

NWA Inclusion Policy and Statements Supporting Information

Background

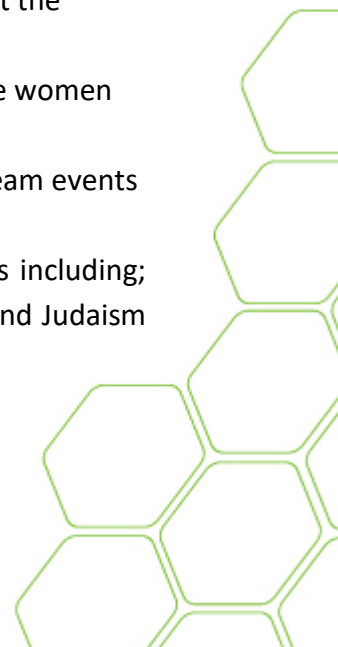
Netball WA (NWA) has a vision of being the sport of choice in Western Australia. In order to achieve this, NWA is striving to create a safe, welcoming and inclusive space for all members of the community who wish to be involved in our sport. Further to this, netball recognises and accepts the unique differences of all persons interested in the sport of netball.

For NWA to continue to be an inclusive organisation, policy in conjunction with operational support, training and resources is required.

In consultation with a representation of regional and metropolitan based associations in June 2022, it was revealed that less than 50% of member associations have Inclusion policies in place. Furthermore, 100% of respondents are seeking policy guidance to be more confident in providing a welcoming and inclusive sporting environment.

At a glance:

- Indigenous Australians comprise approximately 3% of its total population;
- There are over 500 different Aboriginal groups in Australia;
- Australia is a highly multicultural country, with over 1 in 4 of its population born overseas from over 200 countries;
- 200+ languages are spoken at home;
- 4 in 10 Australians aged 18 years and over report having a disability or long-term health condition (approx. 4.2 million);
- 3.5 million people are deaf and hard of hearing;
- Up to 11 in 100 Australians may have a diverse sexual orientation, sex and gender identity;
- 1.7% of children born in Australia are estimated to be intersex;
- Transgender men and women experience higher rates of non-physical abuse compared to gay men and women;
- 42% of LGBTQIA+ people hide their sexuality or gender identity at social and community events;
- Most people, particularly women who play sport, are not concerned about the inclusion of women and girls who are trans; and
- Most people, particularly women, do not support a blanket ban to exclude women and girls who are trans;
- Trans women have the lowest participation rates in LGBTQIA+ or mainstream events compared to the rest of the LGBTQIA+ community;
- In addition, Australia is a religiously diverse nation, with its top religions including; Catholic, Anglican, other Christian, Islam, Buddhism, Hinduism, Sikhism and Judaism (ABS, 2021).



Netball Australia states that the barriers to participation in sport experienced by many Australian communities can be more profound than others, including (but not limited to) multicultural communities, Aboriginal and Torres Strait Islander communities, people with an intellectual or physical disability, socio-economically disadvantaged communities, LGBTQIA+ communities, and regional and remotely located communities. Women and girls across all these communities face lower participation levels in organised sport than men and boys.

Definitions

Affiliated Club means a registered financial club of a Member Association.

Associate Member means a playing and/or governing body that does not meet the criteria of a Member Association or Affiliated Club and is granted membership at the NWA Board's discretion.

Board means the NWA Board.

Constitution means the NWA Rules of Association.

CaLD the terms 'Culturally and Linguistically Diverse' (CaLD) and 'Non-English-Speaking Background' (NESB) are both commonly used to refer to all of Australia's non-Indigenous ethnic groups other than the English-speaking Anglo-Saxon majority (Sawrikar & Katz, 2009).

Cisgender a person whose sense of personal identity and gender corresponds with their assigned birth sex.

Discrimination the unjust or prejudicial treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability.

Direct Discrimination

Direct Discrimination occurs when an individual is, or group of people are, treated unfavourably on the basis of a particular personal characteristic. Sometimes referred to as formal inequality.

