

From: Beckett, Ian
Sent: Monday, 2 September 2019 5:31 PM
To: s 22
Cc: MEG MMPD ABS Governance
Subject: Letter on census topics [SEC=UNCLASSIFIED]

s 22

ABS did not recommend adding questions on gender identity and sexual orientation in minute 19/39 - they just floated them as possibilities and asked to discuss them.

I'd go with list in attachment A of this minute but keep question on vehicles garaged (so no longer struck out).

The other issue relates to sex (question 2).

ABS proposes that this be a non-binary question – which means M, F or other ... which can be implemented in different ways. It has noted this against question 2 in Attachment A of minute 19/39.

This does not require any change to the regulation compared with 2016 – it just lists 'sex' as topic – so does not affect us in making the regulation.

In MC19/6021 the ABS provided Minister Sukkar with 3 options for implementing this proposal (I understand you need a non-binary/intersex option – but this can be done in different ways).

- (1) Simple non-binary question – M, F, other - for all respondents
- (2) Allow people to say M/F does not apply to me – so third option appears in form
- (3) Allow people to say M/F option does not apply to me and apply to ABS for a new form with other options (2016 approach).

I assume this is what is being discussed with MHAT – not the other issues – while they don't affect us they have implications for relevant users and ABS in terms of cost/complexity.

We will need to discuss what we say in relation to this issue in the letter/attachment based on outcome of this discussion.

Ian

From: [REDACTED]
Sent: Thursday, 15 August 2019 5:39 PM
To: Beckett, Ian; s 22
Subject: ABS handover for tomorrow [SEC=UNCLASSIFIED]

Hi Ian and s 22 ,

Here's a handover of the 'live' ABS issues.

s 22



- We've been advised this the AT is in discussions on the ABS about gender identity/sexual orientation question. Sign off on the Census Regs is likely to be delayed.
- I've informed s 22 (ABS – Census Regs) that we're leaning toward retaining the question. **Ian – please call Chris Libreri (6252 5234) or Paul Jelfs to advise (6252 6690)**
- I've made a start on the response in PDMS. I can pick this up again on Monday.

s 22





s 22

From: s 22 <[REDACTED]@TREASURY.GOV.AU>
To: "s 22" <[REDACTED]@abs.gov.au>
Cc: s 22 <[REDACTED]@abs.gov.au>, "Policy & Legislation Section WDB" <freedomofinformation@abs.gov.au>
Date: 09/09/2019 11:53 AM
Subject: RE: Update from discussion between Census General Manager and s 22 and ABS contact information [DLM=For-Official-Use-Only]

CAUTION: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi s 22

As discussed, please find attached draft Ministerial Brief and draft letter to the Prime Minister seeking authority to make the regulation changes and proclamation for your comments.

Can you please provide an updated Attachment A (attached to ABS MB19-000039) that shows the proposed regulation changes (ie remove reference to "non binary option" and remove deletion of text on the "garaging of motor vehicles").

I also want to run a draft letter to the PM past PMC to ensure we have covered off correctly the request for authority to make regulation changes and the proclamation. Please let me know once you are comfortable with the timing of this process (noting we can still make further changes afterwards).

Regards

s 22

s 22
Manager
Macroeconomic Modelling and Policy Division | Department of the Treasury
Phone: s 22 | mobile: s 22

www.treasury.gov.au

From: s 22 <[REDACTED]@abs.gov.au>
Sent: Tuesday, 3 September 2019 3:06 PM
To: s 22 <[REDACTED]@TREASURY.GOV.AU>
Cc: s 22 <[REDACTED]@abs.gov.au>; Policy & Legislation Section WDB <freedomofinformation@abs.gov.au>

Subject: FYI: Update from discussion between Census General Manager and s 22 and ABS contact information [DLM=For-Official-Use-Only]

Hi s 22

Welcome to the Census Legislation package project. s 22 and myself are the ABS contacts for Census related activities and I have provided our contact information below for your reference.

s 22
Director, Policy and Legislation Section
s 22

s 22
A/g Assistant Director, Policy and Legislation Section
s 22

I spoke with s 22 yesterday and flagged that the General Manger of Census, Chris Libreri was intending to speak with s 22 regarding Census topics. Just to provide you an update from that conversation, it is anticipated that the Minister will not be reviewing the Census topics before Tuesday next week as he is travelling (noting next week is a sitting week).

