

Integrity in Netball Framework

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Please direct any enquiries to Netball Australia’s Integrity Unit, email: integrity@netball.com.au

1. Introduction

- 1.1. Netball Australia, its Member Organisations and Suncorp Super Netball Clubs have a major obligation to protect and maintain the integrity of netball as well as the health and wellbeing of Athletes.
- 1.2. Netball Australia is committed to the highest standards of conduct and ethical behaviour in all of its activities, and to promoting and supporting a culture of honest and ethical behaviour both on and off the court, corporate compliance and good corporate governance.
- 1.3. Integrity in netball encompasses all of the elements needed to preserve what is intrinsically valuable about netball and to uphold the principles of fairness, respect, responsibility and safety. The main elements include the Netball Australia Anti-Doping Policy, National Policy on Match Fixing in Netball and Member Protection Policy and this Integrity in Netball Framework and associated Rules: , Anti-Illicit Drugs in Netball Rule, Supplements in Netball Rule, Medications in Netball Rule, No Self-Injection in Netball Rule, Anti-Doping Declaration Rule, and Reporting Conduct That May Bring Netball into Disrepute Rule.
- 1.4. This netball specific Framework and Rules, along with the associated procedures are aimed at enforcing sport rules. They are distinct in nature from criminal and civil proceedings, although they are intended to be applied in a manner which respects the principles of proportionality, natural justice and human rights.
- 1.5. Netball Australia will engage necessary technical expertise to administer, monitor and enforce this Framework and Rules.

2. Scope

- 2.1. Nothing in this Framework and Rules limits the rights and obligations under Netball Australia's Anti-Doping Policy, National Policy on Match Fixing in Netball, Member Protection Policy, or applicable Codes of Conduct or other relevant agreements and policies.
- 2.2. In the event of any inconsistency, Netball Australia's Anti-Doping Policy prevails.
- 2.3. In the event of a matter that constitutes a breach or possible breach of Netball Australia's Anti-Doping Policy and any other Policy and or Rule, the Netball Australia Anti-Doping Policy prevails.
- 2.4. Nothing in this Framework or Rules limits the application of Commonwealth, State and Territory laws or the ability of Netball Australia to refer such issues to the police or other relevant authorities.

3. Related Policies

- 3.1. This Framework and Rules operate in conjunction with, as applicable, Netball Australia's Codes of Conduct, Player Agreement or similar, Netball Australia Anti-Doping Policy, National Policy on Match Fixing in Netball, Member Protection Policy, and other relevant agreements, rules and policies.
- 3.2. As such, this Framework and Rules are an important part of a comprehensive set of behavioural standards, responsibilities and practices.
- 3.3. A Person who is investigated or sanctioned under this Framework and Rules may also be investigated and sanctioned under other applicable agreements, rules and policies.

4. Jurisdiction

- 4.1. The Netball Australia Constitution enables Netball Australia to formulate, approve, issue, adopt, interpret and amend such policies, procedures, rules, by-laws, and regulations as appropriate to better regulate netball; and to promote and secure uniformity in such rules and standards as may be necessary for the management of netball nationally and internationally.
- 4.2. This Framework and Rules are made by the Netball Australia Board under Clause 35 of Netball Australia's Constitution and is binding.
- 4.3. Members Organisations are required to be in compliance with this Framework and Rules where applicable and relevant.
- 4.4. Suncorp Super Netball Clubs are required to be in compliance with this Framework and Rules where applicable and relevant.
- 4.5. This Framework and Rules may be amended from time to time by the Netball Australia Board.
- 4.6. The conduct prohibited under this Framework and Rules may also be a criminal offence and/or a breach of other applicable laws or regulations. This Framework and Rules are intended to supplement such laws and regulations. They are not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Persons must comply with all applicable laws and regulations at all times.

5. Who Does This Framework Apply To?

- 5.1. Each Rule attached to this Framework indicates who the Rule Applies to.
- 5.2. The emphasis is on Persons that fall under the direct jurisdiction and control of Netball Australia (such as Australian squads and teams and Australian level emerging talent), Member Organisations (such as Australian squads and teams, emerging talent, ANZ Championship franchise, Australian Netball League team, State/Territory teams, and State/Territory League Clubs) and Suncorp Super Netball Clubs.
- 5.3. Netball Australia and Member Organisations have the discretion to apply this Framework and Rules with limited pre-emptive application to Persons who do not participate at the elite or sub-elite pathway of netball, for example Associations and clubs at the grassroots.
- 5.4. Notwithstanding, all Persons are automatically bound by and required to comply with all of the provisions of this Framework and the Rules that are applicable and relevant to them. Accordingly, all Persons shall be deemed to accept all terms set out herein and have agreed:
 - 5.4.1. For purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to her/himself and her/his activities, including personal information relating to her/himself and her/his activities, to the extent expressly permitted under the terms of this Framework and Rules.
 - 5.4.2. For purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to her/himself and her/his activities, including personal information relating to her/himself and her/his activities to protect the integrity of netball.

