



*netball*  
TASMANIA

**BY-LAWS**

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## **1. Authority**

- (a) Tasmanian Netball Association Incorporated trading as Netball Tasmania was established under its Constitution and is the peak body for the administration of netball in Tasmania.
- (b) In pursuance of the powers conferred on it by the Constitution Rule 31 the Board hereby makes the following By-Laws for the business and affairs of the Association.
- (c) In these By-Laws any reference to a definition as set out in the Constitution shall be a reference to how that term is defined.
- (d) These By-Laws are adopted by Netball Tasmania under the Constitution Rule 31 and accordingly bind all members of Netball Tasmania.

## **2. Scope**

These By-Laws are applicable to all management and staff of Netball Tasmania (whether in paid, voluntary, permanent or casual positions) and all registered members of Netball Tasmania.

## **3. Exclusions**

Nil unless specified.

## **4. Definitions and Abbreviations**

- (a) Unless the context otherwise requires, the terms used in these By-laws shall have the same meaning as in the Constitution and this document is to be read in conjunction with (and subject to) the Constitution.

- (b) In these By-Laws, the following terms have the corresponding meanings:

“Netball Tasmania” is the trading name of the Tasmanian Netball Association Inc.

"Affiliated Associations" means those entities which are affiliated members of Netball Tasmania in accordance with Netball Tasmania's Constitution.

"Affiliated Clubs" means a member of an Affiliated Association, which may include teams, clubs or organisations (howsoever described).

“CEO” means the CEO of Netball Tasmania.

“Sport Administrator” means the staff member employed to administer Netball Tasmania’s finances.

“Finance Director” means the Board member appointed in accordance with the Constitution clause 20.2 (c).

- (c) "Cyberbullying" is a way of delivering covert psychological bullying. It uses information and communication technologies to support deliberate, repeated and hostile behaviour, by an individual or group that is intended to harm others." (Belsey 2007). Cyberbullying includes, but is not limited to, the following misuses of Social Media or other ICT technology (through ICT devices/equipment):
- i) harassing, teasing, intimidating or threatening another Registered Member by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, phone messages, digital pictures or images, or web site postings, irrespective of whether the post or message could be viewed by the wider public; and
  - ii) sending, receiving and/or possessing naked or sexually explicit images of a Registered Member.
- (d) "Cybersafety" refers to the safe and responsible use of the Internet and ICT equipment/devices, including mobile phones.
- (e) "ICT" means Information and Communication Technologies.
- (f) "ICT devices/equipment" includes, but is not limited to, computers, desktops, laptops, PDAs, storage devices, USB and flash memory devices, CDs, DVDs, floppy disks, iPods, MP3 players, cameras, video, digital, webcams, all types of mobile phones, video and audio players/receivers, portable CD and DVD players, gaming consoles, and any other similar technologies as they come into use.
- (g) "Member" means a member of Netball Tasmania and includes Affiliated Associations, Affiliated Clubs and Registered Members.
- (h) "Organising Body" means the organiser of a netball Tournament, Competition, Activity or Event including but, not limited to Netball Tasmania, Affiliated Associations and Affiliated Clubs.
- (i) "Registered Member" means a person registered as a financial member of Netball Tasmania who is therefore eligible to participate in a netball tournament, competition, activity or event conducted by an Organising Body. A Registered Member is subject to Netball Tasmania Competition Regulations.

- (j) "Social Media" is a broad and changing concept. It generally refers to interactive electronic forums or online media where people are communicating, posting, participating, sharing, networking or bookmarking. For the purposes of this By-law, Social Media extends, but is not limited to:
  - i) electronically communicated material, whether written, photographic, video, or audio, which is accessible by more than the Member alone;
  - ii) Facebook, Youtube, Twitter, MySpace, LinkedIn, Wikipedia, Flickr and related domains;
  - iii) blogs; social networking sites; instant messaging; social bookmarking, media sharing and collaborative editing websites;
  - iv) any other forum which might reasonably be classified as social media as that term is generally understood; and
  - v) any other forum for public comment.

## **5. Financial Control**

- (a) The purpose of this By-Law is to ensure that operational practices are effectively managed and monitored, providing transparency and compliance with the Constitution and with the accounting policies or By-Laws previously accepted and applied by the Board.
- (b) This By-Law is applicable to all management and staff (whether in a paid, voluntary, permanent or casual position) of Netball Tasmania.
- (c) This By-Law does not include the members of Netball Tasmania.
- (d) The objectives of Netball Tasmania are:
  - i) adopt practices to ensure the probity of procedures relating to financial management; and
  - ii) provide management and staff (whether in a paid, voluntary, permanent or casual position) with clear direction regarding financial operations.
- (e) The Board shall approve the budget annually, prior to the commencement of the financial year for which it is intended.

- (f) Under Rule 29 of the Constitution all cheques, receipts for money paid to Netball Tasmania, promissory notes, bankers drafts, bills of exchange and other negotiable instruments must be signed or endorsed by any two Directors or the CEO and a Director.
- (g) The CEO has power to expend the funds of and/or enter into contractual arrangements to achieve the objects and functions of Netball Tasmania to a transaction limit of \$25,000 for state team air travel, \$15,000 for venue hire and \$10,000 for other expenditure, providing such contractual arrangements and expenditure are contained within the approved budget. Expenditure/arrangements above this limit or that are not included within the approved budget will be subject to Board approval.
- (h) The Board also determines that the CEO is authorised to sign or authorise in conjunction with a Director of Netball Tasmania all cheques, bank transfers, drafts, bills of exchange, promissory notes, contracts and other negotiable instruments of Netball Tasmania.
- (i) The purpose of petty cash is for use where payments through accounts payable or credit card are not justified or appropriate.
- (j) The CEO is authorised to use the Netball Tasmania credit card for purchases up to the value of \$2,000. Expenditure for a single item above this limit must be approved by the Board.
- (k) Other staff members are authorised to use a Netball Tasmania credit card for purchases up to the value of \$500 each.
- (l) The Netball Tasmania credit cards must only be used for business expenses and are not to be used for personal expenses. No cash advances are to be taken using a Netball Tasmania credit card.
- (m) Where a credit card is lost or stolen, then the person in possession of the card is to notify ANZ Bank using the contact information provided on the card to ensure that the card is cancelled and advise the Sport Administrator to ensure that the loss of the card is recorded.
- (n) The Sport Administrator is required to reconcile the monthly credit card statements to the expense form, attach all receipts for payments made on the credit card and have the expense statement authorised by the designated signatories.
- (o) The Board determines that any new bank account/s to be opened by Netball Tasmania must have the authorisation of the Board.
- (p) The Board determines that any closure of a bank account must have the authorisation of the Board. The Sport Administrator will then be required to complete the following:

- i) ensure all transactions with respect to the account (including cheques drawn) have been completed;
  - ii) lodge with the bank a letter, signed by the authorised signatories advising of the closure of the account;
  - iii) meet the bank's requirements with respect to account closure; and
  - iv) update the financial system and bank account register.
- (q) The Board also determines that the CEO has the authority to delegate his/her powers to employees in relation to the management of Netball Tasmania. This ability to delegate powers includes delegating levels of contractual authority. The limitation of the CEO power to delegate this contractual responsibility is limited to \$25,000 for state team air travel, \$15,000 for venue hire and \$2,000 for other expenditure, providing such contractual arrangements and expenditure are contained within the approved budget.
- (r) Expenditure/arrangements above this limit or that are not included within the approved budget will be subject to Board approval.
- (s) The Board determines that the Finance Director's Report will be in writing, due to the Board's ultimate responsibility for the correct management of Netball Tasmania's finances.
- (t) The Board determines that the Finance Director submit to the Board for review and adoption at each meeting of the Board a written Finance Director's Report. The Director's Report is to be aligned with the categories used in the Annual Report and must include:
- i) A compliance report that confirms payment of statutory payments as they become due;
  - ii) a statement that in the view of the Finance Director, the organisation is able to pay its debts as and when they fall due;
  - iii) balance sheet;
  - iv) a monthly cash flow;
  - v) comparison of actuals to budget projections;
  - vi) notification and explanation of any significant financial risks.



