

MACQUARIE FOOTBALL LIMITED  
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A.C.N. 050 293

NEWCASTLE FOOTBALL LIMITED  
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A.C.N. 052 054

HUNTER VALLEY FOOTBALL INCORPORATED

## **RACIAL AND RELIGIOUS VILIFICATION POLICY**

Issued by the Joint Board of Directors of Macquarie Football Limited, Newcastle Football Limited and Hunter Valley Football Incorporated.

Issued            **February 2018**  
Review            January 2019

**RACIAL AND RELIGIOUS VILIFICATION POLICY**

## **1.0 CODE**

This policy is entitled the Racial and Religious Vilification Code ("this code").

## **2.0 OBJECTIVES**

The objectives of this code are:-

- 2.01 to promote FIFA's guiding principles of fair play and ethical conduct to ensure a welcoming environment for everyone to enjoy the game of football regardless of their race, colour, descent or ancestry, national or ethnic origin or religious belief or activity;.
- 2.02 to eliminate, as far as possible, racial and religious vilification in the Zone Association's football amongst players, officials and spectators;
- 2.03 to take active measures to educate and raise awareness about the damaging effects of racial and religious vilification on the Zone Association's football, and of the benefits to be derived by taking positive action to eliminate it;
- 2.04 to provide redress for persons involved in the Zone Association's football who have been victims of racial and religious vilification in an orderly and expeditious manner and in accordance with the requirements of natural justice and procedural fairness.

## **3.0 APPLICATION**

- 3.01 This policy applies to
  - 3.01.01 a person registered with FFA and to play football with any Member Club of the Zone Association ("a player").
  - 3.01.02 a person who is a director, committee member, officer, employee or agent of the Zone Association or any Member Club of the Zone Association including a trainer, coach, medical officer, referee, assistant referee or fourth official ("an official").
  - 3.01.03 Any Member Club of the Zone Association which is Registered with FFA ("a Club").
- 3.02 This policy applies
  - 3.02.01 when a player is attending or participating in any match, training session or function conducted by the Zone Association or a Member Club of the Zone Association.
  - 3.02.02 when an official is in the course of carrying out his/her duties and functions as an official or attending any match, training session or function conducted by the Zone Association or a Member Club of the Zone Association.
  - 3.02.03 to all Member Clubs of the Zone Association at all times

## **4.0 OBLIGATIONS IN ELIMINATION OF RACIAL AND RELIGIOUS VILIFICATION**

- 4.01 Players, officials and Clubs shall not engage in racial vilification.

- 4.02 A player, official or Club will be considered to have engaged in racial and religious vilification if an act is performed, other than in private, which is
- 4.02.01 reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or another group of people.
- 4.02.02 done because of the race, colour, descent or ancestry, national or ethnic origin or religious belief or activity of the other person or some or all of the people in the group.

## **5.0 RESPONSIBILITIES OF MEMBER CLUBS**

### **5.01 MEMBER CLUB RESPONSIBILITIES**

A Member Club has 3 responsibilities under this Code to help eliminate racial and religious vilification in the Zone Association's football:-

- 5.01.01 to continuously educate its players and officials.
- 5.01.02 to publish information on racial and religious vilification.
- 5.01.03 to take responsibility for the acts of its spectators, in the manner provided for by this Code.

### **5.02 CONTINUOUS EDUCATION**

A Member Club employing, engaging or otherwise associating with any player or official must fully participate in all continuous education programs from time to time prescribed by the Zone Association and comply with all directives of the Zone Association made from time to time in relation to those continuous education programs.

### **5.03 PUBLICATION OF INFORMATION**

A Member Club must publish and disseminate any information in the form and manner from time to time prescribed by the Zone Association on the subject of racial and religious vilification to

- 5.03.01 all players and officials who are employed, engaged or otherwise associated with the Member Club.
- 5.03.02 all spectators who attend
- (i) any match, training session or official football function conducted under the auspices of the Member Club;
  - (ii) any match in which the Member Club is a participant for the purposes of supporting the team fielded by the Club in that match.

### **5.04 MEMBER CLUB'S RESPONSIBILITY FOR ACTS OF SPECTATORS**

A Member Club must use its best endeavours to ensure that all spectators associated with the Club act in a manner which is consistent with the objectives of this Code.

## **6.0 ENCOURAGING WIDER PARTICIPATION – CLUB INITIATIVES**

### **6.01 ADOPTION OF POLICY**

A Club must adopt a racial and religious vilification policy in the form and within the time frame from time to time prescribed by the Zone Association.

### **6.02 IMPLEMENTATION**

A Club must implement any racial and religious vilification policy adopted by the Club in accordance with the guidelines from time to time prescribed by the Zone Association.

## **7.0 COMPLAINTS AND RESOLUTION**

### **7.01 LODGING A COMPLAINT**

If a person feels that another person has engaged in racial and religious vilification against that person, he/she may lodge a complaint against the other person.

### **7.02 WHEN AND HOW TO LODGE A COMPLAINT**

A person wishing to lodge a complaint must lodge that complaint in writing with the Zone Association within seven (7) days after the date of the alleged racial and religious vilification.

