

BOUNCING RACISM



OUT OF SPORT

**A Racial and Religious
Tolerance Program for
Australian Football**



**A Football Victoria and Department for
Victorian Communities Initiative.**



A MESSAGE FROM MICHAEL LONG

Football - One Game for All Australians - Is It?

"Not always. Players can get singled out because their skin is a different colour, or they speak a different language, have different customs, eat different foods or have a different religion.

This has happened to many players, including me but it shouldn't happen to anyone.

Players often make racial comments because they feel the other player made them miss a mark, lose the ball or miss a shot at goal. Sometimes these comments are used as "jokes" or to "let off steam".

But there is no excuse, these comments are clearly either racial or religious vilification or both."

The old line that "what's said on the field stays on the field" is not acceptable anymore.

Thankfully, football has changed and attitudes have changed for the benefit of our great game. Football Victoria has introduced the Bouncing Racism out of Sport Program to inform leagues and clubs of their legal obligations and to encourage them to play an active role in the elimination of racial and religious intolerance.

Through connecting people from diverse backgrounds at a local football club, the game of Australian Football contributes significantly to the social fabric and health and well being of Victorian communities. Leagues and clubs implementing the Bouncing Racism out of Sport virtues, will not only have a better chance to increase participation, but will enhance their image as valued family friendly community organisations.

We trust that all leagues and clubs will reinforce the program by adopting and implementing a Racial and Religious Tolerance Policy.

Michael Long is Chairman of the Australian Indigenous Football Foundation. He captained Essendon in 1999 and played 190 games for the club, including the 1993 and 2000 premierships



Football Victoria Racial and Religious Program Manual

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WELCOME TO FOOTBALL VICTORIA'S BOUNCING RACISM OUT OF SPORT PROGRAM

Australian Football is Victoria's most popular sport, connecting people from all walks of life in our communities. It is enjoyed by thousands of participants and supporters.

Football Victoria's purpose is to create and maintain an environment that provides easy access and increases participation in Australian Football at all levels within Victorian communities.

Football Victoria supports the principle that no individual should be denied access to participation in football because of their race or religion. It is for this reason that Football Victoria has developed the Bouncing Racism out of Sport Program in partnership with the Department for Victorian Communities.

Victorians come from diverse cultural backgrounds with approximately 44% of Victorians being born overseas or having at least one parent born overseas. Football leagues and clubs should be open to attracting participants from all backgrounds that comprise our multicultural society.

Football leagues and clubs, like all other organisations, can be held responsible for acts of racial and religious vilification. Australian Football is recognised as a leader in addressing racial and religious vilification in sport, with the AFL being the first sporting body in this country to introduce rules against racism in 1995.

Since then, the Victorian Government has introduced the Racial and Religious Tolerance Act, effective from January 1 2002. To ensure compliance with this and other legislation, it is important that all football bodies review their racial and religious policies. Leagues and clubs will be able to use the Bouncing Racism out of Sport resources to assist this process and ensure that policies are in place to deal with inappropriate or unlawful racial and religious vilification and racial discrimination.

The Bouncing Racism out of Sport Program forms a component of Football Victoria's activities aligned to VicHealth's "Partnership for Health Scheme" which aims to encourage more people to participate in an inclusive and harmonious football environment, and increase football's capacity to provide accessible quality experiences for the diversity of groups in our community.

These guidelines have been developed for use with other components of the program to assist leagues and clubs take practical steps to protect players, spectators, officials, and volunteers from the negative effects of racial and religious intolerance in all aspects of the game, both on and off the field.

Ken Gannon
Chief Executive Officer
Football Victoria

WHAT RACIAL OR RELIGIOUS VILIFICATION OR RACIAL DISCRIMINATION MEANS?

It is important to be able to recognise unlawful racial and religious vilification or racial discrimination behaviour on the playing field, on the sidelines, in the dressing rooms, or anywhere else around a football ground and in the league or club administration or social rooms.

A summary of the various forms of racial and religious vilification and discrimination is outlined below.

Vilification

Under the legislation, vilification will be unlawful where it occurs in public and also where it occurs in private in circumstances that could reasonably be expected to be heard or observed by a third party.

Vilification: This is public behaviour which threatens, incites, disparages, ridicules, insults or shows contempt towards another person on the basis of that person's race, religion, colour, descent, or national or ethnic origin.

It must be noted that a single incident of such behaviour can constitute vilification and such behaviour does not have to be intentional.

Example:

1. A player shouts out racial and/or religious taunts at another player. This might have occurred in the heat of the moment and/or was intended to put the other player off his game.

This behaviour can be perceived by the player being taunted as racial and/or religious vilification. He will have the right to make a complaint internally under the league's or club's Racial and Religious Tolerance Policy or externally under the relevant Federal or State legislation.

