

REGULATIONS ON SANCTIONED AND UNSANCTIONED EVENTS: GUIDANCE NOTE

Introduction and rationale

1. This guidance note accompanies the WN Regulations on Sanctioned and Unsanctioned Events (the '**regulations**'), and adopts the defined terms used in those regulations.
2. WN has adopted the regulations in recognition of the following fundamental sporting imperatives:
 - 2.1 As with many other sports, the sport of Netball is organised in a pyramid structure, with WN as the sole and ultimate international governing body of the sport, one Regional Federation recognised as the sole governing body for each Region, and one National Association recognised and admitted into Full Membership of WN as the sole national governing body for each Country.
 - 2.2 This pyramid structure is necessary for the protection and promotion of the long-term interests and priorities of the sport of Netball as a whole. In particular:
 - (a) The pyramid structure is vital to the regulatory integrity of the sport, enabling WN, the Regional Federations and the National Associations to ensure the uniform application of rules protecting both the sport and its stakeholders throughout the world (for example, the official rules of the game, anti-doping, disciplinary and anti-corruption rules), and to hold all participants accountable under those rules in a fair and transparent manner.
 - (b) The pyramid structure is vital to the proper control, organisation and conduct of the sporting calendar, and to the primacy of national representative competition within that calendar as the showcase for, and main driver for development of, the sport of Netball. WN, the Regional Federations and the National Associations have the right and the responsibility to maintain and control the sporting calendar so as to ensure that events are organised and staged in a coordinated fashion that does not undermine but instead promotes and furthers the development of the sport as a whole.
 - (c) National Associations depend on their national representative teams qualifying for the finals of International Events (and, in particular, the Commonwealth Games) to drive the popularity of and participation in the sport of Netball in their respective territories. In so far as is reasonably practicable, WN seeks to avoid fixture clashes so as to ensure that National Associations have their best players available for any preparatory periods leading up to those events and for the events themselves. For the same reasons, WN recognises the right of each National Association to require its players to give precedence to national representative competition over other events.
 - 2.3 Unsanctioned Events threaten to undermine those fundamental sporting imperatives. Among other things:

- (a) They fall outside the jurisdiction of WN, the Regional Federations and the National Associations, and as such the organisers and participants are not properly accountable for compliance with the rules and regulations of the sport. This poses a significant risk to the sport, not least because the public is unlikely to fully appreciate the distinction between Unsanctioned Events and Sanctioned Events, and if problems arise in Unsanctioned Events the integrity, image and reputation of the entire sport of Netball will suffer, and public confidence in WN, the Regional Federations and the National Associations in their work as custodians of the sport will be undermined.
 - (b) They are not developed as an integrated and coordinated part of the official sporting calendar, to promote and further the development and best interests of the sport of Netball as a whole. Instead, they are driven by profit-maximisation and cut across the official sporting calendar and the imperatives it is designed to protect, including potentially clashing with Sanctioned Events and undermining the primacy of national representative competition within that calendar, and thereby creating potential conflicts between stakeholders that could be very damaging to the sport.
3. The purpose of the regulations is to protect and advance the fundamental sporting regulations that promotes that purpose is therefore to be preferred to one that does not.

Obligations regarding Unsanctioned Events

4. The integrity and efficacy of the pyramid structure and regulation depends on National Associations respecting each other's jurisdiction by declining to participate in (and prohibiting persons and entities under their jurisdiction from participating in) Unsanctioned Events, including those taking place in another National Association's jurisdiction (see clauses 7.3.1 and 7.3.3(a) of the regulations).
5. Those who benefit from the development activities of National Associations (for example, players and other persons who participate in, and gain experience, expertise and status from, those activities) owe commensurate duties of loyalty and solidarity to those National Associations. They breach those duties by taking steps that undermine the collective efforts of National Associations to promote the best interest of the sport as a whole, including by participating in Unsanctioned Events. In such circumstances, National Associations are entitled to deny such persons the opportunity to take further benefit from the collective (sanctioned) enterprise for a specified period, and their regulations must allow them to do so (see clause 7.3.3(b) of the regulations). The period of exclusion to be imposed in such cases will depend on the facts and circumstances of each particular case, as well as the constraints of applicable law. However, considering the importance of solidarity among the National Associations to the long-term future of the sport, the need to protect the strength of their collective effort for the benefit of the sport as a whole, and the need to deter free-riding by private entrepreneurs on the development efforts and other contributions of WN, Regional Federations and National Associations, in WN's view a person who participates in an Unsanctioned Event should not, other than in exceptional circumstances, be permitted to participate in Sanctioned Events for a minimum of 12 months thereafter.

6. Furthermore, the integrity and efficacy of the pyramid structure and regulation also depends on National Associations recognising and giving effect in their own jurisdictions to disciplinary sanctions imposed by WN and other National Associations for failure to comply with the prohibition on participation in Unsanctioned Events (see clause 7.3.3(c) of the regulations).

