



## AASW(Qld) Branch Submission to the Inquiry into the *Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018*.

**Submission – November 2018**

© Australian Association of Social Workers  
Queensland Branch Office– Brisbane  
5/43 Vanessa Boulevard  
SPRINGWOOD, QLD 4127  
PO Box 1024  
SPRINGWOOD QLD 4127  
T 07 3090 3718  
E [aaswqld@asw.asn.au](mailto:aaswqld@asw.asn.au)  
[www.aasw.asn.au](http://www.aasw.asn.au)

Enquiries regarding this submission can be directed to:

**Queensland Branch Manager**  
Ms Mere Vitale  
Email: [aaswqld@asw.asn.au](mailto:aaswqld@asw.asn.au)

## Introduction

---

The Australian Association of Social Workers (AASW) is the professional body representing more than 11,000 social workers throughout Australia. We set the benchmark for professional education and practice in social work, and advocate on matters of human rights, social inclusion, and discrimination. The Queensland Branch represents over 2000 social workers who are based in multiple organisations and across the state.

The social work profession is committed to pursuing social justice and human rights. Social workers aim to enhance the quality of life of every member of society and empower them to develop their full potential. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession, and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledges. Professional social workers consider the relationship between biological, psychological, social, and cultural factors and how they influence a person's health, wellbeing and development. Social workers work with individuals, families, groups and communities. They maintain a dual focus on improving human wellbeing; and identifying and addressing any external issues (known as systemic or structural issues) that detract from wellbeing, such as inequality, injustice and discrimination.

## Our response

---

The AASW Queensland Branch (herein, the AASW QLD), welcomes the opportunity to contribute to the inquiry into the *Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018*.

Social workers practice with a range of people across all life stages and within a range of social and cultural contexts, working with both individuals and communities. Social workers thus have extensive experience with diverse individuals and communities. Among these include members of the LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex, queer or questioning, and asexual) community, particularly individuals who identify as transgender, intersex, and non-binary. Social work is committed to the human rights of all, improving the wellbeing of all and to achieving an equitable society that means addressing systemic level barriers, including access to basic rights and needs. This underpins the key messages in this submission.

The AASW opposes the aforementioned proposed amendment to the Anti-Discrimination Bill as it:

- enables the continuation of practices which can be detrimental to the mental health of trans- and gender-diverse individuals who are already identified as a vulnerable group in relation to mental health and social stigma
- affords individuals, businesses, and other organisations the right to mis-gender a gender-diverse person who does not identify as male or female
- is contrary to current evidence promoting the need for gender-inclusive language and practices across contexts
- undermines the dignity and human rights of gender diverse people

## Our submission

---

### Well Being and mental health

The way an individual is described by others can have a significant impact on their own health and wellbeing, as well how likely those individuals are to seek health care when necessary<sup>1</sup>. In particular,

---

<sup>1</sup> Ansara, Y. G. (2013). [Inclusive Language Guide: Respecting People of Intersex, Trans and Gender Diverse Experience](#), National LGBTI Health Alliance,

it is well known that LGBTIQ+ young people experience a higher incidence of mental health concerns than the general population. A recent Australian study found that LGBTIQ+ people are twice as likely to be diagnosed and treated for mental health disorders<sup>2</sup>. Compared to the general population, Transgender and Gender Diverse people aged 18 and over are nearly five times more likely to be diagnosed with depression in their lifetime. Another Australian study found that almost two-thirds of the young LGBTIQ+ people surveyed had experienced homophobia and/or transphobia, with 64% of young LGBTIQ+ people experiencing verbal abuse and 18% experiencing physical abuse<sup>3</sup>.

According to the National LGBTI Health Alliance<sup>4</sup>, compared to the general population, LGBTIQ+ people are more likely to attempt suicide in their lifetime, specifically:

- LGBTIQ+ young people aged 16 to 27 are five times more likely
- Transgender people aged 18 and over are nearly eleven times more likely
- People with an Intersex variation aged 16 and over are nearly six times more likely
- LGBTIQ+ young people who experience abuse and harassment are even more likely to attempt suicide

These statistics show the importance of ensuring protection for the rights of LGBTIQ+ people. A wide range of Australian organisations have released guidelines with practical suggestions for using gender-inclusive language, including the National LGBTI Health Alliance<sup>3</sup>, and Response Ability<sup>4</sup>.

Proposing that individuals, businesses and other organisations be protected for willingly using gender-exclusive language also has implications for gender-equality and gender bias. The United Nations Guidelines on Gender inclusive language<sup>5</sup> highlights the key role of language in shaping cultural and social attitudes, and the need to use gender-inclusive language is an important practice to promote gender equality and eradicate gender bias. The use of generic masculine language instead of more gender-inclusive forms can communicate gender stereotypes and sometimes exclusion of women and gender-diverse people from certain social and professional roles<sup>6</sup>. Research has related gender-exclusive language use to sexist beliefs and attitudes<sup>7</sup>.

