



Discrimination law and sport

South Australia

Legislation

The South Australian Equal Opportunity Commission is an independent statutory authority which administers the *Equal Opportunity Act 1984* and *Whistleblowers Protection Act 1993*. The role of the EOC is to promote equality of opportunity and protect people from unlawful discrimination, sexual harassment and victimisation.

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.

In South Australia, sporting clubs are treated as “associations” under the Equal Opportunity Act 1984 (SA). Equal opportunity laws apply to sport in a number of areas. It is against the law for sporting clubs to discriminate against:

- a member (or someone wanting to become a member);
- its employees or volunteers; or
- people who it provides good or services to (services includes coaching and umpiring services, recreation and access to any place that members of the public are allowed to enter)
- because of their sex, marital or domestic partnership status, pregnancy, sexuality, race, age, chosen gender, caring responsibilities, identity of spouse or disability.

It is also against the law for employees, volunteers or people providing services on behalf of a sporting club to sexually harass a person. If the sporting club has not taken reasonable steps to prevent this from happening, it may also be liable. For example, if a player complains to her club president that she is being sexually harassed by her coach, and no action is taken, the club could be held liable if a complaint was made to the Equal Opportunity Commission. It is also unlawful for someone who receives goods or services from an employee or volunteer of a sporting club to sexually harass the employee or volunteer. Again, the sporting club must take reasonable steps to prevent the sexual harassment from occurring.

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What is different about the grounds or areas covered?

In South Australia, an unpaid volunteer is treated as an “employee” under the *Equal Opportunity Act 1984*. This means that volunteers not only have the right to lodge a complaint of discrimination or harassment, they also have the same legal obligations as a paid employee - they must not discriminate against members, employees, other volunteers or people using the club’s goods or services.

The Equal Opportunity Act also covers sexual harassment and victimisation. Unlawful victimisation is unfair treatment because of complaints about discrimination or harassment. It is against the law because it punishes people for speaking out and stops people from complaining.

Useful information

When is discrimination permitted?

It is lawful to discriminate in competitive sporting activities for the following reasons:

- **competitive standards** – whether someone can compete effectively;
- **age** – participation in competitive sport may be limited to a specified age or age group;
- **disability** – discrimination is not against the law where a person’s disability means they do not have the physical or intellectual attributes required for the sport or where participation in competitive sport is limited to people with a general or specific disability.
- **sex** – organisers of sporting activities for people over 12 years of age may discriminate on the basis of sex if strength, stamina or physique is relevant.

Clubs can be established to meet the needs of particular cultures, age groups and the disadvantaged and to provide separate access to benefits for men and women.

Resources

If you’re not sure whether your particular situation falls into the category of ‘unlawful discrimination’, or you’d like to make a complaint, contact the [South Australian Equal Opportunity Commission](#) on:

Phone: 8207 1977

Country callers: 1800 188 163

TTY (for hearing/speech impaired): 8207 1911