



Netball Australia

INCLUSION OF TRANSGENDER & GENDER DIVERSE PEOPLE IN COMMUNITY NETBALL GUIDELINES

1 March 2024

In the spirit of Reconciliation, Netball Australia acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of this ancient unceded land where we live, work and play netball on.

We honour the continuing cultures, languages, and heritage of Aboriginal and Torres Strait Islander peoples whose cultural, spiritual, and ancestral connections to the lands, sky, and waters has endured since time immemorial.

We pay our respects to Elders past and present, and we acknowledge and value the significant and continuing contributions Aboriginal and Torres Strait Islander peoples make within our community.

Netball Australia is committed to Reconciliation. We acknowledge the need to reflect on our shared history in order to build a vision for a reconciled and prosperous future for all within our sport. One built on mutual respect, equity, authentic collaboration, and genuine truth-telling.

Netball Australia acknowledges the support of all Member Organisations in preparing and finalising these Guidelines, together with Pride in Sport. These Guidelines are based on the Guidelines for the inclusion of trans and gender diverse people in sport (2019) written by Sport Australia, the Australian Human Rights Commission and the Coalition of Major Professional and Participation Sports.

Many of the Member Organisations have in place existing policies and guidelines that also support the inclusion of transgender and gender diverse people in community netball and these should be read in conjunction with these national guidelines.

Table of Contents

1. Purpose.....	1
2. Guiding Principles.....	1
3. Definitions.....	2
4. Discrimination.....	5
5. Sexual Harassment	6
6. Victimisation.....	6
7. Eligibility.....	6
8. Considerations for eligibility.....	7
9. Language.....	8
10. Uniforms.....	8
11. Collecting and using personal information.....	8
12. Privacy	8
13. Complaints.....	9
14. Acknowledgments.....	9

1. Purpose

- 1.1 Netball is committed to providing welcoming, inclusive and supportive places for people to play our great game and we take pride in our record of inclusion and diversity. There is no place for discrimination of any kind, including on the basis of gender, religious belief, age, race or sexual orientation.
- 1.2 NA and the MOs support the participation of Transgender and Gender Diverse people electing to participate in Community Netball in accordance with their Gender Identity, whether or not this aligns with the Sex they were assigned at birth and supports them to do so in a safe and inclusive environment.
- 1.3 These Guidelines have been developed to support NA's MOs and Affiliates in providing a framework for the inclusion of Transgender and Gender Diverse people participating in Community Netball.
- 1.4 These Guidelines recognise that a number of MOs have supporting guidelines and policies in place and these Guidelines are designed to support those frameworks. Where a MO has a policy in place, that policy will take precedence and should be adopted. MO guidelines and policies can be obtained by contacting your local MO and/or visiting their website.
- 1.5 These Guidelines are also supported by NA's Inclusion of Transgender and Gender Diverse Athletes in Elite Netball Competition Policy, which applies to Elite Netball Competitions.
- 1.6 It is recognised that research, insights and opportunities for the inclusion of Transgender and Gender Diverse athletes in sport is evolving and will identify opportunities for improvement that require amendments to these Guidelines.

2. Guiding Principles

- 2.1 All Australians have a fundamental human right to:
 - 2.1.1 equality;
 - 2.1.2 participation in sport;
 - 2.1.3 freedom from discrimination and harassment;
 - 2.1.4 and privacy.
- 2.2 NA and the MOs are committed to ensuring the rights of all participants are respected.
- 2.3 NA and the MOs acknowledges that the federal *Sex Discrimination Act 1984* (Cth) and other State and Territory based legislation prohibits unlawful discrimination on the basis of sex and gender identity in certain areas of public life.
- 2.4 NA and the MOs seek to:
 - 2.4.1 foster a safe, welcoming environment for Transgender and Gender Diverse people by eliminating discriminative behaviour within netball;
 - 2.4.2 promote a safe, inclusive and welcoming environment for all those involved in netball;

- 2.4.3 educate the netball community about the importance of being an inclusive sport and providing these safe environments for Transgender and Gender Diverse individuals.

3. Definitions

- 3.1 For the purpose of these Guidelines, capitalised terms in these Guidelines have the following meaning:

Activity means a netball contest, Match, competition, event (which for the avoidance of doubt includes any awards presentation, season launch, and other events conducted by NA or a MO), or activity, including training, whether on a one-off basis or as part of a series, league or competition, sanctioned or organised by NA or a MO.

Affiliate means:

- a) **Associations**, which means any netball association that is not a MO that conducts Activities and is affiliated to a MO;
- b) **Clubs**, which means any netball club that is not a MO that enters a team to participate in an Activity and is affiliated to an Association and/or MO;
- c) **Authorised Provider**, which means any non-MO authorised to conduct Activities sanctioned by NA or a MO;
- d) any other netball Organisation who has agreed to be bound by the Policies, and has notified NA or an MO in writing.

