

PARTICIPATION IN SCHOOL SPORT VICTORIA SPORTING ACTIVITIES FOR TRANS AND GENDER DIVERSE STUDENTS

All Victorian schools share a commitment to provide a positive, supportive and respectful environment for students. This includes equity of access to school sport opportunities.

This guidance is for schools to support students who are trans or gender diverse to participate in School Sport Victoria (SSV) sporting activities, and should be read in conjunction with the department's [LGBTIQ+ Student Support policy](#). It aligns with the [Child Safe Standards](#), which help protect children and young people from harm and abuse.

The Department of Education (department), as a Victorian public sector organisation, is bound by laws that provide guidance and impose obligations to make Victoria a safer, fairer and more inclusive state. These laws include the *Victorian Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*.

Under anti-discrimination legislation, the department must take proactive steps to prevent unlawful discrimination, including on the basis of sex, sex characteristics or gender identity, by providing guidance on unlawful discrimination and ensuring inclusive policies and practices. This includes taking steps to prevent discrimination from occurring. Further information about these laws and how they apply to Victorian public sector organisations is available on the [Victorian Equal Opportunity & Human Rights Commission website](#).

SSV is part of the department and delivers an extensive school sport program to primary and secondary students across Victoria. This includes:

- Interschool sport competitions, providing opportunities for students to represent their school across a wide range of individual and team sports.
- State representative teams competing at national School Sport Australia Championships.
- Participation focused activities offered through our Play program.

School sport has a focus on inclusion and participation. Although there may be competitive events and sporting pathways, the focus of SSV sporting activities is on equity of access to school sport opportunities for all students.

Importance of sport participation for all students

Participation in school sport can improve students' physical fitness, mental wellbeing and social interactions. More active students have better concentration, memory, behaviour and academic results.¹

School is often where children play a sport for the first time. Participation in school sport can develop confidence, skills and interest to continue playing sport outside of school, which can have lifelong positive physical and mental health outcomes.

It is important for all students, including trans and gender diverse students, to feel supported and included, and to have the opportunity to participate in school sport.

¹ VicHealth 2014, *Active for Life*, Victorian Health Promotion Foundation, Melbourne, Australia. VicHealth 2016, *Physical activity and sedentary behaviour – Evidence summary*, Victorian Health Promotion Foundation, Melbourne, Australia

Guidance for student participation in SSV sport activities

- a. ***Students should be able to participate in the team or event that feels safe and comfortable for them***

Students who identify as non-binary are currently required to select a gendered event category (e.g. intermediate girls netball, or primary boys mixed Australian football) for SSV sporting activities.

All students should be able to participate and compete in the gender classification team or event they feel most safe and comfortable in. Schools should support students to select the most appropriate event.

Students are encouraged to remain in the team they select for the duration of that specific event.

- b. ***Inclusion and the safety and wellbeing of all students***

Refusing or failing to select a student in a sporting team or excluding a student from participating in a sporting activity on the basis of that student's sex or gender identity will, in most cases, constitute unlawful discrimination.

There may, however, be limited circumstances where exclusion based on these attributes is lawful, including:

- sporting activities in which the strength, stamina or physique of the participant is relevant
- involvement in high contact sporting activities that raises serious safety concerns.

Any such exclusion applies to [competitive sporting activities](#) only, and may only be considered for students who are 12 years and over. This should be determined on a case-by-case basis, and the [decision maker](#) should consult with SSV and seek legal advice. Government schools can seek legal advice from the department's Legal Division.

The decision should take into account the consequences of refusing participation, and whether there are other opportunities for the student to participate in the activity or a similar activity.

- c. ***Making inclusive and respectful decisions***

To assist schools to consider how best to support a trans or gender diverse student to participate in an SSV sporting activity, the school can take the following steps:

1. Consult the student's gender affirmation support plan. For government schools, if one does not exist, one must be created. The creation of a gender affirmation support plan will help you to:
 - Identify how best to respect the dignity of the student.
 - Act compatibly with the human rights of the student, including protection from unlawful discrimination.
 - Consider other aspects of participation, such as facilities (bathrooms, change rooms), use of pronouns in the sport setting, and uniforms, in addition to other concerns that may be raised by the student.
2. Discuss with the student and their parents/carers (if appropriate), and provide them with the opportunity to have input into any decision around the student's participation in the sporting activity.
3. Consider all available options that would allow the student to be included and participate in the sporting activity. This may include considering options outside of SSV activities, such as intra-school, community sport or local community activities.
4. Consider the safety and wellbeing of all students participating.
5. Consider the privacy implications of any decision, noting that information

about a student's gender identity is personal and should not be disclosed to the wider school community without the consent of the student.

