

9(2)(a)

**From:** 9(2)(a)@allenandclarke.co.nz>  
**Sent:** Wednesday, 20 January 2021 11:59 am  
**To:** 9(2)(a)  
**Cc:** 9(2)(a)  
**Subject:** Documents for todays discussion  
**Attachments:** Draft Transgender Player Policy for Community Rugby 20 Jan 2021.docx; Draft Guiding Principles for the Participation of Transgender Players in Sports 20 January 2021.docx; A+C white boarding session - Sports NZ 20 Jan 2021.pptx

Documents withheld under sections 9(2)(b)(ii) and 9(2)(ba)(i) and one is out of scope

Hi 9(2)(a),

Attached are the slides and draft documents for todays discussion.

We will be screen sharing – just sending these through in case we have any technical issues.

Zoom link also for your convenience:

Join Zoom Meeting

9(2)(ba)(i)

Meeting ID: 9(2)(ba)(i)

Passcode: 9(2)(ba)(i)

Talk soon,

9(2)(a)



9(2)(a)

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9(2)(b)(ii), 9(2)(ba)(i)

# DEVELOPMENT OF A AND SPORT SECTOR PRINCIPLES FOR PARTICIPATION OF TRANSGENDER PLAYERS

WHITE BOARDING SESSION

20 JANUARY 2021



ALLEN+CLARKE  
CONSULTING



# Purpose and Agenda

## Purpose

To discuss feedback on the draft documents and discuss approach for Round 2 consultation.

## Agenda

Intro + Summary of stakeholder views (10min)

Feedback on draft Guiding Principles (20min)

9(2)(b)(ii), 9(2)(ba)(i)

Phase 2 stakeholder engagement (15min)

Questions (5min)

# Summary of stakeholder views



These 3 key principles must be balanced.

Where and how these principles could and should be balanced and the weight apportioned to these principles was a point of difference amongst stakeholders.

Broadly, inclusion was considered a priority that needed to be balanced against safety and fairness.

# Draft Guiding Principles

## Guiding Principles

- 

**Inclusion.** Inclusion of transgender players in community sport is paramount. Transgender players have the right to play in the gender of their choosing.
- 

**Privacy + dignity.** The privacy and dignity of players must be respected.
- 

**Anti-discrimination.** There is zero-tolerance for stigmatising behaviour, discrimination, bullying, threats of violence and harassment.
- 

**Listening + Responding.** Players must be listened to and provided appropriate options and complaints procedures.
- 

**Education.** Education of ourselves and our communities must be a priority to help us support transgender players.
- 

**Safe spaces.** Safe and welcoming spaces, facilities and uniforms need to be created.

## Overview of draft Guiding Principles

- ▶ Glossary to support agreed use of terminology and to support education
- ▶ Background
  - ▶ What does 'transgender mean'?
- ▶ Scope
- ▶ Guiding Principles
  - ▶ Why the principle is important
  - ▶ How the principle can best be operationalised/How the principle applies in practice (including case study examples from other policies)
- ▶ Consultation and development of transgender inclusive policies





9(2)(b)(ii), 9(2)(ba)(i)





9(2)(a)

**From:** 9(2)(a) <[redacted]@allenandclarke.com.au>  
**Sent:** Wednesday, 20 January 2021 6:59 pm  
**To:** 9(2)(a)  
**Cc:** Paul Houliston; 9(2)(a)  
**Subject:** Transgender inclusion project  
**Attachments:** Allen+Clarke. Sport NZ. Options for Round 2 Consultation - 18 Dec 20.pdf  
Withheld under sections 9(2)(b)(ii) and 9(2)(ba)(i)

Dear 9(2)(a),

It was great to chat today and to hear your preliminary feedback on our work to date. I've outlined some points from our discussion below and some points on which I require clarification.

#### *Draft Guiding Principles*

If you could provide feedback on the draft documents that we discussed today and provide the census information to us by 29 January 2021, that would be great. 9(2)(a) is on leave next week and so we are hoping that time frame will accommodate both you and NZR.

#### *Process Map*

Given the discussions about the next stage of consultation for this project, we thought it might be helpful to provide a process map with some indicative dates and how the process might work for both the Guiding Principles and the Rugby Policy so that you and 9(2)(a) can both consider it. We will provide this to you tomorrow.

The Process Map will include consideration of the existing Phase Four consultation. It will also include high-level consideration of the process for a full public consultation hosted on the Sport NZ website, which I confirm is now the preferred approach of Sport NZ. The Process Map that we provide to you tomorrow will also include consideration of timing for this proposed expansion.

It will also include the break-down of the existing Phase Four consultation as follows:

1. Receive feedback on the current draft Guiding Principles and NZR Policy
2. A+C incorporates feedback into final draft Guiding Principles and NZR Policy
3. Approval of final draft Guiding Principles from Sport NZ and NZ Rugby
4. Electronic consultation on the final draft Guiding Principles and the Rugby Policy with the transgender community (with whom consultation was undertaken during Phase Two)
5. Incorporate amendments from consultation into draft documents
6. Electronic consultation on the final draft Guiding Principles and the Rugby Policy with stakeholders (with whom consultation was undertaken during Phase Two)
7. Finalise documents.

In terms of engaging with the transgender community for the purposes of Phase Four consultation, can you please confirm how we might manage a process where a person who is involved in Phase Four consultation might be impacted by the policy and may want to receive a contribution for their involvement?

#### *Quote and Budget*

We will also be working on a quote and a budget for the expansion in scope for the consultation which will cost up Option Two in the options for stakeholder consultation document (attached).

Thanks 9(2)(a).

Kind regards,

9(2)(a)



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*Allen + Clarke acknowledges the Traditional Custodians of the land we work on and the communities that we work with. We acknowledge their history, culture and Elders past, present and emerging.*

*At A+C we work flexibly. While it suits me to email now, I don't anticipate a response outside of your normal working hours.*

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9(2)(a)

**From:** 9(2)(a) @allenandclarke.co.nz>  
**Sent:** Wednesday, 12 May 2021 11:03 am  
**To:** 9(2)(a)  
**Cc:** 9(2)(a)  
**Subject:** Next Steps  
**Attachments:** Allen+Clarke.Summary of Stakeholder Views Report 18 Dec 2020.pdf; Allen+Clarke. Development of NZ Rugby and Sport Sector Principles.Draft Evidence Review. 18Nov20.pdf; Draft Guiding Principles for the Participation of Transgender Players in Sports April 2021.pdf; Online consultation questions for stakeholders 12 May 21.docx  
First document withheld under sections 9(2)(b)(ii) and 9(2)(ba)(i); one document out of scope

Kia ora 9(2)(a)

Lovely to meet you earlier, and great to touch base on this work.

As discussed, I have attached the following documents which will be helpful to you:

- Summary of stakeholder views
- Evidence Review (internal draft)
- DRAFT Guiding Principles
- Proposed survey questions

We would appreciate your feedback on the proposed survey questions and email to stakeholders (which I will send later today). As discussed, we would like to 'go live' with the survey and feedback next week if that worked for you. I have cc'd in 9(2)(a) who has been helping with the development and implementation of the survey.

Proposed runway for the next few weeks:

Number	Action	Date
1.	9(2)(a) to share revised survey questions and proposed stakeholder email/survey with 9(2)(a)	12/05/21
2.	9(2)(a) confirm survey questions and proposed email are appropriate.	14/05/21
3.	9(2)(a) 'go live' with the survey for 5 weeks	17/05/21 - 21/06/21
4.	9(2)(a) collate feedback and share with 9(2)(a)	25/06/21
5.	9(2)(a) incorporate changes into draft Guiding Principles	25/06/21
6.	9(2)(a) meet and discuss feedback and finalization of the Guiding Principles	29/06/21

Let me know if you have any questions. Look forward to hearing from you.

Cheers,  
9(2)(a)



9(2)(a)

E 9(2)(a)

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**SPORT**  
**NEW ZEALAND**  
IHI AOTEAROA

# Draft Guiding Principles for the Participation of Transgender Players in Sports

April 2021

[Trigger warning - This document includes references to suicide in the transgender community].

Some of the information contained in this report is subject to an obligation of confidence under section 9(2) (ba) of the Official Information Act 1982.

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## Glossary

Using appropriate terminology is important to respect the diverse range of individuals within our community.

Terminology is continually evolving and contested; however, the following is a list of useful definitions. These are the definitions used throughout the Guiding Principles.

