

NEW SOUTH WALES NETBALL ASSOCIATION

Minutes of the **Council Meeting** held on Tuesday 29 May 2007 at Dooleys Club, John Street, Lidcombe.

Present:

Directors: W. Archer AM, M. Murphy, R. Watson, J. Hahn, J. Troy, L. Quinn, R. Havrlant, C. Campbell (General Manager)

Delegates:

| | |
|--------------------------------|-----------------------------|
| M. Leonard (Bankstown) | S. McLeod (Bankstown) |
| C. Aird (Baulkham Hills) | S. Marks (Blacktown) |
| E. Godkin (Blue Mountains) | E. Konza (Blue Mountains) |
| M. Burke (Brunswick-Byron) | K. Thomas (Camden) |
| J. Halcrown (Campbelltown) | D. Pascoe (Charlestown) |
| D. Cowburn (Charlestown) | H. Atzemis (City of Sydney) |
| A. Doring (Eastwood Ryde) | J. Marscham (Eastwood Ryde) |
| L. Chiovo (Fairfield) | C. Mulvey (Fairfield) |
| J. Webster (Grafton) | K. Pettit (Hawkesbury) |
| K. Regan (Hawkesbury) | K. Hartill (Hills) |
| B. Mann (Hills) | V. Curren (Illawarra) |
| C. Lear (Illawarra) | B. Pope (Kuring-gai) |
| G. Corderoy (Kuring-gai) | S. Fitzgerald (Lakeside) |
| L. Bowne (Lakeside) | E. Lawler (Liverpool) |
| K. Whiteley (Liverpool) | B. Bird (Maitland) |
| L. Taylor (Maitland) | H. Dean (Manly) |
| P. Mamo (Manly) | C. O'Donnell (Mt. Druitt) |
| A. Shutt (Nelson Bay) | A. Saunders (Newcastle) |
| G. Urquhart (Newcastle) | T. Field (Northern Subs) |
| L. Welfare (Parramatta Auburn) | B. Olsen (Penrith) |
| F. Reynolds (Randwick) | M. Kelly (Randwick) |
| R. Stephenson (Sapphire Coast) | |
| S. Mitchell (Shoalhaven) | M. Caddies (Singleton) |
| P. Hayman (Sutherland) | L. Bonnett (Taree) |
| C. Baiton (Young) | |

Life Members: M. Dunn OAM
M. Melhuish OAM
N. Kenny OAM
K. Fullagar

Observers: J. Peare (Hawkesbury)

Staff Members: J. Bruning (Game Development Manager)
J. Simpson (Umpires Education Officer)

Returning Officer: Les Turner

The President declared the meeting open at 6.55pm

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|-------------------|---------------------------|----------------------------|
| Apologies: | L. Burgess (Hills) | N. Matthews (Life Member) |
| | V. Morris (Sutherland) | T. Willetts (St. George) |
| | Port Stephens N. A. | Westlakes N. A. |
| | Inner West N. A. | B. Long (Life Member) |
| | Y. Richardson (Taree) | M. Holmes (Shoalhaven) |
| | H. Smith (Blacktown) | C. Murphy (Baulkham Hills) |
| | S. Dawes (City of Sydney) | C. Hicks (Randwick) |
| | V. Morris (Sutherland) | R. Bracken (Camden) |
| | L. Morgan (Quirind) | J. Gillett (Penrith) |
| | M. Corbett (Life Member) | J. James (Mt. Druitt) |

MOVED M. Dunn (Life Member) seconded Charlestown that apologies be accepted **CARRIED**

MINUTES OF THE COUNCIL MEETING HELD ON 3 MARCH 2007 – as distributed

CORRECTIONS

- page 12 – spelling correction – SERAS not SIROS

MOVED Singleton seconded Grafton that the minutes, with the above correction, of the Council meeting held on 3 March 2007 be accepted **CARRIED**

BUSINESS ARISING FROM MINUTES OF THE COUNCIL MEETING HELD ON 3 MARCH 2007

- W. Archer (President) – request the General Manager to provide an update re actions from the Eastman report:

