

AUSTRALIAN FOOTBALL LEAGUE

GENDER DIVERSITY POLICY

COMMUNITY FOOTBALL

Issued 1 October 2020





**GENDER
DIVERSITY
POLICY**
COMMUNITY FOOTBALL

CONTENTS

Introduction	4
Scope and Operation of Policy	6
Understanding Gender Identity	8
Participation in community football generally	9
Anti-doping and Testosterone	11
Safety Considerations	12
Research	14
Elite Football	14
Privacy & Personal Information	15
Enquiries	15
Schedule 1 – Glossary of terms relevant to gender and gender diversity	16
Schedule 2 – Therapeutic Use Exemptions for exogenous testosterone use	18

INTRODUCTION

This Policy outlines the AFL's position in respect to the participation of transgender and non-binary people in community Australian Football competitions.

The AFL recognises that Australian Football is not just a sporting game. Australian Football is a beloved game that plays an important role in bringing families and communities together.

The AFL is committed to the inclusion of gender diverse people in our game. The AFL intends that gender diverse players who are registered to play football are supported in doing so in a safe and inclusive environment. Harassment and discrimination of gender diverse players engaging in Australian Football at any level must not be tolerated and will be handled in accordance with the applicable rules and regulations of the relevant Australian Football competition.

The provision to all people of an equal opportunity to participate in an Australian Football competition necessarily involves the provision of an equal opportunity to be competitive and to win. This requires an appropriate balance to be reached between the interests of inclusion and ensuring a fair competition for all.

In August 2018, the AFL released its Gender Diversity Policy – Elite Football to facilitate inclusion of gender diverse players in the competitions known as the AFLW and the AFL. That Policy acknowledged the importance of providing guidance around the inclusion of gender diverse people at a community football level, and foreshadowed its need to consult on and to develop:

- ♦ a policy that provides guidance and a framework to address the inclusion of gender diverse persons in community football; and
- ♦ supporting materials for community football leagues, clubs and participants.

In June 2019, the Australian Human Rights Commission, in partnership with Sport Australia and the Coalition of Major Professional and Participation Sports, including the AFL, released the *Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport*. Those guidelines provide practical assistance on how to create and promote an inclusive environment in Australian sport for transgender and gender diverse people and are relevant to all levels of sporting organisations.

The AFL's consultation process in respect of this Policy for community football included meeting with representatives of a number of State Bodies, local leagues, the Australian Sports Drug Medical Advisory Committee (ASDMAC), inclusion subject matter experts including Pride in Sport, and gender diverse and cisgender players. We thank and acknowledge those who participated in this process. Following this consultation process, this Policy, an updated Elite Football Policy and the companion document to these policies were reviewed, finalised and endorsed by the AFL Executive and Commission.

This Policy facilitates the inclusion of gender diverse players in community Australian Football competitions.

SCOPE AND OPERATION OF POLICY

This Policy applies to all trans and non-binary persons who genuinely seek to play in a community Australian Football competition. This Policy refers to and in some respects must be read with the Gender Diversity Policy – Elite Football (**Elite Football Policy**).

In this Policy:

- ♦ “Community Football” is used to describe all Australian Football competitions that are not Elite Football Competitions or Elite Pathway Competitions;
- ♦ “Elite Football” is used to describe “Elite Football Competitions” and “Elite Pathway Competitions” as they are described in the Elite Football Policy, namely: “Elite Football Competitions” being:
 - ♦ in women’s football, the competition known as AFLW and State League women’s football competitions (or equivalent), namely VFLW, WAFLW, SANFLW, QAFLW, AFL Sydney Women’s Premier Division, AFL Canberra Women’s First Grade, NTFL Women’s Premier League and TSL Women’s; and

- ♦ in men’s football, the competition known as AFL and State League men’s football competitions (or equivalent), namely VFL, WAFL, SANFL, QAFL, AFL Sydney Men’s Premier Division, AFL Canberra Men’s First Grade, NTFL Men’s Premier League and TSL;

“Elite Pathway Competitions” being:

- ♦ in women’s football, the competitions known as at the date of this Policy as NAB League Girls (Under 19) and National Championships (Under 17 and Under 19);
- ♦ in men’s football, the men’s football competitions known as at the date of this Policy as NAB League Boys (Under 19) and National Championships (Under 17 and Under 19);

