2026

Parliament Of Victoria

Equal Treatment And Match Integrity In Community Sport Bill 2026

Explanatory Memorandum And Statement Of Compatibility

Prepared to assist understanding of the Bill and its intended operation.

Circulated on behalf of the Minister for Community Sport

General Outline

The Bill establishes a uniform statutory framework for equal treatment, safety and match integrity in organised community sport in Victoria. It responds to the regulatory risk exposed when a commenced fixture can be displaced, materially downgraded or moved to an unsafe or unequal surface because another fixture is preferred.

The scheme applies equally across women's, girls', men's and boys' sport. It does not give one sex an automatic preference. Its central operational rule is that a fixture that has commenced retains its allocated playing area unless a genuine safety, emergency, infrastructure or unplayable-surface exception applies. Where scheduling error creates a conflict, the later fixture bears the disruption.

The Bill creates an independent Community Sport Equality Commissioner with powers to receive mandatory incident reports, investigate, obtain relevant information, issue compliance notices and restorative orders, accept enforceable undertakings and impose proportionate administrative sporting sanctions. Decisions affecting legal interests are subject to procedural fairness, internal reconsideration and merits review by VCAT.

The Bill is designed to operate alongside existing anti-discrimination, human rights, child safety, occupational health and safety and sporting rules. It does not determine the facts or legal responsibility associated with any particular past incident.

Policy Objectives

- Protect every commenced fixture from avoidable displacement or downgrading.
- Prevent sex-based priority decisions and require published, neutral criteria before play begins.
- Ensure relocation occurs only for a genuine exception and only to a materially equivalent, assessed playing area.
- Make children's best interests, views, safety and dignity central to decisions about interruption and replay.
- Create enforceable positive duties for governing bodies, clubs, venue operators, public authorities and officials.
- Provide fast, independent reporting, investigation, remedies, review and systemic oversight.
- Improve public accountability for facility allocation without exposing children or complainants.

Background And Regulatory Gap

Existing Victorian and Commonwealth law prohibits sex discrimination in relevant areas and protects children and equality. Sporting competition rules also regulate facilities, match officials and fixture administration. Those frameworks do not always state, in a single match-day rule, who has authority to move a fixture after play begins, which fixture bears the impact of a double booking, what equivalence and safety checks are mandatory, or how quickly an independent decision must be made.

The Bill addresses that gap through an operational rule capable of being followed in real time and an enforcement pathway capable of distinguishing a genuine safety decision from discriminatory or avoidable operational conduct. It also addresses systemic causes through annual allocation audits, funding and venue conditions, training and public reporting.

The publicly reported interruption of an under-12 girls' fixture at Caloola Reserve in July 2026 illustrates the kind of risk the Bill is intended to prevent. Reference to that report supplies policy context only. The Bill does not make findings about the conduct of any identified club, official, governing body or public authority.

Financial Impact

The Bill establishes a statutory Commissioner and therefore has implementation and recurrent costs. Principal cost areas are staffing, complaint intake, investigations, education, data systems, annual reporting and support for VCAT proceedings.

Regulated entities will incur proportionate compliance costs for training, incident reporting, record retention and annual audits. Those costs are expected to be moderated by model forms, approved training, risk-based prescription and alignment with existing child-safety, fair-access and competition administration processes.

Any appropriation necessary for establishment and operation would be addressed through the annual budget and appropriation process. Monetary penalties are directed to a dedicated Community Sport Equality Fund and are not intended to fund ordinary regulatory operations.

Statement Of Compatibility

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, this Statement addresses whether the Bill is compatible with human rights protected by the Charter.

Overview

The Bill strongly promotes equality and the protection of children. It creates clear duties against sex-based displacement and unequal access, embeds the best interests and voices of children, and protects complainants, witnesses and officials who refuse unlawful instructions.

Some enforcement and transparency provisions may limit privacy, reputation, property and related interests. Those limits are confined to information and measures reasonably necessary to investigate and remedy non-compliance. The scheme includes notice, confidentiality, privilege, written reasons, proportionate sanctions, review and special protection for children.

Human Rights Engaged

The Bill engages the following rights. The analysis below is directed to the Charter of Human Rights and Responsibilities Act 2006, with related international and federal protections included for context.

