



Transgender and Gender Diverse People Policy as regards involvement in Surfing in Australia

Adopted as at 25th November 2023

1. INTRODUCTION

Surfing Australia is committed to providing a safe, fun and inclusive environment for all people surfing in Australia, including transgender and gender diverse people. Being an inclusive organisation not only reflects our core values, but it also reflects the diversity of our local communities.

We are passionate about helping people lead happy, healthy and active lives. Surfing Australia respects diversity of sex, sexual orientation, gender identity, intersex status, marital or relationship status, body, ability, skill, cultural background, ethnicity, location, religious or political beliefs and life stage.

This Policy covers the involvement in surfing in Australia by transgender and gender diverse people. That involvement comes in many different guises for various people e.g., learn-to-surf program participants, recreational surfers, competitors in events, coaches/instructors, judges, event staff and administrators.

2. BACKGROUND

- 2.1 Surfing in Australia for recreational and/or competitive purposes is encouraged for all people for the numerous physical, mental, emotional, friendship and community benefits that it offers. Surfing Australia will take reasonable steps to actively promote respectful, inclusive and collaborative behaviours within our sport.
- 2.2 So far as this Policy may apply or be referable to recreational surfing in Australia, Surfing Australia affirms it is committed to a policy of inclusion, without discrimination in any form, so that all Australians may “share the stoke” of surfing in Australia.
- 2.3 Surfing Australia affirms it is committed to a policy of inclusion for persons wishing to participate in coaching, judging, refereeing and/or administration of the sport of surfing in Australia.
- 2.4 There will be no discrimination in any surfing competitions, programs or other activities involving children who have not yet attained the age of 12 years.
- 2.5 Competitive surfing in Australia is one of a number of direct parts of Surfing Australia’s remit. Competitive surfing in Australia currently has categorisations, including inclusive and exclusive rules, in relation to age, sex, disability, residence and membership, which categorisations are common to nearly all sports in Australia and around the world. These categories within sport have been adopted, some of which have been in place over centuries, for the purpose of allowing people with similar physical capacity to be grouped together for fairness (and safety, where relevant) in their relevant competition.
- 2.6 Surfing Australia recognises that the inclusion of transgender and gender diverse people

within sporting competitions is a complex and emotive issue. It involves trying to balance the desires to be inclusive and encourage participation whilst ensuring the integrity of competitive fairness for all. The objectives of inclusion, fairness and safety are important but, at times, may need prioritisation.

2.7 This Version 2 of this Policy replaces Version 1 in its entirety.

Since the previous Version 1 of this Policy was adopted, and in keeping with further sporting, scientific and medical studies and discourse and policy developments in other sporting codes, Surfing Australia has sought to build its knowledge base regarding transgender and gender diverse policies. This has entailed interrogating research and literature, sourcing briefings from subject experts, consulting stakeholders, undertaking comparative analysis of policy settings of International Sport Organisations (ISOs) and National Sport Organisations (NSOs), seeking legal advice on relevant Australian legislation, and translating and applying Surfing Australia's current assessment thereof into this Version 2 for the sport of surfing in Australia.

Version 2 of this Policy has been created by Surfing Australia in the context of an evolving policy space across global sport. Surfing Australia will consider and, if assessed as appropriate, refine and amend this Version 2 of the Policy as more information and research becomes available.

2.8 It is Surfing Australia's current assessment, based on the broad though not universal consensus within the scientific and medical communities and policy development within respected ISOs and NSOs, that:

- adult males enjoy physiological and biological advantages in performance over adult females, mostly due to the lifelong effects of testosterone during male development, including in puberty;
- these advantages manifest in and are relevant to differences, *inter alia*, in strength, stamina and physique between adult males and adult females;
- these advantages are retained by transgender women post-transition; and
- testosterone suppression does not fully remove these advantages.

