

Attachment “B”

RACIAL AND RELIGIOUS VILIFICATION

a) Prohibited Conduct

No person subject to these By-Laws shall act towards or speak to any other person in a manner, or engage in any other conduct which threatens, disparages, vilifies or insults another person ("the person vilified") on the basis of that person's race, religion, colour, descent or national or ethnic origin.

b) Lodging Complaint *(Amended 11/11/2008)*

In the event that it is alleged that a person has contravened By-Law (a), an Umpire, Club or Player may by 5.00 p.m. on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing (using “Incident Referral Form”) with the person appointed from time to time by the Manager–Football Operations as the Complaints Officer for the purposes of this By-Law. The complaint must outline the circumstances of the allegations made against a person.

c) Complaints Officer

The Complaints Officer shall:-

- (i) inform the person alleged to have contravened By-Law (a) of the complaint and provide that person with an opportunity to respond to it in writing;
- (ii) identify and obtain written statements from any available witnesses;
- (iii) obtain video or other relevant evidence; and
- (iv) arrange for the complaint to be conciliated and take all steps necessary for the complaint to be conciliated.

d) Confidentiality and No Public Comment

Subject to By-Law (g): -

- (i) the particulars of a complaint and the conciliation shall at all times remain confidential; and
- (ii) a person shall not publicly comment on or disseminate to any person information concerning a complaint at any time prior to, during or after the conciliation.

e) Conciliator

A conciliation arranged under By-Law (c) shall be conducted by the nominee of the Manager – Football Operations.

f) Attendance at Education Program

(i) Where:-

- a person alleged to have contravened By-Law (a) attends a conciliation for the first time (other than as a person vilified); and
- the complaint against the person is resolved at conciliation,

the person may be directed by the conciliator and if so directed shall attend an education program approved by the AFL (NSW/ACT).

(ii) Where a person employed, engaged or otherwise associated with a Club is required to attend an education program or similar body in another State, the Club shall pay the costs of that person's attendance.

(iii) A person who fails to attend the education program shall be deemed to have contravened this By-Law.

g) Public Statement

Where a complaint is resolved by conciliation, the only public statement that shall be made concerning the complaint and its resolution shall be that agreed upon by the parties.

h) Unsuccessful Conciliation

Where the Complaints Officer is of the opinion that the matter has not been resolved by conciliation, the Complaints Officer shall:-

- (i) in the case of a Player, refer the complaint to the Tribunal to be dealt with as a Reportable Offence; or
- (ii) in the case of any other person, refer the complaint to the Chief Executive to deal with as they see fit.

i) Previous Involvement

(i) Where a person alleged to have contravened By-Law (a) has previously taken part in a conciliation (other than as a person vilified), the Complaints Officer may refer the complaint directly to the Tribunal to be dealt with as a Reportable Offence in the case of a Player, or directly to the Chief Executive to be dealt with as they see fit in the case of any other person.

(ii) For the purposes of this By-Law, conciliation includes a conciliation arranged under By-Law (a) or such other form of conciliation arranged by the AFL or directly between the parties concerned.

j) Evidence before Tribunal or Chief Executive

In the event that a complaint is referred to the Tribunal or the Chief Executive under this By-Law, no evidence shall be given to or be accepted

by the Tribunal or the Chief Executive relating to anything said or done in any conciliation carried out pursuant to By-Law (c).

k) Manager - Football Operations

In the event that a Complaints Officer has not been appointed for the purposes of these By-Laws or if appointed is for any reason unavailable to act under these By-Laws the Complaints Officer for the purpose of these By-Laws shall be the Manager - Football Operations of the AFL.

l) Referring Complaint

In any case where the Complaints Officer determines to refer the complaint to the Tribunal or the Chief Executive, the complaint shall be referred to the Tribunal or the Chief Executive, as the case may be, as soon as practicable.

m) Legal Representation

Where a complaint is referred to the Tribunal or the Chief Executive under this By-Law, the person alleged to have contravened By-Law (a) may be represented by a Legal Practitioner.

n) Time Limit

Any time limit for the doing of anything referred to in this By-Law may be extended by the Manager – Football Operations if in the opinion of the Manager – Football Operations it is just and equitable to do so.

o) Liability of Club

- (i) In the event that a complaint under these By-Laws in respect of conduct engaged in by a person is found to have been proven by the Tribunal or where the Chief Executive determines that a person the subject of a complaint has been involved in conduct which is unbecoming or prejudicial to the interests of the AFL, the Club employing, engaging or otherwise associated with the person at the time of the conduct shall be deemed to be vicariously liable for the conduct of the person and shall be liable to a sanction to be determined by the Chief Executive.

- (ii) By-Law (o)(i) does not apply to a contravention by a person if in the opinion of the Tribunal or the Chief Executive, as the case may be, the Club took all reasonable steps to prevent persons employed, engaged or otherwise associated with the Club from engaging in the conduct which contravened the vilification By-Laws.

p) Continuous Education

Each Club must:-

- (i) ensure that all of its Players, Coaches, Officials and other employees attend any education program organised and conducted by the AFL; and
- (ii) maintain and keep a written record of all such attendees, (to be signed by each attendee and the Chief Executive Officer of the Club), and provide a copy immediately upon request to the Manager - Football Operations.

q) False or misleading information

A person who:-

- (i) in a complaint lodged under By-Law (b) or during the conciliation process, provides any information or acts in a manner which is in any respect false or misleading or likely to mislead; or
- (ii) Falsely accuses a person of breaching By-Law (a).

Shall be liable to a sanction as determined by the Competition Management & Club Development Manager in his absolute discretion.