



Netball NSW

Member Protection Policy

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

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Contents

1	Introduction	3
2	Definitions.....	4
3	Scope of the Policy.....	5
4	Organisational Responsibilities.....	6
5	Individual Responsibilities.....	7
6	Position Statement: Protection of Children/Young People and Vulnerable People.....	7
7	Position Statement: Taking Images of Children	11
8	Position Description: Anti- Discrimination, Bullying, Sexual Harassment and Victimisation	11
9	Position Statement: Sexual Relationships between Adults	14
10	Position Statement: Pregnancy.....	14
11	Position Statement: Gender Identity	15
12	Position Statement: Social Media/Online Conduct	15
13	Position Statement: Alcohol and Drugs	16
14	Complaints Procedures	16
15	What is a breach of this Policy?	17
16	Disciplinary Measures	18
17	Attachments.....	19

1 Introduction

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

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

This Policy assists Netball NSW and Affiliates as they seek to ensure that every person involved in Netball is treated with respect and dignity and is protected from discrimination, harassment and abuse and other inappropriate / unacceptable behaviour. This Policy also seeks to ensure that everyone involved in Netball is aware of their legal and ethical rights and responsibilities as well as the standards of behaviour expected of them.

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

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

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

2 Definitions

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

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

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

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

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

Gender Diverse is an umbrella term that includes all the different ways gender can be experienced and perceived outside of binary genders. It refers to people whose Gender Expression or Gender Identity differs from the Gender Identity associated with the Sex assigned to them at birth or through societal expectations. This can include people questioning their Gender, those who identify as Trans/Transgender; genderqueer; Non-Binary; gender nonconforming; Intersex and many more.

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

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

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

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

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

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

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

Netball NSW means the New South Wales Netball Association Limited.

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

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

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

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

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

3 Scope of the Policy

3.1 Who Does this Policy Apply To?

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

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

3.2 When Does This Policy Apply?

3.2.1 This Policy applies:

- a) at any Netball NSW or Affiliate Netball Activity;

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

3.2.2 This Policy also covers private behaviour by people/organisations to whom this Policy applies under clause 3.1.1 where, in the view of Netball NSW, that behaviour brings or is likely to bring Netball NSW, an Affiliate or the sport of Netball into disrepute, or situations where there is suspicion of harm towards a Child or Young Person.

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

4 Organisational Responsibilities

4.1 Netball NSW and Affiliates are to:

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

5 Individual Responsibilities

5.1 Individuals bound by this Policy are responsible for:

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

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

- 6.1 Netball NSW and Affiliates are committed to seeking to ensure the safety and wellbeing of all Children, Young People and Vulnerable People who participate in Netball and access Netball's services. Netball NSW supports the rights of the Child/Young Person or Vulnerable Person and will seek to ensure a child-safe environment is maintained.
- 6.2 Netball NSW and Affiliates prohibit all forms of Child/Young Person abuse, or abuse of Vulnerable People of any kind.
- 6.3 Abuse in this context involves conduct which puts a Child/Young Person or Vulnerable Person at risk of harm and may include but is not limited to:

- 6.3.1 **Physical abuse**, by hurting a Child/Young Person/Vulnerable Person or a Child's/Young Person's/Vulnerable Person's development (e.g. hitting, shaking or other physical harm; giving a Child/Young Person/Vulnerable Person alcohol or drugs; or training that exceeds the person's development or maturity).
- 6.3.2 **Sexual abuse** by adults or other Children/Young People/Vulnerable People, where a Child/Young Person/Vulnerable Person is exposed to or encouraged or forced to watch sexually inappropriate material and/or to engage in sexual activity, or where a Child/Young Person/Vulnerable Person is subject to any other inappropriate conduct of a sexual nature (e.g. sexual touching, sexual intercourse, masturbation, oral sex, pornography including Child pornography, or inappropriate touching or conversations).
- 6.3.3 **Emotional abuse**, by ill-treating a Child/Young Person/Vulnerable Person (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name-calling, ignoring or placing unrealistic expectations on a Child/Young Person/Vulnerable Person). Note that this does not include legitimate and reasonable discipline or performance management.
- 6.3.4 **Neglect** (e.g. failing to give a Child/Young Person/Vulnerable Person food, water, shelter or clothing or to protect a Child/Vulnerable Person from danger or foreseeable risk of harm or injury).
- 6.4 **Actions that may be indicative of potential abuse of the kinds mention in Clauses 6.3.1 to 6.3.4 include, but are not limited to, the following:**

