



NSWTA
BY-LAWS
2022



BY-LAWS

INTRODUCTION

BY-LAWS

THESE BYLAWS GOVERN THE ASSOCIATION. THEY ARE THE OPERATING PROCEDURES THAT DETERMINE THE CONDUCT OF THE ASSOCIATION AND ITS MEMBERS UNDER CLAUSE 23 OF THE CONSTITUTION. THE BOARD ADOPTED THESE BYLAWS. ANY AMENDMENTS TO THESE BYLAWS COME INTO EFFECT ON THE DATE THEY ARE APPROVED BY THE BOARD AND WILL REMAIN IN FORCE UNTIL AMENDED, REPEALED OR REPLACED.

1. DEEMING PROVISIONS

- 1.1. Under these By-Laws, all NSWTA Policies form part of and are an extension of the By-Laws and provide guidance in the application of the Association rules.
- 1.2. Under these By-Laws, all NSWTA Event Conditions of Entry, both the General Conditions and the specific event Conditions form part of and are an extension of the By-Laws and provide guidance in the application of the Association rules.

2. BOARD MEETINGS

- 2.1 The meetings will be held on the dates determined by the Board and the General Manager.
- 2.2 No less than six (6) Board meetings will be held per annum.
- 2.3 The Board shall meet with the Regions on the dates determined by the Board and the General Manager from time to time.
- 2.4 The Regions will provide a brief written report for all Board meetings.

3. MEMBERSHIP

- 3.1 The Board will determine the membership fees.
- 3.2 New Affiliate membership applications need to be reviewed as to not fall within 5 km of an existing Affiliate unless extenuating circumstance exists.
- 3.3 As per clause 7.2 of the NSWTA Constitution membership of the Association is conferred to all members of endorsed State Panels.
- 3.4 Under the MOU between the ACTTA and NSWTA, the Board confers Associate Membership on ACTTA for the prescribed fee in the MOU.

4. ASSOCIATION ENTITY AND BRAND

- 4.1 The Association Entity is New South Wales Touch Association (inc) (NSWTA)
- 4.2 The Association Entity is New South Wales Touch Football.
- 4.3 The Association logo is:



5. ASSOCIATION COLOURS

5.1 The NSWTA primary colours are Navy Blue and Sky Blue.

6. DISCIPLINE AND TRIBUNALS

In accordance with Rule 32.1 of the NSW Touch Constitution, the following By-Law is adopted by the NSW Touch Association Board.

This Disciplinary By-Law sets out the procedure for dealing with disciplinary actions and matters under Rule 13.1 of the NSW Touch Constitution.

Where a member (Affiliate, Region or Individual) is deemed to have breached the objects of the Constitution or brought the sport into disrepute the Board may elect to handle the matter in the following way.

The Board may choose to hear and deal with the matter entirely themselves.
The Board may elect to have the matter heard by a Disciplinary/Judiciary Panel.
In any matter that is referred to a Disciplinary/Judiciary Panel, the functions of that Panel will be governed by the Touch Football Australia Disciplinary Regulations Manual.

Where a disciplinary matter relates to an incident that occurs at a NSWTA Tournament/Event, the matter will be handled under the NSWTA Disciplinary Policy of the NSWTA.

NSWTA Disciplinary Policy summery

The policy is to be used by the Disciplinary Panel/Judiciary Chair or their nominee for the offences assessed by the respective Chair of Disciplinary Panel/Judiciary or their nominee as being from Level 1 to Level 5 and carrying suspensions.

The aim of the policy is to aid in streamlining and limiting the number of the Disciplinary Panel/Judiciary hearings that need to be heard by allowing the individual to accept the charge and penalty. If they choose to challenge the charge and elect to have the matter heard by the Disciplinary Panel/Judiciary the minimum penalty if found guilty is greater than an early acceptance.

The referee/official who lodges the Incident report indicates which charge and level they are applying. Based on the written report the Chair of the Disciplinary Panel/Judiciary or their nominee has the power to down grade, upgrade or move straight to a the Disciplinary Panel/Judiciary hearing.

Should a Disciplinary Panel/Judiciary hearing be required then current TFA guidelines on the conduct of such hearings are to be followed.

If a hearing is required, the Disciplinary/Judiciary Panel has the power to down grade or upgrade the charge based on evidence provided during the hearing. In such case where the charge is downgraded the defendant will be offered the opportunity to accept the new grading and penalty prior to further proceeding. Should they accept the guilty charge on the new grading they will be suspended at the acceptance level and the hearing concluded with no further evidence required to be taken.

