications, or service eligibility requirements to undertake a child-related position/role?
Vulnerability can include	Physical and mental disability, homelessness, children and families impacted by disasters, displacement, being a migrant, refugee or an asylum seeker, children who are known to police or child protection services, orphans, children in out of home care, unaccompanied minors and being a very young child.

Step 4 – Assess the Risk

Based on your responses to Step Two & Three, identify the inherent risk of the position/activity using the table below.

LOW	Nil contact	The position / activity does not have contact or work with children (i.e. you answered NO to all questions in Steps Two and Three).	Netball NSW and/or an Affiliate does not require the position or person in the position to hold a NSW WWCC. Netball NSW and/or and Affiliate does not require the activity to be supervised or the person to be on restricted duties.
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MODERATE	Contact with Children	The position / activity involves or may involve contact with children (i.e. you answered YES to one or more questions in Step Two).	<p>Netball NSW and /or an Affiliate. does require the position and person in the position to hold a NSW WWCC.</p> <p>If the person does not have a NSW WWCC they MAY begin in the role provided that the Netball NSW and/or an Affiliate has verified their application submission, but they MUST be supervised at all times by another adult with a NSW WWCC. These measures are to be in place until a copy of the NSW WWCC is provided to Netball NSW and/or Affiliate.</p> <p>The person MUST NOT begin child-related work if an interim decision on their application prevents them from working with children and/or that they have been denied a clearance or it has been cancelled.</p>
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HIGH	Working with Children	The position / activity involves working with children (i.e. you answered YES to one or more questions in Step Three).	<p>Netball NSW and/or Affiliate does require the position and person in the position to hold a NSW WWCC.</p> <p>If the person does not have a NSW WWCC they MAY begin in the role provided that Netball NSW and/or Affiliate has verified their application submission, but the person MUST be supervised at all times by another adult that has a WWCC. These measures are to be in place until a copy of the WWCC is provided Netball NSW and/or the relevant Affiliate.</p> <p>The person MUST NOT begin child-related work if an interim decision in their application prevents them from working with children and/or that they have been denied a clearance or it has been cancelled.</p>
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Appendix 2: Interview Requirements and Sample Questions

- The interview process is a very important step in selecting the right people for your organisation and in identifying any people that may pose a risk of harm to children.
- An open-ended style of behavioural-based questioning will give insights into the applicant's values, attitudes and understanding of professional boundaries and accountability.
- All applicants should be informed during the interview that referees will be contacted as part of the any final selection process.

Questions that MUST be asked

- Would you please tell us about your beliefs and values in relation to working with children?
- Would you please tell us about your awareness and understanding of child protection?
- Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
- What boundaries are important when working with children?
- Have you ever had any disciplinary action taken against you in relation to you working with children?

Additional Questions (for positions that work predominately with children) that MAY be asked

- What do you find most rewarding about working with children?
- What do you find most challenging about working with children?
- How would you handle a child that is behaving in a manner that is disruptive in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with children?
- Are there any children whom you would not wish to work with and, if so, why?
- How would you deal with a child who is acting aggressively?
- Have you ever lost your temper working with children? What was the trigger for this? What was the outcome?
- How would you respond to a child who disclosed they were being subjected to abuse?
- A parent of a child attending your service wants someone from the organisation to care for their child out of hours.
- What would be your response to this request?
- What would you do if you thought another staff member or volunteer had harmed or was harming a child?

- What would you do if you thought a child was being abused at home?
- Can you tell us about children you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child that appears sad and refuses to participate in activities?

Take notice of your own thoughts and feelings when interacting with the applicant. Ask for more information if the applicant does not provide sufficient information in his or her responses.

Red Flags include, but are not limited to:

- unexplained lengthy gaps in employment history
- strange or inappropriate questions / statements about children
- expresses an interest in spending time alone with children / in working with children of a particular age or gender
- excessive interest in child photography.
- being evasive or inconsistent in responding to questions

Appendix 3: Reference Check Requirement and Sample Questions

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
- Ask the same questions of each referee.
- When contacting the referee, identify yourself and your position, give the name of the candidate and the reason for your call.
- Before asking questions, describe the job and the competencies that you are seeking.

Questions that MUST be asked

- Are you related to the applicant? (Please note, if the person answers Yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
- In what capacity have you known the applicant and for what length of time? (Please note, if less than 12 months another referee should be obtained from the applicant)
- How would you describe the personal character of the applicant?
- Would you have any concerns about this applicant working with or being in contact with children?
- How does the person respond to supervision/oversight?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

The panel should consider the validity of the referees by reflecting on the following questions:

- What is the relationship between the referee and the applicant?
- Has the referee known the applicant in a professional capacity and if so when and for how long?
- Is the referee able to provide relevant information about the applicant's work history and performance?

- Has the referee observed the applicant demonstrating the skills and knowledge required for the position?

Red Flags include, but are not limited to:

- A reluctant referee
- A referee who does not know (or appear to know) the applicant well
- Information that the referee will not provide
- Information that differs from the applicant's account
- Evasive or convoluted responses
- Referees that would not re-hire the applicant
- Referees that cannot be contacted

Referees that were not informed they would be used.



netball
NEW SOUTH WALES

Netball NSW

Disciplinary Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting and effective as at 1 July 2021

Last Reviewed: June 2021

Next Reviewed: 1 July 2022

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1 Introduction

The Netball NSW Disciplinary Policy (**Policy**) outlines, for Netball in NSW, the foundation of how unacceptable On-Court Conduct is managed within the sport. It illustrates our Member's responsibilities, emphasises the significance of our dedicated staff and volunteers, and helps Members to deal with unacceptable behaviour.

While all care has been taken in the preparation of this publication, no responsibility is accepted by Netball NSW for any errors, omissions or inaccuracies. This publication is of a general nature only and is not intended to be relied upon, nor as a substitute for, professional advice. No responsibility can or will be accepted by Netball NSW for loss occasioned to any person doing anything as a result of any material in this publication or any person relying on any material in this publication.

Important

The following points should be borne in mind at all times:

1. Netball NSW is the controlling authority for Netball in NSW and all Affiliated clubs/associations are insured under Netball Australia's Risk Protection Program.
2. It is essential that you comply with all relevant policies. You and your Affiliate must take all due and reasonable precautions to prevent or mitigate losses. Failure to do so may prejudice your rights and entitlements under Netball Australia's Risk Protection Program. Please do not hesitate to contact Netball NSW should any assistance be required.
3. The preparation of this document is in no way a commitment from Netball NSW to provide funds or make any other contribution now or in the future.
4. Netball NSW policies are living documents which reflect progress in administrative requirements and industry standards. As such, to maintain currency, policies are periodically reviewed and updated. It is important readers ensure they are reading and using the most up to date version. The most up to date versions of Netball NSW Policies can be found at [Policies - Netball NSW](#).
5. Netball NSW also welcomes suggestions or improvements to our policies and procedures.

2 Definitions and Interpretation

2.1 Interpretation

Unless otherwise specified, words and phrases in the Constitution have the same meaning in this Policy and this Policy is to be read in conjunction with (and subject to) the Constitution.

2.2 Definitions

Affiliate means a Premier League Licensee, Netball association or Netball club, howsoever described, whether incorporated or unincorporated, a company limited by guarantee or otherwise, which is a Member of Netball NSW.

Constitution means the Constitution of Netball NSW as amended from time to time.

Days any reference to Days in this Policy is to calendar days, being any day of the week including weekends and public holidays.

Incident Report means the following as applicable:

- a) In the case of alleged incidents to be managed at the association/club Level, the Incident Report Form contained at Appendix C to this Policy; or
- b) In the case of alleged incidents relating to Netball NSW run competitions (e.g. Metro League, Premier League, State Titles), a submission via the relevant online complaints management portal.

Match means a Netball NSW or Affiliate sanctioned Netball game.

Match Suspension means, in the context of State Titles, suspension from any involvement in the specified number of Matches (i.e. as a player, coach or official).

Individual Member (Member) means a natural person who is a registered financial Member of Netball NSW and/or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and /or its Affiliates

Netball means the sport or game played under the Rules of Netball determined or adopted from time to time by Netball NSW.

Netball NSW is New South Wales Netball Association Limited.

Netball NSW Member Protection Policy means the Netball NSW Member Protection Policy as amended from time to time, which deals with member protection issues. The most up to date versions of Netball NSW Policies can be found at [Policies - Netball NSW](#). Examples of member protection issues dealt with by the member protection policy include issues relating to:

- Child protection
- Child abuse
- Child neglect
- Using images of children inappropriately or illegally
- Discrimination
- Bullying
- Sexual harassment
- Victimisation
- Inappropriate sexual relationships
- Cyber bullying and inappropriate conduct

Objects mean the Objects of Netball NSW in Clause 3 of the Constitution.

On-Court Conduct means conduct by a Member occurring during any Netball Activity including but not limited to games, training and carnivals.

On-Court Offence means any On-Court Conduct that constitutes an offence by a Member as defined in Appendix A to this Policy. This includes any offences which may have occurred before, during or after the Netball Activity, in the confines of the court or venue on which the Netball Activity is conducted or its immediate surrounds or elsewhere if directly related to the relevant Netball Activity.

Ordered Off means when a player or Member has been ordered off the court by an umpire and has been excluded from taking any further part in the Match.

Receipt (Receive/Receiving) for the purpose of this Policy, a document is taken to have been Received by the recipient when:

- a) in the case of a document sent via email, the time stamp shown on the email;
- b) in the case of a report submitted via the Netball NSW online portal, the time stamp shown on the notification that the report has been submitted; or
- c) in the case of a physical, hard copy, Incident Report Form, the time and date recorded on the Incident Report Form.

Relevant Person is a person or persons who have been identified by Netball NSW or the President of an Affiliate as being a person who has the responsibility and abilities to undertake duties pertaining to the application of the Policy and the Receipt of reports of alleged breaches under that Policy.

Rules of Netball means that the competition or Match will be conducted with reference to the International Netball Federation Official Rules of Netball and International Netball

Federation Regulations (INF Rules) as published by the INF from time to time, unless where modified in Netball NSW or its Affiliate's Competition Rules.

State Act means the legislation governing the incorporation of associations in NSW, by whatever name called.

State Titles means the Senior State Titles, Junior State Titles and Masters State Titles competitions organised by Netball NSW.

Week(s) Suspension means suspension from all Netball Activities (i.e. including but not limited to playing, coaching and/or officiating) for 7 Days (per week suspended) from the date the sanction is Received. Refer to Clause 5.2.4 for further clarification on the intended application of Week(s) Suspension.

3 Scope of Policy

This Disciplinary Policy applies to and binds all Affiliates and Members. This Disciplinary Policy deals with On-Court Offences which may arise as a result of a Member's On-Court Conduct during a Netball Activity.

The Disciplinary Policy is the formal framework that is provided to Members to assist them to deal with unacceptable On-Court Conduct. As Member entities of Netball NSW, we require Affiliates to implement and regularly update policies that assist Netball in NSW to comply with the law and improve the sporting environment. Users of this Policy should refer to the 'Decision Tree' at page 9 to guide them through the procedures to be followed under this Policy.

Netball NSW's position is that On-Court incidents occurring at the association/club level should be dealt with by the association/club in accordance with the procedures outlined in this Policy. Netball NSW will continue to manage incidents arising out of Netball NSW organised competitions.

There may be some overlap between this Policy and the Netball NSW Member Protection Policy, for example a member protection issue may be identified in the On-Court Conduct which is the subject of the complaint, or in any defence raised to a complaint. In the event this occurs, any Disciplinary Tribunal constituted under this Policy is empowered to also deal with the member protection issue as if it were a Tribunal constituted under the Netball NSW Member Protection Policy.

For incidents that are serious in nature, such as fights, melees and serious intimidation, the first response should be to contact the police for immediate assistance. If the incident leads to a criminal investigation or to criminal charges being brought against any person involved, Netball NSW and/or the Affiliate will defer any further disciplinary action until the completion of the criminal investigation/proceedings. While the sport has the ability to deal with Disciplinary incidents, where laws are broken, the safety of officials, administrators and other competitors is paramount. The police should be allowed to deal with these incidents as they deem appropriate.

In managing these situations proactively here are some hints and tips:

- Clearly communicate expectations around behaviour before a Netball Activity occurs
- Ensure conditions of entry are in place for a competition, which provides links to the relevant Netball NSW policies
- Outline how issues will be managed and create positive relationships with team contacts or managers
- Use team contacts or managers to influence and manage their people
- Regularly communicate the Netball NSW Codes of Behaviour policies • Address minor issues immediately so they do not escalate

3.1 Affiliates and the Disciplinary Policy

Our primary aim is to provide Affiliates with the tools to guide them towards a position of self-sustainability. Along this path we provide Affiliates with information, resources, competition assistance and training opportunities. We are entrusted with ensuring that our volunteers are provided with the most up to date education, training and resources to allow for continued development and retention.

Netball NSW is responsible for providing leadership for our Affiliates, as well as sustainability for the sport in NSW. Our staff are the face of Netball NSW as they are tasked with assisting our Affiliates, implementing development and training programs, assisting in promotion and growth, and liaising with Affiliates.

In supporting all of the Affiliates and Members within NSW, Netball NSW manages, and controls the Disciplinary Policy (and all other policies). **Any and all policies previously made by Netball NSW and /or its Affiliates concerning Disciplinary or judiciary Tribunals are expressly withdrawn.**

Through this process, Affiliates have the security and understanding that Netball NSW will ensure they have guidance in managing inappropriate behaviour. This helps to provide a safe environment for individuals who participate, the officials that control the game, the administrators and committee members who conduct competitions and all the volunteers who work at varying levels within the structure of the sport. Affiliates receive many benefits from being part of the structure of state and regional bodies. The support of this structure, when something goes wrong, is the most valuable asset an Affiliate has on its side. The many benefits of affiliation include the protection offered through the Netball Australia Risk Protection Program.

In return for this level of comfort, each Affiliate shall comply with the Constitution and all relevant policies of Netball NSW including this Policy.