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

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

- showing wariness and distrust of adults
- rocking, sucking or biting excessively
- bedwetting or soiling
- demanding or aggressive behaviour

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

Some indicators of neglect include:

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

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

6.5.1 Identify and analyse risk of harm

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

6.5.2 Adhere to the Netball NSW Code of Behaviour

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

6.5.3 Choose suitable employees and volunteers

- a) Netball NSW and/or Affiliates will endeavour to ensure that their organisation takes reasonable steps to engage the most suitable and appropriate people to work with Children/Young People/Vulnerable People, especially those in positions that involve regular unsupervised contact with

Children/Young People/Vulnerable People. This may be achieved using the measures set out in Attachment A to this Policy.

- b) Netball NSW and Affiliates will ensure that working with children checks or screening are conducted for employees and volunteers who work with Children/Young People, in accordance with Attachment A: Employment Screening / Working with Children Check Requirements.
- c) If a person is identified as having a criminal history as part of the screening process, Netball NSW and/or Affiliates will handle this information confidentially and in accordance with relevant state requirements.

6.5.4 Support, Train, Supervise and Enhance Performance

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

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

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

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

- a) Netball NSW and Affiliates bound by this Policy will endeavour to ensure that all volunteers and employees are able to identify and respond appropriately to Children/Young People/Vulnerable People at risk of harm including their responsibilities under respective State/Territory laws to make a report if they suspect on reasonable grounds that a Child has been or is being abused or neglected.
- b) Netball NSW requires that any Child/Young Person/Vulnerable Person who is abused or anyone who reasonably suspects that a Child/ Vulnerable Person has been or is being abused by someone within Netball, report it immediately to the New South Wales Police Force and Netball NSW.
- c) If any person believes that another person or organisation bound by this Policy is acting inappropriately towards a Child/Young Person or Vulnerable Person, or is in breach of this Policy, she/he may make an internal complaint in accordance with Attachment B: Complaints Handling Procedure.
- d) Netball NSW and Affiliates will seek to ensure that all allegations of Child abuse are dealt with promptly, seriously, sensitively and confidentially.

A person should not be victimised for reporting an allegation of Child/ Young Person abuse and Netball NSW will seek to ensure that the privacy of all persons concerned will be respected. Netball NSW's procedures for handling allegations of Child/Young Person/Vulnerable Person abuse are outlined in Attachment B to this Policy.

- e) If anyone bound by this Policy reasonably suspects that a Child/Young Person/Vulnerable Person is being abused by their parent/s, they are advised to contact the NSW Police Force and Netball NSW.

7 Position Statement: Taking Images of Children

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

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

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

8.4 Discrimination

- 8.4.1 Discrimination occurs when someone is treated less favourably on the basis of a particular personal characteristic in comparison to the treatment of a person that does not hold the relevant personal characteristic. This is known as direct discrimination.

8.4.2 Discrimination may also be indirect. Indirect discrimination is unreasonably imposing, or proposing to impose a requirement, condition or practice that applies equally to everyone, but which has or is likely to have the effect of disadvantaging persons with a particular personal characteristic.

8.4.3 In Australia, it is against the law to discriminate against someone because of their:

- a) age
- b) disability / impairment (physical, intellectual, mental or psychiatric)
- c) HIV/AIDs status
- d) employment activity
- e) industrial activity / inactivity or membership of an industrial association
- f) lawful sexual activity / sexual orientation
- g) gender identity
- h) transgender, transsexual or intersex status
- i) marital or relationship status
- j) physical features
- k) political belief or activity
- l) pregnancy, potential pregnancy or breastfeeding
- m) race, colour, descent
- n) national or ethnic origin
- o) religious belief or activity
- p) sex or gender
- q) status as a parent or carer
- r) family responsibilities
- s) irrelevant criminal conviction
- t) medical record
- u) personal association with someone who is identified by reference to any of the above attributes.

