

NATIONAL SEXUALITY & PREGNANCY GUIDELINES

February 2013



1. Application

These *National sexuality & Pregnancy Guidelines (Guidelines)*, if formally adopted, apply to an Australian Football league that is conducted or administered by:

- (a) a State or Territory league or body that is affiliated with the AFL, including:
 - a. NSW/ACT: AFL (NSW/ACT) Commission Ltd ACN 086 839 385;
 - b. NT: AFL (Northern Territory) Ltd ACN 097 620 525;
 - c. QLD: AFL (Queensland) ACN 090 629 342;
 - d. SA: South Australian Football League Inc ABN 59 518 757 737;
 - e. TAS AFL (TAS) ACN 135 346 986;
 - f. Victoria: Australian Football League (Victoria) ACN 147 664 579;
 - g. WA: West Australian Football Commission Inc ABN 51 167 923 136); or
- (b) an entity or body that is affiliated with (or licensed by) an Affiliated State or Territory Body.

(Football Body)

If applicable to the Football Body, Australian Football: players; coaches; officials; spectators; and administrators and all people reasonably connected to the Football Body (**Members**) must comply with these Guidelines.

2. Sexual Relationships & Australian Football

- 2.1 Sexual relationships between Australian Football coaches or administrators in an objective position of authority and the adult athletes that they coach/possess power over should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the public image of Australian Football. Sexual relationships of this kind may be intentionally or unintentionally exploitative due to a disparity between coaches/administrators and athletes in terms of authority, power, maturity, status, influence and dependence. Exploitative sexual relationships may be illegal.
- 2.2 Subject to section 2.3, in the event that the Football Body determines that a sexual relationship exists or may exist between an athlete and coach/administrator, the matter may be referred to an investigator in accordance with the *National Complaint and Investigation Guidelines* (if applicable) or, if applicable, to a disciplinary tribunal constituted in accordance with the *National Disciplinary Tribunal Guidelines* consider whether any action is necessary in accordance with section 2.3 below.
- 2.3 For the purpose of section 2.3, the Football Body will be deemed to have determined that a sexual relationship exists or may exist between an athlete and coach/administrator:
- (a) If the sexual relationship involves or may involve an AFL-listed player, when the AFL General Manager – Football Operations makes a determination citing this section 2.3(a);
 - (b) If the sexual relationship involves or may involve a State League player (such as the VFL, NEAFL, etc) when the CEO (or nominee) of the Affiliated State or Territory Body makes a determination citing this section 2.3(b); and
 - (c) If the sexual relationship involves any other Australian Football player, when the CEO (or nominee) of the Community Body makes a determination citing this section 2.3(c).
- 2.4 Without limiting the discretion of a disciplinary tribunal convened via a reference section 2.2 above, factors that may be relevant in the determination of the potential disciplinary action to be taken include:
- (a) the age and maturity of the athlete relative to the coach;
 - (b) the financial or emotional dependence of the athlete on the coach;
 - (c) the likelihood of the relationship having any adverse impact on the athlete and/or other athletes; and
 - (d) the real or perceived benefit to the other party of engaging in the sexual relationship (for example, more opportunities to play football, more money, new contract etc)
- 2.5 In the event that an athlete attempts to initiate an intimate sexual relationship with a coach or administrator. the relevant coach or administrator must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action, and may report the incident in accordance with the *National Complaint & Investigation Guidelines* (if applicable).

3. Pregnancy & Australian Football

- 3.1 Consistent with the obligations arising under the *National Vilification & Discrimination Policy*, Members must not discriminate against, vilify or harass pregnant women. Rather, pregnant women must be treated with dignity and respect and any unreasonable barriers to participation by them in Australian Football should be removed.
- 3.2 While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be

aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in Australian Football.

- 3.3 It is recommended that pregnant women wanting to participate in Australian Football consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. Further information about playing sport while pregnant can be obtained from www.activeaustralia.org/women.
- 3.4 The Football Body disclaims any liability for any injury or complication sustained by a pregnant woman in the course of an Australian Football Match.

4. Sexual & Gender Identity in Australian Football

- 4.1 Consistent with the obligations arising under the *National Vilification & Discrimination Policy*, Members must not discriminate against, vilify or harass Members who identify with and/or behave in a manner that is inconsistent with the gender they were assigned at birth (**Transgenderism**). The exclusion of Transgender Members from participation in Australian Football events and activities may have significant adverse implications for their health, well-being and involvement in community life and on Australian Football. In general, Members must facilitate the participation by Transgender persons in Australian Football with the gender with which they identify.
- 4.2 There is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, the relevant Football Body will seek advice on the application of those laws in the particular circumstances, having regard to the principles laid down in *AB v State of Western Australian* [2011] HCA 62.
- 4.3 Drug testing procedures and prohibitions also apply to people who identify as transgender in accordance with the *AFL Anti-Doping Code*. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.
- 4.4 Any Member who believes that they have been vilified, discriminated against or harassed on the basis of their Transgenderism may make a complaint in accordance with the *National Complaint & Investigation Guidelines* (if applicable).