- ♦ “AFL GDP Committee” is used to describe the committee of persons appointed by the AFL to determine all matters referred to it in connection with this Policy and the Elite Football Policy (noting the composition of that committee is as described in the Elite Football Policy).
- ♦ “Club” is used to refer to a club that participates in a community football competition conducted by a League.
- ♦ “League” is used to refer to a league that is conducted or administered by a State Body or an entity or body that is affiliated with (or licensed by) a State Body.
- ♦ “Rule” is used to refer to the rules, regulations, by-laws and policies of the AFL, or approved or adopted by the AFL, as amended from time to time and includes without limitation:
 - ♦ Laws of Australian Football;
 - ♦ AFL Australian Football Match Policy;
 - ♦ AFL Member Protection Policy; and
 - ♦ any other rules, regulations or by-laws of the AFL

“State Body” is used to refer to a State or Territory league or body that is affiliated with the AFL, including:

- ♦ AFL (NSW/ACT) Commission Ltd (ACN 086 839 385);
- ♦ AFL (Northern Territory) Ltd (ACN 097 620 525);
- ♦ AFL (Queensland) (ACN 090 629 342);
- ♦ South Australian Football League Inc (ABN 59 518 757 737);
- ♦ Football Tasmania Limited (ACN 135 346 986);
- ♦ Australian Football League (Victoria) Limited (ACN 147 664 579); and
- ♦ West Australian Football Commission Inc (ABN 51 167 923 136)

The AFL acknowledges the importance of providing guidance around the inclusion of persons with an intersex variation. The AFL respects the need to consult on, and states its intention to develop, a policy that addresses the participation of persons with an intersex variation in Australian Football.

This Policy will be reviewed at least every 24 months from the date it is first issued to ensure it appropriately reflects the evolving nature of Australian Football and research relating to the inclusion of gender diverse people in competitive sport.

UNDERSTANDING GENDER IDENTITY

Administrators, coaches, players and other participants in Australian Football should refer to guidance material in supporting gender diverse people to participate in Australian Football in a safe and inclusive environment. Such material includes:

- ♦ “*Guidelines for the inclusion of transgender and gender diverse people in sport*”, published by Sport Australia and the Australian Human Rights Commission, found at www.sportaus.gov.au; and
- ♦ “*Guidelines: Trans and gender diverse inclusion in sport*”, published by the Victorian Equal Opportunity and Human Rights Commission, found at www.humanrights.vic.gov.au.

Unlike sexual orientation, which relates to an individual’s romantic and/or sexual attraction toward others, gender identity is about how an individual distinguishes their own gender.

Gender expression refers to an individual’s external expressions of gender, for example, through:

- ♦ behaviour, voice and speech patterns;
- ♦ names and pronouns used to identify oneself;
- ♦ clothing;
- ♦ personal appearance; and
- ♦ social interactions.

Administrators, coaches, players and other participants in Australian Football should seek at all times to use language that is respectful and inclusive, including by referring to all people, including those who are transgender or non-binary, by the name and pronoun they use (e.g. she / her; he / his / him; they / them).

A glossary of terms relevant to understanding the transgender and non-binary experiences and gender identity is set out at the end of this Policy.

PARTICIPATION IN COMMUNITY FOOTBALL GENERALLY

The AFL is committed to inclusion and providing all people with an opportunity to participate in Community Football.

It is the AFL’s view that, in Community Football, considerations of social inclusion have greater priority than concerns that may exist with respect to competitive advantage in relation to the participation of gender diverse players. That is not to say that competitive fairness is not important in Community Football but rather the balance between social inclusion and competitive fairness is different in Community Football than it is in Elite Football.

PARTICIPATION IN COMMUNITY FOOTBALL GENERALLY

Inclusion of trans and non-binary people in Community Football

- (a) Trans women and non-binary people are eligible to compete in girls and/or women's Community Football competitions; and
- (b) Trans men and non-binary people are eligible to compete in boys and/or men's Community Football competitions, provided that:
- (c) such persons comply with all applicable Rules of the competition including the Australian Football Anti-Doping Code (dealt with in this Policy below in the section, "Anti-Doping and Testosterone"); and
- (d) where a referral is made to it, the AFL GDP Committee, acting reasonably, is satisfied that unacceptable safety risks do not arise from the person's proposed or continued participation in the competition (dealt with in this Policy below in the section, "Safety Considerations").

Participation by trans persons in Community Football competitions that do not accord with their gender identity

Where a trans person seeks to play, or plays, in a Community Football competition that does not accord with their gender identity (i.e. a trans boy or man seeking to play in a girls or women's football competition, or a trans girl or woman seeking to play in a boys or men's football competition), a League must refer that matter to the AFL GDP Committee to determine that player's eligibility to compete in that competition.

