



Discrimination law and sport

New South Wales

Legislation

The New South Wales Anti-Discrimination Board administers the NSW *Anti-Discrimination Act 1977*. The Board's role is to:

- [handle complaints of discrimination](#)
- [try to prevent discrimination from occurring in the first place](#)
- [advise the Government](#)

How does the legislation apply to sport?

Sexual harassment in sport is prohibited under the *Anti-Discrimination Act 1977* (the ADA). It applies to anyone “engaged in a sporting activity” which would include participants in the sport itself and also specifically covers organisers, administrators, and coaches, and anyone officiating or being officially involved in an organized competition. Volunteers are covered by the sexual harassment section but not otherwise under the Act.

To be unlawful under the ADA, discrimination must occur in one of 5 areas: employment, provision of goods and services, public education, registered clubs and the provision of rental accommodation. Sport is mentioned under the Goods and Services provisions, and registered sporting clubs (under the *Registered Clubs Act 1976*) are obviously covered. Other sporting clubs and associations are covered under Federal laws administered by the Australian Human Rights Commission.

As well as coming under one of the five areas, to be unlawful, discrimination must be based on one of a number of grounds: race, age, disability, sex including, pregnancy and breastfeeding, domestic status, homosexuality, transgender status. Carer's responsibility only applies to employment situations (however discriminating against a person because of their carer's responsibilities may still amount to sex discrimination).

Useful information

When is discrimination permitted?

There are common sense exceptions which allow discrimination as follows:

Race – it's not unlawful to select people to represent a place or an area, and rules are allowed in relation to eligibility on the basis of nationality, place of birth or where a person resides.

Sex – a person can be excluded from participating in a sporting activity on the ground of sex, but this does not apply to coaching, or administration roles.

Transgender – a transgender person can be excluded from participating in a sporting activity for members of the sex with which the transgender person identifies, eg., a male to female transgender person can be excluded from participating in female sporting activity. This does not apply to coaching or administration roles.

Disability – a disabled person can be excluded from a sporting activity if the person is not reasonably capable of performing the actions reasonably required, or where people are selected on the basis of the skills and abilities relevant to the sporting activity. In addition, if a sporting activity is conducted for persons with a particular disability, people who do not have that disability can be excluded.

Age – a person can be excluded from participation on the ground of age, but not from coaching and administration etc.

It is not unlawful to restrict membership of a club or to provide benefits, facilities or services to members of a club.

Resources

If you would like to make a complaint about unlawful discrimination or harassment in NSW, you should lodge it within 12 months of the events you are complaining about. For more information about unlawful discrimination, or if you'd like to make a complaint, contact the [Anti-Discrimination Board](#) on:

General Enquiry Service & Employers Advisory Service
(02) 9268 5544