

# *CANBERRA REGION JUNIOR RUGBY LEAGUE*

## *ANTI-VILIFICATION CODE*

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### **Part 1 - Introduction**

#### **Application**

1. (1) This Code applies to all:
  - (a) "Members" of the CRJRL, within the meaning of that expression as it is defined in the **CRJRL Constitution**;
  - (b) "Registered Players" refers to any person who has signed a registration form with a Member Club of the CRJRL;
  - (c) "Club Officials" refers to any person involved in an official capacity with a Member Club of the CRJRL;
  - (b) "Match Officials" refers to any person involved, in an official capacity, with the conduct of a match of the CRJRL.
- (2) To remove any doubt, where in this Code reference is made to a "person bound by this Code", that reference shall be taken to include all Members, Registered Players, Club Officials and Match Officials.

#### **Objects**

2. This Code sets out certain rules of conduct that a person bound by this Code must observe at all times. A failure to comply with this Code may result in a person bound by this Code being liable to the imposition of a penalty for that failure pursuant to Rule 11 of the **CRJRL Constitution**.

#### **Definitions in the CRJRL Constitution Apply**

3. Words and expressions defined in the **CRJRL Constitution** have the same meaning in this Code.

### **Part 2 – Prohibited Conduct**

#### **Offences**

4. A person bound by this Code must not, whether before, during the course of, or following, a Match in the CRJRL Competition, a Match in the Related Competitions or a Representative Match, or otherwise during the course of carrying out that person's duties or functions, speak or otherwise act in a manner which is likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, colour, descent, nationality, ethnic origin, gender, sexuality, marital status, status as a parent, disability or HIV/AIDS status.

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### **Part 3 – Complaints Procedure**

#### **Complaints Officer**

5. In this Code, 'Complaints Officer' means a person appointed by the CRJRL Committee from time to time for the purpose of dealing with complaints alleging a contravention of Rule 4 in accordance with this Code.

#### **Complaints to be in Writing**

6. Despite any provision of the **CRJRL Constitution**, any complaint alleging a contravention of Rule 4 by a person bound by this Code may only be lodged in writing with the CRJRL or the Complaints Officer in accordance with Rules 7 and 8.

#### **Lodging a Complaint**

7. A person ('Complainant') may only lodge a complaint alleging a contravention of Rule 4 with the CRJRL or the Complaints Officer within 7 days of the day on which the contravention is alleged to have occurred or within such other time as the CRJRL Committee, in their absolute discretion, permits.

#### **Where the CRJRL Receives a Complaint**

8. Where the CRJRL receives a complaint in accordance with Rule 7, the CRJRL must refer the written complaint to the Complaints Officer as soon as practicable.

#### **Withdrawal of a Complaint**

9. A Complainant may withdraw a complaint, in whole or part, at any time, by giving written notice to the Complaints Officer.

#### **Once Withdrawn, Complaint Cannot be Revived**

10. If a Complainant withdraws a complaint in accordance with Rule 9, the Complainant must not lodge a further complaint with the CRJRL or the Complaints Officer in relation to the same incident.

#### **Compliance with this Code**

11. A Complainant must comply with this Code once a complaint is lodged pursuant to this Code.

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### **Part 4 – Conciliation Procedure**

#### **What Happens When a Complaint is Received**

12. Once the Complaints Officer receives a complaint from a Complainant under Rule 7 or from the CRJRL under Rule 8, the Complaints Officer must:
- (a) Inform the person alleged to have contravened Rule 4 of the complaint and its content and provide that person with a reasonable opportunity to respond in writing to the complaint;
  - (b) If the person alleged to have contravened Rule 4 is a Club Official, inform the Club to which that Club Official is associated of the complaint and its context; and
  - (c) Subject to Rule 17, ensure that conciliation of the complaint is attempted as soon as practicable after the Complaints Officer receives the complaint from the Complainant under Rule 7 or from CRJRL under Rule 8.

#### **Conciliator**

13. Any conciliation conducted under sub-Rule 12(b) must be conducted by a person ('Conciliator') nominated from time to time by the CRJRL Committee. The CRJRL Committee may nominate the Complaints Officer as the Conciliator.

#### **Conciliation Procedure**

14. The Conciliator:
- (a) Must take all steps reasonably necessary in an attempt to resolve the complaint by conciliation; and
  - (b) May require, by notice in writing, the person alleged to have contravened Rule 4, the Complainant or both to appear before the person for the purpose of the conciliation.

