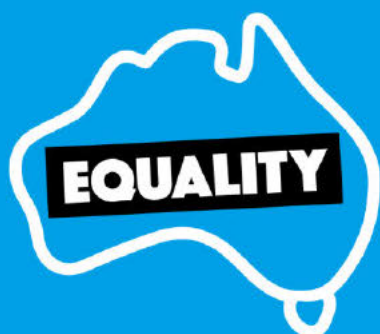




TOWARDS A NATIONAL PLAN FOR #TRANSEQUALITY

SUBMISSION TO THE AUSTRALIAN HUMAN RIGHTS
COMMISSION ON CURRENT AND EMERGING THREATS TO
TRANS AND GENDER DIVERSE HUMAN RIGHTS

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CONTENT WARNING

This document discusses discrimination and sexual assault against trans and gender diverse people. If this content triggers something for you, you can contact **Lifeline** on 13 11 14 (24 hours/7 days) or **QLife**, LGBTI peer support and referral on 1800 184 527 (3pm-midnight, 7 days).

ABOUT EQUALITY AUSTRALIA

#TransEquality is a project of Equality Australia.

Equality Australia is a national LGBTIQ+ organisation dedicated to achieving equality for LGBTIQ+ people.

Born out of the successful campaign for marriage equality and established with support from the Human Rights Law Centre, Equality Australia brings together legal, policy and communications expertise, along with thousands of supporters, to address discrimination, disadvantage and distress experienced by LGBTIQ+ people.

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We acknowledge that our offices are on the land of the Kulin Nation and the land of the Eora Nation and we pay our respects to their traditional owners.

INTRODUCTION

Everyone deserves to live with dignity and respect, safe from harm and violence.

Like everyone, trans and gender diverse people want to live happy, healthy lives of purpose. Yet discriminatory laws, policies, practices and attitudes, as well as harmful rhetoric about trans lives and rights, stand in the way.

In preparing this submission, Equality Australia's #TransEquality project undertook a survey of 1,693 trans and gender diverse people living in Australia to seek their views on the human rights issues affecting their lives and their suggestions for what would significantly improve their lives.

This submission reflects the voices of trans and gender diverse people in Australia, and our recommendations for areas of action stemming from what they told us.

RIGHT TO RECOGNITION

Everyone deserves to be recognised as who they are.

Trans and gender diverse people still face cruel and unnecessary barriers to access ID that matches their gender identity, in breach of their right to privacy under article 17 of the ICCPR.¹

Most Australian states and territories have removed the requirement to undertake gender affirming surgery or medical procedures before a person can update their gender marker on ID documents, such as birth certificates. However, New South Wales and Western Australia still retain such requirements (with reforms currently proposed in Western Australia),² and the Commonwealth, the Northern Territory and South Australia still require some degree of clinical proof before a person can update their gender marker on ID documents.³ Queensland, which currently requires surgery, has passed laws to remove this requirement but these are yet to commence.⁴

Section 43A of the *Sex Discrimination Act 1984* (Cth) also protects employers, educational institutions and goods and service providers, among others, even if they systematically misgender non-binary people when requesting information or keeping records.

In our survey, around 1 in 3 trans and gender diverse people born in Australia told us they could not change their gender marker on their birth certificate because they were unable to meet legal requirements. Specifically, out of 1,349 responses from trans and gender diverse people born in Australia, 423 people (31.4%) said they could not change their gender marker on their birth certificate because of the requirements. 388 (or 92%) of these people were born in NSW, Queensland or Western Australia – the three jurisdictions which currently require gender affirming surgery or medical treatment.⁵

¹ *Goodwin v United Kingdom* (1996) 22 EHRR 123; *G v Australia*, CCPR/C/119/D/2172/2012, UN Human Rights Committee, 17 March 2017 at [7.15]. For further examples, see also *R (on the application of JK) v The Secretary of State for the Home Department & Anor* [2015] EWHC 990 (Admin); *A.P. Garçon & Nicot v France* 79885/12 [2017] ECHR 338; *X and Y v Romania* (applications nos. 2145/16 and 20607/1) [2021] ECHR 41.