- 6.1 Any suspension is from all Touch. That is if a person is suspended from one Affiliate they are suspended from all affiliates.
- 6.2 A match is deemed to be represented as one (1) game in the division that they were playing at the time of the offense. It will not count as a match in any other division that the guilty party may be participating in. That is if registered to play in both a Men's and Mixed competition, and the party is suspended for an offense committed in the Men's division, they cannot participate in the mixed competition until such time as they have served their sentence from the men's competition.
- 6.3 For weekend tournaments where a player is only registered in one team the suspension will be served as stated. Should they be eligible to be registered in two or more teams the same principle as the previous clause will apply.

6.4 For any appearance before a Disciplinary Panel/Judiciary hearing where the party is found guilty, the level of remorse, the seriousness of the incident and their previous record can all be used in setting sentence above the minimum stated in the policy.

6.5 The full Range of Suspensions applies to all offences referred to the Disciplinary Panel/Judiciary and shown under NSWTA Disciplinary guidelines of this policy, the TFA Disciplinary Regulations, NSWTA Constitution and this bylaw.

6.6 Board held Hearings.

The Board can if they chose act as the Disciplinary Tribunal to deal with all disciplinary actions and matters under Rule 13.1 of the NSW Touch Constitution.

6.7 Composition of Disciplinary Tribunal

Where the Board acts as a Disciplinary Tribunal it will consist of a minimum of 3 members of the Board to hear matters under Rule 13.1 of the NSW Touch Constitution.

6.8 Consideration of Alleged Breach

Where the Board is advised or considers that a Member of NSW Touch Association has allegedly:

- (a) breached, failed, refused or neglected to comply with a provision of the Constitution, the By-Laws or any resolution or determination of the Board or any duly authorised committee; or
- (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of NSW Touch and/or the sport of touch; or
- (c) brought NSW Touch or the sport of touch into disrepute;

the Board shall convene to decide to act in the matter itself or refer to a Disciplinary/Judiciary Panel.

6.9 Board Hearing Procedure

At a hearing of the hearing Board shall:

- i. give to the Member every opportunity to be heard;
- ii. give due consideration to any written statement submitted by the Member; and

- iii. by resolution determine whether the alleged breach occurred.

NSW Touch and the Member shall not be entitled to legal representation at the hearing of the Disciplinary Tribunal.

The Board shall hear and determine the alleged breach 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 alleged breach occurred.

If the Board considers that the alleged breach occurred, it may impose any one or more of the sanctions/penalties set out below.

If the Board considers that the alleged breach did not occur, the matter shall be dismissed.

Each party shall be responsible for their own costs associated with the hearing.

6.10 Penalties

If the Board considers that the alleged breach occurred, they may impose any one or more of the following penalties:

- (a) impose a warning;
- (b) fine the Member;
- (c) where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
- (d) cease funding granted or given to it by NSW Touch from a specified date;
- (e) suspend for a specified period and/or terminate any rights, privileges and benefits provided to that Member by NSW Touch;
- (f) cease to sanction events held by or under the auspices of that Member;
- (g) reprimand the Member;
- (h) suspend the Member from membership of NSW Touch for a specified period;
- (i) expel the Member from NSW Touch;
- (j) any other such penalty as the Board considers appropriate.

6.11 Grounds for Appeal from Decision of the Board

Where the Board has elected to deal with the, then the disciplinary action and matter must be solely and exclusively resolved by the Board and the decision of the Board is final and binding upon the NSW Touch Association and the Member.

The Board is under no obligation to hear an appeal on their decision. If they do so it can only be considered for appeal on the severity of sentence or if significant new evidence is made available. NSW Touch Association and the Member have no right of appeal.

7. DISPUTE RESOLUTION

- 7.1 The Association will adopt relevant policies, procedures and regulations from Member Protection Policy.

8. STANDING PANELS/COMMITTEES

- 8.1. To ensure a consistent and controlled approach, the Board will from time appoint State Panel to provide advice, recommendation and feedback to them on matters pertaining to the Sport in NSW.
- 8.2. Each Panel shall operate in their portfolios.
- 8.3. Standing Panels are:
- 8.3.1. State Referee Panel
 - 8.3.2. State Selector Panel
 - 8.3.3. State Coaching Panel
 - 8.3.4. State High Performance Unit
 - 8.3.5. Nominations Committee
 - 8.3.6. Life Member Committee
- 8.4. Each Panel technical panel will be appointed for a term of three (3) years.
- 8.5. Bot the nominations and Life Member Committees will be appointed by the Board as required.