## 6. Sundry Debtors

- (a) Netball Tasmania operates as a small business and this By-Law is to ensure that debtors are treated in a consistent and fair manner.
- (b) Netball Tasmania has a responsibility to recover monies owing to it in a timely and efficient manner to finance its operations and be accountable to its members. Netball Tasmania will apply prudent debt management practices to ensure timely payment of debts. The objectives of this By-Law are to:
  - i) ensure all sundry debts owed are received by the due date and followed up within specified timeframes;
  - ii) ensure a strategic, equitable, accountable and transparent approach to Netball Tasmania's sundry debt management, collection decisions and practices; and
  - iii) provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for Netball Tasmania.
- (c) This By-Law is applicable to all individuals, companies, and organisations that receive goods or services from Netball Tasmania for which a fee is payable.
- (d) Staff will raise invoices promptly in accordance with the requirements under the provisions of the Goods and Services.
- (e) The Sport Administrator will review Aged Debtor reports monthly and report Bad Debts and Doubtful Debts to the CEO on a regular basis.
- (f) The Sport Administrator will maintain regular contact with outstanding Debtors and will offer to establish a payment plan in circumstances where a debtor indicates an inability to clear the debt in one payment.
- (g) If a debt remains unpaid after the issue of a 90 day statement or the debtor defaults on an agreed payment plan, the Sport Administrator will issue a formal letter to be sent by mail or email outlining the process for recovery. The letter will include details of arrangements to refer the debt to a Collection Agency where the debt remains outstanding.
- (h) The CEO may refer outstanding debts to a Collection Agency if all other debt recovery processes fail. The Debt Collection Agency will be authorised to issue letters of demand allowing for seven days payment prior to instigation of legal action.

- (i) Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt according to an assessment which has regard for the size and nature of the debt and the respective debtor in question.
- (j) Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is considered to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense account.
- (k) Debts shall be written off only when all reasonable attempts at recovery have been taken.
- (l) Debts that are considered irrecoverable, or where the cost of recovery is uneconomic, shall be written off as a bad debt against the Debtors account and the Provision for Doubtful Debts.
- (m) The CEO has delegated authority to write off any bad debts considered irrecoverable to the limit of \$1,000.
- (n) Any amount in excess of \$1,000 to be written off will require the authorisation of the Board.

## **7. Board Member Reimbursement**

- (a) As a peak organisation representing a broad and diverse sector across the Tasmanian netball community, Netball Tasmania endeavours to have Board representation from around the state. As volunteers, Board Members should neither be expected to contribute financially nor be prevented from volunteering due to out-of-pocket expenses such as the cost of travel or accommodation.
- (b) This By-Law includes Board Members elected or appointed in accordance with clause 20.2 of the Constitution of Netball Tasmania.
- (c) By serving on the Netball Tasmania Board, Board Members assume significant responsibility in terms of time, expertise and endeavour. As a matter of course Netball Tasmania does not offer any compensation or remuneration to its Board Members for these contributions. Netball Tasmania will offer to reimburse reasonable expenses incurred by Board Members in connection with Board service such as meeting attendance and approved Board projects, not including loss of personal income.
- (d) Netball Tasmania recognises the need for Board Members to undertake travel on behalf of Netball Tasmania and the need for some other out of pocket expenses to be reimbursed.

- (e) Since Netball Tasmania is a small organisation with limited resources, some claims may need to be negotiated in advance. Where a Board Member expects to incur considerable expenses in undertaking Board service, the nature and extent of the expenses should be discussed with the President and agreement reached before proceeding.
- (f) Board Members are encouraged, through Netball Tasmania's CEO, to use the resources of the organisation for stationery and other consumables. Should Board Members need to use their own resources, such as for printing, their reasonable expenses will be reimbursed.
- (g) It is strongly encourage that wherever possible all ground travel should include the use of shared vehicles.
- (h) This By-Law excludes staff members and volunteers who are not elected or appointed as Board Members in accordance with clause 20.2 of the Constitution of Netball Tasmania.
- (i) The objectives of this By-Law are to:
  - i) establish the process for the fair treatment of Board Members relating to the reimbursement of their out of pocket expenses; and
  - ii) ensure that clear processes and guidelines are in place for Board members to be reimbursed for out-of-pocket expenses incurred whilst exercising and performing their duties as a director of Netball Tasmania.
- (j) The Board will determine which activities associated with Board service will be eligible for reimbursement of expenses. In some cases participation by means of electronic media will be promoted and facilitated. Authorised activities include:

- Board Meetings;
  - official meetings with the CEO;
  - official meetings of a Board appointed sub-committee; and
  - official functions where a Board member has been invited to be present and represent Netball Tasmania.
- (k) A reasonable budget will be allocated each financial year to cover anticipated reimbursement of expense claims.
- (l) Board Members have the right to be informed of their entitlements regarding the reimbursement of legitimate expenses. This will usually occur at induction.
- (m) Maximum amounts for reimbursement of expenses incurred in Board service will be reviewed annually. The current maximum rates are:
- 25c per kilometre for use of a private vehicle.
  - For overnight accommodation, \$100, or the full amount will be covered if booked through Netball Tasmania.
  - For meals, breakfast \$14, lunch \$15 and dinner \$28.
- (n) All claims for reimbursement are to be made on the approved Netball Tasmania expense claim form within one month of the expenses being incurred.
- (o) Expense claims will be approved by the CEO and passed to the Sport Administrator for payment.

## **8. Committee Member Reimbursement**

- (a) As a peak organisation representing a broad and diverse sector across the Tasmanian netball community, Netball Tasmania endeavours to have committee representation from around the state. As volunteers, committee members should neither be expected to contribute financially nor be prevented from volunteering due to out-of-pocket expenses such as the cost of travel or accommodation.
- (b) By serving on a committee of Netball Tasmania, volunteers assume significant responsibility in terms of time, expertise and endeavour. As a matter of course Netball Tasmania does not offer any compensation or remuneration to its committee members for these contributions. Netball Tasmania will offer to reimburse reasonable expenses incurred by committee members in connection with committee service such as meeting attendance and approved projects, not including loss of personal income.

- (c) Since Netball Tasmania is a small organisation with limited resources, some claims may need to be negotiated in advance. Where a committee member expects to incur considerable expenses in undertaking committee service, the nature and extent of the expenses should be discussed with the CEO and agreement reached before proceeding.
- (d) Committee members are encouraged, through the Netball Tasmania CEO, to use the resources of the organisation for stationery and other consumables. Should committee members need to use their own resources, such as for printing, their reasonable expenses will be reimbursed provided there is prior agreement with the CEO.
- (e) It is strongly encouraged that wherever possible all ground travel should include the use of shared vehicles.
- (f) Netball Tasmania recognises the need for committee members to undertake travel on Netball Tasmania's behalf and the need for some other out of pocket expenses to be reimbursed.
- (g) The purpose of this By-Law is to define Netball Tasmania's position in relation to the reimbursement of out-of-pocket expenses incurred by committee members.
- (h) This By-Law includes committee members elected or appointed in accordance with clause 25.2 of the Constitution of Netball Tasmania.
- (i) This By-Law excludes staff members and volunteers who are not elected or appointed as committee members in accordance with clause 25.2 of the Constitution of Netball Tasmania.
- (j) The objectives of this Policy are to:
  - i) establish the process for the fair treatment of committee members relating to the reimbursement of their out of pocket expenses; and
  - ii) ensure that clear processes and guidelines are in place for committee members to be reimbursed for out-of-pocket expenses incurred whilst exercising and performing their duties as a committee member of Netball Tasmania.

- (k) The Board will determine which activities associated with committee service will be eligible for reimbursement of expenses. In some cases participation by means of electronic media will be promoted and facilitated. Authorised activities include:
- official meetings with the CEO;
  - official meetings of a Board appointed sub-committee; and
  - official functions where a committee member has been invited to be present and represent Netball Tasmania.
- (l) A reasonable budget will be allocated each financial year to cover anticipated reimbursement of expense claims.
- (m) Committee members have the right to be informed of their entitlements regarding the reimbursement of legitimate expenses. This will usually occur immediately after appointment.
- (n) Maximum amounts for reimbursement of expenses incurred in committee service will be reviewed annually. The maximum current rates are:
- 25c per kilometre for use of a private vehicle.
  - For overnight accommodation, \$100, or the full amount will be covered if booked through Netball Tasmania.
  - For meals, breakfast \$14, lunch \$15 and dinner \$28.
- (o) All claims for reimbursement are to be made on the approved Netball Tasmania Expense Claim Form within one month of the expenses being incurred.
- (p) Expense claims will be approved by the CEO and passed to the Sport Administrator for payment.

## **9. Risk Management**

- (a) The board and management of Netball Tasmania view risk management as integral to the strategic objectives of Netball Tasmania.
- (b) The purpose of this By-Law is to set out a plan for ensuring that Risk Management is considered and included in the business and operations of Netball Tasmania, and to provide guidelines for its implementation.
- (c) This By-Law is applicable to all management and staff of Netball Tasmania (whether in paid, voluntary, permanent or casual positions), and all members of Netball Tasmania.

