

AUSTRALIAN FOOTBALL LEAGUE

GENDER DIVERSITY POLICY – AFLW AND AFL



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AFL GENDER DIVERSITY POLICY – AFLW AND AFL

The AFL recognises that Australian Rules Football is not just a sporting game. Australian Rules 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 that are registered to play football in the competition that accords with their identified gender are supported in doing so in a safe and inclusive environment.

Harassment and discrimination of gender diverse players engaging in Australian Rules Football at any level is not tolerated and will be handled in accordance with the applicable rules and regulations of the relevant Australian Rules Football competition.

Both State and Federal legislation prohibits discrimination against a person on the basis of their gender identity in different areas of public life, including sport.

An exception arises under various legislation to permit discrimination in sport on the basis of gender identity where the relative difference in strength, stamina or physique of a trans or non-binary player is significant in the sense that it has an appreciable affect on their ability to compete. The capacity to utilise this exception requires an evidence-based assessment.

The provision to all people of an equal opportunity to participate in an Australian Rules 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.

With these considerations in mind, this Policy is intended to provide a framework for the inclusion of gender diverse players at the elite level of Australian Rules Football.

SCOPE AND OPERATION OF POLICY

This Policy applies to all trans and non-binary persons who seek to play in an elite Australian Rules Football competition.

This Policy outlines the AFL's position in respect to the participation of trans and non-binary people in elite Australian Rules Football competitions, and (where appropriate) the procedure that will be followed in assessing an application made by a trans or non-binary person to play in an elite Australian Rules Football competition.

In this Policy, "elite football" is used to describe, in relation to women's football, the Australian Rules Football competition known as AFLW and, in relation to men's football, the Australian Rules Football competition known as the AFL. "Community football" is used in this Policy to describe all Australian Rules Football competitions that, in respect of women's football and men's football, sit below AFLW and AFL respectively, and includes all State Leagues.

It is the AFL's view that the relative priority of considerations of competition success and social inclusion may differ between community and elite football, noting the latter has the greatest potential rewards, including remuneration, for participants.

The AFL acknowledges the importance of providing guidance around the inclusion of gender diverse people at a community football level. The AFL respects the need to consult on, and states its intention to develop:

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

The AFL also 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 address the participation of persons with an intersex variation in Australian Rules Football.

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

UNDERSTANDING GENDER IDENTITY

Unlike sexual orientation, which relates to an individual's romantic or sexual attraction toward others, gender identity is about how an individual perceives 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;
- ◆ grooming; and
- ◆ social interactions.

Administrators, coaches, players and other participants in Australian Rules Football should seek at all times to use language that is respectful and inclusive, including by referring to a gender diverse person by the pronoun they identify with (she / her; he / his / him; they / them).

Administrators, coaches, players and other participants in Australian Rules Football should refer to guidance material published by the AFL and by bodies such as the Victorian Equal Opportunity and Human Rights Commission in supporting gender diverse people to participate in Australia football in a safe and inclusive environment.

A glossary of terms relevant to understanding gender identity is set out at the end of this Policy.

AFLW – NOMINATION BY TRANS WOMEN AND NON-BINARY PEOPLE TO BE DRAFTED

Persons who transition from male to female, and non-binary people, are eligible to nominate for the AFLW draft, and to play in the AFLW competition, provided:

- (a) they comply with all applicable laws, rules and regulations of the AFLW including, but not limited to, the Australian Football Anti-Doping Code, in particular with respect to testosterone;
- (b) the AFL, acting reasonably, is satisfied that unacceptable safety risks do not arise from the person's (potential) participation in the AFLW (whether that be risks to the safety of the gender diverse player or risks to the safety of other players), such risks having been assessed in accordance with appropriate risk management procedures (where necessary); and
- (c) the person's application for approval of their AFLW draft nomination is approved by the AFL in accordance with the operation of this Policy.