In determining that eligibility, the AFL GDP Committee will have regard to all the circumstances associated with the trans person's proposed or continued participation, including the player's compliance with all applicable Rules of the competition including the Australian Football Anti-Doping Code (dealt with further in "Anti-Doping and Testosterone" below) and this Policy, including as to safety considerations (dealt with further in "Safety Considerations" below).

ANTI-DOPING AND TESTOSTERONE

Nothing in this Policy is intended to override applicable WADA or Sport Integrity Australia codes or guidelines, or the Australian Football Anti-Doping Code. Relevant anti-doping codes or guidelines, or regulations, codes and policies pertaining to international standards for adherence with a Therapeutic Use Exemption (TUE) will prevail to the extent of any inconsistency with this Policy.

Endogenous testosterone (i.e. testosterone that is naturally occurring)

Endogenous testosterone (i.e. naturally occurring testosterone) is not a prohibited substance under the Australian Football Anti-Doping Code or this Policy in respect of Community Football, whether the person is competing in a men's or women's football competition.

Where a trans or non-binary person is playing in Community Football, that person's participation will not be subject to compliance with a maximum testosterone threshold.

However, the other requirements of this Policy, including as to safety considerations (dealt with below), will still apply.

Exogenous testosterone (i.e. testosterone that is externally administered)

Exogenous testosterone (i.e. testosterone that is externally administered to a person including by injection, implant or in gel form) is a prohibited substance under the Australian Football Anti-Doping Code and may only be used by Australian footballers when the player has been granted a TUE from ASDMAC.

The use of exogenous testosterone without a TUE can have significant consequences under the Australian Football Anti-Doping Code, including long periods of ineligibility from all sports subject to the World Anti-Doping Code.

Further information in relation to TUE's is set out in Schedule 2.

SAFETY CONSIDERATIONS

Where a Community Football League considers (having consulted with the relevant State Body) that unacceptable safety risks *may* arise from a gender diverse person's potential or ongoing participation in a Community Football competition (whether that be a risk to the safety of the gender diverse player or a risk to the safety of other players), that League must refer the matter to the AFL GDP Committee for consideration and determination.

Process for determining whether unacceptable safety risks exist

Where a Community Football League has referred a matter to the AFL GDP Committee in circumstances where the League considers that unacceptable safety risks *may* arise from the gender diverse person's potential or ongoing participation in that League, the AFL GDP Committee will consider the matter.

Where the AFL GDP Committee assesses, on a preliminary basis, that there *may* be an unacceptable safety risk, a risk assessment must be undertaken, noting:

- ♦ unacceptable safety risks will likely arise only in exceptional circumstances and will not arise simply from the potential or ongoing participation of a gender diverse person in the Community Football competition;

- ♦ exceptional circumstances *may* arise where there is a significant disparity in the player's physique as compared to that of cisgender players in the relevant competition (noting that data may be limited in respect of competitions that sit below the level of AFLW and AFL in Elite Football);
- ♦ the risk assessment must, amongst other things, consider whether the rules applicable to the relevant Community Football competition are unable to safely manage the risks arising from the potential or ongoing participation of the gender diverse person.

Where the AFL GDP Committee determines, following the undertaking the risk assessment, that unacceptable safety risks arise from the gender diverse person's participation in the relevant Community Football competition, the AFL GDP Committee will direct the relevant League that the person not be permitted to play (or continue to play) in the competition.

Decision by AFL GDP Committee

A decision by the AFL GDP Committee that a gender diverse person not be permitted to play (or continue to play) in a Community Football competition will be notified to the gender diverse person, relevant League and applicable State Body on a confidential basis. The decision will not be disclosed to any third party without the consent of the gender diverse person. Any public disclosure made by the gender diverse person regarding the decision may be taken as their implied consent for the AFL to publicly address its decision (provided at all times that no personal or confidential information will be disclosed by it).

Unless determined otherwise by the AFL GDP Committee, a decision that a gender diverse person not be permitted to play (or continue to play) in a Community Football competition due to unacceptable safety risks will apply to all equivalent Community Football competitions.

Subsequent risk assessment

The AFL may refer back to the AFL GDP Committee for a further risk assessment if it becomes aware of new information which, if available at the time of making the original decision, may reasonably have affected the outcome of a previous risk assessment.

Request review of decision by AFL GDP Committee

A gender diverse person who is not permitted to play (or continue to play) in a Community Football Competition by the AFL GDP Committee may request a review of the decision by the General Counsel of the AFL within seven (7) calendar days of notification of the decision.

