



GUIDELINES FOR THE INCLUSION OF TRANSGENDER & GENDER DIVERSE PEOPLE IN COMMUNITY CRICKET

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Kevin Roberts Foreward

Sport is an intrinsic part of Australian life. It helps us engage with community, impacts positively on our health and well-being and builds confidence in the connections we make with others.

To me, it doesn't make much sense that today, people are discriminated against, harassed or excluded, not because of anything they do or fail to do, but because of who they are. That's not right.

Australian Cricket has developed these guidelines for the inclusion of transgender and gender diverse people in community cricket to demonstrate our commitment to include people with an affirmed gender identity – whether or not this aligns with the sex they were assigned at birth – to the game at the grassroots. The inclusion of transgender and gender diverse players in elite cricket Policy also supports and facilitates participation at the highest level of our game.

These guidelines provide robust guidance for Australian cricket, including clubs, associations and centres to encourage and support the participation of transgender and gender diverse people in our sport. There are also details about support frameworks for people who are subject to any form of harassment or discrimination on the basis of sex or gender identity.

Gender identity is a deeply personal and sensitive matter.

To help navigate these areas, we have created the guidelines to provide tools to combat discrimination, harassment and assist in inclusion at the grassroots of the sport.

Discrimination of any sort has no place in the game and I am driven to ensure all people experience Australian cricket's inclusive culture and can participate in a harassment-free environment.

Thank you for your involvement in the sport that we all love.

Kevin Roberts
Chief Executive Officer, Cricket Australia

Introduction

The Guidelines for the inclusion of Transgender and Gender Diverse people in community cricket will assist clubs, players, administrators, coaches and other volunteers deliver a safe, welcoming and inclusive environment, free of harassment and discrimination for gender diverse players at the game's grassroots.

Australian Cricket supports the participation of gender diverse and transgender people electing to participate in Community Cricket in accordance with their Gender Identity, whether or not this aligns with the sex they were assigned at birth and supports them to do so in a safe and inclusive environment.

Cricket is a sport for everyone. Players, administrators, coaches, support staff no matter what their background should feel included and free to participate.



Eligibility – players

- » Affiliated Associations, Clubs or Indoor Centres must permit players to participate in Community Cricket competitions in accordance with their Gender Identity, whether or not this accords with the sex they were assigned at birth, subject to the following:
 - the player must nominate their Gender Identity at the time of registration with the Affiliated Association, Club or Indoor Centre for the upcoming competition; and
 - the player should demonstrate a commitment that their Gender Identity is consistent with their Gender Identity in other aspects of everyday life.
- » Affiliated Associations, Clubs and Indoor Centres must not ask any player to undergo a medical examination for the purposes of gender verification.
- » Affiliated Associations, Clubs or Indoor Centres must only collect personal information from all players if absolutely necessary and with the player's consent, or where the player is under the age of 18, their parent's consent.

Every transition and/or affirmation is different and for this reason, Affiliated Associations, Clubs and Indoor Centres must give consideration to the needs of an individual. By way of guidance, a player may demonstrate a commitment through a range of steps including social, medical, and legal changes. For example, using specific pronouns, changing appearance and dress, changing given name, taking medication or a combination of these steps.

Guidance as to eligibility

- » In the event a player is gender transitioning or transitions through the course of the Community Cricket competition, the Affiliated Association, Club or Indoor Centre shall give consideration to that player's transition and, in discussion with that player, consider the individual needs of any transition or affirmation.
- » Affiliated Associations, Clubs and Indoor Centres have in place well established practices of grading and the selection of players within competitions to:
 - address the relevant disparity of players;
 - protect the health and safety of participants; and
 - provide fair and meaningful competitions.
- » Such practices should be applied consistently across all players when considering varying skill levels.
- » Umpire adjudication (such as the application of dangerous and unfair bowling laws) and the use of protective equipment are long standing and effective means of ensuring the health, safety and wellbeing of players, as well as, addressing the relevant disparity of players.
- » The consistent application of these practices across all players within an Affiliated Association, Club or Indoor Centre will assist in supporting any player's decision to participate in Community Cricket competitions in accordance with their Gender Identity, whether or not this accords with the Sex they were assigned at birth and allow their individual needs to be considered by the Affiliated Association, Club or Indoor Centre.

Under Federal and State and Territory law it is unlawful to discriminate on the basis of Sex or Gender Identity in sport, unless an exemption applies. An Association, Club or Indoor Centre may be in breach of these laws if they do not follow these eligibility requirements.



