



HUNTER VALLEY FOOTBALL



Newcastle Football



REGULATION H: 3.19
Racial and Religious Vilification Policy

Summary

This Policy provide information about:

- **Regulation H – 3.19 Racial and Religious Vilification Policy**

that the Joint Zone Associations Competitions will operate under.

The Regulations, Procedures and Policies in conjunction with the Constitution and By-Laws of the Zone Association shall, with the approval of NSW Football and duly Registered with FA, apply from the date of approval and shall take precedence over any previous Regulations of the Zone Association.

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

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RACIAL AND RELIGIOUS VILIFICATION POLICY

1. RATIONALE:

As an element of the Member Protection Policy the Racial and Religious Vilification policy aims to ensure that the Zone Associations and its Member clubs maintain our core values, good reputation, positive behaviours, and attitudes.

It assists us in ensuring we treat every person involved in our sport of football with respect, dignity and ensure they are safe and protected from abuse.

The Racial and Religious Vilification Policy also ensures that everyone involved in our sport of football is aware of his or her legal, ethical rights and responsibilities.

The Member Protection Policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport.

As part of our resolute commitment, the Joint Zone Associations and Member clubs will take disciplinary action against any person or organisation bound by this Policy if they breach this policy.

The NSW Anti-Discrimination Act (1977) and its Amendment (Religious Vilification) Act 2023 along with the Commonwealth Racial Discrimination Act (1975) make it by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons, because of their race or religious belief, affiliation, or activity unlawful in New South Wales.

A 'public act' includes any form of public communication or conduct, verbal and non-verbal and includes electronic cyber communication.

The amendments in the Act are modelled on existing provisions that make vilification unlawful on the grounds of race, homosexuality, transgender status, and HIV/AIDS status.

The new law will also protect people who do not hold a religious belief or affiliation, or who do not engage in religious activity.

A complaint of racial or religious vilification may be made to Anti-Discrimination NSW, which will seek to resolve it by conciliation.

In certain circumstances, a complaint may also be referred to the NSW Civil and Administrative Tribunal (NCAT) for determination.

This would allow the President of the Anti-Discrimination Board to accept, investigate and attempt to conciliate complaints, as well as refer the complaint to NCAT for determination.

If a complaint is substantiated, NCAT may make a range of orders, including for an apology or for damages of up to \$100,000.

Fortunately, we have had very few incidents of racism, discrimination, racial harassment or religious vilification in the Joint Zone Associations and the Member Zone Associations have an absolute zero tolerance to any aspects of racism, discrimination, or any form of vilification.

The Zone Associations are committed to the elimination of racial and religious vilification including direct and indirect racism, religious vilification, and harassment.

No player, official, parent, supporter or member of Member Club should experience racism or religious vilification within the Joint Zone Associations.

2. TO WHOM THIS POLICY APPLIES

2.1 This Policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees, and sub-committees,
- All Employees (Zone Association or Club), Club Officials, and volunteers at all times,
- Team Officials (e.g., coaches, assistant coaches, managers, sport trainers), 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.
- Self-employed persons engaged by associations and clubs,
- a person registered with FA and to play football with any Member Club of the Zone Association ("**a player**"),
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.
- Match Officials,
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.
- Members, including life members,
- Affiliated clubs, Branches, and associated organisations,
- Any other person or organisation that is a member of, or affiliated to Zone Association,
- Parents, guardians, spectators, and sponsors to the full extent possible.

2.2 This Policy will continue to apply to a person even after they have stopped their association or employment with the Zone Association if disciplinary action, relating to an allegation of child abuse, discrimination, or vilification against that person, has commenced.

3. PURPOSE OF THIS POLICY

The purpose of this policy is:-

- 3.1 to promote FIFA's and FA'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,
- 3.2 to manage and eliminate, as far as possible, racial, and religious vilification in the Zone Association's football amongst players, all officials, and spectators,
- 3.3 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,

- 3.4 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.

