



SPORT
LIFESTYLE
CULTURE

GUIDELINES, LAWS & REGULATIONS

01.

Anti-Discrimination Agencies

02.

Laws & Regulations

03.

Sex Discrimination Act 1984 (Cth).

11.

Criminal Code 1995 (Cth).

25.

Other Laws & Regulations

36.

Reporting Online Conduct

ANTI-DISCRIMINATION AGENCIES

National - Australia

[Australian Human Rights Commission \(AHRC\)](#)

Australian Capital Territory (ACT)

[ACT Human Rights Commission](#)

New South Wales (NSW)

[Anti-Discrimination NSW \(ADNSW\)](#)

Northern Territory (NT)

[Northern Territory Anti-Discrimination Commission](#)

Queensland (QLD)

[Queensland Human Rights Commission](#)

South Australia (SA)

[Equal Opportunity SA](#)

Tasmania (TAS)

[Office of the Anti-Discrimination Commissioner](#)

Victoria (VIC)

[Victorian Equal Opportunity & Human Rights Commission](#)

Western Australia (WA)

[Equal Opportunity Commission](#)

Laws & Regulations: Australia

The information in this packet is not to be considered legal advice, only a sharing of publicly available information.

Online conduct being observed could be seen a breach of not just national sporting organisations statutes, policies and regulations; but also of state and federal laws and regulations such as the [Criminal Code 1995](#) (Commonwealth) which obviously contain considerations of thresholds etc.

Reference links are provided in this pack of some laws and regulations, with sections brought to the forefront aligning with conduct currently being observed publicly relating to vilification.

Prior to engaging with law enforcement or other regulatory agencies, feedback from those who have made reports to social media platforms of breaches of their 'community standards' or 'terms & conditions' for not just vilification but other abuse materials; impacted parties have communicated that these are inadequate and most of the time unfortunately seem to be not considered breaches by the social media platforms themselves.

Active choices to action these posts and engage online in this way is a serious concern, and needs to be taken seriously.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

<i>Discrimination on the ground of gender identity</i>	<u>04</u>
<i>Application of the Criminal Code</i>	<u>05</u>
<i>Goods, Services and Facilities</i>	<u>05</u>
<i>Clubs</i>	<u>06-07</u>
<i>Victimisation</i>	<u>08-09</u>
<i>Interpretation (Definitions)</i>	<u>10</u>

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part I, Section 5B Discrimination on the ground of Gender Identity

(1) For the purposes of this Act, a person (the *discriminator*) discriminates against another person (the *aggrieved person*) on the ground of the aggrieved person's gender identity if, by reason of:

(a) the aggrieved person's gender identity; or

(b) a characteristic that appertains generally to persons who have the same gender identity as the aggrieved person; or

(c) a characteristic that is generally imputed to persons who have the same gender identity as the aggrieved person; the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who has a different gender identity.

(2) For the purposes of this Act, a person (the *discriminator*) discriminates against another person (the *aggrieved person*) on the ground of the aggrieved person's gender identity if the discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons who have the same gender identity as the aggrieved person.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part I, Section 13A Application of the Criminal Code

Chapter 2 of the Criminal Code applies to all offences against this Act.

Part II, Division 2 - Discrimination in other areas, Section 22 Goods, Services and Facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, or breastfeeding:

(a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person;

(b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or

(c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part II, Division 2 - Discrimination in other areas, Section 25 Clubs

(1) It is unlawful for a club, the committee of management of a club or a member of the committee of management of a club to discriminate against a person who is not a member of the club on the ground of the person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, or breastfeeding:

(a) by refusing or failing to accept the person's application for membership; or

(b) in the terms or conditions on which the club is prepared to admit the person to membership.

Continue to next page.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part II, Division 2 - Discrimination in other areas, Section 25 Clubs

Continuing from previous page.