- (d) The objectives of this Risk Management By-Law are to:
- i) to provide an assurance that the organisation has identified its highest risk exposures and has taken steps to properly manage these;
  - ii) to ensure that Netball Tasmania's business planning processes include a focus on risk management; and
  - iii) to establish a process that will integrate the risk control measures Netball Tasmania already has in place.
- (e) The Board of Netball Tasmania is responsible for overseeing the establishment and implementation of risk management systems and reviewing the effectiveness of these systems.
- (f) The Board's role in relation to risk management includes:
- i) overseeing the creation, implementation and maintenance of the risk management system of Netball Tasmania and its internal control framework;
  - ii) establishing a risk profile for Netball Tasmania setting out both financial and non-financial material and/or strategic risks facing Netball Tasmania;
  - iii) reviewing the effectiveness of Netball Tasmania's implementation of its risk management systems and internal controls on an on-going basis and reviewing the outcome of any performance audits;
  - iv) seeking to reach a common understanding with management and auditors about the risk management process, key financial and regulatory risks and related controls (and focusing on the "key" risks which are considered to be currently, or may in the future be, more significant or more likely to occur);
  - v) analysing the effectiveness of Netball Tasmania's risk management and internal compliance system and the effectiveness of their implementation;
  - vi) developing an understanding of the overall business environment, relevant laws and codes of importance to Netball Tasmania and the programs that Netball Tasmania has in place to provide reasonable assurance of compliance;
  - vii) reviewing Netball Tasmania's workplace health and safety policies or By-Laws and ensuring regular reporting to the Board on issues related to occupational health and safety;

- viii) ensuring that the CEO of Netball Tasmania confirms to the Board annually that the statement given to the Board on Netball Tasmania's financial reports are founded on a sound system of risk management and internal compliance and control which implements the policies or By-Laws adopted by the Board;
  - ix) ensuring that the CEO states in writing to the Board annually that Netball Tasmania's risk management and internal compliance and control system is operating efficiently and effectively in all material respects; and
  - x) reviewing insurance coverage and claims trends.
- (g) In accordance with clause 25.2 of Netball Tasmania's Constitution the Board will establish a Risk Management Committee (RMC).
- (h) The RMC is comprised of the two members of the Board and the CEO of Netball Tasmania. Legal and insurance expertise may be co-opted as required. It is responsible for:
- i) implementation of the principles, actions and requirements of the risk management plan and monitoring its implementation within Netball Tasmania;
  - ii) provision of the necessary tools and resources to identify and manage risks;
  - iii) review of risks on a quarterly basis, including identification of new risks, changes to existing risks and retirement of previously identified risks (through a formal decision making process);
  - iv) the manner in which ownership of risks is taken by management or others in accordance with function or expertise;
  - v) regular reporting of the status of risk items to the Board;
  - vi) appraisal of risk owners' actions taken to manage risk and correction of inappropriate performance;
  - vii) internal compliance and control systems for the implementation of the risk management plan;
  - viii) consideration of non-financial audits; and
  - ix) compliance with regulatory requirements and best practice.



- (i) To ensure key risks are identified and analysed, Netball Tasmania:
  - i) defines risks in the context of Netball Tasmania's strategic objectives;
  - ii) prepares risk profiles including a description of the material risks, the risk level and action plans used to mitigate the risk; and
  - iii) regularly reviews and updates the risk profiles.
- (j) In developing a culture of risk management, the Board and the CEO of Netball Tasmania are responsible for appropriate responses to manage risk, aided by the risk action plans and the creation of a risk register.
- (k) To enable this, Netball Tasmania:
  - i) has implemented a systematic process to assist in the identification, assessment, treatment and monitoring of risks;
  - ii) provides the necessary tools and resources to the Board and the CEO of Netball Tasmania and employees to support the effective management of risks; and
  - iii) reviews and communicates risk management best practice on a regular basis.
- (l) Netball Tasmania assesses the effectiveness of its risk management plan through structured continuous improvement processes to ensure risks and controls are continually monitored and reviewed. This includes appraisal of actions to manage risks.
- (m) The management of Netball Tasmania must ensure that the Board is adequately informed of significant risk management issues and the actions undertaken to manage risks on a regular basis.

## **10. Inclusion**

- (a) The Netball Tasmania inclusion By-Law aims to set a standard of equality and diversity within Netball Tasmania and its members. It aims to promote principles of equality and ensure respect and diversity is intrinsic to netball culture. Netball Tasmania aims to be welcoming and friendly to all people regardless of cultural background, experience, belief, ability or characteristics. Netball Tasmania wants everyone to feel valued and to have an opportunity to participate and play netball. By having this By-Law Netball Tasmania demonstrates its commitment to an inclusive society.

- (b) The purpose of this By-Law is to define Netball Tasmania's position in relation to the principles of equality and to ensure that respect and diversity is intrinsic to netball culture.
- (c) This By-Law applies to Netball Tasmania's Board and committee members, all appointed officials, all athletes selected to represent Tasmania, and all staff members. This By-Law will also provide a clear policy framework for Netball Tasmania's members.
- (d) Netball Tasmania's inclusion policy will benefit the organisation and will result in the following outcomes;
- increase and diversity in netball participation and membership;
  - a focus on equal opportunities; and
  - a more inclusive netball culture.
- (e) Netball Tasmania is committed to the principles of respect and equality.
- (f) Netball is a sport that welcomes all members of the community and provides opportunities for meaningful participation. Netball Tasmania demonstrates its support of this principle through its inclusive practices and by recognising and respecting the contribution of all people equally.
- (g) Netball Tasmania is committed to the being an inclusive organisation concerned with people being given a fair go when they are participating in a netball activity within Tasmania. Ultimately this requires participants to treat each other equally without making judgements based on stereotypes or characteristics (such as ability, age, gender, disability, race, sexuality etc.).
- (h) Netball Tasmania is dedicated to ensuring an environment that allows all participants, including volunteers, to reach their full potential in a setting that is free from all forms of discrimination, by actively promoting the principles of equal opportunity, social justice and cultural safety so that all individuals are treated with respect and dignity.
- (i) Netball Tasmania will endeavour to promote equality and diversity within all areas of its operation and will encourage the promotion of netball to people of all demographics and backgrounds, including but not limited to promotion of netball in the following communities:
- culturally and linguistically diverse;
  - indigenous; and
  - individuals with a mental illness and/or disability.

- (j) In addition to the promotion of netball programs, Netball Tasmania commits to ensuring the Board and committee members, appointed officials, athletes selected to represent Tasmania, volunteers and staff members are educated in diversity, access and equity awareness and that Netball Tasmania By-Laws and practices are reviewed regularly to ensure they meet the needs of the Tasmanian community more broadly.

## **11. Social Media**

- (a) Netball Tasmania seeks to maximise the benefit of Information and Communication Technologies while at the same time minimising the dangers and managing the risks.
- (b) Netball Tasmania wishes to maintain a safe physical and emotional environment both on and off the court, for members, organising bodies, staff members and volunteers.
- (c) Netball Tasmania acknowledges that the internet and Information and Communication Technologies (ICT) devices/equipment can bring great benefit to all users and to the effective operation of Netball Tasmania and organising bodies; however, Cybersafety issues related to the use of ICT have the potential to have a negative impact upon people.
- (d) Netball Tasmania considers that appropriate use of ICT devices/equipment will benefit members; however, it recognises that the presence in the sporting arena of these technologies may also facilitate anti-social, inappropriate, abusive, threatening and/or illegal behaviour and activities. Netball Tasmania seeks to maximise the benefit of these technologies while at the same time minimising the dangers and managing the risks.
- (e) This By-Law is applicable to all management and staff of Netball Tasmania (whether in paid, voluntary, permanent or casual positions) and all members of Netball Tasmania.
- (f) Netball Tasmania recognises that Social Media is an important communication tool. Netball Tasmania actively encourages Members to participate in Social Media and share their experiences in netball. Netball Tasmania recognises the importance of the internet to improve and increase the flow of information, shaping public thinking about our organisation, members, sponsors and stakeholders. Accordingly, Netball Tasmania will look to develop and maintain its own online Social Media presence through which it hopes to deliver content to its members and the public to develop and increase opportunities in netball at all levels in Tasmania.
- (g) However, Netball Tasmania's public reputation is valuable and so are the reputations of Netball Tasmania's members, sponsors and stakeholders, so Netball Tasmania prohibits any communication on Social Media that is defamatory, obscene, proprietary or misrepresentative of Netball Tasmania or is for commercial purposes.

