



Q&A – Netball Victoria Gender Regulation

August 2018

Introduction

Netball Victoria will be introducing a new regulation within its Constitution. This regulation is made by the Netball Victoria Board under Rule 35 of the Netball Victoria Constitution on 30 August 2018 and will be effective from 1 January 2019 and will operate until replaced. NV may amend or update this regulation from time to time and such amendments will be effective from the time from which they are communicated. Affiliates (and other bodies which organise netball competitions) must comply with the Regulation when conducting competitions, tournaments or similar activities.

Netball Victoria and its Affiliates welcome the opportunity for females and males to participate in netball. Opportunities should be available for mixed-gender competitions as well as single-gender female and male competitions.

The Equal Opportunity Act 2010 (Vic) permits the exclusion of boys from participating in female competitions where:

- a. the strength, stamina and physique of competitors is relevant; or
- b. the exclusion is intended to facilitate participation by girls and is reasonable.

Transgender

NV supports participation in netball on the basis of the gender with which a person identifies. If issues arise, NV and its Affiliates will seek advice on the application of the applicable Victorian discrimination laws for the particular circumstances.

NV is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate.

Regulation

1. Males who are 13 years of age (and older) are not permitted to participate in a female competition. To avoid any doubt:
 - a. males must be less than 13 years of age (actual age) as at the first day of the competition or season; and
 - b. males that turn 13 during that competition or season will be permitted to participate for the duration of that competition or season.
2. For all competitions, the gender permitted to play must be clear and transparent. Clarity and transparency will be reflected in the labelling or title of competitions as well as in by- laws, promotions, advertising and general communications including fixturing and ladders of all competitions.
3. Where mixed competitions are offered up to and including the 13&U age group:
 - a. there can be no restrictions applied on the basis of gender.

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4. For all other mixed competitions above the 13&U age group:
 - a. the competition administrator can determine if the minimum number of males in a team is zero, one or two; and
 - b. a mixed team must only have a maximum of 3 males on court at any one time; and
 - c. a mixed team must only have up to one male in each third on court at the one time. For the avoidance of doubt this means:
 - i. one male is permitted in the defence third occupying the position of Goal Defence or Goal Keeper, and
 - ii. one male is permitted in the mid third occupying the position of Center, Wing Attack or Wing Defence, and
 - iii. one male is permitted in the goal third occupying the position of Goal Attack or Goal Shooter.

5. NV and its Affiliates will endeavour to provide opportunities for males to participate in mixed and male competitions.

[View the complete Netball Victoria Gender Regulation.](#)

General Questions

Why has Netball Victoria developed a Gender Regulation?

The Regulation has been developed based on feedback from the Netball community that clear rules, written in plain English, is required by affiliates and members on the topic of male participation in grass roots netball. Feedback received from the netball community on the previous resource guide developed by Netball Victoria on male participation, was viewed as overly complex and difficult to apply.

Why has Netball Victoria written the Gender Regulation to restrict the participation of males in female competitions?

Feedback from the netball community clearly supports girls having a choice in playing netball, particularly in regard to the gender they play with. Feedback also supports NV and affiliates creating and fostering more opportunities for males to participate. However, our sport has a long tradition of being a sport for females so the evolution of our sporting clubs, associations and leagues in creating and fostering more opportunities for males to play in mixed and single gender competition, will take time. In the meantime, it is vital that we stay committed to ensuring all girls, particularly those from age 13, stay playing netball. We are aware, from feedback and research, that SOME GIRLS, particularly starting from the Year 7 age group, may be put off playing netball if they are forced to play with males due to issues which are characterised as social and/or cultural reasons as well as strength, stamina and physique reasons. Netball Victoria believes, based on feedback from the netball community, research and the law, that it is reasonable to exclude males from the age of 13 (from female competitions) in order to ensure all girls, keep playing netball. NV also strongly believes that it is very important that more opportunities for males to play mixed and single gender competition is created and fostered across netball in Victoria.

What date is the Regulation effective from?

The Regulation is effective from 1 January 2019.

Is the Regulation compulsory?