² *Gender Reassignment Act 2000* (WA), ss 3 and 14 together with *AB v Western Australia* [2011] HCA 42; *Births, Deaths and Marriages Registration Act 1995* (NSW), ss 32A (definition of 'sex affirmation procedure'), 32B(1)(b), 32B(2)(b), 32C(1), s 32DA(1)(c), 32DA(2)(c) and 32DB(1)(a). However, see the *Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024* (WA).

³ Australian Government (2013, updated November 2015), [Australian Government Guidelines on the Recognition of Sex and Gender](#), at p 24-25; *Births, Deaths and Marriages Registration Act 1996* (NT), s 28C; *Births, Deaths and Marriages Registration Act 1996* (SA), s 29K. Even after reforms, WA will retain its clinical proof requirements: see *Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024* (WA) cl 36J (2)(c), 36K(2)(c), 36L(5)(c), 36M(5)(c), 36N(5)(c), 36T(2)(c); 36U(2)(c); 36V(5)(c); 36W(5)(c) and 36X(5)(c). The ACT has just passed laws to remove its clinical verification requirements, which will commence within 12 months: *Births, Deaths and Marriages Registration Amendment Act 2024* (ACT).

⁴ *Births, Deaths and Marriages Registration Act 2023* (Qld).

⁵ The *Births, Deaths and Marriages Registration Act 2023* (Qld) (which is yet to commence) and the *Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024* (WA) (which is yet to pass) will remove these requirements.

A MAN FROM NSW SAID:

"I have had top surgery but as far as I am aware I need to have reproductive surgery and a mastectomy doesn't qualify. I am only 43 I don't want to have to have a hysterectomy just to change my gender marker on my birth certificate."

By contrast with the rules to change a birth certificate, more trans and gender diverse people have been able to update their gender marker on their passport since the Commonwealth introduced its gender diverse passports policy in 2011. Still, in our survey, 11% of trans and gender diverse people with an Australian passport responded that they had not been able to update their gender marker on their passport because they did not meet the requirements. A further 61% responded that they had not updated their gender marker, even though they may be able to.

A key reason provided for non-binary people not updating their marker to 'X' was that this may cause issues for travelling to countries that discriminate against people with 'X' markers or that are not safe for gender diverse people. Other reasons provided for not updating gender markers included experiences of discrimination from post office employees when trying to update it, lack of parental permission and fears that it may jeopardise a partner's visa application.

RIGHT TO WORK

Everyone deserves to participate in meaningful employment in a work environment which is safe and inclusive.

Trans and gender diverse people face greater rates of unemployment and barriers to safe and non-discriminatory employment,⁶ in breach of their right to work under articles 6 and 7 of the ICESCR, read together with article 2(2).

In our survey, out of 1,580 responses, 11% of trans and gender diverse people in Australia over the age of 18 reported that they were unemployed and a further 5% indicated that they may be underemployed (that is, studying, volunteering or working casually but also looking for work). This data suggests that the unemployment rate for trans and gender diverse people is much higher than the current national rate of 3.9%.

Meanwhile, 1 in 3 trans and gender diverse workers said they had experienced discrimination based on their gender identity in the workplace in the last 12 months.⁷

A MAN FROM VICTORIA SAID:

"[I] was told [I] could only be a woman and [I] couldn't... wear a trans badge at work to show support for anyone else who may see it, as well as representing myself. [I] often get asked what's in my pants and [people say] that [I'm] not a man."

Despite the stark employment disparities and employment discrimination facing trans and gender diverse people, disappointingly the Respect@Work reforms have now entrenched a distinction between the overlapping and related attributes of 'sex' and 'gender identity' into the *Sex Discrimination Act 1984* (Cth), with the positive duty, sex-based harassment and hostile workplace environment protections being limited to the attribute of 'sex'.⁸ This is contrary to the intersectional approach to addressing discrimination that is increasingly being recognised as necessary to

⁶ See e.g. Equality Australia (2023) *LGBTIQ+ Experiences of Poverty: Submission to the Senate Community Affairs and References Committee Inquiry Into the Extent and Nature of Poverty in Australia*, Sydney, at p 3-4; Equality Australia (2020) *Inequality Magnified: Submission to the Australian Senate Inquiry into Australia's Response to COVID-19*, Sydney, at p 18; Hill et al (2020) *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*, Melbourne: ARCSHS, La Trobe University, at p 25-26; Australian Workplace Equality Index (2020) *Australia's Largest Annual LGBTQ Inclusion Data Set: National Survey Data*, Sydney: ACON, at p 49

⁷ 390 (34%) of the 1,136 trans and gender diverse people who responded to this question.

