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NETBALL ACT

POLICY DOCUMENT

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1. INTRODUCTION

The Capital Spirit Franchise is managed by Netball ACT and provides a crucial step in the performance pathways to support athletes and coaches from the ACT and surrounding region.

2. DEFINITIONS

“Assistant Coach” means an individual appointed by Netball ACT to assist with overseeing, developing and implementing The Capital Spirit program

“Chief Executive Officer” refers to the NACT employee who is appointed as the Chief Executive Officer (CEO) and who is responsible for the translation and implementation of strategy and the overall management of netball in the ACT

“Competition Rules” refers to the NNSWPL Competition Regulations as developed, varied and promulgated by the NNSWPL Commission from time to time.

“Conflict of Interest” refers to a situation in which a member of the Selection Panel has competing interests or loyalties regarding an athlete(s) that may impact upon their decision making

“Current Player” refers to a player who is currently under contract with The Capital Spirit franchise and bound by the dates as outlined in their contract

“Event Governing Body” means the governing body or bodies having responsibility or jurisdiction in relation to the conduct of, or participation at, the event and includes, without limitation, Netball Australia and its affiliate Member Organisations

“NACT/ The Capital Spirit Head Coach” means an individual appointed by Netball ACT to oversee, develop and implement The Capital Spirit program

“Netball ACT” means the ACT Netball Association Incorporated trading as Netball ACT (NACT), the governing body for netball in the Australian Capital Territory (ACT)

“NACT High Performance Unit” refers to The Capital Spirit Services Providers, Coaching Staff and NACT Staff who are responsible for the collective delivery of The Capital Spirit programming.

“Netball ACT Selectors Panel Member Agreement” means an agreement compiled by NACT which defines the role of members of a NACT Selectors Panel and which includes a confidentiality undertaking

“Netball ACT State League Competition” means the pinnacle Opens netball competition in the ACT which runs annually

“Netball NSW” means the NSW Netball Association Incorporated trading as Netball NSW (NNSW), the governing body for netball in New South Wales (NSW)

“Netball NSW Premier League (NNSWPL)” is the premier netball competition in New South Wales that provides the best opportunities for elite netballers, Licensees and their partner Associations.

“Policy” means The Capital Spirit Athlete Selection Policy as amended by NACT from time to time

“Selection Panel” refers to individuals who, by merit of the position they hold and mandate of the NACT Board are responsible for making selection decisions in accordance with the relevant selection policies

“Team Manager” means an individual appointed by Netball ACT to oversee the program logistics, team communication and match day manager functions within The Capital Spirit program

“Team Physiotherapist” means an individual appointed by Netball ACT to oversee the injury prevention and injury management of The Capital Spirit program

“The Capital Spirit Academy” refers to the underpinning pathway program which provides a training environment for future The Capital Spirit athletes

3. SELECTION POLICY OBJECTIVE/INTENT

- 3.1 The Capital Spirit program primary objectives are to select squads and teams as determined by NACT in preparation for the NNSW Premier League competition that:
- a) Assist with preparing and developing elite athletes and coaches for the competition demands
 - b) Provide the best opportunity for team success in the NNSW Premier League competition
 - c) Extend athlete pathways by providing opportunities at multiple levels of the sport

4. ELIGIBILITY CRITERIA

- 4.1 Subject to this Policy, whenever selecting athletes for any squads or teams the relevant Selection Panel(s) shall apply the eligibility criteria as mandated in the relevant Competition Rules and other considerations as defined by the following criteria:
- a) To be eligible for selection to The Capital Spirit Opens Squad or Team athletes must;
 - i. Be a current financial member of NACT and/or NNSW; and
 - ii. Be at least 16 years of age as of 31 December of the year in which they will participate in the competition.