- 5.4.3. That it is their Personal responsibility to:
 - 5.4.3.1. Familiarise themselves and be knowledgeable with all of the requirements of this Framework and the Rules that are applicable and relevant to them, including what conduct constitutes an offence under this Framework and Rules to comply with those requirements.
 - 5.4.3.2. Comply with anti-doping policies applicable to them and be mindful of the World Anti-Doping Agency Code.
 - 5.4.3.3. Understand that action required under this Framework and Rules may also be addressed under Netball Australia's Anti-Doping Policy.
 - 5.4.3.4. Act in a discrete and confidential manner in discharging their obligations under this Framework and Rules
- 5.4.4. Submit to the authority of the Netball Australia Board (including as delegated) to adopt, apply, monitor and enforce this Framework and the Rules.
- 5.5. Persons to whom this Framework and Rules apply must not:
 - 5.5.1. Give any false or misleading evidence to any hearing, investigation, inquiry or appeal conducted under this Framework and Rules.
 - 5.5.2. Make any false or misleading statement or declaration in connection with the administration or control of this Framework and Rules.
 - 5.5.3. Obstruct, delay or hinder Netball Australia's Chief Executive Officer or Nominated Delegate in connection with the performance of her/his duties in the connection with the administration or control of this Framework and Rules.
 - 5.5.4. Disobey any reasonable direction of Netball Australia's Chief Executive Officer or Nominated Delegate in connection with the performance of her/his duties in the connection with the administration or control of this Framework and Rules.
- 5.6. Where the Chief Executive Officer of Netball Australia or Nominated Delegate reasonably believes that the Person has information, documents or things that may be relevant to the administration of this Framework and Rules, Persons to whom this Framework and Rules applies must:
 - 5.6.1. Attend an interview to answer questions;
 - 5.6.2. Give information;
 - 5.6.3. Produce documents or things.
- 5.7. None of the information, document or thing obtained as a direct or indirect consequence of Clauses 5.6 and 9.3 is admissible in evidence against the Person in criminal proceedings.
- 5.8. Where a Person invokes their "right to silence", the Netball Australia Board or Nominated Delegate, can draw an adverse inference from a Person's failure to disclose vital information.

6. Nominated Delegate

- 6.1. Netball Australia will appoint appropriate personnel to administer this Framework and Rules.

7. Reporting Process

- 7.1. A Person must promptly notify if they are interviewed as a suspect, charged, or arrested by police in respect of conduct that may be a breach of this Framework and Rules.
- 7.2. A Person must promptly notify that she/ he has received an approach from another Person to engage in conduct that may be a breach of this Framework and Rules.
- 7.3. A Person must promptly notify that she/ he knows or reasonably suspects that any Person has engaged in conduct, or may engage in conduct or has been approached to engage in conduct that may be a breach of this Framework and Rules.
- 7.4. A Person shall have a continuing obligation to report any new knowledge or suspicion regarding any conduct that may be a breach of this Framework and Rules even if the Person's prior knowledge or suspicion has already been reported.
- 7.5. Notification must be made through the Chief Executive Officer of Netball Australia or her/his delegate. Upon receipt of a report the Chief Executive Officer of Netball Australia or her/his delegate should immediately advise the President of the Netball Australia Board and maintain strict confidentiality.
- 7.6. If the conduct involves the Chief Executive Officer of Netball Australia, notification will be through the President of the Netball Australia Board, or Nominated Delegate. Upon receipt of a report the President of Netball Australia or her/his delegate should immediately advise the Netball Australia Board and maintain strict confidentiality.
- 7.7. For the avoidance of doubt, prompt notification and prompt disclosure is within 48 hours.
- 7.8. Such notification or disclosure may be made verbally or in writing, on the phone, in person or electronically. It should include information that is factually accurate, complete, from first-hand knowledge, presented in an unbiased way, and without omission to allow for a reasonable investigation to take place.
- 7.9. Reports should be made in good faith; acting honestly, ethically and in the best interests of netball.
- 7.10. Netball Australia will not disadvantage or victimise any Person who makes a report, unless it is established that the Person has not acted in good faith in making a report or that the Person has made a false report (including acting maliciously, vexatiously or without basis). That Person may be subject to disciplinary proceedings.
- 7.11. Reports may be made anonymously, but it should be noted that it is more difficult for Netball Australia to look into the matter and resolve the problem. Accordingly enough information should be supplied to justify the allegation and enable the investigation.

8. Privilege

- 8.1. A Person interviewed under suspicion, charged or arrested by a law enforcement agency in respect of a criminal offence shall not be required to produce any information, give any evidence or make any statement if they establish that to do so would breach any privilege against self-incrimination, or legal professional privilege.
- 8.2. Clause 8.1 does not limit the Netball Australia Board, or Nominated Delegate, from enforcing any other Rules and Regulations.

