



# Netball Australia MEMBER PROTECTION POLICY

1 March 2024

## NETBALL AUSTRALIA MEMBER PROTECTION POLICY

*In the spirit of Reconciliation, Netball Australia acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of this ancient unceded land where we live, work and play netball on.*

*We honour the continuing cultures, languages, and heritage of Aboriginal and Torres Strait Islander peoples whose cultural, spiritual, and ancestral connections to the lands, sky, and waters has endured since time immemorial.*

*We pay our respects to Elders past and present, and we acknowledge and value the significant and continuing contributions Aboriginal and Torres Strait Islander peoples make within our community.*

*Netball Australia is committed to Reconciliation. We acknowledge the need to reflect on our shared history in order to build a vision for a reconciled and prosperous future for all within our sport. One built on mutual respect, equity, authentic collaboration, and genuine truth-telling.*

*Where relevant, in this Policy - reference to Netball Australia includes Suncorp Super Netball.*

*Netball Australia acknowledges the guidance of Sport Integrity Australia and template policy documents used in the preparation of this Policy.*

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## A. Purpose

Netball Australia (**NA**), each of the Netball Organisations (which includes the Member Organisations and SSN Clubs) and Affiliates (which includes all Associations, Clubs and Authorised Providers), together *the Relevant Organisations*, are committed to ensuring that everyone involved with the sport of Netball is treated with respect and dignity and is protected from abuse, bullying, harassment, sexual misconduct, discrimination, victimisation, and vilification.

This Policy seeks to ensure that everyone involved in Netball is aware of their rights and responsibilities across these areas.

This Policy sets out the standards of behaviour expected of those involved in Netball and the behaviours that are not acceptable.

## B. Scope and Exclusions

This Policy applies to all Relevant Persons and Relevant Organisations.

Where a complaint, incident or matter arises which may be dealt with under the Safeguarding Children & Young People Policy, then it is to be resolved in accordance with the processes in that Policy, to the exclusion of all other disciplinary or grievance policies or processes of the Relevant Organisation, unless otherwise provided for by the Safeguarding Children & Young People Policy.

For the avoidance of doubt, this means that where a complaint relates to child safety and falls within the scope of Safeguarding Children & Young People, the Safeguarding Children & Young People Policy will prevail and any such complaint shall be dealt with in accordance with that Policy and not this Policy (being the Member Protection Policy).

## C. Definitions

Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in the Netball Integrity Policy Framework, Conduct and Disciplinary Policy.

In this Policy, the following definitions apply:

**Abuse** means any type of abuse (including physical, emotional, psychological, sexual, and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means. See Appendix 1 of this Policy for examples.

**Activity** means a netball contest, Match, competition, event (which for the avoidance of doubt includes any awards presentation, season launch, and other events conducted by NA or a Netball Organisation), or activity, including training, whether on a one-off basis or as part of a series, league or competition, sanctioned or organised by NA or a Netball Organisation, whether the Activity takes place in Australia or overseas.

**Affiliate** means:

- a) Associations, which means any netball association that is not a Netball Organisation that conducts Activities and is affiliated to a MO;
- b) Clubs, which means any netball club that is not a Netball Organisation that enters a team to participate in an Activity and is affiliated to an Association and/or MO;

- c) Authorised Provider, which means any non-MO authorised to conduct Activities sanctioned by NA or a Netball Organisation;
- d) any other netball Organisation who has agreed to be bound by the Policies, and has notified NA or an MO in writing.

**Affiliate Person** means any Individual Member that is not a Participant and is registered with an Affiliate.

**ANC** means the Australia Netball Championships and any subsequent or successor competition substantially similar to the Australia Netball Championships that is conducted by NA.

