VILIFICATION AND DISCRIMINATION TOLERANCE POLICY

SECTION 1 – COMMITMENT

1.1 Aveley Junior Football Club is committed to an environment which promotes racial and religious tolerance by prohibiting certain conduct and providing a means of redress for victims of racial and religious vilification and/or racial discrimination.

1.2 The Club is bound by the Racial Discrimination Act 1975 (Cth), the Criminal Code Act 1913 (76-80), The Equal Opportunity Act 1984 (WA). This Policy is consistent with legislation and the Australian Football League’s Rule 30. This Policy is not in substitution of the legislation.

1.3 The Club will ensure that this Policy is communicated to spectators and participants of the Club.

1.4 Nothing in this Policy prevents a person lodging a complaint in relation to racial and religious vilification and/or racial discrimination under the legislation. In the event a complaint is made under this policy the Club shall ensure that all parties are informed of their rights.

SECTION 2 – DEFINITIONS

In this Policy-

“complaints process” means the procedure outlined in sections 6, 7 and 8 of this Policy.

“Club” means the Aveley Junior Football Club.

“engage in conduct” includes use of the internet or email to publish or transmit statements or other material.

“League” means the Football League.

“detriment” includes humiliation and denigration.

“discrimination” for the purpose of this Policy includes; conduct based on a person’s race, religion, colour, descent or national or ethnic origin. Discrimination may be direct or indirect. Direct discrimination means treating or proposing to treat another person less favourably on the basis of a person’s race, religion, colour, descent, national or ethnic origin. Indirect discrimination means imposing or intending to impose a requirement that a person of a particular race, religion, colour, descent, national or ethnic origin cannot comply with, but which a higher proportion of people without that attribute (or with a different attribute) can, when it is not reasonable in the circumstances to do so.

“participant” includes a player, director, officer, employee, volunteer to and agent of a Football Club that participates in the League.

“spectator” is a person that attends a football game or event conducted by a Club or the League.
SECTION 3 – PROHIBITED CONDUCT

3.1 Racial and Religious Vilification
No person in their capacity as a spectator or participant within the League, in the course of carrying out their duties or functions as or incidental to being a participant in the League shall engage in conduct that offends, humiliates, intimidates, contempts, ridicules, incites, threatens, disparages, vilifies or insults another person on the basis of that person’s race, religion, colour, descent, national or ethnic origin.

3.2 Serious Racial and Religious Vilification
No person in their capacity as a spectator or participant within the Club in the course of carrying out their duties of functions as or incidental to being a participant in the Club, shall intentionally engage in conduct that he/she knows is likely to incite hatred against another person, or threaten physical harm or incite hatred in others to cause physical harm to a person or to a person’s property because of that person’s race, religion, colour, descent, national or ethnic origin.

3.3 Racial and Religious discrimination
No person in their capacity as a spectator or participant within the Club in the course of carrying out their duties or functions, or incidental to being a participant in the Club shall engage in conduct that discriminates, directly or indirectly against another person on the basis of that person’s race, religion, colour, descent, national or ethnic origin.

3.4 Victimisation
3.4.1 No person in their capacity as a spectator or participant within the Club in the course of carrying out their duties or functions as or incidental to being a participant in the Club shall victimise another person.
3.4.2 A person will victimise another person (the victim) if:
   a. the person subjects or threatens to subject the victim to any detriment because the victim (or a person associated with the victim) intends to or has lodged a complaint in contravention of this Policy; or
   b. the person assists, requests, induces, encourages or authorises another person to subject the victim to any detriment because the victim (or a person associated with the victim) intends to or has lodged a complaint in contravention of this Policy.

SECTION 4 – AUTHORIZED PERSONS

4.1 The Club will appoint a Complaints Officer to ensure any breach of this Policy is responded to in an equitable and prompt manner.

4.2 The President of the Club is the senior decision-maker in any Club Complaints Process. Whereby the President is absent for a significant period, he/ she must nominate a person to act on their behalf should the process be enacted.

SECTION 5 – CONFIDENTIALITY AND RECORDS

5.1 Confidentiality must be maintained throughout the complaints process. All parties to a complaint; the President (or Delegate), the Club’s Complaints Officer, any witnesses and the Conciliator must all agree, in writing, to the maintenance of confidentiality. No
person involved in the complaints process shall publicly comment on any aspect of the complaints process without the prior written agreement of all parties.

5.2 The Club shall ensure that any documents relating to a complaint shall remain confidential and are retained for 7 years from the date the complaint is made.

SECTION 6 – INTER CLUB BREACH OF POLICY

6.1 In the event it is alleged a spectator or participant from another Club has contravened this Policy:

6.1.1 an Umpire, spectator or participant of the Club may by 5.00pm on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing with Complaint’s Officer of the Club;

6.1.2 the Complaint’s Officer of the Club where the complaint was made shall, by 5.00pm on the next working day following the day that the complaint was lodged with the Club, lodge the complaint with the League’s Complaints Officer;

6.1.3 the Club’s Complaints Officer will take no further action once the complaint has been lodged with the League unless otherwise instructed by the League’s Complaints Officer.

SECTION 7 – INTRA CLUB BREACH OF THE POLICY

7.1 In the event of an allegation for a club participant who has contravened this Policy, than an umpire, spectator or participant may by 5.00pm on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing to the Club’s Complaints Officer.

SECTION 8 – MANAGEMENT OF INTRA CLUB COMPLAINTS

8.1 The Club’s Complaints Officer shall:

8.1.1 make every effort to ensure:

a. confidentiality is maintained at all times during the complaints process including the outcome of the complaints process; and

b. any breach of confidentiality is referred to the League’s Tribunal no later than 5.00pm on the next working day following the day that the breach was identified.

8.1.2 inform the person alleged to have contravened the Policy (the respondent) of the complaint and provide the respondent with an opportunity to respond;

8.1.3 inform only the President of the Club or Delegate, that a Complaint has been received;

8.1.4 obtain written statements from any witnesses identified by both parties to the complaint;

8.1.5 where available, obtain any other evidence;

8.1.6 arrange an independent conciliator agreed upon by both parties;

8.1.7 take all steps necessary for the complaint to be conciliated within 5 working days from the day on which the incident is alleged to have occurred;
8.1.8 refer the complaint to the League’s Tribunal:
   a. when the complainant informs the Complaints Officer that the matter was not resolved through conciliation. The Complaints Officer will if requested by the complainant, take all steps necessary for the complaint to be referred to League’s Tribunal within 5 working days from when the failed conciliation;
   b. directly when a respondent has previously taken part in conciliation as a respondent of a complaint;
   c. when both the Club’s Complaints Officer and President have determined that the complaint was lacking in substance and was made vexatiously;
   d. when both the Club’s Complaints Officer and President determine that the complaint could be considered as “serious”, the complaint should be referred to the League’s Tribunal within 5 working days from the day on which the incident is alleged to have occurred;

8.1.9 ensure that any time limit referred to in this Policy may be extended by the Club if in the opinion of the President of the Club it is just and equitable to do so; and

8.1.10 ensure that where a matter is resolved by conciliation that any public statement shall be agreed to by both parties to the complaint and the Club’s President and the terms of any settlement are finalised to the satisfaction of the complainant and respondent and signed by all parties including the conciliator.

SECTION 9 – CLUB’S LIABILITY

9.1 The Club may be vicariously liable for conduct engaged in by a participant which if found to have contravened this Policy, if the Club is unable to establish that it took reasonable precautions to prevent the participant from engaging in that conduct.