### **7.03 ACTION FOLLOWING LODGMENT OF COMPLAINT**

Within 7 days after the lodging of the complaint, the Zone Association must

7.03.01 notify the other person of the complaint being lodged.

7.03.02 arrange for the complaint to be conciliated in accordance with Clause 8.0.

## **8.0 CONCILIATION**

### **8.01 PURPOSE OF CONCILIATION**

The lodged complaint shall be referred to conciliation to test whether the two persons can resolve or settle the complaint by agreement.

### **8.02 CONDUCT OF CONCILIATION**

The conciliation of the lodged complaint will be conducted by

8.02.01 a conciliator of the Human Rights and Equal Opportunity Commission; or

8.02.02 where a conciliator of the Human Rights and Equal Opportunity Commission is unable or unwilling to conciliate, the matter will be dealt with by the Disciplinary Committee of the Zone Association.

### 8.03 CONFIDENTIALITY OF CONCILIATION

8.03.01 The particulars of the lodged complaint and the conciliation must at all times remain confidential (subject to Clause 8.06).

8.03.02 A person must not publicly comment on or disseminate to any person information concerning the lodged complaint at any time before, during or after the conciliation (subject to Clause 8.06).

8.03.03 Any person who fails to comply with Clauses 8.03.01 and/or 8.03.02 shall be deemed to have been guilty of misconduct and shall be dealt with under the Disciplinary Regulations of the Zone Association.

### 8.04 CONCILIATION CONFERENCE

8.04.01 The Zone Association must lodge with the conciliator

- (i) the lodged complaint
- (ii) the response to the complaint by the other person
- (iii) a list of witnesses of the circumstances and events which are the subject of the lodged

complaint

- (iv) any evidence relevant to the lodged complaint which is within the possession of the Zone Association or to which the Zone Association has access including, without limitation, video or other evidence available through the multi-media.

8.04.02 The conciliator shall immediately make an assessment of whether the lodged complaint is capable of conciliation.

8.04.03 The person lodging the complaint and the person who is the subject of the complaint shall participate in good faith in the conciliation.

8.04.04 The person lodging the complaint and the person who is the subject of the complaint shall determine the course of redress to be pursued at the conciliation.

8.04.05 The conciliator shall ensure that the conciliation is undertaken in accordance with the principles of natural justice and procedural fairness.

8.04.06 The conciliator, the person who is the subject of the complaint and all other persons in any way involved in the conciliation must respect the right of the person lodging the complaint to self-determination in relation to the progress of the complaint.

### 8.05 RESOLUTION AT CONCILIATION

8.05.01 Subject to Clause 8.08, if the lodged complaint is resolved or settled at conciliation, the person lodging the complaint cannot take the complaint any further.

Possible resolutions at conciliation include

- (i) a public or private, written or verbal apology;
- (ii) an agreement to undertake training programs; or
- (iii) such other resolution as agreed by the person lodging the complaint and the person who is the subject of the complaint.

8.05.02 Any agreement reached between the person lodging the complaint and the person who is the subject of the complaint may be by informal agreement or by a formal written agreement signed by both persons.

#### **8.06 PUBLIC STATEMENT**

If the lodged complaint is resolved by conciliation, the only public statement that may be made by the person lodging the complaint or the person who is the subject of the complaint concerning the lodged complaint and its resolution must be that agreed upon by both persons.

#### **8.07 UNSUCCESSFUL CONCILIATION**

If the conciliator assesses that the lodged complaint is incapable of conciliation or is unable to bring about a settlement of the lodged complaint by conciliation within seven (7) days of the lodged complaint being referred to the conciliator:

8.07.01 the person lodging the complaint may withdraw the complaint in which case no further action will be taken; or

8.07.02 the conciliator must inform the Zone Association of the failure of conciliation.

#### **8.08 FAILURE TO COMPLY WITH CONCILIATED SETTLEMENT**

If the person who is the subject of the complaint fails to comply with any resolution or settlement of the lodged complaint reached at conciliation under this Clause 8.0, the person lodging the complaint may elect to take the complaint further including to hearing in accordance with Clause 9.0.

### **9.0 REFERRAL TO DISCIPLINARY COMMITTEE**

If the Zone Association is notified of the failure of conciliation, the Zone Association shall within seven (7) days of this notification refer the complaint to the Zone Association Disciplinary Committee to be dealt with in accordance with the Zone Association's Disciplinary Regulations.

