
BATHURST NETBALL ASSOCIATION INC.

CONSTITUTION

Amended to 26 April 2023

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**BATHURST NETBALL ASSOCIATION INC.
CONSTITUTION**

1. GENERAL

1.1 DEFINITIONS

For the purposes of this Constitution,

'Affiliated Club' means any club with one or more teams registered with the Association;

'Association' means the Bathurst Netball Association Incorporated;

'Club Delegate' means a duly appointed representative of an Affiliated Club of the Association;

'Instrument' means any document pertaining to the governance of the Association, and includes, but is not limited to, this Constitution, and the associated Policies of the Association;

'New South Wales Netball Association Ltd' means the controlling body for Netball in New South Wales;

'Registered Member' means any financial member, life member or honorary member of the Association;

'The Office Bearers of the Association' means the members of the Executive Committee.

1.2 INTERPRETATION

1.2.1 Where this Constitution conflicts with any other instrument of the Association, this Constitution shall prevail.

1.2.2 Where ambiguity exists between this Constitution and any other instrument of the Association, the natural interpretation of the Constitution shall prevail.

1.2.3 The Council shall hold the power to deal with and adjudicate upon all questions and disputes as to the interpretation of the Constitution, Rules and associated Policies.

1.3 TITLE

The name of the Association shall be the Bathurst Netball Association Incorporated.

1.4 COLOURS

The Association's colours shall be Royal Blue and Gold

1.5 HEADQUARTERS

The Association office and facilities are located at John Matthews Sporting Complex – 261 Durham Street Bathurst NSW 2795.

1.6 BOUNDARIES

The Association's boundaries shall be as defined by the New South Wales Netball Association Limited and as reviewed from time to time.

1.7 OBJECTS

The objects of the Association shall be:

- 1.7.1 to further the interests of its members and promote and control the game of Netball within the boundaries of the Association;
- 1.7.2 to promote, regulate and control competition matches between Affiliated Clubs and to control all premierships and carnivals of the Association;
- 1.7.3 to select and manage the Association's representative teams;
- 1.7.4 to affiliate with and support the New South Wales Netball Association Ltd;
- 1.7.5 to cooperate with other affiliated organisations in New South Wales for the furtherance of Netball; and
- 1.7.6 to seek to resolve any and all disputes which may arise between members of the Association in all matters pertaining to the game of Netball within the boundaries of the Association;
- 1.7.7 to be a court of appeal in the case of an unresolved discipline matter or dispute connected with Netball within the area controlled by the Association.

The objects of the Association may only be altered in accordance with Clause 6.4 below.

1.8 PATRON

The Association may from time to time appoint one or more Patrons. Any nomination received for the office of Patron shall be presented for ratification by the Council at an Annual General Meeting. The Council may also cancel any such appointment at an Annual General Meeting.

2. MEMBERSHIP

2.1 ORDINARY MEMBERSHIP

- 2.1.1 The Association is the controlling body for Netball within its boundaries and its authority shall be recognised by all Registered Members who shall adopt and obey this Constitution and the Rules and associated Policies of the Association.
- 2.1.2 Individual members of an Affiliated Club wishing to join the Association shall:
 - 2.1.2.1 Complete the approved registration form held by the Association Registrar.
 - 2.1.2.2 Pay the prescribed annual membership fees to the Association Treasurer or Registrar.
- 2.1.3 Individual members of an Affiliated Club upon joining the Association shall be classified as:
 - 2.1.3.1 Senior Players, who shall be aged 14 years of age or over at 31 December in the year of play.
 - 2.1.3.2 Junior Players, who shall be aged 11 to 17 years of age at 31 December in the year of play.

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- 2.1.3.3 NetSeGo Players, who shall be aged 10 years of age or under at 31 December in the year of play.
 - 2.1.3.4 Non-playing members of any age including, but not limited to, coaches and umpires
 - 2.1.3.5 Players with a Disability, of any age
 - 2.1.4 A person ceases to be a Registered Member of the Association if the person:
 - 2.1.4.1 dies;
 - 2.1.4.2 ceases to be financial under Clause 2.3.3 below; or
 - 2.1.4.3 is expelled from the Association under the authority of Clause 7 below.