## Human Rights

The *Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018* undermines the dignity and human rights of gender-diverse people. According to the United Nations Universal Declaration of Human Rights<sup>8</sup>, the proposed amendment contravenes a number of articles as follows:

- Article 1: *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*
- Article 2: *Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion,*

[https://lgbtihealth.org.au/sites/default/files/Alliance%20Health%20Information%20Sheet%20Inclusive%20Language%20Guide%20on%20Intersex%2C%20Trans%20and%20Gender%20Diversity\\_0.pdf](https://lgbtihealth.org.au/sites/default/files/Alliance%20Health%20Information%20Sheet%20Inclusive%20Language%20Guide%20on%20Intersex%2C%20Trans%20and%20Gender%20Diversity_0.pdf)

<sup>2</sup> National LGBTI Health Alliance. (2016). *Snapshot of Mental Health and Suicide Prevention Statistics for LGBTI People*. <https://lgbtihealth.org.au/wp-content/uploads/2016/07/SNAPSHOT-Mental-Health-and-Suicide-Prevention-Outcomes-for-LGBTI-people-and-communities.pdf>

<sup>3</sup> Robinson, K.H., Bansel, P., Denson, N., Ovenden, G. and Davies, C. (2014). *Growing Up Queer: Issues Facing Young Australians Who Are Gender Variant and Sexuality Diverse, Young and Well Cooperative Research Centre, Melbourne*. Accessible at [www.youngandwellcrc.org.au](http://www.youngandwellcrc.org.au)

<sup>4</sup> Response Ability. (2014). *Lesbian, gay, bisexual, transgender and intersex (LGBTI) factsheet*. [http://www.responseability.org/data/assets/pdf\\_file/0012/11703/Lesbian%2c-Gay%2c-Bisexual%2c-Transgender-and-Intersex-LGBTI.pdf](http://www.responseability.org/data/assets/pdf_file/0012/11703/Lesbian%2c-Gay%2c-Bisexual%2c-Transgender-and-Intersex-LGBTI.pdf)

<sup>5</sup> United Nations. *Guidelines for gender inclusive language*. <http://www.un.org/en/gender-inclusive-language/index.shtml>

<sup>6</sup> Stout, J. G., & Dasgupta, N. (2011). When he doesn't mean you: Gender-exclusive language as ostracism. *Personality and Social Psychology Bulletin*, 37(6), 757-769.

<sup>7</sup> Swim, J. K., Mallett, R., & Stangor, C. (2004). Understanding subtle sexism: Detection and use of sexist language. *Sex Roles*, 51, 117-128. doi:10.1023/B:SERS.0000037757.731.06

<sup>8</sup> United Nations. (1948). *Universal Declaration of Human Rights*. <http://www.un.org/en/universal-declaration-human-rights/>

*national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

- Article 7: *All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*

As such, we argue that the proposed amendment is unjust in that it will permit individuals, businesses and organisations the ability to mis-gender people who are trans and gender-diverse or may not identify with the gender-binary labels of male and female.

We note that the promotion of gender inclusive language is consistent with a number of the Queensland Government's own strategies toward gender equality and LGBTIQ+ inclusion, such as: Queensland public sector LGBTIQ+ inclusion strategy<sup>9</sup>, Queensland public sector gender equity strategy 2015–2020<sup>10</sup>, and the Queensland Health Workforce Diversity and Inclusion Strategy 2017-2022<sup>11</sup>. The proposed amendment's goal to protect the right of individuals, businesses and other organisations to use gender-exclusive language would conflict with the intent and achievements of these strategies.

Furthermore, the proposed amendment is contrary to the proposed *Human Rights Bill 2018* before the Queensland Parliament.

## Conclusion

---

The Queensland Branch of the AASW therefore opposes the *Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018*, arguing that this amendment lacks consideration of the human rights of LGBTIQ+ individuals, and of the potential impact for gender equity. Providing protections to individuals, businesses and organisations to use gender-exclusive language, and also protecting their provision of facilities and services that recognise gender as only male or female is contrary to a wide range of existing evidence, guidelines and strategies that promotes the use of gender-inclusive language.

The Branch would welcome further opportunity to contribute to the Legal Affairs and Community Safety Committees important consideration of this matter.

---

<sup>9</sup> Queensland Government. (2017). *Queensland public sector LGBTIQ+ inclusion strategy*. <https://www.forgov.qld.gov.au/file/26321/download?token=htMZc5Mo>

<sup>10</sup> Queensland Government. (2015). *Queensland public sector gender equity strategy 2015–2020*. <https://www.forgov.qld.gov.au/file/11776/download?token=092NCi8o>

<sup>11</sup> Queensland Government. (2017). *Queensland Health Workforce Diversity and Inclusion Strategy 2017-2022*. [https://www.health.qld.gov.au/data/assets/pdf\\_file/0033/667167/gh-diversity-and-inclusion-strategy.pdf](https://www.health.qld.gov.au/data/assets/pdf_file/0033/667167/gh-diversity-and-inclusion-strategy.pdf)