APPLICATION FOR APPROVAL OF AFLW DRAFT NOMINATION

A person who transitions from male to female or a non-binary person who seeks to play in the AFLW competition (**Applicant**) must lodge an application for approval of their AFLW draft nomination (**Application**). An Application must be submitted to the AFL (including by email to aflgdp@afl.com.au) using the form available at www.afl.com.au/policies.

An Application should be lodged as soon as practicable after the opening of the time period for AFLW draft nominations in order that the timeframes set out under this Policy are able to be met. Applications may only be made during the time period that AFLW draft nominations are open.

INFORMATION REQUIRED FOR APPLICATION

The Applicant must provide the following information to enable the AFL to assess the relevant aspects of their strength, stamina or physique having regard to the particular characteristics of the AFLW game:

- (a) medical records that establish that the Applicant's total testosterone level in serum, has been maintained below 5 nmol/L¹ for at least 24 months prior to the date of the Application;
- (b) a medical report from the Applicant's treating practitioner which documents the maintenance of their testosterone levels over the 24 month period² prior to the date of the Application;
- (c) to the extent available to the Applicant, unless otherwise advised by the AFL, data over the 24 month period prior to the date of the Application pertaining to the Applicant's:
 - ◆ height;
 - ◆ weight;
 - ◆ bench press (1RM and/or 3RM);
 - ◆ squat (1RM and/or 3RM);
 - ◆ 20m sprint time;
 - ◆ vertical jump;
 - ◆ match raw GPS data (sample of three (3) Australian Rules Football matches if available); and
 - ◆ 2 kilometre run time.

The AFL may also conduct testing of the Applicant to collect data in relation to the measures set out at item (c) above and the Applicant must, as a condition of the Application process, cooperate in the provision of that data.

The AFL considers that the presence of testosterone levels above the thresholds set under this Policy would provide an Applicant with a relevant, and significant, disparity in the Applicant's strength, stamina or physique and consequential competitive advantage. An Applicant will not be regarded in breach of this requirement if occasional spikes in their total testosterone levels arise during the 24 month period prior to the date of the

¹ Unit of measurement used in Australia and Europe. This threshold converts to 144 nanograms per decilitre for data used in the United States of America.

² The AFL acknowledges that in the first two years of the operation of this Policy, nominees may not have collected data regarding all of these measures. Where data for the 24 months preceding the date of this Policy is not available, the Applicant should provide the AFL with all available data from that period and which may be supplemented by testing following the submission of the Application.

Application that are clinically consistent with the maintenance of the Applicant's transition.

The AFL may also have regard to longitudinal data collected by it or by third parties which relates to measures of relative strength, stamina or physique to supplement and/or verify the data collected. Any third party information that is relied upon by the AFL must be provided to the Applicant.

The Applicant will be required to provide a copy of any Therapeutic Use Exemption granted to them through the Australian Sports Anti-Doping Authority.

PROCESS FOR ASSESSMENT OF APPLICATION

The Application will be assessed by a sub-committee of the AFL which comprises members covering the following areas of expertise:

- ◆ high performance;
- ◆ women's football operations;
- ◆ inclusion and social policy;
- ◆ legal; and
- ◆ sports medicine and anti-doping.

In considering the Application, the AFL sub-committee will have regard to:

- ◆ all information and data provided by the Applicant;
- ◆ all data collected by the AFL as part of the Application;
- ◆ any information relevant to the assessment of player safety in accordance with appropriate risk management procedures (where applicable);
- ◆ any relevant third-party data, including but not limited to statistical information maintained in respect of the Applicant's participation in other competitive sports;
- ◆ research and other information relating to the inclusion of gender diverse people in competitive sport; and
- ◆ any evidence of any significant difference or competitive advantage arising from the Applicant's participation in women's football at the local, regional and/or State level.

The AFL sub-committee may also have regard to independent legal, medical, gender diverse and/or other expert advice obtained by it as it sees fit and in its absolute discretion in understanding and assessing information provided to it in connection with the nomination.

