



**SUBMISSION TO THE AUSTRALIAN BUREAU OF STATISTICS'  
REVIEW OF THE SEX STANDARD / POTENTIAL NEW GENDER STANDARD**

**BY DAREBIN CITY COUNCIL**

15 April 2013

BY EMAIL: [standards@abs.gov.au](mailto:standards@abs.gov.au)

Dear Review Secretary,

Darebin City Council thanks the Australian Bureau of Statistics for the opportunity to provide feedback on the issues of sex and gender in the Australian Census.

The City of Darebin is located in the inner north of Melbourne, Victoria with a diverse population of 143,057 residents, including 631 couples who reported living in same-sex relationships (ABS 2011) and a large sexuality, sex and gender diverse community.

Darebin City Council established in 2012 a community advisory committee gathering residents, community and peak bodies representatives. Darebin Sexuality, Sex and Gender Diversity Advisory Committee's role is to advise Council on how to best support equality for all residents in Darebin, regardless of sexuality, sex or gender.

The Darebin Sexuality, Sex and Gender Diversity (SSGD) Advisory Committee supports Darebin City Council's commitment to achieving social inclusion - recognising sexual orientation and sex and gender diversity as significant aspects of community diversity - and advises Council on issues and barriers to equality affecting people in the City of Darebin who identify as gay, lesbian, bisexual, transgender or intersex.

Following advice and expert input from the Darebin SSGD Advisory Committee, Council would like to share the following insights on the Census review with the Australian Bureau of Statistics (ABS). Again, Council thanks the ABS for this Review and would welcome the opportunity to further elaborate upon these points at any future consultations. Darebin City Council welcomes the possibility of the next Census containing questions that more accurately reflect the lives of lesbian, gay, bisexual, transgender and intersex (LGBTI) citizens of Australia.

Yours sincerely,

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## INTRODUCTION

Treating lesbian, gay, bisexual, transgender and intersex (L,G,B,T,I) people as 'other' perpetuates entrenched systemic societal discrimination against this section of the Australian population. Many organisations, such as the Australian Human Rights Commission and *beyondblue*, the national anti-depression initiative, as well as national policy documents such as the Australian Government Department of Health and Ageing's *National Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Ageing and Aged Care Strategy*, are recognising L,G,B,T,I people as special needs groups due to homophobic and transphobic discrimination.

Commas are here intentionally inserted between these letters because each variant, and sub-community, within Australian sexual minority communities, has different life experiences. Ignoring the fact that they face individual challenges leads to sub-optimal health outcomes and life chances. Ignoring the fact that many L,G,B,T,I people can also face intersecting discrimination on the basis of sex, age, ethnicity and race, ability and socio-economic status similarly affects their ability to participate fully in society.

Failing to collect 'evidence' on the lives of L,G,B,T,I citizens affects policy development, program implementation, grassroots practice, and research funding (McNair, Gleitzman et al, 2006). This gap has particularly applied in national, probability-sample research in Australia. For instance, the Australian Census only makes it possible for people to identify themselves as being within same-sex partnerships under the same roof, which, for example, denies the lived experience of many single Australian L,G,B,T,I citizens.

## TERMS OF REFERENCE of the ABS review

It is the view of Darebin City Council that there is a strong need to include better-defined categories of 'sex', 'sexual orientation' and 'gender identity' within the Australian Census and other types of statistical collection and reporting.

### **i) & ii) Need and Capacity for Sex and Gender Definitions in the Australian Census and Other Statistical Collections and Output**

Darebin City Council agrees with the Terms of Reference of this Review that 'Although the terms sex and gender are often used interchangeably, they are separate concepts and may be important for different types of statistics'.

Currently, the Australian Census defines sex as a binary division between 'Female' and 'Male'. If the Sex Standard only includes 'Female' and 'Male', people with one of 100+ intersex variations will be excluded from evidence-gathering and reporting.

### **Recommendation 1: That the Sex Standard in the Australian Census and all other statistical collections be broadened to: Female, Male, Intersex Variations**

Council also argues that sexual orientation is a separate category that needs to be included in data collection. Sexual orientation can be defined as an affectionate, emotional, romantic, or



sexual attraction to, and/or intimate relationship with, individuals of a particular sex. Thus, sexual orientation might be characterised as heterosexual, lesbian, gay, or bisexual.

**Recommendation 2: That Sexual Orientation be included, as a category, in the Australian Census and all other statistical collections and include: Heterosexual, Lesbian, Gay, and Bisexual**

If sexual orientation is omitted, as a category, sexual orientation will, as is usually the case, be assumed to be heterosexual (Khan, Plummer et al, 2007; Bowers, Plummer et al, 2006; McNair, Kavanagh et al, 2005) and data on around 11% of the Australian population (Hillier, Dempsey et al, 1998) will not, effectively, be collected. Hence, there will be no 'evidence' upon which to base health, and broader societal, policy formulation, program development, and service delivery, for lesbian, gay, and bisexual citizens.