In terms of specific Census topics/content, the current discussions appear to be:

- Chronic health conditions would be included
- Australian Defence Force service would be included
- Household internet access would be removed
- Motor vehicles garaged would continue to be collected (ABS recommendation was to remove)
- Non-binary sex option is still under consideration - s 22 was looking at paper options sent through by Teresa Dickinson (Deputy Australian Statistician) and will put them in front of the Minister
- gender identity and sexual orientation will not be included
-

s 22

Kind regards,
s 22

s 22

A/g Assistant Director

Policy and Legislation Section | Risk, Planning and Policy Branch | **Australian Bureau of Statistics**

(P) s 22 (W) www.abs.gov.au

(E) s 22 [@abs.gov.au](mailto:s22@abs.gov.au) or (E) s 22 [.abs.gov.au](mailto:s22@abs.gov.au)

Please direct all emails to the [Policy & Legislation Section WDB](#)

s 22

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received this e-mail by error please notify the sender immediately by reply e-mail and delete all copies of this transmission together with any attachments.

s 22



s 22

From: s 22
Sent: Friday, 4 October 2019 4:10 PM
To: MEG Macroeconomic Conditions Division; Treasury-ABS Engagement
Subject: 2021 Census Briefing [SEC=UNCLASSIFIED]
Attachments: Planning the Census PowerPoint_Oct 2019.pdf;
Planning_the_census_summary_Edition@FINAL.pdf

Hello Treasury data users

Last week I attended an ABS briefing on the preparation for the 2021 Census – please see the attached slides for more detail.

Possible new topics for inclusion in the Census are currently with the Government, and include:

- Chronic health conditions
- Journeys to education
- Aboriginal and Torres Strait Islander cultural identity
- Current or previous service in the Australian Defence Force
- Smoking status
- Non-binary sex/gender identity
- Sexual orientation
- Contemporary household and family relationships

One topic to be removed is internet connection, as this information is now readily available through other sources.

s 22

Thanks

s 22

s 22



We will cover:

- s 22 [redacted]
- s 22 [redacted]
- s 22 [redacted]
- Possible topics and questions
- s 22 [redacted]
- s 22 [redacted]

Possible topics and question design



The questions asked in the Census determine the usefulness of the data collected.



In 2018, the public was consulted on the questions to be asked in the Census. Cognitive testing, stakeholder engagement and review of the feasibility of data.



Recommendations for changes to the topics for the 2021 Census are with the Australian Government. Final topics will be published next year.

Potential new topics:

- Chronic health conditions
- Journey to education
- Aboriginal and Torres Strait Islander cultural identity
- Current or previous service in the Australian Defence Force
- Smoking status
- Non-binary sex and/or gender identity
- Sexual orientation
- More contemporary household and family relationships.

COORDINATION CHECKLIST SUBORDINATE MEASURE	
TSY No./Init./LED/Minister: 45/601 / MHAT Regulations Name: Census and Statistics Amendment (Statistical Information) Regulations 2019 Measure: Census 2021 - amendments to Census and Stats Regs to support Census 2021 -	
Targeted ExCo date: 6/1/20	Alt Drafted: Yes/No If yes, by: No
Law: s 22	Policy: s 22
Is this measure reliant on a Bill passing? If yes, Bill name and/or PT number:	No
Can the Regulations be packaged with other Regulations? If yes, which ones?	N/A
Is the measure being consulted on? If yes, what is the date consult closes?	Yes Closes 10/1/20
Are all Policy approvals in place? (PM/External Minister) NOTE - Copies of policy approvals need to be provided to LMU	No. Initial policy approval in place. Policy preparing a MS re outcomes of consultation and seeking further approval to proceed with current approach.
Is LGFC/GST/CAANZ approval required?	No
Is a RIS required?	Policy to provide OBPR reference number
Are these tax regulations? Corporations Act If yes, should the ATO be notified when it is registered on FRL? Is ATO QA required?	No No No
Is TAD QA required?	No
Is ASIC QA required?	No

**Are there any sensitivities?
If yes, what are they?**

Yes – associated controversies regarding decisions not to include gender identity, sexual orientation in upcoming census.

**Are there implications if this does not make the targeted date?
If yes, what are they?**

Yes – disallowance period will be extended and if it is disallowed, ABS may not be able to change census / re-print in time.