8.4.4 Unlawful discrimination may occur in a person's treatment in their employment or prospective employment; in the provision of goods, services or facilities; in their access to premises or through their participation in the activities of a club or sport.

8.4.5 Examples of discrimination are available on the Play By The Rules website: www.playbytherules.net.au/legal-stuff/discrimination.

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

8.5 Bullying

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

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

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

8.5.3 Bullying is not:

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

8.6 Sexual Harassment

- 8.6.1 Means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment or makes a person feel humiliated, intimidated or offended.
- 8.6.2 Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, who are both open to and willing to engage in intimate/sexual conduct, it is not sexual harassment.
- 8.6.3 Sexual harassment can occur regardless of any "innocent intent" on the part of the offender, and can take many forms and can be physical, visual, verbal or written.
- 8.6.4 Sexual harassment is prohibited regardless of the gender of the parties. A person can be the victim of sexual harassment and can make a complaint accordingly if they are harassed by someone of the same sex.

8.7 Victimization

- 8.7.1 All persons captured by this Policy must not engage in victimisation of any person whom they believe may be providing information to Netball NSW or an Affiliate in relation to an ongoing or potential complaint under this Policy or any other Netball NSW Policy or Procedure.
- 8.7.2 Victimization means subjecting a person, or threatening to subject a person, to any unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government State or Federal legislation (e.g. anti-discrimination) or under this Policy, or for supporting another person to make complaint.

- 8.8 Discrimination, sexual harassment, bullying and victimisation are not only unacceptable, they may be unlawful pursuant to State and Federal legislation.
- 8.9 Netball NSW and Affiliates prohibit all forms of sexual harassment, bullying, discrimination and victimisation.
- 8.10 It is the responsibility of all persons bound by this Policy to ensure that proper standards of conduct are upheld in connection with netball and to take action to prevent discrimination, sexual harassment, bullying and victimisation.
- 8.11 If any person feels they are being sexually harassed, bullied, discriminated against or victimised by another person or organisation bound by this Policy, they may make a complaint under this Policy. In some circumstances they may also be able to make a complaint to an external organisation. (Refer to Attachment B: Complaint Handling Procedures).

9 Position Statement: Sexual Relationships between Adults

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

10 Position Statement: Pregnancy

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

about behaviour that may amount to discrimination or sexual harassment are provided in Clause 8 of this Policy.

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

11 Position Statement: Gender Identity

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

12 Position Statement: Social Media/Online Conduct

- 12.1 Netball NSW and Affiliates should refer to the Netball NSW Social Media Policy which is accessible at the following link: [Policies - Netball NSW](#).
- 12.2 It is a breach of this Policy for any Member or Affiliate to which this Policy applies to have been found to have:
 - a) posted Inappropriate Material (see Clause 12.3) via Social Media or via another ICT; or

- b) posted Content on Social Media or via another ICT which has, or could be reasonably be expected to have a negative impact on the business, services or reputation of Netball NSW or an Affiliate, or which otherwise brings Netball NSW or an Affiliate into Disrepute.

12.3 For the purpose of Clause 12.2(a) above, Inappropriate Material includes, but is not limited to:

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

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

13 Position Statement: Alcohol and Drugs

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

13.2 Where the consumption of alcohol is permitted during activities covered by this Policy, Netball NSW and Affiliates requires those individuals covered by this Policy to do so responsibly and lawfully.

13.3 The use of illegal drugs is unlawful and will never be condoned by Netball NSW and/or Affiliates. Netball NSW does not accept or condone abuse of prescription drugs during activities covered by this Policy.

13.4 Any person using illegal drugs, or using prescription drugs or consuming alcohol irresponsibly will be dealt with in accordance with the procedures outlined in Attachment B: Complaint Handling Procedure.

