

**NORTHERN FOOTBALL
NETBALL LEAGUE
INCORPORATED**



**SCHEDULE 36:
TRANSGENDER APPLICATION
PROCESS POLICY**

**Adopted
July 2024**

1. The following process has been adapted from the Athletics Australia document titled "*Transgender Policy – Eligibility of Athletes who have undergone sex reassignment to compete in women's competition*" and having regard to the IAAF 2018 policy release *Eligibility Requirements for the Female Classification (Athletes with differences in sex development)* and explanatory notes thereto.

This policy (the "**Policy**") is a framework for the determination of the eligibility of transgender and non- binary athletes to compete in any competition (either Football or Netball) within the NFNL.

2. No male to female transsexual/transgender/non-binary athlete shall be permitted to compete in the female category of any competition within the NFNL until the case has been evaluated by NFNL in accordance with the Policy.
3. The Policy does not apply to cases of female to male sex reassignment, except where specifically stated.
4. The Policy does not apply to any athlete in the NFNL who is under twelve (12) years of age.

NOTIFICATION OF CASES OF TRANSGENDER APPLICATIONS TO PLAY IN THE NFNL

5. An athlete who is male to female transgender and who seeks to compete in the NFNL in the female category is required to notify the NFNL of the case as soon as possible and, in any event, at least three (3) months before the competition in which the athlete seeks to compete. A male to female transsexual athlete who competes in the NFNL without notification of the case for evaluation in accordance with this Policy may be considered to have committed a breach of NFNL Rules which may result in the imposition of sanctions, including ineligibility from competition.

An athlete who identifies as non-binary who has not undertaken sex reassignment surgery, endocrine treatment and/or other medical or surgical treatment/intervention in respect of their gender who wants to participate in any NFNL competition (Football and/or Netball) must comply with this policy, even if the words transgender or transsexual are used in the policy, rather than the words, non-binary.

6. Notification by a transgender athlete to the NFNL of an application for registration shall be made in confidence directly by the athlete to the NFNL CEO.

Notification by an athlete to the NFNL under this Policy shall include providing the NFNL with details of the following information:

- i. evidence of acquired sex under applicable law (e.g. sex recognition certificate or other form of legal recognition of acquired sex);
- ii. details of any sex reassignment procedure undertaken (including date of orchiectomy)

- or other surgical procedure);
- iii. details of any post re-assignment treatment (name, frequency and duration of treatment and dosage); and
 - iv. details of any post-reassignment monitoring of treatment.
 - v. Endocrine assessments of testosterone levels for the preceding 12 months;
 - vi. Muscle mass assessment.
7. Following notification of a case to the NFNL CEO, the NFNL Medical Assessor shall conduct an initial review of the medical information notified by the athlete to ensure that a complete file has been provided in accordance with the requirements of this Policy.
8. As part of this initial review, the Medical Assessor may seek such further clinical and/or anamnestic data relating to the athlete as he considers appropriate for assessment of the athlete's case.

CONFIDENTIAL MANAGEMENT OF CASES

9. All cases that are notified to the NFNL CEO shall be treated in strict confidence.
10. Applicants for registration agree and undertake not to engage in publicity about their application while it is being assessed and agree in advance to any application being stayed until any publicity, accidental or deliberate, ceases.
11. As a necessary pre-condition of eligibility to compete, an athlete who claims to be transgender (or non-binary) shall consent to the disclosure of their medical information, to such person or persons as may be required to review such medical information in accordance with this Policy. Medical information for these purposes shall include both information provided pursuant to 6 above and any further information collected in the course of implementation of this Policy.
12. The designated Medical Assessor chosen by the NFNL and the NFNL CEO who is involved in the management of an athlete's case under these Regulations shall conduct their activities at all times in strict confidence. All medical information and data relating to an athlete pursuant to this Policy shall be treated as sensitive personal information and the NFNL shall ensure at all times that it is processed as such in accordance with applicable data protection and Australian privacy laws.
13. The NFNL shall only retain an athlete's medical data and information if it is necessary to keep the athlete's case under review in accordance with NFNL By-laws, Rules and/or the provisions of this Policy or where otherwise required by applicable law.

14. Once the athlete's medical information and data no longer serves any of the above purposes, it shall be destroyed or permanently anonymised in accordance with Australian privacy laws.

THE MEDICAL ASSESSOR

15. The NFNL shall appoint in its absolute discretion a medical professional to review applications for registration to the NFNL that are submitted to it under the Policy (the "Medical Assessor"). While exercising his/her functions under this Policy, the Medical Assessor and/or NFNL CEO may:
 - (a) exchange views on the athlete's case by e-mail, telephone, and facsimile or in person;
 - (b) call for any evidence or documents that it considers to be relevant to the athlete's case; or
 - (c) seek any medical, scientific or other specialist advice that it considers necessary in order to review the athlete's case.