**ANPA** means Australia Netball Players' Association.

**Athlete** includes any person who:

- a) holds any playing Contract with NA as a member of an Australian Representative Squad);
- b) holds a playing Contract with an SSN Club;
- c) holds a playing Contract with an SSN Club or MO to participate in the ANC;
- d) holds a playing Contract with an SSN Club or MO to participate in the NNC; and
- e) holds a playing Contract to participate in any other Activity that is sanctioned and/or controlled by NA.

**Athlete Support Personnel** includes any coach, trainer, team manager, player agent, selector, team staff, official, doctor, physiotherapist, dietitian or other health related advisor and any other person employed by, contracted to, representing or otherwise affiliated to a team or squad that is chosen to represent NA or a Netball Organisation in an Elite Program, including any match in that Elite Program.

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing. See Appendix 1 of this Policy for examples.

**Business Day** means a day on which banks are open for general banking business in the state or territory where the Relevant Organisation is located, excluding Saturdays and Sundays and gazetted public holidays.

**Child or Children/Young Person** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

**Contractor** means any person or organisation engaged to provide services for or on behalf of NA or Netball Organisation, who is not an Athlete Support Personnel, and includes agents, advisors and subcontractors of NA or a Netball Organisation and employees, officers and agents of a contractor or subcontractor.

**Contract** includes the Standard Player Contract, Standard Training Partner Contract, Permanent Replacement Player Contract, the Scholarship Contract, Employment Agreement, Contractor Agreement, Participation Agreement or any other agreement between the Participant and NA or Netball Organisation.

**Director** means each member of the NA Board and each member of any Netball Organisation Board as the case may be.

**Discrimination** includes both direct and indirect discrimination which have the following meaning:

- a) 'Direct discrimination' occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- b) 'Indirect discrimination' occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

See Appendix 1 of this Policy for examples.

**Elite Program** means the following:

- a) Australian representative squads (Australia Netball Diamonds squad, Australian Development Squad, Australian 21/U squad and any other Australian program determined by NA from time to time, the Australian Representative Squads);
- b) SSN competition, including pre-season matches and training programs;
- c) ANC, including pre-season matches and training programs;
- d) NNC, including pre-season matches and training programs;
- e) competition or tournament played by a MO team, SSN Club team or invitational representative Australian team against a touring international team in Australia that is sanctioned and/or controlled by NA.

**Employee** means a person employed by NA or a Netball Organisation who is not an Athlete Support Personnel.

**Harassment** means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment, whether in person or online. See Appendix 1 of the Member Protection Policy for examples.

**Match** means a netball match of any format and duration in length in which two netball teams compete against each other, played anywhere in the world.

**Match Delegate/Technical Official/Match Official** means any person holding that role, from time to time, in respect of any Match.

**Member** means a member of NA or MO under its constitution, including:

- a) each MO;
- b) any Affiliate that is a member of an MO;
- c) Individual Members, which means individuals who are individuals registered with an MO.

**Misconduct with a Child** means any behaviour involving a Child/Young Person that is objectively age inappropriate and/or places the Child/Young Person at risk of harm.

**MO** means each of the NA member organisations, being:

- a) ACT Netball Association Incorporated;
- b) The New South Wales Netball Association Limited;
- c) Netball NT Incorporated;
- d) Netball Queensland Limited;
- e) South Australia Netball Association Incorporated;
- f) Tasmania Netball Association Incorporated;
- g) Victoria Netball Association Incorporated; and
- h) Netball WA (Incorporated).

**MPP** means Netball's Member Protection Policy.

**NA Board** means the NA Board of Directors.

**Netball** means the sport of netball, as governed by NA and WN from time to time, and a reference to Netball means collectively NA, Netball Organisations and Affiliates.

**Netball Organisation** means each MO and SSN Club.

**Netball Organisation Board** means each Board of Directors of the Netball Organisation.

**NNC** means the National Netball Championships and any subsequent or successor competition substantially similar to the National Netball Championships that is conducted by NA.

**NA** means Netball Australia Limited.

**NA CEO** means the person holding that position at NA from time to time, including any person acting in that position.

**NA Head of Integrity** means the person holding that position at NA from time to time, including any person acting in that position.

**Non Member Person** means:

- a) any parent or guardian of a Relevant Person; and/or
- b) any person attending or associated with an Activity.

**Participant** means an Athlete, Athlete Support Personnel, Contractor, Employee, Director, Match Delegate/Technical Official/Match Official, Umpire or Umpire Support Personnel.

**Prohibited Conduct** means the conduct proscribed at clause 2 of this Policy.

***Protected Characteristic*** means:

- a) age;
- b) disability;
- c) race or ethnicity;
- d) sex or gender identity;
- e) sexual orientation; or
- f) religion.

***Relevant Organisation*** means any of the following organisations:

- a) NA;
- b) Netball Organisations;
- c) Affiliates.

***Relevant Person*** means any of the following persons:

- a) Affiliate Person;
- b) Participant;
- c) Volunteer, which means any person engaged by NA or Netball Organisation in any capacity who is not otherwise a Participant;
- d) Non-Member Person;
- e) any other person who has agreed to be bound by the Policies, and has notified NA.

***Serious Criminal Conduct*** means any of the following:

- a) Sexual Offences;
- b) Child/Young People Abuse;
- c) the use, possession or trafficking of Illegal Drugs as defined in the Sports Medicine Policy;
- d) any criminal conduct deemed serious enough to warrant escalation to NA and the Netball Organisation.

***Sexual Misconduct*** means:

- a) ***Sexual Harassment***, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b) ***Sexual Offences***, which includes any criminal offence involving sexual activity or actions of indecency.

See Appendix 1 of this Policy for examples.

**Sexual Offence** means a criminal offence involving sexual activity or actions of indecency. This can include but is not limited to:

- a) rape;
- b) indecent assault;
- c) sexual assault
- d) assault with intent to have sexual intercourse;
- e) incest;
- f) sexual penetration of Child/Young Person under the age of 16;
- g) indecent act with Child/Young Person under the age of 16;
- h) sexual relationship with Child/Young Person under the age of 16;
- i) sexual offences against people with impaired mental functioning;
- j) abduction and detention;
- k) procuring sexual penetration by threats of fraud;
- l) procuring sexual penetration of a Child/Young Person under the age of 16;
- m) bestiality;
- n) soliciting acts of sexual penetration or indecent acts;
- o) promoting or engaging in acts of Child/Young Person prostitution;
- p) obtaining benefits from Child/Young Person prostitution;
- q) possession of Child/Young Person pornography; and
- r) publishing Child/Young Person pornography and indecent articles

**SSN** means the Suncorp Super Netball competition or such other name given to that competition by NA.

**SSN Clubs** means the Australia Netball teams owned by Team Owners that have been granted licences to participate in the SSN competition by NA in accordance with the terms of a Team Participation Agreement which, as at the date of this Code of Conduct, are:

- a) NSW Swifts;
- b) Giants Netball;
- c) Queensland Firebirds;
- d) Adelaide Thunderbirds;
- e) Melbourne Vixens;



- f) West Coast Fever;
- g) Melbourne Mavericks; and
- h) Sunshine Coast Lightning.

**Team** means any team of a Netball Organisation that is participating in an Activity and/or that Contracts a Participant.

**Umpires** includes any person who:

- a) holds an umpire contract (permanent or casual) with NA; or
- b) enters into a participation agreement with NA in respect of a Pathways Program.

**Umpires Support Personnel** includes any person is appointed by NA to support the role of Umpires in the Elite Programs.

**Victimisation** means subjecting a person, or threatening to subject a person, either in person or online, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action. See Appendix 1 of this Policy for examples.

**Vilification** means a public act, conduct or behaviour, either in person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender, or HIV/AIDS status. See Appendix 1 of this Policy for examples.

