

## **Annexure M: Racial and Religious Vilification Code**

This policy applies to all competitions.

### **1. Purpose of Code**

The purpose of this Code is to:

- 1.1 Recognise the commitment of the Queensland Cricket ("QC") to the elimination of racial and religious vilification of player, umpire or official.
- 1.2 Establish a framework for handling complaints made by players, umpires and officials who believe they have been subjected to racial or religious vilification by another player, umpire or official.

### **2. Conduct Covered By The Code**

A player, umpire or official under the jurisdiction or auspices of QC will not at any time engage in any conduct, act towards or speak to any other player, umpire or official in a manner which offends, insults, humiliates, intimidates, threatens, disparages or vilifies the other player, umpire or official on the basis of that player, umpire or official's race, religion, colour, descent or national or ethnic origin ("the conduct").

### **3. The Interrelationship Of This Code With Other Rules And Regulations Governing The Sport**

This Code does not restrict any other action which may be taken in relation to the conduct covered by this Code under the Australian Cricket Board and International Cricket Council ("ICC") Code of Conduct.

### **4. Human Rights and Equal Opportunity Legislation**

This Code does not restrict or prohibit any player from pursuing all other legal rights they may have in relation to racial and religious vilification.

### **5. Lodging a Complaint**

Where a player, umpire or official ("the Complainant") believes he/she has been subjected to vilification under this Code, or an officiating umpire in a match ["the umpire"] believes another player, umpire or official has breached the Code, the complainant or umpire may lodge a complaint with the Premier Cricket Officer of QC by 5pm on the first business day following the completion of the match in which the breach is alleged to have occurred.

### **6. What Must a Complaint Contain**

A Complaint must:

- 6.1 be in writing;
- 6.2 outline the circumstances of the allegations made; and
- 6.3 if possible, be accompanied by any supporting documentation, including witness statements or video evidence.

## 7. The Role of the Premier Cricket Officer

- 7.1 The Premier Cricket Officer shall upon receipt of a complaint:
- (a) inform the person alleged to have contravened the Code ("the Respondent") of the complaint and provide that person with both a copy of the complaint and an opportunity to respond in writing;
  - (b) advise the Chief Executive Officer of QC, both team captains, the Secretary of the Club and/or Association, the Secretary of the Umpires Association and the QC Commissioner of the complaint;
  - (c) conduct an investigation into the allegations made in the complaint as he/she deems fit, which may include, but is not limited to:
    - (i) compiling a list of witnesses;
    - (ii) obtaining a written statement from any available witness;
    - (iii) obtaining a report from the Club, Association and/or Umpires Association officials;
    - (iv) obtaining a report from the officiating umpires and match referees, if applicable; and
    - (v) obtaining video or other evidence.
- 7.2 The investigation should be completed within 48 hours of receipt of the complaint, unless the Premier Cricket Officer, at his/her discretion, extends the time for investigation in the interests of fairness to all parties.
- 7.3 When the investigation is completed, the Premier Cricket Officer shall arrange for the complaint to be referred to conciliation.
- 7.4 The Chief Executive of QC may delegate to an officer of QC any of the Premier Cricket Officer's powers or functions under this Code.

## 8. Conciliation Procedure

### 8.1 The Conciliator

Any conciliation referred to in clause 7.3 of this Code will be conducted by a nominee of the QC Board of Directors.

### 8.2 The Conciliation

- (a) The Complainant and the Respondent should attend the conciliation. Both Team Captains, or Vice Captain, if either are a party to the complaint, and a member of the Complainant and Respondent's Executive Committee may attend.
- (b) Prior to conciliation, the Premier Cricket Officer must lodge with the Conciliator:
  - (i) a copy of the complaint;
  - (ii) the Respondents' response to the complaint; and

