

APPENDIX 2

NSWTA BOARD DECLARATION

I.....[insert name] of.....

[insert address] hereby accept to hold a position within New South Wales Touch Association as a Board Member. In consideration of my acceptance of my volunteer position it is accepted **I acknowledge and agree** that:

1. In this Board declaration: "**Claim**" means and includes any action, suit, proceeding, claim, demand, damage, cost or expense however arising including but not limited to negligence but does not include a claim against a Touch Football Organisation under any right expressly conferred by its constitution or regulation.

- **NSWTA** means the New South Wales Touch Association Incorporated and its successors and assigns;
- **Touch Football Activities** means performing or participating in any capacity in any authorised or recognised Touch Football Organisation, activity including, but not limited to, a game of touch football;
- **Touch Football Organisation** means NSWTA and, where the context so permits, its respective directors, officers, members, servants or agents.

2. If my application for participation as a Board Member is accepted, I acknowledge that I will be bound by and agree to comply with the rules, regulations and policies of the Touch Football Organisation for the agreed term of appointment.

3. Exclusion of Implied Terms: I acknowledge that where I am a consumer of recreational services, as defined by any relevant law, certain terms and rights usually implied into a contract for the supply of goods or services may be excluded. I acknowledge that these implied terms and rights and any liability of the Touch Football Organisation flowing from them, are expressly excluded to the extent possible by law, by this volunteer declaration. To the extent of any liability arising, the liability of the Touch Football Organisation will, at the discretion of the Touch Football Organisation, be limited in the case of goods, to the replacement, repair or payment of the cost of replacing the goods and in the case of services, the resupply of the services or payment of the cost of having the services supplied again.

4. Release and Indemnity: In consideration of NSWTA accepting my application for participation as a Board Member, I, to the extent permitted by law:

a) release and will release the Touch Football Organisation from all Claims that I may have or may have had but for this release arising from or in connection with my participation in any Touch Football Activities; and

b) Indemnify and will keep indemnified the Touch Football Organisation in respect of any Claim by any person arising as a result of or in connection with my participation in any Touch Football Activities.

Signed:

Date:

5. Fitness to Participate: I declare that I am medically and physically fit and able to participate in the Touch Football Activities. I will immediately notify NSWTA in writing of any change to my medical condition, fitness or ability to participate. I understand and accept that the Touch Football Organisation will continue to rely upon this declaration as evidence of my fitness and ability to participate.

6. Medical Treatment: I consent to receiving any medical treatment that a Touch Football Organisation reasonably considers necessary or desirable for me during my participation as a volunteer in Touch Activities. I also agree to reimburse the relevant Touch Football Organisation for any costs or expenses incurred in providing me with medical treatment.

7. Right to Use Image: I acknowledge and consent to photographs and electronic images being taken of me during my participation in any Touch Football Activities. I acknowledge and agree that such photographs and electronic images are owned by NSWTA and that the Touch Football Organisation may use the photographs or electronic images for promotional or other purposes without my further consent being necessary. Further, I consent to the Touch Football Organisation using my name, image, likeness and also my performance in the Touch Football Activities, at any time, by any form of media, to promote the Touch Football Activities.

8. Privacy: I understand that the information I have provided above is necessary for the objects of the Touch Football Organisation. I acknowledge and agree that the information will be disclosed to NSWTA and will only be used for the objects of the Touch Football Organisation, NSWTA general business and to provide me with services. I understand that I will be able to access the information through NSWTA. If the information is not provided, this application may be rejected. I acknowledge that the Touch Football Organisation may also use my personal information for the purposes of providing me with promotional material from NSWTA sponsors or third parties. I may advise NSWTA if I do not wish to receive from the Touch Football Organisation, any sponsor or third party promotional material.

9. Severance: If any provision of this Board declaration is invalid or unenforceable in any jurisdiction, the phrase or clause is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If the phrase or clause cannot be so read down it will be severed to the extent of the invalidity or unenforceability. Such severance does not affect the remaining provisions of this participant declaration or affect the validity or enforceability of it in any other jurisdiction.

10. Board of Management Code of Conduct. As an important volunteer, and member of Touch Football Australia, a Board Member holding position of authority must:

- i. Act with **honesty and integrity**. Be open and transparent in all dealings, use power responsibly, do not place yourself in a position of conflict of interest, strive to earn and sustain member trust of a high level. Act in a professional and courteous manner.
- ii. Act in **good faith in the best interests of NSWTA**. Demonstrate accountability for your actions in line with policy and procedure; do not engage in activities that may bring you or NSWTA into disrepute.

Signed:

Date:

- iii. Act **fairly and impartially**. Avoid bias, discrimination, caprice or self-interest.
- iv. **Use information appropriately**. Ensure information gained as a Board Member is only applied to proper purposes and is kept confidential.
- v. **Use your position appropriately**. Do not use your position as a Board Member to seek an undue advantage for yourself, family members or associates, or to cause detriment to NSWTA; ensure that you decline gifts or favours that may cast doubt on your ability to apply independent judgement.
- vi. Act in a **financially responsible** manner.
- vii. Exercise **due care, diligence and skill**. Ascertain all relevant information, make reasonable enquiries, and understand the financial, strategic and other implications of decisions.
- viii. **Comply with the NSWTA Constitution and all legislative and regulatory requirements for the position.**
- ix. Demonstrate **leadership and stewardship**. Promote and support the application of NSWTA's values.