- (h) Accordingly, Netball Tasmania has developed this By-law to:
- i) promote and encourage appropriate use of Social Media by its members; and
  - ii) govern the terms of use by members of any Netball Tasmania controlled Social Media.
- (i) When using Social Media, a member must not:
- i) abuse others or expose others to content that is offensive, inappropriate or for an illegal purpose;
  - ii) engage in Cyberbullying;
  - iii) impersonate or falsely represent any other person, including Netball Tasmania, Affiliated Association, Affiliated Club, Organising Body, another Member or another person (including by using the motto, crest and/or logo of Netball Tasmania, an Affiliated Association, an Affiliated Club or an Organising Body);
  - iv) abuse, harass or threaten any other person, including Netball Tasmania, an Affiliated Association, an Affiliated Club, an Organising Body or another Member;
  - v) make defamatory or libellous comments;
  - vi) use obscene, offensive, insulting, provocative or hateful language;
  - vii) post material that infringes the intellectual property rights of others;
  - viii) intrude upon the privacy of other members of Netball Tasmania without the consent of such members;
  - ix) interfere with the conduct of any event run by Netball Tasmania or with the role and responsibilities of Netball Tasmania as the peak body for the sport of netball in Tasmania;
  - x) violate security measures instituted at any facility of Netball Tasmania;
  - xi) comment in a way that may be construed as harming the reputation of him or herself, another member or Netball Tasmania, including its sponsors and stakeholders;

- xii) make excessive postings on a particular issue or post multiple versions of the same opinion or information on Social Media platforms operated by Netball Tasmania;
  - xiii) promote commercial interests in Social Media platforms operated by Netball Tasmania; or
  - xiv) without authority, post internet addresses, links to websites, email addresses or other personal information on Social Media platforms operated by Netball Tasmania.
- (j) Netball Tasmania, its affiliated associations and licence holder clubs monitor online activity. Detected breaches or suspected breaches of this By-Law or any use of social media that is likely to damage the reputation of netball should be reported to Netball Tasmania.
- (k) In circumstances of a breach or suspected breach of this By-law, Netball Tasmania may:
- i) make a necessary public comment such as a correction, clarification, contradiction or apology;
  - ii) issue a formal warning;
  - iii) report any breach of any law to any local authority or wronged party;
  - iv) take any disciplinary action available to it under the Constitution or any By-law made under the Constitution; or
  - v) exercise any of its available rights at law.
- (l) Netball Tasmania expressly reserves the right to take any action, including dealing directly with Social Media providers, to remove any posted material that it considers to be in breach of this By-law.
- (m) For content that uses intellectual property rights owned by another person, such as photos and videos (IP Content), each person (including each member) agrees to give Netball Tasmania a non-exclusive, transferrable, sub-licensable, royalty-free, worldwide licence to use any IP Content that is uploaded by that person (including a member) on any Netball Tasmania controlled or operated Social Media. Netball Tasmania may use such IP Content for the purpose of promoting the sport of netball or any other purpose.
- (n) If a member makes public comment, whether using Social Media or some other forum, the registered member is solely responsible for that comment. Members should make it clear that the views expressed are their own.

- (o) Members who communicate their opinions and any other materials on Social Media do so at their own risk. A member may be held personally liable for any commentary and/or material which may be defamatory, obscene or proprietary.
- (p) Netball Tasmania encourages members to report to Netball Tasmania any use of Social Media which is likely to harm Netball Tasmania's reputation.
- (q) Netball Tasmania and organising bodies will promote effective Cybersafety practices which aim to maximise the benefits of Social Media and ICT and allow for the effective operation of Netball Tasmania and organising bodies, whilst minimising and managing any risks. Such practices will aim to maintain a Cybersafe playing environment and address the needs of the organising bodies to receive education about the safe and responsible use.
- (r) Netball Tasmania may record any information posted to Social Media platforms operated by Netball Tasmania and may use that information for the purpose of administering such Social Media platforms or any other purpose consistent with Netball Tasmania's objects.
- (s) Netball Tasmania strongly recommends that all members protect their own personal privacy by not including personal information in Social Media communications (for example: email addresses, residential addresses and/or phone numbers).

## **12. Sanctioned Events**

- (a) A netball roster, carnival, or other similar event organised by an Affiliated Association will be allocated a Sanction Number by Netball Tasmania, provided the entry form makes it clear that participation is restricted to registered members of Netball Tasmania.
- (b) Should any incident occur that results in a claim being made against the national insurance policy, the Sanction Number must be quoted on the claim form for it to be accepted by the insurers for consideration.
- (c) Unsanctioned events are not covered by the national insurance policy and claims resulting from an incident at any such event will not be accepted.

## **13. Tasmanian Netball League (TNL)**

- (a) The TNL will be conducted annually in accordance with the Rules approved by the Netball Tasmania Board.

- (b) The name of the League shall be as agreed between Netball Tasmania and any commercial partner that has been offered rights to name the League.
- (c) Clubs will be permitted to compete in Netball Tasmania per medium of a licence as approved by the Netball Tasmania Board upon payment of the appropriate fees as determined by the Netball Tasmania Board.
- (d) The criteria for a licence shall not be changed for the period 2013-2015 and thereafter shall be as determined by the Netball Tasmania Board.
- (e) If there is any discrepancy between the TNL Rules and the Constitution of Netball Tasmania, the Constitution will prevail.

#### **14. Appointment of President and Finance Director**

- (a) Netball Tasmania is committed to ensuring that the governance of Netball Tasmania complies with the Australian Sport Commission's Sports Governance Principles.
- (b) The purpose of this By-Law is to comply with the Constitution and with the Australian Sport Commission's Sports Governance Principles by providing transparency and confidence in the appointment of the positions of President and Finance Director.
- (c) This By-Law is applicable to all elected and appointed members of the Board of Netball Tasmania.
- (d) This By-Law does not include the members of Netball Tasmania.
- (e) Through the development of this By-Law the objectives of Netball Tasmania are to:
  - i) adopt practices to ensure the probity of procedures relating to appointment of the President and Finance Director; and
  - ii) ensure that the appointment process is fair, transparent and open.
- (f) Under Rule 20.2 (b) the Board is required to appoint a President from among its number as soon as practicable after each Annual General Meeting. The appointee will hold the position of President until the conclusion of the next Annual General Meeting following his or her appointment.
- (g) Under Rule 20.2 (c) the Board is required to appoint a Finance Director from among its number as soon as practicable after each Annual General Meeting. The appointee will hold the position of Finance Director until the conclusion of the next Annual General Meeting following his or her appointment.

- (h) Within 24 hours of the day fixed by the returning officer for the closing date for ballot papers to be lodged in accordance with Clause 21.1 (g), the CEO will invite private and confidential nominations from the elected Board members for the position of President and Finance Director.
- (i) Nominations from elected Board members for the positions in paragraph 12 must be received within five days of the invitation made by the CEO.
- (j) Should there be only one nomination received for President, that person will be declared elected and appointed as such.
- (k) Should there be only one nomination received for Finance Director, that person will be declared elected and appointed as such.
- (l) Should there be more than one nomination for either position a secret ballot will be held by the CEO, conducted by email amongst all elected Board members.
- (m) Each elected Board member shall vote for the preferred candidate for President and the preferred candidate for Finance Director by return email to the CEO within two clear days of the date of the CEO's email.
- (n) The CEO will advise the result of the secret email ballot to all Board members as soon as practicable after the expiry of the two clear days referred to in paragraph (m).
- (o) If no nominations are received for either President or Finance Director, the elected members of the Board will soon as practicable appoint a person to hold and fulfil the position of President and Finance Director and at the same time appoint any remaining Board members as required under Rule 20.2(a)(ii) and 20.4.

## **15. Sub-Committees: General Regulations**

- (a) The Board has the power to establish committees, which act in an advisory capacity to the Board.
- (b) Each committee may comprise not less than three members, plus any de-facto or ex-officio members as described within these By-Laws.
- (c) In addition to the appointed members, the President and CEO shall be ex-officio members of all committees and may attend and speak at meetings, but may not vote.
- (d) Membership of committees will be open to those who meet the requisite criteria as described in these By-Laws.



- (e) Calls for membership of committees will be sent to all Affiliated Associations by August each year. The Board will appoint committee members in by October each year to be effective for the following calendar year. Appointments will be for a period of not more than 12 months and retiring members are eligible to re-nominate. The Board has the power to fill a casual vacancy at any time.
- (f) Each committee will appoint its own Chair, who will be responsible for setting the agenda and ensuring that Minutes of all meetings are recorded in writing. Minutes are to be circulated to all members of the Committee within 10 days of the date of the meeting, with a copy to the CEO, who will ensure that the Minutes are held on file.
- (g) Each Committee will review its Terms of Reference (ToR) annually, during the first meeting following appointment of committee members. The committee may propose amendments to its ToR, which must be approved by the Board.
- (h) All committee members are volunteers and out of pocket expenses will be reimbursed in accordance with the Committee Member By-Law (clause 8).