3.2 Applying Natural Justice

Natural justice, also known as procedural fairness, is a requirement of a fair disciplinary process. Failure to provide natural justice may provide the person who is the subject of the disciplinary proceedings with a reason to challenge the findings of a Tribunal.

Natural justice (or procedural fairness), involves three rules or principles:

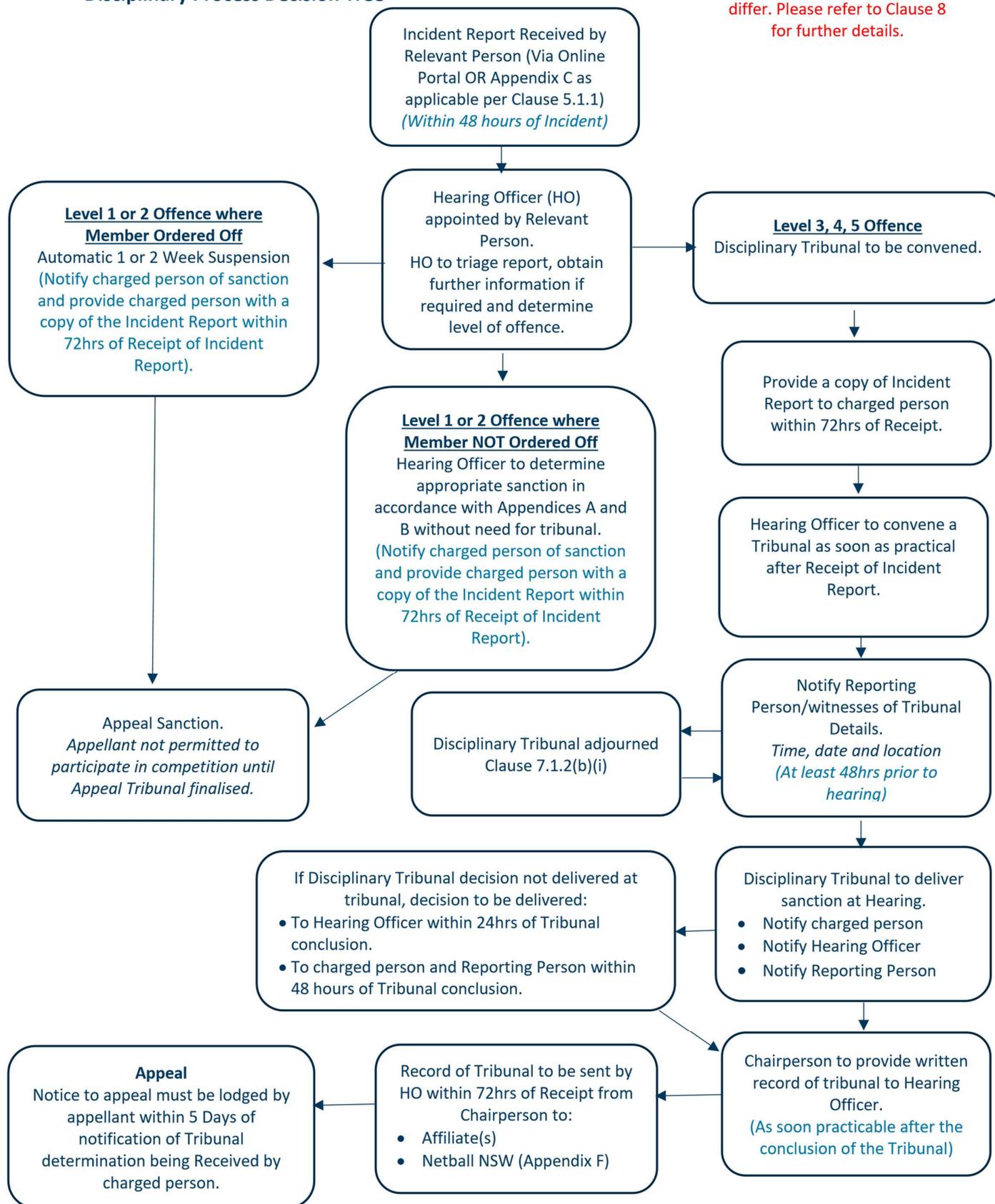
- ensuring that the person has the right to be heard and that they are provided with and have the right to respond to, any information presented or considered in reaching a decision
- ensuring that any decision made is free from bias, and
- ensuring that any decision is made after a reasonable investigation into the issue has been conducted and relevant evidence considered

By following this Policy, the requirement to apply natural justice should be satisfied.

Please note that whilst the general procedure remains the

Disciplinary Process Decision Tree

same for State Titles, the applicable timeframes may differ. Please refer to Clause 8 for further details.



4 Breach of Netball NSW Disciplinary Policy

4.1 What is an Offence under this Policy?

It is an offence under this Policy for any Member to commit any of the offences as set out in

Appendix A which arises as a result of their On-Court Conduct during a Netball Activity. A Breach of this Policy in this way is referred to as an On-Court Offence. The commission of an offence under this Policy amounts to a breach of this Policy.

4.2 State Titles

Where an alleged offence occurs during a State Titles competition, the procedures set out in Clauses 5, 6, 7 and 9 will continue to apply subject to any amendment outlined in Clause 8.

5 Commencing a Disciplinary action

5.1 Incident Reports

5.1.1 How to Submit an Incident Report

- a) Any person (whether a Member or not) (the Reporting Person) shall be entitled to submit an Incident Report relating to any other person or team which, in the opinion of the Reporting Person has committed an On-Court Offence as defined in Clause 4.1 above.
- b) Where the alleged On-Court Offence occurred during an association/club Netball Activity the Incident Report must be submitted on the Incident Report Form which is Appendix C to this Policy and must be submitted directly to the relevant association/club as soon as possible and no more than 48 hours after the alleged incident.
- c) Where the alleged On-Court Offence occurred at a Netball NSW organised Netball Activity the Incident Report must be submitted via the Netball NSW online complaints management portal. The Incident Report must be submitted via the online portal as soon as possible and no more than 48 hours after the alleged incident.

For the avoidance of doubt the Incident Report Form at Appendix C should only be used in relation to alleged incidents occurring at an association/club Netball Activity and should be submitted directly to the relevant association/club for consideration.

Netball NSW will only accept Incident Reports submitted via the Netball NSW online portal and reserve the right to refer these back to the relevant association/club where Netball NSW deems this to be appropriate. Netball NSW will not accept Incident Report Forms submitted in paper form (Appendix C) or via email.

5.1.2 Duties of Relevant Person upon Receiving Incident Report

Once an Incident Report is Received by a Relevant Person, the Relevant Person shall appoint a Hearing Officer to carry out the duties in connection with such reports as outlined below. The Relevant Person may also appoint themselves as Hearing Officer. The Relevant Person may hold another position within Netball NSW and/or its Affiliate.

5.2 Initial steps to be taken by Hearing Officer upon Receiving an Incident Report

Hearing Officers should refer to the 'Decision Tree' at page 9 for a high-level overview of this process.

5.2.1 Triaging of Incident Reports

- a) Once an Incident Report is Received the Hearing Officer shall review the Incident Report, obtain further information from involved persons if necessary and then determine:
 - i. if the incident falls within the scope of this Policy; and
 - ii. if so, determine the level of alleged offence as set out in Appendix A.
- b) If the Hearing Officer determines the alleged offence to be a level 1 or 2 offence the Hearing Officer shall either apply an Automatic Suspension in accordance with Clause 5.2.2 (Member Ordered Off), or otherwise deal with the matter in accordance with Clause 5.2.3 (Member not Ordered Off).

- c) If the Hearing Officer determines the alleged offence to be a level 3, 4 or 5 offence, or a subsequent level 2 offence, the Hearing Officer is to convene a hearing of a Disciplinary Tribunal in accordance with Clause 6 below to deal with the alleged offence as soon as practicable and before the next round of Matches where possible.

5.2.2 Automatic Suspension (where a Member is Ordered Off for a level 1 or 2 offence)

- a) As per Clause 13 of the INF Rules of Netball, umpires may, in addition to the normal sanctions, use the following:
 - i. Caution a player or team official: whereby the individual is advised that the behaviours specified must change;
 - ii. Issue a warning: a player or team official is warned that suspension will follow if the behaviour specified continues;
 - iii. Suspend a player: a player who is suspended takes no part in play for 2 minutes; iv. Order a player off: a player who is Ordered Off takes no further part in the match; or
 - v. Order the removal of a team official or other person from the match.
- b) Where a player has been Ordered Off for the remainder of the game by an umpire, or an umpire has ordered the removal of a team official or other person from the Match for the remainder of the game, the umpire must report this to the relevant Affiliate or Netball NSW by completing an Incident Report in the appropriate way per Clause 5.1.1 above.
- c) A player who has been Ordered Off for the remainder of the game, or a team official or other person who has been removed from the Match for the remainder of the game, for an alleged level 1 offence will receive an automatic 1 Week Suspension and no Disciplinary Tribunal will occur.
- d) A player who has been Ordered Off for the remainder of the game, or a team official or other person who has been removed from the Match for the remainder of the game, for an alleged level 2 offence will receive an automatic 2 Week Suspension and no Disciplinary Tribunal will occur.
- e) Where the player has been Ordered Off, or a team official or other person has been removed from the Match for the remainder of the game, for an alleged level 3, 4 or 5 offence, or for a subsequent level 2 offence, the matter will proceed directly to a Disciplinary Tribunal. Clause 5.2.5(a) below will not apply and the Member will be suspended until such time as a decision has been made by the Disciplinary Tribunal.
- f) Where an Incident Report is Received by Netball NSW and/or its Affiliate under this Clause and an automatic 1 or 2 Week Suspension applies the Hearing Officer should inform the Member of this sanction within 72 hours of Receiving the Incident Report. Please refer to Clause 5.2.4 for how suspensions are intended to apply.

- g) A Member who has Received a 1 or 2 Week Suspension under this Clause has the right to appeal against this sanction.

5.2.3 Hearing Officer to determine sanction (where Member not Ordered Off for a level 1 or 2 offence)

- a) In the event that the Hearing Officer determines the alleged offence to be a level 1 or 2 offence (under Clause 5.2.1), but the Member was not Ordered Off for the remainder of the Match, the Hearing Officer has the authority to issue a warning or sanction in accordance with the guidelines in Appendices A and B without the need to convene a Disciplinary Tribunal.
- b) Where a Hearing Officer determines that a sanction is appropriate under this Clause, the Hearing Officer should inform the Member of this sanction within 72 hours of Receiving the Incident Report. The Hearing Officer should also inform the sanctioned Member of their right to appeal.
- c) The rules of Natural Justice still apply to the process outlined in this Clause. The Hearing Officer must be satisfied on the balance of probabilities (i.e. more likely than not) that an offence has occurred prior to considering a sanction under this Clause. The sanction handed down (if any) must also be proportionate to the offence and should be determined in accordance with the guidelines in Appendices A and B.
- d) A Member who has Received a sanction under this Clause has the right to appeal against this sanction.

5.2.4 How a suspension is to apply

- a) A Disciplinary Tribunal or Hearing Officer (in accordance with the above Clauses) may determine that a Member's conduct warrants suspension from involvement in Netball Activities. Where this is the case, the term of suspension should be expressed as either suspension for the relevant number of weeks ('Week(s) Suspension') or suspension for a specified date range.
- b) Subject to Clause 5.2.4(c) the term 'Week(s) Suspension' means suspension from all Netball Activities at all levels (i.e. including but not limited to playing, coaching and/or officiating) for 7 Days (per week suspended) from the date the sanction is Received. **For the avoidance of doubt, a week (i.e. a period of 7 Days) where a sanctioned Member does not miss a Match through suspension (e.g. due to a scheduled bye week) does not count as a week served for the purpose of a Week(s) Suspension and will need to be served in the next week where the**

sanctioned Member has a Match. The below examples provide some guidance on the intended application of the term Week(s) Suspension.

- i. Player A Receives a 2 Week Suspension on 24 May 2021. However, Player A's club team has a scheduled bye on 29 May 2021. As a result the 7 calendar Days between 24 May 2021 and 31 May 2021 do not count as a week served for the purpose of Player A's sanction because Player A has not missed a Match during this time. Player A cannot take part in any Netball Activity until the week beginning 14 June 2021.
 - ii. Player B Receives a 2 Week Suspension on 24 May 2021 following an incident in a club game. Player B is also a representative player. Player B's club team has a scheduled bye on 29 May 2021 however due to her suspension Player B also misses her representative team Match on 30 May 2021. As a result the 7 calendar Days between 24 May 2021 and 31 May 2021 do count as a week served for the purpose of Player B's sanction because Player B has missed a Match during this period.
 - iii. Player C Receives a 1 Week Suspension on 25 September 2021 which happens to be the last week of the winter season for Player C's club. Player C's suspension carries over to the 2022 winter Netball season and applies for the first week where Player C will miss a Match in the 2022 winter season.
- c) The sanction handed down to a Member who is found to have committed an offence under this Policy may, at the discretion of the Hearing Officer or Disciplinary Tribunal, alternatively be expressed to apply for a specified date range (e.g. "Player D is suspended from all Netball Activities until 1 January 2022"). In this case the qualifications contained in Clause 5.2.4(b) do not apply and the Member will be suspended from all Netball Activities during the specified date range only (irrespective of the number of Matches missed).

N.B. applicable sanctions differ in relation to Senior State Titles, Junior State Titles and Masters State Titles. Please refer to Clause 8.

5.2.5 Period between Incident Report and Disciplinary Tribunal Hearing

- a) A charged person or team shall be entitled to participate in any Netball Activity conducted by Netball NSW and its Affiliates until such time as a Disciplinary Tribunal has heard and determined the matter subject to Clauses 5.2.5(b) and (c) below.
- b) For the avoidance of doubt, a person who has been Ordered Off for an alleged level 3, 4 or 5 offence or who has incurred an automatic 1 or 2 Week Suspension under Clause 5.2.2 is not entitled to participate in any Netball Activity, even where that person is awaiting a Disciplinary Tribunal Hearing or Appeal Hearing as the case may be.

