



POLICY



DISCRIMINATION AND VILIFICATION POLICY

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Policy Statement

Netball WA (NWA) promotes an environment free of discrimination where everyone is treated with respect. NWA promotes and accepts the unique differences of all persons affiliated with or interested in netball and recognise the need to prohibit discriminatory or vilifying conduct.

Purpose

The purpose of this policy is to outline NWA commitment to be an inclusive organisation that values and celebrates diversity, access and inclusion. Any discrimination or vilification is against NWA's values.

For the purpose of this policy, NWA includes West Coast Fever and Glass Jar Australia.

Discrimination and Vilification Definitions

Discrimination

There are two forms of discrimination; direct and indirect.

Direct

Direct Discrimination occurs when an individual is, or group of people are treated unfavourably on the basis of a particular personal characteristic. Sometimes referred to as formal inequality.

Indirect

Indirect discrimination occurs where a requirement, condition or practice is unreasonably proposed or imposed condition of practice that is likely to have the effect of disadvantaging the person with a particular personal characteristic. Sometimes referred to as substantive inequality.



The characteristics covered by State, Territory and Federal anti-discrimination legislation includes, but is not limited to:

- age;
- disability, mental and physical
- 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.

Vilification

Racial hatred (sometimes referred to as vilification) is doing something in public based on the race, colour, national or ethnic origin of a person or group of people which is likely to offend, insult, humiliate or intimidate (Human Rights Commission, 2015).

Further Definitions

Refer to Inclusion Policy Statement Support Information Document

Scope

For the purpose of this Policy the Scope is outlined in the NWA Inclusion Policy.





Relevant legislation affecting this policy

Refer to NWA Inclusion Policy

There are some exceptions to State and Commonwealth law that are relevant in a community netball setting. These include:

1. 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); [Equal Opportunity Act 1984 \(www.wa.gov.au\)](http://www.wa.gov.au) (refer to Appendix 1)
2. 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); [Equal Opportunity Act 1984 \(www.wa.gov.au\)](http://www.wa.gov.au) (refer to Division 5, Section 35-Sport); and
3. not selecting a participant if the person's disability means they are not reasonably capable of performing the actions reasonably required for that particular sporting activity. Associations are encouraged to consider how the person may be otherwise included in the sport, if participation as a player is not achievable ([refer to Play by the Rules Inclusion Spectrum](#)).

In applying these exceptions, it is imperative that Associations consider each participant on a case by case basis, and where appropriate, these exceptions are made in conjunction with other relevant NWA policy.

1. Prohibited Conduct

Under this policy, a person should not engage in conduct which may reasonably be considered to incite hatred towards, contempt for, ridicule of or discrimination against a person or group of persons on the ground of their:

- Age
- Gender
- Race
- Culture or Religion
- Indigenous background
- Ability
- Sexuality
- Physique/Physical appearance

This policy should be read in conjunction with Netball Australia's Member Protection Policy.



2. Implementation

Associations have an obligation to provide a safe and non-discriminatory environment and maintain responsible behaviour and fair decision making.

3. Reporting Discriminatory or Vilifying Behaviour

Reporting discriminatory or vilifying behaviour or conduct is an important component of NWA's process in preventing such behaviour.

Members are encouraged to report any incidents and will be supported through this process through the Association's designated Member Protection and Information Officer (MPIO).

Any person who believes they have witnessed or been the object of discriminatory or vilifying behaviour may report it to their relevant Club or/and Association in accordance with their Club or/and Associations complaints handling process.

As a minimum standard, no individual is to be treated unfairly or victimised for reporting or complaining about discriminatory or vilifying behaviour.

4. Related documents

This Policy should always be read in conjunction with the following key documents which can be accessed through the [Policies and Procedures](#) page on the NWA Website

- Netball WA Inclusion Policy
- Netball WA Inclusion Policy Supporting Information
- Netball WA Transgender and Gender Diverse Position Statement
- Netball WA Uniform Statement
- Netball Australia Child Safeguarding Policy
- Netball Australia Member Protection Policy
- Netball WA Dispute Resolution Process
- Netball WA Grievance Policy
- Netball WA Disciplinary Policy
- Play by the Rules [7 Pillars for Inclusion](#)
- [Netball Australia Inclusion of Transgender and Gender Diverse Athletes in Elite Netball Competitions Policy](#)
- Netball Australia Tribunal Rules



Appendix 1

66ZJ. Discrimination in sport on ground of age

- (1) It is unlawful for a person to discriminate against another person on the ground of the other person's age by excluding that person from a sporting activity.
- (2) In subsection (1), reference to a sporting activity includes a reference to an administrative, coaching, refereeing or umpiring activity in relation to any sport.
- (3) Subsection (1) does not apply to discrimination against a person if the relevant sporting activity is —
 - (a) a competitive sporting activity; and
 - (b) so conducted that competition is only permitted between persons of a particular age.
- (4) Subsection (3) does not apply to or in relation to persons participating or wishing to participate in —
 - (a) an administrative, coaching, refereeing or umpiring activity in relation to any sport; or
 - (b) any prescribed sporting activity.

[Section 66ZJ inserted: No. 74 of 1992 s. 19.]



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