Useful Definitions	
Ally <sup>1</sup>	An ally is someone who supports and advocates for the equal treatment of a community other than their own.
Bullying <sup>2</sup>	Deliberately hurting a specific person either physically, verbally, psychologically, or socially.
Cisgender <sup>3</sup>	A person whose gender aligns with their sex designated at birth.
Discrimination <sup>4</sup>	The practice of structurally or interpersonally excluding or being hostile toward a person or population on the basis of an aspect of their identity/ies.
Gender <sup>5</sup>	Gender is part of a person's internal sense of self. Someone can be a man/woman/non-binary/gender diverse. A person's relationship with their gender can also change over time as well.
Gender diverse <sup>6</sup>	An umbrella term used by some who identify outside of the male/female gender binary. Being transgender can be one way of being gender diverse, but not all gender diverse people identify as transgender and vice versa.
Gender expression <sup>7</sup>	Refers to a person's presentation of gender through physical appearance – including dress, hairstyles, accessories, cosmetics, mannerisms, speech, behavioural patterns, names, and personal references. Gender expression may or may not conform to a person's gender.

<sup>1</sup> LUSH (n.d.) How to be a trans ally – A beginner's guide. [Online] Available: [https://nz.lush.com/sites/aus\\_lush\\_website\\_nz/files/nz\\_a6\\_ally-booklet-digital.pdf](https://nz.lush.com/sites/aus_lush_website_nz/files/nz_a6_ally-booklet-digital.pdf)

<sup>2</sup> Sport New Zealand (2020), Discrimination, harassment and bullying. [Online] Available from: <https://sportnz.org.nz/resources/discrimination-harassment-and-bullying/>

<sup>3</sup> Human Rights Commission (June 2020), 'PRISM: Human Rights issues relating to Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) in Aotearoa New Zealand - A report with recommendations' pp 61-63. [Online] Available from: [https://www.hrc.co.nz/files/9215/9253/7296/HRC\\_PRISM\\_SOGIESC\\_Report\\_June\\_2020\\_FINAL.pdf](https://www.hrc.co.nz/files/9215/9253/7296/HRC_PRISM_SOGIESC_Report_June_2020_FINAL.pdf)

<sup>4</sup> InsideOUT, March 2021.

<sup>5</sup> InsideOUT, March 2021.

<sup>6</sup> PRISM Report, above at 3.

<sup>7</sup> PRISM Report, above at 3.



Useful Definitions	
Gender identity <sup>8</sup>	Refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with their designated sex at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical, or other means) and other expressions of gender, including dress, speech, and mannerisms.
Harassment <sup>9</sup>	Unwelcome behaviour that is offensive, humiliating or intimidating and is either repeated, or of such significant nature, that it has a detrimental effect on the person, their performance, contribution, or their environment.
Intersectionality <sup>10</sup>	Intersectionality describes how different parts of a person’s identity or circumstances – such as age, race, culture, disability, gender, sex, location, or religion – intersect and combine to shape people’s life experiences, including of discrimination.
Intersex <sup>11</sup>	An umbrella term that describes people who have or are born with variations in sex characteristics such as chromosomes, gonads, reproductive organs, and hormones, resulting in bodies that don’t fit within typical understandings of male or female.
LGBTQIA+ <sup>12</sup>	An acronym of different identities including:  Lesbian  Gay  Bisexual  Transgender  Queer  Intersex  A-sexual  + (denotes inclusion of other terms not listed).
MVPFAFF <sup>13</sup>	Pacific Communities have their own culturally specific terms relating to sexual orientation and gender identities. These concepts are more, or just as much, about familial, genealogical, social, and cultural selfhood.

<sup>8</sup> PRISM Report, above at 3.

<sup>9</sup> Sport New Zealand (2020), Discrimination, harassment and bullying. [Online] Available from: <https://sportnz.org.nz/resources/discrimination-harassment-and-bullying/>

<sup>10</sup> Victorian Public Sector (2020), LGBTQIA+ Inclusive Language Guide. [Online] Available from: <https://www.vic.gov.au/inclusive-language-guide>.

<sup>11</sup> InsideOUT, March 2021.

<sup>12</sup> PRISM Report, above at 3.

<sup>13</sup> Phylesha Acton-Brown. LeVa (2020), Rainbow/LGBTQI. [Online] Available from: <https://www.leva.co.nz/our-work/suicide-prevention/finding-help/support-services/rainbow/>

	<p>MVPFAFF is an acronym that reflects some of the range of terms used:</p> <p>Mahu (Hawai'i and Tahiti)</p> <p>Vaka sa lewa lewa (Fiji)</p> <p>Palopa (Papua New Guinea)</p> <p>Fa'afafine (Samoa &amp; American Samoa)</p> <p>Akava'ine (Rarotonga)</p> <p>Fakaleiti/Leiti (Tonga)</p> <p>Fakafifine (Niue).</p> <p>The abbreviation is gaining increasing use to signify the existence of different Pacific cultures that have a strong presence in New Zealand. Other terms include Fakaleiti, Rae rae, and Fafafine.</p>
Non-binary <sup>14</sup>	An umbrella term for gender identities which are neither male nor female.
Pronoun <sup>15</sup>	Pronouns are one-way people refer to each other and themselves. Most but not all men (including trans men) use the pronoun 'he'. Likewise, most but not all women (including trans women) use the pronoun 'she'. Some people use a gender-neutral pronoun such as 'they' (e.g., "Pip drives their car to work. They don't like walking because it takes them too long").
Rainbow communities <sup>16</sup>	An umbrella term commonly used in Aotearoa to describe those who have a diverse sexual orientation, gender identity or expression, and sex characteristics.
Safety	Safety includes the physical, emotional, cultural, and spiritual wellbeing of players.
Sex designated at birth <sup>17</sup>	All babies are designated a sex at birth, usually determined by a visual observation of external genitalia. A person's gender may or may not align with their designated sex at birth.
Sex characteristics <sup>18</sup>	Refer to each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty.

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<sup>14</sup> PRISM Report, above at 3.

<sup>15</sup> Victorian Public Sector (2020), LGBTIQ+ Inclusive Language Guide. [Online] Available from: <https://www.vic.gov.au/inclusive-language-guide>.

<sup>16</sup> PRISM Report, above at 3.

<sup>17</sup> PRISM Report, above at 3.

<sup>18</sup> PRISM Report, above at 3.

Useful Definitions	
SOGIESC <sup>19</sup>	An acronym including sexual orientation, gender expression and identity, and sex characteristics.
Takatāpui <sup>20</sup>	A traditional Māori term which means ‘intimate companion of the same sex.’ It has been reclaimed by some Māori to describe their diverse sexual orientation, gender identity or expression, and sex characteristics.
Tangata ira tāne <sup>21</sup>	A term that some Māori people may use to describe their gender. This term does not have a Western equivalent but is usually translated to mean ‘in the manner of a man.’ Its meaning is best understood within its cultural context and may mean something different to each individual.
Transgender <sup>22</sup>	An umbrella term for a person whose gender differs from their sex designated at birth. Transgender people may be binary or non-binary, and some opt for some form of medical intervention (such as hormone therapy or surgery).  Used as an adjective rather than a noun, and often shortened to ‘trans.’
Transition <sup>23</sup>	Steps taken by transgender people to live in their gender which may include social, legal, or medical aspects. A social transition may include changing clothes, hair, pronouns, or name; a legal transition may include changing name and/or gender marker on legal documents; and a medical transition may include medical treatments such as laser hair removal, hormone therapy, or various surgeries. There are no wrong or right ways to transition; each person will have their own personal goals.
Trans man <sup>24</sup>	A man who was designated female at birth.
Transphobia <sup>25</sup>	Refers to anything that insults, discriminates, or oppresses transgender and gender diverse people.
Transsexual <sup>26</sup>	An older term considered to be outdated by some younger populations. Transsexual is not an umbrella term; those who prefer this term often see it as an important distinction from transgender. It may refer to a person who has had or is in the process of changing their body to affirm their gender.

<sup>19</sup> PRISM Report, above at 3.

<sup>20</sup> PRISM Report, above at 3.

<sup>21</sup> InsideOUT, March 2021.

<sup>22</sup> PRISM Report, above at 3.

<sup>23</sup> PRISM Report, above at 3.

<sup>24</sup> PRISM Report, above at 3.

<sup>25</sup> YGENDER, MINUS18 (n.d.). Trans 1010 – Gender Diversity Crash Course. [Online] Available from: <https://www.trans101.org.au/pdf/Trans101-PDF-Web.pdf>.

<sup>26</sup> PRISM Report, above at 3.

Useful Definitions	
Trans woman <sup>27</sup>	A woman who was designated male at birth.
Whakawahine <sup>28</sup>	There is no direct English translation, but roughly translates as 'transgender woman'. More literally, it translates as being or becoming, in the manner or spirit of a woman.

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<sup>27</sup> PRISM Report, above at 3.

<sup>28</sup> PRISM Report, above at 3.