- c) Notwithstanding Clause 5.2.5(a), where the Hearing Officer deems it appropriate they may implement an Interim Administration Order to prevent a Member from participating in any Netball Activity in accordance with the procedures set out in Part 7 of the Netball NSW Member Protection Policy – Attachment B – Complaints Handling Procedures ([14. NNSW MPP- Attachment B – Complaints Handling Procedures_2Jan2019.pdf \(netball.com.au\)](#)) for the period between an alleged offence and the hearing of a Disciplinary Tribunal/Appeals Tribunal.

6 Convening a Disciplinary Tribunal

6.1 Authority of a Disciplinary Tribunal

6.1.1. Authority of Tribunal to hear and determine matters

Netball NSW and/or its Affiliates have the right to delegate the power of investigating or determining charges against a Member for On-Court Offences to a Disciplinary Tribunal which is established under this Policy.

Where a Member is alleged to have committed an offence as set out in Clause 4.1 above, Affiliate and/or Netball NSW may commence or cause to be commenced investigatory and/or Disciplinary proceedings against that Member, and that Member will be subject to, and submits unreservedly to the jurisdiction, procedures, sanction and appeal mechanisms set out in this Policy.

A Disciplinary Tribunal is also empowered to deal with any other matter arising out of the On-Court Offence the subject of the Disciplinary Tribunal including any member protection issue under the Netball NSW Member Protection Policy.

A Disciplinary Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this Disciplinary Policy and the principals of Natural Justice.

6.1.2 Authority of Netball NSW to direct an Affiliate to reconvene a Disciplinary Tribunal

Where a matter arises for determination by a Disciplinary Tribunal it shall be dealt with at first instance by the Disciplinary Tribunal of the relevant Affiliate in which the alleged offence occurred, or in the case of a Netball Activity organised by Netball NSW, a Disciplinary Tribunal convened by Netball NSW.

Where an Affiliate has not convened a Disciplinary Tribunal in accordance with this Policy, Netball NSW may choose to review the matter and determine if the Affiliate should be directed to reconvene the hearing in accordance with this Policy. **NB: that this procedure is not an appeal per Clause 9 and is at the sole discretion of Netball NSW.**

6.1.3 Authority of Tribunal to Sanction Members

A Disciplinary Tribunal shall have power to sanction any Member, including suspending, reprimanding, deducting competition points (in the case of a charged team) or otherwise dealing with any Member as it sees fit (including, but not limited to, teams, players, coaches, parents, guardians, spectators, team/club officials and association officials) in accordance with this Policy, regarding any On-Court Offence.

6.2 Make-up of a Disciplinary Tribunal

6.2.1 Engaging Suitably Qualified or Experienced People

To assist the process of using the Disciplinary Policy, it helps to engage suitably qualified or experienced adults as the Hearing Officer, the Appeals Officer, the Disciplinary Tribunal Chairperson, and the Appeal Tribunal Chairperson as well as Tribunal members when convening a Tribunal.

It is Netball NSW's intention that the Disciplinary process be conducted without involving lawyers (and legal costs). Therefore, the Disciplinary Policy states that legal representation is not permitted as a right and is only permitted in exceptional circumstances, as determined by the Tribunal Chairperson.

However, the Chairperson of a Tribunal should, if possible, have a form of legal background or be a lawyer or be experienced in chairing Tribunals. This Policy contains important processes which need to be followed. Typically, people with this background will be able to readily interpret and implement this Policy.

In terms of other skills sets for Tribunal Members, people with knowledge of the sport of Netball (or other sports) that can bring insight into how the sport is played, would be helpful but not essential.

Examples of people that may be appropriate to sit on Disciplinary Tribunals are lawyers, barristers, judicial Members, paralegals, law students, police officers, teachers and players.

In your local area there may be a number of sports, or nearby Affiliates that could pool their panel Members for Tribunals. It is essential that the people sitting on the Tribunal are independent and do not bring any conflict of interest.

Netball NSW strongly recommend that Tribunal Members are not Members of your association or club's Executive Committee, as that may give rise to a perception of bias.

In regard to recruitment of people for Tribunals, we suggest that you advertise within your Affiliate, and ask the NSW Law Society and/or Bar Council whether they are aware of any lawyers who may be willing to provide their time free of charge to chair the Tribunal. You should provide an estimate of the number of matters and time required to be contributed by Tribunal panel Members.

As a final word, you must ensure that a person appearing before a Disciplinary Tribunal is given a fair process and fair hearing – or, in other words, "natural justice".

6.2.2 Membership of Disciplinary Tribunal

- a) A Disciplinary Tribunal shall be appointed by Netball NSW and/or its Affiliates from time to time and shall comprise the following persons:
 - i. A Chairperson who shall be a person of experience and skills suitable to the function of chairing a Disciplinary Tribunal and discharging the responsibilities set out under Clause 6.2.3; and
 - ii. Two additional Disciplinary Tribunal members.
- b) A Disciplinary Tribunal member may hold another position within an Affiliate. However, it is strongly recommended that Tribunal members are not members of the association or club's Executive Committee.

6.2.3 Responsibilities of Disciplinary Tribunal Chairperson

Without limiting the duties of a Disciplinary Tribunal Chairperson as set out under this Disciplinary Policy, a person appointed to the position of Disciplinary Tribunal Chairperson shall have the following responsibilities to:

- a) consider and provide an initial assessment of progress within the disciplinary process;

- b) ensure accurate records are kept of all of the Disciplinary Tribunal's proceedings and decisions. A Disciplinary Tribunal Chairperson must use the form set out in Appendix F to keep a record of the Disciplinary Tribunal proceedings and decisions;
- c) communicate to the Hearing Officer and the Relevant Person at Netball NSW or the Executive Committee of the relevant Affiliate the results of hearings of the Disciplinary Tribunal and provide a copy of the record to Netball NSW and the Affiliate as soon as possible after the hearing (Appendix F);
- d) chair hearings of the Disciplinary Tribunal; and
- e) raise with any proposed Disciplinary Tribunal member any potential or possible conflict of interest which may arise.

6.3 Duties of a Hearing Officer in convening a Disciplinary Tribunal

- a) Where a Hearing Officer determines that the alleged offence is a level 3, 4 or 5 offence (or a subsequent level 2 offence) the Hearing Officer shall convene a Disciplinary Tribunal to deal with the alleged offence as soon as practicable and before the next round of matches where possible.
- b) The Hearing Officer shall have the following duties in convening a Disciplinary Tribunal:
 - i. schedule the venue time and date to be set aside for a hearing of a Disciplinary Tribunal as soon as possible after Receipt of an Incident Report;
 - ii. ensure that the 3 members of the Disciplinary Tribunal panel are present to deal with any matters referred to it for determination;
 - iii. receive and refer to the Disciplinary Tribunal all material relating to any Incident Reports made under this Policy;
 - iv. ensure the availability of all forms required to be used in any proceedings of a Disciplinary Tribunal;
 - v. provide the charged person or team with a copy of the Incident Report, as well as any other person named in the Incident Report (including officials) as soon as possible after the Incident Report is Received and at least 2 Days before the hearing;
 - vi. notify all persons required to attend of the date, time and place of the Disciplinary Tribunal hearing. If the notification under this Clause is made by telephone, the Hearing Officer shall immediately make a written record of the date, time and details of the telephone conversation;

- vii. notify each of the persons required to be in attendance of the consequences of nonattendance at the Disciplinary Tribunal Hearing, and the procedures to be followed in each case;
- viii. if the charged person, or any other person required to attend, is under the age of 18 years, or is otherwise unable to represent themselves, they are to be advised that they have the right to have an adult (not acting as a legal practitioner) with them at a Disciplinary Tribunal Hearing as an advisor, and that the advisor shall be allowed to ask questions;
- ix. notify a charged person, or any other person required to attend, that they are entitled to bring a support person; and
- x. notify the Tribunal Chairperson (or his/her delegate) of a Disciplinary Tribunal that an Incident Report has been Received, and to deliver to the Chairperson (or his/her delegate) the report and any other information relevant to the case.

7 Conduct of a Tribunal Hearing

7.1 Attendance at a Tribunal Hearing

7.1.1 Attendance at Disciplinary Tribunal Hearing

- a) The following persons shall be required to attend a Disciplinary Tribunal hearing conducted under this Disciplinary Policy:
 - i. the charged person or the president, secretary, manager or other delegate representing a charged team;
 - ii. the Reporting Person(s);
 - iii. any other person involved in the Incident Report;
 - iv. witnesses as indicated by the Reporting Person or charged person and as notified by the Hearing Officer; and
 - v. any other witness required by a Disciplinary Tribunal.
- b) The following persons shall be entitled to attend a Disciplinary Tribunal hearing as conducted under this Disciplinary Policy:
 - i. where a team has been charged with an offence, any player of that charged team;

- ii. witnesses called to give evidence by a charged person or team provided prior notification is provided to Tribunal Chairperson via the Hearing Officer;
- iii. witnesses called to give evidence by the Reporting Person(s) prior notification is provided to Tribunal Chairperson via the Hearing Officer; and
- iv. where the charged person or Reporting Person is under the age of 18 years, or otherwise unable to represent themselves, an adult adviser.

Any witnesses attending the hearing shall not be permitted to enter the hearing room until they are called to give evidence before the Tribunal.

- c) The following persons shall be entitled to attend a Disciplinary Tribunal hearing with the permission of the Chairperson of the Tribunal:
 - i. representatives of Netball NSW and/or its Affiliates; and
 - ii. any other person.
- d) Legal representatives or legal advocates are not permitted to appear before a Disciplinary Tribunal unless in exceptional circumstances and where leave to appear has been granted by a Disciplinary Tribunal Chairperson.
- e) The Chairperson may invite any other person he/she believes will assist a Disciplinary Tribunal.

7.1.2 Non- Attendance at Disciplinary Tribunal Hearing

- a) If any charged person (or representative of a charged team) fails to attend a Disciplinary Tribunal hearing without reasonable cause acceptable to the Tribunal Chairperson, the hearing may proceed and a determination may be made by the Disciplinary Tribunal in the absence of the charged person or team, provided that the Disciplinary Tribunal is satisfied that all notification procedures under this Disciplinary Policy have been carried out.
- b) A charged person or representative of a charged team, or Reporting Person may apply to the Chairperson via the Hearing Officer to have a Disciplinary Tribunal hearing:
 - i. adjourned; or
 - ii. convened in another way (e.g. teleconference)

This decision will be solely at the discretion of the Disciplinary Tribunal Chairperson.

- c) A charged person who is unable to attend a Disciplinary Tribunal hearing shall be entitled to appoint a representative (who is not acting as a legal practitioner) to

appear in his/her place if that charged person does not intend to contest the charge(s), subject to a Disciplinary Tribunal Receiving a letter of consent from the charged person containing the person's intention not to contest the charges contained in the report and any statement that person would have given to a Disciplinary Tribunal had he or she attended the hearing.

- d) If any witness fails to attend a Disciplinary Tribunal hearing, the hearing may continue in his/her absence at the discretion of the Disciplinary Tribunal. However, if such witness has been notified by the Hearing Officer as being a required person at a Disciplinary Tribunal hearing, such witness may be liable to sanction by a Disciplinary Tribunal for obstructing the Disciplinary Tribunal process.
- e) If a Reporting Person fails to attend a Disciplinary Tribunal hearing without reasonable cause acceptable to the Tribunal Chairperson, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the Reporting Person, provided that the Disciplinary Tribunal is satisfied that all notification procedures under this Disciplinary Policy have been carried out.
- f) If a Reporting Person or any other official of Netball NSW and/or its Affiliate inadvertently fails to carry out any duties listed above, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, a Disciplinary Tribunal shall take the failure into account and make suitable allowance.

7.2 Procedures of a Tribunal Hearing

For the purpose of this Clause, a reference to a charged person includes a reference to the representative(s) of a charged team.

- a) At the commencement of a hearing, the Chairperson shall identify the members of the Disciplinary Tribunal and determine whether the charged person is present to answer the charge(s) set out in the Incident Report.
- b) The charged person and the Reporting Persons(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Disciplinary Tribunal considers its findings and determines an appropriate sanction (if any).
- c) The charge(s) as contained in the Incident Report shall be read out in the presence of all persons eligible to be present.
- d) The charged person shall be asked whether the charge(s) are understood.
- e) The charged person shall be asked whether or not they intend to contest the charge(s).
- f) If the charged person does not contest the charge(s), the Chairperson may read a short summary of the facts, admit the Reporting Person(s)' evidence (written/verbal) and no witnesses need be called to give evidence unless the Disciplinary Tribunal requires it.

- g) If the charged person does contest the charge, the Reporting Person (or the adviser to a Reporting Person) shall proceed to give evidence and the witnesses of the Reporting Person(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. The charged person or his/her adviser, may ask questions of the Reporting Person or any witnesses called.
- h) Each witness shall be entitled to leave the Disciplinary Tribunal hearing after giving evidence unless otherwise directed by the Disciplinary Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence in accordance with Clause 7.1.1(b) above.
- i) The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. Reporting Persons or the adviser to a Reporting Person may ask questions of the charged person or any witness called.
- j) The Chairperson has an absolute discretion to accept evidence from any person or allow any person to otherwise attend a hearing of a Tribunal in any format other than attending in person as the Chairperson deems appropriate (i.e. providing a written statement, attending via zoom or telephone call etc).
- k) The Disciplinary Tribunal is empowered to question any person giving evidence. If the Disciplinary Tribunal determines that any witness is giving deliberately false or misleading evidence, the Disciplinary Tribunal may:
 - i. make such finding at the original hearing; or
 - ii. require such person to attend a further Disciplinary Tribunal hearing to respond to the allegations, and such person is liable to sanction by the Disciplinary Tribunal for obstructing the Disciplinary Tribunal process. Such sanction is at the discretion of the Tribunal.
- l) Where any person exercises his/her right to have an adviser present in accordance with this Disciplinary Policy, a reasonable opportunity for consultation between that person and the adviser shall be provided by the Disciplinary Tribunal.
- m) Where any person makes video evidence available to the Disciplinary Tribunal, it may, at the discretion of the Disciplinary Tribunal, be presented. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented before the hearing.
- n) At the conclusion of all evidentiary submissions the Chairperson shall ask the charged person, the Reporting Person and all other persons present to leave the hearing room while the Disciplinary Tribunal considers its findings.
- o) If the Disciplinary Tribunal is not satisfied that the burden of proof for the particular charge(s) has been reached, but is satisfied that a lesser charge has been established on the balance of probabilities (i.e. more likely than not), then the Disciplinary Tribunal may find such lesser charge established and shall apply the sanction applicable to the lesser charge (if any).

