

ABS review of the sex standard / potential new gender standard

**A submission by Family Planning Victoria
in collaboration with Gay and Lesbian
Health Victoria, TransGender Victoria
and Y Gender**

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**family
planning
victoria**

**Sexual & Reproductive Health
Care. Education. Advocacy.**

FAMILY PLANNING VICTORIA

901 Whitehorse Road
Box Hill VIC 3128
T/ 03 9257 0100
F/ 03 9257 0112

Contact:

Lynne Jordan, CEO
T/ 03 9257 0128 E/ ljordan@fpv.org.au.



GAY AND LESBIAN HEALTH VICTORIA
215 Franklin St, Melbourne VIC 3000
T/ 03 9285 5382



TransGender Victoria Inc

TRANSGENDER VICTORIA
PO Box 762, South Melbourne, VIC 3205
T/ 03 9517 6613



Y GENDER
E/ ygender.contact@gmail.com

ABS REVIEW OF THE SEX STANDARD/ POTENTIAL NEW GENDER STANDARD

Family Planning Victoria in collaboration with Gay and Lesbian Health Victoria, TransGender Victoria and Y Gender commends the Australian Bureau of Statistics (ABS) review of its Sex Standard. As interested parties we provide the following comments to the ABS and request that the following be taken into consideration.

We propose:

- The current binary categories of sex as male or female are insufficient and discriminatory.
- The creation of additional categories under sex and an exploration of creating gender identity categories.

We affirm the Tasmanian definitions (italicised below) which are part of amendments to Tasmania's anti-discrimination laws. The amendment bill has been passed by the Legislative Assembly and is awaiting vote in Legislative Council. It was developed in consultation with trans and intersex people and has wide support.¹

“Intersex 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 an individual (whether by way of medical intervention or not), with or without regard to the individual's designated sex at birth, and includes transsexualism and transgenderism.”

Please note we do not comment on intersex in detail; rather we work with organisations such as Organisation Intersex International Australia Limited (Oii Australia).

We affirm that gender identity exists separately and independent of sex and encourage that additional categories of gender be added.

We recognise that gender identity may not be static over time for members of the gender diverse population.

With additional categories of gender identity, people should be able to choose more than one option.

Although gender identity categories capture some statistical significance, it is important to recognise that some members of the trans community, for instance, may select a male or female category and therefore can become 'invisible,' which is of course their choice.

We question the ABS concerns of reaching a wide audience using binary categories, including reaching Australians from a non-English speaking background. The *Writing Themselves In 3²* report published in 2010 summarised the experiences of 3134 same-sex attracted and gender questioning young people

¹ Anti-Discrimination Amendment Bill 2012 (TAS), s 4(d), p.7

<http://www.parliament.tas.gov.au/bills/pdf/45_of_2012.pdf> accessed 26/2/13.

² Hillier L, Jones T, Monagle M, Overton N, Gahan L, Balckman J & Mitchell A 2010, *Writing Themselves in: The third national report on the sexual health and well-being of same sex attracted and gender questioning young people in Australia*, Australian Research Centre in Sex, Health & Society, La Trobe University: Melbourne.

from every State and Territory of Australia. It clearly demonstrated that these young people were able to understand the nature and complexity of sex and gender. The young people involved in the survey were able to generate a wide range of terms and words to describe gender categories. Some of the words used by young Australians to articulate categories of gender were:

- Gender Questioning 0.6% (n=18)
- Transsexual male to female 0.7% (n=21)
- Transsexual female to male 1.4% (n=43)
- Gender queer and other 0.3% (n=9).

We recognise that it is important to collect data on these sub-groups in order to advocate on their behalf and improve health outcomes.

To inform our submission, we surveyed 380 members of our communities, the majority of who were between the ages of 19 and 30 years. They overwhelmingly recognise differences between the terms 'sex' and 'gender', and support the need for a gender category, which they would prefer the category to be termed 'gender identity'. The gender identity categories of 'male' and 'female' were popular with an alternative category that respondents can self ascribe or specify for those who do not identify as male or female, such as 'other- please specify'. Further information from the survey should be supplied on request.

On the 9th of January 2013, Oii Australia, a leading organisation representing people who are intersex, released a discussion paper on 'Sex and Gender Diverse' terminology³. Of particular note, they explained the problematic use of 'DSG' (diverse sex/ gender) or 'GSD' (gender and sex diverse) as an umbrella term when referring to an inherently diverse range of people; intersex communities and trans/ gender diverse communities. The paper provides some very useful pointers, and concludes that terminology should:

- *recognise that intersex and trans are two distinct communities and avoid presumptions of a homogeneous commonality of interest and needs*
- *not erase the needs and issues of one community, but promote visibility and understanding of both communities*
- *promote clarity about what it means and who it refers to*
- *be legible to a broad audience, including Australian but also internationally*
- *be concise*
- *be easy to disambiguate*
- *avoid abbreviation in ways that imply a homogeneous community of interest*
- *not necessarily be a single fixed phrase: terminology could vary, both in the of words to describe intersex and trans communities, and even in descriptors for trans communities.*

In conclusion, we acknowledge the ABS in asking for community input and hope that any changes made will seek to more clearly reflect the diversity of all Australians in terms of their sex and/ or gender identity.

We thank you for providing this opportunity for comment.

For more information, please contact Lynne Jordan, CEO Family Planning Victoria on T/ 03 9257 0128 or at E/ ljordan@fpv.org.au.

³ Organisation Intersex International Australia Limited (Oii Australia) 2012, Auburn, NSW, cited from <http://oii.org.au/21550/sex-and-gender-diverse-discussion-paper/> accessed 26/2/13