



Inclusion of Transgender and Gender Diverse People in Athletics Competition Policy

VERSION 5.6

December 2023



1. Purpose

- 1.1. All people should have the opportunity to participate in athletics. Athletics Australia is committed to promoting the inclusion of Transgender and Gender Diverse Athletes in athletics.
- 1.2. The purpose of this policy is to provide for the participation of Transgender and Gender Diverse Athletes in athletics competitions conducted in Australia, in the context of Athletics Australia being a member federation of World Athletics.
- 1.3. Athletics Australia acknowledges that:
 - 1.3.1. strength, stamina and physique of Athletes is relevant in all forms of athletic competition and that this is also recognised under Australian law.
 - 1.3.2. it is a member organisation of World Athletics.
 - 1.3.3. World Athletics enforces rules related to participation of trans men and trans women Athletes at World Athletics governed competitions; and
 - 1.3.4. various athletics competitions conducted in Australia are relevant to Australian selection and representation at World Athletics competitions.

2. Scope and Application

- 2.1. This policy applies to Athletics Australia and all Member Associations of Athletics Australia.
- 2.2. This policy applies to:
 - 2.2.1. Athletics competitions for persons who are 12 years of age and over at the time of competition. Athletes who are 12 years of age and over at the time of competition will be required to comply with the eligibility requirements detailed within this policy.
 - 2.2.2. Any Athlete aged below 12 years at the time of competition can participate in athletics competition purely based on their gender identity with no eligibility requirements.
- 2.3. This policy applies to Transgender and Gender Diverse Athletes who seek to compete in athletics competition conducted by Athletics Australia or its Member Associations in Australia, including World Rankings Competition (see 10.13 for definition).
 - 2.3.1. World Rankings Competition includes but is not limited to National and State Championship competitions.
 - 2.3.2. This policy includes World Rankings Competition category E events and above.

- 2.3.3. This policy does not apply to World Rankings Competition category F events, except for State/Territory Junior Championships, National Junior Championships and National All Schools Championships.
- 2.4. This policy applies to Athletes. For the avoidance of doubt, this policy does not apply to coaches, officials, Athlete support personnel, administrators, or any similar roles.
- 2.5. This policy does not apply to any other activity undertaken by a Member Association or to activities which are ancillary to competing.
- 2.6. This policy is not intended to apply to individuals of Intersex Status where an individual is participating in the category consistent with their Sex as assigned at birth. However, the [World Athletics Eligibility Regulations for the Female Classification \(Athletes with Differences of Sex Development\)](#) may be relevant for individuals of Intersex Status.

3. Eligibility

- 3.1. As a Member Federation of World Athletics, Athletics Australia, and by affiliation its Member Associations, are required to comply with various World Athletics policies. This includes, but is not limited to, the [Eligibility Regulations for Transgender Athletes](#), [Eligibility Regulations for the Female Classification \(Athletes with Differences of Sex Development\)](#) and World Athletics [Technical Rules](#) (see Book C – C2.1, 3.3 - 3.6 sex categories).
- 3.2. Strength, stamina and physique of Athletes is relevant in all forms of athletic competition and thus the competitive sporting activity exemption in Section 42 of *the Sex Discrimination Act 1984* (Cth) is relevant to athletic competitions in Australia conducted by Athletics Australia and/or its Member Associations.

3.3. World Rankings Competition

At World Rankings Competition (see 10.13) events conducted in Australia, an Athlete must comply with the Eligibility Rules for the Competition set out by World Athletics, including the [World Athletics Eligibility Regulations for Transgender Athletes](#). The specific eligibility conditions are set out in section 3 of the World Athletics Eligibility Regulations for Transgender Athletics and in summary include:

- A. Transgender men who wish to compete in the male classification at a World Rankings Competition or to have recognised any World Record performance in the male classification in a competition that is not a World Rankings Competition, must provide a written and signed declaration, in a form satisfactory to the Medical Manager, that their Gender Identity is male.
- B. Transgender women who wish to compete in the female classification at a World Rankings Competition and to have recognised any World Record performance in the female classification at a competition that is not a World Rankings Competition, must meet each of the following conditions:

- a. a written and signed declaration, in a form satisfactory to the Medical Manager, that their Gender Identity is female;
 - b. They must not have experienced any part of male puberty either beyond Tanner Stage 2 or after age 12 (whichever comes first);
 - c. Since puberty they must have continuously maintained the concentration of testosterone in their serum below 2.5 nmol/L; and
 - d. Must continue to maintain the concentration of testosterone in their serum below 2.5nmol/L in order to retain eligibility to compete in the female classification.
- 3.3.1. For the avoidance of doubt, this means any competition that is conducted by Athletics Australia and/or an Athletics Australia Member Association that has been categorised according to clause 1.3 of the [World Rankings Competition Rules](#) (excluding category F events, other than State/Territory Junior Championships, National Junior Championships and National All Schools Championships) and listed on the World Athletics Competition Calendar. This includes, but is not limited to, events such as the Australian Athletics Championships and State/Territory Championships.
- 3.3.2. In the case of mass participation events conducted in Australia with a World Rankings Competition Categorisation (e.g. Gold, Silver or Bronze Label Marathons and Road Races) or any World Rankings Competition events conducted with mass participation events open to the public (e.g. Australian Marathon Championships), the application of the World Athletics Eligibility Regulations for Transgender Athletes shall only apply to participants in the recognised elite section of that event, subject to 3.3.2.1.
- 3.3.2.1. Event owners (other than those to which this policy applies) or World Athletics may elect to impose stricter Eligibility Rule requirements on participation in these types of events at their discretion.
- 3.4. Athletes should note the required methods for the measurement of serum testosterone concentration as outlined in Section 3 of Appendix 1 of the [World Athletics Eligibility Regulations for Transgender Athletes](#).
- 3.5. Athletics Australia and its Member Associations will indicate on their published competition calendar and or each event entry form which events are World Rankings Competition and the category of competition.
- 3.5.1. Where an event is a category F World Rankings Competition, with the exception of State/Territory Junior Championships, National Junior Championships and National All schools Championships, the [World Athletics Eligibility Regulations for Transgender Athletes](#) will not apply.

3.6. All other Athletics Competitions

In competitions other than World Rankings Competition (see 10.13), Athletes, regardless of age, can participate in any single-sex event based on the gender with which they identify. This could include, for example, local Interclub and Shield competitions, except where 3.3.1 applies.

3.7. Participation of Non-Binary People

Athletics Australia recognises that the World Athletics [Eligibility Regulations for Transgender Athletes](#) only refers to the participation of trans men and trans women. Non-binary people are welcome and included in competitions conducted by Athletics Australia and its Member Associations, however due to the current binary nature of athletics competition, Non-binary people can compete in the male or female category based on their Sex assigned at birth or under the gender category of male or female that most affirms their gender, subject to 3.1.

3.7.1. Athletics Australia is aware that an Athlete's Gender Identity may change between Seasons and if there is a change, the Athlete must, in the first instance, notify Athletics Australia's Competition Manager by 1 October, or prior to their intended participation in any competition.

3.7.1.1. The Athlete may only participate in their nominated male or female category for the duration of any given Season, with their participation subject to the eligibility requirements outlined in clauses 3.1 to 3.5 of this policy.

3.8. Assessment of Eligibility by the World Athletics Expert Panel

For the purpose of confirming an Athlete's Eligibility for World Rankings Competition (excluding category F events, other than State/Territory Junior Championships, National Junior Championships and National All Schools Championships) conducted in Australia by Athletics Australia and/or its Member Associations, Athletics Australia shall defer assessment and decisions on Eligibility to the World Athletics Expert Panel as outlined in the World Athletics [Eligibility Regulations for Transgender Athletes](#).

4. State, National, Area and World Records

4.1. In order for an Athlete's performance to be considered for State, National, Area or World Records, an Athlete must first meet the [World Athletics Eligibility Regulations for Transgender Athletes](#).

5. Breaches, Complaints, and Appeals

5.1. A breach or non-compliance with the World Athletics Eligibility Regulations for Transgender Athletes may be dealt with under Section 6 of the Transgender Regulations (Disciplinary Proceedings) and the World Athletics Integrity Code of Conduct.

