



NETBALL ACT POLICY DOCUMENT

POLICY NAME: Transgender and Gender Diverse Inclusion Policy

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RESPONSIBLE OFFICER: Participation Coordinator, Netball ACT

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1. Introduction

Netball ACT is committed to providing a safe, fun and inclusive environment for all people, including those of diverse sexualities and genders. Being an inclusive sport not only reflects our core values, it also reflects the diversity of our local communities.

We have no tolerance for any form of bullying, harassment or vilification towards people with diverse sexualities and genders. This includes forms of homophobia, biphobia or transphobia.

We are passionate about helping people lead happy, healthy and active lives. Netball ACT celebrates diversity of sex, gender identity, gender expression, sexual orientation, intersex status, ability, skill, cultural background, ethnicity, location, religious or political beliefs, and life stage. There is a place in our sport for everyone, exactly as you are.

2. Background

- 2.1 Netball ACT acknowledges that understanding of gender continually evolves and that **gender identity** is not fixed and exists on a spectrum. Sex and gender are not interchangeable terms. Netball ACT recognises that a person's gender identity is a personal experience and that people may have personal **transition** journeys.
- 2.2 Netball ACT recognises that both intentional and unintentional phobic behaviours exist within sport, recreation, services, programs, operations and facilities, which can create adverse and potentially significant consequences for some individuals and our communities. Netball ACT will take steps to actively promote respectful, inclusive and collaborative behaviours within our sport.
- 2.3 Sometimes these consequences mean that individuals who want to play netball or be a netball volunteer or official, feel excluded and leave netball or choose not to become involved with it. In other instances, players or other participants are forced to hide their true self. In some cases, individuals who experience phobic language or actions stay with netball but continue to be subjected to discrimination and harassment, thus reducing their enjoyment of netball. None of these outcomes are acceptable.

3. Language

- 3.1 The language we use is important and may have a positive or negative effect on others. To use inclusive language is to recognise a person's preferred pronouns and name. Avoiding gender stereotypes is an important step towards using language that does not assume others' gender identity and cause unintentional **misgendering**.
- 3.2 Many people use 'she/her' and 'he/him' pronouns. Some people prefer to use gender-neutral pronouns, such as 'they/them'. The pronoun a person uses to describe themselves generally reflects their gender identity.
- 3.3 Netball ACT acknowledges that language constantly changes, and while we have done our best to define key terms within these Guidelines, we encourage members to stay informed with other language and terminology relative to this space via Pride in Sport:

www.prideinsport.com.au/terminology

4. Definitions

Cisgender/cis is a term used to describe people who identify their gender as the same as what was presumed for them at birth (male or female). 'Cis' is a Latin term meaning 'on the same side as'.

Elite netball competitions as defined in the Netball Australia (NA) Policy on the Inclusion of Transgender and Gender Diverse Athletes in Elite Netball Competitions (Elite Policy).

Gender expression refers to the way that a person externally expresses their gender, or how their gender is perceived by others.

Gender Diverse is an umbrella term that includes all the different ways gender can be experienced and perceived. It can include people questioning their gender, those who identify as trans/transgender, genderqueer, non-binary, gender nonconforming and many more.

Gender identity is the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.

Individual Member means a registered financial member of the Association as per the Association's registration platform.

Intersex status is a protected attribute under the Sex Discrimination Act 1984. Under the Act 'intersex status' means the status of having physical, hormonal or genetic features that are: I. neither wholly female nor wholly male II. a combination of female and male, or III. neither female nor male. The term 'intersex' does not describe a person's gender identity (man, woman, neither or both). A person with an intersex variation may identify as a man, woman, neither or both.

LGBTQI: 'LGBTQI' (or variations of it) is an acronym for lesbian, gay, bisexual, transgender, queer/questioning and intersex. It is used to refer collectively to these communities. The 'LGB' refers to sexuality/sexual identity; the 'T' refers to gender identity; and the 'I' refers to people who have an intersex variation. 'Q' can refer to either gender identity or sexuality.

Member Associations means an organisation or association formed to promote netball in the ACT with objects similar to the objects of Netball ACT and approved by the Board of Netball ACT.

Misgender means to refer to someone using a word, especially a pronoun or form of address, that does not correctly reflect the gender with which they identify. Misgendering can be avoided by providing many gender options in registration forms and by avoiding assumptions about a person's gender identity.

Non-binary is a term used to describe a person who does not identify exclusively as either a man or a woman. Genders that sit outside of the female and male binary are often called non-binary.

Sex refers to a person's biological sex or sex characteristics. These may be genetic, hormonal, or anatomical.