Sanctioning events

7. WN will issue guidance on how to apply for any sanction required from WN under clauses 7.4.1 to 7.4.6 of the regulations.
8. Any sanction granted under clauses 7.4.1 to 7.4.6 of the regulations will relate solely to the recognition of the Event as a Sanctioned Event and will not amount to or be construed as approval by the granting body of any of the safety or security or other arrangements for the Event (which arrangements will remain the sole responsibility of the Event organiser).
9. Because the decisions of WN, Regional Federations and National Associations as to whether or not to sanction an Event are to be recognised and given effect to by WN and all other Regional Federations and National Associations, in making such decisions WN, Regional Federations and National Associations must ensure that they exercise their discretion consistently, validly, appropriately and lawfully (see clause 7.4.12 of the regulations).
10. Subject to paragraph 9, above, WN, Regional Federations and National Associations must base their decisions on whether or not to sanction a proposed Event on the following factors:
 - (a) whether the organiser of the proposed Event has made a binding, unqualified and unconditional commitment to stage the Event in accordance with and subject to all applicable WN, Regional Federation and National Association rules and regulations;
 - (b) whether that commitment will be enforceable against the Event organiser, including whether the organiser will be transparent and accountable to WN, the Regional Federation(s) and/or National Association(s) (as applicable) as regards its application and enforcement of those rules and regulations (in particular in relation to all persons and entities participating in the Event);
 - (c) the maintenance and promotion of the health, safety and welfare of players, including by the prevention of overplaying (so that players have adequate time to rest and recover, as well as train, between Events), and by ensuring the safety and suitability of the venue(s) intended to be used for the proposed Event;
 - (d) the extent to which the proposed Event can be accommodated within the existing Events calendar without conflicting with or otherwise compromising Events already in the calendar and/or agreements to which WN and/or one or more Regional Federations or National Associations is a party;

Explanatory note: Like any other sport, Netball depends on the ability of its stakeholders to make decisions and take actions in the best interests of the sport as a whole (including in relation to the exploitation of the limited fixture opportunities offered by a finite calendar) in order to secure its

long-term growth. A properly structured events calendar, with coherent windows allowing the development in an orderly and balanced way of Events that are attractive to participants and spectators alike, is of paramount importance to the long-term future of the sport. In this respect, the role of WN, Regional Federations and National Associations who are asked to sanction proposed Events is to balance the interests of all of the sport's stakeholders, including protecting the primacy of national representative competition and respecting the history of longstanding Events, while at the same time encouraging innovation in the development of new forms of competition that will generate further interest in the sport. The reference to 'agreements to which WN and/or one or more Regional Federations or National Associations is a party' reflects the fact that it is common for a sport's commercial partners to require certain commitments to protect their investment in the sport (for example, a partner investing significant sums in an event may require assurances that competing events will not be organised or sanctioned). A breach of such commitments may threaten the generation of commercial revenues that are required for the development of the sport.

- (e) the extent to which the proposed Event would have any meaningful role in the promotion and development of the sport of Netball or any other charitable or benevolent purpose;
- (f) any previous decision(s) by the body in question regarding recognition or otherwise of any similar Event;
- (g) the degree to which the proposed Event furthers the objectives of WN as set out in the Articles; and
- (h) any other factor that is considered relevant.

Issuing No-Objection Certificates

- 11.** No-Objection Certificates (where required) may be granted on a conditional basis (see clause 7.5.1 of the regulations). For example, a Home National Association may agree to a player's participation in parts of an Event provided they are released from other parts of the Event for specified periods so that they can train, prepare for and/or participate in International Events as part of their national representative team.
- 12.** Because National Associations' decisions as to whether or not to issue a No-Objection Certificate are to be recognised and given effect to by all other National Associations, in making such decisions National Associations must ensure that they exercise their discretion consistently, validly, appropriately and lawfully (see clause 7.5.2 of the regulations).
- 13.** Subject to paragraph 12, above and further to the need to preserve the primacy of national representative competition, National Associations may take the following (non-exhaustive) list of factors into account in deciding whether or not to grant a No-Objection Certificate to a player for a particular Event:
 - (a) whether the player has been, or is likely to be, selected to play for their national representative team in an Event that is to take place (or the preparation for which is to take place) at or around the same time as the Event in question;

- (b) whether the player's form, fitness and/or upcoming commitments to a national representative team might be compromised by their participation in the Event in question;
- (c) whether the player announced their retirement from playing for their national representative team during the year leading up to the Event in question; and/or

Explanatory note: This is intended to deter players from seeking to circumvent the regulations by retiring from national representative competition simply in order to participate in Events organised by other National Associations.

- (d) whether participation by the player in the Event in question would compromise in any way the ability of the player to comply with any contractual obligations owed by the player, including obligations owed to their Home National Association.

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