Policies and guidelines –

- NA have released their Member Protection Policy following NA Board endorsement
- NNSW has developed their Member Protection Policy based on the national template and recommendations
- The Member Protection Policy incorporates:
 - Child Protection
 - Anti Discrimination and Harassment
 - Pregnancy
 - Sexual relationships
 - Gender Identity
 - Complaints handling Procedure
- This policy has been provided to the NNSW Board for consideration – the Board are now working through the relevant constitutional changes

that will need to be recommended to Council to enable full implementation

Statement or Code of Ethics

- NNSW replicated the Management Charter that was contained in the Strategic Plan. All members of the Board of NNSW have accepted and signed. For your information a copy of this Management Charter is displayed on the website under Forms and Policies

Training with respect to the conduct of the Appeals Panel

- The current Appeals Panel and procedures form part of the review and subsequent drafting of the Member Protection Policy and Procedures

Specific recommendations concerning Ms Stephenson

- NNSW through the General Manager participated in mediation. This was conducted on 1 march 2007. A statement of outcomes achieved at mediation was signed off by both parties. Action has been taken to ensure that both parties can move forward following this process.
- Newcastle – is it appropriate to raise Notice of Motion at this time?
- W. Archer – no – form part of posted agenda and will be dealt with in agenda order
- Sapphire Coast – agree with General manager’s report, however, some issues not yet resolved. Sent a letter to the President asking for issues to be considered – two things not yet resolved and have not received a reply as yet
- W. Archer (President) received correspondence and reply will be sent

MOVED Young seconded M. Dunn (Life Member) for the suspension of standing orders so presentation re Falls Prevention Program can be given to meeting
CARRIED

The President welcomed Pam Albany from NSW Health and John Bruning NNSW Game Development Manager to the meeting.

MOVED Young seconded Camden for the resumption of standing orders
CARRIED

NOTICES OF MOTION

1. Foreshadowed Motion:

MOVED Newcastle seconded Nelson Bay that the foreshadowed motion be deferred until after specific notices of motion dealt with
CARRIED

2. **MOVED** Newcastle seconded Nelson Bay that Clause 1. POLICIES AND GUIDELINES – Paragraphs 1, 2, 3, 4, 5, 6, 7 and 12 be adopted and implemented

Discussion:

- Newcastle – the recommendations from the Eastman report are as follows:
 1. The interaction between NNSW policies and those of the district or league organizations needs to be reviewed so that there is a clear understanding about the respective roles in investigating complaints and taking action in relation to complaints
 2. There needs to be a clearer basis about the circumstances in which NNSW will take over an investigation or intervene in the internal affairs of an association, particularly where the affiliated association operates as an autonomous body
 3. There should be a streamlined approach to complaint handling to avoid duplication and delay
 4. If the present arrangements of having complaints addressed by local bodies and NNSW continues, NNSW should discourage complaints being made to it in circumstances where the complainant disagrees with the outcome of a properly constituted investigation at a local level.
 5. NNSW should support local associations in such circumstances and not automatically adopt the position that if a complaint comes to it about an association, then that association has not dealt with the complaint.
 6. There needs to be a common understanding between NNSW and the executive committee office bearers about how complaints should be addressed. There may be a role for NNSW Council to consider how a common understanding may be developed.
 7. It may be advisable, subject to resources, to have a pamphlet which is provided to all persons involved in a complaint to advise them of their rights, the role of the association, the role of NNSW and the different ways a complaint may be handled. It seems to me that if there had been appropriate intervention between Ms Pugh and Ms Bouhali on the day, much anxiety and emotion could have been avoided
 12. NNSW has some excellent policies with respect to appropriate standards of conduct – for example its anti-harassment policy and code of conduct. However, the complaints, grievances and dispute resolution procedures appear in the constitution and in a range of different policies. There is no uniform approach to how complaints may be handled and what should be done. I strongly encourage NNSW to undertake a review of all complaint handling procedures including those where NNSW intervenes in association matters. Any review should focus on the appropriate forms of quick and

effective dispute resolution with respect to the subject matter and parties. There is an urgent need to move from responses based on technicalities and procedural requirement to a practical straight forward way of dealing with grievances.

