



## Tracking Your Rights: Sport

The *Universal Declaration of Human Rights* states:  
Everyone has the right to rest and leisure (Article 24)

### What does the *Anti-Discrimination Act 1991* say about sport?

The *Anti-Discrimination Act 1991* does not deal with sport as a specific area of public life. However, many sport related situations are covered by the Act. If you are involved in sport consider whether you are:

- working (whether paid or as a volunteer) such as coaching, umpiring or refereeing
- receiving goods or services from a club which is run for profit
- playing sport as part of your education
- seeking a rental premise or accommodation
- seeking membership of a club which is run for a profit

### What is discrimination?

Direct discrimination happens when you are treated worse than someone else because of your: race, age, family responsibilities, parental status, relationship status, pregnancy, breastfeeding, impairment (a disability), religious belief or activity, sex (male/female), gender identity, sexuality, lawful sexual activity (as a sex worker), trade union activity, political belief or activity, or association with, or relation to, a person identified on the basis of any of the above attributes.

#### Race discrimination in education

A Torres Strait Islander girl is never picked for the school netball team although she is clearly one of the best players because the teacher doesn't know how the white players would get on with her.

#### Sexuality discrimination in the provision of goods and services

A gay man and his partner go to a large leagues club for a beer and to play the pokies. The bar attendant refused to serve them and said that they didn't want 'poofers and deviants' in their club.

#### Impairment discrimination in work

A father has volunteered to coach a junior football team. He wears very thick glasses. On training nights he is continually subjected to abuse, ridicule and insults by the Director of Junior Coaching employed by the club who says things like 'Piss off four eyes and let an able bodied parent take over.' 'Are you sure you can see to the end of the field?' Ultimately, he resigns from the position of coach, due the constant belittlement by the D.O.C.

#### Race discrimination in accommodation:

An Aboriginal cricket club is refused a rental property for use as a club house because they were told 'Aborigines always wreck the place.'

#### What is vilification?

Vilification is publicly inciting others to hate, have serious contempt for, or severely ridicule people because of their race, religion, sexuality or gender identity. Vilification is unlawful.

#### Racial vilification:

At a men's rugby league game, the home team is playing against a team with a number of Aboriginal and Torres Strait Islander players. Some home team spectators start calling out abuse about the away team in racist terms and jump up and down making monkey noises. They encourage the home team players to 'Get the black bastard. Hit that ape. Bash him.'

If the incitement involves threats of physical harm to people or their property, it is a criminal offence.

#### Sexual Harassment

Sexual harassment is unwelcome sexual behaviour directed at you, which makes you feel offended, humiliated or intimidated, and in the circumstances, it is reasonable to feel that way.

Both men and women can sexually harass and be harassed. It has nothing to do with mutual attraction and friendship between people.

The mother of an AFL player works in the club canteen, selling drinks and chips. The club president constantly makes unwelcome sexual comments to her, asks for sex and rubs himself up against her body.

The male coach of a teenage girls' hockey team says that he is interested in the girls and their welfare and wants to be supportive. Lately he's been asking some girls about their private life - Questions such as: 'Have they got a boyfriend? Do you have sex? Are you on the pill?' The girls are very uncomfortable with this and just want to play hockey.



## Codes of Conduct

Best practice in a sport involves players, coaches, match officials and spectators at sporting events abiding by a Code of Conduct. These may be produced by the club itself, or the peak body of the sporting code or by a referees' association.

Codes of Conduct describe how players are to behave while playing and training – both on and off the field. They can include disciplinary action such as removing inappropriately behaving spectators. Acts of violence may also be subject to the criminal law and police action.

Ask to see the Code of Conduct of your club or sport.

## Other important/useful information

### *Children under 12 years*

Sporting competitions for children under 12 years of age may NOT be restricted to male or female only.

### Example

A football club must allow boys and girls to play in the same competition up to the age of 12 years.

## Exemptions

The Act allows exemptions in some situations which could otherwise be discrimination. Here are some that apply to sport.

### *Female or male only sporting competitions*

A competitive sporting activity may be restricted to either males or females, if that is reasonable because of the strength, stamina or physique needed for the sport.

### Example

A rugby union club could refuse to let a female play in the senior men's competition.

### *Separate facilities in clubs*

A club may have separate facilities or benefits for men only or women only, if it is not practical for males and females to enjoy the facilities or benefits at the same time and access to an equivalent benefit is available.

### Example

A swimming club can have a class for women only, where there is another similar class at the club that men can attend.

### *Unjustifiable hardship*

A sporting club, business or educational body may not have to provide special services or facilities for a person with an impairment, if they can demonstrate that to do so would impose unjustifiable hardship on them.

### Example

A small independent primary school has a 25 metre swimming pool. A student who uses a wheelchair wants to be part of swimming classes. The school says that to construct the proper access to allow the student to safely get in and out of the pool is beyond its financial capacity.

### *Women only Fitness Centres*

Certain commercial fitness centres have obtained exemptions from the Act to cater for women only. Because many women are not comfortable or culturally safe attending mixed fitness centres, it is a welfare measure for some centres to offer service to women only.

## Contact the ADCQ for more information

- phone on 1300 130 670 (or TTY 1300 130 680) from anywhere in Queensland and your call will be taken by the closest office
- ADCQ has Aboriginal and Torres Strait Islander staff and you can ask to speak with one of these officers.
- send an email to [info@adcq.qld.gov.au](mailto:info@adcq.qld.gov.au)
- visit the website [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

### ADCQ offices are located at:

Brisbane – level 17, 53 Albert St, Brisbane City  
Rockhampton – level 1 James Larcombe Place, 209 Bolsover Street  
Townsville – 155 to 157 Denham Street  
Cairns – McLeod Chambers, 78 Spence Street

## Sporting links

'Play by the Rules' – Website only - [www.playbytherules.net.au](http://www.playbytherules.net.au)

Australian Sports Commission – Website: [www.ausport.gov.au](http://www.ausport.gov.au)

National Aboriginal Sporting Chance Academy - 02 9221 8655 – Website <http://www.nasca.com.au/index.htm>