⁸ *Sex Discrimination Act 1984* (Cth), ss 28AA, 28B (harassment on the ground of sex), 28M (hostile workplace environments), 47B - 47C (positive duty).

address all forms of discrimination based on assumed roles and stereotypes related to gender and its expression,⁹ as the United States Supreme Court itself recognised in *Bostock v Clayton County*.¹⁰

RIGHT TO EDUCATION

Everyone deserves to study in a place that allows them to be their best.

1 in 3 of the trans and gender diverse students who responded to our survey said they had experienced discrimination based on their gender identity in their educational institution in the last 12 months.¹¹

A NON-BINARY SCHOOL STUDENT FROM SOUTH AUSTRALIA SAID:

"I have been a victim of targeted discrimination at school and online since 2022, I am confident it still happens but not to my face. I had been getting misgendered, people would say my name wrong on purpose, they'd find my personal Facebook and make TikTok account[s] with offensive usernames and my deadname. I have also at one stage been told to kill myself repeatedly by one student."

EXEMPTIONS FOR RELIGIOUS EDUCATIONAL INSTITUTIONS

Further, 1 in 3 students and around 2 in 5 staff are enrolled or employed in private schools, most of which are religiously affiliated.¹² Yet section 38 of the *Sex Discrimination Act 1984* (Cth) allows religious educational institutions to expel a student or fire a teacher simply because they are transgender or gender diverse, among other attributes.

Our national report on LGBTQ+ discrimination in faith-based schools found that there is a systematic suppression of positive and public expressions of LGBTQ+ identities and lives in religious schools in Australia, with independent schools more likely to be discriminatory rather than affirming places for LGBTQ+ people.¹³ Trans and gender diverse students were among the most vulnerable to discrimination, particularly at the point of enrolment.¹⁴

Australia's anti-discrimination protections are out of line with international human rights law, including the right to education without discrimination in article 13 of the ICESCR, and out of step with many comparable overseas jurisdictions.¹⁵

Many trans and gender diverse respondents also listed 'less discrimination by religious organisations' as one of the top three things that would significantly improve life for trans and gender diverse people in Australia.

⁹ See e.g. Queensland Human Rights Commission (2022) *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* Brisbane at p 2, 50-52, 105-108; Law Reform Commission of Western Australia (2022) *Review of the Equal Opportunity Act 1984 (WA), Project 111 Final Report*, at section 4.1.3; CEDAW Committee, *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women* (16 December 2010) UN Doc CEDAW/C/GC/28 at [5] and [18]; CEDAW Committee, *General recommendation No. 33 on women's access to justice* (3 August 2015) UN Doc CEDAW/C/GC/33 at [8]; CEDAW Committee, *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19* (14 July 2017) UN Doc CEDAW/C/GC/35 at [12]; CEDAW Committee, *General recommendation No. 39 on the rights of Indigenous women and girls* (31 Oct 2022) UN Doc CEDAW/C/GC/39 at [22].

¹⁰ *Bostock v Clayton County*, 590 U.S. 644 (2020).

¹¹ 52 (32%) of the 165 trans and gender diverse people who responded to this question.

¹² Kassisieh et al (2024) *Dismissed, Denied and Demeaned: A national report on LGBTQ+ discrimination in faith-based schools and organisations*, Sydney: Equality Australia, at p vii, x, xvi and 24.

¹³ Ibid at p vii, x, xvii and 113.

¹⁴ Ibid at p 15 (Caroline's Story), 17 (Mark's Story), 29 and 35 (Enrolment Practices).