9. Investigations

- 9.1. The Netball Australia Board, or Nominated Delegate, shall have the power to conduct investigations, in whatever manner it thinks fit, into the activities of any Person suspected to have committed an Offence under this Framework and Rules.
- 9.2. For the Netball Australia Board or Nominated Delegate to conduct an investigation there must be reasonable suspicion.
- 9.3. For the avoidance of doubt, the Netball Australia Board, or Nominated Delegate can:
 - 9.3.1. Inquire into, investigate and deal with any matter in connection with this Framework and Rules.
 - 9.3.2. Require and obtain production and take possession of all documents, records, articles or things in the possession or control of a Person that are relevant to any inquiry or investigation in connection with this Framework and Rules.
 - 9.3.3. Require access to the premises occupied by or in control of an Authorised Netball Provider for the purpose of any inquiry or investigation in connection with this Framework and Rules.
 - 9.3.4. Stand down any Person subject to an inquiry or investigation in connection with this Framework and Rules from participating in or in connection with netball.
 - 9.3.5. Exercise any other powers conferred under this Framework and Rules.
 - 9.3.6. Delegate any of their powers under this Framework and Rules.
- 9.4. The Person shall furnish such information within seven business days of making such demand, or within such other time as may be set by the Nominated Delegate. Any such information shall be (i) kept confidential except when it becomes necessary to disclose such information in furtherance of action under this Framework and Rules, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations, and (ii) used solely for the purposes of the investigation and prosecution of an Offence under this Framework and Rules.
- 9.5. Where conduct relates to a doping matter, Netball Australia will seek guidance from the Australian Sports Anti-Doping Authority in accordance with the referral dated 24 May 2006 whereby Netball Australia has referred the investigation of possible anti-doping rule violations within the sport of netball to the Australian Sports Anti-Doping Authority
- 9.6. Any alleged behaviour which is judged as a prima facie unlawful offence will be reported to the police force in the jurisdiction the offence is alleged to have occurred, the Australian Federal Police, Australian Customs and Border Protection Service, Australian Sports Anti-Doping Authority, the Therapeutic Goods Administration, or other enforcement, regulatory or administrative body where relevant and appropriate.
- 9.7. Persons to whom this Framework and Rules applies must cooperate fully with investigations conducted pursuant to this Framework and Rules. Failure or refusal to do so without acceptable justification may result in disciplinary action.
- 9.8. Where, as the result of such investigations, the Nominated Delegate forms the view that an Offence may have been committed; the Netball Australia Board shall consider the matter under Netball Australia's Anti-Doping Policy in the first instance.
- 9.9. In circumstances where the Netball Australia Anti-Doping Policy is not applicable, the Netball Australia Board shall refer the matter to the Hearings Panel to be dealt with in accordance with the provisions of Clause 11.

- 9.10. Where, as a result of such investigations, the Nominated Delegate forms the view that Netball Australia does not have jurisdiction over the alleged conduct under this Framework and Rules or there is no case to answer, the Netball Australia Board shall review the information and findings and either confirm the Nominated Delegate's findings or refer the matter to the Hearings Panel to be dealt with in accordance with the provisions of Clause 11 or recommend that the matter be considered under Netball Australia's Anti-Doping Policy in the first instance.

10. Commencement of Proceedings

- 10.1. Where the Nominated Delegate considers an Offence under this Framework and Rules has allegedly been committed, the Netball Australia Board, or Nominated Delegate shall with 28 days:
- 10.1.1. Appoint a Hearings Panel comprised of three Persons independent of Netball Australia and include a solicitor (who has previous experience in the legal aspects of a disciplinary/hearings tribunal) to hear the matter.
 - 10.1.2. Appoint one member of the Hearings Panel to sit as Chairperson.
 - 10.1.3. Send to the Person, copied to the Hearings Panel:
 - 10.1.3.1. A Notice setting out the alleged offence including details of when/where it is alleged to have occurred.
 - 10.1.3.2. A Notice setting out the Person's entitlement to have the matter determined by a hearing and the date, time and place for the proposed hearing of the alleged offence which shall be as soon as reasonably practicable after receipt of the information, but no later than 31 days except by agreement between Netball Australia and the Person.
 - 10.1.3.3. Information advising the Person of their rights and format of proceedings.
 - 10.1.3.4. The potential penalties outlined in Clause 13.
- 10.2. Within 14 business days of the date of the Notice, the Person may respond in one of the following ways:
- 10.2.1. Admit the Offence and accede to the imposition of penalty, in which case no hearing shall be conducted and Netball Australia Board, or Nominated Delegate shall promptly issue a decision confirming the commission of the Offence(s) and ordering the imposition of penalties, which shall be determined by the Netball Australia Board, or Nominated Delegate.
 - 10.2.2. Admit that she/he has committed the Offence specified in the Notice, but seek to dispute and/or seek to mitigate the penalty. Either a request for hearing or a written submission solely on the issue of the penalty must be submitted simultaneously with the Person's response to the Notice. If a hearing is requested, it shall be conducted in accordance with Clause 11.
 - 10.2.3. Deny the Offence and have the Hearings Panel determine the charge, and if the charge is upheld, the penalty, at a hearing conducted in accordance with Clause 11.
- 10.3. If the Person fails to file a written request for a hearing within 14 business days of the date of the Notice, she/he shall be deemed to:
- 10.3.1. Have waived her/his entitlement to a hearing;