MS Signatory:

LDO SES

Minister/s to be CC'd into MS:



Census

FOI 3079
Document 7

Media TPs	2021 Census preparations s 22
Audience	Minister Sukkar and Department of Treasury
Updated on	29 July 2021

s 22

<p>Census topic consultation</p>	<p>What process/consultation did the ABS follow in advising the Minister with the inclusion of the new questions?</p> <ul style="list-style-type: none"> • I made the decision to include two new questions in the 2021 Census. • One on long-term health conditions and another on service with the Australian Defence Force. • I was involved in the rigorous process to determine the new topics that might be included in the 2021 Census which started with stakeholder engagement and public consultation in 2017. • I was briefed and consulted throughout the transparent process during public consultations and considering submissions from stakeholders. <p>The consultation timeline included:</p> <ul style="list-style-type: none"> • From late 2017 - engagement with key data users to understand emerging data needs • Early 2018 - public consultation process yielding more than 450 submissions from a range of departments, organisations and individuals • Late 2018 - short-listing of topic suggestions to 8 • Late 2018/2019 - development and testing of questions to finalise recommendations to the Minister (including the assessment criteria you refer to) • Mid 2019 - recommendations to the Minister followed by passage through Parliament • Mid 2020 - Regulations passed by Parliament <p>Following my decision, subsequent tabling in the Australian Parliament finalised the process that determined the information that will be collected in the 2021 Census.</p> <p>The 8 topics shortlisted for consideration from public consultation were:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander cultural identity • current or previous service in the Australian Defence Force
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	<ul style="list-style-type: none"> • journey to education (including mode of transport, and name and address of educational institution) • long-term health conditions • more contemporary measures of household and family relationships, including shared care of children where parents live apart • non-binary sex and/or gender identity • sexual orientation • smoking status. <p>Additional information Determining which topics should be asked in a Census requires choices between competing alternatives.</p> <p>I understand new data would be beneficial to collect however, there is limited availability to add new questions to the Census.</p> <p>The Government must balance the need for data with the burden—in terms of time and effort—we place on the community to fill in the Census.</p> <p>There are 65 questions on the 2021 Census form.</p> <p>Further information is available in the 2021 Census topics and data release plan.</p>
<p>New topics</p>	<p>These are the first significant government changes to questions collected in the Census since 2006.</p> <p>The question on long-term health conditions will present a list of conditions—such as heart disease, arthritis, and diabetes—from which the respondent can select none or many.</p> <p>Data from this question will provide highly sought-after health information, particularly at the regional and local level.</p> <p>This will help inform health policy and plan for local health and community services.</p> <p>Collecting information about Australian Defence Force service will provide a comprehensive understanding of Australia’s veteran community to enable our Government to provide better delivery of services and support for veterans.</p> <p>Records exist for current Australian Defence Force service but not consistently maintained for previous service, and limited historical data on service personnel is available.</p> <p>Other changes</p> <ul style="list-style-type: none"> • Adding a non-binary option to the sex question and changes to existing questions on the main language used at home and ancestry to be more relevant to Aboriginal and Torres Strait Islander peoples.

	<ul style="list-style-type: none"> • I'm removing the question on home internet access as it didn't provide a contemporary reflection of today's society with the increase in mobile internet usage on personal devices outside of the home.
<p>Sex question</p>	<p>The 2021 Census will collect information on sex as we have for every Census.</p> <p>What response would the Minister provide in regards to question on non-binary/ sex/ gender?</p> <ul style="list-style-type: none"> • In the 2021 Census, people who wish to report their sex as other than male or female will have the option of a 'non-binary sex' response category. • The online form also includes an optional write-in response when non-binary sex is selected. • For data releases, the ABS will continue to report sex with the binary options of male and female in most outputs. <p>Where does the standard come from?</p> <ul style="list-style-type: none"> • Attorney's General guidelines on how all Government departments collect information on sex and gender released in 2013. • From this the ABS updated the Standard for Sex and Gender Variables to include a third response option for the sex question in 2016. This was reviewed and updated again in 2020. • Having the non-binary sex option on the Census is to allow all people to answer the question accurately. It has been included to provide options for people who are not exclusively male or female, for example people with variations in sex characteristics or intersex. <p>What consultation did the ABS do?</p> <ul style="list-style-type: none"> • The ABS consulted with LGBTIQ+ advocacy groups on appropriate wording of the sex question. • The question was then tested as part of the development of the Census form with a broad range of respondents across Australia including those from linguistically diverse backgrounds and Aboriginal and Torres Strait Islander communities. <p>On 15 May 2021, the ABS published a media statement on sex and gender questions and the 2021 Census.</p> <p>More information</p> <ul style="list-style-type: none"> • The ABS defines a person's sex as being based on their sex characteristics, such as their chromosomes, hormones, and reproductive organs. • A person may have male characteristics, female characteristics, or a variation in sex characteristics which may also be described as intersex. • The change comes after the 2016 Census included the option to identify as 'other' but required the responder to take additional steps for this option to be available.
<p>Gender</p>	<p>The 2021 Census does not include a question about gender.</p> <p>How will the ABS be collecting gender?</p>