¹⁵ Ibid at Part III and Section 10.4, page 117.

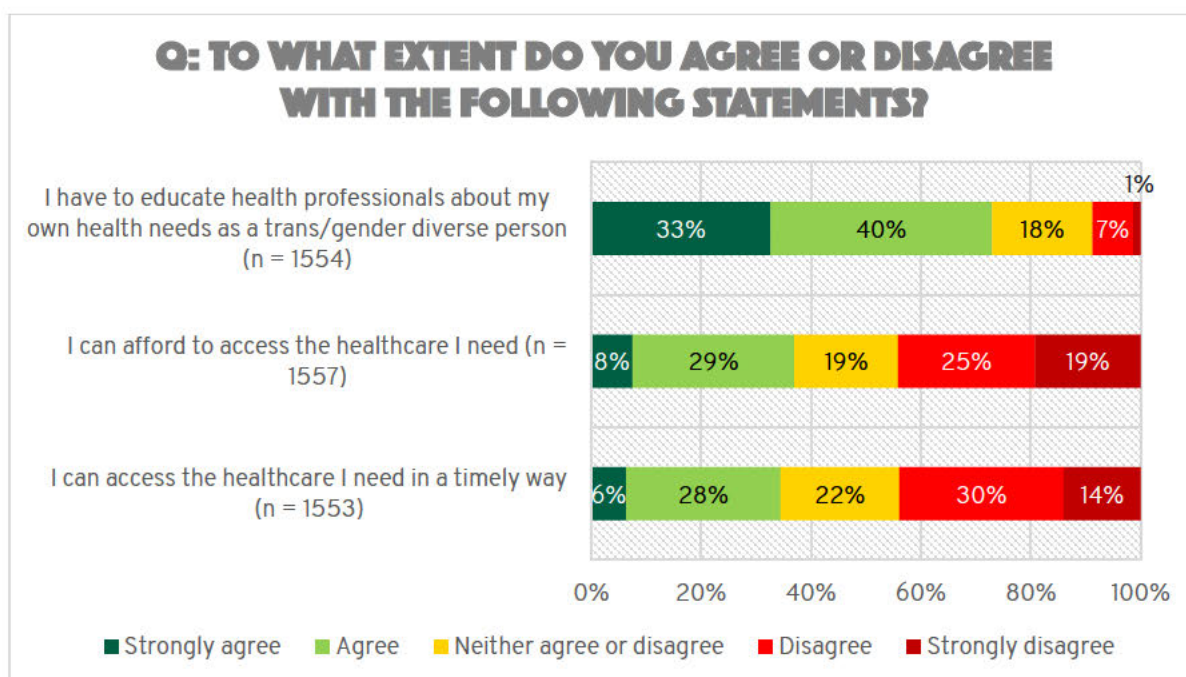
RIGHT TO HEALTH

Everyone deserves to have access to the healthcare they need.

Trans and gender diverse people in Australia routinely report significantly poorer health outcomes than the general population, particularly in the area of mental health.¹⁶ Discrimination is a key driver of poor health outcomes.¹⁷

Discrimination, cost and service availability – including in respect of access to gender affirming healthcare – are also key barriers to accessing much needed healthcare, in breach of article 12(1) of the ICESCR.

In our survey, 3 in 4 trans and gender diverse people agreed that they had to educate their own health professionals about their health needs as a trans or gender diverse person. Meanwhile, less than 4 in 10 trans and gender diverse people agreed that they could access the healthcare that they needed in a timely way, or because of cost barriers.



Further, only 1 in 2 trans and gender diverse people agreed that they could access the gender affirming care that they wanted.¹⁸ Many respondents said that gender affirming healthcare was costly, unaffordable or inaccessible, for example, due to long wait times or a lack of services where they lived.

For trans adolescents, a string of decisions have required *Gillick* competent young people to obtain the consent of both parents or seek court authorisation prior to accessing gender affirming healthcare.¹⁹ This has caused some trans young people insurmountable barriers to accessing gender affirming healthcare, including in terms of costs and delay.