It should be noted that sexual orientation is made up of three distinct aspects, namely attraction, behaviour, and identity (Australian Psychological Society, 2008; Solarz, 1999) and that 'Individuals may or may not express their sexual orientation in their behaviours' (Australian Psychological Society, Online, 2008).

Behaviour may, sometimes, be the relevant aspect of sexual orientation, such as in a health promotion campaign which aims to reduce the incidence of HIV infection resulting from 'barebacking' (or having unprotected anal sex). However, attraction or identity might be the appropriate measure of sexual orientation if one is trying to promote attendance of bisexual people at a social support group.

Since sexual orientation, in all three of its aspects, can vary over time along a continuum, questions on sexual orientation need to be asked every time a longitudinal survey is conducted. For instance, the Australian Longitudinal Study on Women's Health has not asked a question on sexual orientation of the middle or younger cohorts since 2003 (McNair, personal communication). If some women's sexual orientation has changed since that time, it is likely that important information, for their health and wellbeing outcomes, may be being missed.

**Recommendation 3: That a question on sexual orientation, similar to that asked in previous surveys by the Australian Longitudinal Study on Women's Health, be asked every time the Australian Census and all other statistical collections are carried out. That is, 'I am exclusively heterosexual', 'I am mainly heterosexual', 'I am bisexual', 'I am mainly lesbian/gay', 'I am exclusively lesbian/gay'.**

Council finds Term of Reference number ii) to be confusing and confused. Term of Reference number i) has already defined 'sex' as:

'Sex refers to a person's biological sex and associated physical characteristics'.

But Term of Reference ii) mentions,

'Within a statistical environment, the capacity and need to collect information on *gender/sex (our italics)* for those that do not identify themselves as either male or female, and who do not fall within the definition of the 'Intersex or Indeterminate'



category of the current Sex Standard (i.e. genetic condition resulting in both male or female characteristics)'.

But, previously, it has been made clear that gender and sex are two different concepts. If Term of Reference ii) is meant to refer to transgendered people, this assumes that they do not identify themselves as male or female, which is a fairly large assumption.

Council *surmises* that what Term of Reference ii) is referring to is how transgendered people should be categorised in data collection and reporting, since their 'sex is not necessarily consistent with their gender'.

Since transgendered people have often been found to have different risk factors from either gay, lesbian, or bisexual people (Berman and Robinson, 2010; Hillier, Jones et al, 2010; Leonard, Mitchell et al, 2008), it is necessary to give them their own category within the Australian Census and all other statistical collections, in order that evidence is amassed on their specific experiences.

**Recommendation 4: That a question on gender identity be included in the Australian Census and all other statistical collections and include: 'Transgender Male-to-Female' and 'Transgender Female-to-Male'**

A note on data-gathering practices: as a general rule, it should be noted that sexuality, sex and gender diversity are very complex issues, which should *not* be 'decided by other people' - or reported - on the basis of observation, relationship to respondent, or first name. 'Outing' someone else is a very serious issue, which has vast ramifications for the life of all L,G,B,T,I people.

Census collectors should be fully conversant with laws of privacy, the Yogyakarta Principles, and the United Nations human rights covenants, such as the *International Covenant on Civil and Political Rights* before they make *any* assumptions about sexuality/sex/gender diversity of respondents and their household members/visitors, without directly asking the person involved. Making assumptions about people is not best practice and should *not be used* in government-funded data collection.

**Recommendation 5: That a permanent Advisory Committee, including an even representation of L,G,B,T,I people from different age groups, be appointed to advise the Australian Government on how to incorporate the complexity of sexuality/sex/gender diversity into national data collection, and to monitor progress in data collection and reporting.**

**Recommendation 6: That the Australian Government publish an annual report on the progress that has been made in incorporating sexuality/sex/gender diversity questions into the Australian Census and all other statistical collections.**



**(iii) The practicality of what can be collected and output in different types of statistical collections.**

Failure to collect representative, probability-based data on any population group's situation is a human rights issue because that failure will affect government and other institutions' policies, program development, service delivery, and future research funding. It equates to institutional discrimination.

With regard to the situation of L,G,B,T,I population groups, until there is no societal stigma and discrimination against L,G,B,T,I people, it is unlikely that every one of them will be prepared to 'come out' in the Australian Census or other national, or state, data collection endeavours. However, it is *essential* that they be given the opportunity to do so. With successive iterations of the Census, and other surveys, more people are likely to be willing to 'come out', as has been proven with the three latest Australian Censuses.

**Recommendation 7: That sexuality/sex/gender diversity-disaggregated, and cross-tabulated, reporting/output be provided, in every Australian Census and all other statistical collections.**

**Recommendation 8: that the afore-mentioned reporting and outputs be made available free of charge to Australian citizens as with other data collected.**

**Recommendation 9: That the Australian Government include L,G,B,T,I people in all research teams conducting research on L,G,B,T,I issues.**



## **References**

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