9. REGIONS

- 9.1. Regions are to operate on a financial year.

- 9.2. Every four years the NSWTA will undertake a review of the Regions.
- 9.3. The Board will consider what elements the review will undertake.
- 9.4. Elements of the review to be considered will be;
 - 9.4.1. Regions Objectives;
 - 9.4.2. Governance Structure;
 - 9.4.3. Leadership, Culture and Integrity;
 - 9.4.4. Technical Development;
 - 9.4.5. Pathways; and
 - 9.4.6. Regional Boundaries;

10.REGIONAL COMPLIANCE

- 10.1. For as far as the NSWTA provides grant funding to the Regions, they need to ensure they meet the following compliance:
 - 10.1.1. Policy;
 - 10.1.2. Finance.
 - 10.1.3. Governance;
 - 10.1.4. Events;
 - 10.1.5. General;
- 10.2. The measures and KPIs of each compliance area will be determined by the General Manager from time to time and be advised to the Regions.
- 10.3. Each Region must utilise and abide by the NSWTA Developed Position Descriptions for Regional Positions.
- 10.4. To reach bonus funding the region must meet 80% compliance by the fourth quarter.

11. RISK MANAGEMENT

10.1. Injury Reporting

All Regions, Affiliates and individuals are responsible for reporting all injuries at occur at NSWTA events to NSWTA medical.

10.2 Child Safety in Netball

- a) The Associations, Regions, Affiliates and individuals are responsible for the observance, promotion, enforcement and monitoring of the Child Safety, Working With Children legislation and Codes of Conduct.
- b) The Associations, Regions, Affiliates are responsible for the management and administration of the application of the NSWTA Working with Children Check Regulation.
- c) The Associations, Regions, Affiliates are responsible for the management and administration of complying with the 11 Child Safe Standards

10.3 Game Day Checklist

- a) A Game Day Checklist must be completed prior to all NSWTA competitions, tournaments, games, programs and training.
- b) Any hazards identified will be:
 - i. Documented;
 - ii. Rectified if possible; and
 - iii. Reported to the appropriate agency (local council, Affiliate committee) if major repair is required.

10.4 Emergency procedures

Emergency phone numbers - ambulance, police and an emergency procedure plan is to be displayed at the venue tournament control.

10.5 Weather

In the case of extreme weather conditions, the Association shall refer to the Association's weather policy.

10.6 Smoke Free

All NSWTA events are Smoke Free. Smoking is banned within 10 metres of the extremities of an outdoor public sporting venue during organised sporting events and training sessions.

10.7 Responsible Serving of Alcohol in Sporting Clubs

- i. The Association will adopt a responsible serving of alcohol policy.
- ii. All NSWTA junior events and sanctioned junior events are alcohol free.

10.8 Sun Protection

The Association will adopt a sun smart policy.

10.9 The Association will adopt relevant codes, policies, procedures and regulations from Touch Football Australia as amended from time to time.

12. AWARDS

- 12.1. The NSWTA will conduct Annual Awards to recognise and reward, volunteers, officials, and participants.
- 12.2. Categories, criteria, and judging panels will be described in the NSWTA Awards Policy.

13. EVENTS

- 13.1. The NSWTA will conduct representative pathway events annually for Affiliates, Regions and the members.
- 13.2. All regulations pertaining to these events will be contained in the General Conditions and Event specific Conditions of Entry.
- 13.3. Junior Regionals to be played on the last weekend of April School holidays where possible.
- 13.4. Affiliates need to meet referee requirements to participate in NSWTA Events.
- 13.5. Representative Pathway events are as follows:
 - 13.5.1. State Cup
 - 13.5.2. Junior State Cup
 - 13.5.3. Vawdon Cup
 - 13.5.4. Country Championships
 - 13.5.5. Junior Regionals

14. SPECIAL CIRCUMSTANCE/PROVISION CLAUSE

- 14.1. Except where provided or required by law and such cannot be excluded, the Association and its respective directors, officers, members, servants or agents are absolved from all liability however arising from injury or damage, however caused, arising whilst participating in the Association's activities as a member.

15. INDEMNITY.

- 15.1. Except where provided or required by law and such cannot be excluded, the Association and its respective directors, officers, members, servants or agents are absolved from all liability however arising from injury or damage, however caused, arising whilst participating in the Association's activities as a member.