- p) Where it appears to the Disciplinary Tribunal that the Hearing Officer has made an error which has resulted in laying the wrong charge(s) or omitted charge(s) that should have been laid, the Disciplinary Tribunal may amend the charge(s) (including upgrading to a more serious charge) and proceed to make a finding on those charges. Further, the Disciplinary Tribunal has the right to direct that a person other than the charged person be charged with an offence under this Policy on the basis of evidence presented before it during the course of conducting a hearing.
- q) Where charges have been amended or another person is charged under Clause 7.2(p) above, the Disciplinary Tribunal will continue to determine the outcome of the matter(s) without the need to adjourn the Disciplinary Tribunal. The charged person should be called before the Tribunal and advised that this process has occurred.
- r) Subject to Clause 7.2(o) above, if the Disciplinary Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- s) If a charge has been admitted or found proven by the Disciplinary Tribunal the charged person shall be informed of the finding. Any previous offences against the charged person should then be presented to the Disciplinary Tribunal if this information is available.
- t) The charged person should then be given the right to make a final statement in relation to previous offences or other mitigating circumstances before being asked to leave the room.
- u) The Disciplinary Tribunal shall then determine the sanction to be imposed (if any) and shall recall the charged person and Reporting Person to advise him/her of the sanction. The Chairperson shall also notify the Hearing Officer of the decision of the Disciplinary Tribunal.
- v) The decision of the Disciplinary Tribunal shall be communicated to all persons called to appear or give evidence before the Tribunal by the Hearing Officer as soon as practicable after the conclusion of the Tribunal.
- w) A record of the hearing will be provided by the Chairperson to the Hearing Officer who will provide it to Netball NSW and the relevant Affiliate in accordance with

Clause 6.2.3(c) above in the form set out in Appendix F and it will be retained accordingly.

7.3 Offences and Penalties

- a) Appendix B sets out sanctions which represent the minimum sanction to impose where a charge has been admitted to or proven by a Disciplinary Tribunal. **There is no provision under this Policy to issue a sanction which is less than the minimum sanction set out in Appendix B for a relevant offence which has been admitted or proven.**

- b) A sanction handed down under this Policy shall commence from the date of a Disciplinary Tribunal decision unless otherwise expressly directed by a Disciplinary Tribunal. Subject to Clause 5.2.4, penalties will be expressed either in number of weeks OR for a defined date range.
- c) A Disciplinary Tribunal has the discretion to rule that a sanction will be suspended for the number of weeks which fall between seasons or during any season break.
- d) Where a Disciplinary Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively at the discretion of the Tribunal.
- e) A Disciplinary Tribunal may take into account a charged person's prior offences or any other matter it considers relevant in determining sanctions to be handed down.
- f) A charged person who has been proved to have committed an offence and received a sanction under this Disciplinary Policy shall not play, coach, referee, officiate or otherwise take part in any Netball Activity as directed by the Disciplinary Tribunal until the sanction has been served to the satisfaction of Netball NSW and/or its Affiliates.

8 Procedures for Senior State Titles, Junior State Titles and Masters State Titles

8.1 Commencing a Disciplinary Procedure

- a) Any person wishing to report an alleged breach of this Policy (pursuant to Clause 4.1) occurring at a State Titles competition must report to the competition control room immediately after the completion of the Match in which the offence is alleged to have occurred.
- b) Netball NSW staff will direct the Reporting Person to make their report in the appropriate form (either via Appendix C or the Netball NSW online portal depending on the nature of the alleged offence and any other relevant considerations at the discretion of Netball NSW staff). Netball NSW will appoint a Relevant Person to Receive Incident Reports and to act as a Hearing Officer.
- c) Where a Member is Ordered Off for the remainder of a Match by an umpire, that umpire must report this to the competition control room immediately after the completion of the Match.

8.2 Duties of Hearing Officer and Procedures of a State Title Disciplinary Tribunal

- a) As soon as possible after Receiving an Incident Report the Hearing Officer should follow the procedures in Clause 5 to triage the report and determine the level of offence.
- b) For a level 1 or 2 offence where a Member is Ordered Off, Automatic Suspension will apply as in Clause 5.2.2 save for the differences in appropriate sanction as set out in Clause 8.4. The charged Member should be notified of this sanction as soon as practicable.
- c) For a level 1 or 2 offence where a Member is not Ordered Off, the Hearing Officer shall follow the procedures in Clause 5.2.3 having regard to the appropriate sanctions set out in Clause 8.4. The charged Member should be notified of this sanction (if any) as soon as practicable.
- d) For a level 3, 4 or 5 offence, or a subsequent level 2 offence, the Hearing Officer should follow the procedures set out in Clauses 6 and 7 to convene a Disciplinary Tribunal having regard to the following timeframes:
 - i. If an alleged incident occurs before 2.00pm on any day except the final day of the State Titles competition the Disciplinary Tribunal shall be conducted no earlier than 5.00pm on the same day at the venue where the alleged incident occurred.
 - ii. If an alleged incident occurs after 2.00pm on any day except the final day of the State Titles Competition the Disciplinary Tribunal shall be conducted no earlier than 7.00am on the following day at the venue where the alleged incident occurred.
 - iii. If an alleged incident occurs on the final day of the State Titles competition the Disciplinary Tribunal will occur as soon as practicable after the alleged incident.

8.3 Appeals

- a) Any appeals against a decision of a Netball NSW Disciplinary Tribunal decision relating to a State Titles competition should be heard within 4 hours of the Disciplinary Tribunal handing down its decision and should otherwise follow the procedures set out in Clause 9 below.
- b) A Member who has appealed a sanction from a Disciplinary Tribunal at a State Title competition shall be required to serve that sanction pending the hearing of the appeal unless the Appeal Chairperson orders otherwise in their absolute discretion.

8.4 Sanctions

8.4.1 How a sanction will apply

- a) Unless otherwise specified by a Disciplinary Tribunal or Hearing Officer, a sanction handed down under Clause 8 will apply only to State Titles competitions. For clarity, a sanction handed down under Clause 8 will not apply to Netball Activities occurring outside of State Titles competitions unless this is expressly specified by the Disciplinary Tribunal or Hearing Officer at the time of sanctioning.
- b) Where a charged Member receives a sanction under Clause 8 that is not fully served in the relevant State Titles competition, this sanction will carry over to the following year's State Titles competition.
 - i. For example, Player A Receives a 4 Match Suspension on the final day of the 2021 Senior State Titles but only misses 3 Matches due to their team's playing schedule. Player A will be required to miss their first scheduled Match of the 2022 Senior State Titles.
- c) Notwithstanding Clauses 8.4.1(a) and 8.4.1(b) a Hearing Officer or Disciplinary Tribunal may, in their absolute discretion, specify that the nature and/or seriousness of the offence warrants that a sanction handed down under Clause 8 extends to a Member's other Netball Activities outside of State Titles competitions.
 - i. For example, a Disciplinary Tribunal may consider that it is appropriate to suspend a Member from all Netball Activities for a specified date range, rather than limiting the sanction to State Titles Matches only.

8.4.2 Minimum sanctions

Please note that the below sanctions represent the minimum sanction only. There is no scope for a Disciplinary Tribunal or Hearing Officer to issue a sanction which is less than the minimum sanction set out in the table below once a relevant offence has been proven or admitted. However, the Tribunal or Hearing Officer may issue a more lengthy/serious sanction where they deem this to be appropriate.

Level of Offence	<u>Minimum Penalties for all State Title events</u>	
Level 1	1 st Offence	1 Match Suspension
	Subsequent Offence	2 Match Suspension
Level 2	1 st Offence	2 Match Suspension
	Subsequent Offence	3 Match suspension
Level 3	1 st Offence	4 Match Suspension
	Subsequent Offence	5 Match Suspension
Level 4	1 st Offence	7 Match Suspension

	Subsequent Offence	8 Match Suspension
Level 5	1 st Offence	Suspension for the remainder of the State Titles competition
	Subsequent Offence	

9. Appeal Procedures

9.1 Right of Appeal

- a) Netball NSW and/or its Affiliate shall appoint an officer to be responsible for the Receipt of an appeal arising from a decision of a Disciplinary Tribunal and to carry out the duties in connection with such appeals ("Appeals Officer"). The Appeals Officer may hold another position within Netball NSW and/or its Affiliate. Unless another person is appointed to the role, the Appeals Officer shall be a Relevant Person of Netball NSW and/or its Affiliate.
- b) The Appeals Officer will assume the role of Hearing Officer for the purpose of the Appeal Hearing and will have the same duties to those of a Hearing Officer already set out in these procedures as are applicable to an Appeal Tribunal.

9.1.1 Levels of Appeal

- a) There are two levels of appeal which may be available to a person who has been proven to have committed an offence and Received a sanction under this Policy. No other person may appeal a decision.
- b) The first level of appeal is an Appeal Tribunal convened by the same organisation which conducted the initial Disciplinary Tribunal.
- c) The second level of appeal is a Netball NSW Appeal Tribunal convened by Netball NSW, or where Netball NSW conducted the Disciplinary Tribunal in the first instance, an External Appeal Tribunal.
- d) A person must first exercise his/her rights to a hearing by an Appeal Tribunal (at the first level of appeal) before appealing to the Netball NSW Appeal Tribunal or External Appeal Tribunal (at the second level of appeal). The decision of the Netball NSW Appeal Tribunal or External Appeal Tribunal (the second level of appeal) is final and will not be subject to any further appeal.

9.2 First Level of Appeal

- a) There is no right to appeal from a decision of a Disciplinary Tribunal unless the person seeking to appeal ("Appellant") satisfies the Chairperson of the Appeal Tribunal (appointed in accordance with the same procedures as set out in Clause 6.2), in the Chairperson's sole discretion, that:

- i. significant new or additional evidence has become available; or
 - ii. He/she is challenging the severity of the sanction; or
 - iii. There has been a significant failure of natural justice.
- b) An Affiliate may request Netball NSW to conduct, hear and determine the first level of appeal on behalf of the Affiliate. Where Netball NSW agrees to conduct, hear and determine the first level of appeal, all obligations and powers relating to the first level of appeal as set out in this Disciplinary Policy will apply to Netball NSW. Netball NSW may choose (but is not obliged) to agree to conduct, hear and determine the first level of appeal.

9.3 Second Level of Appeal

- a) There will be no appeal from a decision of an Appeal Tribunal (first level of appeal) unless the person seeking to appeal ("Appellant") satisfies the Chairperson of the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal) (appointed in accordance with the same procedures as set out in Clause 6.2), in the Chairperson's sole discretion, that:
- i. significant new or additional evidence has become available; or
 - ii. there has been a significant failure of natural justice.
- b) Where the first level of appeal was heard by a club/association, the second level of appeal will be heard by a Netball NSW Appeal Tribunal.
- c) Where the first level of appeal was heard by Netball NSW, the second level of appeal will be heard by an External Appeals Tribunal.
- d) Netball NSW shall appoint an officer to be responsible for the Receipt of appeals arising from a decision of an Appeal Tribunal and to carry out the duties in connection with such appeals ("Appeals Officer"). The Appeals Officer may hold another position within Netball NSW.
- e) All appeals heard by the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal) shall, with any necessary or incidental amendment follow the procedures for an Appeal Tribunal held by Netball NSW and/or Affiliates, as outlined in Clause 9.4 below.

9.4 Conduct of an Appeal

9.4.1 Notice of Appeal

- a) The Appellant must:

- i. lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeals Officer within 5 Days of the notification of a determination of a Disciplinary Tribunal hearing using the Notice of Appeal form at Appendix G (“Notice of Appeal”); and
 - ii. in the case of an appeal to the Netball NSW Appeal Tribunal or External Appeal Tribunal (second level of appeal), pay the appeal fee to the Appeals Officer when lodging the Notice of Appeal, which shall be \$500. Contact the Netball NSW Appeals Officer for instructions on how to complete payment.
 - iii. The appeal fee may not apply in the case of appeals by minors and may be waived in any other case at the sole discretion of the Netball NSW Appeals Officer.
- b) An Appellant shall be notified by the Appeals Officer within 3 Days of Receipt of the Notice of Appeal as to whether an appeal hearing is to be granted or denied (under Clauses 9.2 or 9.3) and the time, date and place of the appeal hearing, in the event that it is granted (Appendix H).

9.4.2 Make-up of Appeal Tribunal

- a) If an appeal hearing is granted under Clauses 9.2 or 9.3, the Appeals Officer shall convene an Appeal Tribunal to hear and determine the appeal in accordance with this Disciplinary Policy. Subject to Clause 9.4.2(b), any such appeal hearing must be held within 7 Days of granting the Appeal.
- b) Where an appeal hearing is not held within 7 Days of granting the Appeal, any sanction imposed by the Disciplinary Tribunal shall be suspended and the Appellant may participate in any relevant Netball Activity until the appeal hearing is held unless an Interim Administrative Order is in place at the sole discretion of the Appeals Officer (refer to Clause 5.2.5(c)).
- c) An Appeal Tribunal shall consist of three (3) persons appointed by an Affiliate and/or Netball NSW from time to time to hear appeals as required by an Affiliate and/or Netball NSW.
- d) An Affiliate and/or Netball NSW may not appoint any of the Disciplinary Tribunal Members who were involved in the original hearing of a matter which is the subject of an appeal.
- e) The Appeal Tribunal Chairperson shall be nominated by the Appeals Officer.

9.4.3 Serving of Disciplinary Tribunal Penalties

- a) Subject to Clause 9.4.3(b)(ii) and 9.4.2(b), where a Disciplinary Tribunal imposes a sanction that prevents the Appellant from participating in a Netball Activity, the Appellant shall serve that sanction pending the determination of the appeal.

