



These Guidelines are issued under section 48(ga) of the *Sex Discrimination Act 1984* (Cth) (the Act). This provision gives the Commission the power to publish guidelines ‘for the avoidance of discrimination’ on the grounds of sex and gender identity.⁹

2.1 Who are the Guidelines for?

The Guidelines are intended to provide guidance to sporting organisations at all levels, from community sport to elite sport across Australia.

These Guidelines have been developed for sporting organisations, and their staff and volunteers. This includes:

- boards, management committees and their members
- coaches
- staff and volunteers
- umpires and other officials.

The Guidelines may also assist players and members in understanding their rights under the Act.

The Guidelines may also be useful to members of the public, including parents and caregivers of players, interested in the legal obligations of sporting organisations and the need to ensure sport is inclusive and welcoming to all.

The Guidelines are designed for sporting organisations in their capacity as administrators and do not address issues specific to employment. For some sporting organisations, particularly at the elite level, provisions of the Act relating to employment may also be relevant. Organisations should seek legal advice about the application of these provisions.

2.2 Why should I follow the Guidelines?

These Guidelines provide information to assist decision makers to comply with their legal obligations under the Act, and to maximise the inclusion of transgender and gender diverse people in sport.

There are important reasons for following the Guidelines. It is against the law:

- 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 (see **sections 4.2(b) and 4.3**)
- 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 (see **sections 4.2(c) and 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 (see **section 4.2(d)**).

The Guidelines do not provide a definitive legal answer to all of the issues of discrimination, harassment or victimisation involving sex or gender identity that may arise under the Act. Organisations and individuals should seek their own independent legal advice if they have concerns regarding their compliance with the Act or with relevant state or territory anti-discrimination legislation.¹⁰

An organisation or individual will not be protected from a finding of unlawful discrimination if they claim that they complied with, or relied on, these Guidelines. However, the Commission considers that implementing the Guidelines will minimise the likelihood of a successful discrimination claim being made.