



Mordialloc-Braeside Junior Football Club Inc

Vilification and Discrimination Tolerance Policy

SECTION 1 – COMMITMENT

1.1 MBJFC 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 and Religious Tolerance Act 2001 (Vic), the Racial Discrimination Act 1975 (Cth), and the Equal Opportunity Act 1995 (Vic) (the legislation). This Policy is consistent with the legislation and the Australian Football League's Rule 30 and the Victorian Football League's Rule 7.3. 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. It will also ensure that participants of the Club receive anti-racial and religious vilification and racial discrimination training on an annual basis.

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 the 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 Mordialloc-Braeside Junior Football Club.

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

“League” means the SMJFL.

“detriment” includes humiliation and denigration.

“discrimination” means for the purpose of this Policy, 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 or national or ethnic origin. Indirect discrimination means imposing or intending to impose a requirement that a person of a particular race, religion, colour, descent or 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 SMJFL.

“spectator” is a person that attends a football game or event conducted by the Club or the SMJFL.

SECTION 3 – PROHIBITED CONDUCT

3.1 Racial and Religious Vilification

No person in his/her capacity as a spectator or participant in the League in the course of carrying out his/her 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 or national or ethnic origin.

3.2 Serious Racial and Religious Vilification

No person in his/her capacity as a spectator or participant in the Club in the course of carrying out his/her duties or 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 or national or ethnic origin.

3.3 Racial and Religious discrimination

No person in his/her capacity as a spectator or participant in the Club in the course of carrying out his/her duties or functions as 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 or national or ethnic origin.

3.4 Victimisation

3.4.1 No person in his/her capacity as a spectator or participant in the Club in the course of carrying out his/her 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 – AUTHORISED PERSONS

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

4.2 The President of the Club (the President) is the senior decision-maker in the Club's Complaints Process. Therefore, should the President be absent for a significant period, he/ she must nominate a person to act on his/her behalf should the process need to 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 Incident 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 be retained for 7 years from the date that the complaint is made.

SECTION 6 – INTER CLUB BREACH OF THE POLICY

Refer to MBJFC's Disciplinary Sub-Committee TOR document for further information on the handling of all complaints received at MBJFC.

SECTION 7 – INTRA CLUB BREACH OF THE POLICY

Refer to MBJFC's Disciplinary Sub-Committee TOR document for further information on the handling of all complaints received at MBJFC.

SECTION 8 – MANAGEMENT OF INTRA CLUB COMPLAINTS

Refer to MBJFC's Disciplinary Sub-Committee TOR document for further information on the handling of all complaints received at MBJFC.

SECTION 9 – CLUB'S LIABILITY

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.

SECTION 10 – MONITORING AND REVIEW OF THE POLICY

The Policy will be monitored on an ongoing basis by the Club's Committee.

Ratified February 2019