**Vulnerable Person** means a person who is:

- a) under the age of 18; or
- b) aged 18 or over but is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability or any other reason; or
- c) aged 18 or over but has experienced or is experiencing poor mental health outcomes, either as a result of the incident in question, due to their life experiences, or as a result of societal factors, including but not limited to individuals from diverse backgrounds facing disproportionate mental health impacts, such as people with diverse sexualities or gender.

**WN**, formally the International Netball Federation, means 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.

**WN Rules & Regulations** means the Rules and Regulations of WN.

## D. Other Related Policies and Documents

The following policies and documents also apply to the application of this Policy and must be adhered to at all times:

- i. Netball Integrity Policies; and
- ii. Netball Integrity Policy Framework, Conduct and Disciplinary Policy.

## 1. When this Policy Applies

- 1.1 All Relevant Persons and Relevant Organisations to which this Policy applies must always comply with this Policy (whilst they are a Relevant Person or Relevant Organisation), including:
  - 1.1.1 in relation to any dealings, they have with Relevant Organisations or their staff, contractors, and representatives;
  - 1.1.2 when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and
  - 1.1.3 in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.
- 1.2 The following is not within the scope of this Policy:
  - 1.2.1 where an interaction (including social media interactions) occurs involving one or more Relevant Persons or Relevant Organisations, and the only link or connection between the interaction and Netball is the fact that one or more individuals are Relevant Persons or Relevant Organisations;
  - 1.2.2 where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct, or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to Netball programs or services (even where such conduct or interaction(s) would otherwise be Prohibited Conduct); and
  - 1.2.3 where an employment or Contractor arrangement exists between the Relevant Person and NA or the Netball Organisation and the employer of the Relevant Person determines, in their absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different policy, code, rules or regulations of that Relevant Organisation.

## 2. Prohibited Conduct

- 2.1 A Relevant Person or Relevant Organisation commits a breach this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against one or more Relevant Persons or Relevant Organisations, in the circumstances outlined in clause 1:
  - 2.1.1 Abuse;
  - 2.1.2 Bullying;
  - 2.1.3 Discrimination;
  - 2.1.4 Harassment;
  - 2.1.5 Sexual Misconduct;

2.1.6 Victimization; or

2.1.7 Vilification.

Appendix 1 sets out examples of what may constitute Prohibited Conduct under this Policy.

### 3. Netball Integrity Policy Framework, Conduct and Disciplinary Policy

3.1 The Netball Integrity Policy Framework, Conduct and Disciplinary Policy applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

3.2 When interpreting this Policy, any provisions inconsistent with the Netball Integrity Policy Framework, Conduct & Disciplinary Policy apply to the extent of that inconsistency.

END

### VERSION HISTORY

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## Appendix 1: Examples of Prohibited Conduct

### 1. Abuse

- 1.1 Abuse must be behaviour of a nature and level of seriousness, either in person or online which includes, but is not limited to:
  - 1.1.1 physical abuse and assault including hitting, slapping, punching, kicking, destroying property, sleep, and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
  - 1.1.2 sexual abuse including rape and assault, using sexually degrading insults, forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes, using sex to coerce compliance;
  - 1.1.3 emotional abuse such as repeated and intentional embarrassment in public, preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation;
  - 1.1.4 verbal abuse such as repeated or severe insults, name calling, criticism, swearing and humiliation, attacks on someone's intelligence, body shaming, or aggressive yelling;
  - 1.1.5 financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it;
  - 1.1.6 neglect of a person's needs.