Affiliate Person means any Individual Member that is not a Participant and is registered with an Affiliate.

ANC means the Australia Netball Championships and any subsequent or successor competition substantially similar to the Australia Netball Championships that is conducted by NA.

Community Netball means netball competitions conducted by MOs and Affiliates that do not fall under the definition of Elite Netball Competitions.

Elite Netball Competitions means the following:

- a) Australian representative squads (Australia Netball Diamonds squad, Australian Development Squad, Australian 21/U squad and any other Australian program determined by NA from time to time, the **Australian Representative Squads**);
- b) SSN competition, including pre-season matches and training programs;
- c) ANC, including pre-season matches and training programs;
- d) NNC, including pre-season matches and training programs;
- e) competition or tournament played by a MO team, SSN Club team or invitational representative Australian team against a touring international team in Australia that is sanctioned and/or controlled by NA;
- f) Netball ACT – State League (or its successor);

- g) Netball NSW – Premier League (or its successor);
- h) Netball Queensland – Sapphire Series and Ruby Series (or its successor)
- i) Netball SA – Premier League (or its successor);
- j) Netball Tasmania – Tasmania Netball League (or its successor);
- k) Netball Victoria – Victorian Netball League (or its successor);
- l) Netball WA – WA Netball League (or its successor).

Gender means the way in which a person identifies or expresses their masculine or feminine characteristics. A person’s Gender Identity or Gender Expression is not always exclusively male or female and may or may not correspond to their Sex.

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 Transgender, genderqueer, Non-binary, gender nonconforming and many more.

Gender Expression means the way in which a person externally expresses their gender.

Gender Identity means a person’s deeply held internal and individual sense of gender. The Sex Discrimination Act 1984 (Cth) defines Gender Identity as 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.

Match means a netball match of any format and duration in length in which two netball teams compete against each other, played anywhere in the world.

Member means a member or NA or MO under its constitution, including:

- a) each MO;
- b) any Affiliate that is a member of an MO;
- c) **Individual Members**, which means individuals who are individuals registered with an MO.

MO means each of the NA member organisations, being:

- a) ACT Netball Association Incorporated;
- b) The New South Wales Netball Association Limited;
- c) Netball NT Incorporated;
- d) Netball Queensland Limited;
- e) South Australia Netball Association Incorporated;
- f) Tasmania Netball Association Incorporated;
- g) Victoria Netball Association Incorporated; and
- h) Netball WA (Incorporated).

Netball means the sport of netball, as governed by NA and WN from time to time, and a reference to Netball means collectively NA, MOs and Affiliates.

Netball Integrity Policies means:

- a) Safeguarding Children & Young People Policy;
- b) Member Protection Policy;
- c) Competition Manipulation and Sports Wagering Policy for Elite Programs;
- d) Competition Manipulation and Sports Wagering Policy for Community Netball;
- e) Sports Medicine Policy for Elite Programs;
- f) Sports Medicine Policy for Community Netball;
- g) any other policy of NA deemed by NA to be a Netball Integrity Policy and notified to the Netball Organisations from time to time.

NA means Netball Australia Limited.

NA Head of Integrity means the person holding that position at NA from time to time, including any person acting in that position.

Non-binary means a person who does not identify exclusively as either a man or a woman.

Non Member Person means:

- a) any parent or guardian of a Relevant Person; and/or
- b) any person attending or associated with an Activity.

Prohibited Conduct means the conduct proscribed in each of the Netball Integrity Policies.

Pronouns is the grammatical means of referring to a person or persons. Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns such as 'they/them/their'. The pronoun a person uses to describes themselves generally reflects their Gender Identity.

Relevant Organisation means any of the following organisations:

- a) NA;
- b) MOs;
- c) Affiliates.

Relevant Person means any of the following persons:

- a) Affiliate Person;
- b) Participant;
- c) Volunteer, which means any person engaged by NA or MO in any capacity who is not otherwise a Participant;

- d) Non-Member Person;
- e) any other person who has agreed to be bound by the Policies, and has notified NA.

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

Transgender means a person whose Gender Identify is different from the Sex they were assigned at birth. Being transgender is about how an individual describes their own gender. It is not necessarily about their biological characteristics.

Transition or affirmation means the social, medical or legal steps that a Transgender person takes to affirm their Gender Identity. A transition or affirmation may or may not involve medical treatment, including surgeries or hormone therapies. People can transition as children or adults. Each transition is different.