- 10.3.2. Have admitted that she/he has committed the Offence specified in the Notice;
and
- 10.3.3. Have acceded to penalties under Clause 13 determined by the Netball Australia Board, or Nominated Delegate.
- 10.4. The Person shall be entitled at any stage to admit that she/he has committed the Offence specified in the Notice and to accede to penalties under Clause 13 determined by the Netball Australia Board, or Nominated Delegate.
- 10.5. Personnel covered by Netball Australia, Suncorp Super Netball or a Member Organisation Employee Collective Agreement will be subject to relevant Clauses, including Dispute, Hearings, Appeals and Termination Clauses contained in such Agreement, and if applicable the *Fair Work Act 2009 (Australia)*.
- 10.6. For the purposes of this Framework and Rules, any notice, including a notification, communication or proposal, is deemed to have been received if it is delivered to the addressee or to the addressee's residence, place of business, mailing address, fax number, mobile number, email address, or, if none of these can be found after making reasonable inquiry, then to the addressee's last-known residence or place of business or email address.
- 10.7. For the purposes of calculating a period of time under this Framework and Rules, such period shall begin to run on the day following the day when a notice, notification, proposal or other communication was sent. If the last day of such period is an official holiday or a non-business day, the period is extended until the first business day which follows. Official holidays or non-business days occurring during the running of the period of time are included in calculating the period.

11. Hearings

- 11.1. The Hearings Panel shall hear and determine the alleged offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with procedural fairness, such as a hearing appropriate to the circumstances; lack of bias; inquiry into matters in dispute; and evidence to support a decision.
- 11.2. The purpose of the hearing shall be to determine whether the Person has committed an offence under the Framework and Rules. If the Hearings Panel considers that the Person has committed an offence under this Framework and Rules, it may impose any one of the penalties set out in Clause 13.
- 11.3. The parties to the hearing shall include, the Nominated Delegate, the Person and their representative if so elected, a representative from Netball Australia (or appropriate Authorised Netball Provider) and any witnesses which any such party wishes to have participate in the hearing.
- 11.4. The Hearings Panel shall ensure each party and/or the Hearings Panel has the right to call and question witnesses and the right of each party to address the Hearings Panel to produce their case.
- 11.5. The Person (at her/his expense) is permitted to be represented at the hearing.
- 11.6. The Person is permitted to provide a written submission for consideration by the Hearings Panel (instead of appearing in Person). In which case the Hearings Panel shall consider the submission in its deliberations.
- 11.7. The hearing shall be inquisitorial in nature.

- 11.8. The hearing shall be conducted with as much expedition as a proper consideration of the matters permit.
- 11.9. The Hearings Panel shall not be bound by the rules of evidence or the practices and procedures applicable to Courts of Law or Record, but may inform itself as to any matter in such manner as it thinks fit.
- 11.10. The Hearings Panel shall decide on the balance of probabilities whether the Person has committed an offence under this Framework and Rules. For clarity, this standard of proof is that found in the often-cited case of *Briginshaw v Briginshaw (1938) 60 CLR 336*.
- 11.11. Non-attendance of the Person or her/his representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Hearings Panel from proceeding with the hearing in her/his absence, whether or not any written submissions was made.
- 11.12. The hearing shall be closed to the public. Only persons with a legitimate interest in the hearing will be permitted to attend. This will be at the sole discretion of the Hearings Panel.
- 11.13. The decision of the Hearings Panel shall be a majority decision and be communicated to the Netball Australia Chief Executive Officer or Nominated Delegate and Person as soon as practicable. Such decision shall set out and explain:
 - 11.13.1. The Hearing Panel's findings as to what Offences, if any, have been committed;
 - 11.13.2. The penalties applicable, if any, as a result of such findings; and
 - 11.13.3. The rights of appeal applicable pursuant to Clause 12.
- 11.14. Subject only to the rights of appeal under Clause 12, the Hearings Panel's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.
- 11.15. Netball Australia (or appropriate Authorised Netball Provider) shall pay the costs of convening the Hearings Panel and of staging the hearing.
- 11.16. Each party to the hearing bears its own costs, legal, expert and otherwise.
- 11.17. The Hearings Panel will have the power to award costs or make any costs order.
- 11.18. The Hearings Panel shall have discretion, where fairness requires, to establish an instalment plan for repayment of any penalty, funding or costs awarded. For the avoidance of doubt, the schedule of payments pursuant to such plan may extend beyond any penalty period imposed upon the Person.

12. Appeals

- 12.1. The Person, Netball Australia, the Member Organisations or the Suncorp Super Netball Clubs have a right to appeal the decision of the Hearings Panel.
- 12.2. Any appeal must be lodged in writing, with the Netball Australia Board, through the Netball Australia Chief Executive Officer or Nominate Delegate, within 14 business days of the Hearings Panel's decision. The appeal must specify the grounds for the appeal.
- 12.3. Where the Netball Australia Board receives an appeal under Clause 12, the Board or Nominated Delegate shall convene an Appeals Tribunal to be held within 31 days of the appeal being received.
- 12.4. The Appeals Tribunal shall:
 - 12.4.1. Be comprised of three persons independent of Netball Australia and include a barrister or solicitor to hear the matter.