2. A club member who has been asked to serve behind the bar for a couple of hours makes disparaging remarks about the ethnic origin of a supporter from a visiting club and refuses to serve her.

This behaviour can be perceived by the visiting supporter as racial and religious vilification. She would have the right to make a complaint internally under the league's or club's Racial and Religious Tolerance Policy or externally under the relevant Federal or State legislation.

Serious vilification: This is intentional public behaviour that incites hatred, threatens physical harm against another person, or threatens physical harm or incites 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.

It must be noted, that such behaviour must be intentional, can be a single incident and can be a criminal offence.

Example:

A group of spectators scream comments at a player ridiculing his religion. Soon more spectators join in and the comments become more and more offensive. The atmosphere becomes threatening and the player becomes fearful for his safety.

This behaviour could constitute serious religious vilification. The player would have the right to make a complaint internally under the league's or club's Racial and Religious Tolerance Policy or externally under the relevant Federal or State legislation.

Discrimination

Direct racial discrimination: This is treating or proposing to treat a person less favourably on the basis of a person's race, religion, colour, descent or national or ethnic origin compared to the way that someone of a different race would be treated in a similar situation.

Example:

A player who is fit and has performed well during practice sessions believes that the only reason that he is continually being overlooked for the team, is because he is Aboriginal.

The Aboriginal player who believes that he has been discriminated against would have the right to make a complaint internally under the league's or club's Racial and Religious Tolerance Policy or externally under the relevant Federal or State legislation.

Indirect racial discrimination: This 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 can comply with, when it is not reasonable in the circumstances to do so.

Example:

A league makes a rule that all players have to train on Saturday mornings to be eligible for selection in the representative team. This excludes a number of Jewish players because of their religious beliefs. The players believe by imposing this rule, the league has indirectly discriminated against them.

The players would have the right to make a complaint of indirect discrimination internally under the league's or club's Racial and Religious Tolerance Policy or externally under the relevant Federal or State legislation.

VICARIOUS LIABILITY

A League and/or Club may be held responsible for racial and religious intolerance and/or discriminatory conduct engaged in by a participant, acting as the club's agent or employee, if the Club is unable to establish that it had taken reasonable precautions to prevent the participant from engaging in that conduct. Reasonable precautions could be seen as:

- having appropriate policies and procedures in place for dealing with the behaviour if it occurs;
- communicating the policy to the League's or Club's spectators and participants;
- conducting a training program on racial and religious tolerance and anti-discrimination according to policy.

Example

In all the above examples, the League or Club could have been found vicariously liable unless it was able to establish that it had taken reasonable precautions.

ACTS COVERING RACIAL AND RELIGIOUS VILIFICATION AND DISCRIMINATION

Racial and religious vilification and discrimination is covered under three Acts:

- Victorian
Racial and Religious Tolerance Act (2001) Available at:
<http://www.dms.dpc.vic.gov.au/l2d/R/ACT02531/index.html>
The Equal Opportunity Act (1995) Available at:
<http://www.dms.dpc.vic.gov.au/l2d/E/ACT00904/index.html>
- Federal
Racial Discrimination Act (1975) Available at:
<http://scaleplus.law.gov.au/html/pasteact/0/47/top.htm>