3 DEFINITIONS

3.1 In this Policy, the following words or phrases have the following meanings:

a) **“Community Events”** means:

- (i) all non-representative surfing events or competitions owned, delivered and/or managed by local clubs or associations which are an Australian Surfing

Organisation; and

(ii) all non-competitive or community-based surfing events or programs owned, delivered and/or managed by an Australian Surfing Organisation;

and, for the avoidance of doubt, Community Events do not include or apply to Elite Events.

b) **“Elite Events”** means:

(i) events for those seeking representative selection leading to national teams that compete in ISA sanctioned events as determined by the Board of Surfing Australia, including the following designated events:

- Surfing Australia National Junior Rankings sanctioned events;
- State Regional Championships;
- State Championships;
- Australian Championships & Titles;
- Australian Board Riders Battle;
- any Surfing Australia sanctioned and speciality event with prize money - run by States, Board Rider Clubs, and private promoters; and

(ii) such other event or related Talent Pathway activities or programs so designated by the Board of Surfing Australia from time to time.

(iii) **“Female”** means those individuals who possess XX chromosomes or do not possess a Y chromosome.

(iv) **“Male”** means those individuals who possess XY chromosomes or possess a Y chromosome.

(v) **“Sex”** denotes the natural biological differences between Females and Males, including chromosomes, sex organs and endogenous hormonal profiles.

4 SCOPE

4.1 This Policy applies to:

a) Surfing Australia and all Australian Surfing Organisations(*);

- b) Members(*);
- c) Participants(*); and
- d) any other person, including individuals and bodies corporate, who has agreed to be bound by this Policy,

to the full extent that it is possible for Surfing Australia or an Australian Surfing Organisation to bind those persons and organisations.

[Note * = as those terms are defined in Surfing Australia's Constitution]

- 4.3 This Policy assumes all relevant anti-doping regulations are observed, including in relation to any medical intervention associated with gender transition.

5 COMMUNITY EVENTS

- 5.1 Prioritising the health and safety of participants, and encouraging and facilitating participation and inclusion, are the overriding objectives of Community Events.
- 5.2 In Community Events, an individual can participate in such category of the competition, event or program which best reflects their gender identity or gender expression, irrespective of whether they are Male or Female or of their Sex.

6 ELITE EVENTS

- 6.1 Prioritising the health and safety of participants, fostering competitiveness whilst assuring competitive fairness in competitor categorisation and eligibility, are the overriding objectives of Elite Events.
- 6.2 Elite Events will have:
 - a) **“Female Category”**, with eligibility for surfers who are designated as being Female at birth (as evidenced by an event entry form, statutory declaration, an official birth certificate, passport or any other method prescribed or approved by Surfing Australia from time to time or in any particular instance for any particular event); and
 - b) an **“Open Category”**, with eligibility for all other categories of Sex, including those designated as being Male, Female or otherwise at birth, and regardless of their current or past gender identity or gender expression.

7 INTERNATIONAL SURFING ASSOCIATION (“ISA”)

- 7.1 As a member of the ISA, Surfing Australia recognises that international surfing competitions owned, conducted and/or sanctioned by the ISA (“**International Events**”) must be conducted in accordance with ISA Policy. ISA has published its ISA Transgender Policy. The ISA Transgender Policy is contained in **Schedule 1**.
- 7.2 To be selected by Surfing Australia to represent Australia for International Events in the Women’s or Female Category, only those who meet the criteria in paragraph 6.2 (a) above will be eligible.

8 UNIFORMS FOR COMMUNITY EVENTS

- 8.1 Individuals may wear the uniform and swimwear of their choosing as it aligns with their gender identity, so long as it abides by any relevant Australian Surfing Organisation attire rules.
- 8.2 Individuals requiring uniforms (for example, athletes, officials and coaches) are to be provided with an appropriate range of uniform styles and sizes to select from.
- 8.3 If gendered uniforms are necessary, the individual may choose which uniform they would prefer to wear.