Transgender (commonly abbreviated to 'trans') is a general term used to describe a person whose gender identity is different to the sex they were assumed at birth. Being transgender is about how an individual describes their own gender. It is not necessarily about their biological characteristics. Some transgender people connect strongly with their transgender experience, whereas others do not. Processes of gender affirmation may or may not be part of a transgender or gender diverse person's life.

Transition/Gender Affirmation is a personal process or processes a transgender or gender diverse person determines is right for them in order to live as their defined gender and so that society recognises this. Transition may involve social, medical/surgical and/or legal steps that affirm a person's gender. Affirming gender does not necessarily mean changing gender, 'having a sex change' or 'becoming a man or a woman', and transition is not the same as being trans. A transgender or gender diverse person who has not medically or legally affirmed their gender is no less the man, woman or non-binary person they have always been.

- **Social transition** is the process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns, and appearance.
- **Medical transition** is the process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.
- **Legal transition** is the process by which a person changes their identity documents, name, or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate or changing their name on a driver's licence or bank card.

5. Scope

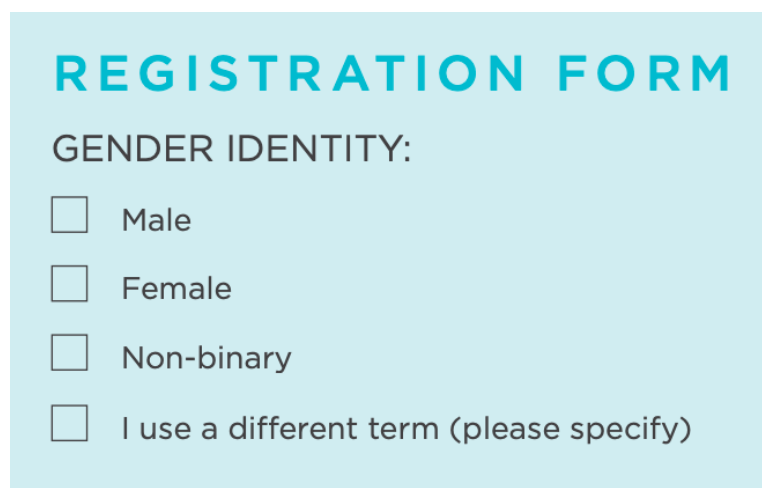
- 5.1 This policy applies to Netball ACT and to:
- a) Member Associations
 - b) Individual Members and
 - c) Any other person, including individuals and bodies corporate, who has agreed to be bound by this policy.

6. Objectives

- 6.1 To affirm our commitment to supporting the inclusion of Transgender and Gender Diverse people in netball.
- 6.2 To establish clear guidelines for the inclusion of Transgender and Gender Diverse people in a sport that has been largely demarcated by gender binaries.
- 6.3 To foster a safe, welcoming environment for Gender Diverse people by eliminating discriminative behaviour within the Netball ACT community.
- 6.4 To promote a safe, inclusive and welcoming environment that engages and keeps participants with diverse genders and sexualities involved in netball.
- 6.5 To educate the netball community about the importance of including Transgender and Gender Diverse people in sport.

7. Collecting and using personal information

- 7.1 Netball ACT requires individuals to provide personal information when registering as a member and/or participating in club activities. The collection of personal information can create additional difficulties for Transgender and Gender Diverse people. These difficulties can relate to differences between a person's gender identity and the sex or gender recorded on their identity documents.
- 7.2 Netball ACT and District Associations should adopt processes that are inclusive, eliminate discrimination, and protect the privacy of Transgender and Gender Diverse persons by:
- Respecting an individual's right to determine their preferred name and gender identity. Provide gender identity options on registration forms (example provided below) and ensure this is reflected in correspondence and documentation.
 - Only requesting personal information and legal documents when necessary and with the individual's consent, or where the individual is under the age of consent, their parent/guardian's permission.
 - Accepting legal declarations to verify name, age and gender (e.g. a Statutory Declaration) in place of a passport, driver's license or birth certification that have sex/gender markers that are inconsistent with a player's gender identity.
 - Securing stored personal information, in line with the Privacy Act 1988 (Cth), the Australian Privacy Principles (APPs), relevant legislation and the standards outlined in the Netball Australia Privacy Policy.
 - Not disclosing the gender identity of a player without their express permission.
- 7.3 Where a third-party registration platform is used, Netball ACT will advocate for changes to provide gender inclusive registration options, and where appropriate allow for a manual registration using the appropriate gender indicators.



