



## Trans Inclusive Sports Briefing

This briefing includes information, resources and legal analysis that may be helpful to better understand the discourse surrounding the inclusion of trans people in both community and elite level sport in South Australia.

### Sport inclusion

Participation in sports significantly enhances health and wellbeing, and it fosters a sense of belonging. While many trans people across Australia have found supportive and affirming leagues and clubs, trans community sport participation remains very low.

[Recent research](#) indicates that only a third of trans people surveyed felt comfortable engaging in sporting activities, even less so among trans women and girls. Contributing factors included concerns about acceptance, exclusionary rules and invasive policies.

Negative campaigns about trans women playing community sport have incited violence and led to doxxing, threats and intimidation, forcing trans women to stop playing or take protective legal action, and compounding poorer mental and physical health outcomes. Public conversations about trans girls' and women's participation in sport have adverse impacts on the trans community and deter their participation in the sports they love at a community level.

### The law in Australia

General bans on trans participation in sport are not only unnecessary, unjust, and harmful, but are also unlawful in all parts of Australia.

The federal *Sex Discrimination Act 1984* (Cth) allows discrimination on a case-by-case basis based on gender identity in competitive sports, but only when reasonable, considering the strength, stamina, or physique requirements of the activity.

There are state-by-state differences in the scope of exemptions from anti-discrimination laws in the area of sport.

Anti-discrimination laws in South Australia and Tasmania, *do not* permit discrimination on the basis of gender identity in sport, only on the basis of sex/gender. In other words, while it's lawful to create men's and women's teams, a trans woman cannot be excluded from the women's team.

However, just because exemptions exist under law does not mean that sporting bodies are required to rely on them, and in most cases they don't. Most choose to support participation and inclusion for everyone.

### Science on the inclusion of trans women

There is currently no empirical evidence to support blanket bans, and the claim that trans women and girls have an inherent physical advantage over cis women and girls are exaggerated. Ideologically driven assumptions and generalisations, along with intentional misinformation, are increasingly prevalent and continue to feed a harmful culture war against trans communities.

A recent Australian [narrative review](#)<sup>2</sup> examined the impact of gender affirming hormone therapy on physical performance, muscle strength, and markers of endurance. This study found that the use of



feminising hormone therapy (estrogen, androgen blocker and progesterone) had a significant impact on trans women's bodies including increasing fat mass by approximately 30% and decreasing muscle mass by approximately 5% after 12 months, which continued to steadily decline beyond 3 years.

After 2 years of gender affirming hormone therapy, no advantage was observed for physical performance measured by running time in trans women. By 4 years, there was no advantage in sit-ups. The research in this area is limited but understanding will grow over time if appropriate investment is made into further studies.

### **What sporting bodies are doing**

Many sporting organisations in Australia have developed inclusion policies to ensure fair and respectful participation for all athletes.

The [Australian Human Rights Commission's 2019 guidelines](#), developed in consultation with sports bodies, outline practical steps to support trans inclusion while maintaining competitive fairness. In 2023, the Australian Sports Commission published '[Transgender & Gender-Diverse Inclusion Guidelines for High Performance Sport](#)' through the Australian Institute of Sport. This guideline outlines different and additional considerations specific to elite competitive sport, such as hormone suppression for trans women, trans men and non-binary athletes.

While approaches differ across sports, the trend in Australia over many years, amongst sporting bodies, has been towards evidence-based policies that consider the rights and wellbeing of all participants in a sensible and practical way, rather than blanket exclusions.

### **The participation of children**

There is no justification to allow discrimination against children under 12 years who wish to participate in sporting activities.

Most Australian laws only permit discrimination for children aged 12 and above, coinciding with the onset of puberty.

The absence of such exemptions for younger children has primarily benefited cisgender girls (girls who are not transgender), who might otherwise be excluded from playing sports lacking a 'girls' team. In fact, past legal cases have determined that differences in strength, stamina, and physique may only become relevant later than 12 years.

For example, it was found to be unlawful to discriminate against a 14-year-old girl wishing to join a junior AFL league, due to the insufficient physiological differences between boys and girls at that age (*Taylor and others v Moorabbin Saints Junior Football League and another* [2004] VCAT 158).

Trans young people in Australia experience significantly higher rates of mental health issues, including anxiety and depression, with a [2017 study](#) finding almost one in two of its 859 participants had attempted suicide. [Research](#) also shows that sport improves mental health by reducing stress, anxiety and depression. It enhances self-esteem, builds connection and provides a sense of achievement.

Sport should be accessible to all children, including the most vulnerable in our society who stand to benefit the most from it.