



# Netball Australia

## Inclusion of Transgender and Gender Diverse Athletes in Australian Elite Netball Competitions Policy



# INCLUSION OF TRANSGENDER AND GENDER DIVERSE ATHLETES IN ELITE NETBALL COMPETITIONS

*Netball Australia pays respect to the traditional custodians of our ancient continent, Aboriginal and Torres Strait Islander peoples, we honour their continuing connection to country and their custodianship of the world's oldest living culture.*

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## 1. PURPOSE

- 1.1 Netball is committed to providing welcoming, inclusive and supportive places for all people to play our great game, and we take pride in our record of inclusion and diversity. There is no place for discrimination of any kind, including on the basis of gender, religious belief, age, race or sexual orientation.
- 1.2 This Policy has been developed on the understanding that the **International Netball Federation** considers netball as an elite **Female Category** sport and that strength, stamina and physique are relevant to **Elite Netball Competitions**.
- 1.3 This Policy is intended to establish a framework for the inclusion of **Transgender** and **Gender Diverse** athletes in Elite Netball Competitions.
- 1.4 **Netball Australia** recognises that research, insights and opportunities for the inclusion of transgender and gender diverse athletes in sport is evolving and will identify any opportunities for improvement that require amendments to this Policy.

## 2. BACKGROUND

- 2.1 Netball Australia acknowledges that understandings of **Gender** continually evolve, that **Gender Identity** is not fixed, exists on a spectrum and that people tend to use the terms “**Sex**” and “**Gender**” interchangeably. However, while connected, the two terms do not have the same meaning.
- 2.2 Netball Australia recognises that an athlete’s gender identity is a personal experience and that each athlete will have their own **Transition** and affirmation journey.
- 2.3 Netball Australia will use its best endeavours to support **Athletes** to participate in Elite Netball Competitions in accordance with their Gender Identity, subject to clause 6 (Eligibility) of this Policy.
- 2.4 For these reasons, when applying this Policy, Netball Australia may provide the following support to an Athlete on an individual, case-by-case basis in order to protect and maintain the integrity of netball as well as the health, wellbeing and privacy of the Athlete:
  - 2.4.1 support services whilst any process outlined in this Policy is being undertaken, as requested by the Athlete to the **Head of Integrity**.
  - 2.4.2 a support person to provide transgender and gender diversity advocacy, education and support to the Athlete and Netball Australia as requested to the Head of Integrity.
  - 2.4.3 guidance concerning Netball Australia’s Anti-Doping policy, the Australian Sports Drug Medical Advisory Committee which operates as the Australian Therapeutic Use Exemption

Committee, and Sports Science Sports Medicine principles and high-performance analysis principles, as applicable and as requested by the Athlete to the Head of Integrity.

- 2.4.4 reimbursement for reasonable expenditure incurred by the Athlete as a direct result of additional tests and/or expert reports required by Netball Australia.

### 3. LEGAL FRAMEWORK

- 3.1 Netball Australia is committed to ensuring the rights of all participants are respected, and acknowledges that the federal *Sex Discrimination Act 1984* (Cth) prohibits unlawful discrimination on the basis of sex and gender identity in certain areas of public life. The Act has recognised the **Non-Binary** nature of gender identity since 2013.
- 3.2 The development of this Policy recognises the operations of the *Sex Discrimination Act 1984*, and was informed by the Australian Human Rights Commission's Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport (2019) and targeted consultations.
- 3.3 This Policy relies on the permanent exception provision in the *Sex Discrimination Act 1984* (Cth) and various legislation to permit discrimination in competitive sporting activity. Netball Australia has satisfied itself that the disparity between the relative strength, stamina and physique of transgender and gender diverse people has an appreciable effect on their ability to compete. The capacity to utilise this exception requires an evidence-based assessment and Netball Australia has balanced the interests of inclusion with ensuring a fair competition for all.
- 3.4 It is important to note that this Policy is based on the relevant provisions of the federal *Sex Discrimination Act 1984* (Cth) and applicable legislation. Netball Australia's State and Territory **Member Organisations** and **Suncorp Super Netball Clubs** may have obligations under state and territory anti-discrimination laws and should seek guidance from bodies such as the Victorian Equal Opportunity and Human Rights Commission and ACT Human Rights Commission who have published material to support gender diverse people to participate in sport.

### 4. SCOPE

- 4.1 This Policy applies to:
  - 4.1.1 Athletes who seek to participate in Elite Netball Competitions where their Gender Identity is not the same as their Sex assigned at birth or where no Sex is assigned at birth;
  - 4.1.2 Athletes. For the avoidance of any doubt, this Policy does not apply to coaches, umpires, athlete support personnel, administrators or any other roles; and
  - 4.1.3 Athletes aged 15 years and over.

