

FOOTBALL NSW LIMITED.

A.B.N. 25 003 215 923

CIRCULAR



24th August 2009

09/08

ALLEGATIONS OF RACISM IN FOOTBALL

With the finals season upon us, Football NSW reminds **all clubs and participants** regarding the law applying to all members of the community in respect of acts of racism.

The (NSW) **Anti-Discrimination Act 1977** creates an offence of unlawful racial vilification (section 20C):

“It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group”

A public act includes any form of communication for example:

- Speaking,
- Writing,
- Displaying notices,
- Broadcasting

A public act includes any conduct observable by the public for example:

- Actions and gestures,
- Wearing or display of clothing, signs, flags, emblems and insignia.

The General Purposes Tribunal of Football NSW has noted with great disappointment an alarming increase in evidence of racial vilification pertaining to misconduct matters heard and determined in 2009.

The following principles guide the Tribunal in the assessment of whether an act of discrimination or racial vilification by words or other conduct has occurred:

- A specific act must have been done.
- The act must have been done in public.
- The act must be offensive, insulting, humiliating or intimidating.
- The act must have been likely to cause offence, insult, humiliation or intimidation.
- A reasonable person in the victim’s shoes must think the act was offensive, insulting, humiliating or intimidating.
- The act must have been done because of the person or groups’ race, ethnicity or nationality.

Football NSW By-Law 11.5(d) creates a misconduct offence involving:

“...improper, threatening, abusive, indecent, insulting or discriminatory whether by words or behaviour by reason of persons of ethnical origin, colour, race, nationality, religion, sex, sexual orientation or disability or any other reason...”

All clubs and participants are reminded that severe penalties can and have been imposed in the event of a breach of **Football NSW By-Law 11.5(d)** directly attributable to racist or discriminatory conduct.

Clubs and participants that consider they have been discriminated against or racially vilified are reminded of the importance of reporting such conduct in writing and at the earliest opportunity to the Head of Competitions Department.

Clubs and participants are warned against submitting frivolous or vexatious complaints of this nature.

A handwritten signature in black ink, appearing to read 'M. Quarmby', written in a cursive style.

Michael Quarmby
Chief Executive Officer