

Diversity in Queensland schools

— Information for principals

Student diversity

Queensland schools reflect the diverse nature of communities across Queensland. Every day, principals respond to the unique learning and support needs of their school population to ensure every student has the opportunity to learn and succeed in a safe, supportive, inclusive and disciplined learning environment.

Schools are required to support all students and families. The information below comprises advice from experts in the field and is provided to assist principals and staff in making decisions regarding the appropriate support of students at their school.

Every situation will be different and should be managed on a case-by-case basis.

Principals are encouraged to contact their regional office if they require any additional advice.

What the legislation says

The *Anti-Discrimination Act 1991* prohibits state schools from discriminating on the attribute of gender identity or sexuality. The *Sex Discrimination Act 1984* also prohibits discrimination on the basis of a person's sex, gender identity, intersex status or sexual orientation in the area of education.

Schools must provide all students who identify as same-sex attracted, intersex or transgender with access to high-quality schooling that is free from discrimination based on gender and sexual orientation. Links to relevant legislation:

- [Anti-Discrimination Act 1991 \(Qld\)](https://www.legislation.qld.gov.au/legisltn/current/a/antidiscrima91.pdf)
https://www.legislation.qld.gov.au/legisltn/current/a/antidiscrima91.pdf
- [Sex Discrimination Act 1984 \(Cwlth\)](https://www.legislation.gov.au/Details/C2016C00880)
https://www.legislation.gov.au/Details/C2016C00880
- [Sex Discrimination Amendment \(Sexual Orientation, Gender Identity and Intersex Status\) Act 2013](http://www.comlaw.gov.au/Details/C2013A00098)
www.comlaw.gov.au/Details/C2013A00098
- [Information Privacy Act 2009 \(Qld\)](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/I/InfoPrivA09.pdf)
www.legislation.qld.gov.au/LEGISLTN/CURRENT/I/InfoPrivA09.pdf
- [Education \(General Provisions\) Act 2006](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf)
www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf

Principles of decision making

- Supporting student wellbeing is the priority
- Ensure respectful arrangements are made that consider the needs of all students
- Implement strategies to ensure the student is not discriminated against, either directly or indirectly
- Maintain privacy and confidentiality of student information, including information about education adjustments (consider what information needs to be shared about the student and with whom)
- Ensure consent is obtained, as required, if student information needs to be shared
- Discuss with the student/parent/carer any considerations regarding the sharing of information (including self-disclosure)

Considerations for students who are transgender or intersex

There are some considerations that are commonly encountered by schools that are supporting students who are transgender or intersex.

The following information is based on expert advice and the governing legislation. This information should be considered by schools on a case-by-case basis.

Curriculum — All curriculum can be facilitated in a manner that promotes inclusivity. Encourage teachers to avoid making generalisations or assumptions about sexuality or gender identity, particularly when delivering curriculum related to relationships and sexuality education.

Student name — Students may refer to themselves by a name of their choosing.

As with all students, school staff are encouraged to use a student's preferred name, and also preferred gender when requested.

It is a legal requirement that school records are made and kept accurately, therefore school enrolment records must reflect the sex as stated on the student's birth certificate or passport.*

However, student academic reports may use the student's preferred name and gender if parents/carers so request. If preferred gender is requested, principals should contact OneSchool to ensure that this change is actioned. Students who are living independently from their parents may request this change directly through the principal.

* If other documentation is presented, or if schools have any queries, please contact support.diversity@det.qld.gov.au



Toilet and change room use — When determining which toilets and change rooms a student will use, the school should discuss this with the student/parent/carer (where applicable) and consider options at the school based on available facilities e.g. the establishment of non-gender specific toilets and change rooms where there are individual stalls or cubicles that can provide privacy for all users.

School dress code — A school uniform option should be available that can be worn by students of any gender. Students who are transgender or intersex should be permitted to wear the uniform of their choosing.

Medical evidence — The principal may require appropriate medical evidence of gender identity in relation to a student to support that the accommodations required are in the best interests of the student.

Camps — When determining school camp arrangements, it is important to discuss with the student/parent/carer situations not usually encountered during the school day, such as sleeping arrangements and areas for showering and changing clothes.

Sports — Schools are best placed to make decisions about participation in sporting activities within the school. Schools must adhere to their obligations under the discrimination legislation. For children over 12 years of age, restrictions on participation in sport may be imposed on the basis of biological sex or gender identity if the restriction is reasonable, having regard to the strength, stamina or physique requirements of the sport.

Workplace health and safety — As schools are places of work, schools must be vigilant and act in a way that is reasonably necessary to protect the health and safety of people at the school. Such workplace health and safety obligations and acts are exempt from the discrimination legislation.

Definitions

- Transgender — an umbrella term used to describe anyone whose gender identity differs from their biological sex.
- Intersex — a long-established medical condition where an infant is born with reproductive organs and/or sex chromosomes that are not exclusively male or female.
- Gender diverse — used to describe anyone whose gender identity differs from their biological sex. Includes people who identify as transgender, a-gender (having no gender), bi-gender (having two genders), and non-binary (not strictly woman or man).

- Gender identity — a word or series of words that a person of any sexuality may use to describe their gender — for example, girl, boy, woman, man, transgender, gender diverse etc.
- Same-sex attracted — any person who identifies as being same-sex attracted. This may include people who identify as gay, lesbian or bisexual.
- Sexual orientation — the underlying direction of sexual attraction towards people of a particular gender or genders. Sexual orientation can include being heterosexual, homosexual or bisexual. Having a homosexual or heterosexual orientation does not always mean people will have a gay, lesbian or heterosexual identity.
- Sexual identity — how you see yourself sexually and how you present yourself to others. It includes being gay, lesbian, bisexual or heterosexual.

Resources for educators and parents

- The Bullying. No Way! website provides information and resources for teachers, students and parents to prevent and address bullying (www.bullyingnoway.gov.au).

Educators or parents/carers should consider how suitable the following resources are for their students. These websites have been developed by other jurisdictions and non-government organisations.

- New South Wales Department of Education and Training — *Transgender students in schools – legal rights and responsibilities*
- Australian Human Rights Commission — *Sex Files: the Legal Recognition: Concluding Paper of the Sex and Gender (2009)*

Queensland State Schools Contact

Queensland state schools can forward any specific enquiries to: support.diversity@det.qld.gov.au