**16. All Australia Netball Association (AANA) Committee**

- (a) The AANA Committee will include two people who shall be appointed by the Board as delegates to the AANA. The appointments will be made annually at the first meeting following the Netball Tasmania Annual General Meeting. AANA delegates are required to be Elected or Appointed Board Members of Netball Tasmania. They will attend the national AANA Conference and any other AANA meetings as required. Should a delegate be unable to attend a meeting of the AANA, a substitute may be appointed by the Board, provided such person is a current Elected or Appointed Board Member of Netball Tasmania.
- (b) The AANA committee shall meet as required and will be responsible for reporting to the Board on key issues arising from the national AANA Conferences and other meetings attended by the Member State delegates.

## **17. Governance Committee**

- (a) Appointment to the Governance Committee is restricted to elected and appointed members of the Board.

The objectives of the Governance Committee are to:

- (b) ensure that the Board operates in accordance with the Australian Sport Commission's Principles of Good Governance and any related policies or By-Laws approved by Netball Australia;
- (c) ensure that Board and Board Member performance is reviewed annually;
- (d) review Board evaluation reports and processes; and
- (e) provide a recommendation to the Board regarding any skills gaps or concerns identified during the Board and Board Member performance evaluation.

## **18. Bench Allocation Committee**

- (a) Committee members must be a nationally accredited bench official with a minimum of three years' practical experience at national level.
- (b) In addition to the appointed members, Netball Tasmania's Development Coordinator will be an ex-officio member of this committee and may attend and speak at meetings, but not vote.
- (c) Netball Tasmania's Development Coordinator will ensure that the Committee is apprised of annual budget and Key Performance Indicators that Netball Tasmania must meet for funders/sponsors.
- (d) The committee will appoint bench officials for the Tasmanian Netball League preliminary finals, semi-finals and grand finals.
- (e) The committee will appoint bench officials for national competitions held in Tasmania if authorised to do so by AANA.
- (f) Minimum accreditation for bench officials to be considered for appointment to officiate in respect of clauses (d) and (e) is a state bench accreditation.
- (g) The committee will allocate the best available bench officials in accordance with these By-Laws and in consideration of:

- i) the availability of the bench officials; and
  - ii) the standard of the game being played.
- (h) In addition to the above the Bench Allocation Committee shall appoint Tasmanian score bench officials for development opportunities within Australia.
- (i) A Committee member with a conflict of interest must notify the Committee as soon as that person realises that a conflict of interest exists. The Committee member must then withdraw from the selection of the bench official(s) with whom they have a conflict of interest.
- (j) A conflict of interest may be that the bench official under consideration is a family member, partner to a member of the committee or a member of the Committee.
- (k) Appeal against non-selection
- i) A bench official, who fails to be selected pursuant to the published criteria, may appeal against omission as set out in this section.
  - ii) The grounds for such an appeal are that the Bench Allocation Committee, in making its decision, failed to comply with the By-Law.
  - iii) Any appeal against omission must be lodged in writing (notice of appeal) to the Netball Tasmania CEO within five business days of announcement of the selection decision.
  - iv) The notice of appeal must be accompanied by a summary of arguments and submissions in support of the appeal.
  - v) The aggrieved bench official may withdraw an appeal at any time through written notification to the Netball Tasmania CEO.
  - vi) Failure to comply with the appeal time frame will result in the appeal being dismissed.
  - vii) Where the Netball Tasmania CEO has authorised an investigation into an appeal those appointed by the Board to act on an appeals tribunal will be contacted and not less than three members shall form the tribunal to investigate the appeal.
  - viii) Persons party to or directly interested in the appeal may not act as a member of the appeals tribunal.

- ix) The appeals tribunal does not have the power of selection or reselection. Where appropriate, the tribunal may refer the matter back to the Bench Allocation Committee for consideration.
- x) The decision of the appeals tribunal will be binding on the parties; further appeals may be sought through the Court of Arbitration for Sport.

(l) Selection: Appeal Hearings

- i) The appeals tribunal shall investigate and consider the matter determining whether:
- ii) The matter should be dismissed because there is no credible evidence, submission or argument to satisfy the grounds of the appeal;
- iii) The appeal should be subject to a hearing conducted by the appeals tribunal.
- iv) The appeals tribunal must conduct the appeal in accordance with the principles of natural justice.
- v) The appeals tribunal is not bound by the rules of evidence and may inform itself as to any matter in such a manner as it thinks fit.
- vi) The appeals hearing may take place in a manner determined appropriate by the chair, including telephone or in person.
- vii) Parties of the appeal may be permitted a support person, for the avoidance of doubt this may not be a legal representative.
- viii) The decision of the appeals tribunal shall be a majority decision and shall be communicated to the Netball Tasmania CEO as soon as practicable, including:
  - (1) If the appeals tribunal considers the ground/s alleged to be made out, it shall recommend that the Score Bench Allocation Committee reconsider the selection; and
  - (2) The Score Bench Allocation Committee shall comply with the direction of the appeals tribunal.
- ix) Any further selection decision of the Score Bench Allocation Committee under direction of the appeals tribunal shall be final and binding.

- x) Aggrieved score bench officials may apply to the Court of Arbitration of Sport (CAS) to have the matter resolved in accordance with the Code of Sport Related Arbitration on the grounds;
  - (1) There has been a breach of natural justice by the appeals tribunal; or
  - (2) The decision of the independent panel was wrong in law.
  - (3) CAS is the final avenue for appeal; there will be no further appeal to the courts.

## **19. Umpire Allocation Committee**

- (a) Committee members must be accredited as an Umpire 'A' badge or higher.
- (b) The committee will appoint umpires for State competitions held in Tasmania on the following basis:
  - i) Minimum accreditation for umpires to be considered for appointment to officiate is a 'B' badge.
  - ii) Notwithstanding clause 19 (b) i) at the discretion of the Committee umpires accredited as a 'C' badge may be considered for appointment to officiate at 19U games as part of the development pathway.
  - iii) Umpires appointed by the Committee will be required to undertake one professional development activity during the calendar year of appointment. Failure to do so will render the umpire ineligible for appointment for the following year unless the Committee approves an application for exemption to this clause.
- (c) The committee will appoint umpires for national competitions held in Tasmania if authorised to do so by AANA.
  - i) Minimum accreditation for umpires to be considered for appointment to officiate is an 'A' badge.
- (d) The committee will allocate the best available umpires in accordance with these By-Laws and in consideration of:
  - i) The availability of the umpires; and
  - ii) The standard of the game being played.

- (e) In addition to the appointed members, Netball Tasmania's Development Coordinator will be an ex-officio member of this committee and may attend and speak at meetings, but not vote.
- (f) Netball Tasmania's Development Coordinator will ensure that the Committee is apprised of annual budget and Key Performance Indicators that Netball Tasmania must meet for funders/sponsors.

## **20. Selection Committee**

- (a) This By-Law comes into effect in 2014 for athletes selected to compete in 2016.
- (b) The objectives of the Selection Committee are to ensure that:
  - i) athletes are observed during a range of activities, including inter alia competition, selection trials, and training, and that those players identified as demonstrating ability and potential are encouraged and supported by Netball Tasmania; and
  - ii) athletes are selected to represent Tasmania in the appropriate age group team in accordance with the Selection By-Law.
- (c) Members of the Selection Committee will invite comment and suggestions from the person appointed as Head Coach for each State team to assist in their deliberations.
- (d) In addition to the appointed members, the High Performance Manager will be a de-facto member of this committee and may attend, speak and vote at meetings. Should the position of High Performance Manager not be filled at any time, the Board has the power to appoint a substitute.
- (e) Selection criteria for members of the Selection Committee:
  - i) Prior playing, coaching or selection experience at State League Open or higher level.
  - ii) The ability to make impartial judgements.
  - iii) Honesty and integrity.
  - iv) Ability and willingness to attend games, selection trials and training to observe players in a variety of conditions.
  - v) Contemporary awareness of elite sport.

- (f) Decisions of the Selection Committee are final. Appeals against non-selection may be lodged in accordance with the Selection by-Law.

## **21. Appeals Tribunal**

- (a) An appeals tribunal will be established by the Board with a pool of members to be appointed by the Board on an annual basis. The Board also has the power to appoint members to the tribunal to fill a casual vacancy.
- (b) Tribunal members should:
  - i) be an accredited Member Protection Information Officer (MPIO); or
  - ii) have knowledge of sport with national competition experience; or
  - iii) have a legal background; or
  - iv) have knowledge of netball.