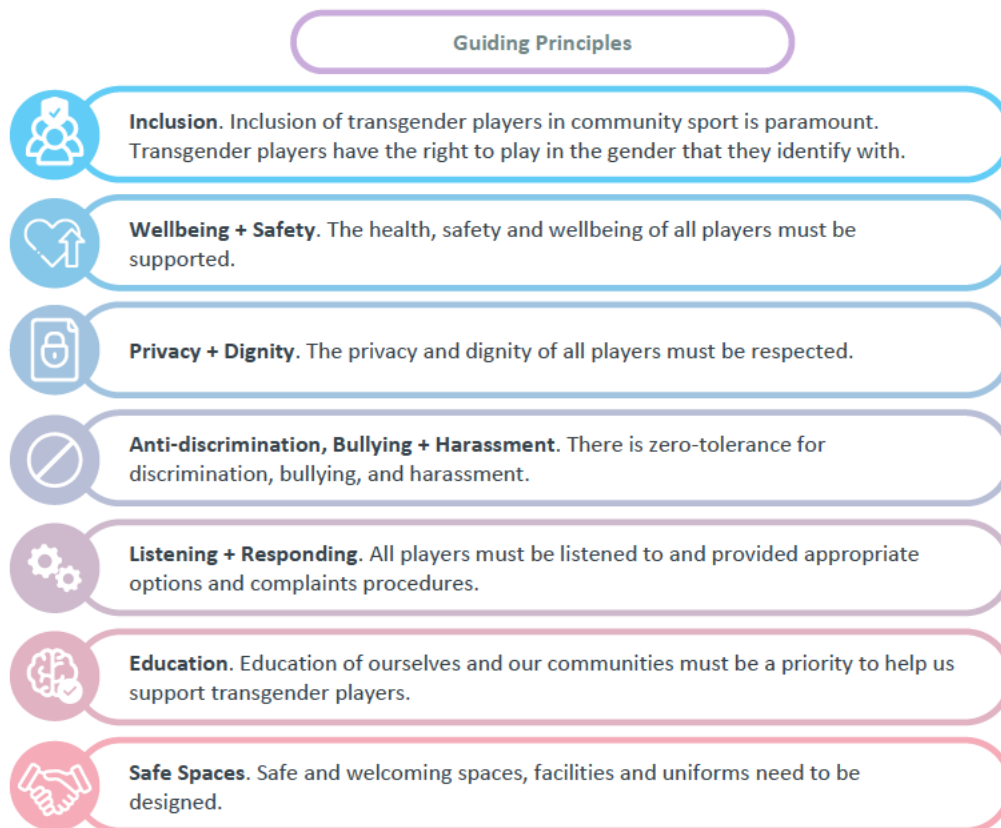
## 1. Introduction

These Guiding Principles are designed to help all sporting codes support an environment where transgender, gender diverse and non-binary people are welcome, accepted, and comfortable to enjoy the many benefits that sports have to offer, through the development of a transgender inclusion policy.

The Guiding Principles are intended to provide direction to sporting codes to support the development of their own transgender inclusion policy. In some cases, it might be more appropriate to expand existing policies to include consideration of transgender inclusion. These Guiding Principles also include reference to relevant consultation processes that sporting codes may wish to consider when developing their own transgender inclusion policy.

We appreciate that sporting codes will be at different points in their journey to transgender inclusion in sport. Sport, and in particular community sport, has a unique opportunity to genuinely support and help lead inclusion of the transgender community. It is anticipated that these principles will serve as a catalyst to help nurture a sporting environment that promotes, respects, and celebrates diversity.

There remains a need for further education and guidance about the practical steps' sports codes can take to ensure that transgender, gender diverse and non-binary people are included in sport. These Guiding Principles seek to encourage members to continue to learn and engage in discussion so that sports can continue to support the transgender community, and therefore the broader community.



## 1.1. Background

The following Guiding Principles have been established following stakeholder engagement with members of the transgender and sporting communities, academics, researchers, and other advocacy groups. The Guiding Principles have also been informed by international sporting policies that are transgender inclusive.

The Guiding Principles: discuss the importance of each Principle to help assist understanding amongst sporting codes, provide tangible examples to support operationalisation of these policies, and include scenarios to support sporting codes with the implementation of the relevant Principles.

### 1.1.1. What does 'transgender' mean?

For the purposes of the Guiding Principles the term 'transgender' is used as an umbrella term for a person whose gender differs from their sex designated at birth.<sup>29</sup> We intend for this term to include Pacific communities such as MVPFAFF.<sup>30</sup>

Gender is part of a person's internal sense of self. It can be female, male, neither, a combination of the two, or exist completely outside of that. Sex however is usually determined by genitalia. A person's gender therefore may or may not align with their designated sex at birth.

Transitioning describes the steps taken by transgender people to live in their gender which may include social, legal, or medical aspects, or may simply be a personal and private decision made by an individual. There is no single approach to transition and no specific set of steps is necessary to 'complete' a transition.

A social transition may include changing clothes, hair, pronouns, or name; a legal transition may include changing name and/or gender marker on legal documents; and a medical transition may include medical treatments such as hair removal, hormone therapy, or various surgeries. There are no wrong or right ways to transition; each person will have their own personal goals and take varying actions as part of their transition. These may be obvious, or they may be very subtle, based on the person's individual choice. Transgender individuals may choose to share this information and their transition process with others, or they may choose to keep it confidential.

## 1.2. Scope

The scope of this work is focussed on community level sport in New Zealand, for all transgender players (both youth and adult). It is accepted that young people compete in different leagues and formats compared to adults for many sports. Principles and policies that are developed therefore need to be cognisant of this fact, as those developed for adults may not be appropriate in addressing the issue of inclusion for young people.

Research into the physiology of transgender sports players and impact of transitioning (for those going through a medical transition) is currently unsettled. The Guiding Principles accept that further research is continuing to be established and that any guidance will need to be regularly updated to reflect this.

Sport celebrates diversity in players. Community sport includes participants with a range of abilities and physiques. Some sports already have mechanisms in place (such as age grades and weight ranges) to address any relevant disparity of players, protect the health and safety of participants, and provide fair and meaningful competition.

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<sup>29</sup> PRISM Report, above at 3.

<sup>30</sup> MVPFAFF is an acronym to describe Pasifika identities Mahu (Hawai'i and Tahiti), Vaka sa lewa lewa (Fiji), Palopa (Papua New Guinea), Fa'afafine (Samoa & American Samoa), Akava'ine (Rarotonga), Fakaleiti/Leiti (Tonga), Fakafifine (Niue).

Exclusion from sport can have significant disempowering impacts on transgender, gender diverse and non-binary people, resulting in negative impacts on both mental and physical health.<sup>31</sup> These Guiding Principles are based on the premise that unsettled science around the physiology of transgender players at the community level creates no legitimate exception to a duty of meaningful inclusion of every individual in the community sport of their choosing.<sup>32</sup> To support diversity and inclusion in the broader community, the transgender community needs inclusion in sport to be actively fostered. The foundation of these Guiding Principles is therefore one of inclusivity.

It is recognised that at the elite level, sporting codes will be guided by their relevant international sporting body. Sports are encouraged to have discussions with transgender players about the implications of the talent pathway so that individuals can make informed decisions when entering the sport.

These Guiding Principles accept that inclusion of players in community sport should be considered through an intersectional lens. Intersectionality describes how different parts of a person's identity or circumstances – such as age, race, culture, disability, gender, sex, location, or religion – all intersect and combine to shape people's life experiences. These Guiding Principles have been developed on the assumption that community sports will consider intersectionality in the development of their policies.

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<sup>31</sup> Hargie OD, Mitchell DH, Somerville IJ. 'People have a knack of making you feel excluded if they catch on to your difference': Transgender experiences of exclusion in sport. *International Review for the Sociology of Sport*. 2017;52(2):223-239. doi:10.1177/1012690215583283.

<sup>32</sup> United Nations High Commissioner for Human Rights Report (2020), '[Intersection of race and gender discrimination in sport](#)', p 7.



## 2. Guiding Principles

### 2.1. Inclusion.



**Inclusion.** Inclusion of transgender players in community sport is paramount. Transgender players have the right to play in the gender that they identify with.

#### 2.1.1. Why is this important?

Participation in sport is a powerful means of social inclusion, and a human right.<sup>33</sup> The opportunity to participate in sport should be available to everyone in the community, regardless of their gender.

In New Zealand community sport provides many physical and psychological benefits as well as providing an opportunity for people to socialise, build relationships and engage with their community.