REGISTRATION FORM

GENDER IDENTITY:

Male

Female

Non-binary

I use a different term (please specify)

Example of an inclusive registration form

8. Uniforms

- 8.1 Netball ACT encourages all teams to provide uniform options so that all participants have the ability to dress in a manner consistent with their gender identity and/or **gender expression**.
- 8.2 If gendered uniforms are necessary, then consideration should be given to:
- Allow players to choose which uniform they would prefer to wear (if there is a men's and women's uniform)
 - Ensure that appropriate sizes are available
 - Design options suitable for all body types and shapes.

Case study: Holly

Holly is a cisgender woman playing in the Division 2 State League competition. She prefers the loose fit of the uniform designed for the Men's competition, so her District has allowed her to wear that uniform for her games. After Round 1 of State League, Netball ACT received several complaints from spectators claiming that a boy was playing in Holly's game.

Netball ACT should make reference to this policy and remind spectators to be respectful of people's uniform choices, and that all players have the right to play in whichever uniform makes them feel comfortable.

Example of how District Associations and Netball ACT can be respectful of uniform choices

9. Facilities

- 9.1 Within facilities managed by Netball ACT and its District Associations, people have the right to use the changing and bathroom facilities which best reflect their gender identity.
- 9.2 Where new facilities are built or upgrades are taking place, Netball ACT will advocate for options to create inclusive spaces. Examples would include:
- Changing signage on some facilities to 'All Gender'
 - Modifying changerooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains, etc.) and
 - Ensuring all bathrooms and changing rooms have appropriate waste disposal.
- 9.3 Netball ACT should accompany this policy with education around the importance of respecting the privacy of Transgender and Gender Diverse people in their choice of facility.

10. Community competitions

10.1 In all community netball competitions, an individual can participate in the competition which best reflects their gender identity. Gender identity information will be captured in registration forms. This is in accordance with the Sex Discrimination Act 1984 (Cth), which explains that it is unlawful to discriminate against a person on the basis of sexual orientation, gender identity and **intersex** status. Clubs and associations should have in place well-established practices of grading and the selection of players to:

- Address any relevant disparity of players
- Protect the health and safety of participants and
- Provide fair and meaningful competitions.

10.2 The following NACT competitions are classified as community netball:

- All social competitions
- Junior championships
- Netball competitions run by District Associations

10.4 For mixed-gender competitions, people can participate in a manner which best reflects their gender identity. Rules for mixed-gender competitions will be applied based on gender identity. For non-binary and gender diverse players, flexibility should be given with the individual being allowed to participate in the category in which they feel most comfortable, with the goal of including all players in mind.

10.5 The scenarios below are examples of both inclusive and exclusive behaviour by staff, volunteers and players. Netball ACT is committed to making its competitions as inclusive as possible.

Inclusive and exclusive practice

It would be inclusive practice to:

- Encourage a transgender woman to participate in a women's social competition.
- Support a non-binary person to participate in a single-sex competition of their choice.
- A non-binary person having the option to use the changeroom that makes them feel most comfortable.

It would be exclusive practice to:

- Count a transgender man as a female player for the purpose of allocating gendered positions in a mixed-gender competition.
- Inform a transgender woman that she cannot coach a women's team because only women coaches are allowed.
- Inform a transgender woman that she cannot participate in a netball skirt.

Examples of inclusive and exclusive practices in netball competitions

11. Elite netball competitions

- 11.1 NA's Elite Policy was developed on the understanding that the International Netball Federation considers that strength, stamina and physique are relevant to **elite netball competitions**.
- 11.2 The following competitions are governed by NA's Elite Policy:
- Netball ACT State League Competition
 - Netball NSW Premier League
 - National Netball Championships
 - Australian Netball Championships
 - Suncorp Super Netball
- 11.3 Under the Elite policy, athletes aged 15 and over who are transgender and gender diverse may be subject to an assessment process to meet an Eligibility Requirement to participate. Athletes should feel welcome to contact Netball ACT for assistance in facilitating contact with Netball Australia regarding this policy, or they may choose to contact the Netball Australia Head of Integrity directly.
- 11.4 Netball ACT currently runs two Academy programs: the Netball ACT Academy, which provides a pathway to the ACT State Teams, and the Capital Spirit Academy, which provides a pathway to the Capital Spirit Premier League teams. Although athletes in the Academy programs are encouraged to meet the requirements of NA's Elite Policy, Netball ACT adopts an inclusive approach to participation in these programs. Should athletes in Academy programs to elite netball competitions they will need to meet the associated requirements.