## **22. State Team Representation**

- (a) Athletes will be selected by the Selection Committee in accordance with these By-Laws.
- (b) Officials will be appointed by the High Performance Manager.
- (c) Athletes and officials must be in good standing with Netball Tasmania and in particular may not be selected or appointed if there is an outstanding debt of money owing to Netball Tasmania.

## **23. Development Academies**

- (a) The Development Academies for young athletes will be known as the Develop a Diamond Academies.
- (b) There will be at least two Academies in each of the three main regions of the State: North West, North and South.
- (c) Participation in the Academies will be in accordance with the Netball Tasmania Selection By-Law.

## **24. Umpire Development and Selection**

- (a) Netball Tasmania (Tasmanian Netball Association Incorporated) is responsible for delivering courses and for the development of umpires, leading to a nationally recognised accreditation.
- (b) Official accreditation courses and course material are owned by Netball Australia, which authorises Netball Tasmania to deliver on its behalf in the state of Tasmania.
- (c) The purpose of this By-Law is to establish processes that are fair, transparent and open in programs, training, accreditation and activities for the development of umpires by :
  - i) providing opportunities for people who wish to become accredited umpires;
  - ii) promoting development of accredited umpires and support them to nominate for appointment to the ANZ State League; umpire appointments to the ANZ State League are made by the Umpire Allocation Committee, which is a sub-committee of the Board; and
  - iii) identifying and selecting umpires who have the potential to develop and officiate at national or international events, or to participate in programs to promote and develop High Performance opportunities.



- (d) Engagement in any activities identified in this policy is on the basis of agreement with the National Umpire Development Pathway regulations and any specific conditions identified for participation in programs, training, accreditation and activities for the development of umpires.
- (e) Opportunities to nominate for any programs, training and activities for the development of umpires will be available to all accredited umpires. Criteria for selection will be published by Netball Tasmania when calling for nominations.
- (f) The Umpire Allocation Committee, which is a sub-committee of the Board of Netball Tasmania, will appoint umpires to officiate at:
  - i) State competitions held in Tasmania; and
  - ii) national competitions held in Tasmania if authorised to do so by Netball Australia.
- (g) For all other appointments, a Selection Panel will be established comprising:
  - i) Netball Tasmania CEO
  - ii) Netball Tasmania Development Coordinator
  - iii) Chair of the Umpire Allocation Committee
  - iv) Independent representative with practical knowledge of umpire development and the development pathway
- (h) Umpires who nominate and who meet the criteria for appointment may be observed in action by the members of the Selection Panel if required. The members of the Panel may also invite comment from Netball Tasmania's appointed Umpire Coaches.
- (i) The selection criteria will identify an appropriate "Badge" in accordance with the specific program, training, accreditation or activity.
- (j) In exercising their discretion selectors may use the following criteria to assist in selection decisions:
  - i) Current level of skill and physical fitness.
  - ii) Analysis of performance from umpire coaches.

- iii) Current or potential injury or condition which will impair, inhibit or prevent the participant's performance to the requisite level.
  - iv) Other factors considered by the selectors to be important.
- (k) If Panel members reach an impasse, a temporary fifth Panel member may be chosen at the discretion of the Panel.
- (l) The Selection Panel decision is final, the reason for selection is not required as part of the selection process.
- (m) The Selection Panel may make changes and substitutions, if necessary, at its discretion.
- (n) A Panel member with a conflict of interest must notify the Panel as soon as that person realises that a conflict of interest exists. That Panel member must then withdraw from the selection of the umpire(s) with whom they have a conflict of interest.
- (o) A conflict of interest may be that the umpire under consideration is a family member or partner to a member of the Panel.
- (p) The members of the Selection Panel will:
- i) act with integrity and objectivity in all aspects of the selection process in complying with this policy and other related policies and documents; and
  - ii) ensure that all selection materials, discussions and meetings remain confidential to the Selection Panel and appropriate Netball Tasmania and Netball Australia staff members.
- (q) A selector who is unable to meet the requirements may resign or be removed and replaced at the discretion of Netball Tasmania. An umpire may be deselected or withdraw due to:
- i) breach of the Netball Tasmania Constitution, Anti-Doping Policy, Code of Conduct and other policies as deemed applicable; and
  - ii) injury or illness.

## **25. Appeal against non-selection**

- (a) An umpire, who fails to be selected pursuant to the published criteria, may appeal against omission as set out in this section.

- (b) The grounds for such an appeal are that the selection panel, in making their decision, failed to comply with the policy.
- (c) Any appeal against omission must be lodged in writing (notice of appeal) to the Netball Tasmania CEO within five business days of announcement of the selection decision.
- (d) The notice of appeal must be accompanied by a summary of arguments and submissions in support of the appeal.
- (e) The aggrieved umpire may withdraw an appeal at any time through written notification to the Netball Tasmania CEO.
- (f) Failure to comply with the appeal time frame will result in the appeal being dismissed.
- (g) Where the Netball Tasmania CEO has authorised an investigation into an appeal those appointed by the Board to act on an appeals tribunal will be contacted and not less than three members shall form the tribunal to investigate the appeal.
- (h) Persons party to or directly interested in the appeal may not act as a member of the appeals tribunal.
- (i) The appeals tribunal does not have the power of selection or reselection. Where appropriate, the tribunal may refer the matter back to the Selection Panel for consideration.
- (j) The decision of the appeals tribunal will be binding on the parties; further appeals may be sought through the Court of Arbitration for Sport.

## **26. Selection: Appeal Hearings**

- (a) The appeals tribunal shall investigate and consider the matter determining whether:
  - i) the matter should be dismissed because there is no credible evidence, submission or argument to satisfy the grounds of the appeal;
  - ii) the appeal should be subject to a hearing conducted by the appeals tribunal.
- (b) The appeals tribunal must conduct the appeal in accordance with the principles of natural justice.
- (c) The appeals tribunal is not bound by the rules of evidence and may inform itself as to any matter in such a manner as it thinks fit.

- (d) The appeals hearing may take place in a manner determined appropriate by the chair, including telephone or in person.
- (e) Parties of the appeal may be permitted a support person, for the avoidance of doubt this may not be a legal representative.
- (f) The decision of the appeals tribunal shall be a majority decision and shall be communicated to the Netball Tasmania CEO as soon as practicable, including:
  - i) If the appeals tribunal considers the ground/s alleged to be made out, it shall recommend that Selection Panel reconsider the selection; and
  - ii) The Selection Panel shall comply with the direction of the appeals tribunal.
- (g) Any further selection decision of the Selection Panel under direction of the appeals tribunal shall be final and binding.
- (h) Aggrieved umpires may apply to the Court of Arbitration of Sport (CAS) to have the matter resolved in accordance with the Code of Sport Related Arbitration on the grounds;
  - i) There has been a breach of natural justice by the appeals tribunal; or
  - ii) The decision of the independent panel was wrong in law.
- (i) CAS is the final avenue for appeal; there will be no further appeal to the courts.

## **27. Athlete Selection By-Law**

- (a) Netball Tasmania selects and manages State squads and teams to represent Tasmania in national netball matches, including but not limited to Australian Netball League, 17U, 19U and 21U national championships; 15U School Sport Australia national competition. The State program comprises of:
  - Tasmanian Open age: Tassie Spirit
  - Tasmanian 21/Under
  - Tasmanian 19/Under
  - Tasmanian 17/Under
  - Tasmanian 15/Under
- (b) Netball Tasmania also selects athletes to participate in its elite development programs. These programs include but are not limited to:

- Tasmanian Institute of Sport and Emerging Talent Squad
  - Develop a Diamond Squads
  - Centres of Excellence Squads
- (c) The purpose of this policy is to establish processes that are fair, transparent and open in the selection of athletes who have been identified as having the potential to compete at the elite level to represent Tasmania.
- (d) This By-Law is applicable to all athletes who are selected by Netball Tasmania to be a member of an official State squad or compete for a State Team at an inter-State or National event.
- (e) The objectives of this By-Law are to select State squads and teams in preparation for competition in line with the High Performance Pathway and provide the best opportunity for State team success in national competition.
- (f) Athletes agree to terms and conditions of the playing contract and event participation agreements with Netball Tasmania.
- (g) Selection is based on integrity, objectivity and discretion of the Selection Committee.
- (h) Athletes who nominated and were not selected will be provided with feedback and have access to confidential counselling services managed by the Netball Tasmania High Performance Manager (HPM).
- (i) Any change to this By-Law shall be notified to relevant persons in accordance with the provisions of the Constitution and By Laws.
- (j) Selectors for squads and teams will comprise of:

Tasmanian Institute of Sport Emerging Talent Squad Centre of Excellence Squad	Netball Tasmania HPM (Chair) TIS – Manager, Sports Programs Two selectors Consultation with state underage Head Coaches and NA National Pathway Manager
Tassie Spirit Tasmanian 21/Under Tasmanian 19/Under Tasmanian 17/Under Tasmanian 15/Under	Netball Tasmania HPM Selection Committee
Develop a Diamond	Netball Tasmania HPM Selection Committee Player Development Coordinator

(k) Athlete eligibility criteria for selection in State squads:

- i) Hold Australian citizenship or be permitted to represent Tasmania.
- ii) Be a registered member of a Member Organisation of Netball Tasmania and therefore a member of Netball Tasmania; or be a registered member of a Member Organisation of Netball Australia (import athletes and Tasmanian athletes living outside of Tasmania).