4.2 This Policy does not apply to:

- 4.2.1 Athletes of **Intersex** status, where the athlete has been Assigned Female at Birth.
- 4.2.2 Athletes whose Member Organisations have determined their own requirements and subsequent implementation processes for their Elite Netball Competition. For the avoidance of doubt, this clause 4.2.2 only applies to a Member Organisation's Competition, defined as Elite Netball Competition h) to n).

## 5. INTERNATIONAL NETBALL FEDERATION

- 5.1 The International Netball Federation considers that netball is a Female Category Sport and refers any transgender athletes to its policy relating to participation by transgender persons.
- 5.2 Netball Australia recognises that this Policy does not reflect the International Netball Federation's current Gender Recognition Policy (as approved March 2009) and will seek guidance from the International Netball Federation should a transgender or gender diverse athlete be available for selection in an Australian National **Team** for **International Play** directly sanctioned by the International Netball Federation.

## 6. ELIGIBILITY

6.1 This Policy does not apply to:

- 6.1.1 any Athlete who, at the time of nomination, is under 15 years of age. Upon attaining the age of 15 years; the Athlete will be required to comply with the Eligibility Requirement; and/or
- 6.1.2 any Athlete who, under medical supervision, has used Puberty Blockers or Anti-Androgens continuously since prior to the onset of puberty.

6.2 An Athlete who:

- 6.2.1 is Transgender; and
- 6.2.2 has received an offer from Netball Australia, a State or Territory Member Organisation or Suncorp Super Netball Club to participate in Elite Netball Competitions,  
  
must notify Netball Australia's Head of Integrity in writing that they are Transgender (**Athlete's Notification**). If the Athlete is under 18 years of age, the Athlete's Notification must be endorsed by a parent or guardian.

6.3 Netball Australia will handle personal information in accordance with the *Privacy Act 1988* (Cth), including personal information that relates to:

- 6.3.1 an Athlete's Sex and/or Gender Identity;

- 6.3.2 an Athlete's Notification;
- 6.3.3 ongoing monitoring of the Athlete's ability to satisfy the Eligibility Requirement;
- 6.3.4 a Referral; and/or
- 6.3.5 an Appeal.

6.4 The Athlete's Notification must include:

- 6.4.1 an undertaking to comply with the Eligibility Requirement for the duration of their participation in Elite Netball Competitions in accordance with clause 8 of this policy;
- 6.4.2 the Athlete's consent to the disclosure of the Athlete's Notification and personal information to an Expert Panel for the purpose of assessing the Athlete's ability to satisfy the Eligibility Requirement; and
- 6.4.3 the Athlete agreement to provide serum samples for the purpose of assessing ongoing satisfaction of the Eligibility Requirement.

6.5 The Athlete will not be required to:

- 6.5.1 undergo any medical assessment, surgery and/or treatment, or demonstrate that they have undergone any medical assessment surgery and/or treatment. It is the Athlete's responsibility, in consultation with their medical team, to decide on the advisability of undertaking any medical assessment, surgery and/or treatment; or
- 6.5.2 provide legal recognition of the Athlete's Gender Identity as the Athlete's Sex.

6.6 The Eligibility Requirement does not limit or exclude any other eligibility criteria for Elite Netball Competitions.

6.7 The Athlete is responsible for meeting their own costs of preparing and submitting the Athlete's Notification.

## 7. ASSESSMENT PROCESS

- 7.1 Netball Australia considers that the presence of testosterone levels above the thresholds set under this Policy would provide an Athlete with a Relevant Disparity.
- 7.2 The Head of Integrity will convene an Expert Panel within five (5) to ten (10) Business Days of receipt of an Athlete's Notification to assess whether the Athlete satisfies the Eligibility Requirement.
- 7.3 In making its determination, the Expert Panel will take into account all relevant facts and circumstances including, without limitation:

- 7.3.1 the frequency of testing and levels of testosterone in the Athlete's serum during the relevant 24-month period and any monitored period, as well as the current level of testosterone in the Athlete's serum (as applicable);
  - 7.3.2 the results of any pre- or post- transition monitoring; and
  - 7.3.3 any other supporting documentation or information produced to the Expert Panel by the Athlete for consideration.
- 7.4 The Expert Panel may make such enquiries or investigations as it considers necessary to make the required determination effectively, including, without limitation, requesting further information from the Athlete or the Athlete's medical team and/or obtaining additional expert opinion(s).
- 7.5 In the event the Expert Panel has any concerns about the adequacy of the supporting documentation provided by the Athlete, it must give the Athlete a fair opportunity to address these concerns before making its determination.
- 7.6 The Expert Panel will complete its assessment as soon as is reasonably practicable in all circumstances and will make its determination in writing.
- 7.7 The Athlete must not take part in any Elite Netball Competitions unless and until the Expert Panel determines that the Athlete meets the Eligibility Requirement.
- 7.8 The Expert Panel may determine that:
  - 7.8.1 the Athlete meets the Eligibility Requirement and is eligible to compete in Elite Netball Competitions subject to the Athlete's ongoing satisfaction of the Eligibility Requirement and monitoring in accordance with clause 8; or
  - 7.8.2 the Athlete does not meet the Eligibility Requirement and the Athlete is not eligible to participate in Elite Netball Competitions.
- 7.9 The Expert Panel must provide written reasons for its decision. Where applicable, it should also specify what further supporting documentation the Athlete may provide in order to satisfy the Eligibility Requirement in the future. Any Athlete who does not meet the Eligibility Criteria may resubmit an Athlete's Notification at any time.