It follows that exclusion from sport can have alienating impacts on individuals and groups. This is particularly harmful to members of the transgender community who already suffer from high levels of mental distress and marginalisation in New Zealand. This can be because of chronic, repeated experiences of exclusion, stigma, and discrimination in many facets of transgender people's daily life.<sup>34</sup>

In 2018 an anonymous survey of 1178 self-identified transgender people and non-binary people in New Zealand showed that of those surveyed:<sup>35</sup>

- more than half of the participants (56 per cent) had seriously thought about attempting suicide in the last 12 months
- almost two in five participants (37 per cent) had attempted suicide at some point and 12 per cent had attempted suicide in the last 12 months.

The survey further found that:

- only 14 per cent of transgender and non-binary people had participated in any sport competitions, events, or other organised activities in the last four weeks, such as bowls, a soccer practice, or a netball game. This is almost half the rate of participation by the general population (26 per cent)
- more than half (61 per cent) of participants were worried about how they would be treated as a transgender or non-binary person in competitive sport. This concern was more common for transgender men (81 per cent) and less common for transgender women (42 per cent)
- one in five participants had been told they could only participate based on their sex designated at birth.

<sup>33</sup> International Olympic Committee (2020) Olympic Charter - in force as from July 2020, page 11. [Online] Available from: <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>

<sup>34</sup> Schrieber K (2016), 'Why Transgender People Experience More Mental Health Issues' Psychology Today. [Online] Available from: <https://www.psychologytoday.com/nz/blog/the-truth-about-exercise-addiction/201612/why-transgender-people-experience-more-mental-health>

<sup>35</sup> Veale J, Byrne J, Tan K, Guy S, Yee A, Nopera T & Bentham R (2019), Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand. Transgender Health Research Lab, University of Waikato: Hamilton NZ, p 66. [Online] Available from: [https://countingourselves.nz/wp-content/uploads/2020/01/Counting-Ourselves\\_Report-Dec-19-Online.pdf](https://countingourselves.nz/wp-content/uploads/2020/01/Counting-Ourselves_Report-Dec-19-Online.pdf)





These results suggest that fear of discrimination and concerns about eligibility limit the opportunities of transgender people to have equal access to sports. This is concerning as exclusion from sport can have significant disempowering impacts on transgender people, negatively impacting both mental and physical health.<sup>36</sup>

A good sport is an inclusive sport. This not only reflects the core value of inclusion but reflects the ever-changing diversity of our local communities which should be welcomed and celebrated. The transgender community live, work and play across New Zealand and it is important that all our sporting community reflect this.

### 2.1.2. How can this best be operationalised? How does this apply in practice?

Establishing an inclusive transgender player policy shows a genuine commitment to ensuring that transgender players are able to take part in sport. It can help indicate to transgender people that they are welcome, encourage them to remain engaged in the sport and provide guidance to staff and volunteers on how to include transgender players and how to appropriately respond to any questions that may arise.

An inclusive transgender policy would allow for players to compete in the gender with which they identify and not the sex they were designated at birth. It would not ask people to prove or otherwise justify their gender.

Example from: Touch Football Australia:<sup>37</sup>

For all Touch Football Australia Affiliate competitions, an individual can participate in the competition/category which best reflects their gender identity.

<sup>36</sup> Hargie OD, Mitchell DH, Somerville IJ. 'People have a knack of making you feel excluded if they catch on to your difference': Transgender experiences of exclusion in sport. *International Review for the Sociology of Sport*. 2017;52(2):223-239. doi:10.1177/1012690215583283.

<sup>37</sup> Touch Football Australia (2020) *Participation Guidelines for the Inclusion of Transgender and Gender Diverse People in Touch Football Affiliates*.



An inclusive transgender policy would also include a clear statement and/or objectives that promotes the inclusion of transgender players.

**Example from Touch Football Australia:<sup>38</sup>**

- To affirm our commitment to supporting the inclusion of transgender and gender diverse identifying people in Touch Football Australia.
- To ensure we foster a safe, welcoming environment for gender-diverse people by eliminating discriminative behaviour within our facilities, programs, and services.
- To affirm our support of gender affirming practices in our programs, operations, and competitions.
- To promote a safe, inclusive, and welcoming environment that engages and keeps participants with diverse genders and sexualities involved in Touch Football.

**Scenario of the benefit of an inclusive transgender policy:**

- Ra is a transgender male. He loves tennis but has not played since he transitioned because he does not want to have to provide proof of identification. The sex listed on Ra's birth certificate and drivers licence differs to his gender identity.
- Ra looks at the application criteria for local tennis clubs and finds one that says all players can participate in the gender with which they identify. Ra calls up the club manager and asks if he can sign up to the men's league.
- The club manager is warm and welcoming and helps Ra process his application.

To ensure that sports are inclusive of transgender, gender diverse and non-binary people it is essential that those who lead sporting bodies (for example the Board) are committed to the inclusion of transgender, gender diverse and non-binary players.

**Example of what leadership demonstrating inclusion could involve:**

- A written commitment in governance processes that the Board will take steps to welcome and include transgender players in their sport and the broader sporting community.
- Actively engaging in the education of players, coaches, staff, and members by providing them with information in induction packs about how to support transgender players.
- Supporting and paying for members to take part in educational rainbow workshops.
- Appointment of an inclusion officer as a point of contact and support for transgender players.

<sup>38</sup> Touch Football Australia (2020) *Participation Guidelines for the Inclusion of Transgender and Gender Diverse People in Touch Football Affiliates*.

## 2.2. Wellbeing + Safety



**Wellbeing + Safety.** The health, safety and wellbeing of all players must be supported.

### 2.2.1. Why is this important?

Player health, safety and wellbeing is central to sport. Caring for players encourages them to become involved in sport, to continue to engage in sport and foster existing talent.

Sporting codes have a duty of care to all players to ensure that they provide a safe and enjoyable sporting environment. Safety includes the physical, emotional, cultural, and spiritual wellbeing of players, including transgender players.

### 2.2.2. How can this best be operationalised? How does this apply in practice?

Health and safety policy

The wellbeing and safety of players can be ensured through a health and safety policy.

If a sport code already has their own health and safety policy, this policy should be reviewed to ensure it is inclusive of the transgender community.

If a health and safety policy has not been established, codes can visit [Sport NZ Health and Safety for Clubs](#) for further guidance

Sports codes should support community sport clubs to implement a health and safety policy which applies to their community and considers the diversity of its players. The policy should also align and comply with the *Health and Safety at Work Act 2016*.

Commitment to player wellbeing

Consideration of the wellbeing of players can also be operationalised by including a commitment to wellbeing in the relevant Health and Safety policy or transgender inclusion policy.

#### Example of wellbeing principles from Waka Ama New Zealand:<sup>39</sup>

- *Manaakitanga:* We encourage the practice of reciprocity and inclusivity through the sharing of ourselves and of our resources, nurturing all people and accepting our differences.
- *Whanaungatanga:* Is our sense of belonging, identity, and collective strength, not only through kinship/whakapapa but also being related to all within the Waka Ama community.
- *Hauora:* We support and promote the physical, mental, emotional, and spiritual wellbeing of all our participants.
- *Tū Tangata:* We are accountable for our actions. We have respect for each other, for our waka and our environment. We stand proud in our integrity and passion.

<sup>39</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.



### Active steps

In addition to a transgender inclusion policy, further steps can be taken by sporting providers and organisations (such as clubs, schools and other sporting bodies) to support the health, safety and wellbeing of all players, including transgender, gender diverse and non-binary players.

### Example of active steps that can be taken to support the health, safety, and wellbeing of players:

- Regularly checking that equipment, facilities and programmes meet health and safety standards.
- Having mechanisms in place to allow players to compete safely and ensure the competition is comprised of an appropriately similar cohort of players, for example weight bands and age brackets.
- Appointing a wellbeing officer who is a point of contact and oversees player welfare.
- Providing an anonymous suggestion box so that the community can suggest changes that would enhance the sport and its members experiences.

## 2.3. Privacy + Dignity



**Privacy + dignity.** The privacy and dignity of all players must be respected.

### 2.3.1. Why is this important?

Everyone should be made to feel comfortable bringing their true selves to sport. To do so, all players must be treated with dignity and respect.

As the visibility of transgender, gender diverse and non-binary people in the community increases, some people can be curious and want to know more about the experiences of individuals. Disclosing their gender identity may create real or perceived risks of discrimination, and people’s privacy and dignity should be respected.

Transgender, gender diverse and non-binary players may be dissuaded from participating in community sport if they believe that they will be required to provide personal information.

When registering for sport players may be required to provide personal information such as their age, name, or gender. Collection of this information can create additional barriers for transgender, gender diverse and non-binary people because of differences between their sex designated at birth and gender, difference between their preferred name and name as it appears on identity documents, or the structure of the registration form (for example requiring a tick box of Ms/Miss/Mrs/Mr or M/F).