(2) It is unlawful for a club, the committee of management of a club or a member of the committee of management of a club to discriminate against a person who is a member of the club on the ground of the member's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, or breastfeeding:

(a) in the terms or conditions of membership that are afforded to the member;

(b) by refusing or failing to accept the member's application for a particular class or type of membership;

(c) by denying the member access, or limiting the member's access, to any benefit provided by the club;

(d) by depriving the member of membership or varying the terms of membership; or

(e) by subjecting the member to any other detriment.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part II, Division 5 - Victimisation, Section 47A

Victimisation

(1) It is unlawful for a person to commit an act of victimisation against another person.

(2) For the purposes of subsection (1), a person (the **first person**) commits an act of victimisation against another person if the first person subjects, or threatens to subject, the other person to any detriment on the ground that the other person:

(a) has made, or proposes to make, a complaint under this Act or the *Australian Human Rights Commission Act 1986*; or

(b) has brought, or proposes to bring, proceedings under this Act or the *Australian Human Rights Commission Act 1986* against any person; or

(c) has given, or proposes to give, any information, or has produced, or proposes to produce, any documents to a person exercising or performing any power or function under this Act or the *Australian Human Rights Commission Act 1986*; or

(d) has attended, or proposes to attend, a conference held under this Act or the *Australian Human Rights Commission Act 1986*; or

Continue to next page.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part II, Division 5 - Victimisation, Section 47A

Victimisation

Continuing from previous page

(e) has appeared, or proposes to appear, as a witness in a proceeding under this Act or the *Australian Human Rights Commission Act 1986*; or

(f) has reasonably asserted, or proposes to assert, any rights of the person or the rights of any other person under this Act or the *Australian Human Rights Commission Act 1986*; or

(g) has made an allegation that a person has done an act that is unlawful by reason of a provision of this Part (other than subsection (1)); or

(h) has made an allegation that a person has contravened a provision of Part IIA;
or on the ground that the first person believes that the other person has done, or proposes to do, an act or thing referred to in any of paragraphs (a) to (h), inclusive.

Laws & Regulations: Australia

Sex Discrimination Act 1984 (Commonwealth)

Part 1, Section 4 - Interpretation (Definitions)

intersex status means the status of having physical, hormonal or genetic features that are:

- (a) neither wholly female nor wholly male; or
- (b) a combination of female and male; or
- (c) neither female nor male.

gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.

club means an association (whether incorporated or unincorporated) of not less than 30 persons associated together for social, literary, cultural, political, sporting, athletic or other lawful purposes that:

(a) provides and maintains its facilities, in whole or in part, from the funds of the association; and

(b) sells or supplies liquor for consumption on its premises.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

<i>Use of Carriage Service</i>	<u>12</u>
<i>Intention</i>	<u>13</u>
<i>Mistake or ignorance of statute law</i>	<u>13</u>
<i>Complicity & Common Purpose</i>	<u>14</u>
<i>Joint Commission</i>	<u>15</u>
<i>Incitement</i>	<u>16-17</u>
<i>Conspiracy</i>	<u>18-19</u>
<i>Extremist Material</i>	<u>20-23</u>
<i>Dictionary</i>	<u>24</u>

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 2, Division 474, Subdivision C, Subsection 474.17
- Using a carriage service to menace, harass or cause offence

(1) A person commits an offence if:

(a) the person uses a carriage service; and

(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 5 years.

*Note: Use of **carriage service** to menace occurs when a person uses guided and/or unguided electromagnetic energy to menace, harass or cause offence. This refers to emails, text messages and calls and social media communications.*

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Division 5 - Fault Elements, Section 5.2 Intention

(1) A person has intention with respect to conduct if he or she means to engage in that conduct.

(2) A person has intention with respect to a circumstance if he or she believes that it exists or will exist.

(3) A person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary course of events.

Volume 1, Chapter 1, Volume 1, Chapter 1, Division 9— Circumstances involving mistake or ignorance, Section 9.3 Mistake or ignorance of statute law

(1) A person can be criminally responsible for an offence even if, at the time of the conduct constituting the offence, he or she is mistaken about, or ignorant of, the existence or content of an Act that directly or indirectly creates the offence or directly or indirectly affects the scope or operation of the offence.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Part 2.4 Extensions of criminal responsibility, Division 11, Section 11.2 Complicity and common purpose

(1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

(2) For the person to be guilty:

(a) the person's conduct must have in fact aided, abetted, counselled or procured the commission of the offence by the other person; and

(b) the offence must have been committed by the other person.