Discrimination

- » Discrimination on the basis of Sex or Gender Identity can include both direct and indirect discrimination and may be unlawful under Federal and State laws.
- » Direct discrimination may occur when a person is treated less favourably than another person on the basis of:
 - Sex or Gender Identity; or
 - characteristics generally associated with a person of that Sex or Gender Identity, in similar or not materially different circumstances.
- » Indirect discrimination may occur when a condition, requirement or practice that applies to everyone, disadvantages persons of a particular Sex or Gender Identity, and the condition, requirement or practice is not reasonable in the circumstances.
- » Further guidance on Federal and State and Territory laws and exemptions is available through the Australian Human Rights Commission and any State or Territory Human Rights Authority.

Language

- » Language should be respectful and inclusive.
- » Players, administrators, coaches, support staff and others involved in our game are encouraged to use correct pronouns (for example, by asking all participants within the Affiliated Association, Club or Indoor Centre what pronouns they use when they register, and using pronouns consistently across verbal and written communications).

Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their/ze'. The pronoun a person uses to describe themselves generally reflects their Gender Identity.

Uniforms

- » Participants should be able to participate while wearing a uniform in which they feel comfortable.
- » Participants requiring uniforms (for example, players, umpires and coaches) should be provided with an appropriate range of uniform styles and sizes to select from.
- » If gendered uniforms are necessary, Affiliated Associations, Clubs and Indoor Centres should:
 - allow participants to choose which uniform they would prefer to wear;
 - ensure appropriate sizes are available for selection; and
 - ensure design options are suitable for different body types and shapes.

Facilities

- » Australian Cricket recognises the existing difficulties faced by Affiliated Associations, Clubs and Indoor Centres in having adequate changeroom and shower facilities.
- » While many Transgender and Gender Diverse people prefer to use bathrooms, showers and changerooms that align with their affirmed gender, there is also a strong preference for privacy. People who identify as Non-binary may prefer to use unisex or gender-neutral facilities. Change room and shower arrangements should be considered to ensure that are suitable for all participants.
- » An Affiliated Association, Club or Indoor Centre may consider making their existing facilities more inclusive by:
 - changing signage on some facilities to unisex/ gender neutral;
 - modifying changerooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains etc); and
 - ensuring all changerooms have appropriate waste disposal
- » Where new facilities are built or upgrades are taking place (whether in consultation with council, schools or others), Affiliated Associations, Clubs and Indoor Centres should consider options to create inclusive spaces by:
 - creating private spaces so that people can use the facilities safely and comfortably; and
 - providing a gender-neutral space where possible.



Collecting and using personal information

- » 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, their parent's consent.
- » Any personal information collected by an Affiliated Association, Club or Indoor Centre must only be disclosed if necessary and in accordance with the law.
- » Affiliated Associations, Clubs and Indoor Centres must:
 - securely store personal information, in line with privacy legislation;
 - not disclose the Gender Identity of a participant without the express consent of the individual; and
 - ensure correct names and pronouns are used in conversations, databases, documents and correspondence.
- » Affiliated Associations, Clubs and Indoor Centres may also consider:
 - accepting legal declarations to verify name and gender (eg by way of a statutory declaration) in place of identity documents such as passport or birth certificate where those identity documents have a Sex/gender marker inconsistent with a participant's Gender Identity;
 - providing the option of selecting a Non-binary Gender Identity and a gender non-specific title on registration forms; and
 - providing 'preferred name' and 'pronoun' options on registration forms

Affiliated Associations, Clubs and Indoor Centres should be aware that, depending on the circumstances, requesting additional information from Transgender and Gender Diverse people may be unlawful



Matters concerning safety

- » In circumstances where a person has a concern about the health, safety or wellbeing of a player(s) they should consider and refer to the Australian Cricket Player Safety Policy.

Anti-Doping

- » The Cricket Australia Anti-Doping Code may be relevant to Transgender and Gender Diverse people who are accessing hormone therapy as part of their transition or affirmation. Further guidance can be obtained by contacting integrity@cricket.com.au or contacting the Cricket Australia Integrity Unit directly.

Sexual harassment

- » Sexual harassment is unlawful under the Federal and State laws in certain areas of public life. Further, Australian Cricket does not tolerate any form of harassment, including sexual harassment.
- » 'Sexual harassment' is defined as an unwelcome:
 - sexual advance;
 - request for sexual favours; and/or
 - conduct of a sexual nature,in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
- » The Sex and Gender Identity of the person who is harassed are relevant circumstances to be taken into account in determining if a person has been sexually harassed.
- » Sexual harassment can be physical, spoken or written, and may include comments online or in social media. It may include a range of unwelcome behaviours including:
 - requests for sex;
 - intrusive comments about someone's private life;
 - sexually suggestive behaviour, such as leering or staring;
 - sexually suggestive comments or jokes;
 - repeated requests to go out; or
 - transmitting sexually explicit messages.
- » Sexual harassment can also include sexually suggestive or invasive questions, such as asking a Transgender or Gender Diverse person about their sex life, or asking them about their physical characteristics.