As the Regulation has been developed under Rule 35 of the Netball Victoria Constitution, it is mandatory to all affiliates (including Football/Netball Leagues) and other bodies which organise netball competitions.

Who has been consulted on this Regulation?

Extensive consultation has been undertaken on the topic of male participation via the Netball Victoria consultation for the next Strategic Plan. Also, a draft of the proposed Regulation (and Promoting Male Participation in Netball Policy) was made available for feedback (via a survey) to all affiliates and members via the Netball Victoria website from early June until early August 2018. Communications to affiliates via email, and members via newsletter, was also used to promote participation in the feedback survey. Other direct feedback was received from the Victorian Men's and Mixed League and Netball Australia.

How will NV communicate the new Regulation?

Netball Victoria will communicate directly with affiliates and members via multiple channels including: Website, Newsletters, Email/EDMs and Social Media. Various channels will be used regularly from September 2018 – January 2019 to support the implementation. NV will also re communicate the Regulation from time to time via the standard channels.

What happens to Affiliates who do not comply with the Regulation 1 January 2019 deadline?

Failure to be in full compliance by the effective date will be considered a breach of these Regulations and as such the NV Board has powers to exercise the provisions of Rule 10 – *Expulsion, Suspension or Fining of Members* - of the NV Constitution.

What will Affiliates need to do to prepare for the Regulation?

1. Review the Regulation and all supporting information and contact Netball Victoria if clarification is required (see contact list at the end of this document) – this should be done as early as possible.
2. Communicate with your members to advise of the new Regulation and that your committee is currently working through how your club/association/league will be implementing the Regulation.
3. Determine which competitions will be offered for 2019 including how these competitions will be labelled – consider what consultation you may wish to undertake to do this. Consider if any new mixed or male single gender competition can be offered.
4. Once competitions are determined, review bylaws and update accordingly. Refer to the NV Sample Bylaws document <link> to ensure you use consistent language to help support this change.

5. If new mixed and male single gender competitions are not possible for 2019 – consider what impact this may have on your members and provide ideas and support to assist in finding options to play.
6. If new mixed and male single gender competitions are not possible for 2019 – consider how your club/association/league would like to consider future options.
7. Communicate to your members regarding competitions for 2019, including updating all references to the names of the competitions to ensure the age and gender, including an appropriate reference to the other gender that may participate, is clear and transparent. Remember to update all references to competitions eg MyNetball, bylaws, website. (Refer to the [Netball Victoria Sample Bylaws](#) in regard to consistent language for labelling competitions)

Transgender Questions

What does the paragraph under the heading ‘Transgender’ mean in the Regulation?

The first sentence means that NV is supportive of people wishing to participate in netball on the basis of the gender with which that person identifies. This means that if a person identifies as male they will be treated with dignity and respect and regarded as male. Also, where gender rules may be applicable, eg open mixed competition, the person would be regarded as male.

The second sentence is stating that if an issue arises that can not be reasonably resolved, then advice will need to be obtained on the application of the Victorian discrimination laws. Matters that arise at the local netball level, would require affiliates to obtain this advice. Matters that arise at the NV State level, or NV competition level, NV would need to obtain this advice. In all instances, NV should be contacted for assistance with resolving matters of concern.

The topic of transgender or intersex participation in sport is complex and seems to be ever evolving – how do affiliates stay informed?

The Australian Human Rights Commission and Sport Australia are currently developing *Federal Guidelines for Trans and Intersex Inclusion in Sport* in consultation with relevant sport, health, education, government and inclusion stakeholders (including Netball Australia). Netball Australia anticipates that these Guidelines will be released in September 2018. Netball Australia will share these Guidelines with all Member Organisations and the sport can work together to consider the positive impacts they enable.

Also, the Victorian Human Rights and Equal Opportunity Commission have already released a Guideline: Trans and Gender Diverse Inclusion in Sport.

Single Gender Competition Questions

What is the cut-off age at which males can no longer play in female competitions?