MOVED Baulkham Hills, seconded Sutherland that the motion be put

RIGHT OF REPLY - Newcastle – understand a majority of the above recommendations are being done but would like it set down as put forward

MOTION PUT

CARRIED

3. **MOVED** Newcastle seconded K. Fullagar (Life Member) that Clause 2. STATEMENT OR CODE OF ETHICS paragraphs 13, 14 & 15 be adopted and implemented

Discussion:

- Newcastle – the recommendations are as follows:
 - 13. This inquiry has revealed that people are quick to make allegations of conflicts of interest, denial of natural justice, impropriety and unfairness
 - 14. However, there is limited understanding of the content of the requirements for procedural fairness in the context of incorporated associations. NSW and associations may be assisted by a short but clear statement of the ethical standards by which office bearers agree to perform their duties
 - 15. I further recommend that there be one or two persons with experience in sports administration and ethics be appointed as persons who may be contacted from time to time in the event of an ethical dilemma to give independent advice on a confidential basis to assist office bearers address concerns quickly and appropriately.
- Sutherland – motion is too broad and we are uncomfortable voting, specifically for clause 15. Additionally, clause 14 is contained in the NSW policy statement
- C. Campbell (General Manager) – Once the Member Protection Policy and Complaints Handling Procedures are finalised, the sourcing of external expertise is contained in the policy.
- Northern Suburbs – why can we not use the solicitor appointed to the Appeals Panel for such legal advice?
- W. Archer (President) – preferable to maintain the independence of the Appeals process and as such would not be using the solicitor appointed to the Appeals Panel
- Young – there are numerous facilities available to give advice to implement this clause

RIGHT OF REPLY - Newcastle – agree with comments from Young – even though clauses are broad, does not restrict the process

MOTION PUT

CARRIED

4. **MOVED** Newcastle seconded Eastwood Ryde that Clause 3. TRAINING WITH RESPECT TO THE CONDUCT OF APPEAL PANELS paragraphs 16, 17, 18 & 19 be adopted and implemented

Discussion:

- Newcastle – the recommendations are as follows:
 16. I have noted that some of the NNSW appeals sub-committee panels have not appeared to have considered important questions of evidence and the substance of issues raised in appeals during their deliberations. I note that the appeals sub committee has a legally qualified member but the minutes of meetings indicate that he or she is not always present.
 17. The NNSW constitution provides all the relevant provisions to ensure that disciplinary matters and appeals are addressed fairly and appropriately. However, there appears to be a gap between the theory and practice, based on the minutes of some of the meetings.
 18. I do not know whether members of the appeals sub committee have participated in any particular training to assist them with how appeals should be conducted and how to identify when more complex issues arise, for which it may be appropriate to seek independent advice. Again, subject to resources, it would be beneficial for members of the appeals sub committee and disciplinary committee to have training to equip them discharge their responsibilities under the constitution.
 19. I also recommend that NNSW review its record keeping in relation to complaints and disciplinary matters. Based on the records available to me, there does not appear to discrete complete files maintained in relation to formal grievances and/or complaints. The sensitive nature of complaints would require appropriate records to be maintained which demonstrates how the NNSW policies have been followed, what material has been considered and by whom. The files should be stored in a manner that preserves the privacy of the relevant parties. In the present matter, I have tried to price together how the complaints were handled from a range of documents maintained throughout the files.
- R. Watson (Vice President) – speak strongly against the motion. The Appeals Panel is meticulous in its record keeping and no deficiencies have been reported. The solicitor is always available to provide legal interpretation throughout any appeals process. All Appeals Panel reports to Council have been adopted and every member of the Appeals Panel has sat and carried out their role without fear or favour.