Victimisation

- » Victimisation is an offence under Federal and State and Territory legislation. Further, Australian Cricket does not tolerate any form of victimisation.
- » A person will be taken to have victimised another person if they threaten to, or do, subject that person to a detriment because they have either made a complaint under Federal and/or State and Territory legislation or these Guidelines, or have engaged in a complaint handling process in some other way.

Complaint handling

- » Any complaint in relation to these Guidelines shall be dealt with in accordance with the Australian Cricket Member Protection Policy.
- » The Australian Human Rights Commission or State or Territory Human Rights Commission may also assist individuals in relation to any complaints of discrimination, harassment and/or victimisation under Federal or State and Territory laws.



Privacy

- » Affiliated Associations, Clubs and Indoor Centres shall protect the privacy of players.
- » This is particularly important when dealing with any personal or sensitive information that the Affiliated Association, Club or Indoor Centre may hold regarding a person's Gender Identity, or transition or affirmation process.
- » Affiliated Associations, Clubs and Indoor Centres should consider 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.

Commonly used terms

» **Affiliated Associations, Clubs and Indoor Centres –**

- any cricket association, club or indoor cricket centre that is formally affiliated with Australian Cricket; and/or
 - any cricket association, club or indoor cricket centre that has agreed to be bound by this Policy; and/or
 - any cricket association, club or indoor cricket centre that receives funding from Australian Cricket.
- » **Australian Cricket** – Cricket Australia, together with each of the State and Territory Associations.
- » **Community Cricket** – Any cricket competition conducted by an Affiliated Association, Club or Indoor Cricket other than Elite Cricket competitions, which for the avoidance of doubt, includes Premier Cricket and Indoor Cricket competitions.
- » **Elite Cricket** – Any cricket match that is:
- played as part of the Australian domestic first class (male) competition;
 - played as part of the Australian domestic male and female one day competition;
 - played as part of the W/BBL competition (including any practice matches);
 - played by representative Australian team;
 - played by a W/BBL Team against a touring international team or invitational team;
 - played as part of the Futures League competition and practice matches (male and female);
 - played as part of the National Under 19 Male Championships; and
 - played as part of the National Under 18 Female Championships.
- » **Gender diverse** – 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, genderqueer, non-binary, gender non-conforming etc.

- » **Gender identity** – The Sex Discrimination Act 1984 (Cth) defines Gender Identity 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.
- » **Intersex status** – is a protected attribute under legislation. Under the Sex Discrimination Act 1984 (Cth), 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 or male.
- » **LGBTQI (or variations)** – acronym for lesbian, gay, bisexual, Transgender, queer, questioning and intersex. It is used to refer collectively to these communities.
- » **Non-binary** – a person who identifies 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.
- » **Pronouns** – grammatical means of referring to a person or persons. Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their'. The pronoun a person uses to describe themselves generally reflects their gender identity.
- » **Sex** – refers to a person's biological sex or sex characteristics. These may be genetic, hormonal or anatomical.
- » **State and Territory Association** – the State and Territory Cricket Associations.

Commonly used terms

- » **Transgender** – general term used to describe a person whose gender identity is different from 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.
- » **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.
- **Social transition** – process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns or appearance.
 - **Medical transition** – process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.
 - **Legal transition** – process by which a person changes their identity documents, name or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate, or changing their name on a driver's licence or bank card.

Other resources

- » Australian Cricket's Member Protection Policy (under revision)
- » Australian Cricket's Respect and Responsibility Framework (to be established)
- » Australian Cricket's Player Safety Policy (May 2019)
- » Inclusion of Transgender and Gender Diverse Players in Elite Cricket Policy (August 2019)





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- » We also acknowledge the 'Guidelines for the inclusion of Transgender and gender diverse people in sport' developed by the Australian Human Rights Commission, in partnership with Sport Australia and the Coalition of Major Professional and Participation Sports. Many of the concepts and terms used throughout these Guidelines have been adopted from this work.

FURTHER ENQUIRIES

For further questions please contact the following members of the Cricket Australia Integrity Unit:

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