- 12.4.2. Appoint one member of the Appeals Tribunal to sit as Chairperson.
- 12.4.3. Include at least one person who has considerable previous experience in the legal aspects of a disciplinary/hearings tribunal and dispute resolution.
- 12.4.4. Not include any members from the initial Hearings Panel.
- 12.5. Any decision appealed to the Appeals Tribunal shall remain in effect while under appeal unless the Appeals Tribunal orders otherwise.
- 12.6. An appeal is not a rehearing of the original dispute.
- 12.7. For the appeal to succeed the Person must convince the Appeals Tribunal that the Hearings Panel decision was not fair, reasonable and proportionate in all the circumstances, without re-hearing all the evidence.
- 12.8. The Appeals Tribunal will not interfere with the Hearing Panel's decision unless it was clearly wrong, or the fairness of the process overall was not followed correctly, or that the relevant evidence was not taken into account, or a decision was reached that no reasonable Hearing Panel could have reached when faced with the evidence before it.
- 12.9. The procedures of the Appeals Tribunal shall be the same as the procedures of the Hearings Panel as set out under Clause 11, with such necessary amendments as required, taking into account Clause 12 and the matter at hand.
- 12.10. The Appeals Tribunal shall investigate and consider the matter determining whether:
 - 12.10.1. The matter should be dismissed because there is no credible evidence, submission or argument to satisfy the grounds of the appeal; or
 - 12.10.2. The appeal should be subject to a hearing conducted by the Appeals Tribunal.
- 12.11. The appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Appeals Tribunal having regard to the importance and gravity of the issue.
- 12.12. The decision of the Appeals Tribunal shall be a majority decision and be communicated to the Netball Australia Chief Executive Officer or Nominate Delegate and appellant as soon as practicable.
- 12.13. The decision of Appeals Tribunal shall be final, non-reviewable, non-appealable and enforceable. No claim, arbitration, lawsuit or litigation concerning the dispute shall be brought in any other court or tribunal. Note: This provision does not prevent any law enforcement agency taking action.
- 12.14. Netball Australia (or appropriate Authorised Netball Provider) shall pay the costs of convening the Appeals Panel and of staging the appeal.
- 12.15. Each party to the appeal bears its own costs, legal, expert and otherwise.
- 12.16. The Appeals Tribunal will have the power to award costs or make any costs order.
- 12.17. The Appeals Tribunal shall have discretion, where fairness requires to establish an instalment plan for repayment of any penalty, funding or costs awarded. For the avoidance of doubt, the schedule of payments pursuant to such plan may extend beyond any penalty period imposed upon the Person.

13. Penalties

- 13.1. If the Hearings Panel and or Appeals Tribunal consider that an Offence under this Framework and Rules has been committed, it may impose any one or more the following penalties:

- 13.1.1. Counselling or any relevant course.
- 13.1.2. Reprimand
- 13.1.3. Suspension, including provisional suspension, suspended sentence, defined period of ineligibility to lifetime ineligibility.
- 13.1.4. Fines.
- 13.1.5. Loss of netball accreditation.
- 13.1.6. Netball community service.
- 13.1.7. Termination of contract or applicable agreement.
- 13.1.8. Any combination of these penalties.
- 13.2. The Hearings Panel and or Appeals Tribunal has the power to impose penalties according to the severity of the breach, the Person's intention, role, level of responsibility, experience, status, income derived from netball and precedence both in netball and the broader Australian sport sector.
- 13.3. The Hearings Panel and or Appeals Tribunal have the power to reduce penalties if the Person provides valuable assistance; or if the Person cooperates; or if there are mitigating factors.
- 13.4. The Hearings Panel and or Appeals Tribunal have the power to determine status during periods of suspension.
- 13.5. The Hearings Panel and or Appeals Tribunal have the power to determine consequences to teams.
- 13.6. The Hearings Panel and or Appeals Tribunal have the power to award costs.
- 13.7. If the Person commits a second or subsequent Offence under this Framework and Rules, then the Hearings Panel and or Appeals Tribunal shall take into consideration the previous Offence, the penalty imposed and any other relevant factors (including any findings and penalties from any other investigation or hearing) in imposing a penalty for the second or subsequent Offence.
- 13.8. All fines received pursuant to this this Framework and Rules shall be remitted to Netball Australia with 31 days unless otherwise determined by the Hearings Panel or Appeals Tribunal, for integrity in netball programs or as otherwise deemed appropriate by Netball Australia.