There were no questions raised during the investigation as to what training the appeals panel members have had. As previously advised, the new Member Protection Policy will address any possible issues and therefore this motion insults the work done by the committee members

- Sapphire Coast – the Appeals Panel is not properly training to do this role and if they were trained it would be a move forward – need to ensure honest and correct job is done by all

RIGHT OF REPLY - Newcastle – motion is aimed at more important appeals and is a way to move forward when new members are elected to Appeals Panel

MOTION PUT

CARRIED (F:21 A:18)

5. **MOVED** Newcastle seconded Eastwood Ryde that Clause 5 SPECIFIC RECOMMENDATIONS CONCERNING MS STEPHENSON paragraphs 21, 22, 23, 24, 25, 26, 27 & 28 be adopted and implemented and the apology to Ms Stephenson be accepted

Discussion:

- Newcastle – the recommendations are as follows:
 21. There is a need for Ms Stephenson to move from her entrenched position that the cause of her problems are NNSW
 22. Ms Stephenson must cease to look for errors and causes for complaint. She must appreciate that the NNSW Board should be free to make decisions as it thinks fit. Ms. Stephenson must be prepared to resolve complaints and accept finality of a resolution
 23. The NNSW Board must recognise Ms Stephenson's hurt and distress by the events surrounding her not being appointed to the assistant coaching position for the Hunter jaegers in late 2005
 24. The decision not to appoint Ms Stephenson may have been correct, as I make no findings to the correctness of the decision itself, just the process adopted. However, the Board should recognise that as a person with 25 years coaching experience, Ms Stephenson was entitled to feel hurt by her non-appointment and the vague and conflicting reasons she was given for that decision.
 25. There is a need for Ms Stephenson and NNSW to reach an agreement whereby Ms Stephenson will cease the ongoing complaints and that NNSW will put in place a clearer mechanism for dealing with issues without every issue being treated as a grievance to be investigated.
 26. There must be mutual respect and confidence between the parties if they are to continue to work together
 27. I recommend that a mediator acceptable to both parties be appointed to assist the parties work through the findings and

recommendations of this report. The mediator should not be appointed by NNSW alone, Ms Stephenson should be consulted about the choice of mediator and the terms upon which any mediation is conducted.

28. The purpose of the mediation should not be to “rehash” old issues, rather its focus should be on agreement in relation to future conduct.

- M. Murphy (Director State Administration) – speak against the motion on the basis that its is not required. As reported, mediation has taken place, outcomes agreed and signed off by all parties. It is time to move forward. Ms Stephenson must adopt the recommendations herself and move forward. NNSW is certainly trying to do so, we have or are addressing all the recommendations of the investigation and I see no need for this motion to be put to Council at this time. I can see no mention within any of the recommendations where any apology is owed nor is an apology required to be given to Ms Stephenson in regards to any matters raised in the investigation.
- Sapphire Coast – have honoured the mediation but there are two further things which I have asked for and need them addressed by the Board and want to put these points forward
- W. Archer (President) – Point of Order – this discussion is not to the motion
- Hawkesbury – question to Ms Stephenson – are you speaking on behalf of Sapphire Coast or for yourself?
- Sapphire Coast – am speaking for sapphire Coast
- Newcastle – have previously been involved in the mediation process and request a further meeting be held between W. Archer, the General manager, R. Stephenson and myself to discuss outstanding issues
- Blacktown – suggest a five minute recess
- W. Archer – recess the meeting for five minutes to meet with the Board

Meeting was recessed at 7.55pm

President reconvened the meeting at 8.00pm

- W. Archer (President) – in response to Sapphire Coast, the Board has unanimously agreed that our mediation responsibilities have been met, agreed and signed off. There will be no further meetings or mediation held in this matter. A confidentiality agreement was signed by all parties regarding the conduct and outcomes of mediation and all matters discussed in the mediation

MOVED M. Murphy seconded M. Dunn (Life Member) that the motion be put

RIGHT OF REPLY - Newcastle – ask Council to consider and support this motion

MOTION PUT

MOTION LOST

ELECTIONS

Sports Marketing Sub Committee – No nominations received

- A further call for vacant positions on Sports Marketing Sub Committee will be posted