2.2 LIFE MEMBERSHIP

- 2.2.1 Any person may be elected a Life Member of the Association in recognition of outstanding service of 10 or more years to the Association. Service may include administration, playing, umpiring and/or coaching.
- 2.2.2 Candidates for election as Life Members shall be nominated by two (2) members of the Council at least one (1) month before the meeting at which such nominations will be considered.
- 2.2.3 The nominations must be approved by a majority of at least three-quarters (3/4) of the members present and voting at an Annual General Meeting, provided that the Council may, from time to time, fix the maximum number of persons who may at any time hold life membership.
- 2.2.4 A Life Member shall be entitled to attend all Council, Special Council, Annual General and any other Council meetings and shall have full voting rights.
- 2.2.5 A person ceases to be a Life Member of the Association if the person:
 - 2.2.5.1 dies; or
 - 2.2.5.2 is expelled from the Association under the authority of Clause 7 below.

2.3 MEMBERSHIP FEES AND MISCELLANEOUS FEES

- 2.3.1 All fees to be paid by Registered Members for the following year shall be determined by resolution of the Executive Committee and notified at the first Council Meeting of that year.
- 2.3.2 All Registered Members of the Association will be financial members between 1 January and 31 December of the year unless they choose a 6 month registration for either the first or second half of the year.
- 2.3.3 A Registered Member ceases to be financial if they:
 - 2.3.3.1 fails to renew their membership; or
 - 2.3.3.2 fails to pay to the Association money they owe to the Association within the required timeframe.

2.4 REGISTER OF MEMBERS

- 2.4.1 The Public Officer of the Association shall establish and maintain a Register of Members of the Association specifying the name and address of each person who is a Registered Member of the Association, together with the date on which the person became a Registered Member.
- 2.4.2 The Register of Members shall be kept at the principal place of administration of the Association and shall be open for inspection by any Registered Member of the Association at any reasonable hour; however, such inspection shall be limited to viewing the names of Registered Members only.

2.5 MEMBERS' LIABILITY

The liability of a Registered Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association.

2.6 AFFILIATION OF CLUBS

In order to become affiliated with the Association, clubs must consist of one or more teams comprising Registered Members of New South Wales Netball Association Ltd.

2.7 CLUB DELEGATES

- 2.7.1 Affiliated Clubs shall have the right to nominate two Club Delegates to the Council at each Council meeting. Club Delegates must be a member of the relevant club.
- 2.7.2 An Affiliated Club has the right to withdraw a Club Delegate and appoint another Club Delegate in their place at any time
- 2.7.3 Where an Affiliated Club does not have the required minimum number of Club Delegates (1 per club) in attendance at any meeting of Council, that club will be liable to a penalty which will be set by Council from time to time.
- 2.7.4 At each meeting all Club Delegates present shall sign an attendance record and shall state the club that they represent at that meeting.
- 2.7.5 A Club Delegate may represent one club only at any meeting.

3. MEETINGS

3.1 MEETINGS – GENERAL PROCEDURE

- 3.1.1 The President shall take the chair at all meetings of the Council or Executive Committee. In the President's absence the chair shall be taken by the Vice President.
- 3.1.2 If neither the President nor Vice President is present within thirty (30) minutes of the time fixed for the commencement of the meeting, the members present shall elect a Chairperson.
- 3.1.3 A quorum for ordinary Council meetings shall consist of half (1/2) the total number of the Association's Executive Committee members plus one, and Club Delegates representing at least one-quarter (1/4) of the Affiliated Clubs. A quorum for Executive Committee meetings shall consist of half (1/2) of the total number of the Executive Committee plus one.
- 3.1.4 If no quorum is present thirty (30) minutes after the time fixed for the commencement of a meeting it shall be adjourned to such time and place as the Chairperson shall decide. The Secretary shall give written notice thereof to each eligible voter and to the Secretary of each Affiliated Club.
- 3.1.5 The accidental omission to give any member the required notice shall not invalidate a meeting nor any of the business of the meeting.
- 3.1.6 Questions arising at an ordinary meeting of the Council, Executive Committee or any Sub-Committee are to be determined by a simple majority of votes cast by eligible members. Each eligible member shall have one (1) vote to be taken in such a manner as the Chairperson shall direct, except that a secret ballot shall be taken if any member requests it.
- 3.1.7 In the case of an equality of votes, the President (or the person otherwise presiding) shall, in addition, have a casting vote.
- 3.1.8 Meeting procedure shall be further guided by Standing Orders as defined in the New South Wales Netball Association Ltd Constitution.

