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## Discrimination law and sport

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### Queensland

#### Legislation

The Anti-Discrimination Commission Queensland (ADCQ) is an independent statutory authority which administers the *Anti-Discrimination Act 1991* (the Act). The role of the ADCQ is to promote equality of opportunity and resolve complaints of breaches under the Act, such as unlawful discrimination, sexual harassment and public vilification.

#### How does the legislation apply to sport?

There are a number of ways that unfavourable treatment experienced in a sporting context might be unlawful discrimination. The legislation covers discrimination in sport under the areas of work, the provision of goods and services, and club membership.

To make a complaint under the Act, a person needs to show they've been treated less favourably than someone else in the same situation, on the basis of one of the grounds and in one of the areas of life covered by the Act.

The Queensland Act includes 16 different grounds of discrimination (see below), four grounds of vilification, sexual harassment and victimisation.

The grounds of discrimination which are covered by the Act are:

- age
- breastfeeding
- family responsibilities
- gender identity
- impairment
- lawful sexual activity
- parental status
- political belief or activity
- pregnancy
- race
- relationship status

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- religious belief or religious activity
- sex
- sexuality
- trade union activity
- association with someone on the basis of any of the above grounds.

There is also a range of areas covered, such as work, goods and services, club membership, accommodation and education.

Queensland law also protects people from public vilification on the basis of race, religion, sexuality and gender identity. Public vilification – or public hatred – is illegal at sporting venues and events.

Sexual harassment is prohibited no matter where it occurs, for example on the sporting field, in the locker rooms, in employment, in the crowd or in writing, text or email.

Victimisation is prohibited when a person is treated badly or threatened because they are, have or will complain about unfair treatment under the Act.

### **What else do I need to know about what the law covers?**

For discrimination in the area of the provision of goods and services and in the area of club membership, organisations and clubs that have not been set up to make a profit are generally not covered. However this doesn't mean that community based sporting clubs are free to discriminate!

All clubs must comply with anti-discrimination laws in relation to employment and with laws prohibiting sexual harassment, victimisation and public vilification.

## **Useful information**

### **When is discrimination permitted?**

There are some exceptions specifically relating to sport in Queensland anti-discrimination law. For example, under section 111 of the *Anti-Discrimination Act 1991*, it is not unlawful to discriminate against a person because of their sex by excluding them from competing in sport if the strength, stamina or physique of competitors is important in that sport. There are similar exceptions relating to age and disability. For example, participation in a competitive sporting activity may be restricted to people belonging to a particular age group or may exclude a person with a disability.

These exceptions generally don't apply in relation to coaching, umpiring/refereeing, or sport administration.

If you would like to make a complaint about unlawful discrimination, sexual harassment, victimisation or public vilification in Queensland you should lodge it within 12 months of the event/s.

## **Resources**

For questions or concerns about unlawful discrimination, sexual harassment, victimisation or vilification, contact the Anti-Discrimination Commission Queensland on 1300 130 670.