

Summary of Feedback

**received through the final
phase of external consultation
on the Guiding Principles for
the Inclusion of Transgender
People in Community Sport**

The consultation process

Sport New Zealand Ihi Aotearoa (Sport NZ) undertook a final phase of targeted external consultation on the Guiding Principles for the Inclusion of Transgender People in Community Sport (the guiding principles) over a six-week period between 2 June and 15 July 2022. The consultation included stakeholders from:

- the sports sector
- transgender and rainbow organisations
- academics
- government agencies
- advocacy groups.

This round of targeted consultation was broader than two earlier rounds and attempted to reach all sporting codes, as well as additional government agencies and academics with specific interests or knowledge in this area. Specifically, feedback was sought on the guiding principles document to:

- provide an opportunity for stakeholders to check that the approach we have taken is easy to understand, relevant and fit for purpose
- help sports organisations to consider what a transgender policy could look like for their code at the community level and what work would be required to achieve this, including consultation with their communities
- provide an opportunity for sports to provide feedback to Sport NZ on the support they will require to successfully develop and implement a policy for their code.

Written feedback was sought in response to the consultation, with 16 formal submissions received. Three webinars were also held during the consultation period to provide a forum for discussion. This summary includes points raised both in written submissions and through discussion at the webinars.

Feedback received in response to the consultation on the guiding principles

Overall feedback on the document and the process undertaken to develop it

Sport NZ initiated this work in response to requests from sports organisations for guidance and support around transgender participants. It is important to note that these guiding principles provide guidance only – they are not a mandated policy or approach that sports bodies must take.

Overall, the feedback confirmed this request, with most welcoming the guiding principles.

Feedback received noted that the guiding principles are comprehensive enough to be of value, while being flexible enough to be adapted to the nuances of different sporting codes. However, feedback also noted that given the document provides guiding principles, more support will be needed around the implementation of them and how they can be put into practice across the diversity of codes.

It is acknowledged that further work will be required for codes as they work through either developing their own policies on transgender people's participation in community sport or through updating existing policies. Sport NZ is committed to supporting sports as they work through this, facilitating opportunities to enable sports to share their experience and knowledge.

Support was also expressed for the approach taken in developing the principles, although concerns were raised that grassroots sporting organisations were not explicitly included in the consultation.

Suggested edits and changes to the document have been incorporated where necessary and where they improved the readability of the document.

General concerns about transgender inclusion

General concerns were raised about the inclusion of transgender participants in sport. In particular, there was concern that including transgender female athletes in female sports would have a potential negative impact on women's sport and would undermine the health and safety of other female participants. Feedback noted that the guiding principles were written from the perspective of transgender participants, not biological females.

Questions on whether the document should include broader inclusion matters

Feedback was also received on broadening the guiding principles to cover all groups who traditionally find sport inaccessible, including disabled participants, with stakeholders also asking whether the guiding principles should cover non-binary and gender diverse people. Specific guidance around transgender children and young people was also identified as something that may be useful in future.

General concerns with the content of the guiding principles document

At a high-level, feedback was received on the contents of the guiding principles, including concerns around what has informed them and the practicalities of implementing them.

Feedback included:

- difficulty with identifying the line between community sport and high-performance sport, which differs between sports, and the potential difficulties of complying with the guiding principles at the community level and with international federation rules at the high-performance level
- concerns that fairness is not included as a consideration in the guiding principles
- that the document does not provide any guidance for when transgender people should be excluded from sport, in particular, that no reference is made to section 49 of the Human Rights Act 1993 (which provides for the exclusion of persons of one sex from participation in any competitive sporting activity)
- that the guiding principles do not include enough objective scientific data and ignore the impacts of male pubertal testosterone levels.

Specific concerns or issues were identified with some of the definitions and with each of the guiding principles

Definitions and descriptions used in the guiding principles

Feedback was received on a number of the definitions and descriptions used in the document. In particular, the definitions for:

- 'sex assigned at birth' including the statement that 'Sex is not fixed or immutable'
- 'sex characteristics', with the request for the inclusion of further information on the impact on sex characteristics of a transgender person's medical transition.

Suggested edits to either correct or clarify other definitions or descriptions were also received, with changes made where it was considered they were either beneficial to the document or necessary to clarify the original terminology or phrasing used. This included changes to ensure the document is correct, maintains currency and is consistent throughout.

Concerns with the inclusion principle as defined

Some feedback expressed concerns about the use of 'paramount' in the description of the inclusion principle. It was thought that this placed the inclusion of transgender participants at the expense of the inclusion, safety and fairness of other participants.

It was also noted that more information could be included on the poor mental health outcomes for members of the transgender community and the benefits of community sport in helping to address this.

Wellbeing and safety principle

Feedback was provided that there needed to be clear guidance on the level of discretion to be used when considering the disclosure of a transgender person's identity.

Stakeholders also noted that decisions around facilities can result in benefits for all users, making facilities safe and comfortable for all users. It was also noted that while it is important that all participants, including transgender participants, are treated with dignity and respect, there are specific considerations for transgender participants inclusion.

Anti-discrimination, anti-bullying and anti-harassment; listening and responding; and education principles

Feedback focused on the need to educate everyone about transgender athletes, not just focus on sports clubs, NSOs or transgender people, noting there is a wider benefit to people learning to be more inclusive generally.

There was support for education around transgender people generally and specifically around their participation in sport (with more in the implementation section below). Specifically for the Education principle, feedback supported the appointment of a champion within sports organisations.

Consultation and development of transgender inclusive policies

Feedback was received around the need for sports organisations to have good support to undertake public consultation. It noted that consultation requires skilled facilitators.

Feedback on implementation of the guiding principles

On the support sports organisations will require to develop and implement a policy, feedback from stakeholders identified the following:

- The need for education at the community level around transgender people, including:
 - basic information about transgender people, including statistics on numbers, percentage of the population, terminology used and so on
 - information on medical and hormonal transition, including how this can impact an individual's sexual characteristics
 - education on the administrative aspect of being a transgender person, including whether transgender people need written confirmation of their gender
 - information on the experiences of transgender participants in community sports, to help with understanding the reality for participants and ways to make sport more inclusive.
- The need for resources and tools to help sports organisations inform their communities on the inclusion of transgender participants, providing:
 - information on the topics outlined above around transgender participants, which can be used to build knowledge (noting it may be possible to use existing resources for this purpose)
 - guidance on the difference between community and high-performance sport
 - information around the risks or potential impact of physical differences in different codes, including specific considerations for team versus individual sports
 - statistics and useful information on best practice (both domestic and internationally), including soundbites from transgender participants
 - examples or templates of documents such as registration forms and transgender policies adopted by other codes
 - support for leaders, many of whom are volunteers, to help them navigate issues and interactions with the public as matters arise.
- The use of forums or workshops that bring codes together to:
 - work through examples
 - see how other codes have undertaken their work around the inclusion of transgender people
 - enable the sharing of ideas and the establishment of support networks, which could include someone with lived experience who is happy to be a point of contact for codes as they deal with specific issues that arise.
- The resource needed to implement the guiding principles, in particular, changes required to facilities and uniforms and whether any resource will be provided by Sport NZ for this.
- The resources that will be made available including any research and statistics on transgender people. With a request that any resources and research should be publicly available.



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