3.2 ANNUAL GENERAL MEETING

- 3.2.1 An Annual General Meeting of the Association shall be held within six months of the end of the Association's financial year.
- 3.2.2 All Registered Members may attend but voting shall be restricted to Office Bearers, Life Members and two (2) nominated Club Delegates from each Affiliated Club.
 - 3.2.2.1 Each Delegate of an Affiliate Member has one vote on behalf of that Affiliate Member provided they have been appointed in accordance with this Constitution and are present at the relevant meeting (in person, by proxy, by Virtual Technology or as otherwise allowed by this Constitution or a relevant Company policy). Virtual Technology means technology, including online facilities,

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- which gives those “attending” a meeting through use of it the opportunity to participate in the meeting in a manner similar in key respects to attending the meeting in person, including to follow the proceedings of the meeting uninterrupted, to ask questions and to vote.
- 3.2.2.2 If a Delegate of an Affiliate Member is also a Life Member and/or Director, that Delegate may only exercise a vote on behalf of the Affiliate Member.
- 3.2.3 Not less than twenty-one (21) days’ written notice of the Annual General Meeting of the Association shall be given to each Office Bearer, Life Member and the Secretary of each Affiliated Club.
- 3.2.4 A quorum for an Annual General Meeting shall consist of half (1/2) the total number of the Association’s Executive Committee members plus one, and at least one-third (1/3) of the Club Delegates.
- 3.2.5 The business of the Annual General Meeting shall be:
- 3.2.5.1 Confirmation of the minutes of the previous Annual General Meeting;
- 3.2.5.2 Consideration and adoption of the Annual Reports
- 3.2.5.3 Appointment of an auditor for the following year (if required);
- 3.2.5.4 Such other business as the meeting thinks fit;
- 3.2.5.5 Election of Office Bearers as set out in Clause 4.3.1.
- 3.2.6 Nominations for election signed by two (2) Registered Members and with the written consent of the nominee shall be lodged with the Secretary at least twenty-eight (28) days prior to the meeting at which the elections are to be held. Qualifications shall accompany each nomination.
- 3.2.7 If no written nominations are received within the required time, nominations may be accepted from the floor at the AGM
- 3.2.8 To be eligible for nomination as an Office Bearer a nominee must be a Registered Member of both the New South Wales Netball Association Ltd and the Association.
- 3.2.9 Current Office Bearers shall be eligible for re-election.
- 3.2.10 The President of the Association shall not hold the position of President of an Affiliated Club.
- 3.2.11 No person shall be elected to more than two (2) positions as an Office Bearer.
- 3.2.12 Not more than four (4) members of the Executive Committee shall be members of any one Affiliated Club.
- 3.2.13 Office Bearers elected at the Annual General Meeting shall assume office at the October Council meeting with the handover to new Office Bearers to be the first item of business at that meeting. These Office Bearers shall then hold office for the ensuing year, unless they are removed or resign in the interim;
- 3.2.14 The Association may, at a Special Council meeting, by resolution remove any Office Bearer before the expiration of their term of office

and may by resolution appoint another person to hold office until the expiration of the term of office of the Office Bearer so removed.

- 3.2.15 An Office Bearer may resign their position by providing written notice of their intention to do so to the Association Secretary. The Council shall, at its next meeting, by resolution appoint a replacement to hold the position for the remainder of the resigned person's term of office.

