APRIL 2022

FAQ: Trans Sport Inclusion

TRANS PARTICIPATION IN SPORT

Q: Is women's sport under threat?

Increasing the participation of all women in sport is essential and important work. Women who are trans face particular barriers to participation at community and elite levels. That's why many sporting organisations in Australia already have guidelines and frameworks in place to ensure all athletes, including athletes who are trans, can compete safely. The significant threats to women's sports in Australia are chronic underfunding, pay disparities and a lack of resources.

Q: What about strength, stamina and physique?

Trans women are as diverse as any group of women, and come in all shapes and sizes. It's impossible to know who is trans or not, just by their appearance.

Success in sport is multifaceted and does not rely solely on a person's physicality or hormone profile. There is no consistent research demonstrating trans women who experienced testosterone during puberty have a competitive advantage in sport. Further, trans women that did not experience testosterone during adolescence have the same hormone profile as cis women. Additional peer reviewed research – with sound methodology – is encouraged.

In Australia, there exist legal frameworks that already address this issue. Section 42(1) of the *Sex Discrimination Act 1984* already allows people to be excluded from competing in sport, based on their sex, gender identity or intersex status, where the strength, stamina or physique of competitors is relevant.

Participation in sport makes a positive difference to those who play and compete, and contributes to increased self-esteem, resilience and good health. Communities are strengthened when more women are encouraged to play sport, not less.

Q: What about open competitions for all athletes, including those who are trans?

Open competitions and leagues already exist and people are welcome to participate in those competitions if they so wish. Creating a 'trans competition' category goes against the very spirit of social inclusion and forgets that trans women, trans men and non-binary people are a very diverse population of people. This approach also limits opportunities for trans athletes if there are not enough to fill a category or team and given trans people make up around 2% of the population, this is very likely. Every person has a fundamental right to participate in sport.

Q: Will trans people dominate sports?

Trans people affirm their gender to improve their lives and live as their authentic self, not because they want to win a sporting competition. The trans population isn't large enough to dominate sport, indeed trans women, who are often at the centre of media reporting about trans people in sport, comprise less than 1% of the population. There are some very talented trans athletes but no trans person has ever won a medal at the Olympics. Contrary to fears expressed by some about trans women in particular, there has been no large-scale dominance of trans women in sports.

Q: Most people, particularly cis women, do not agree with excluding trans people from playing sport. Why is the participation of trans people in sport such an issue?

The short answer is that trans people playing sport isn't actually an issue at all. It's about real people in our communities who have the right to live authentically. Most people, particularly cis women, do not agree with excluding trans women from their teams.

Trans women, trans men and non-binary people live, work and play sport in every town in Australia. Although community understanding and attitudes have improved, trans people, particularly trans women, are sometimes still seen as a threat, while trans men and non-binary people are invisible. Research tells us that sport can be a hostile and unwelcoming place for trans people. Inclusive policies do, however, make a significant and positive difference to sports club cultures and to those who participate within them.

Q: Is the proposed Private Member's Bill by Tasmanian Senator Claire Chandler, which seeks to ban trans women from competing in women's sport, necessary?

The Bill is unnecessary.

Section 42(1) of the *Sex Discrimination Act 1984* already allows people to be excluded from competing in sport, based on their sex, gender identity or intersex status, where the strength, stamina or physique of competitors is relevant.

Every major sporting code has worked through their particular requirements for allowing participation, focussing on ensuring fairness to all without sacrificing participation for trans and gender diverse people. For example, the AFL has rules in place for both elite and community grade competitions, based on an assessment of testosterone levels and safety considerations.

If anything, section 42(1) is already too broad, because it does not require sporting codes to balance considerations of strength, stamina or physique against other considerations, such as the benefit of allowing participation or ways that any advantages could be mitigated without completely excluding the player.

Q: What are some possible impacts of Claire Chandler's proposed Bill?

The Bill is cruel and divisive.

By repealing s 42(2)(2) of the *Sex Discrimination Act 1984*, the Bill allows discrimination against children under the age of 12 years in sport for the first time. As you know, trans and gender diverse young people are among the most vulnerable groups in terms of mental health outcomes, and inclusion is essential to fostering self-esteem and better mental health outcomes for this group.

Further, by redefining the legal meaning of 'sex' by reference to chromosomal, gonadal and anatomical characteristics, the Bill also appears to exclude trans, gender diverse and intersex people from the sex-based discrimination protections under the Act.