MEMBER PROTECTION FRAMEWORK:

ANTI-DISCRIMINATION POLICY

FOOTBALL AUSTRALIA

Effective from 6 December 2023

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1. INTRODUCTION

Football Australia aims to provide a safe and enjoyable environment for all Members participating in Football. Everyone involved in our sport should be treated with respect and dignity and be free to participate without being discriminated against, harassed, bullied or abused.

Football Australia is committed to ensuring that Football is an inclusive sport for all Members and that any form of Discrimination and Vilification is not acceptable in our sport. Everyone should be able to enjoy participating in Football regardless of age, gender, ability or disability, cultural or religious background or sexual orientation, or other attributes that may lead to any person feeling excluded or isolated, and have a safe, positive and inclusive experience. This is why Football Australia has developed this National Anti-Discrimination Policy (the ***Policy***) as part of its Member Protection Framework.

2. SCOPE AND APPLICATION

2.1 Scope

All Members should expect to be able to participate in Football free from any form of Discrimination or Vilifcation and for Football to have a culture that celebrates Inclusion and Diversity. When a Member acts in a manner contrary to these expectations, everyone involved in Football should feel comfortable and be encouraged to speak up. They should expect to be able to report such conduct and for all reports and complaints to be treated seriously and handled in a consistent and fair manner. Football Australia and its affiliated Football Entities are committed to meeting these expectations.

This Policy forms part of Football Australia's Member Protection Framework and the Football Australia Statutes. It seeks to ensure that everyone involved in football is aware of their rights and responsibilities and provides the minimum standards expected with respect to anti-discrimination in Football. It is intended to address matters regarding anti-discrimination, inclusion and diversity within Football. This Policy aims to prohibit any form of Discrimination and Vilification in Football, to recognise the importance of Inclusion and Diversity in our sport and ensure that a Member is able to understand how to report inappropriate or Discriminatory behaviour or conduct. It is also intended to complement and operate in conjunction with any applicable anti-discrimination legislation.

Football Entities are committed to ensuring that Football is accessible to and can be enjoyed by everyone, and any form of Discrimination or Vilification is against Football Australia's values. Accordingly, there is a zero tolerance for any form of Discrimination and Vilification in Football. This Policy is also a part of an ongoing commitment to ensure that our sport is inclusive and celebrates diversity.

Any person may report a complaint about a Member if they reasonably believe that the Member has engaged in conduct or behaviour that is Discriminatory. This Policy outlines the process for reporting such conduct or behaviour.

2.2 Who does this Anti-Discrimination Policy apply to?

This Policy applies to Football Australia, Member Federations, District Associations, Regional Zones and branches, Competition Administrators, Clubs, Officials, and Players (whether they are in a paid or unpaid capacity). To the fullest extent possible, it also applies to parents and guardians of Players and to spectators at Matches.

Football Entities are responsible for:

(a) applying this Policy in relation to their Members; and

(b) ensuring that their Employees and volunteers agree to be bound by the Member Protection Framework.

Football Entities must also publish, distribute and promote this Anti-Discrimination Policy to their Members.

2.3 When does this Anti-Discrimination Policy apply?

Members and Football Entities must comply with this Policy at all times whilst they are a Member or Football Entity (as applicable) and engaging in interactions that are directly linked to Football Activities, including:

(a) in relation to any dealings, they have with Members in their capacity as a Member or Football Entity; and

(b) in relation to their membership or standing as a Member or Football Entity in general.

The following is not within the scope of this Policy:

(c) where an interaction (including social media interactions) occurs involving one or more Members, and the only link or connection between the interaction and football is the fact that one or more individuals are Members (e.g. where wo Members sending abusive social media messages to each other that have no direct link to football or their position in a Football Entity); and

(d) where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct, or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to football (even where such conduct or interaction(s) would otherwise be Prohibited Conduct) (e.g. where a Member allegedly breaches this Policy by indirect discrimination against a Member through the adoption and implementation of certain club procedures, but then the personal grievance(s) between those two individuals spills into issues not directly related to football, such as social media abuse).

