



BALLAJURA LANDSDALE CRICKET CLUB

Vilification and Discrimination Policy

SECTION 1 – OUR COMMITMENT

The Ballajura Landsdale Cricket Club, referred herein as “the Club” is committed to an environment which 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.

The Club is bound by (not limited to) all relevant State and Federal acts that relate to racial and religious tolerance, racial discrimination and equal opportunity. This Policy is consistent with the policies advocated by Cricket Australia, the Northern Suburbs Community Cricket Association (NSCCA) and North West Metropolitan Cricket Association (NWMCA). This Policy is not in substitution of any statutes or legislation.

The Club will ensure that this policy is communicated to club members, guests and spectators.

Nothing in this Policy prevents a person lodging a complaint in relation to racial and religious vilification and or racial 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

The following definitions apply to this Policy:

Complaints process denotes the procedure outlined in Sections 6, 7 and 8 of this policy.

Club denotes the Ballajura Landsdale Cricket Club.

Engage in conduct includes use of the internet or email to publish or transmit statements or other material.

Association(s) denotes the Northern Suburbs Community Cricket Association (NSCCA) and North West Metropolitan Cricket Association (NWMCA).

Detriment includes humiliation and denigration.

Discrimination denotes (for the purpose of this Policy) conduct based on a person's race, religion, colour, descent, national / ethnic origin, sexual orientation or gender identification. Discrimination may be direct or indirect (refer below).

Direct discrimination denotes treating or proposing to treat another person less favourably on the basis of a person's race religion, colour, descent, national / ethnic origin, sexual orientation or gender identification.

Indirect discrimination means imposing or intending to impose a requirement that a person of a particular race, religion, colour, descent, national / ethnic origin, sexual orientation or gender identification, cannot comply with, however which a higher proportion of people without that attribute (or with a different attribute) are able to comply, when it is not reasonable in the circumstances to do so.

Member includes a registered player (junior or senior), committee member (executive or ordinary), volunteer, life member, or social member of the Club that participates in the Association(s).

Guest includes a person, not a member of the Club, who is in attendance at a cricket match or event by the Club or the Association(s), who has been invited by Club Member.

Spectator is a person that attends a cricket match or event conducted by a Club or the Association(s).



SECTION 3 – PROHIBITED CONDUCT

3.1 Racial and Religious Vilification

No person in their capacity as a Club member, guest or spectator of the Club in the course of carrying out their duties or functions as or incidental to being a participant in the Club 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.

3.2 Serious Racial and Religious Vilification

No person in their capacity as a Club member, guest or spectator of the Club in the course of carrying out their duties or functions as or incidental to being a participant in the Club shall intentionally engage in conduct that they know 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 persons race, religion, colour, descent or national or ethnic origin.

3.3 Racial and Religious Discrimination

No person in their capacity as a Club member, guest or spectator of the Club in the course of carrying out their 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.

3.4 Sexual and Gender Discrimination

No person in their capacity as a Club member, guest or spectator of the Club in the course of carrying out their 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 sexual preference or gender identity.

3.5 Victimisation

3.5.1 No person in their capacity as a Club member, guest or spectator of the Club in the course of carrying out their duties or functions as or incidental to being a participant in the Club shall victimise another person.

3.5.2 A person will victimise another person (the victim) should:

- (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 the 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

4.1 The Club will appoint a Complaints Officer (the Club's Complaints Officer) to ensure that any breach of this Policy is responded to in an equitable and prompt manner.

4.2 The President of the Club (the President) 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 their behalf should the process need to be enacted (the Delegate). By default this will be the Vice President of the Club.

SECTION 5 – CONFIDENTIALITY AND RECORDS

- 5.1** Confidentiality must be maintained throughout the complaints process. All parties to a complaint, the President (or Delegate), the Club's Complaints Officer, 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.
- 5.2** 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 Club member, guest or spectator from another Club has contravened this Policy:

- 6.1** An Umpire, Club member, guest or spectator of the Club may by 17:00 on the first working day following the date on which the contravention is alleged to have occurred, lodge a complaint in writing with the Complaint's Officer of the Club.
- 6.2** The Complaint's Officer of the Club where the complaint was made shall by 17:00 on the next working day following the day that the complaint was lodged with the Club, lodge the complaint with the Association(s)'s Complaint's Officer, or Secretary.
- 6.3** The Club's Complaint's Officer will take no further action once the complaint has been lodged with the Association(s) unless otherwise instructed by the Association(s)'s Complaint's Officer, Secretary, or nominated Delegate.

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 17:00 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 Complaint's Officer.

SECTION 8 – MANAGEMENT OF INTRA CLUB COMPLAINTS

The Club's Complaint's Officer shall:

- 8.1** Make every effort to ensure that:
 - 8.1.1** Confidentiality is maintained at all times during the complaints process and that the outcome of the complaints process remains confidential.
 - 8.1.2** Any breach of confidentiality is referred to the Association(s) no later than 17:00 on the next working day following the day that the breach was discovered.
- 8.2** Inform the person alleged to have contravened the Policy (the respondent) of the complaint and provide the respondent with an opportunity to respond to it.



- 8.3** Inform only the President of the Club or nominated Delegate, that a complaint has been received by the Complaint's Officer.
- 8.4** Obtain written statements from any witnesses identified by both parties to the complaint.
- 8.5** Where available, obtain any other evidence.
- 8.6** Arrange for the complaint to be conciliated, by an independent conciliator agreed upon by both parties.
- 8.7** 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.
- 8.8** Refer the complaint to the Association(s)'s:
 - 8.8.1** When the complainant informs the Complaint's Officer that the matter has not been resolved through conciliation. The Complaint's Officer will if requested by the complainant, take all steps necessary for the complaint to be referred to the Association(s)'s within five working days from when the conciliation failed.
 - 8.8.2** Directly when a respondent has previously taken part in conciliation as a respondent of a complaint.
 - 8.8.3** When both the Club's Complaints Officer and President have determined that the complaint was lacking in substance and was made vexatiously.
 - 8.8.4** When both the Club's Complaints Officer and President determine that under Sections 24 or 25 of the *Racial and Religious Tolerance Act 2001* the complaint could be considered as "serious", he/she will take all steps necessary for the complaint to be referred to the Association(s)'s within five working days from the day on which the incident is alleged to have occurred.
- 8.9** Ensure that any time limit referred to in this Policy may be extended by the Club, should in the opinion of the President of the Club, it is just and equitable to do so.
- 8.10** Ensure that 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 both parties and the conciliator.

SECTION 9 – CLUB'S LIABILITY

The Club may be vicariously liable for conduct engaged in by a Club member, guest or spectator of the Club 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

This Policy will be monitored on an ongoing basis by the Club's Executive Committee.

SECTION 11 – POLICY COMMENCEMENT

This policy was first passed by the Club's Executive Committee on 30 July 2019 and amended on 24 July 2021, and will take effect from 30 August 2021.