- b) Subject to Clause 9.4.3(c), the Appeal Chairperson on their own or upon application of any party to the appeal, may order:
 - i. that an appeal be adjourned; or
 - ii. a suspension of the sanction imposed by the Disciplinary Tribunal pending the determination of the appeal.
- c) The Appeal Chairperson shall make an order under Clause 9.4.3(b) at its sole discretion where it is satisfied that there are exceptional and compelling circumstances. In determining that question, the Appeal Chairperson shall without limitation have regard to the:
 - i. merits of the appeal and the Appellant's prospects of success;
 - ii. interests of other teams, clubs and players; and
 - iii. effect on the results of the competition.

9.4.4 Proceedings of Appeals Tribunal

- a) The Appeal Tribunal and persons appearing before it are bound by the same procedures under this Disciplinary Policy as if the Appeal Tribunal was a Disciplinary Tribunal hearing a matter at first instance.
- b) The Appeals Officer shall forward records of the Disciplinary Tribunal hearing in which the matter the subject of the appeal was heard at first instance to the Chairperson of the Appeal Tribunal.
- c) The Appeal Tribunal shall have the discretion to conduct the hearing as a complete rehearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under Clause 9.2 or 9.3 (as applicable).
- d) An Appeal Tribunal shall have the power to:
 - i. Dismiss the appeal;
 - ii. Uphold the appeal;
 - iii. Impose any of the sanctions set out in this Disciplinary Policy; or
 - iv. Reduce, increase or otherwise vary any sanction imposed by the initial Disciplinary Tribunal, in such a manner as deems appropriate.
- e) At the conclusion of the appeal, the Chairperson of the Appeal Tribunal shall ensure that the Appellant and the Reporting Person are correctly informed of the determinations of the Appeal Tribunal (Appendix I). The Chairperson shall also notify

the Appeals Officer of the decision of the Appeal Tribunal. The Appeals Officer shall also advise Netball NSW and the relevant Affiliate.

9.4.5 Costs

Each party to an appeal shall bear their own costs.

9.4.6 Exhaust Internal Appeal

Subject to Clause 9.4.7 below, a person shall exercise his/her right of appeal under this Disciplinary Policy and have any appeal heard and determined by the Appeal Tribunal (first level of appeal) and Netball NSW Appeal Tribunal or External Appeals Tribunal (second level of appeal) before commencing any proceedings or becoming a party to any proceedings in a court of law or the Court of Arbitration for Sport.

9.4.7 Relationship with Criminal Matters

If, during a Disciplinary or Appeal Tribunal hearing or an investigation under this Disciplinary Policy, it becomes known that a criminal charge has been brought or a police investigation has commenced arising out of the actions the subject of the hearing, appeal or investigation, the Disciplinary or Appeals Tribunal and/or Netball NSW and/or its Affiliates must rule that further action be deferred until completion of the criminal investigations/proceedings.

Appendix A - Offences

When determining the seriousness of an alleged offence involving deliberate physical contact regard should be had to the following considerations:

- Impact – Whether the Member was injured as a result of the physical contact and if so, the seriousness of the injury (i.e. superficial cuts or bruises would be considered less serious than broken bones or wounds requiring stitches).
- Contact – where on the body the physical contact occurred (i.e. a strike to the head/face should be treated more seriously than a strike to the body).

1 Level 1 Offences

The offences set out at 1.1 to 1.4 below are Level 1 offences. The range of penalties which shall be imposed for a Level 1 Offence is set out under Appendix B - Schedule of Disciplinary Penalties. Members must not:

No	Rule	Standard
1.1	Abuse netball equipment, ground equipment or fixtures and fittings	Includes actions which intentionally or negligently result in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.
1.2	Show dissent at an umpire's decision by action or verbal abuse.	Includes excessive, obvious disappointment with an umpire's decision or with an umpire making the decision and/or obvious delay in resuming play. This rule does not prohibit the team captain or coach from asking an umpire to provide an explanation for a decision, or a Team official from making a formal complaint to the Affiliated association official, against the performance of an umpire. This offence is also not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence shall be taken into account when assessing the seriousness of the breach
1.3	Use language that is obscene, offensive or insulting and/or the making of an obscene gesture.	This includes swearing and offensive gestures which are not directed at another person such as swearing in frustration at one's own poor play or fortune. This offence is not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence shall be taken into account when assessing the seriousness of the breach.

1.4	Sending off/ Ordered Off for multiple infringements of the rules	Where a Member is sent off for minor repeated infringements of the rules (e.g. repeated contact offences) this should be treated as a level one offence.
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2 Level 2 Offences

The offences set out at 2.1 to 2.4 below are Level 2 offences. The range of penalties which shall be imposed for a Level 2 Offence is set out in Appendix B - Schedule of Disciplinary Penalties. Members must not:

No	Rule	Guidelines
2.1	Show serious dissent at an umpire's decision by action or verbal abuse.	<p>Dissent is classified as serious when the dissent is expressed by a specific action such as displays of anger or abusive language directed at the umpire and/or excessive delay in resuming play or leaving the court.</p> <p>This rule does not prohibit the team captain or coach from asking an umpire to provide an explanation for a decision, or a Team official from making a formal complaint to the Affiliated association official, against the performance of an umpire.</p>
2.2	Engage in minor deliberate physical contact with other players, umpires, officials or spectators.	<p>This offence is intended to capture minor physical contact which does not result in any injury or harm to another person.</p> <p>Without limitation, players will breach this rule if they deliberately walk or run into or shoulder another player, umpire, spectator or match official.</p> <p>Please note that this offence is not intended to capture physical contact occurring naturally in gameplay. For example aggressive defending which may be dealt with at the time by the umpires is not intended to be a sanctionable offence.</p>

2.3	Charge or advance towards a player, umpire, official or spectator in an aggressive manner.	
2.4	Throw the ball at or near a player, umpire, spectator or official in an inappropriate and/or dangerous manner.	This rule will not prohibit a Member from returning the ball in the normal fashion.

3 Level 3 Offences

The offences set out at 3.1 to 3.3 below are Level 3 offences. The range of penalties which shall be imposed for a Level 3 Offence is set out in Appendix B - Schedule of Disciplinary Penalties. Members must not:

No	Rule	Guidelines
3.1	Intimidate a player, umpire, spectator or official whether by language or conduct.	Acting in a threatening or aggressive manner in an attempt to influence play or an umpire or official's decision.
3.2	Threaten to assault another player, official, umpire or spectator.	Team officials are recognised as, but not limited to; coach, assistant coach, manager, support personnel.
3.3	Engage in deliberate physical contact with other players, umpires, officials or spectators.	This includes striking with a clenched/open fist and striking using a ball or another object which results in a minor injury to another person. Please note that this offence is not intended to capture physical contact occurring naturally in gameplay. For example aggressive defending which may be delt with at the time by the umpires is not intended to be a sanctionable offence.

4 Level 4 Offences

The offences set out at 4.1 and 4.2 below are Level 4 offences. The range of penalties which shall be imposed for a Level 4 Offence is set out in Appendix B - Schedule of Disciplinary Penalties. Members must not:

No	Rule	Guidelines
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4.1	Use language or gestures that offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion, colour, descent or national or ethnic origin.	Abusively disparaging speech
4.2	Engage in deliberate physical contact of a more serious nature with other players, umpires, officials or spectators.	<p>This includes striking with a clenched/open fist and striking using a ball or another object which results in a more serious injury to another person.</p> <p>Please note that this offence is not intended to capture physical contact occurring naturally in gameplay. For example aggressive defending which may be delt with at the time by the umpires is not intended to be a sanctionable offence.</p>

5 Level 5 Offences

The offence set out at 5.1 below is a Level 5 offence. The range of penalties which shall be imposed for a Level 5 Offence is set out in Appendix B - Schedule of Disciplinary Penalties. Members must not:

No	Rule	Guidelines
5.1	Engage in serious deliberate physical contact with other players, umpires, officials or spectators during the course of play.	This includes fighting, melees, brawls and/or striking with a clenched/open fist and striking using a ball or another object which results in significant injury to another person.

Appendix B – Schedule of Minimum Sanctions

Please note that the below sanctions represent the minimum sanction only. There is no scope for a Tribunal or Hearing Officer to issue a sanction which is less than the minimum sanction set out in the table below once a relevant offence has been proven or admitted. However, the Tribunal or Hearing Officer may issue a more lengthy/serious sanction where the circumstances indicate that this is appropriate.

Level of Offence	<u>Minimum Penalties for Netball NSW and Affiliated association competitions including but not limited to NID, Metro league, Fast 5, Premier League, Development League, Affiliate’s Weekend/Night competitions.</u>	
Level 1	1 st Offence	1 Week Suspension
	Subsequent Offence	2 Week Suspension
Level 2	1 st Offence	2 Week Suspension
	Subsequent Offence	4 Week Suspension
Level 3	1 st Offence	6 Week Suspension
	Subsequent Offence	8 Week Suspension
Level 4	1 st Offence	10 Week Suspension
	Subsequent Offence	14 Week Suspension
Level 5	1 st Offence	18 Week Suspension
	Subsequent Offence	20 Week Suspension

Appendix C – Incident Report

Incident Report

Please submit the incident report to the relevant Netball NSW Affiliate club/association as soon as possible and not more than 48 hours after the incident. The Netball NSW Disciplinary Policy can be accessed at uploaded on the Netball NSW website under “Community” “Governance” “Policies” or by clicking the following link:

<https://nsw.netball.com.au/policies>.

An Incident Report Form may be submitted by any person witnessing an alleged On-Court Incident.

Contact Details of Person Making Report <i>Please note that Netball NSW and its Affiliates cannot accept anonymous submissions</i>	Person Reporting’s Full Name: Person Reporting’s Phone Number: Person Reporting’s Email Address:	Time/Date of Report:
Role/Position of Person Making Report if relevant (e.g. Umpire, Team Official etc.)		
Where did the incident occur? (Venue/Association/Division/Court)		
Date and Time of Incident		
Details of Involved Teams	Team A Name: Team B Name:	
Details of Person Cited	Cited Person’s Full Name: Cited Person’s Team: Cited Person’s Position (i.e. position on court GA/GK etc, coach, manager, etc):	
Witness Details (Name, Phone Number and Email Address)		

Statement of Facts	
Was any On-Court Action Taken? (e.g. Member Ordered Off)	
Signature of Person Making Report	
Official Use Only	

Report Received By	Name: Signature:	Time/Date of Receipt of Report:
Level of Offence (refer to Appendix A of the Disciplinary Policy)	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	

Assessment of Report	<input type="checkbox"/> Noted – No action taken <input type="checkbox"/> Actioned – Automatic suspension/Hearing Officer sanction issued <input type="checkbox"/> Disciplinary Tribunal <input type="checkbox"/> Warning <input type="checkbox"/> Member Protection Issue (to be dealt with under Member Protection Policy)
Action Taken/ Outcome/ Details of Sanction	

Appendix D – Notification of Automatic Suspension

Notification of Suspension

Insert Date as [Day, Date Month Year]

To: *Insert Member details and Membership number.*

By *E Mail - Hand Delivered* Of: *Team name.*

Dear *Insert name,*

We refer to the incident on *insert date* in a Netball game between *team name and team name at the venue and event, court number at the time recorded.*

As a Member within a competition operated by an organisation Affiliated with Netball NSW, *insert Affiliate name*, you are subject to the Netball NSW Disciplinary Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#).

Suspension

You were ordered off for the remainder of the Match by an umpire and an Incident Report has subsequently been provided identifying an offence in the range of a level 1 or 2 per Appendix A of the Netball NSW Disciplinary Policy.

The Hearing Officer has considered this report and has determined that a **one (1) / two (2)** Week Suspension is appropriate without the matter being heard by a Disciplinary Tribunal in accordance with Clause 5.2.2 of the Disciplinary Policy.

Express how this suspension is to apply in accordance with clause 5.2.4 (i.e. in weeks or for a specified date range)

Right to Appeal

Please refer to Clause 9 of the Disciplinary Policy for procedures relating to appeal.

Please find attached the Notice of Appeal which must be completed if you wish to make an application to appeal. Please note that pursuant to Clause 5.2.5 of the Disciplinary Policy, a person who has incurred an automatic 1 or 2 Week Suspension under Clause 5.2.2 is not entitled to participate in any Netball Activity during the suspension period, even where that person is awaiting an Appeal hearing.

Yours sincerely,

Insert name

Hearing Officer

Netball NSW Authority (adjust to be the Affiliate name)

P: *insert phone number*

E: *insert email*

Appendix E - Notification of Disciplinary Tribunal

Notification of Disciplinary Tribunal Hearing

Insert Date as [Day, Date Month Year]

To: *Insert Member details and Membership number.*

By E Mail - Hand Delivered Of: *Team name.*

Dear *Insert name,*

We refer to the alleged incident on *insert date* in a Netball Match *between team name and team name at the venue and event, court number at the time recorded.*

As a Member within a competition operated by an organisation Affiliated with Netball NSW, *insert Affiliate name*, you are subject to the Netball NSW Disciplinary Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#) and you are encouraged to read this information and the Disciplinary Policy.

Attendance at Tribunal Hearing

Your attendance at this hearing is required. If you are under 18, or otherwise unable to represent yourself, you should bring an adult representative (not acting as a legal practitioner) who may advise you or ask questions. Any person who is required to attend is entitled to bring a support person.

Details of Hearing

Time: *Insert Time*

Date: *Insert Day and Date*

Location: *Insert Location*

Alleged Charge: As per Clause 4.1 of the Disciplinary Policy [**REMOVE IF NOT RELEVANT TO PERSON REQUIRED TO ATTEND**] it is alleged that you have committed the following offence as outlined in Annexure A of the Disciplinary Policy
Include details of offence

Attached is a copy of the Incident Report in respect of the incident referred to above.

Confirmation of Attendance

Please confirm your attendance with Hearing Officer, *insert name and contact details* along with the details of any support person you wish to bring.

Non-attendance at Disciplinary Tribunal Hearing

If a person who is required to attend a Tribunal fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Tribunal provided that the Disciplinary Tribunal is satisfied that all notification procedures under the Disciplinary Policy have been carried out.