#### **Conciliation is Confidential**

15. Anything said or done in the course of the conciliation is confidential and without prejudice. This means, among other things, that it cannot be used to force a settlement outside the conciliation and cannot be referred to or relied upon before any court, any tribunal, the CRJRL Judiciary or the CRJRL Committee.

#### **Penalty for Breaching Confidentiality**

16. The CRJRL Committee, pursuant to the provisions of Rule 11 of the **CRJRL Constitution**, may impose a penalty on any person who breaches or assists in the breach of the confidentiality of any conciliation.

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### **Part 5 – Reference to the CRJRL Committee**

#### **Referral to the CRJRL Committee**

17. If the Complaints Officer is of the opinion that a complaint cannot be resolved by conciliation, and an attempt has been made to resolve the complaint by conciliation but has not been successful or the Complaints Officer is of the opinion that the nature of the complaint is such that it should be immediately referred to the CRJRL Committee, the Complaints Officer must refer the complaint to the CRJRL Committee to be investigated.

#### **Material to be Provided**

18. If the Complaints Officer refers a complaint to the CRJRL Committee pursuant to Rule 17, the Complaints Officer must furnish the complaint and any response provided under sub-Rule 12(a) to the CRJRL Committee.

#### **Investigation to Commence As Soon As Practicable**

19. If the Complaints Officer refers a complaint to the CRJRL Committee, the CRJRL Committee must investigate the complaint as soon as practicable.

### **Part 6 – Investigation Procedure**

#### **Nominee may Investigate**

20. Any investigation conducted by the CRJRL Committee under this Code may be conducted by the CRJRL Committee or any person nominated by the CRJRL Committee ('Investigator') from time to time.

#### **Investigative Assistance**

21. With the consent of the CRJRL Committee, an Investigator may make arrangements for another person, including a solicitor or counsel, to assist in the conduct of the investigation.

#### **Investigation is Confidential**

22. An investigation will be conducted in private unless the Complainant, the person alleged to have contravened Rule 4 and the CRJRL Committee agree otherwise.

#### **Penalty for Breaching Confidentiality**

23. The CRJRL Committee may impose a Penalty on any person who breaches or assists in the breach of the confidentiality of any investigation.

#### **Right to Appear**

24. A Complainant or a person alleged to have contravened Rule 4 is entitled to appear personally before the Investigator or, with the consent of the Investigator, to be represented by a solicitor, counsel or agent.

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### **Part 7 – Determination**

#### **Investigator to Furnish Report**

25. After an investigation has been conducted, the Investigator must furnish a written report as to whether there has been a breach of Rule 4 by the person alleged to have contravened that Rule to the CRJRL Committee.

#### **CRJRL Committee to Determine Complaint**

26. Upon receipt of a report from the Investigator pursuant to Rule 25, the CRJRL Committee shall be convened in accordance with the requirements of the CRJRL Committee *Procedural Rules* in order to determine whether or not there has been a breach of Rule 4 by the person the subject of that report.

#### **Dismissal**

27. If there has been no breach of Rule 4, the CRJRL Committee may dismiss the complaint and advise the person alleged to have contravened that Rule and the Complainant of such dismissal in writing.

#### **Imposing a Penalty**

28. If the complaint has been substantiated in whole or part, the CRJRL Committee may impose a penalty, in accordance with Rule 11 of the CRJRL Constitution.

#### **Compensation Not to be Awarded**

29. Despite Rule 28, the CRJRL Committee must not award damages or compensation to a Complainant.

#### **Parties to Bear their own Costs**

30. Subject to Rule 31, the Complainant and the person alleged to have contravened Rule 4 must pay their own costs, if any, of any conciliation or investigation conducted under this Policy.

#### **Club may be Required to pay Costs**

31. Despite Rule 30, if a penalty is imposed on a Club Official pursuant to Rule 28, the CRJRL Committee may also require the Club to which that Club Official is associated to pay the Investigator's and/or the Complainant's costs in whole or part.

#### **Opinions and Decisions Final**

32. Despite anything here or elsewhere provided, the formation or expression of an opinion or the making of a determination pursuant to this Code shall not be capable of review other than as provided for pursuant to these Rules and any decision of the CRJRL Committee shall:

- (a) Not be capable of review;
- (b) Given final and conclusive effect to by the parties to the proceedings before the CRJRL Committee; and
- (c) Not be justiciable.