## 8. ASSESSMENT PROCESS - MONITORING

- 8.1 The Head of Integrity (at Netball Australia's own cost) may review an Athlete's satisfaction of the Eligibility Requirement:
  - 8.1.1 annually;



- 8.1.2 by random or target testing of the Athlete's serum testosterone levels; and/or
  - 8.1.1 as necessary satisfy the Expert Panel that the Athlete Eligibility Requirement; and/or
  - 8.1.2 any circumstance indicating potential non-compliance with this Policy by the Athlete,
- at any time, with seventy-two (72) hours' notice to the Athlete.
- 8.2 The Athlete may still be able to meet the Eligibility Requirement if occasional spikes in total testosterone levels arise during the Athlete's participation in Elite Netball Competitions as long as the Athlete is able to demonstrate that:
  - 8.2.1 they have undergone regular medical monitoring and assessment by their medical team in the 24 months prior to the spike being detected; and
  - 8.2.2 the spike is not the result of a deliberate act or omission by the Athlete to increase their total testosterone levels.
- 8.3 The Head of Integrity may provisionally suspend the Athlete from participating in Elite Netball Competitions if it has reasonable grounds to suspect that the Athlete no longer satisfies the Eligibility Requirement.
- 8.4 The Head of Integrity must use reasonable endeavours to review the Athlete's ability to meet the Eligibility Requirement as soon as reasonably practicable.
- 8.5 The Head of Integrity may refer the matter to an Expert Panel at its own discretion in accordance with clause 9 of this Policy.
- 8.6 The Athlete must cooperate fully and in good faith with any enquiries commenced pursuant to clause 8.4 above and any direction of the Head of Integrity to provisionally suspend the Athlete. Such determination of the Head of Integrity to provisionally suspend the Athlete will have no effect on the Athlete's participation in competition below Elite Netball Competitions.
- 8.7 The Athlete may appeal a provisional suspension in accordance with clause 11 of this Policy.

## 9. REFERRAL TO THE EXPERT PANEL

- 9.1 An Authorised Representative may make a Referral to the Expert Panel by emailing [integrity@netball.com.au](mailto:integrity@netball.com.au).
- 9.2 Without limiting any other provision of this Policy, the following principles will apply to the Referral process:
  - 9.2.1 Any Referral will be dealt with expeditiously by the Head of Integrity and the Expert Panel, without unnecessary delay; and



- 9.2.2 The investigation of the Referral will be conducted in a respectful and appropriate manner.
- 9.3 A Referral may be made by an Authorised Representative in the following circumstances:
- 9.3.1 after the Athlete commences participating in Elite Netball Competitions, but no earlier than 25% into the fixture (excluding finals) for competitions with a weekly (or similar) round robin competition format (for example, Suncorp Super Netball);
- 9.3.2 after the conclusion of the competition for events with multiple stages and/or round robin, with the top teams in one stage progressing to the next (for example National Championships and pre-season events); or
- 9.3.3 after the conclusion of camps or similar opportunities (for example Talls Camp).
- 9.4 Upon receipt of the Referral, the Head of Integrity will convene the Expert Panel to consider whether there may be any basis for the Referral including:
- 9.4.1 if there is a Relevant Disparity between the Athlete and other Athletes in the relevant Elite Netball Competitions;
- 9.4.2 whether the **Rules** of Netball as published by the International Netball Federation are able to address the **Relevant Disparity**; and
- 9.4.3 whether **Game Management** is able to address the Relevant Disparity.
- 9.5 Where the Expert Panel determines that either:
- 9.5.1 there is no Relevant Disparity between the Athlete and other Athletes in the relevant Elite Netball Competition; and/or
- 9.5.2 that Game Management is addressing the Relevant Disparity appropriately,
- no further action will be taken in respect of the Athlete.
- 9.6 Where the Expert Panel determines that:
- 9.6.1 there is a Relevant Disparity between the Athlete and other Athletes in relevant Elite Netball Competition; and
- 9.6.2 that Game Management is not able to address the Relevant Disparity,
- the Expert Panel may:

- 9.6.3 direct the Athlete to participate in Physical and/or Morphological Benchmarking to measure the Relevant Disparity and the Athlete's on-court **Playing Position(s)** in the squad or team; and/or
  - 9.6.4 monitor the Athlete's participation in the Elite Netball Competition in accordance with clause 8 of this policy; and/or
  - 9.6.5 take any further action it considers necessary.
- 9.7 Where the Expert Panel requests that the Athlete participate in Physical Benchmarking and/or Morphological Benchmarking, it will:
- 9.7.1 consider any documentation provided by the Athlete in relation to their participation in the relevant Elite Netball Competition;
  - 9.7.2 review in match footage and data of the Athlete during Elite Netball Competitions (where available);
  - 9.7.3 request a confidential report as to the profile of the Athlete compared with other Athletes in the relevant Elite Netball Competitions (where available); and/or
  - 9.7.4 consider any independent, legal, medical or other expert evidence relating to the Athlete's participation in the relevant Elite Netball Competitions.
- 9.8 The Expert Panel may refuse to investigate a Referral on the basis that the Referral is frivolous or vexatious and not take any further action in respect of the Athlete.
- 9.9 The Expert Panel will not investigate a Referral about an Athlete who has been the subject of a Referral in the past six (6) months, unless the Referral contains new evidence that has not been previously considered by the Expert Panel.
- 9.10 The Expert Panel may only support the Referral and overturn the original determination made pursuant to clause 7.7.2 if it is reasonably satisfied that there is a Relevant Disparity which may reasonably be regarded to give rise to an unreasonable competitive advantage to the Athlete having regard to:
- 9.10.1 the Athlete's ongoing satisfaction of the Eligibility Requirement;
  - 9.10.2 profile of the Athlete compared with other Athletes in the relevant Elite Netball Competitions pursuant to clause 9.12.2;
  - 9.10.3 evidence of any significant difference or competitive advantage following review of in match footage pursuant to clause 9.12.3; and
  - 9.10.4 Game Management being inadequate to address the Relevant Disparity.

- 9.11 The Expert Panel will notify the Athlete of the outcome of its decision and the reasons for the decision in writing.
- 9.12 All parties shall be responsible for their own costs associated with the Referral.
- 9.13 Each party is responsible for meeting their own costs of investigating and/or responding to the Referral.

## 10. CONSEQUENCES TO ATHLETE AND TEAMS

- 10.1 Where the Expert Panel overturns the original determination, either through on-going monitoring (clause 8) or through a referral to the Expert Panel (clause 9), and that there is no fault, negligence or intent demonstrated by the Athlete, there will be no consequences or sanctions imposed on the Athlete and or the team
- 10.2 Where the Expert Panel overturns the original determination, either through on-going monitoring (clause 8) or through a referral to the Expert Panel (clause 9), and that there might be fault, negligence or intent demonstrated by the Athlete, the entity with jurisdiction for the Elite Netball Competition will determine, in accordance with its procedures, if consequences or sanctions ought to be imposed on the Athlete and or the team.

## 11. APPEALS BY AN ATHLETE

- 11.1 An Athlete may request a review of the following decisions:
  - 11.1.1 A decision of the Expert Panel that the Athlete does not satisfy the Eligibility Requirement;
  - 11.1.2 A decision of the Head of Integrity to provisionally suspend an Athlete under clause 8 of this Policy; and
  - 11.1.3 A decision of the Expert Panel's in relation to a Referral under clause 9 of this Policy.
- 11.2 Any notice to appeal under this clause must be lodged with Netball Australia's **General Counsel** within five (5) Business Days of the relevant decision. Following receipt of the appeal, Netball Australia's General Counsel will, as soon as practicable, appoint an Appeal Panel. The appeal will be governed by Victorian law and the procedure for conducting the appeal will be left to the discretion of the Appeal Panel, whose decision will be the full, final and complete disposition of the matter and will be binding on all parties.
- 11.3 The Appeal Panel shall have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, the legal and/or travel/accommodation costs of the Appeal Panel and/or any other relevant parties, including Netball Australia) to be paid by the appealing party if it considers that such party has acted, spuriously, frivolously, without reasonable cause or otherwise in bad faith.

Otherwise, each party to the appeal shall be responsible for their own costs associated with the appeal.