2.4 Supplementary Policies

A Football Entity may supplement this Policy with further rules, policies and procedures provided they are not inconsistent with the terms or spirit of this document, as determined by Football Australia.

2.5 Status

This Policy has been endorsed by the Football Australia Board and forms part of the Football Australia Statutes. It replaces the processes contained in Football Australia's repealed Anti-Discrimination Policy (2020) and applies with immediate effect on and from 6 December 2023.

3. COMMITMENT TO FOOTBALL BEING A SPORT FOR EVERYONE

Football Australia, its affiliated Football Entities and all Members are committed to Football being a sport for everyone to participate in and enjoy. This includes a zero-tolerance policy for any form of Discrimination or Vilification.

As part of this commitment, Football Entities recognise the importance of Inclusion and Diversity and will undertake to create an environment and culture that is safe and Inclusive and celebrates our sport's inherent Diversity. All Members are entitled to be treated fairly and equally, and with dignity and respect at all times.

4. PROHIBITED CONDUCT

(a) A Member or Football Entity commits a breach of this Policy when they, either alone or in conjunction with another or others, either in-person, online or via any other means of communication, engage in the following conduct against a Member in the circumstances outlined in section 2.3:Discrimination; or

(b) Vilification.

5. DEFINIING PROHIBITED CONDUCT, DIVERSITY AND INCLUSION

5.1 What is Discrimination?

There are two forms of Discrimination, direct and indirect.

Direct	Direct Discrimination occurs when an individual is, or group of people (who usually share a protected attribute or characteristic) are, treated, or proposed to be or likely to be treated, unfairly or less favourably than another person or group of people in the same or similar circumstances on the basis of one or more of the personal characteristics or attributes that are covered by the applicable State, Territory or Federal anti-discrimination legislation (see below). This is sometimes referred to as disparate treatment Discrimination or formal inequality.
Indirect	Indirect Discrimination occurs where a requirement, condition or practice is imposed or proposed to be imposed, that is the same for all individuals or groups of people but which disadvantages, or has a disproportionate effect on, an individual or a group of people (who usually share a protected attribute or characteristic) and the condition, requirement or practice is not reasonable.

	This type of Discrimination is often referred to as adverse impact Discrimination or substantive inequality.

For the purposes of determining Discrimination, the intention, awareness or motive are not determinative.

The characteristics covered by State, Territory and Federal anti-discrimination legislation include, but are not limited to the following table.

Characteristics	
• age; • disability, mental and physical impairment; • family/carer responsibilities; • sex or gender; • gender identity; • intersex status; • irrelevant medical record; • irrelevant criminal record; • lawful sexual orientation; • marital status; • membership of association or organisation of employees or employer's industrial activity or trade union activity;	• physical features or characteristics; • political belief/activity; • pregnancy, potential pregnancy and breastfeeding; • profession, trade, occupation, or calling; • race; • religion, religious belief/activity; • sexual orientation; • social origin or natural extraction; or • association with a person who has, or is assumed to have, one or more of the characteristics listed above.

There are exceptions to the legislative prohibition on Discrimination. The exceptions contained in each jurisdiction may be different, and Members should direct queries regarding such exceptions to the relevant agency or commission in their State or Territory. The exceptions to State, Territory and Federal anti-discrimination law, including exceptions for sporting activities, include but are not limited to:

(a) holding a competitive sporting activity for a specific age or age group and only permitting age-eligible people to participate in such a competition (e.g. only those who are under the age of 15 years);

(b) excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and

(c) not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

5.2 What is Vilification?

Vilification means a public act, conduct or behaviour, either in-person or online, that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a characteristics covered by State, Territory and Federal anti-discrimination legislation. This may include:

(a) speaking, writing or otherwise communicating (either in-person or online) about a person's sex or gender identity in a way that could make other people dislike, hate, or ridicule them;

(b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;

(c) repeated and/or serious verbal or physical abuse (either in-person or online) about a characteristic of another person;

(d) encouraging violence against people (either in-person or online) who belong to a particular sex or gender identity, or damaging their property; or

(e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites, social media applications or email.