12. Discrimination & Harassment

- 12.1 Discrimination on the basis of sex or gender identity can include both direct and indirect discrimination and may be unlawful under Commonwealth and State legislation.
- 12.2 **Direct discrimination** occurs when a person treats or proposes to treat someone less favourably because of a protected personal characteristic, which includes sex, gender identity and sexual orientation.
- 12.3 **Indirect discrimination** occurs where a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with a protected characteristic.
- 12.4 **Harassment** is any unwelcome behaviour that is intimidating, humiliating or threatening. It can be expressed or implied, physical, verbal or non-verbal (i.e. visual) as a single incident or repeated behaviour.

- 12.5 **Sexual Harassment** is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in circumstances where a reasonable person would anticipate the possibility that the person harassed would be offended, humiliated or intimidated.
- 12.6 **Victimisation** occurs when one person subjects, or threatens to subject, another person to some form of detriment or harm because that person has asserted a right. For example, if someone exercises their right to lodge a complaint about harassment at their local netball club, only for management to cancel their membership without grounds to, this may be a case of victimisation. Netball ACT will take all necessary steps to ensure that people involved in a complaint are not victimised for coming forward or for providing assistance.
- 12.7 Netball Australia’s Member Protection Policy includes the necessary procedures to follow for cases of discrimination, harassment and victimisation.

Case study: Rami

Rami plays netball in a women’s social competition. At the beginning of the competition, the players sign the club’s code of conduct. A spectator version of the code is displayed at the entrance to venues, and compliance is a condition of entry.

Rami is non-binary. Rami has body and facial hair, and prefers to play in a looser uniform.

During a match, a spectator insults Rami by referring to them as ‘it’ and makes derogatory comments about Rami’s appearance. Rami’s opponent notifies the umpire about the harassment, and the umpire speaks to one of the netball administrators.

The administrator discusses the poor behaviour with the spectator and asks them to leave. There is a zero-tolerance policy for harassment outlined in both the club’s code of conduct and Netball ACT’s policies, which all players and attendees must abide by. The spectator’s behaviour is not acceptable in any context, but in this space, they are bound by multiple policies that aim to protect all persons from harassment and discrimination.

Example of how players and administrators can promote a welcoming, safe and inclusive environment

13. Appeals/Grievance Procedures

- 13.1 Any complaint or breach of these Guidelines shall be dealt with in accordance with the Netball Australia Member Protection Policy.

13.2 The ACT Human Rights Commission may also assist individuals in relation to any complaints of discrimination, harassment and/or victimisation under Federal or ACT laws.

14. Related legislation and policies

14.1 While each piece of governance may not clearly articulate it, every Netball ACT policy is inclusive of people with diverse genders and sexualities.

14.2 This policy should be read and implemented in conjunction with:

- *Sex Discrimination Act 1984* (Cth)
- *Privacy Act 1988* (Cth)
- *Discrimination Act 1991* (ACT)
- Netball Australia's Member Protection Policy
- Australian National Anti-Doping Policy
- Netball Australia National Codes of Conduct
- Australian Human Rights Commission's Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport (2019)

15. Additional resources and support services

ACON provides counselling as well as social work support to help people resolve complex or ongoing violence and harassment matters:

Number: 1800 063 060

Web: www.acon.org.au/mental-health/#lgbti-counselling

Lifeline provides 24-hour crisis support and suicide prevention services to all Australians experiencing a person crisis:

Number: 13 11 14

Web: www.lifeline.org.au/gethelp

Pride in Sport is the only sporting inclusion program specifically designed to assist sporting organisations at all levels with the inclusion of LGBTQI employees, athletes, coaches, volunteers and spectators.

Web: www.prideinsport.com.au

Transcend was the first parent-lead peer support network and information hub for transgender children and their families in Australia. They provide parent/carer support, community connection, information, advocacy and fundraising.

Web: <https://transcendaus.org/>

Trans Pride Australia is a social and support group and gender diverse people and their loved ones in Australia.

Web: www.transprideaustralia.org.au

QLife provides anonymous and free LGBTQI peer support and referral for people wanting to talk about sexuality, identity, gender, bodies, feelings or relationships.

Web: www qlife.org.au

16. Acknowledgements

- 16.1 The 'Guidelines for the Inclusion of Transgender and Gender Diverse People in Netball' have been prepared in consultation with stakeholders.
- 16.2 Pride in Sport, Netball Australia, Netball ACT staff and members of the Australian National University Queer Department have participated in consultation which formed the development of this work. We thank and acknowledge those who participated in this process.
- 16.3 We also acknowledge the 'Guidelines for the Inclusion of Transgender and Gender Diverse people in sport' developed by the Australian Human Rights Commission, in partnership with Sport Australia and the Coalition of Major Professional and Participation Sports.

17. Amendment

- 17.1 This policy may be amended from time to time by Netball ACT, with such amendments coming into effect on the date specified by Netball ACT.