4. Discrimination

- 4.1 These Guidelines are intended to support the guidelines and policies of the MOs that support the participation of Transgender and Gender Diverse people in Community Netball competitions.
- 4.2 These Guidelines recognise the *Sex Discrimination Act 1984* (Cth), as well as relevant State and Territory legislation.
- 4.3 These Guidelines are informed by:
 - 4.3.1 the opportunity to participate in sport should be available to everyone in the community, regardless of their Sex or Gender Identity;
 - 4.3.2 there is a need for education and guidance about the practical steps that sport can take to ensure that Transgender and Gender Diverse people are included in sport; and
 - 4.3.3 competition is an important part of all levels of sport.
- 4.4 It is against the law:
 - 4.4.1 to discriminate against another person on the basis of their Sex or Gender Identity in the provision of goods, services and facilities, unless a special measure is in place or an exemption applies;
 - 4.4.2 to discriminate against another person on the basis of their Sex or Gender Identity in relation to club membership or benefits, unless a special measure is in place or an exemption applies; and
 - 4.4.3 to request personal information from a person for the purpose of discriminating against them on the basis of their Sex or Gender Identity.
- 4.5 Discrimination on the basis of a person's Sex or Gender Identity may include direct and indirect discrimination and may be unlawful under Federal, State and Territory laws.
- 4.6 Direct discrimination may occur when a person is treated less favourably than another person on the basis of:
 - 4.6.1 Sex or Gender Identity; or

- 4.6.2 characteristics generally associated with a person of that Sex or Gender Identity, in similar or not materially different circumstances.
- 4.7 Indirect discrimination may occur when a condition, requirement or practice that applies to everyone, disadvantages persons of a particular Sex or Gender Identity, and the condition, requirement or practice is not reasonable in the circumstances.
- 4.8 Further guidance on Federal and State and Territory laws and exemptions is available through the Australian Human Rights Commission and any State or Territory Human Rights Authority.
- 4.9 The Netball Australia Member Protection Policy applies to all Relevant Persons and Relevant Organisations and supports the application of these Guidelines.

5. Sexual Harassment

- 5.1 Sexual harassment is unlawful under the Federal, State and Territory laws in certain areas of public life. Netball Australia and the MOs do not tolerate any form of harassment, including Sexual Misconduct in accordance with the Netball Australia Member Protection Policy.
- 5.2 The Sex and Gender Identity of the person who is harassed are relevant circumstances to be taken into account in determining if a person has been sexually harassed.

6. Victimization

- 6.1 Victimization is an offence under Federal and State and Territory legislation. Further, Netball Australia and the MOs do not tolerate any form of victimisation.
- 6.2 A person will be taken to have victimised another person if they threaten to, or do, subject that person to a detriment because they have either made a complaint under Federal and/or State and Territory legislation or these Guidelines.

7. Eligibility

- 7.1 Participation in Elite Netball Competitions is addressed through the Netball Australia Inclusion of Transgender & Gender Diverse Athletes in Elite Netball Competitions Policy.
- 7.2 Members may participate in any Community Netball competition conducted by a MO and/or Affiliate in accordance with their Gender Identity, whether or not this accords with the Sex they were assigned at birth.
- 7.3 Every transition and/or affirmation is different and for this reason, MOs and Affiliates are required to give consideration to the needs of an individual. This means that while these Guidelines provide a framework to support the inclusion of an individual, the circumstances of a person's participation will be considered on an individual basis. For some, changing their gender expression is enough to affirm their gender and they may not want, need or be able to seek medical intervention. This is sufficient for a person to be protected from discrimination on the basis of gender identity under relevant legislation. Discretion and understanding should be applied in respect to an individual not always feeling safe or comfortable to outwardly demonstrate their gender identity across all aspects of their everyday life.
- 7.4 As such, the Member's Gender Identity shall determine the category of Community Netball they wish to participate in:

- 7.4.1 a Member that identifies as male may participate in male competitions;
 - 7.4.2 a Member that identifies as female may participate in the female competitions;
 - 7.4.3 a Member that identifies as either Transgender or Gender Diverse or Non-binary may participate in the competition they feel most comfortable participating in;
 - 7.4.4 in mixed competition, the Member's Gender Identity shall be respected, in accordance with mixed competition rules and regulations.
- 7.5 In all circumstances, the Member must nominate their Gender Identity at the time of registration for a particular competition. If Other is chosen, information on Gender, Gender Identity or Sex must only be collected, when necessary and with the Member's consent. Where the Member is under the age of 18, the Member's parent/guardian must provide the consent.