14. Confidentiality and Reporting

- 14.1. Netball Australia will adopt Privacy Principles consistent with the *Privacy Act* to the extent applicable to Netball Australia.
- 14.2. Netball Australia will act in a discreet and confidential manner in relation to all information relating to this Framework and Rules and associated programs.
- 14.3. Netball Australia and its members, employees and agents shall act in a discreet and confidential manner in discharging their obligations under this Framework and Rules.
- 14.4. To maintain the confidentiality of the process, no parties will publically announce, comment on or confirm any of its investigative, hearings or appeals activities. Notwithstanding, general description of process is permissible.
- 14.5. The identity of the Person may only be publicly disclosed after a Hearing and/or Appeal has taken place. Such disclosure will be by way of an official release by Netball Australia.

- 14.6. Where any public announcement may be considered detrimental to the well-being of the Person, the Netball Australia Board, or Nominated Delegate shall determine the most appropriate course of action based on the circumstances of the Person.
- 14.7. All parties shall otherwise maintain all information received in relation to the offence as strictly confidential.
- 14.8. Clauses 14.1 to 14.7 do not apply if the disclosure is required by law or Netball Australia determines to disclose information, including the identity of the Person to:
 - 14.8.1. The Australian Sports Anti-Doping Authority, the World Anti-Doping Agency, and or a National Anti-Doping Organisation, where applicable and relevant.
 - 14.8.2. Police, customs or other relevant law enforcement authorities, where applicable and relevant.
 - 14.8.3. An Athlete's state/territory institute/academy of sport, where applicable and relevant.
 - 14.8.4. An Athlete's state/territory Member Organisation, where applicable and relevant
 - 14.8.5. Australian Commonwealth Games Association where applicable and relevant.
 - 14.8.6. The Australian Sports Commission where applicable and relevant.
 - 14.8.7. Australian Government's National Integrity of Sport Unit where applicable and relevant.
- 14.9. Clauses 14.1 to 14.7 do not apply if public comments are made that are attributed to the Person or their representatives. For the avoidance of doubt, Netball Australia can subsequently disclose specific facts of an alleged breach or breach of this Framework and Rules and respond to comments made by the Person or their representatives.

15. Mutual Recognition

- 15.1. Subject to the right of appeal provided in Clause 12, adjudications of any law enforcement agency or similar body, national sporting organisation or similar sporting body, national and international netball federation, or major event organiser which are consistent with Netball Australia's authority to uphold the principles of fairness, respect, responsibility and safety shall be recognised, respected and enforced by Netball Australia.
- 15.2. Subject to the right of appeal provided in Clause 12, Netball Australia can elect to impose its own penalties on a Person for breaches committed in another sport that would be an Offence under this Framework and Rules.

16. Statute of Limitations

- 16.1. No proceedings may be commenced against Person unless s/he has been notified, or notification has been reasonably attempted, within ten years from the date the offence is asserted to have occurred.

17. Amendment and Interpretation

- 17.1. This Framework and Rules may be amended from time to time by Netball Australia.
- 17.2. This Framework and Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

18. Definitions

- 18.1. In this Framework and Rules unless the context requires otherwise these words mean:

Administration	Providing, supplying, supervising, facilitating, or otherwise participating in the Use or attempted use by another Person of any of the substances or class of substances set out in this Framework and Rules. However, this definition shall not include genuine and legal therapeutic purposes or other acceptable justification.
Advanced Coach	Representative, Talent Identification and State League level coaches, as amended and updated from time to time.
Anti-Doping Policy	The Netball Australia’s Anti-Doping Policy, as amended from time to time.
Suncorp Super Netball	Suncorp Super Netball includes the preliminary rounds and final series; all pre-season matches and tournament; and any charitable or promotional matches organised by Suncorp Super Netball. If the competition ceases to exist or its name is changed in anyway and for any reason, any subsequent or successor competition substantially similar to the Suncorp Super Netball competition.

Suncorp Super Netball Athlete	A netball player who has a Suncorp Super Netball Team Player Contract (Standard or Replacement); or is on a Suncopr Super Netball Team’s Playing List; or is a Suncorp Super Netball training partner or is involved on-court with a Suncorp Super Netball Team.
Appeals Tribunal	The Tribunal appointed by the Netball Australia Board, or Nominated Delegate to hear and determine matters on appeal.
ASADA	The Australian Sports Anti-Doping Authority, established under the <i>ASADA Act</i> .
ASADA Act	The Australian Sports Anti-Doping Authority Act 2006 (Cth), as amended from time to time, and includes the ASADA Regulations and any statutory or subordinate legislative instrument that replaces or supersedes the Australian Sports Anti-Doping Authority Act 2006 (Cth) and/or the ASADA Regulations from time to time.
ASADA Regulations	The Australian Sports Anti-Doping Authority Regulations 2006 (Cth), as amended from time to time (and which includes, for the avoidance of doubt, the National Anti-Doping Scheme promulgated by those regulations).
ASC	The Australian Sports Commission, an Australian Government body established under the <i>Australian Sports Commission Act 1989</i> (Cth), and includes the Australian Institute of Sport.
ASC Act	The <i>Australian Sports Commission Act 1989</i> (Cth), as amended from time to time
Athlete	Any Person who competes in netball as defined in the Netball Australia Athlete Classification Framework, or Suncorp Super Netball, or Australian Netball League, or National Netball Championship, or the state level as defined by each Member Organisation. Netball Australia and Member Organisations have the discretion to apply this Framework and Rules to any Person, and thus to bring them within the definition of “Athlete.”
Athlete and Team Support Personnel	Manager, Doctor, Physiotherapist, Massage Therapist, Soft Tissue Therapist, Performance Analyst, Nutritionist, Psychologist, Strength and Conditioning role, Scientist, Para-Medical, Physiologist, Trainer, Recovery role or other personnel working with, treating or assisting an Athlete preparing for or participating in netball.
Attempt	Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Offence. Provided, however, there shall be no Offence based solely on an Attempt to commit an Offence if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

