



netball

NEW SOUTH WALES

MEMBER PROTECTION POLICY

**Adopted by NSW Netball Association Ltd Board Meeting and effective as at
1 January 2017**

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Attachments

- Attachment A: Employment Screening / Working With Children Check Requirements
- Attachment B: Complaint Handling Regulation
- Attachment C: Reporting Requirements and Documents/Forms
- Attachment D: Disciplinary Measures Administrative Protocol
- Attachment E: Hearings and Appeals Tribunal Procedural Requirements

PREFACE

Netball is enjoyed by thousands of participants throughout New South Wales every week. Participants enjoy a range of experiences from five to ten year olds learning basic skills in NetSetGO, progressing to juniors, seniors and masters playing at various levels of competition.

The sport caters for females and males of all ages and abilities, from the social netballer to the elite athlete. They participate in netball for many reasons including the competitive challenge, to be with friends, health and fitness, the satisfaction of volunteering and most importantly, to have fun.

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 is both ethically and legally responsible to prevent discrimination and more specifically harassment from occurring in netball. The adoption of this policy reflects Netball NSW's commitment to serving and protecting its members throughout all levels of the sport.

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 organisational policies including junior netball, umpire and coach development, governance, finance, information technology and privacy.

Through working together, the netball community can prevent discrimination and harassment and create a safe and supportive environment for all participants at all levels.

Carolyn Campbell
Chief Executive Officer
Netball NSW

1. INTRODUCTION

- 1.1 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 netball in a way that brings them good health, recognition, achievement, enjoyment and a sense of belonging.
- 1.2 This Policy is applicable to the following organisations, with appropriate variations at State/Territory, Association and Club levels:
- 1.2.1 Netball Australia: The national entity which is a member of or is recognised by the International Netball Federation as the entity governing netball in Australia.
 - 1.2.2 Member Organisation: The entity which is the official representative of and controlling authority for, Netball in a State or Territory. The current Member Organisations are: Australia Capital Territory Netball (ABN 85 800 220 698), New South Wales Netball Association Ltd (ABN 19 001 685 007), Northern Territory Netball (ABN 73 772 881 978), Netball Queensland (ABN 58 429 487 881), Netball South Australia (ABN 12 814 437 874), Netball Tasmania (ABN 62 028 131 759), Netball Victoria (ABN 83 704 752 745) and Netball Western Australia (ABN 36 657 982 648), as amended from time to time.
 - 1.2.3 Affiliates: Means a Premier League Licensee, Association, or Club, howsoever described, whether incorporated, unincorporated or otherwise, which is a member of Netball NSW.
 - 1.2.4 Where the word "Association" is used throughout this Policy (particularly in relation to Attachment B – Complaint Handling Regulation), it has the same meaning as the word "Affiliate" (as described in clause 1.2.3 above).

2. PURPOSE OF THIS POLICY

- 2.1 This Policy aims to ensure the core values, good reputation, positive behaviours and attitudes of Netball NSW are maintained and enhanced.
- 2.2 This Policy assists Netball NSW and Affiliates as it seeks to ensure that every person involved in netball is treated with respect and dignity and is protected from discrimination, harassment and abuse and other inappropriate / unacceptable behaviour. This Policy also seeks to ensure that everyone involved in netball is aware of his or her legal and ethical rights and responsibilities as well as the standards of behaviour expected of them.
- 2.3 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*.
- 2.4 This Policy is accompanied by attachments that describe the practical steps that Netball NSW and Affiliates (where applicable and relevant) will take to reduce discrimination, harassment, child abuse and other forms of inappropriate behaviour from netball. Netball NSW and Affiliates may take disciplinary action against any person or organisation bound by this Policy if they breach it.
- 2.5 Netball NSW's members, employees and other workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, he or she may be subject to disciplinary action which in serious cases may include termination of employment. Agents and contractors who are found to have breached this Policy may have their contracts with Netball NSW terminated.
- 2.6 The Netball NSW Board of Directors ("Board") has adopted this Policy in accordance with the NSW Netball Association Limited Constitution.
- 2.7 The Policy is effective from **13th December 2016** and will operate until replaced. This Policy may be amended from time to time by resolution of the Netball NSW Board.
- 2.8 This Policy is supported by Member Protection procedures that have been adopted by Netball NSW and our Affiliates (Associations and clubs).
- 2.9 This Policy and its accompanying documents can be obtained from the Netball NSW website www.netballnsw.com or by contacting Netball NSW.