### **10.0 DECISIONS OF DISCIPLINARY COMMITTEE**

#### **10.01 ORDERS BY ZONE ASSOCIATION DISCIPLINARY COMMITTEE**

After hearing the evidence that the person lodging the complaint and the person who is the subject of the complaint desire to adduce or make, the Zone Association Disciplinary Committee shall:

- 10.01.01 find the lodged complaint or any part of it proven and make any one or more of the following orders:
- (i) an order that the person who is the subject of the complaint refrains from committing any further contravention of this Code in relation to the person lodging the complaint;
  - (ii) an order that the person who is the subject of the complaint pays to to the Zone Association within a specified period an amount the Zone Association Disciplinary Committee deems fit, which amount the Zone Association shall apply towards continuous education programs for officials, players, spectators and Clubs in furtherance of the objectives of this Code;
  - (iii) an order that a non-pecuniary penalty be imposed upon the person who is the subject of the complaint which may include but is not limited to
    - (A) the preparation of a written apology; or
    - (B) a suspension.
- 10.01.02 find the lodged complaint or any part of it proven but decline to take any further action in relation to the matter.
- 10.01.03 Find the lodged complaint or any part of it not proven and make an order that the lodged complaint or part thereof shall be dismissed.

#### 10.02 PREVIOUS INVOLVEMENT

If the Zone Association Disciplinary Committee finds the lodged complaint or any part of it proven, the Zone Association Disciplinary Committee may in the exercise of its functions under Clause 10.0 take into account:

- 10.02.01 whether the person who is the subject of the complaint has previously taken part in a conciliation under Clause 8.0 (other than as a person lodging the complaint);
- 10.02.02 any previous breach by the person who is the subject of the complaint of Clause 4.0.

#### 10.03 DEEMED LIABILITY OF MEMBER CLUBS

If the Zone Association Disciplinary Committee makes an order pursuant to Clause 10.01 that the person who is the subject of the complaint shall pay to the Zone Association within a specified period an amount that the Zone Association Disciplinary Committee deems fit, the Zone Association Disciplinary Committee shall:

- 10.03.01 deem the Club employing, engaging or otherwise associated with the person who is the subject of the complaint to be liable for the conduct of the person who is the subject of the complaint; and
- 10.03.02 order that Club to pay to the Zone Association the amount

determined within the time specified by the Zone Association Disciplinary Committee; unless the Club has satisfied the Zone Association Disciplinary Committee that it was at all relevant times meeting all of its responsibilities under Clause 5.0.

## **11.0 TIME LIMITATIONS**

Any time limit for the carrying out of any action referred to in this Code may be extended by the Zone Association if it deems that it is just and equitable to do so.

## **12.0 ENFORCEMENT OF MEMBER CLUB RESPONSIBILITIES**

### **12.01 MISCONDUCT**

Any Club that fails to meet any of its responsibilities under Clause 5.0 may be charged with misconduct.

### **12.02 ASSOCIATION REGULATIONS APPLY**

The Zone Association shall ensure that any Club that is charged with misconduct under Clause 12.01 shall be dealt with in accordance with the Zone Association Regulations.

Issued February 2018  
Review January 2019

## **13.0 APPENDIX 1 - CLUB POLICY ON RACIAL AND RELIGIOUS VILIFICATION**

Club Name:

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The Zone Association has endorsed a Racial and Religious Vilification Policy which has been developed in accordance with the aims of NSW Football and the Human Rights and Equal Opportunity Commission in support of the "Living in Harmony" initiative of the Federal Government.

The objectives of the Code are:

- (a) to promote FIFA's guiding principles of fair play and ethical conduct to ensure a welcoming environment for everyone to enjoy the game of football regardless of their race, colour, descent or ancestry, national or ethnic origin or religious belief or activity;
- (b) to eliminate, as far as possible, racial and religious vilification in the Zone Association amongst players, officials and spectators;

- (c) to take active measures to educate and raise awareness about the damaging effects of racial and religious vilification on Zone Association football, and of the benefits to be derived by taking positive action to eliminate it;
- (d) to provide redress for persons involved in Zone Association football who have been the victim of racial and religious vilification in an orderly and expeditious manner and in accordance with the requirements of natural justice and procedural fairness.

It is Club policy that players, officials and supporters shall not engage in racial and religious vilification against any person.

Racial and religious vilification includes any act, otherwise than in private, which :

- (a) is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people;
- (b) is done because of the race, colour, descent or ancestry, or national or ethnic origin or religious belief or activity of the other person or of some or all of the people in the group.

This Club commits to the following responsibilities under this Code, to help eliminate racial and religious vilification in Zone Association football:

- (a) to continuously educate both players and officials of the Club;
- (b) to publish information on the subject of racial and religious vilification to players, officials and spectators;
- (c) to use the Club's best endeavours to ensure that all spectators associated with the Club act in a manner that is consistent with the objectives of the Racial and Religious Vilification Code.

This Club commits to promoting tolerance and harmony and to eliminate racial and religious vilification through the implementation of the following actions:

1. Make and display statements stating that this Club will not tolerate racism and will take specific action against supporters who engage in racist abuse or intimidation.
2. Take action to prevent the sale or distribution of racist literature in and around grounds.
3. Take disciplinary action against players who racially abuse players, officials and supporters before, during or after matches.
4. Ensure that ground officials and police understand this Club's policy and have a common strategy for dealing with abusive supporters; offenders shall be identified and barred from attendance at further games.
5. Work with others to develop proactive programs and projects to raise awareness of the campaign and institute action to eliminate racial or religious vilification.

**Club President:** \_\_\_\_\_  
 (print name) (signature) (date of issue)