## 12. ANTI-DOPING PROVISIONS

- 12.1 Anti-doping provisions may be relevant to Transgender Athletes whose journey includes medical transition to affirm their Gender Identity.
- 12.2 Nothing in this Policy is intended to displace applicable World Anti-Doping Agency or Australian Sports Anti-Doping Authority codes, standards or guidelines, or Netball Australia's Anti-Doping policy or the International Netball Federation's Anti-Doping Policy. To extent of any inconsistency, these anti-doping codes, standards and policies will prevail.
- 12.3 Nothing in this Policy will be deemed to permit, excuse or justify any non-compliance with anti-doping requirements including, without limitation, any requirement for an Athlete to obtain a Therapeutic Use Exemption for the use of a prohibited substance, such as testosterone.
- 12.4 An Athlete who medically transitions from male to female and seeks to participate in Elite Netball Competitions may need to consider a Therapeutic Use Exemption as follows:
  - 12.4.1 Therapeutic Use Exemptions are administered by the Australian Sports Drug Medical Advisory Committee. Information is available at [www.asada.gov.au](http://www.asada.gov.au);
  - 12.4.2 A Therapeutic Use Exemption is only granted provided that there is no unfair advantage given to the athlete by taking the substance or using the method; and
  - 12.4.3 The Athlete will be required to provide a copy of any Therapeutic Use Exemption granted to them through the Australian Sports Anti-Doping Authority to the Head of Integrity.
- 12.5 An Athlete may consult with the Head of Integrity to provide guidance on Netball Australia's Anti-Doping Policy.

## 13. HARASSMENT, DISCRIMINATION OR BULLYING

- 13.1 Netball Australia does not tolerate any form of harassment, discrimination or bullying in Elite Netball Competitions.
- 13.2 Netball Australia has in place policies and codes that address instances of harassment, discrimination or bullying.
- 13.3 Without limiting any provision of Netball Australia's policies and codes, vexatious or frivolous Referrals may amount to harassment and will be dealt with in accordance with applicable Netball Australia policies.

## 14. VICTIMISATION

- 14.1 Victimisation is an offence under Federal and State and Territory legislation.
- 14.2 Netball Australia does not tolerate any form of victimisation.
- 14.3 A person will be taken to have victimised another person if they threaten to, or do, subject that person to a detriment because they have either made a complaint under Federal and/or State and Territory legislation or a Netball Australia code or policy. Instances of victimisation will be dealt with in accordance with applicable Netball Australia policies.

## 15. GAME MANAGEMENT

- 15.1 Game Management is a long standing and effective means of ensuring the health, safety and wellbeing of Athletes.
- 15.2 The Rules of Netball published by the International Netball Federation note that:
  - 15.2.1 The Rules are based on the core values of equal opportunity, fair play and respect for an opponent's skill and safety;
  - 15.2.2 It is the responsibility of Athletes to ensure that they are physically and technically prepared in a manner that enables them to play the Game, comply with the Rules and participate safely in a sporting and fair manner; and
  - 15.2.3 It is the responsibility of those who coach or teach the Game to ensure that athletes are prepared in a manner that ensures compliance with the Rules of the Game as well as an understanding of both sporting behaviour and safe practices.
- 15.3 This Policy does not in any way limit the ability of Netball Australia to apply appropriate risk management procedures to ensure the safety of all Elite Netball Competitions.

## 16. RELATED DOCUMENTS

- 16.1 This Policy must be read and implemented in conjunction with:
  - Anti-Discrimination Legislation
  - Occupational Health and Safety and Work Healthy and Safety Legislation
  - *Privacy Act 1988* (Cth)
  - Netball Australia Privacy Policy
  - Netball Australia Anti-Doping Policy
  - International Netball Federation Anti-Doping Policy
  - Australian Diamonds Collective Player Agreement

- Suncorp Super Netball Collective Player Agreement
- Codes of Conduct
- Member Protection Policy
- Elite Netball Competition Rules

## 17. AMENDMENT AND INTERPRETATION OF THIS POLICY

- 17.1 This Policy may be amended from time to time by Netball Australia, with such amendments coming into effect on the date specified by Netball Australia.
- 17.2 The headings used for the various clauses of this Policy are for the purpose of guidance only and shall not be deemed to be part of the substance of this Policy or to inform or affect in any way the language of the provisions to which they refer.
- 17.3 If any clause or provision of this Policy is held invalid, unenforceable or illegal for any reason, the Policy shall remain otherwise in full force apart from such clause or provision that shall be deemed deleted insofar as it is invalid, unenforceable or illegal.
- 17.4 The Policy is governed by and shall be construed in accordance with the laws of the State of Victoria, Australia.

## 18. DEFINITIONS

- 18.1 Netball Australia acknowledges that terminology can have an impact on a person's identity, wellbeing and inherent dignity. Using appropriate terminology respects individuality and enhances the visibility of transgender and gender diverse people in the community.
- 18.2 Netball Australia recognises that terminology in this area is evolving. The following section provides general guidance on relevant terminology. An understanding of these terms can help prevent discrimination and create an inclusive environment.
- 18.3 Some of these terms reflect terminology used by the Australian Human Rights Commission.
- 18.4 For the purpose of this Policy and unless the context otherwise requires:

<b>Appeal Panel</b>	A panel of three people appointed by Netball Australia's General Counsel to perform the function(s) assigned to the Appeal Panel in this Policy.
<b>Athlete</b>	Any netballer who has, pursuant to clause 3 elected to participate in Elite Netball Competitions consistent with their Gender Identity, whether or not this accords with the Sex they were assigned at birth.