5.3 What is Diversity?

Diversity is the range and combination of peoples' different attributes. Diversity may include, but is not limited to, identity characteristics, such as gender and gender identity, ethnicity, sexual orientation, disability, age and generation, religion and belief, socioeconomic background, family and marital and civil partnership status. These attributes and backgrounds combine uniquely for each individual and contribute to the way they perceive and interact with those around them, and often impact the way that others view and treat them.

5.4 What is Inclusion?

Inclusion is pro-active behaviours, options and actions to make all people, regardless of their diverse attributes feel welcome, respected, empowered to contribute and have equal access to opportunities in our sport. If Diversity is the broad mix of people participating in our sport, then Inclusion is the process of working to ensure that these people are treated equally and fairly in Football.

Being Inclusive means welcoming everyone to our sport, regardless of their diverse attributes. Everyone has the right to be involved and it is beneficial to all when a Football Entity's membership represents and reflects the whole community.

5.5 Why are these important?

A diverse and inclusive sport will have a number of significant and material benefits for both individual Members and Football generally. By encouraging Football to be Inclusive, celebrating Diversity, and embedding these culturally in our sport, it will:

(a) enable increased access to Football or sport generally, which will have consequently material benefits for the individual participants;

(b) enable increased participation and membership of Football Entities;

(c) facilitate Football to be more reflective and representative of broader society and local communities, and enable greater representation and participation of under-represented groups;

(d) assist in reducing or removing actual or perceived barriers to participation for specific groups of people who may be missing out on enjoying participating;

(e) ensure that all Football Entities and Members practically give effect to the commitment to prevent discrimination, encourage inclusion and diversity, and to foster a speak up culture;

(f) break down barriers and promote social inclusion; and

(g) enhance governance and decision-making, and encourage innovation.

A culture that permits or enables incidents of Discriminatory behaviour or conduct will have negative impacts on the Football and its Members. There are also legal prohibitions on Discrimination and Vilification in each State and Territory, which may impose additional obligations on Members to prevent this type of behaviour or conduct occurring in Football.

6. REPORTING PROHIBITED CONDUCT

6.1 Reporting Prohibited Conduct

Reporting Prohibited Conduct is an important mechanism in preventing Discrimination and Vilification in Football. Members should expect to be able to speak up and to report such incidents, and to be supported by a Football Entity if they do.

Any person who reasonably believes that they may have witnessed or been the victim of Discriminatory behaviour or conduct that involves a Member should:

(a) report it to a Football Entity in accordance with Football Australia's National Complaints Procedure, which is available on the Football Australia website at Football Australia Integrity Framework | Football Australia; and

(b) where the behaviour may constitute a criminal offence, report it to the relevant state/territory law enforcement agency.

A Member will breach this Policy if they fail without reasonable cause to report in accordance with this section 6.1 any conduct which is reasonably likely to be Prohibited Conduct as soon as reasonably practicable after they become aware of it.

6.2 Support for Members involved in incidents of Prohibited Conduct

MPIOs are available to provide support throughout the processes outlined in this Policy.

Importantly, no person is to be treated unfairly or victimised for reporting or complaining about discriminatory conduct or behaviour. Football Entities may take action in accordance with the Anti-Bullying and Harassment Policy and/or National Code of Conduct and Ethics against a Member who engages in unfair treatment or victimisation of any person involved in or affected by an incident of Prohibited Conduct.

Football Entities may also assist in directing any Member involved with or affected by an incident of Prohibited Conduct to external experts who provide counselling and mental health services to offer further support, where appropriate.

7. EDUCATION AND ADDITIONAL RESOURCES

7.1 Education

(a) To prevent breaches of this Policy, build positive behaviours in sport and protect participants from threats, Football Australia is committed to developing and implementing education resources and opportunities aimed at addressing the content and subject matter of this Policy. Further information regarding these resources and opportunities will be made available at https://www.footballaustralia.com.au/member-protection-framework.

(b) Further to section 7.1(a), Football Entities may, from time to time, direct certain Members to undertake education, which will be relevant and proportionate to their level of participation in football and the associated integrity risks.