Males wishing to participate in female competitions must be less than 13 years of age (actual age) as at the first day of the competition or season. Males that turn 13 during the

competition or season will be permitted to participate for the duration of that competition or season.

Why has the cut-off age for males (participating in a female competition) been set at less than 13 years of age as at the first day of the competition or season?

This age was determined after considerable consultation with the netball community along with consideration of research and legal advice. Many in the netball community believe girls should have a choice in playing netball, particularly in regard to the gender they play with.

When participating in a female competition, why is the male's actual age – as at the first day of the competition or season - being introduced? Why is the age requirement not the same as for females?

This was a deliberate decision to flag a change and ensure the age test for males is very clear (eg the actual age when playing). The age test itself is simple and can be implemented accurately and consistently across all netball.

How many males, below the age of 13 (as at the first day of competition or season), can play in a team in our female competition?

There are no restrictions on the number of males (below the age of 13) that can play in a female competition if they meet the age requirement.

What positions are males below the age of 13 (as at the first day of competition or season) allowed to play in a female competition?

Males who are below the age of 13 (as at the first day of competition or season) are permitted to play in any position.

What additional rules apply to males who are less than 13 (as at the first day of competition or season) playing in a female competition?

There are no additional rules to be applied.

Can Associations/Clubs/Leagues set our own bylaws in regard to restricting males in our female or mixed competitions that are not the same as those determined in the Gender Regulation?

No – the Gender Regulation is binding on all affiliated netball and must be accurately reflected in bylaws.

Can we allow males (particularly those who are not physically strong or athletic) fill in occasionally in female competitions, when the Gender Regulation would mean they cannot?

No – the Gender Regulation is binding on all affiliated netball.

What should we do if 13 - 15-year-old males want to play, or want to continue playing netball, in our female competition?

The Gender Regulation does not permit males of these ages to start or continue playing netball in female competitions. Ideally these participants would be able to access mixed or male competition, either at the same club/association/league or elsewhere. Consideration could also be given to changing the competition to mixed.

We are an association that grades on ability not age. Do we still have to follow this Regulation?

Yes – the Gender Regulation needs to be applied. Consideration should be given to how the Regulation forms the foundation upon which grading on ability can still be used where desired.

Are females permitted to play in male competitions?

Whilst not specifically referenced in the NV Gender Regulation, NV has included a reference to this in the NV Sample Bylaws template on 'inclusive environments' and 'age'.

Labelling Competitions Questions

Why do ALL competitions need to be clear and transparent in regard to the gender, including other genders that are permitted to participate?

In building netball as a contemporary sport open to both single gender and mixed gender competition, it is vital that our management and administrative practices also change to align to this. Having transparency in regard to the age and gender of a competition, including an appropriate reference to other genders that may participate, means that both females and males can make an informed choice.

Feedback from the netball community, from both females and males, from those new to netball and those who are very experienced, clearly shows that the lack of transparency and confusion is very unhelpful in growing participation and fostering a culture in netball that is safe, fair and inclusive.

Are there any specific rules in regard to the language that must be used to label competitions in regard to gender?

At this point, there are no specific rules regarding language. However, NV would recommend using the language from the NV Sample Bylaws and the examples below as the most appropriate guide, and for consistency across netball. For example, using age groups and terms like 'female', 'male', 'mixed' clearly shows the focus of that competition.

Then by using brackets to show the genders that may also participate, and if any restrictions apply, shows a high level of transparency for that competition. For example:

NetSetGo	Mixed (females & males – no restrictions)
11&U	Mixed (females & males – no restrictions)
13&U	Female (males <13 years of age as at the first day of competition may participate)
13&U	Male (females may participate)
13&U	Mixed (females and males – no restrictions)
15&U	Female (males <13 years of age as at the first day of competition may participate)
15&U	Male (females may participate)
15&U	Mixed (females and males – restrictions apply)
17&U	Female
17&U	Male
17&U	Mixed (females and males – restrictions apply)
Open	Female
Open	Male
Open	Mixed (females and males – restrictions apply)

Affiliates may determine the language they use to refer to the age and gender of a competition, including an appropriate reference the other gender that may participate – as long as it is clear and transparent. Correct labelling is very important for everybody – those new to netball and those very experienced.