A charged person, club or reporting person may apply to the Tribunal Chairperson to have a Disciplinary Tribunal hearing:

adjourned; or

convened in another way (e.g. teleconference)

if there are compelling circumstances which the applicant considers warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person or club. This decision will be solely at the discretion of the Tribunal Chairperson.

If prior to your attendance at the Tribunal you have any questions, you are encouraged to contact the Hearing Officer, **insert name** who will assist you as far as practicable.

We look forward to Receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Hearing Officer

Netball NSW Authority *(adjust to be the Affiliate name)*

P: ***insert phone number***

E: ***insert email***

Appendix F – Record of Disciplinary Tribunal

Record of Disciplinary Tribunal

Held on the 00/00/0000

Present:

Provide details of all those present and how they are represented, include initials of each person.

Persons Charged:

Particular details of the individual(s) Member, team or club

Committing an offence of:

As per Clause 4.1 of the Netball NSW Disciplinary Policy, identify the alleged breach in accordance with the offences set out in Appendix A of the Policy.

Statement of the incident:

Set out a statement of the incident and refer (if relevant) to the offences listed in Appendix A of the Netball NSW Disciplinary Policy.

Summary Record of Proceedings:

It is recommended that a written record of the proceedings is kept – this record can be a summary and is not required to be a detailed record of each statement during hearing.

Tribunal Decision:

Set out clear and concise decision of the Tribunal.

Sanction Imposed:

Remember each proceeding needs to be judged on its own merits. Set out sanction imposed by Disciplinary Tribunal

Chairperson's Signature:

Date: 00/00/0000

Notification Requirements

The Tribunal Chairperson must provide this Record of Hearing to the relevant Hearing Officer AND Netball NSW at policy@netballnsw.com as soon as possible after the conclusion of the Tribunal.

Appendix G – Application to Appeal Form

NOTICE OF APPEAL

Notice of appeal is to be lodged within 5 Days of Receipt by charged person of the notification of a Tribunal decision. Any notice of appeal must comply with Clause 9 of the Netball NSW Disciplinary. All documentation relevant to appeal, including initial Tribunal documentation and appeal fee (if applicable) should be included.

FIRST LEVEL OF APPEAL
 Relevant Appeals Officer
 (Please refer to Clause 9 of the Netball
 NSW Disciplinary Policy)

SECOND LEVEL OF APPEAL
 Netball NSW Appeals Officer
 E: policy@netballnsw.com
 Post: PO Box 369, Lidcombe, NSW 1825
 Fax: 02 9951 5099

I hereby appeal against the decision of the Disciplinary Tribunal/ Appeal Tribunal made on the following date:

- -
 dd mm yy

Applicant

PLEASE USE CAPITAL LETTERS

FIRST NAME

SURNAME

DATE OF BIRTH: DAY/MONTH/YEAR

CLUB / TEAM

AFFILIATES NAME

I understand there are only two levels of appeal following the decision of the initial Disciplinary Tribunal. Any appeal must first be made to the same organisation that convened the initial Disciplinary Tribunal and then to the Netball NSW Appeal Tribunal or External Appeals Tribunal as appropriate. The decision of the Netball NSW Appeal Tribunal or External Appeals Tribunal is final and binding on the parties.

SIGNATURE

GROUND OFS OF APPEAL (FIRST LEVEL OF APPEAL)

- Significant new evidence
- Variation of sanction imposed by Disciplinary Tribunal
- Significant Failure of Natural Justice

GROUND OFS OF APPEAL (SECOND LEVEL OF APPEAL)

- Significant new evidence
- Significant Failure of Natural Justice

Further Details of Grounds of Appeal

Appendix H - Notification of Appeal Tribunal

Notification of Appeal Tribunal

Insert Date as [Day, Date Month Year]

To: *Insert Name and Address*

By E Mail – Hand delivered

Of: *Insert Team Name*

Dear *Insert Name,*

Attendance at an Appeal Tribunal Hearing

As a Member within a competition operated by an organisation Affiliated with Netball NSW, *insert Affiliate name*, you are subject to the Netball NSW Disciplinary Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#) and you are encouraged to read this information and the Disciplinary Policy.

You have been granted the right to be heard by an Appeal Tribunal/ You are required to attend a Appeal Tribunal hearing in relation to the findings of the Disciplinary Tribunal (held on insert date) and your notice of appeal dated insert date delete if not relevant. Attendance at this Appeal Tribunal hearing is required. If you are under 18, or otherwise unable to represent yourself, you should bring an adult representative (not being a legal practitioner) who may advise you or ask questions.

Details of Appeal Tribuna l Time: *Insert Time*

Date: *Insert Day and Date*

Location: *Insert Location*

Statement of Appeal

The Appeal Tribunal shall either conduct a complete re-hearing or the appeal may be limited to the consideration of the grounds of the appeal – this will need to be determined by the Tribunal Chairperson.

Confirmation of Attendance

Please confirm your attendance with the Appeals Officer, *insert name and contact details*.

If a person who is required to attend an Appeals Tribunal fails to attend an Appeal Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Appeal Tribunal provided that the Appeal Tribunal is satisfied that all notification procedures under the Disciplinary Policy have been carried out.

We look forward to Receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Appeals Officer

Netball NSW Authority (*adjust to be the Affiliate name*)

P: *insert phone number*

E: *insert email*

Appendix I – Record of Appeal Tribunal

Notification of Findings by Appeals Tribunal

Insert date as [Day, Date Month Year]

To: *insert name, and address and Membership number*

By Hand Delivered /Emailed

Of: *insert team name*

Dear *name*,

Tribunal Findings and/or Decision

As a Member in a competition operated by an organisation Affiliated with Netball NSW *insert Affiliate name*, you are subject to the Netball NSW Disciplinary Policy. A copy of all related documentation can be viewed at the Netball NSW website [Policies - Netball NSW](#).

We refer to the Appeal Tribunal Hearing on *insert date, time and venue*. The Tribunal found *detail decision of Tribunal*

A person who has received a sanction under the Disciplinary Policy shall not play, coach, umpire, officiate or otherwise take part in Netball Activities as directed by the Disciplinary Tribunal until the sanction has been served to the satisfaction of Netball NSW and/or a Netball NSW Affiliate *insert name of Affiliate*).

Further Recommendations

Netball NSW will communicate with regional, state and national association to make nearby Affiliates aware of the sanction imposed against you. You are not permitted to compete or participate in any Netball Activity conducted by Netball NSW and/or its Affiliates during the suspension period.

Right to Appeal

Please be advised that if you wish to appeal your Notice of Appeal must be lodged within 5 Days of Receipt of this record of appeal.

Please find attached a Notice of Appeal, which is the form that must be used to request an appeal hearing.

Names of Individuals who sat on this Tribunal

Insert name – Chairperson

Insert name – Panel Member

Insert name – Panel Member

Yours sincerely,

Insert name

Hearing Officer

Netball NSW Authority (*adjust to be the Affiliate name*)

P: *insert phone number*

E: *insert email*



WORK HEALTH AND SAFETY POLICY

Adopted by NSW Netball Association Ltd Board Meeting on
20th October 2015

<i>Update</i>	<i>Comments</i>
20 May 2014	Version 1 adopted by NNSW Board
20 October 2015	Version 2 adopted by NNSW Board

Netball NSW

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1. POLICY STATEMENT

Netball NSW is committed to safeguarding the health, safety and welfare of the working environment for its members, staff, volunteers, contractors and visitors. This Policy reflects the commitment of Netball NSW to adhere to, promote and implement the Work Health and Safety Act 2012 within its own and affiliated environments.

Netball NSW recognises and commits to our responsibilities to provide a safe and healthy work environment for its employees, volunteers, contractors and visitors. In addition Netball NSW aims to ensure that the wider community is not placed at risk of injury or illness as a consequence of its operations.

This Policy is to be read in conjunction with Netball NSW Work Health and Safety Procedures which have been developed to provide operational guidelines for members, staff, volunteers, contractors and visitors.

This Policy and associated procedures have been developed in accordance with the Work Health and Safety Act 2012 and WorkCover NSW safety guidelines.

2. APPLICATION OF THIS POLICY

The Netball NSW Board of Directors ('Board') has adopted this Policy in accordance with the NSW Netball Association Limited Constitution.

This Policy is effective from **20 October 2015** and will operate until replaced. Netball NSW is committed to continuously improving this policy and the associated procedures to reflect changes in legislation. This Policy may be amended from time to time by resolution of the Netball NSW Board.

Copies of the Policy can be obtained from the Netball NSW Website www.netballnsw.com or by contacting Netball NSW.

3. POLICY BREACHES

It is a breach of this Policy for any person or organisation to which this policy applies, to have been found to have:

- 3.1 Failed to follow Netball NSW Policy and Procedures for the provision of a safe and healthy working environment.
- 3.2 Failed to advise Safe Work NSW of a notifiable incident.



netball
NEW SOUTH WALES

Netball NSW

Pregnancy Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 9 December 2021

Next Reviewed: November 2022
Last Reviewed: November 2021

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1 Definitions

Affiliate means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Individual Member (Member) means a natural person who is a registered financial member of Netball NSW or an Affiliate.

Netball means the sport or game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and /or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Policy means this Netball NSW Pregnancy Policy.

Rules of Netball means that the competition or Match will be conducted with reference to the World Netball Official Rules of Netball and World Netball Regulations (INF Rules) as published by the INF from time to time, unless where modified in Netball NSW or its Affiliate's Competition Rules.

2 Purpose and Background

2.1 In Australia, Commonwealth, State and Territory legislation exists in relation to discrimination. This anti-discrimination legislation makes it unlawful to discriminate against a person on the basis of pregnancy, subject to specific exemptions.

2.2 Individuals are increasingly seeking to continue participation in sports, such as Netball, throughout their pregnancy. A recent report released by the Australian Federal Department of Health has confirmed that staying active during pregnancy has many benefits for the health of both pregnant

persons and their unborn babies.⁷ In fact, current guidelines confirm that (assuming no other underlying health concerns exist) pregnant Participants should aim to continue to meet the physical and sedentary behavior guidelines for Participants throughout the duration of their pregnancy.⁸

- 2.3 However, whilst there are many positive outcomes from continuing physical activity during and after pregnancy as responses to exercise can vary with pre-gestational fitness levels, coexisting medical conditions and/or pregnancy complications, all Participants are encouraged to seek individual medical advice before participating.

3 Position Statement

- 3.1 Netball NSW is committed to providing a safe and enjoyable environment for all its Members, including pregnant Participants.
- 3.2 Netball NSW adopts and endorses the position that any pregnant Participant should be given the opportunity to decide for themselves, in consultation with their medical advisers, whether or not to participate in Netball whilst pregnant and for how long.
- 3.3 Netball NSW encourages all pregnant Participants to discuss the risks involved and their decision to continue participating in Netball during their pregnancy with their medical advisers. As the risks involved may vary at different stages of the pregnancy, Netball NSW encourages all pregnant Participants to have such discussions with their medical advisers on an ongoing basis.
- 3.4 The Netball NSW Member Protection Policy explicitly precludes discrimination on the basis of pregnancy status. Any allegations relating to discrimination on the basis of pregnancy status will be handled under the Netball NSW Member Protection Policy and the complaint handling procedures therein. Netball NSW expressly condemns any discrimination occurring on the basis of a person's pregnancy status.

⁷ Australian Government Department of Health, 'For Pregnancy' ([For pregnancy | Australian Government Department of Health](#)), accessed 28 September 2021.

⁸ Australian Government Department of Health, 'Physical activity and exercise guidelines for Australians' ([For adults \(18 to 64 years\) | Australian Government Department of Health](#)), accessed 28 September 2021.

4 When Does this Policy Apply?

4.1. This Policy applies to:

- a) Netball NSW and its Members, staff and volunteers;
- b) Affiliates and their Members, staff and volunteers;
- c) Individuals sitting on Boards, committees and sub-committees of Netball NSW and/or its Affiliates;
- d) All employees, volunteers, independent contractors and other workplace participants;
- e) Any other person or organisation that is an Individual Member of or Affiliated with Netball NSW;
- f) Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible; and
- g) Any other person who has agreed to be bound by this Policy.

4.2 This Policy applies:

- a) At any Netball NSW or Affiliate Netball Activity;
- b) During paid or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other Participants in Netball in NSW;
- c) At all times when providing services on behalf of Netball NSW or an Affiliate; and
- d) At all times when acting in any capacity, whether voluntary or paid on behalf of Netball NSW or an Affiliate.

4.3 Failure to comply with this policy may constitute a breach of the Netball NSW Member Protection Policy (**MPP**) and should be dealt with in accordance with the MPP and the Complaint Handling Procedures set out in Attachment B to the MPP.

5 Guidelines: Pregnant Participant (Player or Umpire)

5.1 The following guidelines may assist Associations and Clubs when a pregnant Participant is involved. A Pregnant Participant is encouraged to:

- 5.1.1 Be aware that their own health, and the wellbeing of their unborn child, is of utmost importance in their decision about whether to continue as a Participant.

5.1.2 Make themselves aware of the current medical advice relating to physical activity during pregnancy (refer to the resources section in Clause 10 of this Policy).

5.1.3 Obtain expert medical advice as to the risks associated with playing or umpiring Netball when pregnant. The Participant should ensure they understand this advice and where necessary question the advice until they are sure they understand the risks taken in participating in Netball.

5.1.5 Take into account their changed physical condition, use common sense and not take unnecessary risks.

5.1.6 Remember that the ultimate decision to participate in Netball will always be the Participant's, whilst having regard to all the circumstances.