- 5.2. Any complaint or dispute in relation to this Policy will be dealt with in accordance with the relevant Athletics Australia policies, which, depending on the nature of the complaint or dispute, may include the Member Protection Policy, Code of Conduct, and/or the Complaints, Disputes and Discipline Policy.
- 5.3. Any individual found to be in breach of this policy, will be subject to disciplinary proceedings.
- 5.4. Appeals may be lodged in accordance with the relevant World Athletics and Athletics Australia By Laws and policies.
- 5.5. With reference to clause 2.7 of the World Athletics Eligibility Regulations for Transgender Athletes and relevant Athletics Australia policies, Athletics Australia encourages staff, members, and the broader community to raise any concerns or issues that might reflect a breach of this policy so that the appropriate action can be taken.
 - 5.5.1. All forms of abuse or harassment will not be tolerated and will be subject to appropriate disciplinary action.

6. Confidentiality

- 6.1. All cases arising under this Policy, and in particular all Athlete information provided to Athletics Australia, Member Associations, Affiliated Associations and Clubs under this Policy, and all results of examinations and assessments conducted under this Policy will be dealt with in strict confidence at all times and in accordance with Athletics Australia's Privacy Policy.
- 6.2. Athletics Australia, Member Associations, Affiliated Associations and Clubs shall protect the privacy of Athletes. This is particularly important when dealing with any personal or sensitive information that the Affiliated entity (including Athletics Australia) may hold regarding a person's Gender Identity, Transition or Affirmation process.
- 6.3. Athletics Australia, Member Associations, Affiliated Associations and Clubs will comply with the provisions of the *Privacy Act 1988* (Cth), the Australian Privacy Principles (APPs), and the relevant legislation and regulations of the States and Territories. Further information is available from the Office of the Australian Information Commissioner at www.oaic.gov.au/privacy-law
- 6.4. Personal information should only be collected from participants if absolutely necessary and with the individual's consent, or where the individual is under the age of 18, the consent of their parent or guardian.
- 6.5. Any personal information collected by Athletics Australia, Member Associations, Affiliated Associations and Clubs must only be disclosed if necessary and in accordance with the law.
- 6.6. Athletics Australia, Member Associations, Affiliated Associations and Clubs must:

6.6.1. securely store personal information in line with privacy legislation

6.6.2. not disclose personal information without the express consent of the individual.

6.7. Member Associations, Affiliated Associations and Clubs shall assist Athletics Australia in monitoring compliance against this policy through the timely provision of, or facilitation of access to, relevant information and data. All data shall be subject to, and treated in accordance with, clause 6.3.

7. Anti-Doping

7.1. The [Australian National Anti-Doping Policy](#) and the World Anti-Doping Code may be relevant to Transgender and Gender Diverse people who are accessing hormone therapy as part of their Transition or Affirmation. Athletes are responsible for any substance found in their system and responsible for knowing what the anti-doping rule violations are. Compliance with the [Australian National Anti-Doping Policy](#) is mandatory, including, for example where Therapeutic Use Exemptions are required. Further guidance can be obtained by contacting Athletics Australia's Integrity Education Officer.

8. Uniforms

8.1. Participants, regardless of their Gender Identity, may wear the uniform of their choosing, so long as it conforms with the relevant rules of competition.

8.2. Individuals requiring uniforms are to be provided with an appropriate range of uniform styles and sizes to select from.

8.3. If gendered uniforms are necessary, the individual may choose which uniform they would prefer to wear.

9. Related Policies

9.1. Every Athletics Australia policy is inclusive of people with diverse genders and sexualities, including their families.