4.0 ELIMINATION OF RACIAL AND RELIGIOUS VILIFICATION

- 4.1 A player, official (Club, Team, or Match), Member Club, volunteer, and spectator will be considered to have engaged in racial and religious vilification if an act is performed, other than in private, which is:

- reasonably likely, in all the circumstances, to offend, insult, humiliate, or
- intimidate another person or another group of people.

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.

- 4.2 Players, all Officials, Member Clubs, volunteers, and spectators ***shall not*** engage in racial or religious vilification.
- 4.3 A Member Club employing, engaging, or otherwise associating with any player or official must fully participate in all continuous education programs relating to specific policies, such as, the Racial and Religious Vilification Policy 2024, 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.
- 4.4 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 purpose of this Policy.
- 4.5 A Member Club shall not allow any display, or attempt to display, within the Venue any offensive or inappropriate banners (whether in English or a foreign language) or any other sign, flag, emblem or insignia which may vilify a person on the basis of their age, gender, gender identity and expression, sexual orientation, ability, race, colour, religion, language, politics, national or ethnic origin or which may offend or incite hatred or violence, as determined by the relevant Zone Association Competition Administrator or Zone Association Administrator - Disciplinary.
- 4.6 Racism and religious vilification in all its forms – individual, systemic, cultural, direct, and indirect – must be challenged and addressed under the Zone Association's Member Protection Policy 2024.
- 4.6 The rights of individuals are protected, and the effects of racism and religious vilification are redressed.

5. MEMBER CLUBS RESPONSIBILITIES

5.1 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:-

- to continuously educate its players and officials,
- to publish information on racial and religious vilification,

- to take responsibility for the acts of its players, officials, parents, caregivers, guardians, volunteers, and spectators, in the manner provided for by this this policy and the Member Protection Policy.

5.2 PUBLICATION OF INFORMATION

A Member Club is required to adopt the racial and religious vilification policy in this form and within a given time frame from time to time as prescribed by the Zone Association.

A Member Club may be required to 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:

- all players, officials, parents, caregivers, guardians, and volunteers who are employed, engaged, or otherwise associated with the Member Club.
- all spectators who attend
 - any match, training session or official football function conducted under the auspices of the Member Club,
 - any match in which the Member Club is a participant for the purposes of supporting the team fielded by the Club in that match.

5.3 Any Club that fails to meet any of its responsibilities under **Clause 5.0** may be charged with misconduct or bring the game into disrepute by the Zone Association Administration – Disciplinary.

5.4 The Zone Association shall ensure that any Club that is charged with misconduct or bring the game into disrepute by the Zone Association Administration – Disciplinary shall be dealt with in accordance with the Zone Associations Rules and Regulations.

6. COMPLAINTS AND RESOLUTION

No Person 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 or group of persons on any basis, including but not limited to, a person's race, religion, colour, descent or national or ethnic origin, disability, sexual orientation, or gender identity.

6.1 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.

Lodging a complaint process:

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

Minor Incident:

- Contact Member Club's Member Protection Information Officer and follow his or her recommendations.

Major Incident:

- Contact Member Club's Member Protection Information Officer and follow his or her recommendations.

- Refer to Regulation H09, Attachment 2 and 3,
- Complete Regulation H: Attachment 3 – Record of Complaint Document
- May also referred to Australian Human Rights Commission and complete Complaint procedures.
- May also be referred to Anti-Discrimination NSW which will seek to resolve it by conciliation, or
- May also be referred to the NSW Civil and Administrative Tribunal (NCAT) for determination.

6.1 ACTION FOLLOWING LODGMENT OF COMPLAINT

Within 7 days after the lodging of the complaint, the Member Club or Zone Association will:

- notify the other person of the complaint being lodged.
- arrange for the complaint to be conciliated subject to **Clause 7**.

7. CONCILIATION OF LODGED COMPLAINT

7.1 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.

7.2 CONDUCT OF CONCILIATION

The conciliation of the lodged complaint may be conducted by:

- a conciliator of the Human Rights and Equal Opportunity Commission; or
- 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 Zone Associations Administration - Disciplinary.