The bases on which a decision may be reviewed are:

- (a) The AFL GDP Committee failed to have regard to relevant considerations, or had regard to irrelevant considerations;
- (b) The AFL GDP Committee was affected by a conflict of interest; or
- (c) The final decision reached, or the decision-making process followed, is inconsistent with this Policy or any relevant laws.

The General Counsel will determine whether to confirm or overturn the decision of the AFL GDP Committee and/or any make any reasonable direction including remittal of the matter back to the AFL GDP Committee for further consideration.

A request for review is to be handled in a timely manner. The gender diverse person seeking review may provide new information only if that information was not available in the first instance.

RESEARCH

The AFL recognises that there is presently limited peer-reviewed data in relation to any supposed safety risks that may arise from the participation of gender diverse persons in Australian Football. This, in part, reflects the fact that the participation of gender diverse persons in Australian Football has, to date, occurred without any formal recognition.

In connection with the introduction of this Policy and the Elite Football Policy, the AFL will undertake a study, with approval from an applicable institution's Research and Ethics Committee, that:

- ♦ considers injuries arising from incidents involving gender diverse persons in Australian Football; and
- ♦ considers issues arising from the implementation of this Policy and the Elite Football Policy, including as to mental health.

That study will be important in reviewing this Policy and the Elite Football Policy. Gender diverse persons should consider notifying the AFL's appointed researcher in order to maximise the potential outcome of that study.

ELITE FOOTBALL

Trans and non-binary persons who aspire to compete in Elite Football should familiarise themselves with the requirements set out in the Elite Football Policy to ensure that they comply and/or take steps to comply, with such requirements prior to applying to compete in Elite Football.

In particular, trans and non-binary persons should note that the Elite Football Policy requires trans women and non-binary people assigned the male gender at birth wanting to compete in Elite Football to provide medical records that establish that the applicant's total testosterone level in serum, has been maintained below **5 nmol/L** for at least **24 months prior** to the date of the application.

PRIVACY & PERSONAL INFORMATION

Trans people and non-binary persons are not required to formally identify themselves as being trans or non-binary to Clubs, Leagues or opposing teams. Participants in Community Football are not required to provide a birth certificate to a Club, League or any other person for the purposes of verifying their gender. A gender diverse person in Community Football must make any necessary notification to their Club and League of their previous participation in Australian Football competitions to ensure that any applicable disciplinary records are carried over to the competition that they are seeking to play in.

Self-identification of a person's gender identity is sufficient for a person's participation in a Community Football competition that accords with that person's gender identity (or for a non-binary person, in the Community Football competition in which they elect to play). However, the AFL recognises that gender diverse players may elect to disclose details of their gender identity, transition and/or affirmation to certain people at their Club, such as a coach, trainer or team doctor. Gender diverse players may also elect to disclose such details to the AFL or its nominated research partner in connection with the research study foreshadowed above.

Personal information should only be collected from participants if absolutely necessary and with the individual's consent, or where the individual is under the age of 18, the consent of their parent or guardian.

ENQUIRIES

Any questions about this Policy and matters relevant to it may be directed to aflgdp@afl.com.au.

SCHEDULE 1 –

Glossary of terms relevant to gender and gender diversity

Language is a powerful tool for promoting inclusion and understanding.

Administrators, coaches, players and other participants in Australian Football should seek at all times to use language that is respectful and inclusive.

If there is an important reason why you need to confirm a person’s gender and you are unsure, it is always best to introduce yourself first (by name and pronouns) and then respectfully ask the person which words they use to describe their gender, and then use these words accordingly.

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.

It is important to understand that a person’s sexual orientation and a person’s gender are two separate concepts:

- ♦ Sexual orientation refers to a person’s romantic and/or sexual attraction to others
- ♦ Gender refers to a part of a person’s feelings and experience of who they are and how they relate to others - this may be male, female, a combination of both or neither. Gender can be expressed in different ways, such as through behaviour or physical appearance.

AFL acknowledges that language constantly changes and we encourage those using this policy to stay informed with other language and terminology relative to this space via Pride in Sport - www.prideinsport.com.au/terminology or TransHub - www.transhub.org.au/language

The following glossary of terms has been developed to help assist people to use respectful and inclusive language.

Term	Definition
Brotherboy	A term used in Aboriginal and Torres Strait Islander communities to refer to an Indigenous trans man
Cis / Cisgender	A term used to describe people who identify their gender as the same as that assigned to them at birth (male or female). ‘Cis’ is a Latin term meaning ‘on the same side as’
Deadname	A term used by some trans people to describe the name they were given and known by prior to affirming their gender and/or coming out
Gender	Gender is part of how you understand who you are and how you interact with other people. Many people understand their gender as male or female. Some may understand their gender as a combination of these or neither

Gender dysphoria

The discomfort a person feels with how their body is perceived and allocated a gender by other people. The experience may occur when a person feels their biological or physical sex does not match their sense of their own gender. This feeling, that there is a mismatch, can trigger a range of responses. Some people experience serious distress, anxiety and emotional pain, which can affect their mental health.

Gender expression

An individual’s external manifestation of gender. This can include certain behaviours, voice and speech patterns, names and pronouns used to identify oneself, clothing, personal appearance and social interactions.

Intersex

An intersex person is born with atypical natural variations to physical or biological sex characteristics such as variations in chromosomes, hormones or anatomy. Intersex traits are a natural part of human bodily diversity. Not all intersex people use the term intersex to describe themselves

LGBTI / LGBTIQ

Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and/ or Questioning

Misgendering

Where a person is described or addressed using language that does not match their gender identity. This can include the incorrect use of pronouns (she/he/they), familial titles (father, sister, uncle) and, at times, other words that traditionally have gendered applications (pretty, handsome, etc.)

Non-binary

This is an umbrella term for any number of gender identities that sit within, outside of, across or between the spectrum of the male and female binary. A non-binary person might identify as gender fluid, trans masculine, trans feminine, agender, bigender etc.

A non-binary person may or may not use the gender-neutral pronouns of “they” and “them”

Queer

An umbrella term sometimes used to refer to diverse genders or sexualities, or a person who is not cisgender and/or heterosexual.

For some LGBTI people ‘queer’ may have negative connotations due to its historical use as a derogatory term, however this term has been “re-claimed” by many young LGBTI people

Sistergirl

A term used in Aboriginal and Torres Strait Islander communities to refer to an Indigenous trans woman

Trans

An abbreviation for transgender

Transgender

Someone whose gender does not exclusively align with the one they were assigned at birth. Transgender relates to a person’s gender, not their sexual orientation

SCHEDULE 2 – Therapeutic Use Exemptions for exogenous testosterone use

As is noted in this Policy in the section, “Anti-Doping and Testosterone”, exogenous testosterone is a prohibited substance under the Australian Football Anti-Doping Code and may only be used by Australian footballers in men’s or women’s football competitions when the player has been granted a TUE from ASDMAC.

The use of exogenous testosterone without a TUE can have significant consequences under the Australian Football Anti-Doping Code, including long periods of ineligibility from all sports subject to the World Anti-Doping Code.

Whether a player needs an in-advance or retroactive TUE for exogenous testosterone use will depend on the level of competition in which they will play or intend to play. Further detail in relation to TUE’s for exogenous testosterone is set out below.

As at the date of this Policy:

- (a) persons competing or proposing to compete in State League competitions whilst using a prohibited substance under the Australian Football Anti-Doping Code including exogenous testosterone require a TUE to be obtained *in advance* of their proposed participation. That is, an application must be made and approved *prior to use* of exogenous testosterone such that if use is detected without such an application being made and approved by ASDMAC, the player will be subject to sanction under the Australian Football Anti-Doping Code; and
- (b) persons competing in Australian Football competitions that sit below State Leagues competitions whilst using a prohibited substance under the Australian Football Anti-Doping Code including exogenous testosterone may apply to ASDMAC for a *retroactive* TUE. That is, an application may be made *after use* of exogenous testosterone is detected and if the application is approved by ASDMAC the player will not be subject to sanction under the Australian Football Anti-Doping Code. If an application is made after use is detected and is refused by ASDMAC, the player will be subject to sanction under the Australian Football Anti-Doping Code.

An application for a TUE (whether in advance or retroactive) in respect of exogenous testosterone use will be determined by ASDMAC on an individual application basis and nothing in this Policy indicates and/or may be relied on by an athlete as to the likely outcome of such an application. However, to assist persons in understanding how ASDMAC views the use of exogenous testosterone by trans and non-binary persons competing in sporting competitions, ASDMAC have informed the AFL that, as at the date of this Policy:

- ♦ an application by a trans or non-binary person playing or seeking to play in a men’s community football competition to use exogenous testosterone at a level equivalent to the range of average male endogenous testosterone levels *may* be approved by ASDMAC (subject to consideration of all relevant circumstances of the application); and
- ♦ an application by a trans or non-binary person playing or seeking to play in a women’s community football competition to use exogenous testosterone at a level above the range of average female endogenous testosterone levels *will not usually be approved* (subject to consideration of all relevant circumstances of the application).



GENDER DIVERSITY POLICY

ELITE FOOTBALL