9.2. Other Athletics Australia policies that are relevant to this document include:

- a) Athletics Australia Limited By-laws
- b) Athletics Australia Code of Conduct and National Integrity Framework policies:
 - i. Member Protection Policy
 - ii. Competition Manipulation and Sport Gambling Policy
 - iii. Improper Use of Drugs and Medicine Policy
 - iv. Safeguarding Children and Young People Policy
 - v. Complaints Dispute and Discipline Policy

- c) Athletics Australia Supplements in Sport Policy
- d) Australian National Anti-Doping Policy
- e) Privacy Policy
- f) Other policies that may be developed from time to time that will be made available at www.athletics.com.au

10. Definitions

- 10.1. **Athlete(s):** refers to participants who are registered and a financial member of an Athletics Australia Member Association.
- 10.2. **Eligibility Rules for Competition:** any rules for competition or eligibility mandated by World Athletics in relation to Transgender and Gender Diverse Athletes, as amended from time to time.
- 10.3. **Gender Diverse** is 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, gender queer, Non-binary, gender non-conforming and many more.
- 10.4. **Gender Identity** is defined in the *Sex Discrimination Act 1984* (Cth) 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'. For example, a person's birth certificate may include a marker which indicates that the person's designated sex is female when that person identifies as a man (in other words, their gender identity is that of a man).
- 10.5. **Intersex / Intersex Status** is a protected attribute under the Act. Under the Act "Intersex Status" means the status of having physical, hormonal or genetic features that are: neither wholly female nor wholly male; a combination of female and male; or neither female nor male. This policy does not specifically address Intersex variations. The term Intersex does not describe a person's gender identity (man, woman, neither or both). A person with an Intersex variation may identify as a man, woman, neither or both.
- 10.6. **Member Association:** means any state or territory member organisation of Athletics Australia as per clause 7.1 of the Athletics Australia Limited Constitution.
- 10.7. **Non-binary** is a term used to describe a person who does not identify exclusively as either a man or a woman. Genders that sit outside of the female and male binary are often called Non-binary. A person might identify solely as Non-binary or relate to Non-binary as an umbrella term and consider themselves gender fluid, gender queer, trans masculine, trans feminine, agender, bigender or something else.

- 10.8. **Season** means the period in which a defined calendar of track and field competition and/or out of stadia competition is conducted by Athletics Australia or one of its Member Associations.
- 10.9. **Sex** refers to a person's biological Sex or sex characteristics. These may be genetic, hormonal, or anatomical. Whilst typically based upon the sex characteristics observed and recorded at birth, a person's Sex may differ from their Sex recorded at birth.
- 10.10. **Tanner Stages / Tanner Stage 2** means the medical analysis that denotes the five stages of puberty during which individuals develop secondary sex characteristics. **Tanner Stage 2** denotes the onset of puberty. The normal time of onset of puberty ranges from 8 to 13 years old in females, and from 9 to 14 years old in males.
- 10.11. **Transgender** (commonly abbreviated to "trans") is a general term used to describe a person whose gender identity is different to 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.
- 10.12. **Transition** or **Affirmation** refers to the social, medical or legal steps that a Transgender person takes to affirm their Gender Identity. 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.
- 10.13. **World Rankings Competition:** any stadium or out of stadia competition that is categorised by World Athletics under clause 1.3 of the World Rankings Competition Rules (www.worldathletics.org/world-ranking-rules/basics) where the Eligibility Rules for Competition apply. This includes category E National Permit Meets (and above) conducted in Australia, but for the purposes of this policy excludes category F competitions other than State/Territory Junior Championships, National Junior Championships and National All Schools Championships.

Appendix

Support Services

Athletics Australia's Inclusion Manager (or equivalent role):

Phone: 03 86464560

Email: athletics@athletics.org.au

Relevant Legislation

Federal/Commonwealth Legislation: The following laws operate at a federal level and the Australian Human Rights Commission has statutory responsibilities under them.

- *Sex Discrimination Act 1984* (Cth)
- *Privacy Act 1988* (Cth)

State/Territory Legislation: The following laws operate at a state and territory level, with state and territory equal opportunity and anti-discrimination agencies having statutory responsibilities under them.

- *Anti-Discrimination Act 1977* (NSW)
- *Anti-Discrimination Act 1996* (NT)
- *Anti-Discrimination Act 1991* (QLD)
- *Equal Opportunity Act 1984* (SA)
- *Anti-Discrimination Act 1998* (TAS)
- *Equal Opportunity Act 2010* (VIC)
- *Equal Opportunity Act 1984* (WA)
- *Discrimination Act 1991* (ACT).

