



APPLICATION FOR AGE GROUP EXEMPTION POLICY FOR CHILDREN WITH A DISABILITY

Mornington District Basketball Association (MDBA) recognises that for some children with a diagnosed disability they benefit from participating in a competition in an age group other than the MDBA By Laws allow.

MDBA By Laws state that a player must be under the age stated in the relative age group by the 31st December in the year of the COMPLETION of that Season.

Under the *Equal Opportunity Act 2010* there are specific exemptions which apply to sport which allow for restricting participation to those in a specific age group and for which is protected by law.

Disability definition

The Victorian Public Sector Commission, in line with the United Nations Convention on the Rights of Persons with Disabilities, recognises the definition of disability as including those who have long-term physical, mental, intellectual or sensory impairments that, in interaction with various attitudinal and environmental barriers, may hinder their full and effective participation in society on an equal basis with others.

The definition of disability under the Disability Discrimination Act 1992 (Cwlth) is broad. It includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities. Disability can be permanent or temporary, visible or invisible. Some conditions and impairments are present from birth. Other people acquire or develop disability during their lifetime from an accident, condition, illness or injury. For some people, support requirements can increase over time. Others can experience fluctuating or episodic disability. Some people may have multiple disabilities, giving rise to different support requirements.

Disability, sexuality, cultural diversity, it's not 'special', or 'unusual' or 'not our problem'. It is the lived reality of a human being and therefore everybody's responsibility to ensure all are given an equal chance to experience their educational and social potential in a non-judgemental, inclusive, transparent, accountable and empowering way.

Consultation participant — Absolutely Everyone: State Disability Plan 2017–2020

This social model of disability, which understands that negative attitudes and environmental barriers impact the ability to participate in work and life, underpins this plan, which builds capacity and removes barriers to the workforce and respects the human rights of people with disability.

What is disability discrimination?

The Disability Discrimination Act states that discrimination based on disability occurs when a person with disability is either:

- *treated less favourably than a person without disability (direct discrimination), or*

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- *made to comply with a general requirement or condition that the person is unable to comply with because of their disability, and that leads to the person being disadvantaged (indirect discrimination).*

**** [Disability definition | vic.gov.au](https://www.vic.gov.au) ****

Process for applying for an exemption for a child with a disability:

A player's parent or carer must make a written application to MDBA Management requesting consideration for their child to participate overage in a competition in line with the following:

The application must:

- Provide details of the disability by providing the following;
 - a current letter from a registered General Practitioner (GP), which outlines the disability and the reasons why it is important for the child to be able to participate out of age group; and
 - a documented formal diagnosis of the disability from a medical specialist other than a GP, ie paediatrician
- Height of child
- Level of experience in regards to basketball, including details of any competitions that the child has previously participated in, including the association name, age group, competition/division or program name;
- Application must be received a minimum of 8 weeks prior to Round 1 of grading of the following domestic season;
- Application must be submitted via the online application form [MDBA Application For Age Group Exemption](#).

MDBA Management In considering the application will:

- Treat all matters with strictest confidence;
- Take into consideration the safety of all participants in the competition, which includes the size, strength and ability of the player;
- Take note that discrimination is not against the law if there is a real risk as determined by the MDBA Management to someone's health or safety;
- Approved exemptions are not ongoing and must be applied for 8 weeks prior to the first round of grading of the Summer domestic season, which includes updated supporting medical information;
- A player will only ever be approved to participate in a competition in the age group directly below their natural age group;
- In the event that an application is declined the participants family will be notified in writing outlining the reason it was declined, i.e lack of supporting medical evidence from a certified provider (as above) and/or health and safety of participants;
- Any appeals of a decision will be escalated to the Board of Management for consideration at their next meeting.