¹⁶ See e.g. Hill et al (2020) *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*, Melbourne: ARCSHS, La Trobe University, at p 47 – 53; Australian Bureau of Statistics (2023) *National Study of Mental Health and Wellbeing, 2020-22*; Australian Bureau of Statistics (2024) *Mental health findings for LGBTIQ+ Australians*; Beyond Blue (2023) *Statistics – LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender or Intersex people)*.

¹⁷ World Health Organisation (2024) *Social Determinants of Health*; NSW Government (2022) *NSW LGBTIQ+ Health Strategy 2022-2027: For people of diverse sexualities and genders, and intersex people, to achieve health outcomes that matter to them*, at p 8.

¹⁸ 824 (53%) of the 1,553 trans or gender diverse people who responded to this question. This was comprised of 627 (40%) who 'agreed' and 197 (13%) who 'strongly agreed'.

¹⁹ See e.g. *Re: Imogen (No. 6)* [2020] FamCA 761 at [35].

A MAN FROM NSW SAID:

"It is difficult to find bulk billing services so I have to pay out of pocket every time I get testosterone. There are limited medical professionals experienced with transgender patients in regional and rural areas. Gender affirming surgery is expensive and often considered 'cosmetic'."

Finally, some trans and gender diverse respondents told us it was difficult to navigate the health system to access services that addressed all their health needs. For example, some respondents who were neurodivergent or were experiencing mental ill health struggled to find accessible care which was both gender-affirming and affordable.

A NON-BINARY PERSON FROM VICTORIA SAID:

"I am lucky to have a bulk billing GP clinic at the moment, though the care has not been gender-affirming... One of the GPs at the clinic recently couldn't understand why as a queer person, I might not want to utilise cheaper counselling through the Salvation Army or other church-based organisations. The links between queerness, gender diversity and neurodiversity, as well as all sorts of related physical and mental health issues, and the fact that they aren't linked or coordinated by GPs or service providers is very frustrating for this ADHD person. And the diagnosis process for these neurodiversities is ridiculously expensive and out of reach for so many people!"

RIGHT TO HOUSING

Everyone deserves to have a safe roof over their heads.

Secure and affordable housing was among the key federal priorities identified by trans and gender diverse people in Equality Australia's recent federal election survey.²⁰ While housing is a concern for everyone, discrimination, the compounding effects of economic disadvantage and concerns around safety exacerbate the difficulties trans and gender diverse people have in securing safe and affordable housing.

Almost 1 in 2 of the trans and gender diverse people who responded to our survey were renting.²¹ When compared with the ABS's 2022 statistic on the national proportion of households renting (31%),²² this suggests that trans and gender diverse people are more likely to be renting than the general population.

Trans and gender diverse people in our survey reported being fearful that they may be denied housing or evicted due to discrimination on the part of landlords or agents. They also often reported feeling concerned they may not be able to find accepting housemates and many reported hiding their identity to avoid discriminatory attitudes affecting their rental applications.

A WOMAN FROM QUEENSLAND SAID:

"My husband and I were denied a lease renewal last year due to my transgender status."

²⁰ Equality Australia (2022) [Rainbow Votes: 2022 LGBTIQ+ Federal Election Survey Report](#), Sydney, at p 17.

²¹ 731 (46%) of the 1,606 trans and gender diverse people who responded to this question.

²² ABS Statistics released 25 May 2022: [Housing Occupancy and Costs, 2019-20 financial year](#) | Australian Bureau of Statistics ([abs.gov.au](#))

A NON-BINARY PERSON FROM WESTERN AUSTRALIA SAID:

"Myself and another queer house[mate] have been harassed and targeted by an unpleasant neighbour, our visible queerness is an attributing factor to us being targeted".

A WOMAN FROM VICTORIA SAID:

"I started renting my unit by taking over a friend of a friend's lease. Over my whole adult life I have never applied for a rental and been successful with my application. I believe that homophobia and/or transphobia have played a part in at least some of my inability to secure housing and I am constantly stressed that some factor outside of my control will force me to have to move out of my home and I will not be able to find another place to rent."