Right or protection	Source	How the Bill engages it	Compatibility assessment
Equality and non-discrimination	Charter s 8; Equal Opportunity Act 2010; Sex Discrimination Act 1984 (Cth); CEDAW arts 1, 2 and 13(c)	Core equal-treatment, sex-neutral priority and facility-allocation duties promote substantive equality for women and girls while protecting all participants.	Promoted. Targeted measures to remedy disadvantage remain permitted and are directed to substantive equality.
Protection of children	Charter s 17(2); Convention on the Rights of the Child arts 3 and 19	Best interests are a primary consideration; children receive welfare support, child-sensitive processes and protection from unsafe relocation and compelled replay.	Promoted. Safeguards are tailored to vulnerability and do not diminish other participants' rights.
Participation, voice and recreation	Convention on the Rights of the Child arts 12 and 31; CEDAW art 13(c)	Children may express views on relocation and replay; the scheme protects equal participation in sport and recreation.	Promoted. Views receive due weight according to age and maturity, while adults retain responsibility for safety.
Privacy and reputation	Charter s 13	Mandatory reports, information notices, a public register and annual reporting may affect privacy and reputation.	Any limitation is reasonable and proportionate: collection must be necessary; children are protected; publication is redacted; privilege applies; and only final, public-interest outcomes are registered.

Right or protection	Source	How the Bill engages it	Compatibility assessment
Freedom of expression	Charter s 15	Complaint and witness protections promote reporting. Confidentiality rules can restrict disclosure of personal information.	Promoted overall. Confidentiality limits are content-neutral, protective and no broader than necessary for children, privacy and fair investigations.
Taking part in public life	Charter s 18	Public authorities must allocate facilities transparently and consult participants, including children, on major guidance.	Promoted by fair access and participatory oversight.
Property	Charter s 20	Hosting restrictions, facility reallocation and monetary penalties may affect property or commercial interests.	Any interference is lawful, reviewable and proportionate to serious or repeated non-compliance; child-program funds are protected.
Fair hearing	Charter s 24	Adverse findings, compliance notices, orders and sanctions affect legal interests.	Protected through notice, response rights, written reasons, independent reconsideration and merits review by VCAT.
Rights in criminal proceedings	Charter s 25	The Bill creates limited offences for non-compliance, retaliation and knowing misinformation.	Protected by the privilege against self-incrimination, ordinary prosecution burdens, adult-only liability for children, and a requirement for authorised prosecution.

Section 7(2) Proportionality

The Bill pursues legitimate and important purposes: preventing discrimination and unsafe treatment, protecting children, preserving fair competition and improving public accountability for publicly supported facilities.

The measures are rationally connected to those purposes. A commenced-fixture rule prevents real-time status decisions from displacing participants. Mandatory reporting and evidence preservation enable prompt, reliable investigation. Compliance notices, restorative orders and sporting sanctions address both immediate harm and systemic causes.

The Bill adopts less restrictive means where reasonably available. It prefers administrative correction and restorative measures; confines criminal offences to deliberate retaliation, knowing misinformation and unjustified non-compliance; preserves legal professional privilege and the privilege against self-incrimination; requires redaction and child anonymity; and provides internal and VCAT review.

To the extent the Bill limits a Charter right, the limitation is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

Conclusion

The Bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it promotes human rights and, to the extent that it limits any right, the limitations are reasonable, necessary and proportionate.

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Minister for Community Sport

Clause Notes

Clause 1—Purposes

States the Bill's five principal purposes: equal status and access, protection of commenced fixtures, prevention of sex-based or age-based downgrading, safety and child-centred decision-making, and enforceable oversight. Subclause (2) confirms the scheme supplements existing protections.

Clause 2—Commencement

Provides for commencement by proclamation, with a default commencement of 1 July 2027 to prevent indefinite delay and allow implementation time.

Clause 3—Definitions

Defines the persons, entities, fixtures and concepts that determine the Act's reach. "Sex-based" is deliberately broad enough to capture decisions made by reference to the category of competition, while the causal test in clause 10 requires sex to be a reason for the decision.

Clause 4—Meaning of materially equivalent

Establishes an objective equivalence test covering physical, safety, accessibility and competitive conditions. Trivial differences are disregarded unless they create meaningful risk, disadvantage or loss of dignity.

Clause 5—Application

Applies the scheme to amateur and community sport at public and private Victorian venues and to decisions made across the fixture lifecycle. Professional sport may be prescribed out where a distinct integrity regime applies.

Clause 6—Act binds the Crown

Binds the Crown in right of Victoria and, to the extent constitutionally possible, in other capacities.

Clause 7—Interaction with other laws

Preserves cumulative rights and remedies, prevents contracting out, and confirms that a sporting rule cannot authorise conduct contrary to the Act.

Clause 8—Equal status of participants and fixtures

Creates the core equal-status duty. It prohibits treating women's, girls' or junior fixtures as inherently less important and preserves targeted measures that advance substantive equality.

Clause 9—Protection of a commenced fixture

Gives a commenced fixture priority to remain on its field, including during half-time or another interval. Movement is lawful only under the tightly defined exception in clause 13.

