

Legal considerations

These specific policies focus on legislation that exists to ensure the safety, health and welfare of young people and volunteers, who participate in and deliver junior football competitions.

These policies do not cover the legislation applying to the administration of junior sport (e.g. tax law, corporations law, stamp duty).

The law related to the welfare of junior participants emphasises the serious obligations for anybody taking responsibility for providing junior participants with activities and/or care. The people responsible for running junior football competitions have a duty of care of to:

- › be aware of the underlying legal issues relevant to the provision of sport; and
- › put appropriate safeguards in place.

This protects both volunteers and participants. It is also in line with being a best-practice organisation.

Child protection

Child protection legislation provides a screening process intended to reduce the risk of sexual or physical harm to children. It aims to keep young people safe from abuse and protect them from people who are unsuitable to work with children. Under current child protection legislation, a child is considered to be a person under 18 years of age. Child abuse includes:

- › sexual abuse/misconduct – any sexual act or threat imposed on a child;
- › physical abuse – non-accidental injury or harm to a child;
- › emotional abuse – behaviour that can cause psychological harm to a child (e.g. verbal abuse).

Child protection legislation makes it mandatory for sporting organisations and individuals involved in sport as paid employees or volunteers to meet certain requirements. These requirements also apply to individuals and organisations outside of the states with child protection legislation in place. It is important to note that while Queensland, New South Wales, Victoria and Western Australia are the only states with such legislation, any team from a sporting club or organisation from outside these states that travels to any one of them for camps, carnivals, competitions or activities, must comply with the relevant legislation of that jurisdiction. For example, coaches, team managers and support staff must undergo the appropriate screening for the state to which they are travelling.

In addition to the various screening legislation throughout the country, state legislation also differs in the area of mandatory reporting. Under mandatory reporting, when, upon reasonable grounds, a person suspects a child has been or is being abused, that person must report it as soon as practical to the relevant state government department (s). Junior leagues and clubs responsible for delivering junior football must ensure they comply with all appropriate policies and procedures relating to

child protection legislation. Please consult with your state football body for information about screening procedures and member protection regulations.

Racial and religious vilification

The AFL introduced a policy to deal with on-field racial and religious vilification in 1995. The AFL remains determined to send a strong message to the football community that such behaviour is not acceptable. Racial and religious abuse is best tackled by education and conciliation. The AFL has implemented a procedure for dealing with incidents of racial and religious abuse that is recommended for adoption by all leagues delivering community football competitions. **Visit afl.com.au/policies** to view the full policy.

Sexual harassment and discrimination

The AFL took a community leadership position in 2005 by drafting its Respect and Responsibility Policy. This policy aims to ensure a safe, supportive and inclusive environment for women and girls across the industry.

The policy aims to foster a culture and an environment of equality between women and men. It is difficult to ensure an environment of equality is generated where women are not appropriately represented at all levels of club administration, or are discriminated against on the basis of their sex, sexually harassed or otherwise marginalised rather than being recognised for their skills and contributions. Football clubs are an important part of Australian society and, thus, need to be a safe, supportive and inclusive environment for women. The AFL also recognises women and girls are involved at all levels of community football, as players, coaches, umpires, volunteer administrators, trainers, doctors, physiotherapists, team managers, and supporters.

Part of the Respect and Responsibility program involves developing resources that can assist clubs to ensure their environments positively promote the participation of women and girls across all levels of football. The resources will include information about the aims of a respect and responsibility program, the legal and ethical obligations clubs ought to observe, and any benefits (including assessment or accreditation criteria) that could flow to clubs that promote safe, inclusive, and harassment-free environments for women and girls at all times.

For more information about the Respect and Responsibility Policy or to read more about the programs currently being developed go to:

afl.com.au/policies

Discrimination, harassment & bullying

Direct discrimination occurs when young people are:

- › treated less favourably in, for instance, access to training or selection in teams because of their gender, ethnicity, disability or sexual orientation; and

- › refused membership or provided membership on less favourable terms and conditions than other members.

Indirect discrimination occurs when a practice impacts on one junior more than another because of a personal characteristic. Discrimination is prohibited in regard to work, education, provision of services and registered clubs.

Harassment is any form of behaviour that is not wanted, asked for or returned, and likely to create a hostile or uncomfortable environment by:

- › humiliating someone;
- › seriously embarrassing them;
- › offending them; or
- › intimidating them.

Sexual harassment is –

- › an unwelcome sexual advance,
- › an unwelcome request for sexual favours and
- › any other unwelcome conduct of a sexual nature – in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the other person would be offended, humiliated or intimidated.

Bullying is repeated unreasonable behaviour directed towards one person or a group of people that creates a risk to health and safety. It is behaviour that victimises, humiliates or undermines an individual or group of people.

Clubs should ensure they put in place a policy and process for dealing with any complaint of bullying, harassment or discrimination. Clubs can obtain a copy of the AFL's Equal Employment Opportunity Policy to use as a guide for their own policy by emailing careers@afl.com.au and requesting a copy.

Occupational health and safety

Every state and territory has legislation governing occupational or workplace health and safety (OH&S). It applies to workers (such as employed development officers or administrators), volunteers, students or club members. Under common law, a duty of care is also imposed on organisations to ensure all reasonable precautions are taken to prevent injury.

The AFL National Risk Protection Program provides a risk management framework for all junior leagues and clubs to ensure they comply with health and safety regulations. Information can be found at jltsport.com.au/afl. For further information regarding OH&S please visit the relevant Workcover authority website for your state or the Australian Safety and Compensation Council at ascc.gov.au.

Privacy

The Commonwealth Privacy Act governs the collection and use of personal information where a person's identity is:

- › apparent; or
- › is obvious from the information.

The legislation provides strict guidelines (known as the National Privacy Principles) about the collection, use and disclosure of such information and can be found at privacy.gov.au.

All clubs and club officials should familiarise themselves with these principles and guidelines.

One important thing to remember: clubs and leagues should not use any visual image of junior players in any public medium (including their website) without firstly obtaining the written consent of their parents or guardians.

Drugs

Illicit

Drugs such as alcohol, tobacco and cannabis are commonly available in a range of social settings and sports environments are not immune to this. Their use should be actively discouraged at any activity connected with sport, and young people should be encouraged to carry this policy through to their personal life. If it is believed participants at your club have issues with alcohol or drugs, then they should be referred to appropriate health providers for assistance.

Smoking

While personal choice is acknowledged, tobacco use and/or exposure to tobacco smoke can be harmful to a person's health. Passive smoking (inhaling second-hand smoke) is hazardous and non-smokers should be protected from tobacco smoke. Passive smoking can lead to serious illnesses such as bronchitis, lung cancer, cardiovascular disease, and chest illnesses in children.

The AFL recommends all junior leagues and clubs responsible for delivering junior football adopt a SmokeFree policy to create a healthy family-friendly environment. Please visit afl.com.au/policies to view SmokeFree policy examples.

Alcohol

The AFL recommends at all junior games the consumption of alcohol at grounds be prohibited except inside licensed clubrooms. Under no circumstances shall alcohol consumption be permitted other than inside licensed clubrooms before, during and after junior matches. Junior clubs shall be responsible for the conduct of their members, supporters and followers.