	<p>Gender is a sensitive and complex topic and is better suited to surveys that use an interviewer to explain the question.</p> <p>Gender is collected in some of the ABS's health surveys, namely the ABS' National Study of Mental Health and Wellbeing. It will also be collected in next year's National Health Survey and Survey of Disability, Ageing and Carers.</p> <p>Additional information</p> <ul style="list-style-type: none"> • Gender refers to the way a person chooses to identify and may be different to their sex at birth. • This topic was tested extensively using qualitative methods with a broad range of respondents. • Testing indicated some respondents expressed confusion that they were being asked about their sex twice. • There was not sufficient confidence in the quality of the data that would be obtained. Gender will not be included in the 2021 Census.
<p>Sexual orientation</p>	<p>A question on sexual orientation will not be included in the 2021 Census.</p> <p>An extensive public consultation process and testing revealed a range of sensitivities about collecting information on sexual orientation on the Census, including a lack of comprehension of the question and concerns about answering this question with other members of the household.</p> <p>More information</p> <ul style="list-style-type: none"> • Sexual orientation is a sensitive topic and is better suited to surveys that use an interviewer to explain the question. • Data on sexual orientation is currently available from other ABS collections. • Since 2007 the ABS has collected data on sexual orientation in the National Survey of Mental Health and Wellbeing. • Questions on sexual orientation have also been asked in the General Social Survey since 2014. • The upcoming National Health Survey and Mental Health Survey will include questions on gender, sexual orientation, and variation of sex characteristics.



Australian Statistician

MB20-000049

The Hon Michael Sukkar MP
Minister for Housing and Assistant Treasurer

cc: The Hon Josh Frydenberg MP, Treasurer
Dr Steven Kennedy PSM, Secretary to the Treasury

2021 Census – new and changed questions

For information

- 1 This Minute provides information on the final questions for the 2021 Census.
- 2 In June 2020, through the tabling of the *Census and Statistics Amendment (Statistical Information) Regulations 2020*, the Australian Parliament approved the topics for the 2021 Census.
- 3 The changes to the Regulations allow the Census to collect new data on long-term health conditions and service with the Australian Defence Force. These are the first new topics added to the Census since 2006.
- 4 To reduce the response burden of adding two new questions, the question on internet access has been removed. Public consultation and engagement with stakeholders suggested the question on home internet access did not provide a reflection of today's society because of the huge rise in mobile internet use on personal devices outside the home.
- 5 The ABS has finalised the questions to be included in next year's Census. Printing of the paper form has begun, and the online form has been locked down in preparation for the Operational Readiness Exercise in October 2020.
- 6 In addition to including questions on the new topics, these changes have been made to existing questions:
 - Addition of the response category 'non-binary sex' to the sex question
 - Addition of Aboriginal and Torres Strait Islander ancestry and language options
 - Changes in the order of response categories for country of birth, language spoken, ancestry and religion to reflect most common responses from the 2016 Census.

ABS contact: Chris Libreri **p:** s 22 **e:** chris.libreri@abs.gov.au

7 The attachment presents more information on each of the changes and contains online (white boxes) and paper form (orange) snips of the new and changed questions.

s 22



David Gruen

25 September 2020

Attachment: New and changed Census questions

Non-binary sex

- 1 A third response category will be added to the sex question. This streamlines the approach taken in the 2016 Census, which introduced special procedures to enable a respondent to complete an alternative online (or paper) form containing three response options to the sex question. Including a non-binary option means the Census meets the Australian Government Guidelines on the Recognition of Sex and Gender.
- 2 The ABS undertook extensive user consultation and testing in the period since the 2016 Census to develop this question. The third category is 'non-binary sex'.
- 3 On the online form, the default presents only male and female options. A hyperlink below the question presents an alternative version of the question with the three response options.
- 4 The Census will compile a report on response to the sex question, as was done in 2016 in the article Sex and Gender Diversity: Characteristics of the Responding Population (Cat. 2071.1).
- 5 The ABS will release an update of Standard for Sex and Gender Variables, 2016 in late 2020. The 2020 standard will update standard classification categories for sex and gender for use in ABS collections. The sex variable will include an approved alternative that reflects the 2021 Census question wording and response options.