 - b) To be eligible for selection to The Capital Spirit U23's Squad or Team athletes must;
 - i. Be a current financial member of NACT and/or NNSW; and
 - ii. Be at least 16 years of age as of 31 December of the year in which they will participate in the competition; and
 - iii. At most be 22 years of age as of 31 December of the year in which they will participate in the competition.
- 4.2 At the discretion of the Selection Panel and notwithstanding clause 4.1 b), up to two (2) athletes who are 23 years or over as of 31 December of the year in which they participate in the competition may be eligible for The Capital Spirit U23's Squad or Team.
- 4.3 Notwithstanding the eligibility requirements as set out above, NACT may grant an exemption to an ineligible athlete at its discretion.
- 4.4 The selection of an ineligible athlete is to be agreed by the Selection Panel and:
- a) Notified to, and agreed by, the NACT CEO
 - b) Notified to the NACT Board prior to any publication of the selection.

5. SELECTION PANELS

- 5.1 NACT shall appoint the Selection Panel(s) for The Capital Spirit Opens and U23's Squad and Team. It shall comprise of:
- a) The NACT/The Capital Spirit Head Coach
 - b) The Capital Spirit U23 Head Coach
 - c) Two independent selectors, as required at the discretion of NACT.
- 5.2 NACT reserves the right to vary the composition of the Selection Panel(s) from time to time, at its discretion.

- 5.3 The NACT/The Capital Spirit Head Coach or representative (as approved by the NACT CEO) will convene the Selection Panels and will be referred to as the Selection Panel Convenor.
- 5.4 All final selections will be made based upon the majority decision of the relevant Selection Panel. However, where there is an even number of votes for the selection or non-selection of any athlete(s), the Head Coach of the relevant squads or team will make the final decision after consultation with all members of the Panel. If the Head Coach has acknowledged a conflict of interest, the decision will be made by the remaining Selection Panel members. The final selection of each Squad and/or Team is deemed to be a selection made by the Panel.
- 5.5 The Capital Spirit Selection Panel members will be required to declare any conflict of interest in relation to any athlete selection process they are engaged in. A Register of Conflicts will be managed by the Selection Panel Convenor. This Register of Conflicts will be available for review by the NACT CEO and, if requested, by the NACT Board.
- 5.6 The Selection Panel Convenor may require a member of the Selection Panel to vacate the Panel for such periods as deemed appropriate where the NACT/ The Capital Spirit Head Coach and/or NACT CEO considers the selector to have a relationship with an athlete which could give rise to a conflict of interest in the selection process. Alternatively, a selector may declare a conflict of interest and be excused from the Panel as required by the Selection Panel Convenor. Any conflict of interest as declared on the Register of Conflicts is to be signed by the selector with the conflict of interest and recorded.
- 5.7 The role of the Selection Panel Convenor is to oversee the selection process and includes, but is not limited to arranging, organising and chairing meetings, facilitating discussions and decision making, ensuring this Policy is adhered to, liaising with relevant NACT staff and overseeing the administrative requirements of the selection process.
- 5.8 The decision(s) of the Selection Panel(s) shall be final and binding. The Panel is under no obligation to provide reasons for its selection decisions, however, may choose to do so at its discretion, by the request of the Selection Panel Convenor, or by the request of the NACT CEO.
- 5.9 Confidentiality by all persons involved in the selection process is paramount to the integrity of the selections and all members of the Selection Panel, including the Selection Panel Convenor will be required to sign a NACT Selectors Panel Member Agreement upon their appointment to the Selection Panel. An example NACT Selectors Panel Member Agreement is annexed to this Policy as **Annexure 1**.

- 5.10 It is a condition of the selection process that all Selection Panel members, the Selection Panel Convenor, The NACT/The Capital Spirit Head Coach, the NACT CEO, additional NACT staff and the NACT Board keep confidential all aspects of the selection process including, but not limited to, appointment of the Selection Panel and individual athlete selection per the NACT Selectors Panel Member Agreement.

6. SELECTION CRITERIA

- 6.1 In exercising its discretion, the Selector Panel(s) may select based on the following selection criteria:
- a) Previous domestic and national performances
 - b) Current domestic and national performances
 - c) Current level of skill and physical ability
 - d) Current or potential injury or condition which could impair the participant's performance
 - e) Composition and balance of team including but not limited to position coverage.
- 6.2 Consideration may also be given to any other factors the Selection Panel considers are relevant and appropriate to the overall assessment of an athlete to ensure the Selection Policy objectives and intent are met.
- 6.3 The Selection Panel may have regard to an athlete's conduct in reference to the NACT Social Media and Cyber Safety Policy (Annexure 2). The Selection Panel may also have regard to the athlete's attitude, demonstrated commitment and previous disciplinary action.

