

The following Policy statement was adopted at the Executive Committee meeting held on 28 March 2018 and adopted as Branch Policy from 28 April 2018

### 1. INTRODUCTION

This policy seeks to ensure clubs support members' gender identity, including those with intersex status, in line with both the Queensland Anti-Discrimination Act 1991 and the Sex Discrimination Act 1984 (Cth).

### 2. AIM

This policy aims to seek the following

- Clubs must support and respect a member's choice to identify as their desired gender when this does not align with their designated sex at birth
- Club Management Committees must respect privacy and confidentiality in relation to gender identity and intersex status
- The adult member or young person and a family representative/ carer must be invited to be part of the formulation of a club management plan
- a letter from a gender identity specialist may be requested by the club to support them in developing the plan. This letter is not a conditional requirement for the club in providing support to the member, but it may help to ensure that clubs can adequately discharge their duty of care to a member by planning appropriately.

### 3. SCOPE

This policy applies to all members and clubs of Point Danger Branch

### 4. DEFINITIONS

Gender identity has the potential for discriminatory and unfair treatment. Below are the definitions Gender Identity and Intersex status outlined in the (SD Act).

**Gender identity** : Gender identity is broadly defined as meaning 'the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth'.

By this definition, the SD Act seeks to affords protection from discrimination for persons who identify as men, women or also as neither male nor female. It does not matter what sex the person was assigned at birth, or whether the person has undergone any medical intervention. Some terms used to describe a person's gender identity include trans, transgender and gender diverse. The SD Act does not use these labels; however it is intended to cover these identities and more.

**Intersex status** : Intersex Status is defined by the SD Act as meaning 'the status of having physical, hormonal or genetic features that are:

1. neither wholly female nor wholly male; or
2. a combination of female and male; or
3. neither female or male.'

This is directed to protect the 'biological' aspects or characteristics of intersex persons, but not the person's gender identity. These provisions seek to afford an intersex person protection from discrimination based on whether that person may have the biological attributes of both sexes, or lack some of the biological attributes considered necessary to be defined as one or the other sex.

## 5. CLUB MANAGEMENT PLANS

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Presidents (or endorsed club delegate) should:

- identify current supports that are in place and not automatically assume club-based wellbeing supports are required
- respond to members or parents/guardians who identify a need, such as counselling support.

It is important that the member understands they are a partner in a plan and actively follow the agreed decisions.

The President (or endorsed club delegate), with the member and if required parents/guardians, create a club management plan that ensures the club responds to the member's needs and addresses any facilities and privacy issues.

The club management plan should:

- cater to the member's gender identity
- reflect this policy
- take a common-sense approach
- be developed over staggered sessions to allow time for trialling and opportunity for adjustments to occur
- consider the best timing to undertake any change of gender identity, such as term break
- agree to arrangements in relation to toilet facilities
- consider the wellbeing of other members in an addendum to the plan, in the event the member's transgender status becomes known and causes distress. This should include a member support referral process
- determine whether other volunteer members, such as the Club Management or the Coach, need to be advised to support or advise the member
- list the names of members who know of the gender identity change
- identify processes to:

- review the plan
- inform others should it be decided necessary
- address potential club community concerns
- manage unforeseen circumstances.

Important: The best way to protect a member's privacy and confidentiality is to minimise the number of members required to know the member's transgender status. In most cases this is limited to the President. Do not assume the member's social network is aware.

## **6. TOILET AND SHOWER FACILITIES**

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Toilets, showers and change rooms are specific to each club. The arrangements for the use of these facilities should be made locally and documented in the club management plan. Careful consideration should be given to the use of facilities that are appropriate to the member's preferred or chosen gender.

It should also be noted that the comfort of other members should also be taken into account when implementing this plan.

## **7. CLUB MEMBERS ADJUSTMENT**

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Where the member changing gender identity stays at the same club, club members who knew the member before may need:

- support
- further information on gender identity
- to discuss issues in general with a senior staff member.

Adjustments typically:

- occur as a matter of practice over time

include use of:

- a member's new name
- address appropriate to the preferred gender identity.

## **8. PARENTAL CONSENT FOR JUNIOR MEMBERS**

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The policy currently does not explicitly address situations in which a junior member and their parents are not in agreement regarding the member's gender identity. There may arise circumstances in which members wish to change their gender identity without the consent of their parents, and without consulting medical practitioners.

If no agreement can be reached between the member and the parent regarding the member's gender identity, or if the parent will not consent to the contents of a Member Management Plan, it will be necessary for the club to consider whether the member is a mature minor enabling the member to permissibly make decisions for themselves without parental consent.

Presidents (or endorsed club delegate) will need to be satisfied that the member has sufficient maturity, understanding and intelligence to make up their own mind about a

particular issue (such as decision making around name change). This is a decision for the President and a written record should be kept regarding the decision, including consideration of whether the member understands the consequences that might flow from the relevant decision.

Should the club consider that the member is a mature minor, in these circumstances it may not be appropriate for the member's family representative/carer to be invited to participate in formulating the club management plan.

The decision-making responsibilities policy for members addresses situations in which members, though under the age of 18 years, may be sufficiently mature to make their own decisions.

## **9. CONCLUSION**

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This policy is a Branch Policy and as such all Branch Office Bearers, Members and Staff must adhere to this as part of their responsibility towards the Branch

This policy is to be brought to the attention of all personnel for strict compliance

If the Executive Committee has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.