Breach of duties – action taken against a Board Member whose actions are not consistent with their duties under the Code of Conduct is likely to range from a reprimand to possible removal, in accordance with the provisions of the constitution.

11. I have provided the information required above and signed this declaration acknowledging that I have read and agree to the outline of requirements within the Board of Management Handbook.

I warrant that all information provided is true and correct. I acknowledge this Board Member declaration cannot be amended. If I do amend it my application will be null and void. It cannot be accepted by NSWTA.

I have read, understood, acknowledge and agree to the above terms including the warning, exclusion of implied terms, release and indemnity.

Signed:

Date:

Name:

APPENDIX 3

NSWTA BOARD CONFLICT OF INTEREST DECLARATION

Name _____

CONFLICT OF INTEREST

A conflict of interest is defined as an actual and or perceived interest by a New South Wales Touch Association (NSWTA) Board Member that results in, or has the appearance of resulting in, personal, organisational, or professional gain. A conflict of interest occurs when a Board Member has a direct or fiduciary interest in another relationship.

The definition of conflict of interest includes any bias or the appearance of bias in a decision-making process that would reflect a dual role played by a Board Member of the organisation or group.

- i. NSWTA is required to maintain a register of its Board Member's interests. Declarations of private interests must be completed by candidates on appointment to a volunteer role.
- ii. Every Board Member is required to review and update their declaration of interest whenever their circumstances change, and at least once annually.

ENGAGEMENT IN TOUCH FOOTBALL ACTIVITY

It is recognised that any volunteer may wish to participate in the sport of Touch Football as a player, coach or official. If so, then members do so as individuals, not as representatives of NSWTA.

NSWTA members engaged in Touch Football related activities, whether as part of their duties or as an individual, will invariably be recognised as NSWTA members. Appropriately or not, the conduct of a Board Member in such situations will be under public scrutiny. When this occurs, NSWTA Board Members are to consider that they are representing the organisation and adhere to the Code of Conduct.

In particular, Board Members should note to *"refrain from any behaviour that may bring NSWTA or its members into disrepute."* This includes on-field behaviour.

INVOLVEMENT IN REGIONAL BOARDS OR POSITIONS

Election of members of Regional Boards is the responsibility of Affiliates. Under no circumstances are NSWTA Board Members to be involved in lobbying or seen to be involved in lobbying or trying to influence the outcomes.

It is also desirable that NSWTA Board members not hold positions on Regional Boards and or Committees. Accusations of conflict of interest and favouritism are unavoidable in these circumstances and Board Members must remain at arm's length where possible.

INVOLVEMENT IN COMMITTEES

In volunteer committees, relevant Board Members should provide support, leadership and contribute as appropriate. Engagement of volunteers is of pivotal importance and obtaining the benefit of their

expertise and advice is critical to the future of the sport. Volunteers should ensure the volunteer role is to support these committees and the interests of NSWTA.

BOARD MEMBER RESPONSIBILITIES

It is in the interest of the organisation, and to strengthen trust and confidence within, to expedite resolution of problems, to mitigate the effect and to minimise organisational and individual stress that can be caused by a conflict of interest.

Board Members are to avoid any conflict of interest, even the appearance of a conflict of interest. This organisation serves the community as a whole rather than only serving a special interest group. The appearance of a conflict of interest can jeopardise the credibility of the organisation. Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest is to be reported to NSWTA immediately. Board Members are to maintain independence and objectivity with members, the community, and organisation. Volunteers are called to maintain a sense of fairness, civility, ethics and personal integrity even though law, regulation, or custom does not require them.

CONFLICT OF INTEREST REGISTER INSTRUCTIONS

- Who completes this template? Each NSWTA Board Member outlining all Touch Football roles or any business interests as they relate to the operation of NSWTA.
- How this template is completed:
 - List all related Touch Football activities or roles you hold within the sport, other sports and or any business relationships you may have with NSWTA:
 - List local affiliate related activities or roles,
 - List regional related activities or roles,
 - List national related activities or roles,
 - List any international activities or roles,
 - List outside sports or interests that may conflict with Touch Football pursuits,
 - Disclose any hobbies or business interests as they relate to the business operation or opportunity to benefit from NSWTA.

Note: These could adapt and change during your term of appointment and it is your responsibility to re-supply this information as your potential

Activity or Touch Football Role	Frequency of duties	Specify Nature of duties	Could this affect your role with NSWTA (Y/N?)	How will you manage these conflicts? (Disclose, refrain from decisions, Removal?)

I have provided the information required above and signed this declaration acknowledging that I have read and agree to the outline of requirements within the Board Handbook.

I warrant that all information provided is true and correct. I acknowledge this conflict of interest declaration cannot be amended. If I do amend it my application will be null and void. It cannot be accepted by NSWTA.

I have read, understood, acknowledge and agree to the above terms.

Signed:

Date:

Name:

