

AUSTRALIAN FOOTBALL LEAGUE

GENDER DIVERSITY POLICIES FAQS

ELITE AND COMMUNITY FOOTBALL

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GENDER DIVERSITY POLICIES FAQs

1. What do the AFL's Gender Diversity Policies do?

The AFL's Gender Diversity Policies outline the AFL's positions with respect to the participation of transgender and non-binary people in Elite Football and Community Football competitions.

It is intended that the Policies be adopted and applied across all Australian Football competitions.

2. Why do we need Gender Diversity Policies in Australian Football?

Australian football is a game for everyone, regardless of background, race, religion or gender.

As such, the AFL is committed to supporting gender diverse people participate in our sport and has developed policies to ensure they can participate in a safe and inclusive environment.

The Policies provide information and guidance for Leagues, Clubs, Players and other participants in delivering on that commitment, noting that gender diverse people already play and participate in some competitions.

The AFL and Australian Football leagues more generally are also legally obliged to not discriminate against people because of their gender identity (i.e. if they are trans or non-binary) save for where the exception in sport arises, that is where relevant issues of strength, stamina or physique arise and have an appreciable effect on the ability of a trans woman or non-binary player to compete (as compared to cisgender players, being players whose gender identity aligns with the gender they were assigned at birth).

3. Why are there two policies?

The **Elite Football Policy** applies to AFLW and AFL and to:

- ♦ State League football competitions (i.e. the premier football competition in each State and Territory) being:
 - ♦ in women's football, VFLW, WAFLW, SANFLW, QAFLW, AFL Sydney Women's Premier Division, AFL Canberra Women's First Grade, NTFL Women's Premier League and TSL Women's;
 - ♦ in men's football, VFL, WAFL, SANFL, QAFL, AFL Sydney Men's Premier Division, AFL Canberra Men's First Grade, NTFL Men's Premier League and TSL;
- ♦ Elite pathway competitions, being:
 - ♦ in women's football, NAB League Girls (Under 19) and National Championships (Under 17 and Under 19);
 - ♦ in men's football, NAB League Boys (Under 19) and National Championships (Under 17 and Under 19).

The **Community Football Policy** applies to all other Australian Football competitions not covered by the Elite Policy.

4. Who do the Gender Diversity Policies apply to?

The Gender Diversity Policies apply to the following gender diverse people wanting to play in Elite or Community Football competitions:

- ♦ Trans women, being persons who were assigned the male gender at birth but whose gender identity is female;
- ♦ Trans men, being persons who were assigned the female gender at birth but whose gender identity is male;
- ♦ Non-binary people, being persons assigned either the male or female gender at birth, but who identify as having a gender which is neither 'male' nor 'female'.

5. Who did the AFL consult with in developing these Policies?

The AFL undertook a comprehensive consultative process in the development of these Policies, including meeting with representatives of State Bodies, a number local community leagues, the Australian Sports Drug Medical Advisory Committee (**ASDMAC**), inclusion subject matter experts including Pride in Sport, gender diverse players and advocates and cisgender players.

ELITE FOOTBALL GENDER DIVERSITY POLICY

6. Didn't the AFL/AFLW already have a Gender Diversity Policy?

Yes, the AFL introduced a Gender Diversity Policy for the AFL/AFLW back in August 2018 and it has now been amended.

7. What is different in the new Elite Football Policy?

The Elite Football Policy is largely the same as previously, although it now applies to more elite football competitions, namely the State League competition (or equivalent) in each State and Territory of Australia and elite pathway competitions for underage players who aspire to play elite football. The broadened application of the Elite Football Policy reflects, in particular, the further development of women's football.

The Elite Football Policy also now has a clearer process for dealing with safety concerns arising from the (potential) involvement of a gender diverse person in an elite football competition with such matters to be considered by the AFL GDP Committee (**Committee**).

8. Does the Elite Football Policy allow trans women and non-binary people to play in the AFLW, State Leagues and elite pathway competitions?

Yes, subject to the satisfaction of some requirements designed to ensure any safety concerns are reasonably considered and to ensure that a gender diverse applicant does not have a relevant competitive advantage (in terms of their strength, stamina or physique) over cisgender players in those elite competitions. Elite competitions for women involve remuneration and other non-financial benefits for its participants or a pathway to such competitions. The AFL accordingly considers it appropriate that it act to ensure that no gender diverse player has a significant advantage over another because of their strength, stamina or physique.

9. What does a trans woman or non-binary person have to prove to be able to play?

They must show that their testosterone levels are below 5 nanomoles per litre of blood at the time they apply and have been so for at least the previous 2 years before the date of their application. They also must provide a range of data about their physical characteristics and athletic output that will be compared to data from cis-gendered players in the relevant elite football competition.

10. Why does the level of 5 nmol/L need to be maintained for at least a two-year period?

Research demonstrates that testosterone levels in a cis-gendered woman will not normally exceed 5 nmol/L and that is the usual threshold now imposed on athletes in comparable elite sports. Given the physical nature of Australian Football, it is considered that maintenance of testosterone at or below that level for at least 2 years is reasonable to ensure that the competitive advantage of higher levels of testosterone have dissipated to an acceptable degree at the time the trans or non-binary person proposes to play against cisgender players in the elite football competition.

11. Who makes the decision on whether a trans woman or non-binary person can play?

An application by a gender diverse person will be considered by the Committee drawing on relevant expertise across the AFL and externally as required. The applicant will have an opportunity to make submissions on a provisional decision by the Committee to refuse an application and can also seek review of a final decision to refuse an application. Where an application is approved by the Committee, the person will need to maintain their testosterone levels below 5 nmol/L and will be subject to ongoing testing.

12. Why does the Policy treat trans women and non-binary people in the same way for elite football competitions?

The Policy operates to ensure that both trans women and non-binary people do not have a relevant competitive advantage over cisgender players in elite football competitions. The same requirements and processes that the AFL has adopted in considering an application by a trans woman are suitable for assessing competitive advantage in relation to non-binary people (noting that certain requirements may be set aside where the applicant to play in an elite women's football competition is a non-binary person assigned the female gender at birth).

13. Why does the Policy treat trans men and non-binary people differently for AFL?

Speaking generally, trans men and non-binary people generally can nominate for the AFL draft and play in the AFL and other elite men's football competitions without the same requirements or assessment as trans women and non-binary people for the AFLW and other elite women's football competitions. This is because there is not the equivalent potential for relevant competitive advantage in favour of trans men and non-binary people generally over cisgender male players in the AFL.

COMMUNITY FOOTBALL GENDER DIVERSITY POLICY

14. How is the Community Football Policy different to the Elite Policy?

In general terms, transgender women may play in women's community football competitions, transgender men may play in men's community football competitions and non-binary people may play in the community football competition of their choice.

Under the Community Football Policy (unlike the Elite Football Policy), gender diverse players may not be excluded for reasons of relevant competitive advantage over cisgender players in the competition.

This general position is subject, in particular, to there not being unacceptable safety risks arising from the gender diverse person's participation in the community football competition.

15. How does a person raise safety concerns and who makes the decision on safety risks?

Community Football Leagues first consult with their relevant State Body (e.g. AFL NSW/ACT) with respect to safety concerns that they have identified or as may be alerted to them by a participant in a community football competition and if such concerns are not resolved the matter must be elevated to the Committee.

If the Committee is satisfied on a preliminary basis that unacceptable safety concerns *may* arise (say if there is a significant disparity in the gender diverse player's physique as compared to that of cisgender players in the same competition) it will undertake a risk assessment that will consider, amongst other things, whether the applicable rules of the competition are unable to safely manage identified risks. The Committee will ultimately determine whether the gender diverse person is permitted to play.

16. Can gender diverse people use testosterone whilst playing in community football competitions?

Where a trans or non-binary person is playing in a community football competition, they are not subject to compliance with a maximum testosterone threshold.

That said, externally administered testosterone is a prohibited substance under the Anti-Doping Code, subject to approval being granted by the relevant regulator (with further information provided in the Policy).

17. What if a trans woman wants to play in a men's football competition or a trans man in a women's football competition (i.e. in a competition that does not align with their gender identity)?

Leagues must refer such matters to the Committee for consideration/determination.

18. Who makes up the Committee?

The Committee will be comprised of representatives of the AFL and will draw upon relevant expertise across the AFL and externally as required.



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