9 FACILITIES FOR COMMUNITY EVENTS

- 9.1 Surfing Australia recognises the existing difficulties faced in having adequate change room and shower and toilet facilities – the majority of these are municipal public amenities.
- 9.2 Surfing Australia understands the importance of privacy regarding the use of change room, shower and toilet facilities in the context of gender identity.
- 9.3 Where new facilities are built, or upgrades are taking place, Surfing Australia and Australian Surfing Organisations will advocate for options to create inclusive spaces within the context of compliance with the range of current Australian standards and construction codes and development budgets for such facilities.

10 OTHER RELEVANT POLICIES

- 10.1 Surfing Australia and Australian Surfing Organisations must comply with the provisions of the Privacy Act 1988 (Cth), the Australian Privacy Principles, and the relevant legislation and regulations of the States and Territories.
- 10.2 In addition, Surfing Australia has a range of directly relevant and related policies and guidelines that can be found on our website <https://surfingaustralia.com/>. It is important that coaches,

officials and administrators maintain currency in their awareness and understanding of these and other policies and guidelines. Relevant documents include:

- a) this Policy;
- b) the National Integrity Framework, published by Sport Integrity Australia;
- c) Surfing Australia's Privacy Policy;
- d) Surfing Australia's Code of Conduct Policy, Conduct and Disciplinary Policy and related Review and Appeals Policy; and
- e) Surfing Australia's Rule Book (updated each calendar year).

10.3 Any non-compliance or breach of this Policy shall be dealt with in accordance with Surfing Australia's policies. Queries can be emailed directly to our Sport Integrity Manager at info@surfingaustralia.com and will be dealt with confidentially.

Schedule 1 – ISA Transgender Policy

International Surfing Association (ISA) Transgender Policy

As policies are being developed by various sporting organizations and governing bodies around the world, the ISA has established the following Transgender Policy at the recommendation of its Medical Commission. The ISA is committed to the fundamental principles of fairness and equality of opportunity, and therefore this policy will be reevaluated annually as more research, information, and feedback becomes available.

The authority of the ISA Medical Commission to determine any issue pertaining to the eligibility of a surfer to compete either in a men's or women's event under this Rule shall include, but is not confined to, any such issue arising in the case of Gender identification, Sex-reassignment, Hyperandrogenism, Transgender, or Differences of Sexual Development (DSD).

ISA Eligibility by Gender Rule

1. An athlete who was assigned male at birth, and/or who identifies as a man, and has man/male on his passport or national identity card is eligible to compete in a men's event or as a man in a mixed event.
2. An athlete who was assigned female at birth, and/or who identifies as a woman, and has woman/female on her passport or national identity card is eligible to compete in a woman's event or as a woman in a mixed event.
3. An athlete who was assigned male at birth, who identifies as a woman, and has woman/female on her passport or national identity card is eligible to compete in a men's event, or as a man in a mixed event, if she has not met requirements to compete in a woman's event (such as maintaining testosterone level less than 5 nmol/L continuously for the previous 12 months)
4. An athlete who was assigned male at birth who identifies as a woman and has man/male or "other" or "X" on their passport or national identify card is eligible to compete in a men's event or as a man in a mixed event.
5. In order to compete in a woman's event or as a woman in a mixed event, where either:
 - A. An athlete who was assigned male at birth and whose gender has changed and identifies as a woman, and/or has woman/female, "other" or "X" on her passport or national identity card:
or,
 - B. The surfer has otherwise been required by the Executive Committee and/or Medical Commission to establish eligibility to compete in a women's event:

The surfer must satisfy the International Surfing Association Medical Commission that her serum testosterone concentration has been less than 5 nmol/L continuously for a period of the previous 12

months and secondly, meets any other requirements reasonably set by the Executive Committee and/or Medical Commission.

ISA Medical Commission
ISA Executive Committee
October 20, 2022