13.5 A person falling under Clause 13.4 above, may also be reported to the NSW Police Force and or relevant authorities, for example, the Australian Sports Anti-Doping Authority – ASADA.

14 Complaints Procedures

14.1 Any allegations or concerns that a Member has breached this Policy should be dealt with in accordance with the complaint management procedures set out in Attachment B to this Policy – Complaints Handling Procedures. These procedures can be accessed at the following

link: [Policies - Netball NSW](#). All complaints are treated seriously by Netball NSW and Affiliates.

- 14.2 Where a complaint relates to a Netball Activity controlled or organised by an Affiliate, the Affiliate is the appropriate body to receive and handle the complaint. Where a complaint relates to a Netball Activity controlled or organised by Netball NSW, Netball NSW is the appropriate body to receive and handle the complaint.
- 14.3 Where a complaint that relates to behaviour or an incident that occurred at the Affiliate level is serious, the applicable Affiliate may seek advice on the matter from Netball NSW which may choose to deal with the matter itself or refer it back to the Affiliate for action.
- 14.4 In order to ensure natural justice for all parties, Netball NSW and Affiliates will not deal with anonymous complaints. All information, including the name of the complainant, will be provided to the respondent in order to allow them to respond fully to the allegations.
- 14.5 Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, occupational health and safety, child protection, criminal or other relevant legislation.

14.6 Improper Complaints & Victimisation

- 14.6.1 Netball NSW seeks to provide a complaints procedure that has integrity and is free of unfair repercussions or victimisation against the person making the complaint.
- 14.6.2 Netball NSW also seeks to take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for providing information in relation to a complaint. Disciplinary measures may be imposed on anyone who victimises another person for making a complaint or supporting another person's complaint.
- 14.6.3 Any person covered by this Policy who is found to have knowingly made an untrue, vexatious or malicious complaint may be subject to disciplinary action in accordance with Attachment B to this Policy.

15 What is a breach of this Policy?

- 15.1 It is a breach of this Policy for any person or organisation bound by this Policy to do anything contrary to this Policy, including but not limited to:
 - 15.1.1 Acting in a manner contrary to this Policy any other Policy within the Member Protection Framework.
 - 15.1.2 Breaching the Netball NSW Code of Behaviour Policy by bringing Netball, Netball NSW or Affiliates into disrepute, or acting in a manner likely to bring Netball, Netball NSW or Affiliates into disrepute. This includes but is not limited to conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, and unsafe and conduct that may cause financial or reputational loss.
 - 15.1.3 Discriminating against, sexually harassing or bullying (including conduct online or via Social Media) any person covered by this Policy.

- 15.1.4 Victimising another person for making or supporting a complaint.
- 15.1.5 Engaging in a sexually inappropriate relationship with a Child/Young Person or Vulnerable Person.
- 15.1.6 Verbally or physically assaulting another person, intimidating another person (include online or via Social Media) or creating a hostile environment within Netball.
- 15.1.7 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy.
- 15.1.8 Disclosing to any unauthorised person or organisation any Netball NSW or Affiliates information that is of a private, confidential or privileged nature.
- 15.1.9 Making a complaint that they know to be untrue, vexatious, malicious or improper.
- 15.1.10 Failing to comply with a penalty or other sanction imposed after a finding that the individual has breached this Policy.
- 15.1.11 Failing to comply with a direction given to the individual as part of a disciplinary process.

16 Disciplinary Measures

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

- 16.3.3 A direction that the individual attend counselling to address their behaviour.
- 16.3.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Netball NSW or Affiliates.
- 16.3.5 A demotion or transfer of the individual to another location, role or activity.
- 16.3.6 A suspension of the individual's membership or participation or engagement in a role or activity.
- 16.3.7 Termination of the individual's membership, appointment or engagement or a recommendation to the Netball NSW Board that an Affiliate's affiliation be amended or revoked in accordance with the Netball NSW Affiliation and Membership Policy.
- 16.3.8 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently.
- 16.3.9 Any other form of discipline that the decision maker considers appropriate.

16.4 Factors to Consider

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

17 Attachments

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