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
- b) Affiliates (including Associations and Clubs) and their members;
- c) Individual members, including service award holders and life members;
- d) Individuals sitting on Boards, committees and sub-committees;
- e) All employees, volunteers, independent contractors and other workplace participants, including:
 - (i) Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sports trainers etc);
 - (ii) Coaches and assistant coaches;
 - (iii) Athletes and players; and
 - (iv) Umpires, bench officials and other officials.
- f) Any other person or organisation that is a financial member of or affiliated to Netball NSW;
- g) Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible;
- h) Members of the Players Association; and
- i) 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 function, event or workplace, including outside normal working hours;
- b) during work or voluntary activities, including dealing with members, media, sponsors, other support employees, volunteers, independent contractors and other workplace participants or attending other external premises;
- 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.

3.2.2 This Policy will continue to apply to a person even after they have stopped their association or employment with Netball NSW if disciplinary 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 regulations and attachments.
 - 4.1.2 Ensure that the Netball NSW Constitution and Affiliate Constitution, Rules, Policies or other documents include all clauses necessary for this Policy to be enforceable.
 - 4.1.3 Publish, distribute and otherwise promote this Policy and the consequences of any breach.
 - 4.1.4 Promote appropriate standards of conduct at all times.
 - 4.1.5 Deal with any breaches of, or complaints made, under this Policy in an impartial, sensitive, fair, timely and confidential manner.
 - 4.1.6 Apply this Policy consistently without fear or favour.
 - 4.1.7 Recognise and enforce any penalty imposed under this Policy;
 - 4.1.8 Endeavour to ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies.
 - 4.1.9 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).
 - 4.1.10 Monitor and review this Policy as required.

5. INDIVIDUAL RESPONSIBILITIES

- 5.1 Individuals bound by this Policy are responsible for:
- 5.1.1 Making themselves aware of the Policy and complying with the codes and standards of behaviour it sets 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.
 - 5.1.7 Complying with any decisions and/or disciplinary measures imposed under this Policy.
 - 5.1.8 Co-operating to provide 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.
 - 5.1.11 Co-operating fully with investigation processes including answering questions and responding accordingly.

6. POSITION STATEMENT: CHILD PROTECTION

- 6.1 Netball NSW and Affiliates are committed to seeking to ensure the safety and wellbeing of all children and young people who participate in netball and access netball's services. Netball NSW supports the rights of the child and will seek to ensure a child-safe environment is maintained.
- 6.2 Netball NSW and Affiliates acknowledge the valuable contribution made by staff, members and volunteers and encourage their active participation in providing and maintaining a safe, fair and inclusive environment for all participants.
- 6.3 Netball NSW and Affiliates prohibit all forms of child abuse.
- 6.4 Child abuse involves conduct which puts a child at risk of harm and may include:
- 6.4.1 **Physical abuse**, by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity)
 - 6.4.2 **Sexual abuse** by adults or other children, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
 - 6.4.3 **Emotional abuse**, by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a child).
 - 6.4.4 **Neglect** (e.g. failing to give a child food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Actions that may be indicative of potential abuse are as follows:

- inappropriate touching;
- inappropriate comments;
- phone contact;
- social media contact;
- unauthorised transportation;
- invasion of personal space;
- attend the home of a child;
- gift giving;
- lewd joke telling;
- enable and condone rule breaking;
- personal correspondence (not electronic);
- provide money;
- provision of drugs and/or alcohol;
- teach the child to drive;
- encourage nudity;
- attend parties of the players.

6.5 Procedures to support child protection.

6.5.1 Identify and analyse risk of harm

Netball NSW and Affiliates (where applicable and relevant) will seek to, so far as reasonably practicable, develop and implement a risk management strategy, including a review of existing child protection practices, to determine how child--safe netball is and to identify any additional steps that can be taken to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

6.5.2 Develop Codes of behaviour

- a) Netball NSW and Affiliates (where applicable and relevant) will seek to develop and promote codes of behaviours that set out the conduct expected of all adults when they deal with and interact with children involved in netball, including parents/guardians, especially those in the care of Netball NSW and Affiliates.
- b) Netball NSW and/or Affiliates (where applicable and relevant) will seek to promote codes of behaviour that set out the conduct appropriate between children covered by this Policy.

