



These Guidelines have been developed by the Australian Human Rights Commission (the Commission) to provide guidance to sporting organisations on promoting the inclusion and participation of transgender and gender diverse people in sport.

The Guidelines provide:

- information about the operation of the federal *Sex Discrimination Act 1984* (Cth) (the Act) in relation to:
  - » unlawful and permissible discrimination on the basis of sex and gender identity
  - » sexual harassment
  - » victimisation
- practical guidance for promoting inclusion in line with fundamental human rights-based principles:
  - » equality
  - » participation in sport
  - » freedom from discrimination and harassment
  - » privacy.

Other relevant areas of law are also considered.

## 1.1 A need for guidance

In 2015 the Commission published a report based on consultations with lesbian, gay, bisexual, transgender and intersex (LGBTI) communities.<sup>7</sup> Those surveyed raised concerns about the lack of participation of transgender and gender diverse people in sport.<sup>8</sup>

Sporting organisations have identified the need for national guidance on how they can be inclusive of transgender and gender diverse people, and the operation of relevant anti-discrimination laws, while also protecting the health and safety of all players.

In addressing any concerns about player health, safety and wellbeing, sporting organisations should have regard to the relevant laws, rules, regulations, policies and practices for their sport. It should be noted however that these do not displace the obligations that sporting organisations have under the Act.

## 1.2 The development of the Guidelines

In developing the Guidelines the Commission consulted with a broad range of stakeholders, including representatives from national sporting organisations, state sporting organisations, government sports and recreation departments, player associations, non-government organisations, other human rights agencies, academics, legal advisers, medical experts, and athletes.

The Guidelines are informed by the following key themes from the consultations:

- The opportunity to participate in sport should be available to everyone in the community, regardless of their sex or gender identity.
- It is problematic to draw a distinction between community sport and elite sport, because for some athletes, participation at a community level is the first step on a pathway to elite sport.
- There is a need for education and guidance about the practical steps that sporting organisations can take to ensure that transgender and gender diverse people are included in sport.
- Competition is an important part of all levels of sport.