7. SELECTION PROCESS

- 7.1 Deadlines for selections of all NSW Premier League Franchises are set by Netball NSW each year. The Capital Spirit Selection Panel Convenor will establish a selection timeline each year that complies with the deadlines and requirements set by Netball NSW.
- 7.2 Applications for selection attendance must be completed online by the closing date for nominations in line with the NACT selection timeline. The closing date will be determined annually by NACT and advised via the NACT website.
- 7.3 The Capital Spirit Selection Panel may make an offer to a current Player to continue on the playing list in the ensuing year at any time during the current season.

- 7.4 The Capital Spirit selection for the U23's is a face-to-face or physical selection process. The selection for the Opens team is a paper selection process.
- 7.5 Where an athlete fails to attend any physical trials of the selection process for the U23s Squad and that athlete believes that exceptional circumstances prevented them from attending part or all of the selection, a written application may be made to Netball ACT prior to or within 24 hours of the commencement of selection for an exemption. The reason(s) for non-attendance must be disclosed and include, where appropriate, relevant documentary evidence. Netball ACT will determine whether that athlete will be included for consideration by the Selection Panel.
- 7.6 The Selection Panel will select a squad of between 12-15 athletes into The Capital Spirit Opens.
- 7.7 The Selection Panel will select a squad of between 12-15 athletes into The Capital Spirit U23's.
- 7.8 NACT will advise athletes of their selection into The Capital Spirit Opens and/or U23's Squads in writing. Athletes will then have seven (7) days to confirm acceptance of their position in writing back to NACT.
- 7.9 If more than 12 athletes are selected into each Squad a weekly team selection will be undertaken by the respective program coaching staff and notified to the Squad the two (2) days prior to each competition round.

8. CONDITIONAL SELECTION

- 8.1 The Capital Spirit Selection Panel may make a conditional selection of any athlete subject to the athlete meeting further conditions. Those further conditions may include, but are not limited to:
- a) Proving match fitness via training, match play, fitness testing or any such method as determined by the Selection Panel
 - b) Receiving or providing a medical clearance
 - c) Any other condition that, in the opinion of the Selection Panel, is reasonable in the circumstances of the particular athlete.
- 8.2 The conditional selection of an athlete within The Capital Spirit Squad or Team must be included within the total number of selected athletes permissible in accordance with clause 8.

9. SELECTION APPROVAL PROCESS

- 9.1 The NACT/The Capital Spirit Head Coach will submit The Capital Spirit Squad and/or Team to the NACT CEO for ratification, prior to the final selection being announced.
- 9.2 Selection of the Captains and Vice Captains will be subject to ratification from the NACT/The Capital Spirit Head Coach and NACT CEO.
- 9.3 Weekly team selections will be made at the discretion of the respective team coaching staff and be notified to the NACT/The Capital Spirit Head Coach two (2) days prior to each competition round.

10. SELECTION PANEL REQUIREMENTS

- 10.1 All members of a Selection Panel will be required to sign a NACT Selectors Panel Member Agreement.
- 10.2 Breach of the Selectors Panel Member Agreement by a Panel member will lead to the termination of that Panel Member as a selector.
- 10.3 Selection Panel members will be required to declare any perceived or actual conflicts of interests as soon as such conflicts become known so that they may be dealt with by the Selection Panel and registered on the Register of Conflicts if applicable.

11. POST – SELECTION REQUIREMENTS

- 11.1 Athletes selected to The Capital Spirit Opens or U23's Squad or Team agree to:
 - a) Sign and return to NACT and/or the Event Governing Body any further applications, agreements, consents or nomination forms as required from time to time by NACT and/or the Event Governing Body
 - b) Pay all athlete fees and/or levies imposed as a result of participation in the program and identified at the time of nominating or selection
 - c) Abide by the requirements of the:
 - i. NACT policies and by-laws
 - ii. Event Governing Body policies and by laws
 - iii. World Anti-Doping Agency and Australian Sports Anti-Doping Authority.
 - d) Satisfy the commitments to train and compete at the level required to achieve the individual and team outcomes as specified by the NACT High Performance Unit. Without limiting this clause, the following may be considered when examining an athlete's satisfaction of this clause:

- i. Training programs as provided by the Head Coaches, Assistant Coach and Strength and Conditioning Coach
- ii. Athlete education, personal excellence and wellbeing sessions as scheduled by the Head Coaches and/or NACT
- iii. Travel and accommodation requirements to compete in tournaments and/or events as specified by the Team Manager and/or NACT
- iv. Compliance with any reasonable medical requirements or preventative measures to maintain health and wellbeing and to minimise the risk of injury and illness
- v. Compliance with media and/or community service engagements and events as specified by NACT or NNSW

11.2 Athlete records, forms and information will be confidentially maintained by NACT and only disclosed to The Capital Spirit program staff, medical staff and NNSW as required in order to maintain the health and wellbeing of the athlete in question. Disclosure of an athlete's confidential information outside of these groups will only be made with that athlete's consent unless it is impractical or unreasonable to obtain that consent.

12. REPLACEMENT OF SELECTED ATHLETES

12.1 Grounds for replacement:

- a) Injury or Illness: An athlete who is injured or ill may be assessed by a doctor agreed to by NACT who will assess the athlete's fitness to play and/or train in conjunction with the relevant Head Coach and Team Physiotherapist. The NACT /The Capital Spirit Head Coach is to be notified of all such injuries and illnesses.
- b) Breach of Discipline: An athlete may be considered for replacement due to a breach of discipline including failure to observe any relevant NACT policies, the NACT Code of Behaviour (refer **Annexure 3**) or any NACT Athlete Agreement. The Head Coaches and/or Team Managers will immediately advise the NACT/The Capital Spirit Head Coach of such breaches and they will initiate an appropriate disciplinary response in consultation with the NACT CEO.
- c) Breach of Anti-Doping Policy: Any athlete who breaches the Netball Australia Anti-Doping Policy will automatically be removed from The Capital Spirit and will be replaced. All penalties relating to these breaches will be as per the Netball Australia Anti-Doping Policy. The NACT /The Capital Spirit Head Coach will report such breaches to the NACT CEO and NACT Board immediately and, if required, to the relevant law enforcement agency. A link

to the Netball Australia Anti-Doping Policy is annexed to this Policy as **Annexure 3**.

12.2 Replacement process:

- a) If a position within the squad is left vacant or a selected athlete is unable to continue or is removed as a representative of any Squad or Team, the procedure for a replacement athlete may include:
 - i. Consideration will be given to identified athletes from The Capital Spirit Academy
 - ii. Consideration will be given to other identified athletes from the selection process, if required
 - iii. The Selection Panel will then fill this position with the athlete deemed most suitable.
- b) The relevant procedures for the replacement of athletes as stated within the NNSW Competition Regulations will be complied with by NACT.

12.3 An athlete selected for replacement must meet the eligibility criteria listed at Clause 5.

12.4 In the event no athlete is deemed suitable the position may:

- a) remain vacant for the duration of The Capital Spirit program; or
- b) be filled at a later stage at the discretion of the Selection Panel and approved by the NACT/The Capital Spirit Head Coach and NACT CEO.

13. FORMAL ANNOUNCEMENT OF THE CAPITAL SPIRIT SQUADS AND TEAM

13.1 Once selections are ratified as in accordance with clause 9 the following notification process will take place:

- a) Successful and unsuccessful athletes will be advised of the outcome of selection prior to any public announcement
- b) The formal announcement process (which includes announcement to selected and non-selected athletes) and public announcements will be determined and agreed by the NACT/The Capital Spirit Head Coach.

14. APPEAL PROCESS

14.1 An eligible athlete that is unsuccessful and is not selected as part of The Capital Spirit pursuant to this Policy may appeal their non-selection as set out in this section.

14.2 The sole ground of appeal available to a non-selected athlete is the failure by the Selection Panel members to apply the selection criteria as set out in this Policy. Any

appeal must be lodged in writing within 14 days of the publication of The Capital Spirit list on the NACT website. The appeal must cite the parts of this Policy that the athlete alleges were not complied with.