6 Guidelines: Sports Administrator

6.1 The following guidelines may assist Associations and Clubs when a pregnant Participant is involved. A Sports Administrator should:

6.1.1 Evaluate the precautions they can take to avoid harm to all Participants, including pregnant Participants.

6.1.2 Develop protocols and procedures to communicate with Participants regarding participation in Netball during pregnancy, including:

- a) Providing Participants with the opportunity to advise of their pregnancy should they wish to do so. Any information collected in this way should be handled in accordance with the Netball Australia Privacy Policy which can be accessed at the following link: [Privacy policy - Netball Australia](#).
- b) Being aware of Commonwealth, State and Territory anti-discrimination legislation and its application in Netball and review the rules, regulations and constitution of the Team / Club / Association with respect to the relevant antidiscrimination legislation. This legislation precludes discrimination on the basis of pregnancy status. Therefore, administrators should be aware of the need to ensure that proper systems are in place in order to mitigate the risk of discrimination on the basis of pregnancy status in accordance with relevant legislation and this Policy.
- c) Promoting adherence to the rules of the game.
- d) Create a playing environment that is reasonably safe for all Participants.

7 Guidelines: Coach

- 7.1 The following guidelines may assist Associations and Clubs when a pregnant Participant is involved. A Coach should:
- 7.1.1 Be aware of the professional medical advice should the pregnant Participant wish to share this information. Personal information should be managed in accordance with Netball Australia's Privacy Guidelines available at the following link: [Privacy policy - Netball Australia](#).
 - 7.1.2 Take reasonable measures to ensure that all Participants are aware of the issues related to participation in Netball during pregnancy.
 - 7.1.3 Respect and support the Participant's right to make their own decisions in relation to their participation or non-participation in Netball whilst pregnant.
 - 7.1.4 If the relevant Participant wishes, advise the pertinent Team/Club/Association Officials that you are coaching a pregnant player.
- 7.2 Coaches, trainers and others who give pregnant Participants advice on how to train during their pregnancy must be very careful that they are not placing themselves in the position of medical experts. They should not speak outside their scope of knowledge as they could face legal action for negligent advice. A consultative approach between Participant, coach and medical expert is recommended.

8 Guidelines: Match Official

- 8.1 The following guidelines may assist Associations and Clubs when a pregnant Participant is involved. A Match Official should:

- 8.1.1 Apply the rules governing the sport equally and fairly to all Participants.

9 Guidelines: Other Participants

- 9.1 The following guidelines may assist Associations and Clubs when a pregnant Participant is involved. Other Participants should:

9.1.1 Respect and support a pregnant Participant in the same way as they would any other Participant.

10 Additional Resources

- Australian Sports Commission 'Pregnancy in Sport – Guidelines for the Australian Sport Industry', 2002 ⑦ www.ausport.gov.au
- Sports Medicine Australia's 'Pregnancy Statement, Pregnancy & Exercise Fact Sheet and Guidelines on the participation of the Pregnant Athlete in contact and collision sports.' ⑦ www.sma.org.au
- Clearinghouse for Sport – Pregnancy in Sport ⑦ [Female performance and health | Clearinghouse for Sport](#)



netball
NEW SOUTH WALES

Netball NSW

Adverse Weather Conditions Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 22 June 2021

Next Reviewed: June 2023
Last Reviewed: June 2021

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1 Introduction

Netball NSW recognises that adverse weather conditions present some level of risk that can harm the performance and/or health of participants. Activities that occur in adverse weather conditions can place participants at risk of injury, illness and in extreme circumstances, even death.

The health and safety of our members is a paramount concern of Netball NSW. As such to reduce the risk of injury, manage potentially dangerous weather situations and meet legal obligations for duty of care, Netball NSW aims to provide a safe environment for players, coaches, umpires, administrators, and spectators.

2 Purpose of this Policy

The purpose of this policy is to provide clear guidelines for cancelling, postponing or modifying of a Netball Activity in the event of adverse weather conditions.

This policy document includes the following adverse weather guidelines for:

- a) Hot weather
- b) Wet weather
- c) Electrical storms
- d) Poor air quality

3 Organisational Responsibilities

3.1 Netball NSW reserves the right to cancel, postpone or modify a Netball NSW sanctioned Netball Activity due to adverse weather conditions in the interest of participant health and safety and as such has developed clear guidelines. These guidelines also aim to assist those managing local events in adverse weather conditions to prevent or minimise the risk of injury and illness for all participants involved.

3.2 This Policy applies to Netball NSW and all Affiliates of Netball NSW.

4 Definitions

Affiliate

Means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Air Temperature

Temperature of the surrounding air, measured in the shade, and not taking into account humidity or wind in the air.

Dehydration	Loss of body water and salts essential for normal body function. Excessive dehydration in a sporting environment may lead to heat exhaustion and heat stroke.
Drizzle	To rain gently in fine, mist like drops.
Fog	Condensed water vapour in cloudlike masses lying close to the ground and limiting visibility.
Frost	A deposit of miniature ice crystals formed when water vapour condenses at a temperature below freezing.
Heat exhaustion	A form of heat illness characterised by a high heart rate, dizziness, headache and loss of endurance/skill/confusion and nausea.
Heat illness	Medical conditions which occur as a result of high intensity activity that elevates the body temperature and/or prolonged exposure to hot weather. Characterised by nausea, dizziness, vomiting and syncope.
Heat stroke	A form of heat illness with characteristics similar to heat exhaustion in conjunction with dry skin, confusion and in some cases collapse. Heat stroke may arise in a participant who has not been identified as suffering from heat exhaustion and has persisted in further activity.
Intermittent	Stopping and starting at intervals.
Lightning	A flash of light in the sky, occurring during a thunderstorm and caused by a discharge of electricity, either between clouds or between a cloud and the earth.
Match Official	For the purpose of this policy a Match Official is a person responsible for the planning, organising and/or management of a competition or Netball Activity and may include, but not limited to, Netball NSW Staff, Affiliate Executive, Umpires.
Netball Activity	Means any Netball Competitions, matches, training and or events organized, controlled or sanctioned by Netball NSW and / or its Affiliates.
Relative Humidity	The percentage ratio of vapour pressure to saturation vapour pressure which is a commonly used indicator of the amount of moisture in the air.
Storm	An atmospheric disturbance manifested in strong winds accompanied by rain, snow and/or other precipitation and often by thunder and lightning.
Thunder	The crashing or booming sound produced by rapidly expanding air along the path of the electrical discharge of lightning.

Wet Bulb Globe Temperature (WBGT)

Is a composite temperature used to estimate the effect of temperature, humidity, wind speed (wind chill, and visible and infrared radiation, usually sunlight) on humans. It is used by industrial hygienists, athletes and the military to determine approximate exposure levels to high temperature.

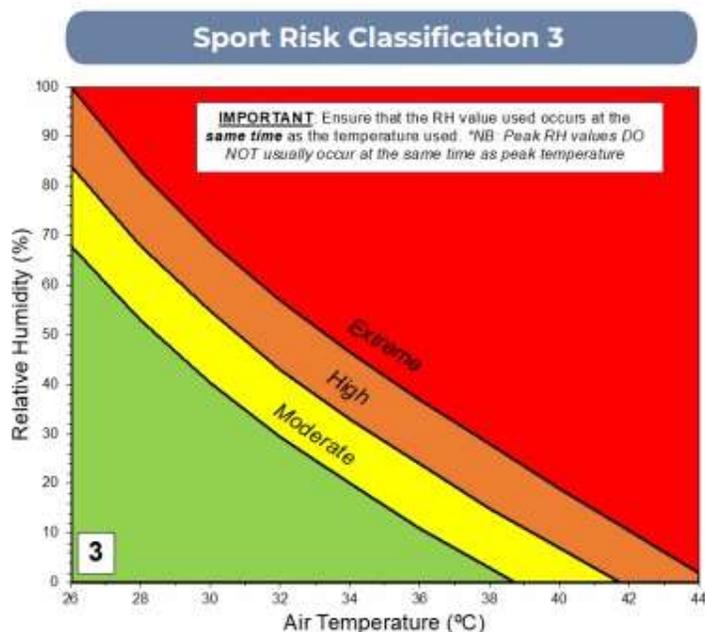
30/30 Rule

If it takes less than 30 seconds to hear thunder after seeing the flash, lightning is near enough to pose a threat; after the storm ends, wait 30 minutes before resuming outdoor activities.

5 Hot Weather

5.1 Match Official should:

- Obtain an accurate temperature (both Air Temperature and WBGT) and Relative Humidity from the Bureau of Meteorology (BOM), (see: [Thermal Comfort Observations for New South Wales \(bom.gov.au\)](https://www.bom.gov.au)) to assist in assessing the potentially adverse weather conditions. Those with their own WBGT should take their own readings. Readings taken inside an indoor location will help to provide a more accurate assessment of the conditions.
- Using this information, identify the relevant risk level per the below table:



- Use the tables and information in clauses 5.2 and 5.3 to identify and follow the appropriate method of risk management depending on whether conditions are hot and dry or hot and humid.

5.2 Hot, Dry Weather Conditions (Indoor and Outside facilities)

The following table provides recommendations on the management of activities in hot, dry weather conditions depending on the risk level identified at 5.1 above as follows:

- a) GREEN: Low Risk
- b) YELLOW: Moderate Risk
- c) ORANGE: High Risk
- d) RED: Extreme Risk

Risk of Heat Illness	Recommended Management
Low	Heat Illness can occur. Caution over-motivation.
Low-Moderate	Increase vigilance. Caution over-motivation. Encourage participants to drink regularly before, during and after exercise
Moderate	Moderate early pre-season training. Reduce intensity and duration of play/training. Increase the frequency and/or duration of hydration breaks (provide a minimum of 15 minutes rest for every 45 minutes of activity).
High-Very High	Limit intensity and take more rest and hydration breaks. Extend scheduled quarter time breaks. Employ active cooling strategies where available (e.g. provide sponges, spray bottles, ice packs, damp towels, fans etc.) Limit duration to less than 60 minutes per session.
Extreme	Postpone games to cooler conditions or the cooler part of the day, shorten the game time OR cancel.

5.3 Hot, Humid Weather Conditions (Indoor and Outdoor facilities).

The most effective way of evaluating the risk of activities in hot, humid weather is by measuring the WBGT or obtaining information from the BOM (see: [Thermal Comfort Observations for New South Wales \(bom.gov.au\)](http://www.bom.gov.au))

The following table provides recommendations on the management of activities in hot, humid weather conditions.

WBGT	Risk of Heat Illness	Recommended Management
Less than 20	Low	Heat Illness can occur. Caution over-motivation
21-25	Moderate-High	Caution over-motivation. Incorporate more rest and hydration breaks.
26-29	High-Very High	Limit intensity and take more rest and hydration breaks. Limit duration to less than 60 minutes per session – consider shortening the game time.

30 and above	Extreme	Postpone games to cooler conditions or cooler part of the day, modify/shorten the game time OR cancel.
--------------	---------	--

5.4 Catastrophic Fire Danger

In the event that a competition or Netball Activity is scheduled to take place on a day in an area subject to a “Catastrophic” Bush Fire Danger Rating issued by the NSW Rural Fire Service all netball related activities within the area affected by the Catastrophic rating must be postponed/cancelled.

5.5 When preparing for a competition or Netball Activity the following issues and strategies should also be considered:

- a) *Duration and intensity of the event* – strategies include reduced playing time; extended rest periods; provisions for extra water, wetting clothes and face; fan to enhance air flow and player/official rotation.
- b) *Conduct of the competition* – strategies include dividing games into shorter periods; longer breaks and alternative training times.
- c) *Time of the day* – strategies such as scheduling events outside the hottest part of the day should be considered.
- d) *Local environment* – considerations include radiant heat from surfaces and surface type; amount of sunlight on the surface; airflow and air conditioning within venues.

5.6 Factors to consider in conjunction with the above tables include the following:

- a) *Fitness levels / athletic ability of participant* – An overweight and unconditioned participant will generally be more susceptible to heat illness.
- b) *Age and gender of participant* – Female participants may suffer more during activity in the heat, due to their greater percentage of body fat.
- c) *Veteran participants* – Generally more susceptible to heat illness due to reduced cardiac function.
- d) *Prior medical conditions* – It is important to be aware of the participants who have a medical condition or are taking medication that may predispose them to heat illness. Examples includes asthma, diabetes, pregnancy, heart conditions and epilepsy. Some medications and conditions may require special allowances. Any player that is experiencing a high temperature, viral infection, diarrhoea or vomiting should be excluded from participating due to increased risk of heat illness.
- e) *Heat waves* – Extra caution needs to be taken during unseasonal heat waves or unusually hot or humid climates, or if participants have travelled from a cooler area to a hot and humid climate.

5.7 For more information on recognising signs and symptoms of heat-related illness and treatment methods refer to the Sports Medicine Australia Extreme Heat Policy which is accessible at the following link: [SMA-Extreme-Heat-Policy-2021-Final.pdf](https://www.sportsmedicineaustralia.com.au/wp-content/uploads/2021/07/SMA-Extreme-Heat-Policy-2021-Final.pdf).

6 Sun Protection

6.1 Match Officials, participants and spectators are encouraged to access the **SunSmart UV Alert** to view local UV levels. The **SunSmart UV Alert** can be accessed at www.cancercouncil.com.au.

6.2 Netball NSW and Associations will use wherever possible a combination of the recommended sun protection practices outlined below;

- a) **SLIP** on clothing that covers as much skin as possible during training sessions and inbetween times during play. Grab a cool, light shirt made of densely woven fabric (preferably rated UPF50+) to pop-on when off the court.
- b) Netball uniforms don't typically provide much coverage so it's important to **SLOP** on SPF30 (or higher) broad-spectrum, water-resistant sunscreen to any exposed skin at least 20 minutes before play starts. Look for a dry touch or active formula that won't be greasy for easy ball handling. Sunscreen should be reapplied regularly if you're working up a sweat (or at least every two hours), so put a tube in your sports bag for later. Hydration breaks and half-time provide the perfect opportunities to reapply.
- c) **SLAP** on a wide-brimmed hat when you are off court to protect your face, neck and ears from the constant UV.
- d) **SEEK SHADE**: Whether you are practising, warming-up or playing, take advantage of shady breaks whenever you can. Hydrate in the shade and find shady spots when off the court. Try to schedule training and games earlier in the morning or later in the day when the sun's UV isn't as intense.
- e) **SLIDE ON SUNGLASSES**: Outdoor netball courts can reflect high levels of UV. Bring sunglasses to protect the eyes and cut the glare to make sure you never miss any of the court action from the sidelines. For best protection, look for wrap-around sunglasses which meet the Australian Standard (AS/NZS 1067).