Gender identity is at the core of a person’s being. If someone has shared their gender identity and specifically requested that their identity be kept in confidence, it is an invasion of privacy to share that information elsewhere without the express consent of the individual concerned. It is also inappropriate to refer to people by the incorrect name, gender, and pronouns. Terminology can have an impact on a person’s identity, wellbeing, and inherent dignity. Using appropriate terminology is therefore important to respect and uphold individuality.

### 2.3.2. How can this best be operationalised? How does this apply in practice?

#### Privacy policy

The privacy of players can be ensured through a privacy policy.

If a sport code already has their own privacy policy, this policy should be reviewed to ensure it is respectful of the transgender community and that it is compliant with the provisions of the *Privacy Act 2020*.

If a privacy policy has not been established, more information on privacy responsibilities can be found at:

- The [Privacy Commissioners website](#).
- in the [Privacy Act 2020](#).
- [From the Statistics New Zealand website](#)

Sports bodies should ensure that their transgender inclusion policy refers to the relevant privacy policy and/or includes a privacy and confidentiality section which establishes that all personal information will be collected and handled with confidentiality.



**A strong privacy and confidentiality statement may include the following points:**

- Personal information will only be collected from participants if absolutely necessary and with the individual's consent (or consent of the parent or guardian where the individual is under the age of 18 years).
- Any information collected, including information about an individual's gender or sex designated at birth, will not be used, or shared without the express consent of the individual.
- Information will be collected, held, and disclosed in accordance with the *Privacy Act 2020*.

Sports bodies should also consider the type of information they are collecting and ask themselves:

- Why do we collect this information? Is the collection of all private information necessary?
- How do we collect private information? Is it secure? Do we offer safe spaces for people to share their private information?
- What do we do with the private information? Do we ensure that confidentiality is upheld?
- Are we inclusive in the language that we use?

### Registration forms

Many sporting codes will already have established registration forms in place. Sports codes are encouraged to consider whether the information that they are collecting with their current registration forms is necessary, and if so, whether the language and options could be more inclusive. This could also be supported by ensuring that correct names and pronouns are used and updated on databases, documents, and other correspondence.

Statistics New Zealand provides a [step-by-step guide to determining if and how to collect data](#) relating to sex and gender:

- Is sex or gender information needed?
  - If yes, collect data relating to sex and/or gender.
- Does collection need to identify transgender and cisgender respondents/population?
  - If yes, collect 'Two-step' sex at birth and gender information.
- Is intersex population data needed?
  - If yes, collect intersex variation data.



Example questions include:<sup>40</sup>

Gender	Sex at birth	Intersex
What is your gender? <ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• Another gender</li> </ul> Please specify: _____	What was your sex at birth? (for example, what was recorded on your original birth certificate?) <ul style="list-style-type: none"> <li>• Male</li> <li>• Female</li> </ul>	Were you born with a variation of sex characteristics (otherwise known as an intersex variation)? <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• Don't know</li> </ul>

Note: a single gender question will be limited in its ability to identify transgender/cisgender population  
 Note: multiple responses to these questions are valid.

*Two-step sex at birth and gender information* is recognised as international best practice for identifying transgender and cisgender populations in representative collections. It combines a question on sex at birth with an inclusive gender question.

It should not be assumed individuals grouped as cisgender or transgender identify with these terms – it is reflective only of the relationship between a person’s sex at birth and their gender.

Sex at birth questions can be particularly sensitive for some respondents, therefore steps taken to maximise privacy are recommended (see Statistics New Zealand detailed guide for more information).

Current best practice for collecting information about the intersex population is to ask a question on whether someone was born with an intersex variation separately from a general question on sex or gender. <sup>41</sup>

**Language**

Using inclusive language, asking, and correctly using someone’s pronouns are also simple ways to show respect.

Pronouns are words used to refer to people, for example, she/her, he/him, they/them. It is important to accept and respect the pronouns chosen by people. They should not be assumed based on appearance, name, or any other factor.

It is important to normalise the sharing and asking for pronouns, and as such, it may be appropriate to respectfully ask someone what pronoun they use to describe themselves and use that pronoun. One way to open this conversation is by having an option on any relevant paperwork/forms which asks people what pronoun they use.

<sup>40</sup> Statistics New Zealand, [Guide to determining if and how to collect sex and gender data](#).

<sup>41</sup> Statistics New Zealand, [Guide to determining if and how to collect sex and gender data](#)



### Example of how to ask someone what pronouns they use:

Respectfully and privately use a question such as “Can I ask what pronoun you use?”. Be careful not to ask what pronoun someone *prefers* as a person’s pronoun and identity are not a preference.

Sports should be gender inclusive in the language that is used. This includes the language used in greeting, on sign-up sheets and in publications such as on websites.

### Examples of gender inclusive language:

- “Hey everyone” or “Welcome everyone” rather than “Hi guys” or “Welcome ladies and gentlemen”.
- Using the word “partner” rather than “boyfriend/girlfriend” or “husband/wife”.
- Asking all players what pronouns they use when they register, then using these pronouns in all verbal and written communications.

### Commitment to respect individuals

Showing a commitment to uphold dignity and respect could also be reflected in a transgender inclusion policy.

### Example of the member expectations from Waka Ama New Zealand and Hockey New Zealand:<sup>42,43</sup>

Treat the individual with dignity and respect.

<sup>42</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.

<sup>43</sup> Hockey New Zealand (2019) *Transgender Athlete Policy Draft*.





## 2.4. Anti-discrimination, Bullying and Harassment



**Anti-discrimination, Bullying + Harassment.** There is zero-tolerance for discrimination, bullying, and harassment.

### 2.4.1. Why is this important?

Every person in sport, in every role, has the right to participate in an environment that is fun, safe, and healthy, and to be treated with respect, dignity and fairness.

Sports providers and organisations should provide an environment where people are treated fairly and equitably and free from any form of discrimination. Members, participants, and the community will not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, or harassed. Sports providers and organisations also run the risk of losing their members and volunteers if people feel they have not been treated fairly.

Discrimination is when you are treated worse than someone else in the same or a similar situation. Discrimination on the grounds of race, country of origin, gender identity or sexual orientation that happens in an area of public life is against the law.<sup>44</sup>

Discrimination can be both direct and indirect. Direct discrimination would be a sports provider refusing a transgender woman's application because she is transgender. While indirect discrimination occurs when a condition, requirement or practice that applies to everyone, disadvantages persons of a particular group, and the condition is not reasonable in the circumstances. For example, a sports code requiring a birth certificate on registration can disadvantage transgender players if it does not align with their gender identity.

Bullying is deliberately hurting a specific person either physically, verbally, psychologically, or socially. Bullying can occur both in and outside the area of sport or activity and can involve participants, parents, organisers, volunteers, coaches, spectators, or officials. It is prohibited by most organisations under their Code of Conduct and can result in penalties and punishments being applied. Some forms of bullying constitute assault, harassment, or discrimination.

Harassment means unwelcome behaviour that is offensive, humiliating or intimidating and is either repeated, or of such significant nature, that it has a detrimental effect on the person.

Unwelcome behaviour can be harassment even if the recipient does not tell the other party or parties that their behaviour is unwelcome – and even if there is no intention to offend, humiliate or intimidate. It could even include gossip, jokes, teasing or the use of inappropriate nicknames.

Transgender, gender diverse and non-binary players face many forms of subtle and overt discrimination, teasing, bullying, harassment, and exclusion. Outlined below are some examples of the barriers that transgender players may face: <sup>45</sup>

- being told they are in the wrong bathroom and asked/told to leave
- forms and paperwork being binary in nature
- being asked invasive questions about physical characteristics
- having team members or players from other teams refuse to play with them or otherwise bullying or harassing them

<sup>44</sup> For more information, see the *Human Rights Act 1993*.

<sup>45</sup> Australian Human Rights Commission (2019), *Guidelines for the inclusion of transgender and gender diverse people in sport*, p 38. [Online] Available from: [https://humanrights.gov.au/sites/default/files/document/publication/ahrc\\_transgender\\_and\\_gender\\_diverse\\_guidelines\\_2019.pdf](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_transgender_and_gender_diverse_guidelines_2019.pdf)



- having their privacy breached (for example, walked in on while in the shower)
- being intentionally addressed by incorrect pronouns (for example, calling a transgender woman or girl 'he').

### **2.4.2. How can this best be operationalised? How does this apply in practice?**

#### **Code of Conduct or Bullying and Harassment Policy**

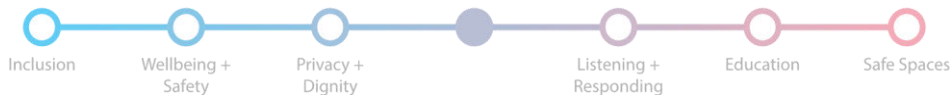
All sports should promote their organisation as one that will not allow or tolerate bullying. This could be supported through a Code of Conduct or a policy that specifically addresses bullying behaviours, such as a Bullying and Harassment Policy.