Australian Netball League	The competition between Member Organisation State/Territory League competitions and Suncorp Super Netball, and any subsequent or successor competition.
Authorised Netball Provider	Netball Australia, Member Organisations, Affiliates, Suncorp Super Netball or other organisations from time to time, for example the Australian Commonwealth Games Association and International Netball Federation.
Coaches	As described in Netball's Coach Education Framework as amended and updated from time to time. Tiers include Advanced Coach, Elite Coach and High Performance Coach.
Codes of Conduct	Netball Australia's Codes of Conduct, as amended from time to time.
Complementary medicines	Include vitamin, mineral, herbal, aromatherapy and homoeopathic products. Also known as 'traditional' or 'alternative' medicines.
Complicit	Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an Offence.
Conduct that may bring netball into disrepute	Conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, unsafe and conduct that may cause financial or reputational loss.
Contaminated Product	A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.
Designer Drugs	Substances that are structurally related to a controlled drug and produce certain psychoactive effects. They have been designed on the basis of the chemical structure of a given parent drug, and made specifically for sale on the illegal market and to bypass regulations on controlled substances.
Developing International Athlete (DI)	<p>Netball Australia Athlete Classification Category 3 as amended and updated from time to time:</p> <p>Member of the Australian 21/U Squad/Team capable of reaching WC and/or IC Athlete status within 1-3 years.</p> <p>Nationally identified Athlete with the potential to progress to WC and/or IC Athlete status within 1 – 3 years.</p> <p>Netball Australia status: Australian 21/U Squad / Team or emerging talent.</p>
Elite Coach	Suncorp Super Netball Assistant, Underage State, State League (top level) and potential High Performance coaches, as amended and updated from time to time.
Emerging Potential Athlete (EP)	Netball Australia Athlete Classification Category 5 as amended and updated from time to time:

	<p>State/Territory identified Nationally endorsed Athletes with the ability to progress to PI Athlete status within 1-3 years.</p> <p>Netball Australia status: Develop a Diamond Academy Program.</p>
Framework	“Integrity in Netball Framework” as amended from time to time.
Hearings Panel	The Panel appointed by the Netball Australia Board, or Nominated Delegate to hear and determine matters.
High Performance Coach	Australian Netball Diamonds, Suncorp Super Netball, Australian Netball League, State/Territory, and top level State League coaches, as amended and updated from time to time.
In-Competition	For purposes of differentiating between In-Competition and Out-of Competition, unless provided otherwise in the rules the International Netball Federation, In -Competition is where an Athlete is selected in connection with a specific Competition.
International Class Athlete (IC)	<p>Netball Australia Athlete Classification Category 2 as amended and updated from time to time:</p> <p>Member of the Diamonds National Squad and/or Team competing at international level in benchmark and/or other INF recognised international events and capable of maintaining this level of performance.</p> <p>Netball Australia status: Australian Netball Diamonds Squad/Team.</p>
International Netball Federation (INF)	The international federation recognised by the International Olympic Committee or the General Assembly of International Sports Federations as the entity responsible for governing Netball internationally.
List of Prohibited Illicit Drugs	The list identifying the illicit drugs prohibited under this Framework and Rules as amended from time to time and identified in the Anti-Illicit Drugs in Netball Rule.
Medication	Prescription medicines, Over-the-counter medicines, Complementary medicines and Supplements.
Member Organisations	The entity which is the official representative of and controlling authority for, Netball in a State. The current Member Organisations are: Australian Capital Territory Netball (ABN 85 800 220 698), Netball New South Wales (ABN 19 001 685 007), Northern Territory Netball (ABN 73 772 881 978), Netball Queensland (ABN 58 429 487 881), Netball South Australia (ABN 12 814 437 874), Netball Tasmania (ABN 62 028 131 759), Netball Victoria (ABN 83 704 752 745), and Netball Western Australia (ABN 36 657 982 648), as amended from time to time.
National Netball Championships	21/Under, 19/Under and 17/Under age based national competition conducted over a week between states.