(3) For the person to be guilty, the person must have intended that:

(a) his or her conduct would aid, abet, counsel or procure the commission of any offence (including its fault elements) of the type the other person committed; or

(b) his or her conduct would aid, abet, counsel or procure the commission of an offence and have been reckless about the commission of the offence (including its fault elements) that the other person in fact committed.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Part 2.4 Extensions of criminal responsibility, Division 11, Section 11.2A Joint Commission

(1) If:

(a) a person and at least one other party enter into an agreement to commit an offence; and

(b) either:

(i) an offence is committed in accordance with the agreement (within the meaning of subsection (2)); or

(ii) an offence is committed in the course of carrying out the agreement (within the meaning of subsection (3));
the person is taken to have committed the joint offence referred to in whichever of subsection (2) or (3) applies and is punishable accordingly.

(4) For a person to be guilty of an offence because of the operation of this section, the person and at least one other party to the agreement must have intended that an offence would be committed under the agreement

(5) The agreement:

(a) may consist of a non-verbal understanding; and

(b) may be entered into before, or at the same time as, the conduct constituting any of the physical elements of the joint offence was engaged in.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Part 2.4 Extensions of criminal responsibility, Division 11, Section 11.4 Incitement

- (1) A person who urges the commission of an offence commits the offence of incitement.
- (2) For the person to be guilty, the person must intend that the offence incited be committed.
- (3) A person may be found guilty even if committing the offence incited is impossible.
- (4) Any defences, procedures, limitations or qualifying provisions that apply to an offence apply also to the offence of incitement in respect of that offence.
- (5) It is not an offence to incite the commission of an offence against section 11.1 (attempt), this section or section 11.5 (conspiracy).

Penalties - see next page

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Part 2.4 Extensions of criminal responsibility, Division 11, Section 11.4 Incitement

Penalties:

(a) if the offence incited is punishable by life imprisonment—
imprisonment for 10 years; or

(b) if the offence incited is punishable by imprisonment for 14
years or more, but is not punishable by life imprisonment—
imprisonment for 7 years; or

(c) if the offence incited is punishable by imprisonment for 10
years or more, but is not punishable by imprisonment for 14
years or more—imprisonment for 5 years; or

(d) if the offence is otherwise punishable by imprisonment—
imprisonment for 3 years or for the maximum term of
imprisonment for the offence incited, whichever is the lesser;
or

(e) if the offence incited is not punishable by imprisonment—
the number of penalty units equal to the maximum number of
penalty units applicable to the offence incited.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Part 2.4 Extensions of criminal responsibility, Division 11, Section 11.5 Conspiracy

(1) A person who conspires with another person to commit an offence punishable by imprisonment for more than **12 months, or by a fine of 200 penalty units or more**, commits the offence of conspiracy to commit that offence and is punishable as if the offence to which the conspiracy relates had been committed.

(2) For the person to be guilty:

(a) the person must have entered into an agreement with one or more other persons; and

(b) the person and at least one other party to the agreement must have intended that an offence would be committed pursuant to the agreement; and

(c) the person or at least one other party to the agreement must have committed an overt act pursuant to the agreement.

Continuing next page.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 1, Chapter 1, Part 2.4 Extensions of criminal responsibility, Division 11, Section 11.5 Conspiracy

Continuing from previous page

(3) A person may be found guilty of conspiracy to commit an offence even if:

(a) committing the offence is impossible; or

(b) the only other party to the agreement is a body corporate; or

(c) each other party to the agreement is at least one of the following:

(i) a person who is not criminally responsible;

(ii) a person for whose benefit or protection the offence exists; or

(d) subject to paragraph (4)(a), all other parties to the agreement have been acquitted of the conspiracy.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 2, Division 474, Subdivision HA, Subsection 474.45A Meaning of violent extremist material

