



DISCRIMINATION POLICY

1 What is Discrimination?

- 1.1 Discrimination may occur when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation.

2 Commitment

- 2.1 The Magpies Junior Football Club is committed to the values and principles that support a rewarding, productive and affirming environment by prohibiting certain conduct and providing a means of redress for victims of discrimination.
- 2.2 The Club is bound by the *Discrimination Act 1991* (ACT) and the *Racial Discrimination Act 1975* (Cth). This Policy is consistent with the legislation and the Australian Football League's Rule 30. This Policy is not in substitution of the legislation.
- 2.3 Nothing in this Policy prevents a person lodging a complaint in relation to racial and religious vilification and/or racial discrimination under the legislation.

3 Definitions

In this Policy-

Complaints process	the procedure outlined in sections 6, 7, 8 and 9 of this Policy.
Club	Magpies Junior Football Club
Engage in conduct	Includes the use of sms, internet or email to publish or transmit statements or other materials
League	The AFL Canberra Junior Football League
Detriment	Includes humiliation and denigration
Discrimination	For the purpose of this policy, conduct based on a persons race, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. Discrimination may be direct or indirect.
Direct Discrimination	Treating or proposing to treat another person less favourably on the basis of a person's race, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation.

Reviewed and ratified by the Magpies Junior Football Club Committee on 1 February 2011

Signed: Andrew Warden, President



In-Direct Discrimination	Indirect discrimination means imposing or intending to impose a requirement that a person of a particular race, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation, 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 who attends a football game or event conducted by a club of the league

4 Prohibited Conduct

- 4.1 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, contempt's, ridicules, incites, threatens, disparages, vilifies or insults another person on the basis of that person's race, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation
- 4.2 No person in his/her capacity as a spectator or participant in the Club in the course of carrying out his/her 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, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation.
- 4.3 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, colour, national or ethnic origin; sex; marital status; age; disability; religion; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation

5 Victimisation

- 5.1 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.
- 5.2 A person will have victimised another person (the victim) if:
- 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.

6 Authorised Persons

- 6.1 The Club will appoint a Complaints Officer (the Club's Complaints Officer) to ensure that any breach of this Policy is responded to in an equitable and prompt manner.
- 6.2 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.

7 Confidentiality and Records

- 7.1 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 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 agreement of all parties.
- 7.2 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.

8 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:

- 8.1 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 the Complaint's Officer of the Club;
- 8.2 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;
- 8.3 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.

9 Management of Intra Club Complaints

The Club's Complaints Officer shall:

- 9.1 make every effort to ensure that confidentiality is maintained at all times during the complaints process and that the outcome of the complaints process remains confidential;
- 9.2 inform the person alleged to have contravened the Policy (**the respondent**) of the complaint and provide the respondent with an opportunity to respond to it;
- 9.3 inform only the President of the Club or Nominee, that a Complaint has been received by the Complaints Officer;
- 9.4 obtain written statements from any witnesses identified by both parties to the complaint;
- 9.5 where available, obtain any other evidence;



- 9.6 arrange for the complaint to be conciliated, by an independent conciliator agreed upon by both parties;
- 9.7 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;
- 9.8 refer the complaint to the League's Tribunal:
- when the complainant informs the Complaints Officer that the matter has not been 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 conciliation failed;
 - directly when a respondent has previously taken part in conciliation as a respondent of a complaint;
 - when both the Club's Complaints Officer and President have determined that the complaint was lacking in substance and was made vexatiously;
 - when both the Club's Complaints Officer and President determine that under the *Discrimination Act 1991 (ACT)* 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;
- 9.9 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;
- 9.10 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.

10 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.

11 Monitoring and Review of the Policy

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

12 Policy Commencement

This Policy was passed by Club's Committee on 1 June 2010 and will take effect from that date.