ENDOCRINE ASSESSMENT

16. Following initial review of the case by the Medical Assessor, the athlete shall be asked to submit to an endocrine assessment.
17. For the purposes of the endocrine assessment, the athlete shall be required to provide urine and blood (serum) samples which shall be sent for analysis to a laboratory that is accredited to conduct such analyses. If no accredited laboratory is available in the athlete's location, the NFNL shall decide upon the accredited laboratory to be used in each case.
18. The athlete shall be fully advised as to the purpose of the endocrine assessment and the fact that it is part of an overall process to be conducted under NFNL Rules in accordance with the provisions of this Policy. Where the athlete is a minor (but over the age of 12 years), the physician shall provide such explanation to the athlete's parents or legal guardian(s). The athlete (or athlete's parents or legal guardian(s) where the athlete is a minor) shall designate a physician to be recipient of the results of the endocrine assessment on the athlete's behalf.
19. The laboratory shall analyse the athlete's urine for at least the following androgenic hormones (including their urinary metabolites): Testosterone, Epitestosterone, Androsterone, Etiocholanolone, 5 α -androstanediol, 5 β -androstanediol, Dihydrotestosterone and Dehydroepiandrosterone.
20. The laboratory shall analyse the athlete's blood (serum) for recorded levels of Testosterone and Sex Hormone-Binding Globulin at a minimum. Depending on the circumstances of the case, the NFNL may also decide to analyse for recorded levels of additional hormones/substances, including, but not limited

to, Dihydrotestosterone, Luteinizing Hormone, Follicle-stimulating Hormone, Estradiol, Anti-Mullerian Hormone, Inhibin B, 17- OH-Progesterone, Dehydroepiandrosterone Sulfate and Delta 4 Androstenedione.

21. The report of the analysing laboratory in respect of the above analyses shall be transmitted confidentially to the athlete's designated physician and to the NFNL Medical Assessor. A summary document of the process involved shall be available for the examining physician's use if need be.
22. The bench mark testosterone level shall be that set by the International Olympic Committee namely that the athlete must demonstrate that her total testosterone level in serum has been below 5 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in a women's sports competition).

REFERRAL OF APPLICATION TO ASSESSMENT PANEL

23. Upon receipt of all the athlete's medical information and data, including the results of the endocrine assessment, the athlete's case is required to be referred by the NFNL CEO to a panel comprised by the CEO and the Medical Assessor (the "Panel").
24. In each case, the members of the Panel shall sign confidentiality undertakings and shall confirm in writing that they have no conflicts of interest.
25. The Panel once constituted shall review the athlete's medical information and data and it shall determine in the first instance whether it has sufficient information upon which to decide as regards the athlete's eligibility in accordance with this Policy. It shall have regards to the matters set out in schedule A hereto. To enable it to make such a determination, the Panel may call for such additional information, data or specialist advice as it considers necessary. Exceptionally, the Panel may require the athlete to undergo further medical assessment.
26. Upon referral of an athlete's case, the Panel may make a recommendation to the NFNL CEO and Board based on the evidence before it as to whether the athlete should be declared provisionally eligible to compete in the NFNL whilst further assessment of the case is conducted. If the Panel makes such a recommendation, the NFNL Board shall take a decision on the athlete's provisional eligibility taking account of the recommendation that it has received.
27. In the event of an impasses between the Medical Assessor and CEO, the NFNL Board shall have the deciding vote .

28. If the Panel decides that the athlete shall not be eligible to compete whilst undergoing further assessment of the case, the Panel shall notify the decision to the athlete and the designated physician and to the NFNLCEO. The NFNL's decision in this regard shall not be subject to review but the athlete shall be entitled to an expedited follow up of the case and to a final decision taken as regards her eligibility under this Policy and NFNL rules and regulations.
29. If the Panel decides that the athlete should be declared provisionally eligible to compete whilst undergoing further assessment of the case, the CEO shall notify the decision to the athlete and the designated physician and to NFNL CEO and the Board.
30. Eligibility of the athlete shall be dependent on an undertaking given to the NFNL to submit to a six-weekly cycle of endocrine testing at the athlete's expense and the provision of such tests to the Medical Assessor and NFNL CEO.
31. If the Panel's recommendation is that the athlete should not be registered it shall provide its reasons in writing and may further recommend:
- i. conditions under which it would be acceptable for the athlete to compete in a single-sex NFNL competition; and
 - ii. a schedule of monitoring of the athlete's prescribed medical treatment with a view to the athlete being eligible to compete once the conditions so determined have been met (**Pre-Competition Monitoring**).
32. The NFNL specifically relies on S.72(1) of the *Equal Opportunity Act 2010 (Vic)* to restrict participation of any athlete who is not deemed eligible pursuant to this Policy when an athlete intends to participate in a single-sex competition in the NFNL.
33. If the athlete believes that they have an exceptional circumstances, which are not covered by this Policy, then the athlete is to make contact with the NFNL CEO directly and in confidence, and put forward their case for consideration of the NFNL CEO and the NFNL Board.

SCHEDULE A

Information to which the Panel may have regard

- (a) the athlete's full medical file, including details of any sex reassignment procedure undertaken (in particular, the date of orchiectomy) and all post reassignment treatment and monitoring conducted to date;
- (b) the results of any blood analyses conducted, including reported levels of androgenic hormones;
- (c) the results of any urine analyses conducted, including reported levels of androgenic hormones and their urinary metabolites;
- (d) the results of any further medical assessment conducted at the request of the Panel; and
- (e) any other information the Expert Medical Panel determines to be relevant to assessment of the athlete's case, including any written submission and/or further documents as may be requested from the athlete.
- (f) the age of the athlete;
- (g) whether the athlete's sex reassignment or gender transformation took place pre or post-puberty;
- (h) that her medical treatment following sex transformation has been administered in a verifiable manner and for a sufficient length of time to minimise any advantage in women's competition.
- (i) the athlete's androgen levels; and
- (j) the nature, duration and results of any treatment and monitoring undertaken following completion of the sex reassignment procedure;
- (k) the emotional maturity of the applicant;
- (l) the relative strength and athletic skill of the applicant compared to the competition in which she proposes to play.