3.3 SPECIAL COUNCIL MEETINGS

- 3.3.1 Special Council Meetings shall be called by the Secretary:
- 3.3.1.1 at the direction of the President; or
 - 3.3.1.2 upon receipt of a requisition signed by not less than one-third (1/3) of the members of council.
- 3.3.2 All Registered Members may attend but voting shall be restricted to Office Bearers, Life Members and two (2) nominated Club Delegates from each Affiliated Club.
- 3.3.3 Not less than twenty-one (21) days' written notice shall be given to members of Council and to the Secretary of each Affiliated Club, specifying the time and location of a Special Council Meeting, and the nature of the business to be considered.
- 3.3.4 A quorum for a Special Council Meeting shall consist of half (1/2) the total number of the Association's Executive Committee members plus one, and Club Delegates representing at least one quarter (1/4) of the Affiliated Clubs.

4. ORGANISATIONAL STRUCTURE

4.1 COUNCIL

- 4.1.1 The Council shall consist of:
- 4.1.1.1 the Office Bearers of the Association;
 - 4.1.1.2 Life Members; and
 - 4.1.1.3 two (2) Club Delegates from each Affiliated Club.
- 4.1.2 The Council shall meet at least five (5) times each year on dates to be fixed by the Council. At least three of these meetings shall be held at not less than monthly intervals between February and August inclusive.
- 4.1.3 Order of business at Council meetings shall be:
- Apologies;
 - Confirmation of Minutes;
 - Business Arising from Minutes;
 - Notices of Motion;
 - Elections;
 - Correspondence and business arising;
 - Reports:
 - Executive Committee;
 - Treasurer;

Registrars
Umpires Convenor
Coaching Convenor;
Representative Convenor
Sub-Committees;
Delegates to other organisations;
Any other reports.
General business.

- 4.1.4 Association delegates to other organisations shall submit a written report to the Secretary of all meetings/functions attended on behalf of the Association within twenty-eight (28) days of such meeting/function.

4.2 POWERS OF COUNCIL

- 4.2.1 The Council shall be responsible for the execution of the objects of the Association and without in any way limiting this responsibility shall have power:
- 4.2.1.1 to control and manage the affairs of the Association;
 - 4.2.1.2 to fix fees payable by members and to enforce payment thereof;
 - 4.2.1.3 to control the funds of the Association and for that purpose to open and operate banking accounts; to invest funds in any manner authorised by law for the investment of trust funds; to acquire real and personal property of all descriptions and to sell or otherwise dispose of it; to borrow money on behalf of the Association and to give security therefore; to enter into guarantees of indebtedness on behalf of any Affiliated Club; and, generally, to carry out and attend to all such matters as shall be necessary for the proper management and control of the property of the Association;
 - 4.2.1.4 to deal with and adjudicate upon any complaint made to it of misconduct generally detrimental to the policy, interests or welfare of the Association by any Registered Member
 - 4.2.1.5 to appoint two (2) delegates and two (2) proxy delegates to represent the Association on the Council of the New South Wales Netball Association Ltd.;
 - 4.2.1.6 to appoint any delegate or delegates to represent the Association for any purpose with such powers as may be thought fit;
 - 4.2.1.7 To ensure that each and every Individual Member of the Association is registered in the Netball NSW Membership Database System and that a complete record of participation data for non-member activities is provided to Netball NSW.

4.3 EXECUTIVE COMMITTEE

- 4.3.1 The Executive Committee shall consist of the following voting members:
- President;
 - Vice-President;
 - Secretary;
 - Treasurer;
 - Registrar: Senior
 - Registrar; Junior;
 - Registrar: Netta
 - Junior Umpires Convenor;
 - Senior Umpires Convenor;
 - Coaching Convenor;
 - Net-Set-Go Convenor;
 - Representative Convenor
 - Publicity Officer;
- 4.3.2 No person shall be elected to more than two positions on the Executive Committee
- 4.3.3 Regular Executive Committee Meetings shall be held on dates determined by the Executive Committee at the first Executive Committee Meeting after the Annual General Meeting.
- 4.3.4 Should it be necessary to call additional meetings, all Executive Committee members shall be notified at least forty-eight (48) hours prior to the meeting being held.
- 4.3.5 Should a quorum of the Executive Committee be present, an emergency meeting may be convened at any time.
- 4.3.6 Any member of the Executive Committee who, without leave of the Executive Committee, has failed to attend three (3) consecutive meetings shall be deemed to have resigned and shall be replaced in accordance with Clause 3.2.16
- 4.3.7 The first duty of a member of the Executive Committee shall be an Association function as opposed to a club function.
- 4.3.8 Each member of the Executive may nominate a Registered Member to be their Assistant for such period as the Executive member may request. Nominations of Assistants shall be ratified by the Executive Committee. The work to be shared by the Executive Committee member and their Assistant shall be determined between themselves. Assistants, once appointed, may attend Executive Committee meetings but shall have no voting rights.
- 4.3.9 A member of the Executive Committee may, with the consent of the Executive Committee, take a leave of absence from their office for such period as the Executive Committee may permit, and during such leave delegate their duties to such other members of the Executive Committee as may be determined by the Executive Committee from time to time.