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, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures.
- b) Netball NSW and Affiliates will ensure that working with children checks or screening are conducted for employees and volunteers who work with children, where an assessment is required by law.
- 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

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 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.

6.5.5 Empower and Promote the Participation of Children

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

- 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 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. (Refer to Attachments in this Policy).
- b) Netball NSW requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within netball, report it immediately to the police or relevant government agency and the CEO of Netball NSW or the President of the relevant Affiliate.
- c) If any person believes that another person or organisation bound by this Policy is acting inappropriately towards a child, or is in breach of this Policy, s/he may make an internal complaint. (Refer to Attachment B in this Policy).
- 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 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 abuse are outlined in Attachment B to this Policy.
- e) If anyone bound by this Policy reasonably suspects that a child is being abused by his/her parent/s, they are advised to contact the relevant government department for youth, family and community services in New South Wales.

Some general indicators of child abuse 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
- inappropriate clothing, especially inadequate clothing in winter
- frequent illness, infections or sores
- being left unsupervised for long periods.

7. POSITION STATEMENT: TAKING IMAGES OF CHILDREN

- 7.1 Images of children can be used inappropriately or illegally. Netball NSW and Affiliates should comply with the procedures within the Netball NSW Photography Policy.
- 7.2 Netball NSW and Affiliates (where applicable and relevant) 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, Netball NSW and Affiliates (where applicable and relevant) 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 (where applicable and relevant) will not publicly provide or publish to any person or organisation, information about a child's hobbies, interests, school, or the like, as this information can be used by paedophiles or other persons to groom a child.
- 7.5 Netball NSW and Affiliates (where applicable and relevant) will only use images of children 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 parent/guardian before using the image.

8. POSITION STATEMENT: 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.

8.4 Discrimination

8.4.1 Discrimination occurs when someone is treated unfavourably on the basis of a particular 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 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
- 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 employee's privacy by spying or stalking;
 - f) displaying offensive material;
 - g) taking credit for someone else's work;
 - h) giving unfavourable duties to specific employees;
 - i) excluding or socially isolating employees; 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.

- 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 complain if he or she is harassed by someone of the same sex.

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.
- 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 employees, volunteers, other workplace participants and all others 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 an internal complaint in accordance with Clause 14 of this Policy. In some circumstances they may also be able to make a complaint to an external organisation. (Refer to Attachment B – Complaint Handling Regulation in this Policy).

9. POSITION STATEMENT: SEXUAL RELATIONSHIPS

- 9.1 Consensual sexual relationships between coaches, officials or athlete support personnel and the adult athletes they engage with due to on-court netball involvement, may not necessarily constitute sexual harassment or be contrary to any other law. However, Netball NSW and Affiliates (where applicable and relevant) take the position that such relationships should be avoided as they can have harmful effects on the person involved, on other persons and on netball's public image.
- 9.2 These relationships can also 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.
- 9.3 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 avoid them.
- 9.4 In the event that a player attempts to initiate an intimate relationship, the coach, official, or athlete support personnel must take personal responsibility for discouraging such approaches and explaining the ethical basis for their actions.
- 9.5 Coaches, officials and athlete support personnel are not to engage in any form of intimate or inappropriate relationship with a child under the age of 18. Netball NSW does not condone relationships involving a coach, official or other support personnel with a child under the age of 18.
- 9.6 Netball NSW and Affiliates remind all employees, volunteers, independent contractors, other workplace participants and all others bound by this Policy that sex with a child is a criminal offence and such conduct will not be tolerated.