CORRESPONDENCE

- M. Murphy (Director State Administration) – daily correspondence lists from 21 February 2007 to 25 May 2007 – tabled
- Late correspondence received and requested to be read to Council from Mrs Potter regarding Charlestown 17 years representative team – correspondence read
 - Reply as sent to Mrs Potter read

MOVED M. Murphy (Director State Administration) seconded M. Dunn (Life Member) that correspondence be accepted **CARRIED**

APPLICATIONS FOR MEMBERSHIP

- Nil received

REPORTS

BOARD OF DIRECTORS REPORT – as distributed – M. Murphy (Director State Administration)

- M. Murphy – Board seeks Council's endorsement regarding the possible expenditure required to enter a team in the Tasman Trophy competition for the duration of the participation agreement, being three years commencing in 2008
- **MOVED** M. Dunn (Life Member) seconded K. Fullagar (Life Member) that Council endorse in principle, to proceed regarding the possible expenditure required to enter a team in the Tasman Trophy competition for the duration of the participation agreement, being three years commencing in 2008

Discussion:

- Newcastle – Has there been any meetings with NA and any prospective sponsors?
 - W. Archer (President) – numerous meetings, both in person and via teleconference have been held between MO's and NA – extensive legal advice has been sought in regards to matters relating to our participation. With regards to sponsors, we have had discussions with prospective sponsors who are very interested
- M. Murphy (Director State Administration) – the report also outlines the setting up of a sub-committee of the Board to review our development pathways in view of the reduction of the elite opportunities available. To this end, we will be holding a forum at State Championships on Saturday afternoon at 4pm to gather ideas about possible programs and the development pathway.

MOTION PUT

CARRIED

- Eastwood Ryde – concerns re development pathway – request that delegates to NA be directed to raise the possibility of returning to Open nationals
 - W. Archer (President) – a workshop was held at the last NA meeting where we spoke at length about the whole national development pathway – a return to the Open nationals is not on the table at this time, the State are driving the discussion at this time and we will keep Council advised
 - Sutherland – who is on the development subcommittee?
 - M. Murphy (Director State Administration) – at this time, John Bruning and Chris Irwin, Lyn Quinn and myself
- Newcastle – what is the role of the Competitions Officer?
 - C. Campbell (General Manager) – an office based position providing operational and administration support to the Championships & Competitions Director and Committee

MOVED M. Murphy (Director State Administration) seconded Liverpool that the Board of Directors report be accepted

CARRIED

CHAMPIONSHIPS & COMPETITIONS REPORT – as distributed – L. Quinn (Director Championships & Competitions)

- L. Quinn (Director Championships & Competitions) – reminder re personnel allowed onto bench – protocol is that up to 12 players who are taking part in that game, not injured players not playing, plus coach, assistant coach, manager and primary carer, visitors are not to sit on bench.
- W. Archer (President) commend the ladies of the committee for conducting the timing and scoring courses – huge amount of training has been done.

MOVED L. Quinn (Director Championships & Competitions) seconded M. Dunn (Life Member) that the Championships and Competitions report be accepted
CARRIED

FINANCE REPORT – as distributed – J. Hahn (Director Finance)

- J. Hahn (Director Finance) – 80% invoicing has been very successful this year – of the total amount due of \$2,978,287 we have received to date all but \$160,000.