(1) Material is violent extremist material if:

(a) the material:

(i) describes or depicts serious violence; or

(ii) provides instruction on engaging in serious violence; or

(iii) supports or facilitates serious violence; and

(b) a reasonable person would consider that, in all the circumstances, the material is intended to directly or indirectly advance a political, religious or ideological cause; and

(c) a reasonable person would consider that, in all the circumstances, the material is intended to assist, encourage or induce a person to:

(i) engage in, plan or prepare for an intimidatory act;

or

(ii) do a thing that relates to engaging in, planning or preparing for an intimidatory act; or

(iii) join or associate with an organisation that is directly engaged in the doing of any intimidatory act, or that is preparing, planning, assisting in or fostering the doing of any intimidatory act.

Continue to next page.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 2, Division 474, Subdivision HA, Subsection 474.45A Meaning of violent extremist material

Continuing from previous page.

(3) An **intimidatory act** is a violent action, or threat of violent action, where the action is done, or the threat is made, with the intention of:

(a) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or

(b) intimidating the public or a section of the public.

(4) To avoid doubt:

(a) material may be intended to do a thing referred to in paragraph (1)(b) or (c) even if the material is also intended, or mainly intended, to do one or more other things; and

(b) an action may be done, or a threat may be made, with an intention referred to in subsection (3) even if that intention is not the only intention, or the main intention, with which the action is done or the threat is made.

Continue to next page.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 2, Division 474, Subdivision HA, Subsection 474.45A Meaning of violent extremist material

Continuing from previous page.

(5) Material is also *violent extremist material* if:

(a) it is reasonable to consider the material together with other material; and

(b) were all of the material to be taken to be a single item of material, it would constitute violent extremist material under subsection (1).

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 2, Division 474, Subdivision HA, Subsection 474.45B Using a carriage service for violent extremist material

- (1) A person commits an offence if:
- (a) the person:
 - (i) accesses material; or
 - (ii) causes material, or an electronic link that can be used to access material, to be transmitted to the person; or
 - (iii) transmits, makes available, publishes, distributes, advertises or promotes material or an electronic link that can be used to access material; or
 - (iv) solicits material or an electronic link that can be used to access material; and
 - (b) the person does so using a carriage service; and
 - (c) the material is violent extremist material.

Penalty: Imprisonment for 5 years.

Laws & Regulations: Australia

Criminal Code Act 1995 (Commonwealth)

Volume 2, Dictionary (end of Code)

communication includes any communication:

- (a) whether between persons and persons, things and things or persons and things; and
- (b) whether the communication is:
 - (i) in the form of text; or
 - (ii) in the form of speech, music or other sounds; or
 - (iii) in the form of visual images (still or moving); or
 - (iv) in the form of signals; or
 - (v) in the form of data; or
 - (vi) in any other form; or
 - (vii) in any combination of forms.

harm means physical harm or harm to a person's mental health, whether temporary or permanent. However, it does not include being subjected to any force or impact that is within the limits of what is acceptable as incidental to social interaction or to life in the community.

serious harm means harm (including the cumulative effect of any harm): (a) that endangers, or is likely to endanger, a person's life; or (b) that is or is likely to be significant and longstanding.

threat includes a threat made by any conduct, whether express or implied and whether conditional or unconditional.

Laws & Regulations: Australia

& Other resources

<i>Online Safety Act 2021 (Commonwealth)</i>	<u>26-28</u>
<i>Anti-Discrimination Act 1977 (NSW)</i>	<u>29-31</u>
<i>Surveillance Devices Act 2007 (NSW)</i>	<u>32-34</u>
<i>Guidelines for Sport</i>	<u>35</u>

Laws & Regulations: Australia (other)

Online Safety Act 2021 (Commonwealth)

Part I, Section 6 Cyber-bullying material targeted at an Australian Child

(1) For the purposes of this Act, if material satisfies the following conditions:

(a) the material is provided on:

- (i) a social media service; or
- (ii) a relevant electronic service; or
- (iii) a designated internet service;

(b) an ordinary reasonable person would conclude that:

(i) it is likely that the material was intended to have an effect on a particular Australian child; and

(ii) the material would be likely to have the effect on the Australian child of seriously threatening, seriously intimidating, seriously harassing or seriously humiliating the Australian child;

(c) such other conditions (if any) as are set out in the legislative rules;

then:

(d) the material is cyber-bullying material targeted at the Australian child; and

(e) the Australian child is the target of the material.