<b>Athlete Notification</b>	An Athlete who is Transgender or Gender Diverse must nominate their Gender Identity, if not the same as the Sex they were assigned at birth (or where no Sex is assigned at birth), by providing written notification to the Head of Integrity.
<b>Australian Netball</b>	Netball Australia and each of the State and Territory Member Organisations.
<b>Australian Netball League</b>	Netball Australia's feeder competition into Suncorp Super Netball (or its successor).
<b>Authorised Representative</b>	Any: a) <b>High Performance Umpire</b> ; b) CEO/General Manager of a Member Organisation (or their designee); c) CEO/General Manager of a Suncorp Super Netball Club (or their designee); d) Head of Integrity, Netball Australia; e) Netball Australia Chair (or their designee); or f) Super Netball League Commission Chair (or their designee).
<b>Discrimination Legislation</b>	a) <i>Sex Discrimination Act 1984</i> (Cth); b) <i>Discrimination Act 1991</i> (ACT); c) <i>Anti-Discrimination Act 1977</i> (NSW); d) <i>Anti-Discrimination Act 1996</i> (NT); e) <i>Anti-Discrimination Act 1991</i> (Qld); f) <i>Equal Opportunity Act 1984</i> (SA); g) <i>Anti-Discrimination Act 1998</i> (Tas); h) <i>Equal Opportunity Act 2010</i> (Vic); i) <i>Equal Opportunity Act 1984</i> (WA).
<b>Eligibility Requirement</b>	The Athlete's concentration of testosterone in serum has been less than 5 nmol/L continuously for a period of no less than 24 months prior to notifying the Head of Integrity that they are Transgender or Gender Diverse.  The Athlete must provide to the <b>Expert Panel</b> , medical history of their concentration of testosterone in serum levels for the 24-month period at regular intervals.  All measurements of serum testosterone levels must be conducted by means of <b>Tandem Mass Spectrometry</b> .
<b>Elite Netball Competitions</b>	Any netball match played as part of the: a) Australian - Development, A, 21/Under, 19/Under and 17/Under Team and Squad (and other similar Teams and Squads as determined by Netball Australia);



	<ul style="list-style-type: none"> <li>b) Australian Fast5 Team (or its successor);</li> <li>c) Australian Netball Diamonds Squad and Team;</li> <li>d) Australian Netball League (or its successor);</li> <li>e) National Netball Championships (including 19/Under and 17/Under and other championships as determined by Netball Australia);</li> <li>f) Netball Centre of Excellence (including Australian Development squad or equivalent, 21/Under squad, 19/Under squad, 17/Under squad, Talls squad and other programs or squads as determined by Netball Australia);</li> <li>g) Suncorp Super Netball (or its successor);</li> <li>h) Netball ACT - State League (or its successor);</li> <li>i) Netball NSW - Premier League (or its successor);</li> <li>j) Netball Queensland - Sapphire Series and Ruby Series (or its successors);</li> <li>k) Netball SA - Premier League (or its successor);</li> <li>l) Netball Tasmania - Tasmanian Netball League (or its successor);</li> <li>m) Netball Victoria - Victorian Netball League (or its successor); and</li> <li>n) Netball WA - WA Netball League (or its successor).</li> </ul>
<b>Expert Panel</b>	<p>A minimum of three people convened by the Head of Integrity to perform the functions assigned to the Expert Panel in this Policy, including:</p> <ul style="list-style-type: none"> <li>a) a person with sports medicine speciality, more than 5 years' experience and an understanding of inclusion of transgender and gender diverse people in sport;</li> <li>b) a person with more than 5 years practicing experience in sports law;</li> <li>c) a person with post-doctoral qualifications in <b>SSSM</b> and application to netball; and</li> <li>d) any relevant expert (for example, athlete advocate, anti-discrimination/human rights law expert, person with experience and understanding of issues related to the inclusion of transgender and gender diverse people in sport) as determined by the Head of Integrity.</li> </ul> <p>The Expert Panel will nominate the Chair from the Panel Members appointed for each matter.</p>

	<p>Netball Australia will provide administrative support to the Expert Panel.</p> <p>For the avoidance of doubt, the Expert Panel will be the same group who assesses the initial application and then considers the Referral (as required).</p>
<b>Female Category</b>	Female sport most closely aligns with the Athlete's <b>Gender Expression</b> .
<b>Game</b>	The Game of Netball.
<b>Game Management</b>	The umpires apply the Rules of the Game fairly, communicate clearly and maintain a calm, decisive control.
<b>Gender</b>	The way in which a person identifies or expresses their masculine or feminine characteristics. A person's gender identity or gender expression is not always exclusively male or female and may or may not correspond to their sex.
<b>Gender Diverse</b>	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.
<b>Gender Expression</b>	The way in which a person externally expresses their gender.
<b>Gender Identity</b>	<p>A person's deeply held internal and individual sense of gender.</p> <p>The <i>Sex Discrimination Act 1984</i> (Cth) defines Gender Identity as the gender related identity, appearance or mannerisms or other gender related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated Sex at birth.</p>
<b>Head of Integrity</b>	The person holding the position of Head of the Integrity Unit at Netball Australia from time to time (including any person acting in that position).
<b>High Performance Umpire</b>	<p>Accreditation level International Umpires' Award (IUA) and AA (All Australia) badge.</p> <p>Umpires who are accredited to umpire at Netball World Cup, Commonwealth Games, International Test Series, Fast5 World Series, Netball World Youth Cup, Suncorp Super Netball, Australian Netball League, State League and National High-Performance competitions.</p>
<b>International Netball Federation</b>	Worldwide governing body for Netball.

