



RACIAL AND RELIGIOUS TOLERANCE POLICY

This Policy is consistent with the Australian Football League's own Racial and Religious Tolerance Policy and is not in substitution of the legislation.

In the event a complaint is made under this policy the Club shall ensure that the parties are informed of their rights.

DEFINITIONS

- **Vilification** (as per legal definition) is behaviour that incites hatred, serious contempt for, revulsion or severe ridicule of a person or group of people because of their race or religion.
- **Discrimination** includes:
 - treating a person less favourably than another because of status or private life in the same or similar circumstances;
 - treating a person less favourably because of characteristics that apply, or are thought to apply, to persons of a particular status or private life;
 - imposing a condition that persons of one status or private life are less able to meet than others, and which is not reasonable in the circumstances.

SCOPE

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

POLICY

The Club is committed to promoting 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.

PROCEDURE

Prohibited Conduct

- **Racial and Religious Vilification:** Conduct that offends, humiliates, intimidates, contempt's, 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.
- **Serious Racial and Religious Vilification:** Conduct that 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.
- **Racial and Religious discrimination:** 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.
- **Victimisation:** Victimisation will be said to occur where:
 - (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.



AUTHORISED PERSONS

The Club President (or delegate) is the senior decision-maker in the Club's Complaints Process.

CONFIDENTIALITY AND RECORDS

Confidentiality must be maintained throughout the complaints process, with agreement of all parties in writing to the maintenance of confidentiality. No person involved in the complaints process shall publicly comment without the prior written agreement of all parties.

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

INTER CLUB BREACH OF THE POLICY

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

- 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 to the Club President via email: officepfseagulls@gmail.com
- The Club President 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;
- The President will take no further action once lodged unless otherwise instructed by the League's Complaints Officer.

INTRA CLUB BREACH OF THE POLICY

In the event that it is alleged that a spectator or participant of the Club has contravened this Policy:

- 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 President via email: officepfseagulls@gmail.com
- The Club President shall:
 - Make every effort to ensure that confidentiality is maintained during the process, and with the resulting outcome. Any breach of this will be referred to the Hampden League's Tribunal no later than 5pm on the next working day following the day that the breach was discovered
 - Inform the person alleged to have contravened the Policy of the complaint and provide the respondent with an opportunity to respond to it
 - Obtain written statements from any witnesses identified by both parties to the complaint
 - Where available, obtain any other evidence
 - Arrange for the complaint to be conciliated, by an independent conciliator agreed upon by both parties
 - 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

REFERRAL TO THE LEAGUE'S TRIBUNAL

Referral to the League's Tribunal will occur in the following instances:

- When the complainant informs the Club President (or delegate) that the matter has not been resolved through conciliation, the Club President will take all steps necessary for the complaint to be referred to League's Tribunal within 5 working days from when the conciliation failed
- Directly when a respondent has previously taken part in conciliation as a respondent of a complaint



- When the Club President has determined that the complaint was lacking in substance and was made vexatiously
- When the Club President determines that under the relevant sections of the state legislation the complaint could be considered as "serious", he/she will take all steps necessary for the complaint to be referred to the League's Tribunal within 5 working days from the day on which the incident is alleged to have occurred
- Ensure that any time limit referred to in this Policy may be extended by the Club if in the opinion of the Club President it is just and equitable to do so
- Ensure that where a matter is resolved by conciliation the only public statement that shall be made shall be agreed to by both parties to the complaint and the Club's President and that the terms of any settlement are finalised to the satisfaction of the complainant and respondent and signed by the parties and the conciliator

CLUB'S LIABILITY

The Club may be vicariously liable for conduct engaged in by a participant which is 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.

POLICY REVIEW

This policy will be reviewed annually to ensure it remains relevant to Club operations and reflects both community expectations and legal requirements.

Reference: 'Racial Discrimination', Australian Human Rights Commission, <https://humanrights.gov.au/our-work/employers/racial-discrimination#:~:text=Under%20the%20RDA%2C%20it%20is,behaviour%20is%20called%20racial%20hatred>.

'Racial and Religious Tolerance Act', Victorian Equal Opportunity & Human Rights Commission, <https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/racial-and-religious-tolerance-act/#:~:text=The%20Racial%20and%20Religious%20Tolerance%20Act%202001%20aims%20to%20promote,support%20racial%20and%20religious%20tolerance%E2%80%9D>.

'Australian rules football: Australian Football League', Australian Human Rights Commission, https://humanrights.gov.au/sites/default/files/content/racial_discrimination/whats_the_score/pdf/afl.pdf