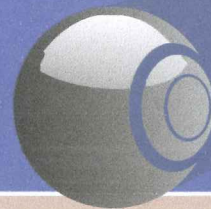


LAWFUL DISCRIMINATION TO FACILITATE PARTICIPATION IN SAME SEX COMPETITIONS



EXCEPTION OR EXEMPTION

A Club will need to decide which option they wish to follow if they are seeking to 'lawfully discriminate' and run a single sex competition



- A Club will need to gather information to support their position understanding that if they have insufficient evidence to support a self-declared 'exception' then gaining support for an application to VCAT for an exemption may be difficult
- However if a Club gathers, stores and keeps updated evidence to prove that an exception applies then they are not required to make an application to VCAT for an exemption

CLUB SELF-DECLARED EXCEPTION

Is there sufficient evidence to prove an exception applies?

YES

NO

Obtain evidence
No VCAT application for exemption needed

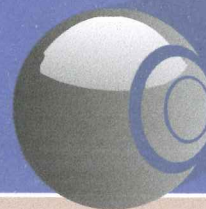
Would need to apply to VCAT for an exemption

Consider not running a single sex competition



Bowls is for
EVERYONE

LAWFUL DISCRIMINATION TO FACILITATE PARTICIPATION IN SAME SEX COMPETITIONS



EXCLUSION IS REASONABLE TEST

Judged by what an ordinary person would see as reasonable

Nature and purpose of competition

Consequences of excluding or restricting one sex

Opportunities for the excluded or restricted sex to participate in other competitions

GATHERING INFORMATION TO SUPPORT EXCEPTION

Evidence must be appropriate to demonstrate club intends to facilitate participation

STEP ONE

- The Club should collect data from men & women separately by survey, interview or questionnaire
- Formally note key decisions & decisions of management about the decision to rely on an exception to run a single sex competition
- Note in minutes of meetings when views or positions on using an exception to run a single sex competition are expressed

STEP TWO

- Note the review & decision making process that confirms an exception applies to a particular single sex competition & refer to the evidence supporting that assessment e.g. a memo outlining how each criteria has been met
- Records must demonstrate the Club has addressed the exception criteria with due diligence & regard for the Equal Opportunity Act

STEP THREE

- Records should be stored securely and updated as needed
- A Club relying on an exception to run single sex competitions more than once must maintain current evidence to demonstrate the intention is to facilitate participation and that it continues to be reasonable

WHAT IS A VCAT EXEMPTION

- Exemptions are temporary orders made by VCAT allowing Clubs to lawfully discriminate and run a single sex competition for up to 5 years
- VCAT is cautious about granting exemptions without good reason
- VCAT has granted exemptions for annual or commemorative events
- Exemptions may be granted in limited circumstances by VCAT after considering whether an exception applies and the right to equality is reasonably limited under the Charter of Human Rights and Responsibilities Act 2006 (Vic)



bowls victoria