4.4 DUTIES OF EXECUTIVE COMMITTEE

- 4.4.1 The Executive Committee shall exercise the functions and powers of the Council between meetings of the Council and its decisions shall be subject to ratification by the Council at the next meeting.
- 4.4.2 Approve all nominees eligible for selection into the Association Representative Teams prior to selection. Consider reports as presented by the Selection Sub-Committee. The Selection Sub-Committee shall attend Executive Committee meetings at which selected teams are presented for the Executive Committee's information prior to the announcement of such selected teams.
- 4.4.3 Receive and consider reports from the manager, coaches, umpires and captains of Association representative teams.
- 4.4.4 Consider nominations for Life Membership and make recommendations to Council prior to the Annual General Meeting.
- 4.4.5 Ensure the presentation of a financial report to all Council meetings and make recommendations to Council on matters of finance and policy.
- 4.4.6 Approve the Association Report to be presented to the New South Wales Netball Association Ltd.
- 4.4.7 Additional duties, roles and responsibilities of Executive Officers and Office Bearers are addressed in Bathurst Netball Association Duties of the Committee Policy.

4.5 SUB-COMMITTEES

- 4.5.1 The following Sub-Committees shall be appointed by the Executive Committee when required:
 - 4.5.1.1 Representative – comprising Representative Convenor and a representative from each Representative team selected in any given year.
 - 4.5.1.2 Coaching - comprising Representative coaches plus up to 2 additional members appointed by the Coaching Convenor plus the Coaching Convenor (as Convenor);
 - 4.5.1.3 Selection - comprising three (3) members appointed by the Executive Committee.
 - 4.5.1.4 Umpires - comprising four (4) members plus the Umpires Convenor/s (as Convenor).
 - 4.5.1.5 Grading - comprising NetSetGo, Junior and Senior Registrars plus up to four (4) other members by invitation of the Registrars.
- 4.5.2 Members of Sub-Committees shall be Registered Members of the Association.
- 4.5.3 Excluding the President, Secretary and Treasurer of the Association, members of the Executive Committee are eligible to stand for election to Sub-Committees.
- 4.5.4 No Registered Member may be a member, other than an ex officio member, of more than two (2) standing Sub-Committees.

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- 4.5.5 The President, Secretary and Treasurer shall be ex officio members of all Sub-Committees with the exception of the Selection Sub-Committee.
 - 4.5.6 With the approval of the Executive Committee, persons other than the elected members may be co-opted to assist with the business of a particular Sub-Committee.
 - 4.5.7 The first meeting of each Sub-Committee shall, if possible, be held within fourteen (14) days of its appointment.
 - 4.5.8 The Executive Committee may, from time to time, appoint such additional Sub-Committees as it thinks fit and define the functions thereof.
 - 4.5.9 Casual Sub-Committees may be appointed by the Executive Committee from time to time to fulfil a particular function.
 - 4.5.10 Nominations for any Sub-Committee formed for a specific purpose for a period of less than twelve (12) months, shall be called for by way of nomination to the Executive Committee.
 - 4.5.11 Members of Sub-Committees shall not disclose any matters discussed at their meetings unless or until such matters have been presented to Council.
 - 4.5.12 Each Sub-Committee shall submit a written report, with any recommendations, to each meeting of Council for ratification.
 - 4.5.13 A Sub-Committee Convenor shall:
 - 4.5.13.1 be responsible for advising Sub-Committee members, including ex-officio members and the Association Secretary, of all meetings at least seven (7) days prior to the meeting;
 - 4.5.13.2 be responsible for keeping in a Minute Book an accurate record of all meetings;
 - 4.5.13.3 forward copies of the Minutes to the Secretary and to each member of the subcommittee within fourteen (14) days of each meeting;
 - 4.5.13.4 submit reports for consideration by the Executive Committee and/or Council as required.