The AFL sub-committee may refuse an Application only if there is a relevant, and significant, disparity in the Applicant's strength, stamina or physique when compared to data procured from cis-gender AFLW players in the preceding two AFLW seasons (**Comparison Data**) which may reasonably be regarded to give rise to an unreasonable competitive advantage to the Applicant having regard to:

- ◆ the Applicant's maintenance of their total testosterone levels;
- ◆ mean, median and range of the Comparison Data pertaining to height, weight, 20m sprint, vertical jump, 2km run, squat and bench press; and
- ◆ incidence or absence of any evidence of any significant difference or competitive advantage arising from the Applicant's participation in women's football at the local, regional and/or State level.

DECISION BY AFL SUB-COMMITTEE TO APPROVE AN APPLICATION

If the AFL sub-committee determines to approve an Application, the AFL sub-committee will inform the Applicant of that final decision.

An Applicant whose Application to nominate for the AFLW draft is approved, and who is subsequently drafted, is required to maintain their total testosterone level in serum below 5 nmol/L at all times (including during the off-season period), and may be required to provide reasonable medical documentation or undergo periodic testing to verify their total testosterone level.

PROVISIONAL DECISION BY AFL SUB-COMMITTEE TO REFUSE AN APPLICATION

If the AFL sub-committee determines on a provisional basis to refuse an Application, the AFL sub-committee will inform the Applicant of that provisional decision, including reasons for the provisional decision.

The Applicant will thereafter have three business days to respond to the provisional decision and such response may include additional information to support the Application.

Following receipt and review of any response from the Applicant to the provisional decision the AFL sub-committee will issue its final decision within a further three business days, which will either confirm the provisional decision to refuse the Application or approve the Application (in which case the requirement for maintenance and verification of testosterone levels will apply).

FINAL DECISION BY AFL SUB-COMMITTEE TO REFUSE AN APPLICATION

Any final decision to refuse an Application will be notified to the Applicant confidentially. The decision will not be disclosed to any third party without the express or implied consent of the Applicant. Any public disclosure made by the Applicant regarding their Application may be taken as their implied consent for the AFL to publicly address its decision to refuse the Application (provided at all times that no personal or confidential information will be disclosed by it).

AFL REVIEW OF FINAL DECISION

The AFL may, at its own initiative and at its sole discretion, refer back to the AFL sub-committee a final decision made under this Policy by the AFL sub-committee to approve or refuse an Application if it becomes aware of new information which, if available at the time of making the final decision, may reasonably have affected the outcome of the Application.

APPLICANT MAY REQUEST REVIEW OF FINAL DECISION TO REFUSE APPLICATION

An Applicant whose Application is refused may seek review of the decision by the General Counsel of the AFL within three business days of notification of the final decision.

The bases on which a final decision may be reviewed are:

- (a) The AFL sub-committee failed to have regard to relevant considerations, or had regard to irrelevant considerations;
- (b) The AFL sub-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.

A request for review of a final decision to refuse an Application is to be handled in a timely manner with a view to determining the review prior to the scheduled date of the AFLW draft.

The Applicant seeking review may provide new information only if that information was not available in the first instance.

NO REVIEW OF DECISION TO APPROVE APPLICATION

The AFL will not hear any request or application by a third party to review any decision (whether it be a decision of the AFL sub-committee or on review by the General Counsel) to approve an Application.

AFL – NOMINATION BY TRANS MEN AND NON-BINARY PEOPLE TO BE DRAFTED

Persons who transition from female to male, and non-binary people, are eligible to nominate for the AFL draft, and to play in the AFL competition, provided:

- (a) they comply with all applicable laws, rules and regulations of the AFL including, but not limited to, the Australian Football Anti-Doping Code, in particular with respect to testosterone; and
- (b) the AFL, acting reasonably, is satisfied that unacceptable safety risks do not arise from the person's (potential) participation in the AFL (whether that be risks to the safety of the gender diverse player or risks to the safety of other players), such risks having been assessed in accordance with appropriate risk management procedures (where necessary).