- 14.3 Any appeal under this clause will proceed in accordance with NACT's Appeals by-law a copy of which is annexed to this Policy at **Annexure 4**.

15. POWER TO AMEND

- 15.1 This Policy can be amended or rescinded at any time by NACT in the event NACT is of the opinion such amendment is necessary as a result of any change to NNSW guidelines or relevant policies, to give effect to the Policy following discovery of a drafting error or oversight, or for any other reason determined to be in the best interest of netball in the ACT by NACT.
- 15.2 All amendments will be published on the NACT website (athletes will be taken to be notified of the amendment upon publication) or having received amendments directly from NACT
- 15.3 NACT is not and shall not be liable in any way to any one as a result of any such amendment or application of this Policy generally.

ANNEXURE ONE (1) – Example Selection Panel Member Agreement

Confidentiality by all persons involved in the selection process is paramount to the integrity of the selections and all members of the Selection Panel including the Selection Panel Convenor are required to sign the following NACT Selectors Panel Member Agreement.

1. RECITALS

- a. In the course of the tenure with NACT as a selector, Panel Members should ensure the integrity of the selection process and confidentiality of athlete assessments and recommendations are maintained at all times
- b. Selectors must not comment to players, parents or other persons who are not part of the selection panel about an athlete's assessment
- c. Improper use or disclosure of that information may severely damage the integrity of NACT selection processes and its functions
- d. Selectors will not discuss selection matters with anyone other than a co-selector outside official selection meetings. Contravention of the Confidentiality Agreement or Undertaking will lead to removal from the selection panel
- e. Selection panel members will be required to declare any conflict of interest in relation to the athlete selection process they have been assigned to

2. NON-DISCLOSURE

I agree to respect the confidentiality of information and documents to which I have access in the course of, or arising from my official duties with, NACT. I will not, during my appointment/position or after the termination or ceasing of my appointment/position, directly or indirectly use or disclose any confidential information for any unauthorised purpose, including for the benefit to myself or any other person. I must only release information:

- a. For purposes solely and directly related to furthering NACT's objectives and to a person who is aware that the information must be kept confidential within NACT and who has also signed a Confidentiality Agreement or Undertaking
- b. That is used or disclosed in the proper course of performing my duties for NACT

As a NACT Selector, I will ensure secure custody of confidential information in my control or possession, and use my best endeavours to prevent the use or disclosure of confidential information by any person.

If I am uncertain about whether information is confidential information, I will immediately consult with the Selection Panel Convenor. Until I receive an answer, I agree to treat that information as confidential information.

It is a requirement of my position that I abide by the conditions as set out in the Netball Australia Code of Conduct as well as the content of, and requirements set out in, The Capital Spirit Athlete Selection Policy. It is my responsibility to be aware of these conditions and the content of these documents.

I understand the role of a Selection Panel Member is as follows:

- a. To ensure the best players are selected for the representative NACT squads and teams
- b. To ensure the fairness and integrity of the selection process
- c. To work cooperatively with other members of the selection panel
- d. To ensure that all players receive a fair opportunity to have their skills assessed
- e. To adhere to the confidentiality requirements in relation to player and team selection information
- f. To provide a selection report to the NACT Board of Directors
- g. To work with the best interest of Netball in the ACT and NACT in mind

I understand a breach of confidentiality may result in disciplinary action, including the immediate termination of my position as a NACT Selector.

NACT Selector Signature: _____

Date: _____

Witness Signature: _____

Date: _____

ANNEXURE TWO (2) – NACT Social Media and Cyber Safety Policy

This Policy applies to Netball ACT (NACT), District Associations and Clubs.

This Policy aims to ensure that NACT's core values, good reputation and positive behaviours and attitudes are maintained. To ensure that every person involved in netball is treated with respect and dignity and is safe and protected from abuse. NACT acknowledges that the safe environment we wish to maintain for our netball family is not solely confined to the netball court it includes maintaining a harmonious environment during all activities related to and/or that have a connection with netball

NACT are enthusiastically involved with the use of Internet and Information and Communication Technology (ICT) devices which bring a great deal of benefits to NACT, our members and partners. NACT recognises that social networking through the use of a range of internet-based and other electronic social media tools are integrated into everyday life and is committed to supporting people's rights to interact socially through electronic communication, blogging, microblogging, video and audio sharing sites, wikis and interaction via Social Media. However, NACT is acutely aware of the potentially adverse effects of the misuse of information and communication technology and the resulting social media and cyber safety issues, which have the potential to impact negatively on all parties involved.