BOUNCING RACISM OUT OF SPORT

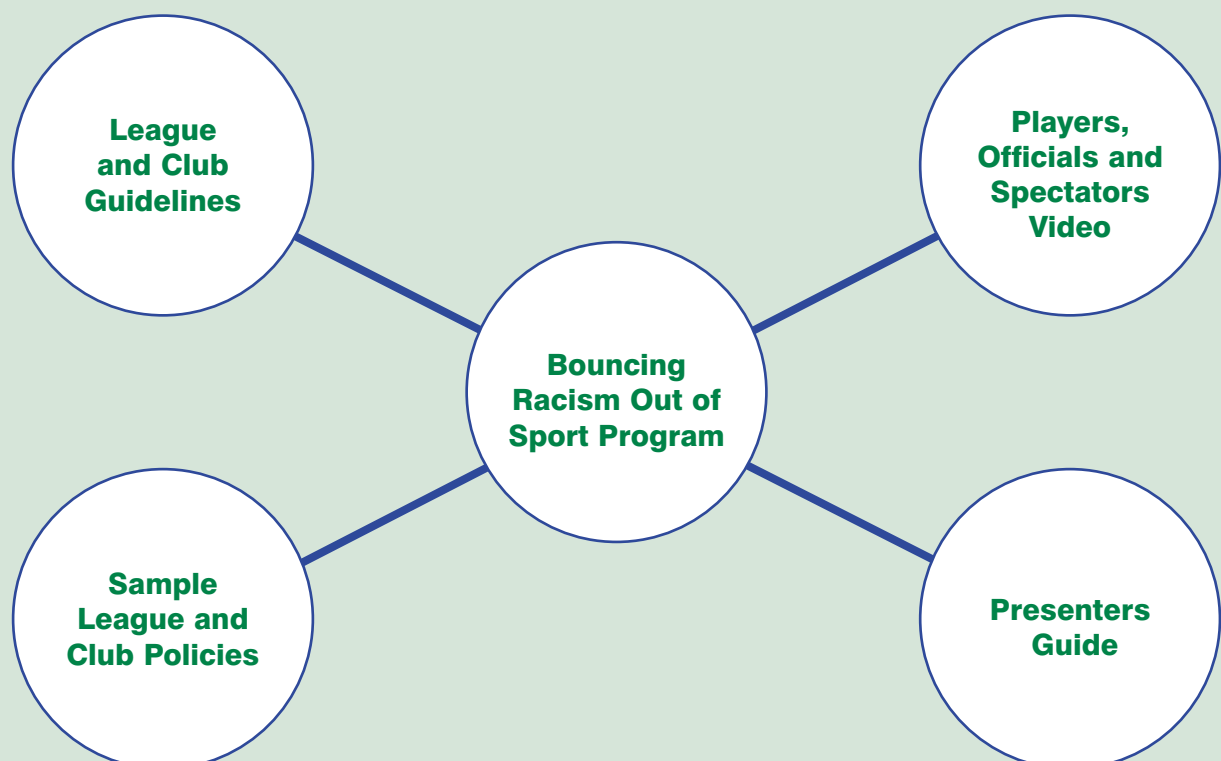
Racial and religious vilification and all forms of racial discrimination present barriers to maintaining an inclusive club environment and thereby prevent the capacity to attract widespread participation in sport.

The Bouncing Racism out of Sport has been developed with the aims of:

- Encouraging leagues and clubs to look at ways of attracting higher levels of participation from our diverse population;*
- Minimising the impact of racial and religious vilification on people participating in sport;*

PROGRAM OUTLINE

The Bouncing Racism out of Sport Program is a four-part set of user-friendly resources designed to assist leagues and clubs to create a more tolerant football environment and remove any potential barriers to participation. Resources include league and club guidelines; a player, officials and spectator video; sample league and club policies; and a presenters guide.



OUT OF SPORT AIMS

- *Suggesting practical steps to enable leagues and clubs to raise awareness, change attitudes and implement practical initiatives to address racial and religious intolerance; and*
- *Ensuring that participants and supporters involved with leagues and clubs are aware of the Racial and Religious Tolerance Act. This new legislation which came into effect on 1 January 2002 makes racial and religious vilification unlawful and provides a mechanism for victims to have their complaints heard and to seek redress.*

Resource Overview

- **League and Club Guidelines**

The Bouncing Racism out of Sport Manual has been developed as a guide to assist leagues and clubs develop a Racial and Religious Tolerance Program. These guidelines define what constitutes racial and religious vilification and what racial and religious vilification or racial discrimination means within football. It also sets out how leagues and clubs can introduce the program.

- **Players, Officials and Spectators Video**

A video comprising two segments has been produced. Part A is directed at players, and Part B is directed at officials and supporters of leagues and clubs. Football Victoria invited Cricket Victoria and Netball Victoria to be involved in the production of the video to extend the message of racial and religious tolerance to other sporting codes. Michael Long, former Captain of the Essendon Football Club, who has experienced first hand the damaging effects of racism, hosts the football video.

The video demonstrates what racial and religious vilification can look like, on and off the field, from the perspective of players and spectators, and how the recipients of such acts feel when vilification is experienced. The video also advises players, leagues and clubs on what they can do to address racial and religious vilification.

- **Sample League and Club Policies**

Sample League and Club Racial and Religious Tolerance Policies have been developed for use by leagues and clubs. The Policies have been circulated to all leagues in Victoria for distribution to clubs and copies are also available on the Football Victoria Website at www.footballvictoria.com.au. The sample Policies are consistent with the Racial and Religious Tolerance Act 2001 (Vic), the Racial Discrimination Act 1975 (C'wealth), and the Equal Opportunity Act 1995 (Vic). Football leagues and clubs are bound by this legislation.

- **Presenters' Guide**

This guide has been produced and distributed for use by league and club officials to assist them in the communication of this program when screening the video and talking to members of their leagues and clubs about the Bouncing Racism out of Sport concept and its introduction.

WHAT DOES YOUR LEAGUE OR CLUB NEED TO DO?

Together with all football leagues and clubs, Football Victoria has a moral and legal obligation to provide a football environment that 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.