6. Consider provision of resources to ensure students are as supported as possible, such as facilitating contact with the school welfare officer/nurse.
7. Contact SSV or Safe Schools (details in [Additional support](#)), seek legal advice or utilise the available [resources](#) to help with your decision making.

d. **Documenting decisions**

Decisions made with respect to these guidelines are reviewable decisions and therefore the basis of the decision must be appropriately documented for all decisions made. The documented decision can be set out in chronological order of conversations or advice received and the considerations taken into account in reaching the decision. This should not be provided to any other parties (unless there is a legal requirement to do so) and should be stored securely by the decision maker according to your school's privacy and record keeping obligations.

e. **Reviewing a selection decision or making a complaint about the decision making process**

To request a review of a decision or make a complaint, follow the procedure set out in [SSV's Complaints policy](#).

Definitions

Affirmation (formerly referred to as 'transition') - refers to the process where a trans or gender diverse person takes steps to socially and/or physically feel more aligned with their gender identity. This process differs between people—some people may change how they interact with others, and others may change their appearance or seek medical assistance to better express their gender identity.

Competitive sporting activities – refers to SSV activities within its competition pathways. This means Team Vic and Interschool Sport programs.

Decision maker – a person responsible for the selection of a team or responsible for the delivery of an activity or event. For the interschool sport program, the decision maker is the principal of the school or their delegate, and for Team Vic it is SSV.

Gender identity – is part of a person's personal and social identity. It refers to a way a person feels and sees themselves. It can be about differences in identity, expression and experience as a woman/girl, man/boy or gender diverse person.

Gender diverse – is an umbrella term for a range of different genders. There are many terms gender diverse people may use to describe themselves. Language in this area is dynamic and always changing, particularly among young people. Some examples include genderfluid, genderqueer, gender non-conforming, agender, bi-gender and non-binary.

Non-binary - is a term for people whose gender sits outside of the spectrum of man or woman or male and female. A person who is non-binary might feel like they have a mix of genders, or like they have no gender at all. A person might identify solely as non-binary, or relate to non-binary as an umbrella term. They might consider themselves as genderfluid, genderqueer, trans masculine, trans feminine, agender or bigender.

Sex – refers to a person's biological sex characteristics. This includes their sex chromosomes, hormones and reproductive organs.

Some people are born with a variation to physical or biological sex characteristics including chromosomes, hormones or anatomy. These are often called intersex variations. There are many different intersex variations that can be identified prenatally, at birth, puberty or adulthood.

People with intersex variations use a range of different terminology to name their bodies and experiences. Some use the term 'intersex' or 'non-binary'.

Trans or transgender refers to someone whose gender does not exclusively align with their sex recorded at birth. Not all trans people will use this term to describe themselves.

For other definitions, please refer to the [LGBTIQ+ Inclusive Language Guide](#).

Resources

- [Play by the Rules](#)
- [Pride in Sport](#)
- [Proud 2 Play](#)
- [Victorian Government LGBTIQ+ equality](#)
- [LGBTIQ+ Inclusive Language Guide](#)

Reference materials (available on the [SSV website](#))

- Fact Sheet for students
- Gender Affirmation Support Plan template – Transcend Australia
- Decision making tool for student participation
- Template for documenting team selection decisions

Related policies

- [LGBTIQ+ Support policy](#)
- [Child Safe Standards policy](#)
- [SSV Complaints policy](#)

Additional support

All schools

For more information and support regarding this guidance, schools can contact:

School Sport Victoria

(03) 9084 9001

school.sport.victoria@education.vic.gov.au

For information and support on creating safer, more inclusive environments for LGBTIQ+ students, schools can contact:

Safe Schools

(03) 9637 3699

safe.schools@education.vic.gov.au

Government schools only

- Legal Division - legal.services@education.vic.gov.au
- [Privacy](#)
- [Records management](#)