Sports codes should consider reviewing existing Codes of Conduct to ensure that the harassment and discrimination of transgender, gender diverse and non-binary players is specifically addressed. Reference to anti-discrimination should also be included in any policy specifically developed to address the inclusion of transgender, gender diverse and non-binary players.

Good policies address a range of inappropriate behaviours including discrimination, harassment and bullying. These policies can also provide a complaint handling process so organisations can deal with incidents of discrimination, harassment or bullying in a practical manner that is consistent with other inappropriate behaviour. The complaints process should also include avenues for legal redress, if appropriate.

For assistance developing a Bullying and Harassment Policy, visit the Sport NZ website:

- [Preventing Bullying and Harassment Policy](#)
- [Preventing Discrimination Policy](#)
- [Equality, Diversity, and Inclusion Policy](#)



**A robust anti-discrimination and harassment policy should:**

- State that discriminatory behaviour and harassment is not condoned.
- Clearly state who the policy applies to (such as coaches, umpires and other officials, staff and administrators, spectators, players, volunteers).
- Indicate what the consequences of a breach are (for example spectators may be asked to leave the sports ground or if the breaches are illegal, may be referred to the relevant authorities)
- Provide members with clear guidance as to where they can complain and how their complaint will be handled.
- Communicate the policy with members. For example, clearly display that there is zero tolerance for harassment and discrimination at the sports facility so that all members are aware. This may include posters and flyers in the club house, kitchen and other frequently used areas.

**Education**

Education is also important to address discriminatory behaviour [see principle 2.6 below]. All members of the sporting community including staff, officials, coaches, volunteers, and spectators should be educated as to what behaviour is considered harmful and inappropriate, and to help members identify ways that they can be an ally to the transgender community.

**Scenario of the benefit of a good anti-discrimination and harassment policy:**

- Sam is a young transgender female who plays football. When playing a game against another local team one of the opposition players starts yelling offensive things at her and saying that she should not be playing in their competition.
- Sam is upset and is unsure whether there is anything she can do about it. Her coach notices that she is upset and talks with Sam about what happened. The coach reminds Sam that bullying is not tolerated on or off the field and offers her support.
- Following their club Bullying and Harassment Policy, the coach talks with Sam about the possibility of meeting with the opposition coach and player. Sam decides she does not want to meet with the player but would like her coach to speak to the other player. Sam’s coach therefore arranges a meeting with the opposition coach and player to discuss the incident. The opposition coach advises that the player has received a warning.
- The player apologises for their actions and writes a letter of apology to Sam.

## 2.5. Listening + Responding



**Listening + Responding.** Players must be listened to and provided appropriate options and complaints procedures.

### 2.5.1. Why is this important?

It is important that a grievance and complaints procedure is available to all players so that members can have confidence that any concerns raised will be heard. Providing appropriate grievance procedures also communicates to players the importance of transgender inclusion and that the sports provider takes their commitment to inclusion seriously.

### 2.5.2. How can this best be operationalised? How does this apply in practice?

Complaint's procedures

It is important that complaints procedures are accessible, transparent, and anonymised so that members are comfortable raising a complaint. Sporting providers may choose to incorporate grievance procedures into their specific transgender inclusion policy, or if they already have relevant grievance and complaints procedures, they may seek to expand them to reference transgender inclusion.

All players should know where they can raise a complaint and need to be encouraged to do so should discriminatory or inappropriate behaviour take place. The grounds under which grievances or complaints can be made should be clearly stipulated in any transgender inclusion policy. There also needs to be an independent avenue of review for any decision made.

For assistance developing a Complaints Policy visit Sport NZ [Complaints Procedure](#).

Example of what a good complaints process should consider:

- Listen to players and hear their concerns. Ask them how they would like the issue to be addressed.
- Clearly direct the player to where they can make a complaint.
- Allow a complaint to be made on behalf of a player (for example a coach laying a complaint on behalf of a player).
- Outline how the complaint will be responded to.
- Offer a formal complaints process and where appropriate, offer informal resolution. Where possible, offer a confidential and/or independent complaints process.
- Inform members that they can contact the [NZ Human Rights Commission](#) who offer a free, informal enquiries and [complaints service](#) to deal with unlawful discrimination.
- Include a statement that encourages the community to speak out and raise complaints when there is inappropriate conduct or practice taking place.

## 2.6. Education



**Education.** Education of ourselves and our communities must be a priority to help us support transgender players.

### 2.6.1. Why is this important?

Education is crucial to support the inclusion of transgender, gender diverse and non-binary players and further embed any relevant policies within sporting codes. The sporting community needs to continue to expand their understanding of the transgender and rainbow community, understand the importance of taking steps to include transgender players, and recognise what they can do to be an active ally.

Education is critical as it can help to increase the confidence of communities to engage in these matters. Education can also be used to help raise awareness about harassment, provide tools to recognise harassment and develop skills to address it.

More broadly education is important to help create a cultural shift. More can and needs to be done to include the transgender and rainbow community. To see a change in culture and conversation we need to educate ourselves.

### 2.6.2. How can this best be operationalised? How does this apply in practice?

#### Frequently Asked Questions

One way to support education is to link or attach some Frequently Asked Questions to the transgender inclusion policy. This can help respond to questions or concerns that may be raised in relation to transgender sports.

**Example of information that could be included as Frequently Asked Questions drawn from the Australian Human Rights Commission:**<sup>46</sup>

#### 1. Are transgender, gender diverse and non-binary players really excluded from sports?

Yes. Sport, particularly at the community level, is supposed to be a mechanism by which people can enjoy physical exercise and gain a sense of community. However, there are many examples of transgender players being excluded from sports. Examples of exclusion may include: a transgender woman being excluded from participation in a men's sporting club, or a transgender player not having an appropriate bathroom, change room or uniform.

#### 2. What about testosterone?

The hormone testosterone is produced by the body with males generally producing more testosterone than females. There is some research relating to the impact of testosterone on the sporting performance of transgender women. The research is unsettled. There are a diverse and varied range of factors that impact on sporting ability and prowess.

<sup>46</sup> Australian Human Rights Commission (2019) [Guidelines for the inclusion of transgender and gender diverse people in sport](#).

### 3. What about safety?

In considering the safety of players at the community level, a multifaceted view should be taken which includes the physical, psychological, and cultural safety of all players.

The gender identity of a player does not create a danger or risk to safety. Transgender players, as with all cisgender players, are diverse and varied in their height, weight, strength, and stamina. Depending on the sport, mismatches or significant disparities among players may contribute to a risk to safety. Various sports have age and weight restrictions to reduce mismatches and any subsequent injuries that may arise. In some sporting codes, there is a long-established acceptance of physical mismatches, such as basketball.

Sports often have codes of conduct which include principles of fairness and respect, as well as rules for participation in the game. All players must know the rules of the game, and participate in the sport with informed consent, knowing that injury is an inherent risk when playing sport. If rough conduct or unsafe play occurs, the code of conduct or rules of the relevant sporting code should be enacted, and players should be penalised appropriately to ensure the safety of all players.

#### Commitment to education

A strong transgender inclusion policy would include a commitment to continuing education. Sports should engage with resources and information that are available about the transgender community and provide links to members so they can access the information themselves.

**Example of a commitment to education from Waka Ama New Zealand and Hockey New Zealand:**<sup>47,48</sup>

Waka Ama is committed to educate the membership about trans identified and principles of transgender inclusion. If any clubs need support in this area Waka Ama NZ will do all they can to assist.

#### Link to further resources

Another way to support education is to provide links to relevant resources. For example, for further information and resources visit the following sites:

- [Drug Free Sport NZ](#) – New Zealand’s national anti-doping organisation.
- [F’INE](#) – a Pasifika LGBTQI-focussed provider, providing whānau ora navigational services in the Auckland region.

<sup>47</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.

<sup>48</sup> Hockey New Zealand (2019) *Transgender Athlete Policy Draft*.

<sup>49</sup> Waka Ama New Zealand (n.d.) *Transgender and Transsexual Policy*.

<sup>50</sup> Hockey New Zealand (2019) *Transgender Athlete Policy Draft*.