Indirect Discrimination

Indirect discrimination occurs where a requirement, condition or practice is unreasonably proposed or imposed condition of practice that is likely to have the effect of disadvantaging the person with a particular personal characteristic. Sometimes referred to as substantive inequality.

Diversity is the range and combination of peoples' different attributes. Diversity may include, but is not limited to, identity characteristics, such as gender and gender identity, ethnicity, sexual orientation, disability, age and generation, religion and belief, socioeconomic background, family and marital and civil partnership status.

Gender is the state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women.

Gender diverse 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 Expression is the way in which a person expresses their gender identity, typically through their appearance, dress, and behaviour.

Gender identity is the way in which a person feels their gender, how they express or present this to others and how they want to be treated by others. A person's gender identity could be male, female, neither, a combination, and can also change over time.

Inclusion is pro-active behaviours, options and actions to make all people, regardless of their diverse attributes feel welcome, respected, empowered to contribute and have equal access to opportunities in our sport. If Diversity is the broad mix of people participating in our sport, then inclusion is the process of working to ensure that these people are treated equally and fairly so our membership represents and reflects the whole community.

Indigenous: The term 'Indigenous' is used to refer to the diverse groups of people Indigenous to Australia. An Aboriginal and/or Torres Strait Islander person is a descendant of an Indigenous inhabitant of Australia, identifies as Aboriginal and/or Torres Strait Islander, and is recognised as Aboriginal and/or Torres Strait Islander by members of the community in which they live (Nelson, 2009).

Intersex means the status of having physical, hormonal or genetic features that are:

- neither wholly female nor wholly male;
- a combination of female and male, or
- neither female nor male.

The term 'intersex' does not describe a person's gender identity (man, woman, neither or both). A person born with a variation in sex characteristics may identify as a man, woman, neither or both.

LGBTQIA+ 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; 'Q' can refer to either gender identity or sexuality, 'I' refers to people who have an intersex variation, 'A' refers to asexual and the '+' is for other identities that fall under this umbrella.

Member means any Member of NWA under the Constitution.



Member of NWA excluding Individual and Life Members.

Member Entity means a Member Association, Affiliated Club, Associate Member or other approved

Member Protection Information Officer, or MPIO, means an individual at an organisation who provides information and guidance on complaints procedures.

Member Protection Policy means the Netball Australia Member Protection Policy, as published by Netball Australia from time to time.

Non-binary a term used to describe a person who does not identify exclusively as either a man or a woman.

Non-Member means any individual at an NWA competition or event that is not a Member of NWA under its constitution.

Participants means people who are involved in netball relevant to NWA, associations and or clubs, that include but is not limited to: coaches, officials, club administrators, volunteers, and spectators.

People with disability a disability may be generally defined as a condition which may restrict a person's mental, sensory, or mobility functions to undertake or perform a task in the same way as a person who does not have a disability.

Players people who play netball relevant to this organisation or club.

Pronouns a grammatical means of referring to a person or persons. Binary 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 describe themselves generally reflects their gender identity.

Sex biological, anatomical or any other physical sex characteristics. Sex exists on a spectrum of traits that include conventional 'male' and 'female' characteristics.

Transgender a general term used to describe a person whose gender identity 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. A person whose birth certificate originally described them as female, who now identifies as a man, may use the labels 'trans', 'trans man' or 'man'. Similarly, a person originally described on their birth certificate as male, who now identifies as a woman, may use the label 'trans', 'trans woman' or 'woman'.

Vilification racial hatred (sometimes referred to as vilification) is doing something in public based on the race, colour, national or ethnic origin of a person or group of people which is likely to offend, insult, humiliate or intimidate (Human Rights Commission, 2015).