Clause 10—No sex-based displacement or priority

Adopts a mixed-motive test: sex need only be one reason, not the dominant reason. Contemporaneous identification of neutral criteria improves accountability and evidence quality.

Clause 11—Neutral priority criteria before commencement

Requires pre-match conflicts to be resolved using published, objective criteria. It excludes revenue, tradition, crowd assumptions and prestige where those considerations operate as proxies for sex.

Clause 12—Later fixture bears operational disruption

Allocates the consequences of double booking or scheduling error to the later fixture, rather than the fixture already in progress. The responsible entity bears reasonable additional costs.

Clause 13—Emergency or unplayable surface exception

Lists the only circumstances in which a commenced fixture may be altered. The action must still be necessary, proportionate and non-discriminatory. Operational convenience is expressly insufficient.

Clause 14—Authority to alter a commenced fixture

Confines authority to the appointed match official, subject to emergency-service directions, and prohibits external pressure. Consultation, inspection and written reasons are mandatory.

Clause 15—Refusal to accept unsafe or unequal treatment

Protects a team or participant who reasonably refuses unsafe or materially unequal conditions from automatic forfeit or discipline. An independent, fair determination is required.

Clause 16—Preconditions to relocation

Makes equivalence, safety assessment, transition time and equal information mandatory. If they cannot be achieved, suspension or abandonment is required.

Clause 17—Requirements for an alternative playing area

Applies rule and facility standards to replacement fields and identifies conditions that ordinarily defeat equivalence. Consent cannot waive minimum safety and equality duties.

Clause 18—Recorded safety assessment

Requires a prescribed checklist and 24-hour distribution, creating a contemporaneous record for review and learning.

Clause 19—Best interests of a child

Makes best interests a primary consideration and prevents children's rights from being subordinated to convenience, revenue or status. It protects all affected groups without creating a hierarchy between children.

Clause 20—Views and welfare of children

Implements age-appropriate participation in decisions and requires welfare support after a serious incident. Adults remain responsible for safety and legality.

Clause 21—No compelled replay

Prevents replay from becoming an automatic response to unsafe or unequal treatment. It sets mandatory factors and makes clear that no individual child can be forced to take part.

Clause 22—Equal access to facilities and support

Creates an ongoing reasonable-steps duty covering fields, times, amenities and support. Separate provision must be genuinely equal in quality, safety, access and dignity.

Clause 23—Positive duty of governing sporting body

Requires proactive prevention through rules, education, monitoring, complaints and correction. Responsibility cannot be delegated away.

Clause 24—Duty of host sporting body

Allocates practical match-day duties, including a named contact, prevention of interference, evidence preservation and disclosure of known conflicts or defects.

Clause 25—Duty of venue operator and public authority

Extends transparent and fair allocation requirements to Councils and other facility controllers. Compliance becomes relevant to public funding, leases and permits.

Clause 26—Duty of match official

Protects official independence, prioritises safety and integrity, and shields officials who refuse an unlawful instruction.

Clause 27—Policies, contracts and venue agreements

Requires institutional documents to identify authority and responsibility. Ambiguity does not create a compliance gap.

Clause 28—Training and accreditation

Requires annual, competency-based training for prescribed roles and permits recognition of equivalent programs.

Clause 29—Immediate incident report

Creates a 24-hour dual reporting duty for host and governing bodies. The listed triggers focus on displacement, discrimination, safety refusal, injury and retaliation.

Clause 30—Detailed report

Requires a structured report within 5 business days and separation of fact, dispute and opinion.

Clause 31—Complaints and own-motion matters

Provides accessible, oral, written and anonymous pathways and enables action without placing responsibility on a child or family to initiate proceedings.

Clause 32—Protection of complainants and witnesses

Prohibits sporting and participation-related detriment and authorises urgent interim protection. Good-faith reports remain protected if unsubstantiated.

Clause 33—Preservation of evidence

Sets a 7-year minimum retention period and expressly prohibits destruction, concealment, alteration and fabrication.

Clause 34—Confidentiality and child-sensitive handling

Applies necessity and proportionality to information handling, strongly protects child identity, and reduces re-traumatisation and repeated interviewing.

Clause 35—Establishment of Commissioner

Creates a corporation sole so the office has continuity, legal personality and capacity to perform statutory functions.

Clause 36—Appointment and term

Provides merit-based expertise requirements, a maximum 5-year term, one reappointment and protected tenure.

Clause 37—Functions

Sets the Commissioner's investigative, remedial, educational, data, advisory and referral functions and requires child-safe and procedurally fair performance.

Clause 38—Independence

Protects individual investigations and decisions from ministerial direction while permitting transparent, general statements of expectations.

Clause 39—Powers to obtain information

Creates a notice-based information power with specificity, time, consequence and review requirements.

