

GUIDELINES FOR PARTICIPATION

TRANSGENDER PEOPLE AND BASKETBALL



Basketball SA seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

As defined in the Member Protection Policy, **Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

It is against the law to discriminate against someone on the basis of their sex or gender identity by:

1. excluding them from a single-sex competition; or
2. excluding them from a sporting activity (such as coaching, umpiring, refereeing or administration).

An exemption may be applied in circumstances where strength, stamina or physique is relevant ('competitive sporting activity exemption'). This will be assessed on a case by case basis, however as a general guide, the following must be considered and documented if a transgender person is excluded from a competition:

- is the person a competitor? – an exemption cannot be applied to coaches, referees or administrators
- the level of competition (ie. elite, amateur, social)*
- the physique of the transgender participant compared to other participants
- whether the person has transitioned or is in the process of transitioning (particular to how this may affect their strength and physique)
- age of participant (cannot be applied to children under 12)

Any request for information from the participant should be made respectfully and sensitively and can only be requested if it is determined necessary to apply an exemption. Participants will not be asked to undergo a medical examination for the purpose of gender verification.

A decision to exclude a person should be made by the Manager of the competition to which the person has applied to enter. Due to the sensitivity of such a decision, the documented decision must be supplied to the CEO or Member Protection Officer for approval and record-keeping.

An individual has the right to seek a review of any decision of exclusion. Complaints should be directed through the process outlined in the Member Protection Policy.

Relevant Legislation, Policies and Guidelines

Basketball Australia Member Protection Policy

Sport Australia Guidelines for the inclusion of transgender and gender diverse people in sport 2019

Sex Discrimination Act 1984

Equal Opportunity Act 1984

**Social participation may not constitute a 'competitive sporting activity'*