(2) An effect mentioned in subsection (1) may be:

(a) a direct result of the material being accessed by, or delivered to, the Australian child; or

(b) an indirect result of the material being accessed by, or delivered to, one or more other persons.

Laws & Regulations: Australia (other)

Online Safety Act 2021 (Commonwealth)

Part I, Section 7 Cyber-bullying material targeted at an Australian Adult

((1) For the purposes of this Act, if material satisfies the following conditions:

(a) the material is provided on:

- (i) a social media service; or
- (ii) a relevant electronic service; or
- (iii) a designated internet service;

(b) an ordinary reasonable person would conclude that it is likely that the material was intended to have an effect of causing serious harm to a particular Australian adult;

(c) an ordinary reasonable person in the position of the Australian adult would regard the material as being, in all the circumstances, menacing, harassing or offensive;

(d) such other conditions (if any) as are set out in the legislative rules;

then:

(e) the material is cyber-abuse material targeted at the Australian adult; and

(f) the Australian adult is the target of the material.

(2) An effect mentioned in subsection (1) may be:

(a) a direct result of the material being accessed by, or delivered to, the Australian child; or

(b) an indirect result of the material being accessed by, or delivered to, one or more other persons.

Laws & Regulations: Australia (other)

Online Safety Act 2021 (Commonwealth)

Part I, Section 8 Determining whether material is offensive

(1) The matters to be taken into account in deciding for the purposes of this Act whether an ordinary reasonable person in the position of a particular Australian adult would regard particular material as being, in all the circumstances, offensive, include:

(a) the standards of morality, decency and propriety generally accepted by reasonable adults; and

(b) the literary, artistic or educational merit (if any) of the material; and

(c) the general character of the material (including whether it is of a medical, legal or scientific character).

(2) If:

(a) material is provided on:

(i) a social media service; or

(ii) a relevant electronic service; or

(iii) a designated internet service; and

(b) the material is private sexual material;

then, in deciding for the purposes of this Act whether an ordinary reasonable person in the position of a particular Australian adult would regard the material as being, in all the circumstances, offensive, regard must be had to whether the subject, or each of the subjects, of the private sexual material gave consent to the material being provided on the service.

Laws & Regulations: Australia (other)

Anti-Discrimination Act 1977 (NSW)

Part 3A, Division 1 Discrimination on transgender grounds, Section 38A Interpretation

A reference in this Part to a person being transgender or a transgender person is a reference to a person, whether or not the person is a recognised transgender person—

(a) who identifies as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex, or

(b) who has identified as a member of the opposite sex by living as a member of the opposite sex, or

(c) who, being of indeterminate sex, identifies as a member of a particular sex by living as a member of that sex,

and includes a reference to the person being thought of as a transgender person, whether the person is, or was, in fact a transgender person.

Laws & Regulations: Australia (other)

Anti-Discrimination Act 1977 (NSW)

Part 3A, Division 5, Section 38R - 'Public Act'

A *public act* includes

(a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, or

(b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, or

(c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of—

(i) a person on the ground that the person is a transgender person, or

(ii) a group of persons on the ground that the members of the group are transgender persons.

Laws & Regulations: Australia (other)

Anti-Discrimination Act 1977 (NSW)

Part 3A, Division 5, Section 38S - Transgender Vilification unlawful

(1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of—

- (a) a person on the ground that the person is a transgender person, or
- (b) a group of persons on the ground that the members of the group are transgender persons.