<p>7 Is the person:</p> <p>• Mark box like this: <input type="checkbox"/></p> <p>Go to www.census.abs.gov.au/questions for more information</p>	<p>Male</p> <p>Female</p> <p>Non-binary sex</p>
<p>Is < name >:</p> <p>If these options do not describe the person they can select 'Other' or 'Other (specify):' Female</p> <p><input type="radio"/> Male</p> <p><input type="radio"/> Female</p>	

Is < name >:

If the person does not wish to select 'Non-binary sex', they can select on 'male or female'.

A person may choose to select more than one response (for example 'male and non-binary sex' or 'female and non-binary sex').

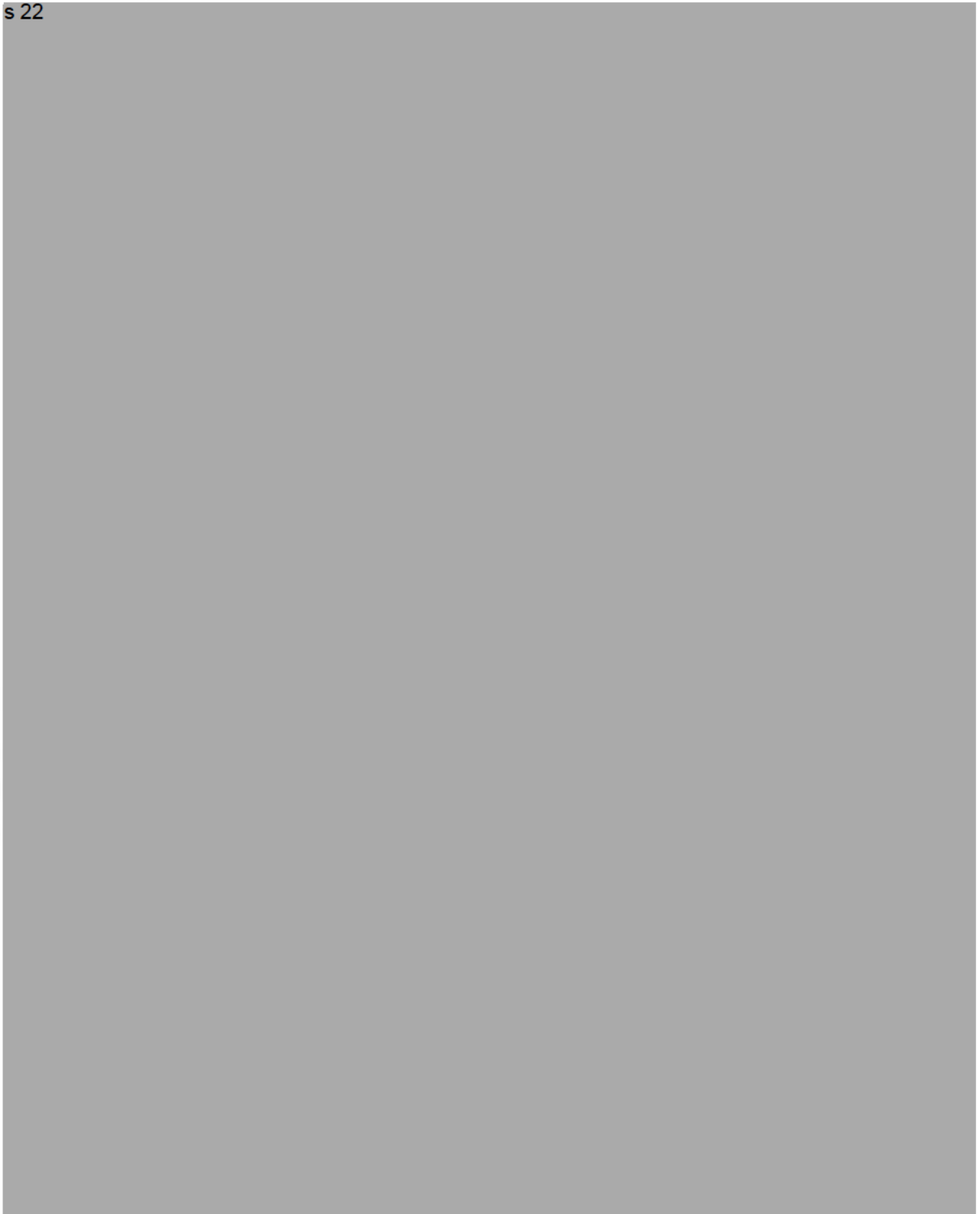
If 'Non-binary sex' is selected, there will be an opportunity to provide more information.

