



Mountain Creek Junior Australian Football Club (MCJ AFC) – Anti-Vilification and Discrimination Policy:

Policy: This policy sets out the standards to be adhered to by members of the MCJ AFC with regard to Anti-Vilification and Discrimination and is provided in addition and as a supplement to the Clubs Code of Conduct (CoC).

SECTION 1 – COMMITMENT

MCJ AFC (the Club) is committed to an environment which promotes racial, religious, and sexual preference tolerance by prohibiting certain conduct and providing a means of redress for victims of racial, religious and sexual vilification and/or discrimination.

The Club is bound by all Queensland and National Racial, Religious and Sexual Tolerance acts and legislation as issued at the time of issue of this policy (see issue date at the end of this policy) and is consistent with the legislation and the Australian Football League's (AFLs) Rule 30 and associated Queensland AFL rules. This Policy is not in substitution of any legislation.

The Club will ensure that this Policy is communicated to members of the Club. It will also ensure that participants of the Club receive anti-racial, religious, and sexual vilification discrimination training on an annual basis.

Nothing in this Policy prevents a person lodging a complaint in relation to racial, religious, and sexual vilification and/or discrimination under the legislation. In the event a complaint is made under this policy the Club shall ensure that the parties are informed of their rights.

SECTION 2 – DEFINITIONS

In this Policy, the following terms have meanings as defined below:

- **“complaints process”** means the procedure outlined in sections 6, 7 and 8 of this Policy.
- **“complainant”** the person making the complaint.
- **“Club”** means the Mountain Creek Junior Australian Football Club.
- **“engage in conduct”** includes use of the internet or email to publish or transmit statements or other material.
- **“League”** means the AFLQ South-East Queensland (SEQ) Juniors Australian Football League.
- **“detriment”** includes humiliation and denigration.
- **“discrimination”** means for the purpose of this Policy, conduct based on a person's race, religion, colour, descent or national ethnic origin or sexual orientation. Discrimination may be **direct** or **indirect**:
 - **Direct discrimination** means treating or proposing to treat another person less favourably on the basis of a person's race, religion, colour, descent or national or ethnic origin or sexual orientation.
 - **Indirect discrimination** means imposing or intending to impose a requirement that a person of a particular race, religion, colour, descent or national or ethnic origin or sexual orientation cannot comply with, 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 the “Club” see definition above.
- **“respondent”** the person alleged to have contravened the Policy.
- **“spectator”** is a person that attends a football game or event conducted by the “Club” see definition above.



SECTION 3 – PROHIBITED CONDUCT

3.1 Racial, religious, and sexual Vilification

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, religion, colour, descent or national or ethnic origin or sexual preference.

3.2 Serious Racial, religious, and sexual Vilification

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, religion, colour, descent or national or ethnic origin or sexual preference.

3.3 Racial, religious, and sexual discrimination

No person in his/her capacity as a spectator or participant in the Club in the course of performing 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, religion, colour, descent or national or ethnic origin or sexual orientation.

3.4 Victimisation

No person in his/her capacity as a spectator or participant in the Club in the course of conducting his/her duties or functions as or incidental to being a participant in the Club shall victimise another person. A person will have been deemed to have victimised another person (the victim) if:

- a) 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.

SECTION 4 – AUTHORISED PERSONS

The Club Secretary is appointed as the Clubs Complaints Officer to ensure that any breach of this Policy is responded to in an equitable and prompt manner. The President of the Club 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 (normally this falls to the Vice President).

SECTION 5 – CONFIDENTIALITY AND RECORDS

Confidentiality must be maintained throughout the complaints process. All parties to a complaint, the President (or Delegate), the Club Secretary, any witnesses and the Conciliator must all agree, in writing, 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 written agreement of all parties.



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.

SECTION 6 – INTER CLUB BREACH OF THE POLICY

In the event that it is alleged that a spectator or participant from **another Club** has contravened this MCJAFc Policy at a non-MCJAFc location (i.e. another Club) the following process applies:

- a) The MCJAFc person lodging the complaint (this could be a MCJAFc Club Umpire, spectator, or member of the Club) is to, 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 MCJAFc Complaint's Officer;
- b) The MCJAFc Complaint's Officer shall, by 5.00pm on the next working day following the day that the complaint was lodged, lodge the complaint with the other (offending) Club (typically this occurs via submission of an email from the MCJAFc President to the President of the Offending Club);
- c) The MCJAFc Complaints Officer will take no further action once the complaint has been lodged with the Offending Club, until such times as a response is received;
- d) If the received response is not to the satisfaction of the MCJAFc Executive, the complaint may be escalated to AFLQ SEQ Juniors (competition managers) for further investigations and resolution, in which case the AFLQ Complaints resolution process will take effect.

SECTION 7 – INTRA CLUB BREACH OF THE POLICY

In the event that it is alleged that a participant of the Club has contravened this Policy an umpire, spectator or participant 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 Club's Complaints Officer.

SECTION 8 – MANAGEMENT OF INTRA CLUB COMPLAINTS

The Club's Complaints Officer shall ensure that:

- a) every effort is taken to ensure that Confidentiality of the issue and all parties is maintained at all times during the complaints process and that the outcome of the complaints process remains confidential. Any breach of confidentiality is to be referred to the League no later than 5pm on the next working day following the day that the breach was discovered;
- b) the person alleged to have contravened the Policy (the respondent) of the complaint is informed and has been provided an opportunity to respond to the complaint;
- c) the President of the Club (or delegate), has been informed that a Complaint has been received by the Complaints Officer;
- d) written statements from any witnesses identified by both parties to the complaint have been obtained;
- e) any other relevant evidence is gathered and documented (where available);
- f) if it is agreed by both parties that the complaint is to be conciliated, by an independent conciliator, that arrangements are made to facilitate this conciliation process that are acceptable to all parties;
- g) take all steps necessary for the complaint to be conciliated within five working days from the day on which the incident is alleged to have occurred;



- h) the complaint is referred to the League's Tribunal:
 - a. 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 five working days from when the conciliation failed;
 - b. directly when a respondent has previously taken part in conciliation as a respondent of a complaint;
 - c. when both the Club's Complaints Officer and President have determined that the complaint was lacking in substance and was made vexatiously;
 - d. when both the Club's Complaints Officer and President determine that under sections 24 or 25 of the Racial, religious, and sexual Tolerance Act 2001 (Vic) 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;
- i) 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;
- j) 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.

SECTION 9 – 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.

SECTION 10 – MONITORING AND REVIEW OF THE POLICY

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

SECTION 11 – POLICY COMMENCEMENT

This Policy was developed in August 2022 and takes effect upon issue to the Club Website.