7.2 Additional Resources

The following resources may support Members and Football Entities in apply this Policy:

(a) Sport Australia – Inclusive Sport - https://www.ausport.gov.au/integrity_in_sport

(b) Play by the Rules - https://www.playbytherules.net.au/

(c) Australian Humans Rights Commission – Guidelines for the inclusion of transgender and gender diverse people in sport - https://www.humanrights.gov.au/our-work/lgbti/publications/guidelines-inclusion-transgender-and-gender-diverse-people-sport-2019

(d) FIFA Good Practice Guide on Diversity and Anti-Discrimination – including, the three step procedure for dealing with discriminatory incidents - https://publications.fifa.com/en/annual-report-2021/around-fifa/anti-discrimination/

8. DICTIONARY AND INTERPRETATION

8.1 Dictionary

This Dictionary sets out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory Child protection commissions or equal opportunity and anti-discrimination commissions.

If a capitalised term within this Policy is not defined within this Dictionary, its definition is as contained within the Football Australia Statutes.

In this Policy:

Discrimination or ***Discriminatory*** has the meaning given in section 5.1.

Diversity has the meaning given in section 5.2.

Employee means a person employed by a Football Entity.

Football Activity or ***Football Activities*** means any football-related program, service, event or activity that is delivered or authorised by a Football Entity. For the avoidance of doubt, this includes all football matches and training sessions.

Football Australia means Football Australia Limited, the governing body of Football (soccer) in Australia.

Football Entity means Football Australia, a Member Federation, District Association, Regional Branch or Zone, a Competition Administrator or a Club, including a National League Club, as the case requires.

Governing Bodies means Football Australia and the Member Federations.

Inclusion or ***Inclusive*** has the meaning given in section 5.4.

Member means any registered participant, which includes a Player, coach, volunteer, administrator, Official and referee. For the purpose of this Policy, a Member includes any Employee and any person who is unregistered, but ought to have been registered under the National Registration Regulations (such as a player who participated in a Match).

Member Federation has the same meaning as in the Football Australia Statutes, being a State, Territory or regional federation or association that is a member or interim member of Football Australia from time to time and includes:

(a) Capital Football www.capitalfootball.com.au/;

(b) Football New South Wales www.footballnsw.com.au/;

(c) Football Northern Territory www.footballnt.com.au/;

(d) Football Queensland www.footballqueensland.com.au/;

(e) Football South Australia www.footballsa.com.au/;

(f) Football Tasmania www.footballfedtas.com.au/;

(g) Football Victoria www.footballvictoria.com.au/;

(h) Football West www.footballwest.com.au/; and

(i) Northern New South Wales Football www.northernnswfootball.com.au/.

Member Protection Information Officer or ***MPIO*** means a person who has satisfied their state's or territory's requirements for becoming an MPIO. The MPIO is responsible for providing information about a person's rights, responsibilities and options to an individual making a complaint, Report or raising a concern, as well as support during the process. They may reside within a Football Entity. They will have knowledge of the various processes and policies that apply within the relevant Football Entity. They are not a person who investigates matters, advises, or advocates for a complainant.

National Complaints Procedure means the policy adopted by Football Australia for the handling and resolution of allegations regarding Prohibited Conduct.

National Leagues means:

(a) the men's first division club competition in Australia, currently known as the A-League;

(b) the women's first division club competition in Australia, currently known as the W-League; and

(c) the national youth club competition in Australia, currently known as the Y-League.

National Leagues Club means a Club participating in at least one (1) of the National Leagues.

Policy means this Anti-Discrimination Policy.

Prohibited Conduct means the conduct prescribed at section 4 of this Policy.

Vilification has the meaning given in section 5.2.

8.2 Interpretation

To help guide in understanding this Anti-Discrimination Policy, the following rules of interpretation apply:

(a) capitalised words which are not defined above have the meaning given to them in the Football Australia Statutes;

(b) the singular includes the plural and conversely;

(c) any use of the word "includes" or similar words such as "for example" or "such as" are not words of limitation;

(d) headings are for convenience only;

(e) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings; and

(f) except for a matter determined in accordance with the Grievance Procedure, Football Australia will interpret all terms of the Football Australia Statutes (including this Anti-Discrimination Policy) and any such interpretation will be final and binding on every person.