(l) Athletes will be observed during the following events and programs:

- ANZ State League;
- Australian Netball League;
- National Netball Championships;
- Develop a Diamond Academies;
- Squad camps; and
- any other program or event as determined by the High Performance Manager.

(m) Squad sizes shall be:

- The Tasmanian Tassie Spirit squad shall comprise of up to 22 athletes.
- The Tasmanian 21/Under squad shall comprise of up to 22 athletes.
- The Tasmanian 19/Under squad shall comprise of up to 22 athletes.
- The Tasmanian 17/Under squad shall comprise of up to 20 athletes.
- The Tasmanian 15/Under squad shall comprise of up to 20 athletes.
- The TIS squad shall comprise up to eight scholarships.
- The Emerging Talent Squad shall comprise up to 10 emerging athletes
- The Centre of Excellence Squads shall comprise up to 20 emerging athletes

(n) Invitees may be invited into the squads at the discretion of selectors.

(o) All official teams, where appropriate, shall comprise of 12 athletes from the applicable squad.

(p) Where an athlete is selected in one squad and eligible for another, in the event that the athlete is subsequently selected in the more senior squad, her position in the original squad may be replaced at the discretion of the Selection Committee.

- (q) In exercising their discretion selectors may select based on the following selection criteria:
- Previous State and national performances.
  - Current State and national performances.
  - Current level of skill and physical fitness.
  - Current or potential injury or condition which will impair, inhibit or prevent the participant's performance to the requisite level.
  - Composition and balance of team including but not limited to position coverage.
  - Positions identified as gaps at the State and if applicable, national level.
  - Other factors considered by the selectors to be important.
- (r) The selectors' decision is final, the reason for selection is not required as part of the selection process.
- (s) Where an athlete is unable to fulfil squad commitments the selectors have the authority to promote eligible athletes as a replacement to the applicable squad.
- (t) The selectors have the authority to make changes and substitutions to squads and teams at their discretion.
- (u) A selector with a conflict of interest must notify the High Performance Manager of the conflict as soon as he or she becomes aware it exists. A conflict of interest includes being a family member or coach of the athlete under consideration.
- (v) A selector with a conflict of interest will excuse him/herself from discussion and voting on the selection of an athlete who is the subject of the conflict of interest.
- (w) A selector may advise the High Performance manager of another selector's conflict of interest in the event that the risk has been overlooked.
- (x) A selector will:
- i) Attend all selection activities agreed by the selectors to ensure all potential athletes are viewed in a range of circumstances.
  - ii) Act with integrity and objectivity in all aspects of the selection process in complying with this policy and other related policies or By-Laws and documents.
  - iii) Ensure all selection materials, discussions and meetings remain confidential to the selectors and appropriate Netball Tasmania staff.

- (y) A selector who is unable to fully meet all the requirements of clause 24 (v) may resign or be removed and replaced as a selector.

## **28. Selection: Athlete Removal**

- (a) An athlete may be removed from a squad/team due to:
  - i) Failure to adhere to the Code of Conduct and Terms of Agreement.
  - ii) Injury or illness resulting in athlete's incapacity to fulfil obligations.
  - iii) Performance, skill and/or fitness levels are not at benchmark standard.
  - iv) Breach of the Netball Tasmania Constitution, Anti-Doping Policy or By-Law and other policies or By-Laws or By-Laws as deemed applicable to the National Program.
  - v) Her membership of a Member Organisation and therefore Netball Tasmania ceases; or her membership of another Member Organisation of Netball Australia ceases (import athletes and Tasmanian athletes living outside of Tasmania).
- (b) Successful and unsuccessful athletes may be advised of the outcome of selection prior to public announcement.
- (c) An opportunity for individualised feedback shall be provided to the athletes by coach, selector or other. Individualised feedback is only required for non-selection to a Team from the squad.
- (d) Counselling services will be available and the athlete is able to access this confidentially.
- (e) An athlete will investigate counselling prior to lodging a formal appeal for non-selection.

## **29. Selection: Appeals**

- (f) An athlete, who fails to be selected for a squad and or team pursuant to the criteria set out in this policy, may appeal against omission from the team or squad as set out in this section.
- (g) The grounds for such an appeal are that the selection panel, in making their decision, failed to comply with the policy.



- (h) Any appeal against omission from the team must be lodged in writing (notice of appeal) to the Netball Tasmania CEO within five business days of announcement of the selection decision.
- (i) The notice of appeal must be accompanied by a summary of arguments and submissions in support of the appeal.
- (j) The aggrieved athlete may withdraw an appeal at any time through written notification to the Netball Tasmania CEO.
- (k) Failure to comply with the appeal time frame will result in the appeal being dismissed.
- (l) Where the Netball Tasmania CEO has authorised an investigation into an appeal those appointed by the Board to act on an appeals tribunal will be contacted and not less than three members shall form the tribunal to investigate the appeal.
- (m) Persons party to or directly interested in the appeal may not act as a member of the appeals tribunal.
- (n) The appeals tribunal does not have the power of selection or reselection. Where appropriate, the tribunal may refer the matter back to the Selection Committee for consideration.
- (o) The decision of the appeals tribunal will be binding on the parties; further appeals may be sought through the Court of Arbitration for Sport.

### **30. Selection: Appeal Hearings**

- (p) The appeals tribunal shall investigate and consider the matter determining whether:
- (q) The matter should be dismissed because there is no credible evidence, submission or argument to satisfy the grounds of the appeal;
- (r) The appeal should be subject to a hearing conducted by the appeals tribunal.
- (s) The appeals tribunal must conduct the appeal in accordance with the principles of natural justice.
- (t) The appeals tribunal is not bound by the rules of evidence and may inform itself as to any matter in such a manner as it thinks fit.
- (u) The appeals hearing may take place in a manner determined appropriate by the chair, including telephone or in person.

- (v) Parties of the appeal may be permitted a support person, for the avoidance of doubt this may not be a legal representative.
- (w) The decision of the appeals tribunal shall be a majority decision and shall be communicated to the Netball Tasmania CEO as soon as practicable, including:
  - i) If the appeals tribunal considers the ground/s alleged to be made out, it shall recommend that Selection Committee reconsider the selection; and
  - ii) The Selection Committee shall comply with the direction of the appeals tribunal.
- (x) Any further selection decision of the Selection Committee under direction of the appeals tribunal shall be final and binding.
- (y) Aggrieved athletes may apply to the Court of Arbitration of Sport (CAS) to have the matter resolved in accordance with the Code of Sport Related Arbitration on the grounds;
  - i) There has been a breach of natural justice by the appeals tribunal; or
  - ii) The decision of the independent panel was wrong in law.
- (z) CAS is the final avenue for appeal; there will be no further appeal to the courts.

### **31. State Team Athlete Levy**

- (a) Netball Tasmania selects athletes to represent Tasmania in national competitions and may impose a financial levy to assist with the cost of competing. The imposition of such levy is the responsibility of the Board.
- (b) This By-Law is applicable to all athletes who are selected by Netball Tasmania to compete for a State Team at a National event for the 21 and under age groups.
- (c) The Objectives of this By-Law are:
  - i) to ensure an equitable, accountable and transparent approach to State Team athlete levies; and
  - ii) to ensure adequate communication to State Team athletes and their parents or guardians of the basis of the levy process and to detail the remedies that may be applied for non-payment of levy.