10. POSITION STATEMENT: PREGNANCY

- 10.1 Netball NSW has a distinct Pregnancy Policy (available on the Netball NSW website).
- 10.2 Netball NSW seeks to provide an inclusive sporting environment for pregnant women involved in netball. Netball NSW expects everyone who is bound by this Policy to treat pregnant women with dignity and respect.
- 10.3 All those bound by this Policy should remove any unreasonable barriers to participation in netball that disadvantage women due to pregnancy or potential pregnancy.
- 10.4 Netball NSW will not tolerate any unlawful discrimination or sexual harassment against pregnant women or women who may become pregnant. Further details about behaviour that may amount to discrimination or sexual harassment are provided in Clause 8 of this Policy.
- 10.5 Netball NSW and Affiliates will endeavour to take all reasonably practicable steps to ensure the safety, health and well-being of pregnant women and their unborn children.
- 10.6 Netball NSW and Affiliates (where applicable and relevant) will seek to advise pregnant women of the risks involved in participating in netball while pregnant and encourage them to obtain medical advice about those risks.
- 10.7 Netball NSW and Affiliates encourage all pregnant women 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 women to sign a disclaimer if all other participants are required to sign one in similar circumstances. Women will not be required to undertake a pregnancy test prior to participation in any netballing activities.
- 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 to accordance with Clause 14 of this Policy.

11. POSITION STATEMENT: GENDER IDENTITY

- 11.1 Netball NSW and Affiliates seek to provide a safe, fair and inclusive netball environment in which people from all backgrounds can contribute and participate.
- 11.2 People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.
- 11.3 Netball NSW and Affiliates will not tolerate any unlawful discrimination, bullying or sexual harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. Descriptions of some of the types of behaviour that could be regarded as discrimination, sexual harassment or bullying are provided in Clause 8 of this Policy.
- 11.4 Netball NSW and Affiliates recognise that the exclusion of transgender or transsexual people from the participation in netball has significant implications for their health, well-being and involvement in community life. Netball NSW and Affiliates will seek to support participation in netball by all people on the basis of the gender with which they identify.
- 11.5 Netball NSW and Affiliates recognise there is debate over whether a male to female transgender person may obtain any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, Netball NSW will seek advice on the application of those laws in the particular circumstances.
- 11.6 Netball NSW notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a prohibited substance or method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a Therapeutic Use Exemption to legitimately use a Prohibited Substances and Method in accordance with the International Standard for Therapeutic Use Exemptions under an applicable anti-doping policy or granted under a Rule.
- 11.7 If any person feels they are being sexually harassed, bullied 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.

12. POSITION STATEMENT: CYBER BULLYING AND INAPPROPRIATE CONDUCT

- 12.1 Cyber Bullying and inappropriate conduct are regarded by Netball NSW and Affiliates as unacceptable in netball. There forms of conduct are unlawful and have the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.
- 12.2 New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.
- 12.3 Netball NSW and Affiliates will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. This includes comments made on any online Affiliate or NNSW webpage and any other websites/webpages, including personal, which may result in bringing netball and/or NNSW into disrepute.
- 12.4 Frustration at an umpire, official, player, coach or sporting body should never be communicated on social networking or internet websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant Affiliate or Netball NSW.

13. POSITION STATEMENT: SOCIAL NETWORKING WEBSITES

- 13.1 Netball NSW acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote netball and celebrate the achievements and success of the people involved in netball.
- 13.2 Netball NSW expects all people bound by this Policy to conduct themselves appropriately when using social networking sites to share information related to netball.
- 13.3 Netball NSW's policy with regard to social media engagement is that when engaging in social media, all those bound by this Policy are clear about what/who they are representing; take responsibility for ensuring that any references to Netball NSW and Affiliates, their staff and volunteers, members and other netball participants are factually correct and accurate and do not breach confidentiality requirements and laws; and that respect is shown for the individuals, companies and communities with which there is interaction.
- 13.4 Social media postings, blogs, status updates and tweets:
 - 13.4.1 Must not use offensive, provocative or hateful language.
 - 13.4.2 Must not be misleading, false or injure the reputation of another person.
 - 13.4.3 Are to respect and maintain the privacy of others.
 - 13.4.4 Where relevant, are to promote netball in a positive way.

This includes comments made in personal social media forums.

- 13.5 All those persons bound by this Policy must not post, send, forward or use any inappropriate information or material in any form of social media including but not limited to material which is:
 - 13.5.1 Intended to (or could possibly) cause insult or offence to, or intimidation or humiliation of Netball NSW, Affiliates, sponsors, their staff and volunteers, members and other netball participants;

- 13.5.2 Defamatory of or could adversely affect the image, reputation or viability of Netball NSW, Affiliates, sponsors, their staff and volunteers, members and other netball participants;
- 13.5.3 Contains any form of confidential information relating to Netball NSW, Affiliates, sponsors, their staff and volunteers, members and other netball participants.