7.3 CONFIDENTIALITY OF CONCILIATION

- a. The particulars of the lodged complaint and the conciliation must at all times remain confidential (**subject to Clause 7.6**).
- b. 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 7.6**).
- c. Any person who fails to comply with **Clauses 7.3a. and/or 7.3b.** shall be deemed to have been guilty of misconduct and shall be dealt with under the Disciplinary Rules and Regulations of the Zone Association.

7.4 CONCILIATION CONFERENCE

- a. 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 mobile phone or multi-media.
- b. The conciliator shall immediately make an assessment of whether the lodged complaint is capable of conciliation.
- c. The person lodging the complaint and the person who is the subject of the complaint
 - shall participate in good faith in the conciliation.
 - shall determine the course of redress to be pursued at the conciliation.
- d. The conciliator shall ensure that the conciliation is undertaken in accordance with the principles of natural justice and procedural fairness.
- e. 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.

7.5 RESOLUTION AT CONCILIATION

- a. Subject to Clause 7.8, 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.
- b. 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.

7.6 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.

7.7 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:

- a. the person lodging the complaint may withdraw the complaint in which case no further action will be taken; or
- b. the conciliator must inform the Zone Association of the failure of conciliation.

7.8 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 7.0**, the person

lodging the complaint may elect to take the complaint further including to hearing in accordance with **Clause 8.0**.

8. REFERRAL TO ZONE ASSOCIATION ADMINISTRATION - DISCIPLINARY

If the Zone Association Administration – Disciplinary is notified of the failure of conciliation, the Zone Association Administration – Disciplinary 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 Rules and Regulations.

9. DISCIPLINARY COMMITTEE AND LODGED COMPLAINT DECISIONS

9.1 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:

- a. find the lodged complaint or any part of it proven and make anyone 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 policy in relation to the person lodging the complaint,
 - ii. an order that the person who is the subject of the complaint pays 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 purpose of this policy,
 - 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:
 - the preparation of a written apology; or
 - a suspension.
- b. find the lodged complaint or any part of it proven but decline to take any further action in relation to the matter.
- c. 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.

9.2 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 9**. take into account:

- a. whether the person who is the subject of the complaint has previously taken part in a conciliation under **Clause 7** (other than as a person lodging the complaint),
- b. any previous breach by the person who is the subject of the complaint of **Clause 4**.

9.3 DEEMED LIABILITY OF MEMBER CLUBS

If the Zone Association Disciplinary Committee makes an order pursuant to **Clause 9.1** 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:

- a. 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
- b. 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**.

10. TIME LIMITATIONS

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

11. WHAT HAPPENS IF YOU BREACH THIS POLICY?

It is a breach of this Policy for any person or organisation to which this Policy applies, to do anything contrary to this Policy.

The Joint Zone Associations classifies a breach of this policy to be either minor or major.

Minor offences always start at step one while a **major** breach of policy goes straight to step two.

The Club may impose disciplinary sanctions on members, players, officials, volunteers, or supporters in accordance with the stated recommendations of this policy not being implemented/followed and may implement the following maximum sanctions:

- **Step one:** For minor incidents of this policy breach the offender concerned is warned and their inappropriate behaviour is explained by the Zone Association representatives.

This will always involve a clear warning not to repeat a further policy breach.

The offender will clearly understand that if further policy breaches occur, they will receive some sanctions as in outlined in the Zone Associations **Regulation G: Disciplinary Rules and Procedures**.

The incident is recorded.

A written notification will be supplied to the offender.

- **Step two:** Following a second incident of any policy breach by the same offender (name already recorded) the offender will be given one of the sanction/s outlined in the Zone Associations **Regulation G: Disciplinary Rules and Procedures**.

12. REFERENCES:

Australia Human Rights Commission: [COMPLAINTS AND CONCILIATION](#)

Australia Human Rights Commission: [Complaint Form](#)

APPENDIX 1 – CLUB POLICY ON RACIAL AND RELIGIOUS VILIFICATION

Club Name: _____

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

The purpose of the Policy is:

- 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 the Zone Association and Member Clubs 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 Member Club commits to the following responsibilities under this Policy, 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 Policy.

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 Full Name)

_____ **Date:** _____
(Signature)