



Discrimination in sport

Under the *Equal Opportunity Act 2010*, it is against the law to discriminate against, bully or treat someone unfairly in sport (discrimination in sport) because of a personal characteristic protected by law.

Equal opportunity laws apply to sport and activities related to sport in a variety of ways. Notably:

- it is against the law to discriminate against a person on the basis of a personal characteristic protected by the law (for example, disability, sex or race) by refusing or failing to select them in a sporting team, or by excluding them from participating in a sporting activity.

More information about discrimination in the area of sport, including a discussion of the definition of 'sporting activity' and 'competitive sporting activity', and an explanation of the exception provisions that apply in relation to competitive sporting activities is provided below

- it is against the law for a club, or a member of a club committee or management body to discriminate against a person on the basis of a personal characteristic protected by the law by denying them access to a benefit provided by the club (which could include opportunities to be involved in sporting activities).

Under the Equal Opportunity Act a 'club' is an association of people (more than 30) that come together for a social or recreational reason (for example, sport or literary clubs) and that:

- has a licence to supply alcohol; and
- operate its facilities wholly/partly from its own funds
- it is against the law to discriminate against a person on the basis of a personal characteristic protected by the law by refusing to provide goods or services to them, or by offering unfavourable terms on which goods or services are provided (for example, a sporting club refuses to provide the same range of sporting equipment to a women's cricket team as for the men's team).

What does sport cover?

Sport covers playing, coaching, umpiring, refereeing and administering sporting activities.

The term 'sport' or 'sporting activity' has its ordinary meaning. The Equal Opportunity Act expressly states that it includes a game or a pastime.

In previous cases, the Victorian Civil and Administrative Tribunal (VCAT) has confirmed that the ordinary meaning of sporting activity includes activities that would normally be regarded as recreational rather than purely sporting, and includes non-competitive games where physical athleticism is not a factor (see *Robertson v Australian Ice hockey Federation* [1998] VADT 112).

The Explanatory Memorandum to the *Equal Opportunity Bill 2010* also makes clear that 'sporting activity' can include pastimes like chess and debating.

How can discrimination in sport happen?

If behaviour is based on a personal characteristic protected by law, it may be discriminatory to:

- refuse to allow someone to play sport
- refuse to select someone in a sporting team
- exclude someone from a sporting activity.

Find out more about the Commission's projects tackling homophobia and discrimination in sport.

Federal law and discrimination

It is important to remember that discrimination on the basis of sex is also against the law under federal law that applies in Victoria: the *Sex Discrimination Act 1984* (Cth). For more information about the operation of the Sex Discrimination Act and how it might apply to a club or sporting organisation that provides goods and services, you should contact the Australian Human Rights Commission.

Similarly, discrimination on the basis of disability, age and race is also against the law under federal law that applies in Victoria: the *Racial Discrimination Act 1975* (Cth), the *Disability Discrimination Act 1992* (Cth) and the *Age Discrimination Act 2004* (Cth). For more information about whether an organisation, club or activity is covered by federal anti-discrimination law, you should contact the Australian Human Rights Commission.

Sexual harassment and sport

[Sexually harassment](#) is against the law when it occurs in designated areas of public life under the Equal Opportunity Act. While it does not apply explicitly to 'sport' as an area of public life, it will apply to many aspects of sporting activities under other areas, such as goods and services, employment and clubs.

Sexual harassment is also against the law under federal law, the Sex Discrimination Act. For more information about the operation of the Sex Discrimination Act and how it might apply to a club or sporting organisation that provides goods and services, you should contact the Australian Human Rights Commission.

Relevantly:

- it is against the law for a person to sexually harass another person in the course of providing, offering to provide or receiving goods and services provided by that person. For example, a softball coach (working for a sporting association) sexually harasses members of his softball team
- it is against the law for a member of a club (including a club that offers sporting activities) to sexually harass another member of the club, a person seeking to become a member of the club, or an employee of the club. For example, a senior member of a local tennis club attends celebratory drinks at the club bar following the finals of the inter-club tennis tournament, and makes unwelcome sexual comments to the female coach of the under 21s doubles team (also a member of the club).

Are there any exceptions?

The *Equal Opportunity Act 2010* includes some exceptions which mean that discrimination may not be against the law in particular circumstances.

Read more about exceptions to the law in sport.

Make a complaint to the Commission

If you feel you have been discriminated against, sexually harassed, victimised or vilified, you or someone on your behalf can make a complaint to the Commission. We will help resolve your complaint through our free, fair and timely dispute resolution service.

Contact us for confidential information. We can provide information over the telephone, in person or in other suitable formats, and we offer a free interpreter service. Alternatively you can submit your complaint online or download a complaint form (Doc, 148KB).

The Commission will try to help you resolve your complaint, but we do not advocate for you or for the person or organisation you are complaining about. We may contact the person or organisation the complaint is made against and try to resolve the issue. In some cases we may decide that we cannot deal with your complaint. If this happens we will contact you and explain why.

Related projects and resources

- Equal opportunity in sport FAQs
- *Fair go, Sport!*
- *Play by the Rules*
- Australian Sports Commission harassment and discrimination resources
- Code of Conduct for Community Sport
- Come Out to Play (A VicHealth-funded report)

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Disclaimer

This information is intended as a guide only. It is not suitable for legal advice.

Privacy

The Victorian Equal Opportunity and Human Rights Commission complies with Victorian privacy laws and the confidentiality provisions of the *Equal Opportunity Act 2010*. Our privacy policy is available online at humanrightscommission.vic.gov.au/privacy or by contacting us.

Contact us

The Victorian Equal Opportunity and Human Rights Commission promotes and protects equal opportunity and human rights through education, consultancy and dispute resolution. The Commission resolves complaints of discrimination, sexual harassment, victimisation and racial and religious vilification through our free and fair dispute resolution service.

Enquiry Line 1300 292 153

humanrightscommission.vic.gov.au