



LGBTIQ+ COMMUNITIES AND THE CENSUS

INTRODUCTION

LGBTIQ+ organisations have long been advocating for accurate data collection about our communities. Following positive statements by Labor over recent years and the settlement of a legal complaint against the Commonwealth relating to the 2021 Census, there was a strong expectation that additional questions regarding LGBTIQ+ communities would be added to the 2026 Census.

However, on Sunday 25 August 2024 the Federal Government announced that there would be no change to the topics in the next Census in 2026.¹ On Friday 30 August 2024, when asked about this issue in a radio interview, the Prime Minister said there would be one additional question on sexual orientation tested for the 2026 Census, in what appeared to be a partial reversal of the earlier decision.

It remains unclear whether questions on gender identity or innate variations of sex characteristics will also be included. This means trans and intersex people are at risk of not being counted in the Census.

BACKGROUND

Over time, the Census has evolved to capture accurate and appropriate data about the Australian population.

In 2016, the Census for the first time included a **category for sex other than male or female**, via a special form with an 'other' response option.² This question confused people and did not result in meaningful data on trans, gender diverse and/or intersex populations.

In 2019, **regulations were made and tabled** in the parliament regarding the additional questions to be included in the 2021 Census. Groups like Equality Australia made submissions regarding the lack of LGBTIQ+ questions.³

In 2020, the **ABS released a Sex and Gender Standard** to standardise the collection and dissemination of data relating to sex, gender, variations of sex characteristics and sexual orientation⁴ which has been successfully implemented in other data collections by the ABS.

In 2021, the **Census was held without specific LGBTIQ+ questions**, which led to significant community outcry. Rainbow families were impacted by the way in which **data on families** was collected.

In 2021, Equality Australia and rainbow parent April Long **lodged a complaint with the**

¹ The announcement was made via Sky news without any government source or spokesperson: <https://www.skynews.com.au/australia-news/politics/government-wont-change-census-to-include-more-questions-around-identity/video/62611051f68ce1fb04dbfcb2204d09d>, although later that day Andrew Leigh was quoted in The Canberra Times saying "While the Australian Bureau of Statistics tests changes from time to time, it is the decision of the government that there will be no change to the topics in the next Census, which will be held in 2026": <https://www.canberratimes.com.au/story/8741660/lgbtqi-people-to-be-rendered-invisible-in-2026-census/>.

² For more on the history of the 2016 Census and the data collected see: <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Sex%20and%20Gender%20Diversity%20in%20the%202016%20Census~100>

³ Submission: 2021 Census, Equality Australia, Release date: 10/1/20: <https://equalityaustralia.org.au/resources/submission-2021-census/>.

⁴ Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables 2020, Australian Bureau of Statistics, Release date: 14/01/21: <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release>.



Australian Human Rights Commission, alleging the Commonwealth Government (represented by the ABS and former Assistant Treasurer Michael Sukkar) had breached the *Sex Discrimination Act 1984* (Cth) by failing to count our communities in the 2021 Census.

In 2023, following the settlement of the complaint, **the ABS issued a statement of regret** about the hurt and harm caused to some members of the LGBTIQ+ community and committed to the following:

- That the topics of sexual orientation, gender identity and variations of sex characteristics would be shortlisted on the basis they have recognised public value, and would be tested prior to the Government making a decision on the 2026 Census.
- If included in the 2026 Census, questions on sexual orientation, gender identity and variations of sex characteristics would be asked separately so LGBTIQ+ subpopulations can be meaningfully identified.
- An LGBTIQ+ Expert Advisory Committee would be established to advise on the 2026 Census, including topics, questions, educational materials, processing, analysis and dissemination of data. The Minister would meet with this Committee.
- The ABS would not include language requiring respondents of same-sex families to assign a notional 'mother' and 'father' when responding to questions, or which assumes the composition of families.
- The ABS would not assume who can give birth if asking questions about the number of children born.
- The ABS would keep in place non-binary gender options but it would not use the term 'non-binary sex' which confused people in the last census and did not

result in meaningful data on trans, gender diverse and/or intersex populations.

Since 2023, the **ABS and the LGBTIQ+ Expert Advisory Committee have been working collaboratively and constructively to develop and test questions** that would include LGBTIQ+ communities in the Census for the first time.

In 2024, the ABS was expected to make a **recommendation to the Government** mid-way through this year for the additional topics and these topics were due to be rolled out in larger tests later this year.

WHY THE DATA IS IMPORTANT

Reliable data means no Australians get left behind when planning our healthcare and social services programs.

For example:

1. Without this data Primary Health Networks are unable to plan for or target primary care, preventative health and tertiary health care for LGBTIQ+ people.
2. On 29 August, the Victorian Coronial inquest into the deaths of five Transgender women highlighted the importance of the ABS counting transgender people.
3. The data would assist local councils and parliamentarians by helping them to understand how many LGBTIQ+ people live in their constituencies.



INTERNATIONAL EXAMPLES

Including questions on sexual orientation and gender identity in the census simply brings Australia into line with countries like the United Kingdom, Canada,⁵ Scotland, New Zealand and Ecuador that already count our communities.⁶ In their last census, New Zealand collected data on variations of sex characteristics for the first time,⁷ but this data has not yet been made available.

PROPOSED QUESTIONS

Equality Australia and other LGBTIQ+ and population specific representative groups have long advocated three additional question topics to be included in the Census. Different versions of these questions have been discussed with the Expert Advisory Committee and tested.

These questions could be drafted as follows:

- What was the person's sex assigned at birth?
 - Male
 - Female
 - Another sex (please specify)
 - What is the person's current gender?
 - Male
 - Female
 - Another gender (please specify)
 - Was the person born with a variation to their sex characteristics?⁸
 - Yes
 - No
 - Don't know
 - Prefer not to answer
 - Different Identity (please specify)
 - Prefer not to answer
- For persons ages over 15 years:**
- Is the person:⁹
 - Straight (Heterosexual)
 - Gay
 - Lesbian
 - Bisexual
 - Another sexual orientation (please specify)

⁵ The Canadian 2021 Census collected data on gender identity, and sexual orientation was approved as a recommended standard on 13 June 2023. Statistics Canada website, 'Sexual Orientation of a Person': <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=1223774>.

⁶ International Labour Organisation, ILOSTAT, 'Current practices in measuring sexual orientation and gender identity in population censuses', 17 May, 2024: <https://ilostat.ilo.org/blog/current-practices-in-measuring-sexual-orientation-and-gender-identity-in-population-censuses/>. Argentina collects data on gender identity but not sexual orientation.

⁷ New Zealand 2023 Census Final content report: <https://www.stats.govt.nz/reports/2023-census-final-content-report#download-document>.

⁸ Based on the [IHRA Submission](#) to the 2021 Census Topics consultation.

⁹ This is consistent with what was proposed in questions 59 of the [Census dated 15 October 2019](#) prepared by the Australian Bureau of Statistics.