### 2. Bullying

- 2.1 Bullying must be behaviour of a nature and level of seriousness, either in person or online which includes, but is not limited to, repeatedly:
  - 2.1.1 keeping someone out of a group (online or offline);
  - 2.1.2 acting in an unpleasant way near or towards someone;
  - 2.1.3 giving nasty looks, making rude gestures, calling names, being rude and impolite, constantly negative and teasing;
  - 2.1.4 spreading rumours or lies, or misrepresenting someone (i.e. using their social media account to post messages as if it were them);
  - 2.1.5 'fooling around', 'messaging about' or other random or supposedly playful conduct that goes too far;
  - 2.1.6 harassing someone based on a Protected Characteristic ;
  - 2.1.7 intentionally and repeatedly hurting someone physically;
  - 2.1.8 intentionally stalking someone; and
  - 2.1.9 taking advantage of any power over someone else,

but ***does not*** include legitimate and reasonable:

- 2.1.10 management action;
- 2.1.11 management processes;
- 2.1.12 disciplinary action; or
- 2.1.13 allocation of activities in compliance with agreed systems.

### 3. Harassment

- 3.1 Harassment must be behaviour of a nature and level of seriousness, either in person or online which includes, but is not limited to:
  - 3.1.1 telling insulting jokes about racial groups;
  - 3.1.2 sending explicit or sexually suggestive emails or text messages;
  - 3.1.3 displaying racially offensive or pornographic images or screen savers;
  - 3.1.4 making derogatory comments or taunts about someone's race;
  - 3.1.5 asking intrusive questions about someone's personal life, including their sex life;
  - 3.1.6 sexual harassment or any of the above conduct in the workplace by employers, co-workers, and other workplace participants;
  - 3.1.7 any of the above conduct in the workplace, based on or linked to a person's disability or the disability of an associate; and
  - 3.1.8 offensive behaviour based on race or racial hatred, such as something done in public that offends, insults, or humiliates a person or group of people because of their race, colour or nationality or ethnicity;
  - 3.1.9 intentionally stalking someone; or
  - 3.1.10 intentionally disclosing (either in-person or online) the transgender identity or sexual orientation of someone without consent

### 4. Sexual misconduct

- 4.1 Sexual Misconduct is behaviour, either in person or online, including, but not limited to:
  - 4.1.1 unwelcome touching;
  - 4.1.2 staring or leering;
  - 4.1.3 suggestive comments or jokes;
  - 4.1.4 showing or sharing sexually explicit images or pictures;
  - 4.1.5 unwanted invitations to go out on dates;

- 4.1.6 requests for sex;
- 4.1.7 intrusive questions about a person's private life or body;
- 4.1.8 unnecessary familiarity, such as deliberately brushing up against a person;
- 4.1.9 insults or taunts based on sex;
- 4.1.10 sexually explicit physical contact;
- 4.1.11 sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;
- 4.1.12 displaying pornographic images or screen savers;
- 4.1.13 asking intrusive questions about someone's personal life, including about their sex life; and
- 4.1.14 criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of child pornography.

## 5. Discrimination

- 5.1 Discrimination is unfair treatment, either in person or online, based on a person's:
  - 5.1.1 age;
  - 5.1.2 disability;
  - 5.1.3 race, colour, nationality, ethnicity, or migrant status;
  - 5.1.4 religion;
  - 5.1.5 sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
  - 5.1.6 sexual orientation, gender identity or intersex status.

## 6. Victimization

- 6.1 Victimization is behaviour, either in person or online, including, but not limited to:
  - 6.1.1 dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
  - 6.1.2 alteration of an employee's position or duties to his or her disadvantage;
  - 6.1.3 discrimination between an employee and other employees;
  - 6.1.4 repeated failure to select an individual on merit;
  - 6.1.5 a reduction in future contract value; and

6.1.6 removal of coaching and other financial and non-financial support.

## 7. Vilification

- 7.1 Vilification is behaviour, either in person or online, including, but not limited to:
- 7.1.1 speaking about a person's race or religion in a way that could make other people dislike, hate, or ridicule them;
  - 7.1.2 publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
  - 7.1.3 repeated and serious verbal or physical abuse about the race or religion of another person;
  - 7.1.4 encouraging violence against people who belong to a particular race or religion, or damaging their property; and
  - 7.1.5 encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites, social media applications or email.