These operational guidelines are issued to athletes, volunteers and officials while representing NACT in any capacity and are subsidiary to this policy.

Netball ACT Social Media and Cyber Safety Policy – [Click Here](#)

ANNEXURE THREE (3) - Netball Australia Anti-Doping Policy

In accordance with the ACT Netball Association Limited (“Netball Australia”) Constitution, the following By Law is adopted by the Board of Netball ACT. The Board of Netball ACT adopts the Netball Australia Anti-Doping Policy.

Netball Australia Anti-Doping Policy – [Click Here](#)

ANNEXURE FOUR (4) – NACT Appeals By Law

NETBALL ACT – BY LAW 05/06 - APPEALS

In accordance with the ACT Netball Association Limited (“Netball ACT”) Constitution, the following By Law is adopted by the Board of Netball ACT. The Board of Netball ACT adopts the *Netball ACT – By Law 05/06 – Appeals (Appeals By Law)*.

This Appeals By Law sets out the procedure for dealing with appeals to decisions of Netball ACT in regards to matters under the Netball ACT Constitution.

This By Law shall not apply to any incident or matter to which the member protection regulation of Netball ACT applies. Any member protection related matter should be dealt with in accordance with the disciplinary procedure set out in the member protection regulation of Netball ACT.

Establishment of Appeals Sub Committee

1. The Board shall establish an Appeals Sub Committee – By Law 02/06 - to deal with all appeals to decisions by Netball ACT in regards to matters under the Netball ACT Constitution.

Composition of Appeals Sub Committee

2. An Appeals Sub Committee of 3 persons shall be appointed by the Board for the purpose of hearing appeals to decisions by Netball ACT in regards to matters under the Netball ACT Constitution. The Board shall also appoint a member of the Appeals Sub Committee as Chair
3. No Netball ACT Director or employee shall be a member of the Appeals Sub Committee.
4. Three (3) members of the Appeals Sub Committee shall constitute a quorum.
5. A vacancy on the Appeals Sub Committee shall be filled by the Board.

Appeals from decisions of Netball ACT

6.
 - 6.1) A member of Netball Act may appeal a decision of Netball ACT to the Netball ACT Appeals Board
 - 6.2) Any appeal made in accordance with this By Law must be made to the Chairman, Appeals Sub Committee, Netball ACT within 14 days of the decision by Netball ACT
 - 6.3) A fee of \$100 must be paid to the Chairman, Appeals Sub Committee, Netball ACT at the time of lodging the notice of appeal. The amount is to be paid by cash, direct credit, cheque or money order and made payable to Netball ACT. If the appeal is successful the fee will be refunded
7. The Chair of the Appeals Sub Committee shall, as soon as practicable upon receipt of an appeal by a member convene an Appeals Sub Committee hearing not later than 28 days after receipt of the appeal.

Appeal Sub Committee Procedures

8. At a hearing of the Appeals Sub Committee held in accordance with clause 7, the Appeals Sub Committee shall:
 - a) give to the Member every opportunity to be heard
 - b) give due consideration to any written statement submitted by the Member; and
 - c) by resolution determine whether the appeal is upheld or dismissed
9. Netball ACT and the Member shall not be entitled to legal representation at the hearing of the Appeals Sub Committee.
10. The Appeals Sub Committee shall hear and determine the appeal in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the appeal is upheld or dismissed.
11. If the Appeals Sub Committee considers that the appeal is upheld then it will recommend to the Board of Netball ACT appropriate action and return the fee. The Board of Netball ACT will consider the recommendation within 14 days of it being forwarded to the CEO, Netball ACT.
12. If the Appeals Sub Committee considers that the appeal be dismissed, the matter shall be dismissed and the fee forfeited.
13. Each party shall be responsible for their own costs associated with the Appeals Sub Committee hearing. The Appeals Sub Committee has no power to award costs to a party.