Key Areas for Application

- *Leadership* - committee members are committed to inclusion. Active steps are taken to educate players, coaches, staff, volunteers and members about this commitment. Consider how the committee might comprise a true cross section of the membership base to ensure a diverse governance structure.
- *Policy* - an Inclusion policy states the intention of the association to be welcoming in inclusion. Sub policies and position statements can be developed to expand on this e.g. Acknowledgement of Country, Transgender and Gender Diverse Guidelines.
- *Codes of Conduct* - each association should have their own set of codes of conduct that educate players, coaches, volunteers and members about their commitment to inclusion.
- *Facilities* - all reasonable efforts should be made to provide appropriate facilities. Small changes to existing facilities can provide an inclusive environment, such as changing signage on some of the facilities to unisex/gender neutral.
- *Uniforms* - consider how uniforms can be suitable and inclusive of everyone. Refer to the [NWA Uniform Position Statement](#) for existing options.
- *Information Collection Processes* - requesting personal information and legal documents only for necessary reasons, not just 'due process'.
- *Capacity Building* - consider how personnel and volunteers can be educated and supported with resources and training opportunities.
- *Competitions* - refer to single sex competition points (refer to point 2. d) & 2. e) in the Transgender & Gender Diverse Position Statement)



Common Questions

1. What about testosterone?

There is limited research examining the impact of testosterone on the sporting performance of trans women. Testosterone is a hormone produced by the human body. Males generally produce much higher levels of testosterone than females. Higher testosterone levels are generally associated with greater strength, muscle mass and endurance. While testosterone levels affect these physical characteristics, many factors can have an impact on a person's sporting ability.

2. Do people transition to gain a competitive advantage?

Transitioning can be a complex, difficult, long-term and expensive process, which has impacts on a person's identity and wellbeing. It is a personal decision that can involve many stages of social, medical and legal transition. There is no evidence of a person transitioning in order to gain a competitive advantage. For transgender athletes, as for all athletes, sport is about the physical, social and mental health benefits of participation. NWA seeks to support their players in their most authentic self, this includes support in being included in the team they wish to play, regardless of whether they decided or wish to transition.

3. How do I make my sport more inclusive of non-binary people?

Non-binary is a term used to describe a person who does not identify exclusively as either a man/boy or a woman/girl. It might seem difficult to include non-binary people in sport, as sport is often organised based on male and female categories. However, there are simple ways to promote the inclusion of non-binary people in sport. Some strategies include:

- creating gender-neutral teams
- allowing participants to elect which team they wish to join based on their gender identity
- allocating a number of gender non-specific positions in mixed competitions (for example, 40% women: 40% men: 20% non-specific) instead of a designated men/boy to women/girl ratio
- considering ways that the rules of a particular sport can be universally re-designed to accommodate non-binary players

(Guidelines for the inclusion of transgender and gender diverse people in sport, 2019)

4. Is women's sport under threat?

Increasing the participation of all women in sport is essential and important work. Women who are transgender face many barriers to participation at community and elite levels. That's why many sporting organisations in Australia already have guidelines and frameworks in place to ensure all athletes, including athletes who are transgender, can compete safely. The most significant threats to women's sports in Australia are chronic underfunding, pay disparities and a lack of resources.



5. What about strength, stamina and physique?

Trans women are as diverse as any group of women and come in all shapes and sizes. It's impossible to know who is trans or not, just by their appearance.

Success in sport is multifaceted and does not rely solely on a person's physicality or hormone profile. There is no consistent research demonstrating trans women who experienced testosterone during puberty have a competitive advantage in sport. Further, trans women that did not experience testosterone during adolescence have the same hormone profile as cis women.

Transgender and cisgender women are incredibly diverse in their own hormone profiles. There are many cases where cisgender women have high levels of testosterone naturally.

It is also important to recognise that trans women may or may not use hormone replacement therapy and hormone levels, as with cisgender women will vary from individual to individual. It is impossible to gauge anyone's hormone levels, strength and stamina just by looking at them.