Part 5, Section 50 - Victimisation

(1) It is unlawful for a person (the discriminator) to subject another person (the person victimised) to any detriment in any circumstances on the ground that the person victimised has—

- (a) brought proceedings against the discriminator or any other person under this Act,
- (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act,
- (c) alleged that the discriminator or any other person has committed an act which, whether or not the allegation so states, would amount to a contravention of this Act, or
- (d) otherwise done anything under or by reference to this Act in relation to the discriminator or any other person, or by reason that the discriminator knows that the person victimised intends to do any of those things, or suspects that the person victimised has done, or intends to do, any of them.

Laws & Regulations: Australia (other)

Surveillance Devices Act 2007 (NSW)

Part 2: Regulation of installation, use and maintenance of surveillance devices

Section 7 - Prohibition on installation, use and maintenance of listening devices

(1) A person must not knowingly install, use or cause to be used or maintain a listening device—

(a) to overhear, record, monitor or listen to a private conversation to which the person is not a party, or

(b) to record a private conversation to which the person is a party.

Maximum penalty — 500 penalty units (penalty unit = \$110 AUD) (in the case of a corporation) or 100 penalty units or 5 years imprisonment, or both (in any other case).

Laws & Regulations: Australia (other)

Surveillance Devices Act 2007 (NSW)

Part 2: Regulation of installation, use and maintenance of surveillance devices

Section 11 - Prohibition on communication or publication of private conversations or recordings of activities

(1) A person must not publish, or communicate to any person, a private conversation or a record of the carrying on of an activity, or a report of a private conversation or carrying on of an activity, that has come to the person's knowledge as a direct or indirect result of the use of a listening device, an optical surveillance device or a tracking device in contravention of a provision of this Part.

Maximum penalty — 500 penalty units (penalty unit = \$110 AUD) (in the case of a corporation) or 100 penalty units or 5 years imprisonment, or both (in any other case).

Laws & Regulations: Australia (other)

Surveillance Devices Act 2007 (NSW)

Part 2: Regulation of installation, use and maintenance of surveillance devices

Section 12 - Possession of record of private conversation or activity

(1) A person must not possess a record of a private conversation or the carrying on of an activity knowing that it has been obtained, directly or indirectly, by the use of a listening device, optical surveillance device or tracking device in contravention of this Part.

Maximum penalty — 500 penalty units (penalty unit = \$110 AUD) (in the case of a corporation) or 100 penalty units or 5 years imprisonment, or both (in any other case).

OTHER: GUIDELINES FOR SPORT

[Sport Australia: Transgender and Gender Diverse Inclusion \(resource page\)](#)

[Guidelines for the inclusion of transgender and gender diverse people in sport \(2019\)](#)

The 2019 AHRC Guidelines provide information about the operation of the Sex Discrimination Act 1984 (Cth) in relation to discrimination, harassment, and victimisation on the basis of sex or gender identity. They also offer practical advice for promoting inclusion in sport.

[Transgender & Gender-Diverse Inclusion Guidelines for HP Sport \(2023\)](#)

The information and recommendations contained in these guidelines are intended for elite programs only; they are not intended for sport at a community or participation level. For those contexts, the 2019 AHRC Guidelines remain relevant. •

These HP guidelines are not intended to apply to individuals with innate variations of sex characteristics (sometimes referred to as intersex people) where an individual is participating in the category consistent with their sex assigned at birth. International Federation (IF) eligibility regulations for the female classification may be relevant for intersex people.

Reporting Content

Guides and Resources

[Office of the eSafety Commissioner 'the eSafety Guide'](#)

[Office of the eSafety Commissioner SafetyLGBTQI+](#)

[Report: Facebook \(abuse\), \(images/video\)](#) [eSafety_guide](#)

[Report: Instagram](#) [eSafety_guide](#)

[Report: Snapchat \(safety\), \(abuse\)](#) [eSafety_guide](#)

[Report: TikTok](#) [eSafety_guide](#)

[Report: Twitter \(X\)](#) [eSafety_guide](#)

[Report: Youtube](#) [eSafety_guide](#)

[How to Make a Report in Sport](#) [Sport. Lifestyle.Culture. Guide](#)