<b>International Play</b>	A match between two countries played for International Netball Federation ranking points.
<b>Intersex Status</b>	<p>A protected attribute under Discrimination Legislation. <i>Under the Sex Discrimination Act 1984</i> (Cth) Intersex status means the status of having physical, hormonal or genetic features that are:</p> <ul style="list-style-type: none"> <li>a) neither wholly female nor wholly male;</li> <li>b) a combination of female and male; or</li> <li>c) neither female or male.</li> </ul> <p>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.</p>
<b>Legal Transition</b>	The process by which a person changes their identity documents, name, or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate, or changing their name on a driver's licence or bank card.
<b>LGBTQI (or variations)</b>	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; and the 'I' refers to people who have an intersex variation. 'Q' can refer to either gender identity or sexuality.
<b>Male to Female</b>	May be used by a transgender person who was assigned male at birth and has since transitioned, or is in the process of transitioning, their female gender.
<b>Match Officials</b>	The International Netball Federation defines Match Officials as two umpires and a reserve umpire.
<b>Medical Transition</b>	The process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.
<b>Member Organisations</b>	<p>The official representative of, and controlling authority for, netball in a State/Territory. The Member Organisations are:</p> <ul style="list-style-type: none"> <li>a) A.C.T. Netball Association Incorporated;</li> <li>b) The New South Wales Netball Association Limited;</li> <li>c) Netball NT Incorporated;</li> <li>d) Netball Queensland Limited;</li> <li>e) South Australian Netball Association Incorporated;</li> <li>f) Tasmanian Netball Association Incorporated;</li> <li>g) Victorian Netball Association Incorporated; and</li> </ul>

	h) Netball WA (Incorporated).
<b>Morphology</b>	<p>In the broad sense, the study of the structure of the human body in connection with its development and vital activity; it includes human anatomy, embryology, and histology.</p> <p>Human morphology is conventionally divided into two subdivisions:</p> <p>Merology, or anatomical anthropology, which studies the variations and relationships of individual organs and tissues.</p> <p>Somatology, which studies the variation and the interdependence of structural features of the entire living human body, including the total dimensions of the body (height and weight, chest circumference, surface area and volume) and their interrelationships, body proportions and external forms of individual parts of the body.</p>
<b>Netball</b>	The sport and game of netball as determined by the International Netball Federation with such variations as may be recognised by Netball Australia from time to time.
<b>Netball Australia</b>	<p>The governing body and national sporting organisation for netball in Australia.</p> <p>Reference to Netball Australia, where applicable, also includes the Super Netball League, set up to conduct, promote and administer Suncorp Super Netball (or its successor).</p>
<b>Netball Australia General Counsel</b>	The person holding that position at Netball Australia from time to time (including any person acting in that position).
<b>Netball Match</b>	Includes training, competition, practice, invitational and similar netball participation.
<b>Non-binary</b>	A person who does not identify exclusively as either a man or a woman.
<b>Physical Benchmarking</b>	<p>Strength, stamina and physique benchmarking may include:</p> <ul style="list-style-type: none"> <li>a) The Elite Netball Competition the Athlete is participating in;</li> <li>b) The Athlete's Playing Position(s);</li> <li>c) Netball percentiles and benchmarks based on data in the Athlete Management System and similar tools; and</li> <li>d) SSSM tests, for example Dual-energy X-ray absorptiometry.</li> </ul>