Clause 40—Safeguards and privileges

Preserves legal professional privilege and self-incrimination protections, limits unnecessary collection and ensures children participate only with appropriate support.

Clause 41—Investigation timeframes

Requires rapid risk triage and a 20-business-day completion target, while permitting explained extensions and urgent protective action.

Clause 42—Procedural fairness and reasons

Guarantees notice, response and reasoned decisions. A limited adverse inference may address missing mandatory records, but cannot alter criminal burdens or standards.

Clause 43—Compliance notice

Enables preventive and corrective directions where contravention has occurred or is likely. Notices must be reasoned, proportionate and reviewable.

Clause 44—Remedial orders

Provides a flexible restorative jurisdiction, including cost reimbursement, competition correction, audit and agreed restorative measures. Child participation and forced apology are excluded.

Clause 45—Enforceable undertakings

Allows negotiated, measurable compliance commitments enforceable in the Magistrates' Court.

Clause 46—Administrative sporting sanctions

Provides escalating sporting and monetary sanctions for serious or repeated conduct. Sanctions should not reduce opportunities for affected children, and quarantined junior or safety funds cannot pay penalties.

Clause 47—Aggravating and mitigating matters

Sets transparent factors to support consistency, proportionality and recognition of early self-correction.

Clause 48—Failure to comply with notice or order

Creates an offence for unjustified non-compliance. The Commissioner controls prosecution to support consistent enforcement.

Clause 49—Victimisation and retaliation

Creates strong protection for reporting, evidence, refusal of unlawful instructions and rights assertion, with both criminal and restorative consequences.

Clause 50—False or misleading information

Targets knowing, material misinformation by adults while preserving honest opinion, immaterial error and good-faith reporting.

Clause 51—No penalty for a child

Excludes children from offences and administrative monetary penalties and requires any sporting response to be educational and child-safe.

Clause 52—Recovery and application of monetary penalties

Directs recovered administrative penalties to a transparent fund for equality, accessibility, education and child-safe participation.

Clause 53—Internal reconsideration

Creates fast, independent internal review and preserves urgent protections unless stayed.

Clause 54—Review by VCAT

Provides external merits review of coercive and remedial decisions, with ordinary time limits and full substitution powers.

Clause 55—Annual equality and facility audit

Requires sex- and age-disaggregated review of facilities, times, cancellations, funding and participation, with measurable corrective plans and privacy-safe publication.

Clause 56—Annual report

Requires parliamentary reporting while preventing identification of children through names or small data cells.

Clause 57—Public register

Promotes accountability for final serious matters but requires proportionate redaction and publication duration.

Clause 58—Guidelines

Supports consistent implementation and requires broad consultation, including direct participation by children and young people.

Clause 59—Delegation

Permits operational delegation but reserves final sanctions and legislative guidance to the Commissioner.

Clause 60—Regulations

Provides implementation powers while prohibiting regulations from reducing core protections or authorising discrimination.

Clause 61—Review of Act

Requires an independent 2-year review, broad consultation and a tabled Government response within a fixed period.

Schedule 1—Mandatory Match-Day Procedure

Translates the statutory duties into a short sequence for real-time use: stabilise, identify commencement, apply priority, inspect and consult, assess equivalence, communicate, support participants, preserve evidence and report.

Implementation And Transition

Phase	Required action
First 90 days	Appoint implementation lead; consult on regulations; prepare mandatory forms, incident portal and model venue clauses; map regulator referral arrangements.
By 6 months	Appoint Commissioner; publish interim guidance; approve training; establish confidential reporting and child-support pathways; begin baseline facility and scheduling data collection.
By commencement	Amend competition rules, permits and venue agreements; train prescribed roles; test reporting and evidence workflows; publish participant-facing rights information.
First season	Use education-first supervision for minor, promptly corrected breaches while taking immediate action on safety, discrimination, retaliation, concealment and repeated conduct.
After 2 years	Complete the independent statutory review and table the report and Government response.

Reference Framework

- Charter of Human Rights and Responsibilities Act 2006 (Vic), especially sections 7, 8, 13, 15, 17, 20, 24, 25, 28 and 38.
- Equal Opportunity Act 2010 (Vic), especially the discrimination, positive duty, sport and victimisation provisions.
- Sex Discrimination Act 1984 (Cth), including the services and sport provisions and the treatment of children under 12.
- Convention on the Rights of the Child, especially articles 2, 3, 12, 19 and 31.
- Convention on the Elimination of All Forms of Discrimination against Women, especially article 13(c).
- Football Victoria, 2026 Community Competitions Rules of Competition.
- Sport and Recreation Victoria, Fair Access Policy Roadmap and Fair Access Policy Principles.
- Victorian Government, Fair Play Code and Child Safe Standards.