- [Gender Minorities Aotearoa](#) – a cross cultural, transgender-led organisation that operates on a Kaupapa Māori public health framework. It provides research, information and resources, advocacy, education and training, support, and referrals to other services.
- [How to be a trans ally](#) – a resource created in collaboration with Lush and InsideOUT is a simple guide about how to be a great ally to the transgender and gender diverse communities.
- [InsideOUT](#) – works to give rainbow young people in Aotearoa New Zealand a sense of safety and belonging in their schools and communities.
- [NZ Human Rights Commission](#) – advocate for the fair treatment of all members of the LGBTQI+ community. The Human Rights Commission offers a free, informal enquiries and [complaints service](#) to deal with unlawful discrimination.
- [OUTLine](#) – confidential, free, LGBTQ+ affirming support line and face-to-face counselling.
- [Rainbow YOUTH](#) – a charitable organisation dedicated to helping young queer and gender diverse people up to the ages of 27, as well as their wider communities.
- [Sport New Zealand](#) – is the kaitiaki of the play, active recreation and sport system in Aotearoa New Zealand.



## 2.7. Safe Spaces



**Safe Spaces.** Safe and welcoming spaces, facilities and uniforms need to be designed.

### 2.7.1. Why is this important?

An inclusive sporting organisation is a good organisation, and an inclusive event is a good event. To help ensure that transgender, gender diverse and non-binary players are genuinely included in the sporting community consideration needs to be given to supporting the design and development of safe and welcoming spaces, facilities, events, travel arrangements and uniforms. These will be complemented by the use of inclusive language [see above at 2.3]. It is important to ensure that the sporting provider’s ‘home-base’ is inclusive. To the greatest extent possible, providers should also ensure that any host environments when people travel for sport are also inclusive.

Transgender, gender diverse and non-binary players may face additional difficulty participating in sport if there are no appropriate facilities, uniforms, or travel arrangements for them.

### 2.7.2. How can this best be operationalised? How does this apply in practice?

#### Facilities

Ask the player which facilities they would prefer to use and endeavour to accommodate their wishes.

Facilities should be user friendly, well maintained, and safe. There need to be suitable changing rooms and bathroom facilities that ensure the privacy of individuals. Some individuals may choose to use the facilities of their gender, while others may prefer private or gender-neutral facilities.

Where new facilities are being built or upgraded, sports should advocate for more inclusive gender-neutral spaces and more private spaces so that people can use them safely and comfortably.

Many sports providers may be operating with older facilities. Below are some suggested changes that providers could make to ensure facilities are more welcoming.

#### Example of how to create safer facilities:

- Making some bathrooms unisex by removing urinals and including cubicles,
- Modifying changerooms and bathrooms to create private spaces by hanging curtains or putting in room dividers,
- Making open showers private, and
- Changing signage to be unisex/gender neutral.

#### Uniforms

Players should be allowed to participate in the uniform in which they feel most comfortable.

Sports could reconsider current uniform requirements to consider whether different men’s and women’s uniforms are necessary. If they are, sports should ensure that players are able to dress consistently with their gender (this includes uniforms, formal attire, and any other team dress code). Sports should also consider whether they redesign uniforms so that they are more accommodating of a range of different body types and shapes.





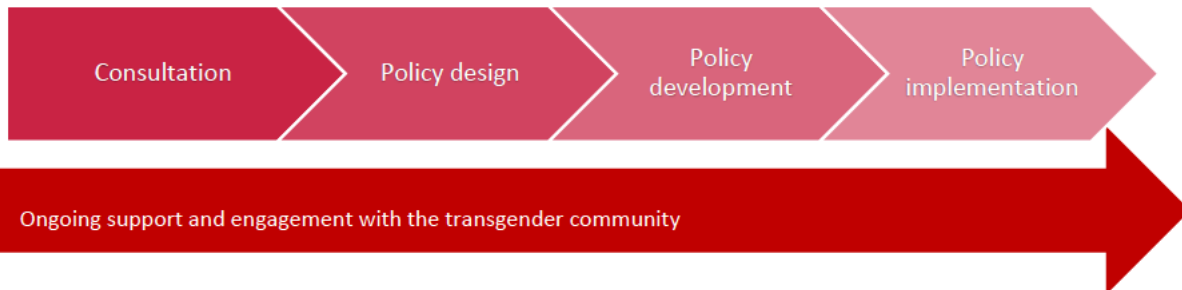
### Travel

Sports are encouraged to be proactive when taking trips and to consider where a transgender, gender diverse and non-binary player would like to stay and to endeavour to accommodate those wishes.

### 3. Consultation and development of transgender inclusive policies

This section of the Guiding Principles seeks to provide support to sporting codes to develop their own policies based on the Principles above.

It considers who and how to consult, what to consider when drafting policies, what content to include and what broader policy support is required.



#### 3.1. Consultation

To ensure that a robust and appropriate transgender inclusion policy is adopted, each sporting code should ensure that they consult with relevant stakeholders in a meaningful way.

Relevant stakeholders include:

- Transgender community
- Sports providers and organisations (such as community clubs/school clubs/other sporting bodies)
- Current sports players
- Relevant leadership body (for example the Board)
- Governing sports body (for example Netball New Zealand)
- Representative bodies for the rainbow community.

In drafting the transgender inclusion policy, it is helpful to remember the slogan: *Nothing about us without us*. No policy should be decided by any representative without the full participation of members who are affected by that policy.

If sporting codes are not aware of any transgender, gender diverse and non-binary players in their sporting code who can help inform the development of the transgender inclusion policy, consideration should be provided to engagement with transgender or rainbow organisations, or members of a similar code that can provide additional support.

Benefits of effective consultation

Consultation is a valuable investment as it helps add value to the policy that is developed, maintains transparency, can strengthen community trust, and create a more sustainable and appropriate policy.

Consultation is important so that members of the community and users of the policy are part of its development. Bringing members of the relevant community along the journey not only helps ensure that the final product is fit for purpose, but it also creates a sense of ownership and understanding within the community of the importance of the policy.

#### How to consult

Reach out to members and see if they would be interested in engaging in the development of a transgender inclusion policy.

Hold meetings in spaces that people would feel comfortable sharing their experiences and opinions on the policy.

Be tactful in the questions asked. A transgender person's experience is personal, so be respectful of their privacy and the information that they choose to share.

### 3.2. Drafting considerations

- Make sure the transgender inclusion policy is written in plain and simple language. The policy should be able to be picked up by community sports organisers and applied.
- Ensure that any linked policies (for example a privacy policy or health and safety policy) are updated and inclusive of the transgender community.
- Be clear who the policy applies to. For example, clubs, organisers/administrators, officials/referees, coaches, players, families, and spectators.
- Establish the scope of the policy. A sticking point for many sporting codes will be determining at what level the community game ends. Community sport in New Zealand can quickly become competitive and there is no one size fits all approach. The line between community and elite/competitive sport should be made clear in the relevant policy.

Codes are encouraged to include an Appendix to the policy which establishes what grades/competitions/teams are considered within the scope of the policy. Including this list as an Appendix allows for the list to be amended and updated.

Competitions, leagues, or events that would not be subject to the policy may include events for those seeking representative selection to national teams that would compete in competitions governed by the code's international sporting body.

- Determine how often the policy will be reviewed to ensure that it remains relevant. For example, it may be reviewed annually.

### 3.3. Content

In developing a transgender player policy, consider the Guiding Principles and the discussion about how they can best be operationalised and applied in practice.

A summary of the relevant elements to consider to ensure a robust transgender inclusion policy are outlined in Table 1 below.

Table 1: Elements to consider for a robust transgender player policy

Guiding Principle	Policy Considerations
 <p><b>Inclusion</b></p> <p>Inclusion of transgender players in community sport is paramount. Transgender players have the right to play in the gender that they identify with.</p>	<ul style="list-style-type: none"> <li>Do you allow for players to compete in the gender with which they identify?</li> <li>Do you have any statement or objectives that promote the inclusion of transgender, gender diverse and non-binary players?</li> <li>Does your leadership take active steps to include transgender players?</li> </ul>
 <p><b>Wellbeing + Safety</b></p> <p>The health, safety and wellbeing of all players must be supported.</p>	<ul style="list-style-type: none"> <li>Do you have a robust health and safety policy?</li> <li>Do you have any statement or objectives that promote player welfare?</li> <li>Do you take active steps to support the health, safety, and wellbeing of players?</li> </ul>
 <p><b>Privacy + Dignity</b></p> <p>The privacy and dignity of all players must be respected.</p>	<ul style="list-style-type: none"> <li>Do you have a privacy and confidentiality policy which establishes that personal information will be collected and handled appropriately?</li> <li>Do you have inclusive sign-up forms?</li> <li>Have you used the correct names and pronouns on databases, documents, and other correspondence?</li> <li>Do you ask members what pronouns to use?</li> <li>Do you use inclusive language?</li> <li>Do you have any statement or objectives that commits to treating all individuals with dignity and respect?</li> </ul>
 <p><b>Anti-discrimination, Bullying and Harassment</b></p> <p>There is zero-tolerance for discrimination, bullying, and harassment.</p>	<ul style="list-style-type: none"> <li>Do you have a Bullying and Harassment Policy or Code of Conduct with a zero-tolerance for discrimination and harassment?</li> </ul>
 <p><b>Listening + Responding</b></p> <p>Players must be listened to and provided appropriate options and complaints procedures.</p>	<ul style="list-style-type: none"> <li>Do you have a complaints process that is accessible, transparent, and anonymous? If not, consider using the all of sports complaints process.</li> </ul>
 <p><b>Education</b></p> <p>Education of ourselves and our communities must be a priority to help us support transgender players.</p>	<ul style="list-style-type: none"> <li>Have you engaged with resources about the transgender community to educate yourself?</li> <li>Do you have any statement or objectives that commits to continuing education?</li> <li>Have you shared helpful links with your community to help educate them?</li> </ul>



### Safe Spaces

Safe and welcoming spaces, facilities and uniforms need to be designed.