	<p>Netball Australia will not specify the tests to be carried out or the mean, median and range of the normative and comparison data given measurements can be influenced by Playing Position, age group and the Elite Netball Competition the Athlete is participating in.</p> <p>Where relevant, the National Protocols for the Assessment of Physical Performance Protocols (Sport Australia), ought to inform some of the tests required, for example:</p> <p>Anthropometry/Body Composition: Height, Mass, Girths and Sum of Seven Skinfolds</p> <p>Flexibility: Completed in Musculoskeletal Screening</p> <p>Speed: Sprints and Times.</p> <p>Agility/Coordination: 5-0-5 Agility Test, Planned Agility Run, Times, and Ratios</p> <p>Leg Power: Jumps and Maximum Height</p> <p>Strength: Isometric Mid-Thigh Pull, Push – Ups, Chin – Ups, Bench Press, Bench Pull, Squat, Deadlift, including Maximum Repetitions (Relative to Load and Form)</p> <p>Repeat Speed Ability: Maximum Sprint, Best Time, Total Time, % Decrement</p> <p>Aerobic Endurance: Yo-Yo Intermittent Recovery, Multistage Fitness Tests, Level (est.VO2 max)</p> <p>Maximal effort is expected.</p> <p>.Sport and Exercise science testing must be carried out in laboratories accredited by the National Sport Science Quality Assurance Program.</p> <p>Once the Athlete has commenced Physical Benchmarking, the process should be completed within 45-days.</p>
<b>Playing Positions</b>	<p>a) Goal Shooter (GS);</p> <p>b) Goal Attack (GA);</p> <p>c) Wing Attack (WA);</p> <p>d) Centre (C);</p> <p>e) Wing Defence (WD);</p> <p>f) Goal Defence (GD); and</p> <p>g) Goalkeeper (GK).</p>
<b>Pronouns</b>	<p>Grammatical means of referring to a person or persons. Conventional 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.</p>

<b>Puberty Blocker and Anti-Androgens</b>	Medication that suppresses the body's production of testosterone, essentially pausing the changes that would occur during puberty.
<b>Relevant Disparity</b>	<p>Relevant and significant disparity in the Athlete's strength, stamina or physique when compared to other netball athletes in the relevant Elite Netball Competitions which may have an appreciable effect on the ability to compete.</p> <p>Netball Australia will collect and collate data on high-performance athletes in relation to physical and morphology benchmarking, including physiology measures, which relevant to the consideration of inclusion of Transgender and Gender Diverse Athletes in the female category.</p> <p>Benchmarking data collected and collated ought to be able to be compared across parameters such as age, playing positions and competition, and include percentiles.</p> <p>Netball Australia will not specify the tests to be carried out or the mean, median and range of the normative and comparison data given measurements can be influenced by Playing Position, age group and the Elite Netball Competition the Athlete is participating in.</p>
<b>Referral</b>	<p>A notification by an Authorised Representative to the Expert Panel that there may be a Relevant Disparity in relation to an Athlete.</p> <p>The Referral must specify the Athlete and the grounds on which the Authorised Representative considers that there may be a Relevant Disparity.</p>
<b>Reserve Umpire</b>	Match official seated at the umpires' bench who is ready to replace an umpire in the event of illness/injury during a match.
<b>Rules</b>	<p>International Netball Federation's official playing rules for the game.</p> <p>Variations to the Rules may be made for matches that are not for international play. The extent of these variations will depend on the level of competition.</p> <p>Decisions regarding variations will normally be made by the controlling authority for the competition.</p>
<b>Sex</b>	A person's biological sex or sex characteristics. These may be genetic, hormonal, or anatomical.
<b>Social Transition</b>	The process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns, and appearance.

<b>SSSM</b>	Sports Science & Sports Medicine.
<b>Suncorp Super Netball Club</b>	<p>The entity granted the rights to operate a team that is entitled to participate in Suncorp Super Netball under the terms of a Team Participation Agreement entered into with Netball Australia, which as at 1 February 2017 includes the following:</p> <ul style="list-style-type: none"> <li>a) Adelaide Thunderbirds;</li> <li>b) Melbourne Mavericks;</li> <li>c) GIANTS Netball;</li> <li>d) Melbourne Vixens;</li> <li>e) New South Wales Swifts;</li> <li>f) Queensland Firebirds;</li> <li>g) Sunshine Coast Lightning; and</li> <li>h) West Coast Fever.</li> </ul>
<b>Tandem Mass Spectrometry</b>	Also known as MS/MS or MS, is a technique in instrumental analysis where two or more mass spectrometers are coupled together using an additional reaction step to increase their abilities to analyse chemical samples.
<b>Team</b>	Up to twelve Athletes (of whom a maximum of seven are on the court at any time) and up to five officials.
<b>Transgender</b>	<p>Commonly abbreviated to 'trans'.</p> <p>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.</p> <p>A person whose birth certificate originally described them as female, who now identifies as a man, may use the label '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 labels 'trans', 'trans woman' or 'woman'.</p>
<b>Transition or affirmation</b>	<p>The social, medical or legal steps that a transgender person takes to affirm their gender identity.</p> <p>A transition or affirmation may or may not involve medical treatment, including surgeries or hormone therapy. People can transition as children or as adults. Each transition is different.</p>
<b>Umpire</b>	<p>Any individual who is appointed as an umpire in the relevant competition of Elite Netball Competitions to which the Athlete is participating.</p> <p>The umpires control a match according to the Rules and decide any matter not covered by them.</p>



END

## VERSION HISTORY

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