What your league or club needs to do:

League

- Encourage your league committee and management to familiarise themselves with the Bouncing Racism out of Sport resources and support the implementation of the program with affiliated clubs. Include the program on the agenda as a special item at a league committee and management forum.
- Use the available resources to conduct a training session for league and club representatives. This could be done at a league Annual General Meeting or at a meeting of club representatives leading up to or during the football season.
- Follow the steps outlined in the "How to Implement Your Policy" to introduce and administer a League Racial and Religious Tolerance Policy using the sample policy as a guide.
- Distribute the Bouncing Racism out of Sport resources and actively encourage clubs to implement the program.

Club

- Publicly support your league's initiative to introduce the Bouncing Racism out of Sport Program.
- Encourage members of your committee to familiarise themselves with the content of the resources. Include the program on the agenda as a special item for discussion at a club general meeting.
- Use the resources and screen the relevant video to players, officials and supporters. A coach could screen the video after a training session for players. Officials and supporters could view the video at a club event including the club Annual General Meeting.
- Follow the steps outlined in the "How to Implement Your Policy" to introduce and administer a Club Racial and Religious Tolerance Policy using the sample policy as a guide

How To IMPLEMENT Your POLICY

Step 6

Step 6 - Keep confidential records

Keep records of complaints confidential and for a period of seven years. Provide copies to Football Victoria who will also maintain confidential records for the required period of time.

Step 5

Step 5 - Ask for conciliation assistance (if required)

Should you need to conduct conciliation and require help from an independent conciliator, seek assistance from Football Victoria or the Equal Opportunity Commission of Victoria who will have a list of conciliators upon whom you can call.

Step 4

Step 4 - Promptly enact the Policy if there is a complaint

If a complaint is lodged with your complaints officer, promptly enact your Policy.

Step 3

Step 3 - Communicate the Policy

Communicate the Policy to everyone associated with the league or club including spectators. For example, display notices around the league or club, clearly stating that racial or religious abuse of players or officials will not be tolerated. This will communicate the essence of your Racial and Religious Policy to all spectators, local and visiting.

Step 2

Step 2 - Demonstrate a commitment to the Policy

Officials of leagues or clubs should demonstrate a commitment to the Policy in their everyday interaction within the league or club to ensure that they provide the 'correct' role models.

Step 1

Step 1 - Inform the committee of their obligations to implement the Policy

Work with your league or club committees to inform them of their obligations to implement, manage and review (particularly where a league introduced racial and religious regulations prior to the Racial and Religious Tolerance Act being introduced on January 1 2002) a Racial and Religious Tolerance Policy using the samples provided by Football Victoria.

BENEFITS OF THE BOUNCING RACISM OUT OF SPORT

Increases participation and support

Developing programs designed to increase participation and support from people of diverse cultural backgrounds will lead to an increase in players, volunteers and members. This in turn will result in improved financial gains and the future viability of the organisation.

Presents a positive image in the community

Organisations that present a positive image through their actions are recognised as valued community assets. These organisations are better placed to gain sponsorship dollars, local council assistance and a successful response to grant applications submitted to government agencies and philanthropic bodies.

Minimises risk of unlawful conduct and litigation

By implementing this program, leagues and clubs are minimising risk exposure to the potential negative impact of unlawful conduct and litigation. Consider the long-term damage caused to a league or club reputation if branded a 'racist' organisation as a consequence of a successful racial or religious vilification action being taken by a victim.

Provides an enjoyable, safe and healthy environment

Most importantly, leagues and clubs that take action to ensure that their activities are welcoming and inclusive will create a safe and healthy family friendly environment. People who feel well connected to an organisation enjoy the environment and are more likely to stay actively involved for longer.

FURTHER INFORMATION AND ASSISTANCE

Further information and assistance is available from:

Equal Opportunity Commission of Victoria

Level 3
380 Lonsdale Street
Melbourne Victoria 3000
Telephone (03) 9281 7100
Toll free 1800 13 41 42
Fax (03) 9281 7171
Website www.eoc.vic.gov.au

Human Rights and Equal Opportunity Commission (HREOC)

133 Castlereagh Street
Sydney NSW 2000
Telephone (02) 9284 9600
Toll Free 1300 369 711
Website www.humanrights.gov.au

Victorian Office of Multicultural Affairs

Department for Victorian Communities
Level 3
1 Treasury Place
Melbourne Victoria 3002
Telephone (03) 9651 1270
Fax (03) 9651 1222
Website www.voma.vic.gov.au

Football Victoria

MCG Great Southern Stand
Brunton Avenue
Jolimont Victoria 3001
Telephone (03) 8663 3009
Fax (03) 9650 4194
Website www.footballvictoria.com.au