6.3 Netball NSW and Associations will increase the awareness of sun safety by regularly promoting sun protection information to members via communication means. Examples include: notice boards, newsletters, online communications, announcements at event and competitions.

7 Cold Weather

- 7.1 Children and young people (in particular thin/lean children) are also susceptible to illness in cold weather as they lose body heat more easily. Physical activity is one of the best ways to stay warm in a cold environment. However, coaches, parents and Match Officials should pay particular attention to children and young people playing sports or activities subject to cold and wet conditions because water increases the loss of body heat.
- 7.2 Have some flexibility from competition rules about clothing to allow children and young people to feel more comfortable in extremely cold weather. This includes allowing tracksuit pants in cold weather, even if not part of regulation uniform.

8 Wet Weather

- 8.1 Match Officials should, prior to the match or Netball Activity, ensure a proactive approach and obtain details about local weather conditions from the BOM, www.bom.gov.au.

- 8.2 Assess the severity of the conditions by utilising the table and information below. Ensure the recommended method of management is followed.

CONTINUE/MODIFY	CANCEL/POSTPONE/MODIFY
Light drizzle.	Continuous driving rain (including hail).
Intermittent rain.	Court surface is slippery due to excess water – and sweeping doesn't assist the court surface.
Intermittent heavy rain.	Frost and/or ice on the court surface.
Court surface is wet.	Heavy fog.
Water pooling on court surface but can be swept away.	Snow (light or heavy).

Options for modification (where appropriate) may include introducing additional breaks to allow for more opportunities to dry courts, reducing the number of players on court or reducing playing time.

8.3 Court surface (Outdoor Venue)

In rain, hail, snow or fog, court conditions should be assessed by Match Officials prior to the commencement of play. If there are several games to be played, an ongoing assessment should be undertaken between games to ensure the safety of players, umpires and team officials. If the weather deteriorates during a game, a further assessment may be made mid game.

Section 9.3 (iii) of the INF Rules of Netball allows for the umpire to consult with event organisers to decide if the game/s should be abandoned.

Factors to consider when assessing the court surface;

- a) Is the court/s slippery
- b) Is there snow or hail on the court/s
- c) Is water pooling on the court/s surface that can't be swept off

- 8.4 Once the assessment is complete a decision should be made to commence/continue play or cancel, postpone or modify the match or Netball Activity.

9 Electrical Storms

- 9.1 Lightning can strike more than 10km from the edge of a thunderstorm and it is generally agreed that 10kms is the minimum safe distance from a storm

- 9.2 Netball NSW supports the '30/30' rule which will be enacted for lightning safety and serves as a guide for event cancellation and subsequent resumption. The 30/30 rule is the recommended approach supported by the Centre for Sports Medicine Research and Education at the University of Melbourne.
- 9.3 The '30/30' rule is not an absolute rule. A storm may move very quickly, or not generate any lightning or thunder until it is very close or topographical. Wind conditions may also prevent sound from travelling to your position. These conditions are especially common in mountain areas. It is important that Match Officials observe weather conditions and be alert to the possibility of the above occurring.
- 9.4 In the event of an approaching storm, count the seconds from when the lightning flash is seen to when the thunder is heard ('flash to bang count'). If there is a thunder occurrence within 30 seconds from when the lightning is observed, activity is to cease immediately. Participants are at risk and are to be advised to seek safe shelter to ensure safety.
- 9.5 Wait 30 minutes after the last thunder is heard or lightning is seen before resuming activities. This will ensure the lightning storm is at least 20kms away from the venue.
- 9.6 Prior to the match or Netball Activity Match Officials should obtain details about local weather conditions from the BOM, www.bom.gov.au.
- 9.7 Match Officials are to define a list of safe structures and locations to be utilised in the event of a lightning storm occurring.
- 9.8 Safe shelter includes:
- a) Large/substantial enclosed buildings;
 - b) Fully enclosed metal vehicles with windows closed;
 - c) Low ground;
 - d) Trees of uniform height (i.e. forest)
- 9.9 Unsafe locations and situations:
- a) High, open ground;
 - b) Swimming pools (both indoor and outdoor);
 - c) Close vicinity to the tallest structure in the area – isolated or tall trees, light pole, communication towers;
 - d) Near outdoor metal structures – rain shelters, tents, seating/benches, poles, gates and fences;
 - e) Objects that increase an individual's height – umbrella.

10 Poor Air Quality (Smoke and other hazards)

- 10.1 Prior to a match or Netball Activity Match Officials should obtain details about local weather conditions from the BOM, www.bom.gov.au.

- 10.2 In the event of poor air quality, Netball NSW recommends that the following steps are taken;
- a) Go to Current Air Quality website (www.environment.nsw.gov.au/topics/air/current-air-quality)
 - b) On the map find the area nearest to the venue location and click on the box that shows the current reading (i.e. visibility, particles)
 - c) A list of areas and suburbs will appear. In the list scroll down to the nearest suburb or area to the venue location
 - d) The last columns on the right show the latest air quality readings for the area or the suburb selected.

(Note: PM 10 = coarse particles e.g. dust and ash. PM2.5 = fine particles e.g. smoke.)

- 10.3 Where the air quality readings are fair (67-99) or poor (100-149) it is recommended that consideration be given by Match Officials to suspend or cancel the match or Netball Activity, or modify such until the air quality improves.
- 10.4 Where the air quality readings are very poor (150-299) or hazardous (200+) it is recommended Match Officials suspend or cancel the match or Netball Activity until the air quality improves.
- 10.5 Consideration should be based on information obtained from the Current Air Quality website and a local assessment of conditions including indoor venues.
- 10.6 Where a decision is made to continue a match or Netball Activity with readings that are fair to hazardous, warnings should be issued to officials, players, and all involved in the match or Netball Activity at the venue or on an associated website/social media platform, or both. The warning should provide information that current conditions may pose a health hazard, particularly to those with respiratory or cardiovascular conditions and they should make their own decision in regard to participating.
- 10.7 Further information and a number of Air Quality Fact Sheets are available on the NSW Health website: www.health.nsw.gov.au/environment/air/Pages/aqi.aspx

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netball
NEW SOUTH WALES

Netball NSW

Infectious Diseases Policy

Adopted by New South Wales Netball Association Ltd at its Board Meeting held on 9 December 2021

Next Reviewed: November 2022
Last Reviewed: November 2021

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1 Introduction

- 1.1 This Policy is designed to provide an awareness of the risk of exposure and best practice approaches to Infectious Diseases while participating in any Netball NSW or Affiliate Netball Activity.

2 Definitions

Affiliate means a Premier League Licensee, a Netball Association, or a Netball Club, howsoever described, whether incorporated, unincorporated, a company limited by guarantee, or otherwise, which is a member of Netball NSW.

Blood-borne Viruses are a specific category of Infectious Disease that some people carry in their blood and can be spread from one person to another.

Individual Member (Member) means a natural person who is a registered financial member of Netball NSW or an Affiliate.

Infectious Disease means any disease caused by infection agents that can be passed from person to person. Transmission can occur directly (through contact with bodily discharge such as blood or saliva), indirectly (for example by sharing a drink bottle) or by means of vectors (such as mosquitos).

Netball means the sport or game played under the World Netball Rules of Netball as adopted or amended from time to time by Netball NSW or an Affiliate.

Netball Activity means Netball competitions, matches, training and/or events organised, controlled or sanctioned by Netball NSW and/or its Affiliates.

Netball NSW means the New South Wales Netball Association Limited.

Pandemic means an Infectious Disease which is prevalent and transmitting throughout a whole geographic area, country or world.

Participant means a person who participates, including but not only as official, coaches, players or umpires, parents, guardians and spectators in a Netball Activity.

Policy means the Netball NSW Infectious Diseases Policy.

Public Health Orders relate to a small range of very serious notifiable conditions: viral haemorrhagic fevers, SARS, MERS, avian influenza in humans, typhoid, TB, HIV and AIDs

(collectively Category 4 and 5 conditions). Public health orders are measures of last resort and are only used where voluntary measures are not adopted to prevent a public health risk.

3 Scope of this Policy?

3.1 This Policy applies to:

- a. Netball NSW and its Members;
- b. Affiliates and their Members;
- c. Individuals sitting on boards, committees and sub-committees of Netball NSW and/or its Affiliates;
- d. All employees, volunteers, independent contractors and other workplace participants;
- e. Any other person or organisation that is an Individual member of or affiliated with Netball NSW;
- f. Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible; and
- g. Any other person who has agreed to be bound by this Policy.

3.2 This Policy applies:

- a. At any Netball NSW or Affiliate Netball Activity;
- b. During paid or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other participants in Netball in NSW;
- c. During all netball related activities including games, training events and camps;
- d. At all times when providing services on behalf of Netball NSW or an Affiliate; and
- e. At all times when acting in any capacity, whether voluntary or paid on behalf of Netball NSW or an Affiliate.

4 Minimising Transmission of Infectious Diseases

4.1 The risk of contracting Infectious Diseases such as hepatitis, skin infections and upper respiratory tract infections (URTI) such as Influenza or COVID-19 may increase under some sports conditions due to an increased risk of a transmission event.

4.2 The risk of infection increases when people:

- Live and train in close contact with others, thus increasing cross infection;
- Train in environments where germs breed (e.g. change rooms);
- Share contaminated items (e.g. drink bottles);

- Are exposed to new environments when travelling to compete; □ Damage the skin allowing transfer of microorganisms; or □ Come in contact with other people's blood.
- 4.3 Appropriate preventative measures can be taken to avoid the spread of infectious diseases. Generally, these are as follows:
- a. Maintain strict personal hygiene. This includes washing your hands often with soap and water, and using a tissue and covering your mouth when you cough or sneeze;
 - b. Get vaccinated – vaccination is an effective and inexpensive way of significantly reducing the risk and spread of Hepatitis A, Hepatitis B, Influenza and COVID-19. Netball NSW strongly encourages all Members to protect themselves fully with all available vaccines subject to independent medical advice;
 - c. Any person diagnosed with an infectious disease is required to obtain clearance from a medical practitioner prior to participating in any Netball Activity;
 - d. Implement blood rules – See Clause 5 below;
 - e. Don't share personal equipment – Don't share clothing, razors, towels, face washers, nail clippers, drink bottles, mouth guards or any other personal equipment which may have blood, saliva or other body fluids present;
 - f. Maintain a clean environment. Dressing rooms should be clean and tidy with particular attention paid to hand-basins, toilets, showers etc. Adequate soap, paper towels, brooms, rubbish bins and disinfectants should be available at all times;
 - g. Communal bathing areas (e.g. spas, recovery baths) should be discouraged.
- 4.4 As it is in everyone's best interests to prevent the spread of infectious diseases, this may require some level of flexibility. For example, if this means that any member may be prevented from attending representative trials or grading, Netball NSW and/or Affiliates should accommodate this as far as practicable.
- 4.5 If a person is not feeling well, no matter the specific diagnosis, they should not be attending Netball Activities or participating in strenuous activities. Members should seek medical advice prior to returning to Netball Activities.

5 Blood-Borne Viruses

- 5.1 Blood-borne viruses Include HIV, Hepatitis B and Hepatitis C. They can be transmitted through blood-to-blood contact via broken skin and open wounds, or in some instances, by contact with other bodily discharge such as saliva or sweat. Blood rules are an appropriate way of dealing with the spread of Blood-borne Viruses.
- 5.2 Netball NSW and/or Affiliates should ensure that blood rules are adopted and closely applied at all Netball Activities.

Blood Rules

- 5.3 Clause 9.3.1 of the World Netball Rules of Netball 2020 Edition (as updated from time to time) (**Rules**) provides specifically for stoppage for blood during a game. In short, the Rules require that:

- A player who is bleeding or has blood on their clothing must immediately leave the court and seek medical attention.
- The bleeding must be stopped, the wound dressed and blood on the player's body or clothing cleaned off before they return to the game.
- Play must cease until all blood on the ground or equipment is cleaned up.

5.4 In addition, the following precautions should be adopted:

- All blood and body fluids should be treated as though they are potentially infectious. When spills of blood or other body fluids happen:
 - avoid direct contact with blood or body fluids;
 - cover any cuts with a wound cover; and
 - wear gloves.
- If blood or other body fluids spill onto any person or if contact has been made with an open wound, broken skin or mucous membranes, Members should:
 - wash the area of contact thoroughly with soap and warm water;
 - if the blood contacted any person's mouth or eyes, rinse very well with water; and
 - seek medical advice as soon as possible.
- Once bleeding has stopped, and any blood or body fluids which found their way onto any Member has been thoroughly cleaned, it's important to disinfect the area where the spill occurred. When doing this:
 - wear gloves;
 - place a paper towel over the spill and carefully mop it up;
 - clean the surface with warm water and detergent or soap;
 - disinfect the area by wiping with bleach (use a bleach containing 5.25% sodium hypochlorite) and dry with a clean paper towel; and
 - when finished, remove gloves and put them along with the used paper towels in a sealed plastic bag and place in rubbish bin.

5.5 Further information can be obtained from Sports Medicine Australia, Infectious Diseases Policy which is available on the following link:

<https://sma.org.au/resources-advice/policies-and-guidelines/infectious-diseases/>

6 Pandemic Advice

- 6.1 From time to time a region, state or indeed the world may be subject to an Infectious Disease Pandemic.
- 6.2 When this occurs, Netball NSW and its Affiliates will comply with all health advice, procedures, regulations and laws as proscribed by the relevant authorities. In particular, Netball NSW and Affiliates will make and enforce any necessary amendments to the running of Netball Activities to comply with these official directions including but not limited to density requirements, vaccination requirements and any relevant check-in or other monitoring requirements.
- 6.3 In the event of a Pandemic, Netball NSW will issue appropriate guidance to its Affiliates and Members as is necessary to ensure compliance with all Public Health Orders, procedures, regulations and laws as proscribed by the relevant authorities.

- 6.4 Netball NSW strongly encourages all Members who are able (subject to independent medical advice) to obtain full vaccination against all Infectious Diseases in order to limit the spread and health implications of a potential or active Pandemic.