1 in 4 trans and gender diverse people also reported living with their families at home.²³ However, many respondents expressed that their families were not accepting, or were transphobic, but they had no choice but to continue living with them, including because they could not afford to move out.

Our 2020 report into domestic and family violence affecting LGBTIQ+ people found that being young, being trans or gender diverse, being unemployed or underemployed, and having a disability or chronic health condition each magnified the risk of violence for LGBTIQ+ people, who were already at a 1-in-10 risk of domestic and family violence. Specifically, trans and gender diverse people were 2.7 times more at risk of domestic and family violence than LGBTIQ+ people as a whole.²⁴

A NON-BINARY PERSON FROM VICTORIA SAID:

"I am currently living with family but this is challenging because of complicated family dynamics including misgendering and previous domestic violence."

A NON-BINARY PERSON FROM NSW SAID:

"I sadly have to rely on my family to help pay my rent as I study. I have been sexually assaulted in a sharehouse situation and developed [a mental illness] from this so have to live alone for my own health. So even though my current housing is too expensive and I would do better financially in a sharehouse and not communicating with family (they're transphobic), I don't have a choice really."

RIGHT TO SAFETY

Everyone deserves to live life free from violence and abuse.

Trans and gender diverse people in Australia experience unacceptably high rates of violence and abuse,²⁵ in breach of the freedom from cruel, inhuman or degrading treatment or punishment in article 7 of the ICCPR.

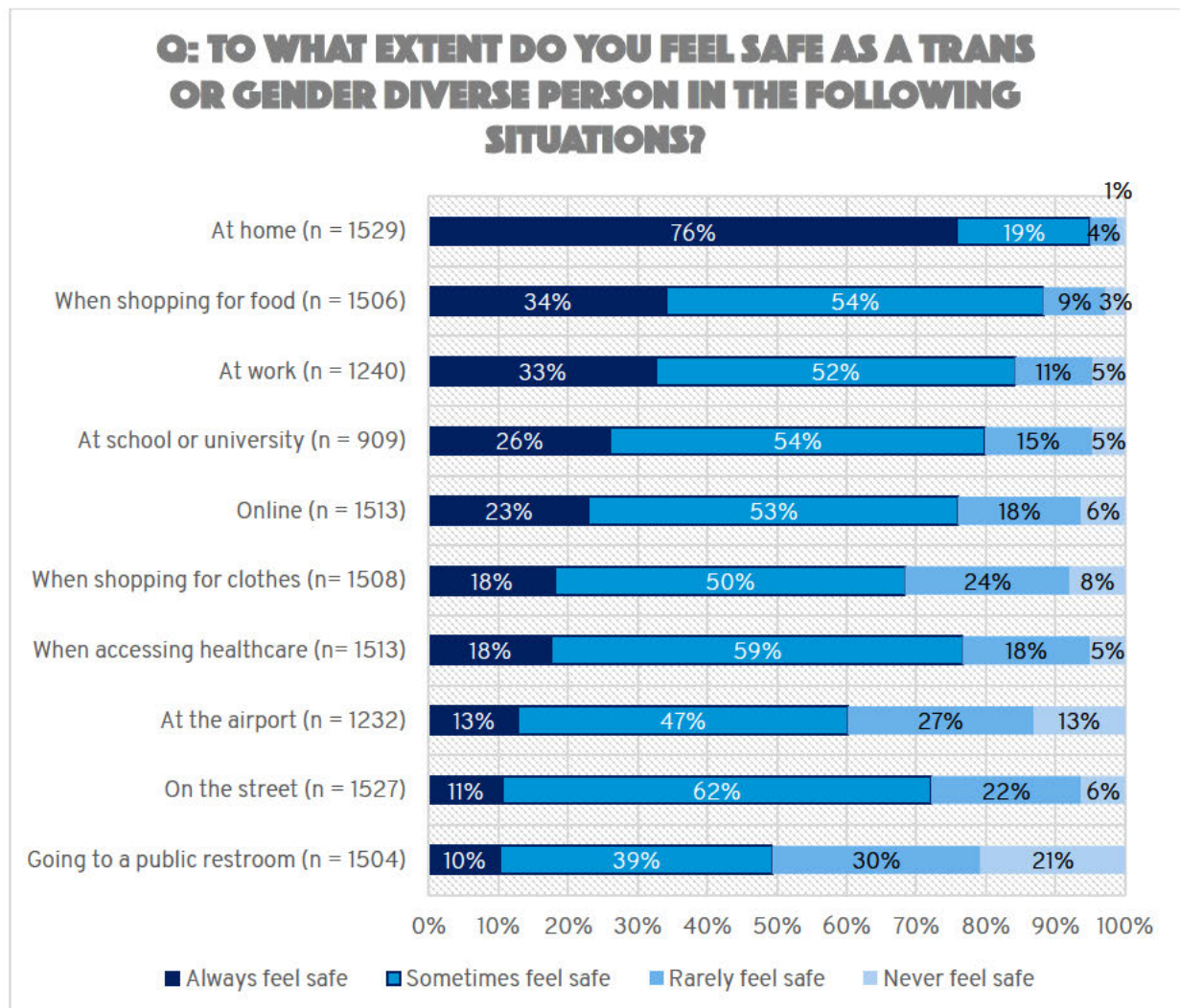
²³ 410 (26%) of 1,606 trans and gender diverse people who responded to this question.