Netball Australia	The national entity which is a member of or is recognised by the International Netball Federation as the entity governing netball in Australia.
Netball Australia Athlete Classification Framework	Athletes described in the Netball Australia Athlete Classification framework as amended and updated from time to time: Category 1: World Class Athlete (WC) Category 2: International Class Athlete (IC) Category 3: Developing International Athlete (DI) Category 4: Potential International Athlete (PI) Category 5: Emerging Potential Athlete (EP)
Netball Australia Supplement Advisory Panel	Consists of Netball Australia's Chief Medical Officer, Dietician and one appropriately-qualified independent member.
Nominated Delegate	The Netball Australia Chief Executive Officer or Netball Australia Executive Member (Department Head) who has been delegated authority by the Netball Australia Board to implement, monitor and evaluate this Framework and Rules, ensure that internal controls related to this Framework and Rules are effective, and communicate with the Netball Australia Board regarding this Framework and Rules. The Netball Australia Board expects the Nominated Delegate to act in accordance with the Company's legal obligations, to act ethically and to consider the reasonable expectations of the netball community and general public.
Offence	As listed in each Rule.
Out-of-Competition	Any period of time which is not In-Competition.
Over-the-counter medicines	Any medication sold directly to a consumer without a prescription from a healthcare professional.
Person	Individuals and organisations identified in Clause 5.
Personnel	Any Person or Persons employed by or contracted to Netball Australia or Member Organisations or Suncorp Super Netball.
Possession	The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no Offence based solely on Possession if, prior to receiving notification

	<p>of any kind that the Person has committed an Offence, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to Netball Australia or another appropriate body. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.</p>
Potential International Athlete (PI)	<p>Netball Australia Athlete Classification Category 4 as amended and updated from time to time:</p> <p>Member of the Australian 19/U Squad or 17/U Squad capable of reaching DI Athlete status within 1 – 3 years.</p> <p>Nationally identified Athlete with the potential to progress to DI Athlete status within 4 – 7 years.</p> <p>Netball Australia status: Australian 19/U Squad / Team; Australian 17/U Squad / Team and other approved Athletes.</p>
Prescription medicines	Any medication that needs written authorisation by a doctor or other prescriber before a pharmacist can supply the medication.
Privacy Act	<i>Privacy Act, 1988 (Cth)</i> which regulates how personal information is handled.
Prohibited Illicit Drug	A drug listed on the List of Prohibited Illicit Drugs.
Prohibited List	The World Anti-Doping Agency List identifying the Prohibited Substances and Prohibited Methods.
Prohibited Method	Any method so described on the Prohibited List and or included in a Rule.
Prohibited Substance	Any substance, or class of substances, so described on the Prohibited List and or included in a Rule.
Rule	<p>A. Anti-Illicit Drugs in Netball Rule.</p> <p>B. Supplements and Other Substances in Netball Rule.</p> <p>C. Medications in Netball Rule.</p> <p>D. No Self-Injection in Netball Rule.</p> <p>E. Anti-Doping Declaration.</p> <p>F. Reporting Conduct That May Bring Netball into Disrepute Rule.</p> <p>As amended from time to time.</p> <p>The Rules form an integrated part of the Framework.</p>
Supplement	A substance or method added to nutrition to complement it. Sports supplements can include dietary supplements, nutritional ergogenic aids, sports foods and therapeutic nutritional supplements.

	<p>Supplements do not undergo federal government approval and are not tested for quality like prescription and over-the-counter medications.</p> <p>The AIS Sports Supplement Program provides additional information http://www.ausport.gov.au/ais/nutrition/supplements/overview2</p>
Synthetic Drugs	<p>Substances that are produced entirely from chemical reactions in a laboratory. Their chemical structure can be identical to naturally occurring drugs, such as cocaine and opium, but they are often designed to enhance effects from naturally occurring drugs, or to prevent side effects that are unwanted.</p>
Tampering	<p>Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.</p>
Therapeutic Use	<p>Provision for the legitimate use of a Prohibited Substance and Method for genuine medical reasons under an applicable anti-doping policy or Rule.</p>
Therapeutic Use Exemption (TUE)	<p>An exemption for the legitimate use of a Prohibited Substance and Method granted in accordance with the International Standard for Therapeutic Use Exemptions under an applicable anti-doping policy or granted under a Rule.</p>
Trafficking	<p>Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Personnel or any other Person subject to the jurisdiction of Netball Australia to any third party; provided, however, this definition shall not include the actions of “bona fide” medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification.</p>
Umpire	<p>As described in the Netball National Umpire Development Framework as amended and updated from time to time.</p>
Use	<p>The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.</p>
World Class Athlete (WC)	<p>Netball Australia Athlete Classification Category 1 as amended and updated from time to time:</p> <p>Member of the Diamonds National Squad and/or Team competing at international level in benchmark and/or other INF recognised international events and capable of maintaining this level of performance.</p> <p>Netball Australia status: Australian Netball Diamonds Squad/Team.</p>

- 18.2. Unless otherwise stated, words that are not defined in this Framework and Rules will have the same meaning as in Netball Australia's Constitution.

19. Attached Rules

- A. Anti-Illicit Drugs in Netball Rule.
- B. Supplements and Other Substances in Netball Rule.
- C. Medications in Netball Rule.
- D. No Self-Injection in Netball Rule.
- E. Anti-Doping Declaration Rule.
- F. Reporting Conduct That May Bring Netball into Disrepute Rule.