



Discrimination law and sport

Victoria

Legislation

In Victoria the [Victorian Equal Opportunity and Human Rights Commission](#) (the Commission) helps resolve complaints about discrimination, victimisation, sexual harassment and racial and religious vilification. It also delivers education, special projects and research to promote human rights and eliminate discrimination and racial and religious intolerance.

How does the legislation apply to sport?

In Victoria sport, services, clubs and club membership are areas of public life protected from discrimination under the [Equal Opportunity Act](#) 2010 (the EOA).

It is unlawful to treat someone unfairly or harass (hassle) them in sport because of a characteristic protected under the law. Sporting organisations are responsible for ensuring that everyone involved in sport is not vilified, victimised or discriminated against because of one of the [18 attributes](#) protected by law. Sexual harassment in sporting clubs is also against the law.

The 18 protected attributes include disability/impairment, age, gender identity, race, sex and sexual orientation, as well as personal association with someone who has, or is assumed to have, one of these personal characteristics.

For example, it would be unlawful to not select a team member simply because they are a lesbian. That would be unlawful discrimination because sexual orientation is a protected attribute.

Clubs

The EOA applies to clubs and club membership, and includes:

- Competitors and players
- Administrators, managers and officials
- Coaches
- Umpires and referees

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- Trainers
- Volunteers

Under the EOA only those clubs with 30 or more members, that have a liquor licence and operates its own facilities wholly or partly from its own funds are included, however if your club doesn't fit this criteria, you could be also regarded as a service. The definition of clubs covered by state and federal laws also varies, so you should check what applies to you. For more information contact the Commission.

Is discrimination ever permitted?

Yes, discrimination may be allowed in a number of different circumstances: such as when a person of one sex is excluded from a sporting competition where strength, stamina or physique are relevant or where it is necessary for people to participate in a single-sex competition to progress to an elite level competition.

The law also permits clubs to restrict participation in competitive sporting activities to:

- people who can effectively compete in the competition; or
- people of a particular age or age group; or
- only allow people with a general or particular disability to take part.

None of these exclusions apply to kids playing sport who are under 12 years of age. The emphasis for under 12s is on participation.

What about the Charter of Human Rights and Responsibilities?

The Charter is a law that protects twenty human rights, including the right to equality before the law. It creates certain duties for state and local governments, as well as other organisations that provide public services on their behalf.

The Charter requires that human rights must be considered when laws and policies are developed, and services are delivered.

If you are a public body, the Charter may be relevant to the way you deliver your services. The Charter can also be relevant if you are using public sporting facilities.

The Charter promotes the treatment of everyone with respect, equality and dignity.

Victorian Code of Conduct

Key obligations under the EOA and Charter were explained simply for a sporting context in 2010, in the [Victorian Code of Conduct for Community Sport](#).

The Code sets out expectations for all community sport participants on and off the field, as well as associations and clubs, to ensure every person can participate in safe, welcoming and inclusive sport.

Only clubs and associations that sign and adhere to the Code are eligible for government funding.

Resources

Where can I get further information or resources?

For more information about unlawful discrimination, or if you'd like to make a complaint, contact the [Victorian Equal Opportunity and Human Rights Commission](#).

The Commission only receives complaints under the EOA and the [Racial and Religious Tolerance Act 2001](#). Complaints about human rights under the Charter are handled by [Ombudsman Victoria](#).

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