MOVED J. Hahn (Director Finance) seconded Sutherland that the Finance report be accepted
CARRIED

SPORTS MARKETING – as distributed - J. Troy (Director Sports Marketing)

MOVED J. Troy (Director Sports Marketing) seconded Northern Suburbs that the Sports Marketing report be accepted
CARRIED

TECHNICAL SERVICES REPORT – as distributed – R. Havrlant (Director Technical Services)

- Sapphire Coast – what is the breakdown of OTC and Level 1 coaching courses conducted?
 - R. Havrlant (Director Technical Services) - do not have those figures at this time but will get them and provide them with the minutes
- R. Havrlant (Director Technical Services) – congratulations to Louise McMeeking who was re-endorsed as an AA umpire

MOVED R. Havrlant (Director Technical Services) seconded Blue Mountains that the Technical Services report be accepted
CARRIED

APPEALS COMMITTEE REPORT – as distributed – R. Watson (Vice President, Convenor)

- Kuring-gai – reading report, what happened to Appeal no. 2?
 - R. Watson (Convenor) – apologise for the typing error, incorrect numbering. One set of statement of reasons has been requested and issued.

MOVED R. Watson (Vice President) seconded Sutherland that the Appeals Committee report be accepted
CARRIED

GENERAL BUSINESS

1. Newcastle – would like to report that Wynstan Blinds attended Newcastle courts last Saturday with advertising and giveaways and they appeared pleased with the exposure. This weekend we are having Nestle Peters on site
2. Newcastle – with regards to falls Prevention Program and the employment of an office to undertake the program, is this a full time position and are NNSW paying this person bearing in mind our budget?
 - C. Campbell (General Manager) – as outlined in the presentation and meeting papers, this is a full time position located in our office and is part of the agreement with NSW Health – funding for the position for the first 12 months is covered by NSW Health
3. M. Dunn (Life Member) – on behalf of Parramatta Auburn Association would like to thank NNSW for the opportunity to take up the vacant carnival after Baulkham Hills had to cancel their carnival. However, we had some withdrawals on the day of the carnival which made the draw very difficult to finalise and as such would request that if a team is withdrawing, can they please advise the host association.
4. Sutherland – once again want to express disappointment that NSWIS players are not available to play for their District Associations at State Championships. Appreciate the NNSW briefing on this matter but still wish to express our feelings.
 - W. Archer (President) – NSWIS player issue is part of our evaluation of programs being undertaken
5. Sutherland – advise that Sutherland held at Gold Coin Court day last Saturday for Camp Quality and raised \$5,000. Have provided information to NNSW and encourage all Districts to support this cause.
6. Sapphire Coast – with regards to Charlestown matter and letter read, ask M. Murphy what was done when Bankstown entries were not accepted for State League when you have said there is a process
 - Bankstown – do not agree nor want any Bankstown matters discussed at this meeting
 - Sapphire Coast – not talking about Bankstown, want to know what M. Murphy said in this paper and in the reply to Charlestown
 - M. Murphy (Director State Administration) the paper Sapphire Coast is referring to is an extract from the Eastman report findings which she has not agreed to be released. Charlestown matter was dealt with in correspondence.
 - W. Archer (President) – if Sapphire Coast is referring to late entry procedure, this is detailed in the Championship and Competition rules

7. Newcastle – is there any information available about the World Championships?
 - M. Murphy (Director State Administration) – a flyer has been included in the mail out with the meeting papers and have recently seen advertisements in newspaper
 - Young – contacted IFNA who advised tickets would be available in August and at this time only taking names
 - Randwick – concerns re Greg Ritchie travel in Qld – paid in full for Fiji trip and have heard nothing to date
 - W. Archer (President) – not sure what we can do but will follow up and any information we can obtain will be posted on our website
 - Blue Mountains – IFNA website has announced travel companies who will be selling tickets
8. Sapphire Coast – would like to finish the questions previously asked. The Eastman report refers to Discipline Panel as well as Appeals Panel – also concerned about some people’s behaviour whilst the letter from Charlestown was read. Would like to thank Del Saunders who has supported me through this process
 - Newcastle – thank you Rhonda – always here to assist anyone in need
9. Newcastle – is there a problem with rule books – are there any available?
 - C. Campbell (General Manager) – orders were placed with NA but have been advised that NA not printing any more rule books in view of possible rule changes taking place later this year
10. W. Archer (President) – would like to wish everyone well at State and State Age Championships and encourage all Districts to attend the forum at Sutherland and put forward ideas

The President declared the meeting closed at 9.10pm