The AFL does not consider that there is the potential for relevant competitive advantage in favour of trans men or non-binary people over cis-gendered players in the AFL.

GENERAL

SAFETY CONSIDERATIONS

Instances of rough conduct and other unsafe play involving any player, including gender diverse players, will continue to be managed in accordance with the laws, rules and regulations of AFLW or AFL respectively for on-field disciplinary matters.

As noted in this Policy, the AFL will, acting reasonably, apply appropriate risk management procedures to ensure the safety of all AFLW or AFL players, including the safety of gender diverse players.

PRIVACY & PERSONAL INFORMATION

All personal or health information provided by an Applicant to the AFL pursuant to this Policy must be treated in strict confidence and must not be disclosed to any person who is not involved in the assessment of, or advising upon, the Application.

Any public disclosure made by the Applicant regarding their personal or health information provided by an Applicant to the AFL pursuant to this Policy may be taken as their implied consent for the AFL to publicly address its decision to refuse the Application (provided at all times that no confidential information will be disclosed by it).

An Applicant is not required to provide a birth certificate to the AFL or any other person for the purposes of verifying their gender.

ANTI-DOPING

Nothing in this Policy is intended to displace applicable WADA or ASADA 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 Therapeutic Use Exemptions will prevail to the extent of any inconsistency with this Policy.

ENQUIRIES

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

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 Rules 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 respectfully ask the person which words they use to describe their gender, and then use these words accordingly. This may include acknowledging a person's pronouns and remembering to use these correctly in conversation. Some examples of pronouns include: he / him; she / her; they / them.

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.

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 / Cis-gendered	A person whose gender identity aligns with the sex they were assigned at birth
DSD	(Derogatory) A medical term relating to disorders of sex development also known as disorders of sex differentiation which is generally regarded as derogatory in referring to a person with an intersex variation in non-medical contexts
FTM / F2M	Female to Male. This term may be used by a trans person who was assigned female at birth and has since affirmed, or is in the process of affirming, their male gender
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 binary	Refers to a social construct in which sex and gender are classified into two mutually exclusive categories– male and female. This system does not accurately reflect the varied and diverse nature of gender/s
Gender incongruence	A marked and persistent incongruence between an individual's experienced gender and sex assigned at birth
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, grooming and social interactions

TERM	DEFINITION
Genderqueer/ gender diverse	Individuals whose gender and/or gender expression fall outside the gender binary of male and female. Some gender diverse or genderqueer people's gender may be a combination of male and female, or may be neither
Gender affirmation surgery	A surgical procedure whereby a person's anatomy is altered to better reflect their affirmed gender. Also known as gender confirmation surgery or sex reassignment surgery. Some gender diverse people may elect surgery, and others may not
Hormone Therapy	The process of taking hormones to help affirm a person's gender. Some gender diverse people may elect hormone therapy, and others may not
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
In the closet	Describes a person who keeps their sexual orientation or gender a secret from some or all people
LGBTI / LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and/ or Questioning
MTF / M2F	Male to Female. This term may be used by a trans person who was assigned male at birth and has since affirmed, or is in the process of affirming, their female gender
Non-binary	A person identifying as either having a gender which is in-between or beyond the two categories 'man' and 'woman', as fluctuating between 'man' and 'woman', or as having no gender, either permanently or some of the time. A non-binary person typically uses the pronouns of "they" and "them"
Queer	An umbrella term often used to refer to diverse genders or sexualities, or a person who is not heterosexual and/or cisgender. 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
Questioning	The process of exploring and discovering one's own sexual orientation, gender and/or gender expression
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
Transsexual	(Derogatory) An outdated term used to describe a transgender person. This term is no longer used

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