- (iii) any evidence relevant to the complaint obtained during the course of the investigation.
- (c) Both parties and all those attending the conciliation must participate in good faith.
- (d) The Conciliator must adhere to and ensure the conciliation is conducted with reference to the principles of natural justice and procedural fairness.
- (e) The Complainant is the person who determines the course of redress to be pursued at any conciliation.
- (f) Except as stated in clause 8.3(d), both parties to the complaint and any other person aware of the details or circumstances of the conciliation, including the Premier Cricket Officer, QC Officials, Club and Umpires Executive Committees, Umpires and Players, must at all times keep the particulars of the complaint and the conciliation confidential.
- (g) Except as stated in clause 8.3(d), no person referred to in clause 8.2(f) shall publicly comment on or disseminate any personal information concerning the complaint at any time prior to, during or after the conciliation.
- (h) Should a player, umpire or official breach clause 8.2(f), the Conducts Committee may fine the offender, suspend him/her or otherwise deal with him/her at its discretion.
- (i) Any other person in breach of clause 8.2(f) shall be subject to a penalty to be determined by the QC Commissioner.

### 8.3 Resolution of the Complaint

- (a) If the complaint is resolved at the conciliation, the complaint will be deemed withdrawn and the Complainant cannot take any further action in respect of the complaint under this Code.
- (b) Resolution of the complaint may be formalised by way of a verbal agreement or a formal written agreement signed by the parties.
- (c) The Conciliator must inform the Premier Cricket Officer that the complaint has been resolved.
- (d) Where a complaint is resolved, the parties may agree with the consent of Queensland Cricket to make a public statement concerning the resolution of the complaint.

### 8.4 If the Conciliation is Unsuccessful

- (a) Where the complaint has not been resolved successfully by conciliation, or where the Conciliator believes that the complaint is not capable of successful resolution:
  - (i) The Complainant, after notifying the Conciliator, may withdraw the complaint in which case no further action will be taken; or
  - (ii) The Conciliator must inform the Premier Cricket Officer that the conciliation has not been successful.

## 9. The Time Limit for Conciliation

- 9.1 An attempt to conciliate a complaint must occur within 72 hours of the Conciliator receiving notification from the Premier Cricket Officer of the complaint.

## 10. Referral to Conducts Committee

- 10.1 Upon notification of the failure of conciliation under Clause 8.4, the Premier Cricket Officer must refer the complaint to the Conducts Committee who will then hear the complaint in accordance with Clause 12.

## 11. Evidence of the Conciliation

- 11.1 In the event that a complaint is not successfully resolved and is referred to the Conducts Committee, no evidence will be given to or be accepted by the Conducts Committee in relation to anything said or done in any conciliation carried out pursuant to Clause 8.2.

## 12. The Conducts Committee

- 12.1 The Conducts Committee will:

- (a) receive all material arising from the investigation from the Premier Cricket Officer upon referral of the complaint;
- (b) hold a hearing after considering the availability of the persons affected; and
- (c) advise its decision to both parties on completion of the hearing and to the other affected parties within 24 hours of the hearing.

- 12.2 Hearings conducted by the Conducts Committee into complaints will not be open to members of the public.

- 12.3 All persons required at the hearing shall attend punctually at the time and place designated.

- 12.4 The Conducts Committee may hear and decide the complaint in a manner to be determined by it.

- 12.5 After hearing the evidence, the Conducts Committee may

- (a) find the complaint or any part of it not proven;
- (b) find the complaint or any part of it proven and if so:
  - (i) refer to the Association's code of conduct register to ascertain any previous breach by the player, umpire or official; and
  - (ii) direct the Respondent to attend an education program at the Respondent's cost; and
  - (iii) then determine a penalty which may include but is not limited to:
    - (A) the respondent preparing a written apology;
    - (B) a monetary fine; or
    - (C) suspension.

### 13. **Representation**

13.1 Parties may only be represented by a member of its Executive Committee.

### 14. **Appeal**

14.1 Any player, umpire or official found to be in breach of the Code has the right of appeal against the decision of the Conducts Committee to an Appeals Committee, as appointed by the QC Board of Directors. Any appeal against the decision of the Conducts Committee must be lodged within 48 hours of the hearing with the Chief Executive Officer of QC. The player or umpire are not permitted to participate in any competition until the penalty has been met or an appeal against such finding and or severity of the sentence has been adjudged by the QC Board of Directors.