²⁴ Gibson et al (2020) *There's No Safe Place at Home: Domestic and family violence affecting LGBTIQ+ people*, Equality Australia: Sydney and Melbourne, and the Centre for Family Research and Evaluation, Drummond Street Services: Melbourne.

²⁵ Turner et al (2023) *Fuelling Hate: Abuse, harassment, Vilification and Violence Against Trans People in Australia*, Melbourne: Trans Justice Project and Victorian Pride Lobby, at p 5; Hill et al (2020) *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*, Melbourne: ARCSHS, La Trobe University, at p 40-41; Australian Human Rights Commission (2015) *Resilient Individuals: Sexual orientation, gender identity and intersex rights*, Sydney: Australian Human Rights Commission, at p 15-18.

While Australians have repeatedly rejected politics of division at recent elections, so-called ‘debates’ about the lives and rights of trans and gender diverse people have taken a heavy toll. When discussion goes beyond what should be tolerated in a democratic society, hate speech and abuse must be addressed consistently with the ‘special duties and responsibilities’ that attach to the right of expression as recognised by article 19(3) of the ICCPR.

Our survey found that, outside of their homes, trans and gender diverse people often feel unsafe in Australia. 1 in 2 trans and gender diverse people rarely or never feel safe using a public restroom. On the street, going to the airport and shopping for clothes are all places where more than 1 in 4 trans and gender diverse people rarely or never feel safe. 60% of trans and gender diverse people only *sometimes* feel safe when accessing healthcare, with a further 23% rarely or never feeling safe when accessing healthcare.



A number of trans and gender diverse people responding to our survey shared their experiences of abuse, transphobia (including, in some cases, verbal and physical assaults), their concerns at how they will be treated by doctors, police officers, security guards and bouncers.

A WOMAN FROM QUEENSLAND SAID:

"I have had to rescue some younger transwomen in restrooms when the[y] were being abused or about to be abused by other members of the public. I feel that this is because of the misinformation being shared by politicians and media about us being men who want to enter women's spaces due to some sort of perversion."

A MAN FROM NSW SAID:

"Accessing Healthcare is difficult because I never know how I'm going to be treated, particularly when it is related to gynaecological issues."

A GENDER DIVERSE PERSON FROM NSW SAID:

"Public transport is the place I've been discriminated against the most (aside from bathrooms)."

Despite the increasing rate of public anti-trans hate and rhetoric, trans and gender diverse people are not protected from vilification or hate-based conduct under Commonwealth laws, and laws in Western Australia, Victoria and South Australia.