14. COMPLAINTS PROCEDURES

14.1 Handling Complaints

- 14.1.1 Netball NSW aims to provide an easy to use, confidential and trustworthy procedure for complaints.
- 14.1.2 Any person (complainant) may report a breach of this Policy.
- 14.1.3 If a complainant feels comfortable doing so, they may wish to raise the issue with the person concerned and request that he or she stops engaging in the behaviour.
- 14.1.4 If the complainant does not feel comfortable confronting the person directly, or they have tried this and the behaviour continues, they may wish to make a complaint to their supervisor, contact person or Member Protection Information Officer (MPIO).
- 14.1.5 It is a good idea to make a written note about the behaviour including details of the date and time of the incident, what happened and any witnesses.
- 14.1.6 All complaints are treated seriously by Netball NSW and Affiliates. Once a complaint is received, the relevant organisation will deal with the matter in accordance with the procedures set out in Attachment B – Complaint Handling Regulation to this Policy.
- 14.1.7 Where a complaint relates to behaviour or an incident that occurred at the State level, or involved people operating at the State level, then the complaint should be reported to and handled by Netball NSW.
- 14.1.8 Where a complaint relates to behaviour or an incident that occurred at the Affiliate level, or involved people operating at the Affiliate level, then the complaint should be reported to and handled by the relevant Affiliate.
- 14.1.9 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.
- 14.1.10 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.

14.2 Improper Complaints & Victimisation

- 14.2.1 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.
- 14.2.2 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 helping to sort it out. Disciplinary measures may be imposed on anyone who victimises another person for making a complaint or supporting another person's complaint.
- 14.2.3 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.

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;
 - 15.1.2 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 conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, and unsafe and conduct that may cause financial or reputational loss.
 - 15.1.3 Failing to follow Netball NSW or Affiliate policies (including this Policy) and procedures for the protection, safety and well-being of children.
 - 15.1.4 Discriminating against, sexually harassing or bullying (including cyber-bullying) any person covered by this Policy.
 - 15.1.5 Victimising another person for making or supporting a complaint.
 - 15.1.6 Engaging in a sexually inappropriate relationship with a person that s/he supervises, or has influence, authority or power over.
 - 15.1.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within netball.
 - 15.1.8 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy.
 - 15.1.9 Disclosing to any unauthorised person or organisation any Netball NSW or Affiliates information that is of a private, confidential or privileged nature.
 - 15.1.10 Making a complaint that they know to be untrue, vexatious, malicious or improper.
 - 15.1.11 Failing to comply with a penalty imposed after a finding that the individual has breached this Policy.
 - 15.1.12 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 employment rules and 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 has breached this Policy, one or more of the following forms of discipline may be imposed:
- 16.3.1 A recommendation that the individual make a verbal and/or written apology.
 - 16.3.2 A written warning.
 - 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.
 - 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.
 - 16.3.8 A recommendation that Netball NSW or Affiliate terminate the individual's membership, appointment or Engagement.
 - 16.3.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently.
 - 16.3.10 A fine.
 - 16.3.11 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 the policy).
 - g) Any other relevant mitigating circumstances.

17. AMENDMENT AND INTERPRETATION

- 17.1 This Policy and its attachments may be amended withdrawn or replaced from time to time by Netball NSW in its sole discretion.
- 17.2 This Policy and its Attachments do not impose any contractual obligations on Netball NSW, are not incorporated into and do not form part of any contract between Netball NSW and anyone to whom this Policy and its Attachments applies.
- 17.3 Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- 17.4 Words in the singular include the plural and vice versa.
- 17.5 Reference to “including” and similar words are not words of limitation.
- 17.6 The Attachments shall be considered an integral part of this Policy.
- 17.7 This Policy shall apply from its specified effective date.
- 17.8 A Person includes a body corporate.
- 17.9 Words importing a gender include any other gender.
- 17.10 A reference to a clause is a reference to a clause or subclause of this Policy.
- 17.11 Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- 17.12 In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.
- 17.13 Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

18. ATTACHMENTS

Attachment A:	Employment Screening / Working With Children Check Requirements
Attachment B:	Complaint Handling Regulation
Attachment C:	Reporting Requirements and Documents / Forms
Attachment D:	Disciplinary Measures Administrative Protocol
Attachment E:	Hearings and Appeals Tribunal Procedural Requirements