Other than bylaws, where else do competitions have to be referenced by the gender, including other genders that are permitted to play?

In general, whenever a competition is referenced, it should carry with it information that makes it clear the gender of that competition as well as the other gender that may be permitted to participate. The objective here is to have transparency so that everybody, those new to netball and those experienced, are clear and make an informed choice about the competitions they wish to play in.

Affiliates should update references in bylaws, MyNetball, website, advertising, promotions, fixturing, ladder and general communications.

Mixed Gender Competition Questions

What are the gender rules for mixed competitions for the 13&U, 11&U and younger age groups?

The Regulation states that there can be no restrictions on gender for mixed competition at the 13&U, 11&U and younger age groups. This means there are no restrictions (or capping) on the number of males on a team or playing on the court.

Why are there no specific gender rules for mixed competitions at the 13&U, 11&U and younger age groups?

Feedback received via the consultation process highlighted that restricting boys in mixed competition at these age groups may create unintended barriers for participation, skill development and opportunities to play.

What are the rules for mixed competitions for the 15&U, 17&U and Open age groups?

The Regulation stipules 3 key areas to be observed:

1. It is up to the competition administrator to decide if teams need to have zero, one or two males in the team. Once decided this would be referenced in the bylaws. Feedback received via the consultation process highlighted that in order to develop or grow mixed competition, the administrator needed a level of flexibility to determine what was suitable for their members. The Regulation does not determine the maximum number of males on a team.
2. A mixed team must only have a maximum of up to 3 males on court at any one time. This means that a team can have 1, 2 or three males on court at any one time in a game. The Regulation does not determine a minimum number of males on court (from a team).
3. A mixed team must only have up to one male in each third on court at any one time. This rule is about ensuring that males are spread out across the team and, should there be 3 males on court, one is in the defence third occupying either Goal Defence or Goal Keeper, one is in the mid third occupying Centre, Wing Defence or Wing Attack, and one is the goal third occupying either Goal Shooter or Goal Attack.

Gender Regulation for Mixed Teams (15&U and above age groups)

Maximum and Minimum No. of Males

	Minimum No. of males	Maximum No. of males
In Team	Zero, 1 or 2*	Not determined by regulation
On Court	Not determined by regulation	3

*Administrator decides

Male court positioning:

One of:	One of:	One of:
<i>Shooting Third</i>	<i>Mid Third</i>	<i>Defence Third</i>
GS or GA	WA, C or WD	GD or GK

Can Associations/Clubs/Leagues set our own bylaws in regard to gender for mixed competitions?

No – the Gender Regulation is binding on all affiliated netball and as such no other bylaws restricting males in mixed competitions will be permitted.

Providing Opportunities for males to participate in mixed and male competitions Questions

Despite our endeavours we are unable to provide males with mixed or male competitions from January 2019 - what does this mean in regard to our obligations under the Regulation?

The Regulation states that NV and its affiliates will endeavour to provide opportunities for males to participate in mixed and male competitions. This means that NV and affiliates will try to develop or find opportunities for males to participate. A number of suggestions and ideas on how to do this can be found in the [Netball Victoria Promoting Male Participation in Netball Policy](#). This policy has been developed to support the creation and fostering of opportunities and choice for both mixed-gender and single-gender competition.

As a minimum, Affiliates must review the NV Promoting Male Participation in Netball Policy and consider what is possible, what actions they can progress and over what time frame. Affiliates should be aware of what playing options exist in their local area/region for males, so they can at least direct them to possible options. Netball Victoria can also be contacted to help support males find opportunities to play.

If I have questions about the new Regulation who can I contact?

Netball Victoria:

Member Services:

Email: NV Member Services via: mynetball@netballvic.com.au

Phone: NV Member Services on 03 9 321 2222

As well as NV staff as listed:

Staff Member	Email	Contact Number
Pam Ferrari – Northern Region Manager	Pam.ferrari@netballvic.com.au	5434 2417
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