5. ADMINISTRATION

5.1 FINANCE

- 5.1.1 The funds of the Association shall be derived from annual Membership fees, other fees and donations, and, subject to any resolution passed by the Association in a Council, Special Council or Annual General Meeting, such other sources as the Executive Committee determines.
- 5.1.2 The main banking accounts of the Association shall be kept at a bank or building society approved by the Council and all cheques operating on the accounts shall be signed by any two (2) of the President, Secretary or Treasurer or Representative Convenor.
- 5.1.3 The banking accounts of the Representative Teams shall be kept at a bank or building society approved by the Council and all cheques operating on the accounts shall be signed by any two (2) of the President, Secretary, or Treasurer or Representative Convenor.
- 5.1.4 The Financial Year of the Association shall be from 1 July to 30 June.
- 5.1.5 The a written financial report shall be tabled at each meeting of Council,
- 5.1.6 The books of the Association shall be audited upon the request of Council by a qualified person who is not a member of the Association. An audited balance sheet shall then be presented to the next Council meeting after receipt.
- 5.1.7 All New South Wales Netball Association Ltd fees shall be paid by the due date.
- 5.1.8 No Office Bearer of the Association shall be entitled to receive remuneration for any services as such.

5.2 CUSTODY OF BOOKS

- 5.2.1 Except as otherwise provided by these rules, all records, books and other documents relating to the Association shall be kept under the custody or control of the Public Officer and shall be kept at the principal place of administration.

5.3 INSPECTION OF RECORDS

- 5.3.1 Any Registered Member may inspect the books of account and minute book of the Association at any reasonable time.

5.4 ALTERATIONS TO THE CONSTITUTION AND POLICIES OF THE ASSOCIATION

- 5.4.1 This Constitution, of the Association may be altered by special resolution passed by at least three-quarters (3/4) of the members present and voting and an Annual General Meeting or Special Council Meeting of the Association of which not less than twenty-one

(21) days' written notice specifying the resolution/s to be proposed has been given.

5.4.2 Any alteration made to the Constitution of the Association shall be forwarded to the New South Wales Netball Association Ltd and NSW Office of Fair Trading within twenty-eight (28) days of the meeting at which such alteration was made.

5.4.3 Policies of the Association may be altered by ordinary resolution of Council at any meeting.

5.5 DISSOLUTION OF THE ASSOCIATION

5.5.1 The Association shall not be dissolved except by special resolution passed by a majority of at least three-quarters (3/4) of the members present and voting at a Special Council Meeting of the Association of which not less than twenty-one (21) days' written notice specifying the resolution to be proposed had been given.

5.5.2 On dissolution of the Association, any property whatsoever remaining after the determination and settlement of all debts and liabilities shall be paid or transferred to the New South Wales Netball Association Ltd to be used for the promotion of Netball within the boundaries of the area referred to in Clause 1.6 above.

6. DISCIPLINE AND MEMBER PROTECTION

6.1 DISCIPLINE

6.1.1 All discipline matters concerning registered members will be dealt with in accordance with Netball NSW Member Protection Policy.

6.2 MEMBER PROTECTION

6.1.2 The Association shall appoint a Member Protection Officer from time to time and ensure that the contact details for that person are available to all members

7. ADOPTION OF NETBALL AUSTRALIA AND NETBALL NSW POLICIES

7.1 CODE OF CONDUCT

7.1.1 The Netball NSW Code of Conduct for players, parents, administrators spectators and coaches shall be binding on all members.

7.2 OTHER POLICIES

7.1.2 The Netball Australia and / or Netball NSW policies for Member Protection, Photography and Match Fixing and such other policies as may be developed from time to time shall apply to all members.