On the other hand, some trans and gender diverse people have sought protection in Australia owing to their well-founded fear of persecution based on their gender identity elsewhere. Our 2019 review of 528 refugee decisions between June 2007 to 2018 found 13 tribunal decisions considering gender identity protections claims. While 62% of claimants were successful in their applications, we found a woeful lack of understanding of trans and gender diversity among tribunal members, including evidence of misgendering and a lack of understanding of trans human rights issues which led to highly questionable legal reasoning.²⁶

WHAT WOULD IMPROVE TRANS LIVES

1,334 trans and gender diverse people provided their own suggestions for what would improve life for trans and gender diverse people in Australia.

Arranged thematically, the most commonly cited suggestions were:

1. Better access to gender affirming health care (affordability, availability and increased training for doctors);
2. Training and education for schools, healthcare providers, police forces and workplaces;
3. Law reform (particularly around vilification, legal gender recognition, better protections in public spaces and ending discrimination in religious schools and settings);
4. Improving the media treatment and public awareness of trans and gender diverse people and issues, and preventing the spread of misinformation about trans issues;
5. Improving social infrastructure and services, and increasing the safety of public spaces and bathrooms (such as the availability of gender neutral bathrooms);
6. Financial assistance (especially in relation to access to healthcare and housing);
7. Improving trans and gender diverse representation in politics, the media and popular culture;
8. Improving mental health services (and access to them) for trans and gender diverse people; and

²⁶ Kasssieh (2019) *From Lives of Fear to Lives of Freedom – 10 Years On: A review of Australian refugee decision on the basis of LGBTI status*, paper presented to the 2019 Queer Displacements: Sexuality, Migration and Exile Conference, Australian National University, 15 November.

9. Avenues and options for trans and gender diverse people who experience online discrimination and harassment.

SUGGESTIONS FOR NATIONAL ACTION

Having regard to the areas of Commonwealth responsibility, the following legal and policy changes could be prioritised at a national level.

Law reform

1. In respect of the *Sex Discrimination Act 1984* (Cth):
 - a. repeal section 38, and narrow sections 37 and 23, to ensure that religious educational institutions can no longer discriminate against trans and gender diverse students and staff;
 - b. repeal or phase out the exception in section 43A so that non-binary people have the same right to be recognised accurately when information is requested or records are kept about their gender identity.
 - c. extend the sex-based positive duty, harassment and hostile workplace environment protections to all attributes covered by federal anti-discrimination law, including gender identity;
 - d. extend the protections in the Act to personal associates, to ensure that the family and friends of trans and gender diverse people are also protected when they are discriminated against based on their relationship with a trans or gender diverse person.
2. Introduce national anti-vilification laws that protect trans and gender diverse people, accompanied by a national trans inclusion public education campaign.
3. Amend the *Family Law Act 1975* (Cth) to ensure trans and gender diverse young people who are *Gillick* competent can consent to gender affirming medical treatment in the same way as other young people seeking medical treatment.

Policy changes

4. Amend the *Australian Government Guidelines on the Recognition of Sex and Gender* to remove the residual requirement for clinical proof prior to updating Commonwealth records about a person's gender, and allow people a greater choice of gender descriptors in Commonwealth records where possible.
5. Provide gender diverse Australians with the option of a second passport that allows them to choose between using two travel documents when they have concerns about personal safety when travelling to countries that are unsafe for them.
6. Develop a national trans and gender diverse employment strategy that works to identify and address barriers to meaningful employment for trans and gender diverse people, including guidance on best practice measures for gender affirmation leave.
7. With the creation of the new Administrative Review Tribunal, refresh training and guidance for tribunal members on assessing refugee claims based on gender diversity.

Training and guidance

8. Similar to the sports inclusion guidelines developed with the Australian sports sector in 2019,²⁷ work with trans and LGBTIQ+ community organisations and representative bodies for employers,

²⁷ Australian Human Rights Commission (2019) *Guidelines for the inclusion of transgender and gender diverse people in sport*.

educational institutions, healthcare providers, accommodation providers, real estate agents, and other goods and service providers to develop national guidance and training on trans and gender diverse inclusion in employment, education, accommodation and goods and service delivery. These guidelines should map laws in each jurisdiction, given many state and territory laws are better than the standard set by the *Sex Discrimination Act 1984* (Cth).