

GENDER EQUITY GUIDELINES

Sports

School based sports and the Health and Physical Education curriculum are important parts of student health and wellbeing. All students should have both opportunity and encouragement to participate in sporting activities and events, regardless of their physical characteristics or gender identity. Students benefit physically, mentally and socially by playing sports. Participation in sports alongside their affirmed gender peers can boost self-confidence and self-esteem and provide positive experiences for gender diverse students.

What does the legislation say?

The *Anti-Discrimination Act 1991* prohibits state schools from discriminating on the attribute of gender identity or sexuality. The *Sex Discrimination Act 1984* also prohibits discrimination on the basis of a person's sex, gender identity, intersex status or sexual orientation in the area of education.

Both of these Acts provide exemptions for discrimination in a competitive sporting activity, but these exemptions do not apply to recreational sports.

Section 111 of the *Anti-Discrimination Act 1991 – Competitive Sports* – permits a person to restrict participation in a competitive sporting activity on the basis of gender identity for those over the age of 12 years, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity.

What is reasonable in terms of the strength, stamina or physique requirements of the activity?

This must be considered on a case-by-case basis and include discussion with the student and, in most cases, their parents/carers (unless the student is living independently).

The activity the student wishes to participate in, rather than the individual student, must be what is assessed and a decision made as to whether the strength, stamina or physique requirements of the activity are relevant.

A risk assessment must be undertaken to consider the safety of all students participating. It will be reasonable to restrict a gender diverse student from participating in a competitive sporting activity if the strength, stamina or physique of the participants of the sport is relevant.

Information on the general requirements of individual sports for all students may be found from the relevant [sport and recreation organisation](#) and/or in the Department of Education and Training's [Curriculum Activity Risk Assessment activity guidelines](#).

What needs to be considered if a gender diverse student over 12 years wishes to participate in recreational school based sports with their affirmed gender peers?

For recreational sporting events or activities, student participation is a school based decision taking into consideration the local context, student interests and skills and what is reasonable based on the strength, stamina or physique requirements of the activity.

For example, schools may choose to have mixed sporting teams to ensure all students have the opportunity to participate in their preferred sporting activity or event.

Recreational sporting activities, events and accommodations will be based on student needs and determined in consultation with parents and the school community.

For those under the age of 12 years, no division based on sex or gender identity may occur.

Do all sporting teams need to be mixed?

No. In some sports, schools may consider that mixed sporting teams are not the most appropriate way to teach the sport and gender diverse students can play in the team of their affirmed gender. Schools will make decisions to meet the local context, taking into account the skills to be developed, duty of care and whether it is a competitive sporting activity.

Can gender diverse students under 12 years participate in competitive sporting activities (including district competitions) with their affirmed gender peers?

Yes. Gender diverse students under 12 years can participate in competitive sporting activities with their affirmed gender peers. No division based on sex or gender identity may occur for this age group. The *Anti-Discrimination Act 1991* only allows for gender based restriction where students are aged 12 years or older.

Can gender diverse students over 12 years participate in competitive sporting activities (including district competitions) with their affirmed gender peers?

Whenever possible, participation in competitive sports at inter-school, district or state level is to be supported and encouraged.

Competitive sporting activities for students over 12 years, under Section 111 of the *Anti-Discrimination Act 1991* may have restrictions as to whether a student can compete in their affirmed gender. Student participation is a school-based decision taking into account the strength, stamina or physique requirements of the activity, not of the individual student. All situations are to be dealt with on a case-by-case basis. Consultation may occur with the Manager of the [Queensland School Sport Unit](#).

If the school or the school-based sport organiser restricts participation in a competitive sporting activity on the basis of gender identity for those over the age of 12 years, (because it is considered the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity), the reason/s should be documented, explained to the parents and student, and the decision maker prepared to provide an explanation if necessary if there is a claim of discrimination.