8. Considerations for eligibility

- 8.1 In the event a Member is gender transitioning or transitions through the course of the Community Netball competition, Affiliate shall give consideration to that Member's transition and, in discussion with that Member, consider the individual needs of any transition or affirmation.
- 8.2 MOs and Affiliates have in place well established practices of grading and the selection of Members within competitions to:
- 8.2.1 address the relevant disparity of Members participating in Community Netball Competitions;
 - 8.2.2 protect the health and safety of all participants; and
 - 8.2.3 provide fair and meaningful competitions.
- 8.3 Such practices should be applied consistently across all Members when considering varying skill levels.
- 8.4 Game management (as supported by the World Netball Rules of Netball) is a long standing and effective means of ensuring the health, safety and wellbeing of players.
- 8.5 The World Netball, Rules of Netball note that:
- 8.5.1 the Rules of Netball are based on the core values of equal opportunity, fair play and respect for an opponent's skill and safety;
 - 8.5.2 it is the responsibility of players to ensure that they are physically and technically prepared in a manner that enables them to play the game, comply with the Rules of Netball and participate safely in a sporting and fair manner; and
 - 8.5.3 it is the responsibility of those who coach or teach the game to ensure that players are prepared in a manner that ensures compliance with the Rules of Netball as well as an understanding of both sporting behaviour and safe practices.
- 8.6 The consistent application of these rules across all players within an Affiliate will assist in supporting any Member's decision to participate in Community Netball competitions

in accordance with their Gender Identity, whether or not this accords with the Sex they were assigned at birth and allow their individual needs to be considered by the Affiliate.

9. Language

- 9.1 Language should be respectful and inclusive. Players, administrators, coaches, support staff and others involved in our game are encouraged to use correct pronouns (for example, by asking all participants within the Affiliate what pronouns they use when they register, and using pronouns consistently across verbal and written communications).
- 9.2 Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their/ze'. The pronoun a person uses to describe themselves generally reflects their Gender Identity.

10. Uniforms

- 10.1 [Netball Australia's Uniform Guidelines](#) support participation in our sport and support the wearing of a number of uniform items that caters for individual preferences and enables participants to affirm their gender.

11. Collecting and using personal information

- 11.1 Any personal information may only be collected in accordance with clause 7.5 above and only be disclosed if necessary and in accordance with the law.
- 11.2 Without limiting the Netball Australia Privacy Policy, Affiliates must:
- 11.2.1 securely store personal information, in line with privacy legislation;
 - 11.2.2 not disclose the Gender Identity of a participant without the express consent of the individual; and
 - 11.2.3 ensure correct names and pronouns are used in conversations, databases, documents and correspondence.
- 11.3 Affiliates may also consider:
- 11.3.1 accepting legal declarations to verify name and gender (eg by way of a statutory declaration) in place of identity documents such as passport or birth certificate where those identity documents have a Sex/gender marker inconsistent with a Member's Gender Identity;
 - 11.3.2 providing the option of selecting a Non-binary Gender Identity and a gender non-specific title on registration forms; and
 - 11.3.3 providing 'preferred name' and 'pronoun' options on registration form.

12. Privacy

- 12.1 Affiliates shall protect the privacy of all Members.
- 12.2 The Netball Australia Privacy Policy applies to all Affiliates and Relevant Persons – a copy of the Netball Australia Privacy Policy can be found [here](#).

- 12.3 This is particularly important when dealing with any personal or sensitive information that the Affiliate may hold regarding a person's Gender Identity, or transition or affirmation process.
- 12.4 Affiliates must consider the provisions of the *Privacy Act 1988* (Cth), the *Australian Privacy Principles* (APPs), and the relevant legislation and regulations of the States and Territories.
- 12.5 Further information is available from the Office of the Australian Information Commissioner at www.oaic.gov.au/privacy-law.

13. Complaints

- 13.1 The Netball Australia Member Protection Policy applies to Prohibited Conduct that includes Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Victimization and Vilification towards a Relevant Person(s), including by reasons of an individual's Sex or Gender Identity.
- 13.2 Relevant Persons may also refer to the Netball Integrity Policy Framework, Conduct and Disciplinary Policy to report any complaints under these Guidelines or supporting policies and guidelines of a relevant MOs.

14. Acknowledgments

- 14.1 These Guidelines have been prepared in consultation with a number of stakeholders, including the MOs, who have also each developed their own policies and guidelines in addition to these Guidelines. These Guidelines acknowledge and recognise the work and collaboration across the MOs, particularly across their inclusion programs and services.
- 14.2 The MOs can be contacted for further information regarding their policies and guidelines.
- 14.3 NA also acknowledges 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. Many of the concepts and terms used throughout these Guidelines have been adopted from this work.

END

VERSION HISTORY

Reference Number:	INT012
Policy:	Inclusion of Transgender & Gender Diverse People in Community Netball Guidelines
Effective Date:	1 March 2024
Document Author:	NA Head of Legal and Integrity
Document Owner:	NA Head of Legal and Integrity
Approval Level:	NA Board
Date Last Reviewed:	N/A
Scheduled Review Date:	Annually
Supersedes:	N/A