- Do you have appropriate facilities?
- Do you have uniform options for players?
- Have you considered what safe travel would look like for transgender, gender diverse and non-binary players?

## 3.4. Supporting implementation

Implementation of a transgender inclusion policy can be supported by appointing a Champion from within the sporting organisation and by complementing the relevant policy with an educative component.

### Appointing a champion

Sporting codes should consider if there is someone who can champion this work and be a point of contact for the community should they have any questions or concerns. The Champion would be expected to fully understand the policy and support its implementation and socialisation across the sporting organisation.

### Community education

To assist in uptake and understanding of the policy it is also suggested that community education takes place alongside implementation. This could include workshops with regional representatives, providing community organisers with information packs, holding an online seminar explaining the background to the policy and how it applies.

## 3.5. Further support and assistance

For further support in developing a transgender inclusion policy, sporting providers may wish to contact:

- [Drug Free Sport NZ](#) – New Zealand’s national anti-doping organisation.
- [F’INE](#) – a Pasifika LGBTQI-focussed provider, providing whānau ora navigational services in the Auckland region.
- [Gender Minorities Aotearoa](#) – a cross cultural, transgender-led organisation that operates on a Kaupapa Māori public health framework. It provides research, information and resources, advocacy, education and training, support, and referrals to other services.
- [How to be a trans ally](#) – a resource created in collaboration with Lush and InsideOUT is a simple guide about how to be a great ally to the transgender and gender diverse communities.
- [InsideOUT](#) – works to give rainbow young people in Aotearoa New Zealand a sense of safety and belonging in their schools and communities.
- [NZ Human Rights Commission](#) – advocate for the fair treatment of all members of the LGBTQI+ community. The Human Rights Commission offers a free, informal enquiries and [complaints service](#) to deal with unlawful discrimination.
- [OUTLine](#) – confidential, free, LGBTQ+ affirming support line and face-to-face counselling.
- [Rainbow YOUTH](#) – a charitable organisation dedicated to helping young queer and gender diverse people up to the ages of 27, as well as their wider communities.
- [Sport New Zealand](#) – is the kaitiaki of the play, active recreation and sport system in Aotearoa New Zealand.

## Online consultation questions for stakeholders

The following questions will be put into Survey Monkey and shared with November stakeholders for feedback on the draft Guiding Principles.

CONSULTATION DEMOGRAPHICS		
D1	<b>Who does your feedback represent?</b> <ul style="list-style-type: none"> <li>○ Individual</li> <li>○ Organisation</li> </ul>	One response  Mandatory
D2	<b>If applicable, which organisation does your feedback represent?</b>	Text (if tick org)
D3	<b>What is the geographic coverage of your organisation? (Eg. National/Regional/Location-based)</b>	Text (if tick org)
D4	<b>How do you describe your gender?</b> Please write any words you use (eg fa'afafine, transgender, gender diverse, cisgender, female, non-binary, tangata ira tāne, whakawahine, etc). You are welcome to skip this question if you prefer not to say.	Text (optional)
S1	<b>Do you agree with the 7 proposed Guiding Principles?</b> Are there any principles missing or any that are unsuitable? Are there any in particular that you agree/disagree with? Please explain. (text box)	Text
S2	<b>Are the examples and scenarios provided in the draft Guiding Principles Paper appropriate?</b> If no, please explain which examples and scenarios could be improved and how (text box)	Text
S3	<b>How do you see the draft Guiding Principles being used to guide actions at the community sports level? Are they practical?</b> If no, please explain how they could be improved (text box)	Text
S4	<b>Are there any final comments you would like to make? (text box)</b>	Text

Thank you for completing our consultation process.

9(2)(a)

**From:** 9(2)(a)@allenandclarke.co.nz>  
**Sent:** Friday, 25 June 2021 10:27 am  
**To:** 9(2)(a)  
**Cc:** 9(2)(a)  
**Subject:** Agenda and questions  
**Attachments:** Questions for SNZ 25 May.pdf

Hi 9(2)(a)

Attached are some questions for us to discuss at our meeting this morning.

Quick agenda for today:

- Update on the survey feedback
- Discuss questions (see attached)
- Next steps

Look forward to talking soon,

9(2)(a)



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## Questions for SNZ:

Below are initial questions for Sport's NZ based on the feedback received for the Guiding Principles.

Question	A+C's suggested response
<p>Some responses fundamentally disagree with the direction of the Guiding Principles.</p> <p><b>How should these be responded to?</b></p>	<p>A+C can provide some responses in the feedback control sheet. Suggest that SNZ provide a more fulsome response to some of this feedback.</p>
<p>At the moment the title and lots of the content focusses on players and less on the broader trans sporting community (eg trans parents).</p> <p><b>Should the GP's apply beyond just players?</b></p>	<p>Yes expand the GP's so that they can apply beyond just players.</p> <p>Noting that a lot of the guidance will be most applicable to players. A+C can amend the title and include in the scope that the GP's apply to all community (players and supporters, staff etc).</p>
<p><b>How should community sport be defined?</b></p>	<p>Definition from SNZ Community Sport Strategy used: We use a wide definition of Community Sport. It includes play (age and stage appropriate development opportunities for young people), active and outdoor recreation, and competitive sport taking place through clubs and events (including talent development). Community sport does not include passive recreation such as gardening or elite (international) competition.</p>
<p><b>Would the Guiding Principles benefit from including 'community sport' in the title?</b></p>	<p>Yes. Suggest calling these "Draft Guiding Principles for the participation of transgender communities in community sport". (rather than "Draft Guiding Principles for the Participation of Transgender Players in Sports")</p>
<p>The current inclusion principle is contentious. "Inclusion of trans players in community sport is paramount. Transgender players have the right to play in the gender they identify with".</p> <p>Concerns raised over rights based language, that it is 'paramount' and that the wording is too strong.</p> <p><b>Should the inclusion principle be reframed?</b></p>	<p>Suggest amending the GP so that it says "Inclusion of trans players is paramount. Transgender players should be able to play with the gender that they identify with".</p> <p>This avoids rights-based discussion.</p>



<p>The terminology of “players” and “play” is not applicable to a number of sports.</p> <p><b>What term does SNZ use if players/ play is not appropriate?</b></p>	<p>If no term is normally used, continue to use player and play with a note in the introduction that recognise these principles apply to all sports even those which ‘athletes’ may ‘do’ rather than ‘play’.</p>
<p><b>Should these principles more clearly discuss non-binary inclusion?</b></p> <p><b>How will SNZ support them?</b></p>	<p>Is SNZ doing further work on non-binary inclusion?</p> <p>Suggest that the GP’s apply to transgender, then specify some of the instances where suggestions are likely to be relevant to non-binary people (eg access to gender neutral bathrooms).</p>
<p><b>Does SNZ have a support contact for health and safety concerns?</b></p>	<p>If SNZ has a contact, suggest including this in the health and safety section.</p>
<p><b>Does SNZ have a media policy?</b></p>	<p>If SNZ has a media policy codes can draw on, we suggest referring to it in the GP’s as social media can be a harmful platform.</p>

*Some of the information contained in this report is subject to an obligation of confidence under section 9(2)(ba) of the Official Information Act 1982.*

9(2)(a)

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**From:** 9(2)(a)  
**Sent:** Friday, 25 June 2021 12:19 pm  
**To:** 9(2)(a)  
**Subject:** Links discussed this morning

Morning 9(2)(a),

As discussed this morning a couple of quick links – the integrity policies for health and safety and digital media policies etc:

<https://sportnz.org.nz/integrity/>

And if you wanted to watch the Minister at the Estimates hearing the link is: <https://fb.watch/6kSorVAXCg/> - there's a reasonably long discussion between the Minister and Louise Upston on the principles – I think it's the second or third question asked.

I'm just chasing up definitions/wording on 'community sport' and players/participants.

9(2)(a)

Senior Policy Advisor



9(2)(a)  
[sportnz.org.nz](https://sportnz.org.nz)