- (d) An individual levy contributing towards the cost of competing may be applied to each athlete selected as a member of a State Team to represent Tasmania in national competitions conducted for underage athletes.
- (e) The amount of the relevant levy will be determined by the Board annually for each age group in accordance with clause 7 of the Netball Tasmania Constitution.
- (f) When advised of selection to a State Team, each athlete will be provided with a formal offer and a contract, which will include details of the cost of the levy and manner of payment. Invoices will be raised in the name of the athlete or if the athlete is under the age of 18, in the name of the athlete's parent or legal guardian.
- (g) Payment of the levy is required no later than one month prior to the start of the competition for which the athlete has been selected. Should an athlete not comply with this clause 28 (g) or with clause 28 (h) the athlete will be removed from the State Team and Netball Tasmania will instigate debt recovery procedures. Any costs incurred by Netball Tasmania, including but not limited to team travel and accommodation, will be the liability of the athlete and will be included in any debt recovery procedures.
- (h) Should the athlete be unable to meet the requirement of clause 28 (g) application may be made to Netball Tasmania's CEO for a deferred payment plan, which will permit payments to be made against an agreed schedule to satisfy any outstanding amount within the current financial year. Should an athlete not comply with the deferred payment plan, the athlete will not be eligible for selection for any future State Teams and Netball Tasmania will instigate debt recovery procedures as required. Any costs incurred by Netball Tasmania, including but not limited to team travel and accommodation, will be the liability of the athlete and will be included in any debt recovery procedures.
- (i) If athletes are eligible to apply for any grants they are entitled to do so and any such grant received shall remain with the athlete.
- (j) Athletes may secure individual sponsorship to assist in meeting the cost of the levy. Should such sponsorship be secured, it must not exceed the total sum of the levy and must have the prior approval of Netball Australia (see attached Appendix D1). Where such prior approval is sought and individual sponsorship is obtained, an athlete may place an individual sponsor's name on the centre back of the tracksuit jacket and on the centre back of the warm up top. The individual sponsor name cannot be placed anywhere else on the athlete's uniform and athletes may not have more than one sponsor name displayed on any tracksuit jacket or warm up top.
- (k) For sponsorship approved in accordance with clause 28 (j) if requested to do so by the athlete Netball Tasmania will issue a tax invoice to the sponsor and credit the athlete with the net amount of the sponsorship.

### **32. State Team Uniform**

- (a) This By-Law has been prepared to provide guidelines for the uniform requirements for athletes, officials, volunteers and staff who attend and/or compete for the State Team at a national event.
- (b) This By-Law is applicable to all state team athletes, state team officials, state team volunteers and Netball Tasmania staff who attend and/or compete for the state team at a national event.
- (c) Netball Tasmania selects athletes to represent Tasmania in national competitions and may impose a financial levy to assist with the cost of uniform. The imposition of such levy is the responsibility of the Board.
- (d) The Objectives of this By-Law are to ensure:
- i) that representatives of Netball Tasmania have clear guidelines regarding approved attire on all occasions relating to state team participation and travel to, during and from national events; and
  - ii) a strategic and equitable approach to Netball Tasmania's practices relating to official uniform and attire for state teams.
- (e) The official colours of any Tasmanian representative team are myrtle green, primrose yellow and rose pink.
- (f) Netball Tasmania will approve the official bodysuit and supplier for all state teams.
- (g) The following uniform (with such actual design to be approved by Netball Tasmania from time to time) must be worn by all Netball Tasmania state team athletes during competition at national events:
- official bodysuit;
  - tracksuit or shorts/jacket (dependant on climate of host State/Territory);
  - polo shirt;
  - singlets;
  - socks.

- (h) During competition warm up, athletes are permitted to wear any combination of the official uniform providing they are all dressed similarly within their respective teams (i.e. all athletes in tracksuit pants and polo shirt OR all athletes in bodysuit and polo shirt). In the absence of agreement between the state team members as to the actual combination, the team official(s) will make such determination.
  - (i) At times other than competition warm-up, Netball Tasmania state team members are to be dressed in the same uniform.
  - (j) As per the Netball Australia Events Manual, where uniform is supplied by Netball Australia on behalf of the event sponsor for the National Championships, athletes must wear the sponsor clothing whenever the team is together during the course of the Championships including but not limited to travelling to and from courts and training sessions.
  - (k) Denim pants/jeans are not to be worn by any appointed Netball Tasmania state team members when travelling or attending on court events or official functions.
  - (l) Footwear is to be appropriate for the uniform being worn and may not include thongs.
  - (m) The following uniform must be worn by all appointed Netball Tasmania state team officials for competition uniform, travel, and official functions.
    - i) Black tailored pants/skirt/three-quarter pants/shorts (as approved by Netball Tasmania but to be provided by official), tailored shirt (as provided by Netball Tasmania), black jacket (if desired, as provided by Netball Tasmania) and black covered soft soled shoes;
- OR
- ii) Black tailored pants/skirt/three-quarter pants/shorts (as approved by Netball Tasmania but to be provided by official), Netball Tasmania polo shirt (as provided by Netball Tasmania), Netball Tasmania black jacket (if desired, as provided by Netball Tasmania) and black covered soft soled shoes.
- (n) The following uniform must be worn by all appointed Netball Tasmania state team officials for training uniform at National Championships:
  - i) black tailored pants/skirt/three-quarter pants or shorts/jacket (dependant on climate of the host State/Territory) (as approved by Netball Tasmania but to be provided by official);
  - ii) polo shirt; and

- iii) all team officials must coordinate their attire to wear the same uniform to each event, being one of the above ensembles set out in paragraph 13 and 14 above. In the absence of agreement between the state team officials as to which ensemble they will wear, Netball Tasmania will make such determination.
- (o) In circumstances where a person has breached, failed, refused or neglected to comply with this By-Law, disciplinary action may be commenced against such person in accordance with the disciplinary procedure under Netball Tasmania Constitution.
- (p) Any athlete who fails to comply with the uniform requirements set out in this by-law may not be eligible for selection for any future state teams Tasmania.

### **33. Patron**

The Patron of Netball Tasmania will be determined by the Board.

### **34. Life Member**

- (a) The Board of Netball Tasmania may at any time appoint a person as a Life Member in accordance with the Constitution, Clause 6.1 (b).
- (b) Life Membership should be given for outstanding service and not as a normal reward for long service. It should not be an automatic reward for holding any specific office. Whilst there is no restriction on the number of Life Memberships awarded, it should be regarded as a rare honour.
- (c) The service for which Life Membership is to be considered must be to Netball Tasmania. Service to Netball Australia, regional bodies, associations or clubs is not applicable in determining a Life Member of Netball Tasmania.
- (d) A nominee for Life Membership shall have been:
  - i) a member of the Board of Netball Tasmania or a formally constituted sub-committee of the Board for not less than 10 years; or
  - ii) any other person who has for a period of not less than 15 years rendered outstanding service to Netball Tasmania.
- (e) Outstanding service is defined as work that has been initiated, performed or undertaken for Netball Tasmania that has been widely adopted. The nominee will have outstanding achievement from personal initiative and have contributed at the highest level possible. The work may have been adopted by Netball Australia, Netball Tasmania and

at an Association level. Negotiation and contribution to netball policy and development for Netball Tasmania at State and Local Government level can be relevant.

### **35. Awards**

- (a) Meritorious Service Award: a member of an Affiliated Association may be nominated by the Affiliated Association or by the Board of Netball Tasmania to receive a Meritorious Service Award after completion of five years voluntary service to the Association or to Netball Tasmania at State level.
  
- (b) Conspicuous Service Award: a member of an Affiliated Association may be nominated by the Association or by the Board of Netball Tasmania to receive a Conspicuous Service Award after completion of 10 years voluntary service to the Association or to Netball Tasmania at State level.
  
- (c) State Service Award: a member of an Affiliated Association may be nominated by the Board of Netball Tasmania to receive a State Service Award after completion of 15 years voluntary service to Netball Tasmania at State level.
  
- (d) Service Awards may only be made to a person who has been a registered member of an Affiliated Association of Netball Tasmania for the entire period of service. Life Members of Netball Tasmania are not eligible for these Awards. These Awards shall be a plaque and a certificate, and the plaque is to be identical for both Awards apart from the wording.
  
- (e) Should a person be eligible for more than one Award, the highest Award will take precedence and any lower Awards will be disregarded.

**Appendix D1 - SPONSORSHIP APPROVAL PROFORMA**

<b>NAME OF MEMBER ORGANISATION</b>

<b>NAME OF COMPANY BEING APPROACHED</b>

<b>NAME &amp; DESCRIPTION OF PRODUCT</b>

<b>DOES THIS COMPANY OR ITS ASSOCIATED COMPANIES, PRODUCE ANY PRODUCT OR ENGAGE IN ANY ACTIVITY WHICH COULD BE IN CONFLICT WITH THE NETBALL AUSTRALIA SPONSORS LIST OR THE EVENT SPONSOR?</b>
<b>IF YES, IN WHAT WAY</b>

<b>LIST BENEFITS TO BE OFFERED TO THE POTENTIAL SPONSOR</b>

Signature of Authorized MO person

\_\_\_\_\_ Date \_\_\_\_\_

Approval Granted

YES/NO

Signed \_\_\_\_\_ Netball Australia Date \_\_\_\_\_