6. Will trans people dominate sports?

Trans people affirm their gender identity to improve their lives as their authentic self, not because they want to win a sporting competition. The trans population is not large enough to dominate sport, indeed trans women who are often at the centre of media reporting about trans people in sport, comprise less than 1% of the population. There are some very talented trans athletes but no trans person has ever won a medal at the Olympics. Contrary to fears expressed by some about trans women in particular, there has been no large-scale dominance of trans women in sports.

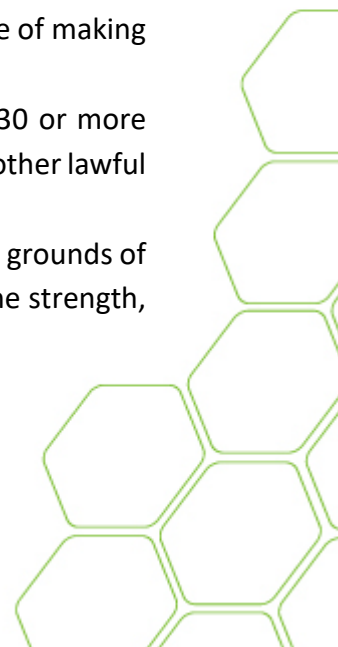
(Trans Sport FAQ - Trans Participation Inclusion, 2022)

Exemptions

It is unlawful to discriminate based on sex or gender identity, unless one of the reasons amounts to a special measure or an exemption applies.

There are four exemptions relevant to sport in the Sex Discrimination Act (SDA), 1984:

1. **Voluntary body** - a voluntary body is an association or other body (incorporated or unincorporated) 'the activities of which are not engaged in for the purpose of making profit.
2. **Club exemption** - under the SDA, 1984, a club means an association of 30 or more people associated together for social, literary, cultural, political athletic or other lawful purposes.
3. **Competitive sporting activity exemption** - allows for discrimination on the grounds of sex or gender identity only in any competitive sporting activity in which the strength, stamina or physique of competitors is relevant.



4. **Temporary exemption** - A sporting organisation may apply to the Commission for a temporary exemption.

If an association is considering applying an exemption to exclude an individual, they must follow a fair and robust decision-making process.

This should include:

- Consultation with NWA or Netball Australia;
- Ensuring there is an established, clear and written process which articulates - how it will assess the application of the exemption, who will make the assessment, what evidence is used for this assessment, as well as any other factors that will determine the assessment;
- Ensuring that any assessment is undertaken in a timely manner;
- Providing the individual with an opportunity to respond to any proposed exclusion;
- Providing the individual with written reasons for any decision to exclude them; and
- Providing the individual with an opportunity to seek a review of a decision to exclude them. [Trans and Gender Diverse Guidelines 2019.pdf \(sportaus.gov.au\)](#)

In summary, associations should use caution when applying the exemption rule in a community netball setting. Each individual should be assessed on a case by case basis, and the association will need to provide a clear, documented case that the person is deemed to have a significant advantage based on their history, in order to exclude them. It is the responsibility of Associations to ensure appropriate support and confidentiality is provided to the player in question whilst the assessment process is being undertaken.

Resources

- Australian Human Rights Commission, [Face the Facts 2014](#)
- Australian Bureau of Statistics, [Top Religions in Australia by % of population](#), 2021
- Equal Opportunity [Equal Opportunity Act 1984 \(www.wa.gov.au\)](#)
- Acon [Trans Sport Inclusion fact sheet](#)
- Acon [Trans Sport Health and Well Being fact sheet](#)
- Play by the Rules - <https://www.playbytherules.net.au/conduct-and-behaviour/what-committees-can-do> and [Inclusion Spectrum](#)
- Sport Australia - Inclusive Sport - <https://www.sportaus.gov.au/integrity-in-sport/inclusive-sport>
- Sport Australia [Trans and Gender Diverse Guidelines 2019.pdf \(sportaus.gov.au\)](#)
- Australian Bureau of Statistics, [Top Religions in Australia by % of population](#), 2021
- Australian Human Rights Commission, [Face the Facts](#), 2014
- Play by the Rules, [Quick Reference Guide](#), 2019