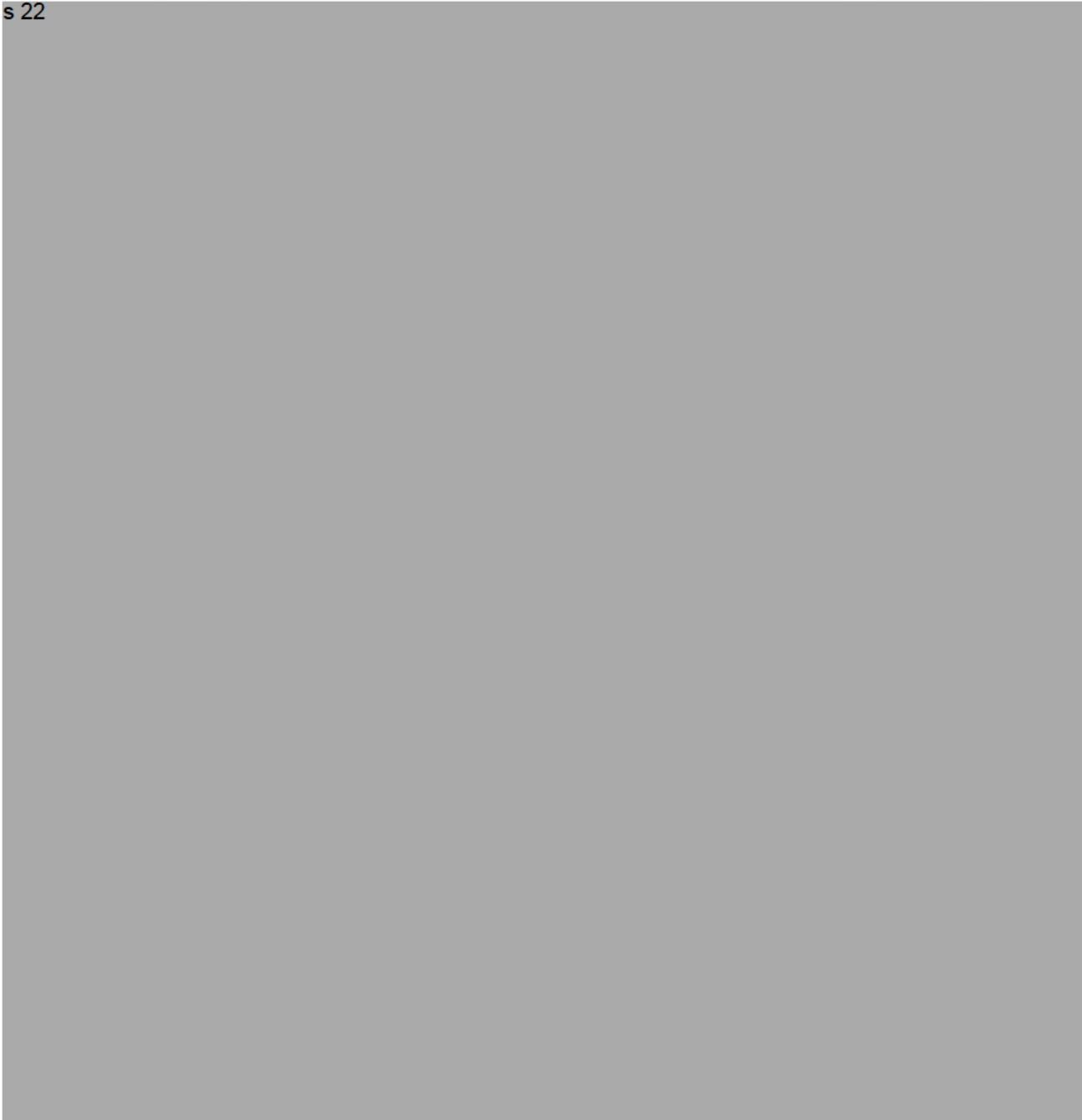
Male

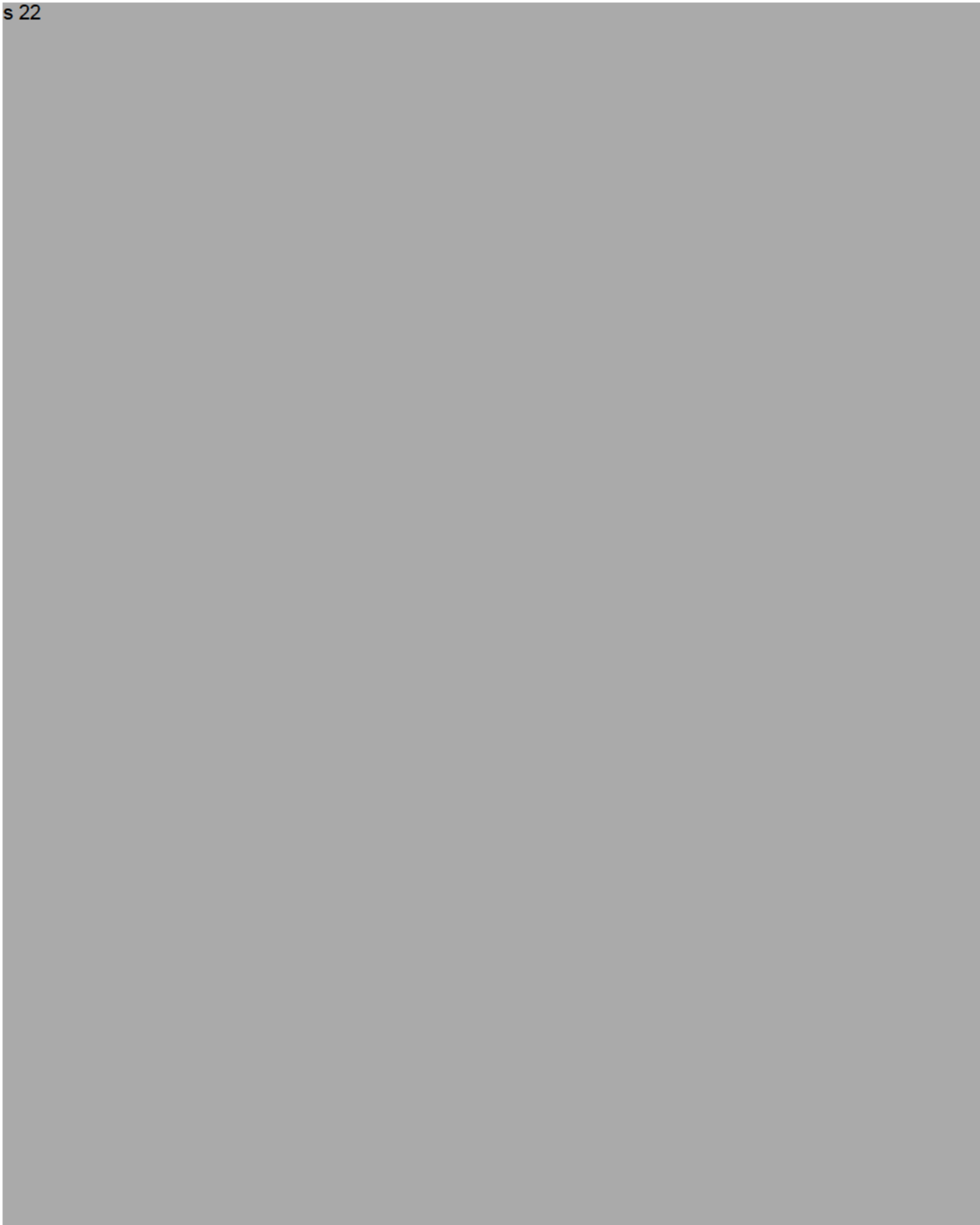
Female

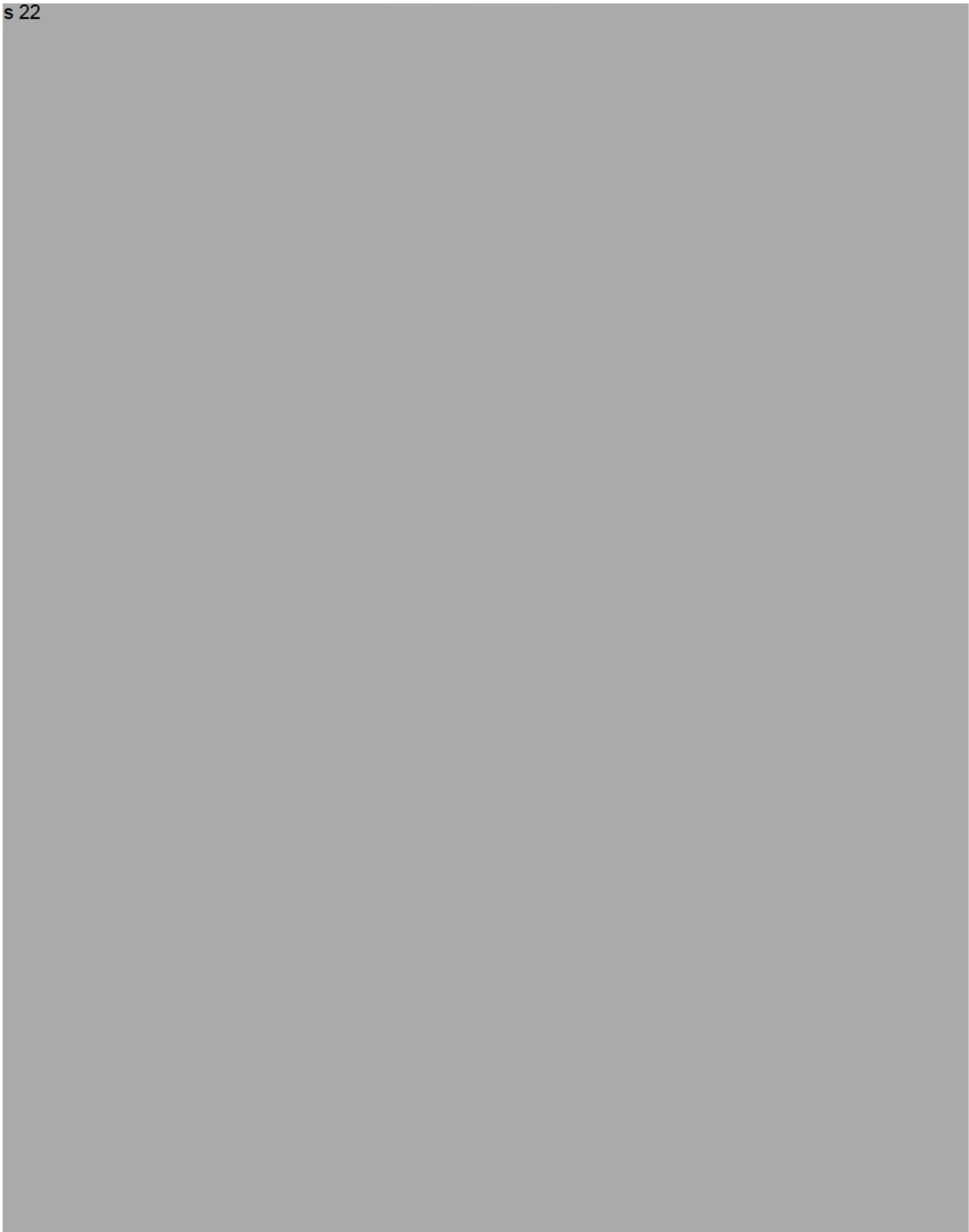
Non-binary sex

Please specify options:











ABS Senate Estimates Briefing

Key Issues

- 2021 Census Topics (p1-2)
- s 22
-

2021 Census Topics

Census Topic Timeline

- 25 July 2019 - ABS sought MHAT agreement to Census date and topics. It recommended two new topics and the removal of two existing topics. It also asked that the MHAT consider gender and sexual orientation.
- 29 October 2019 – We secured agreement to consult on the addition of two new topics and the removal of one existing topic (internet access).
- 20 November 2019 MHAT approved the draft regulation and associated material for public consultation.
- 3 December 2019 MHAT tabled documents in the Senate pursuant to Order for the Production of Documents 219 of 13 November 2019 relating to gender and sexuality census questions. These documents related solely to communications between MHAT Office and ABS (no Treasury documents were tabled).
- 13 December 2019 – Treasury released the draft regulation and explanatory material for a four week period of consultation. We did not consult on the proclamation.
- 10 January 2020 Consultation closed on the draft regulations. We received 212 submissions. Submissions did not raise any technical issues with the regulation. Most submissions sought additional topics on gender and sexual orientation.
- 17 January - We provided information to the Minister on the outcomes of consultation.
- 20 January 2020 – MHAT agreed to seek Executive Council approval for the regulations on which we consulted (and the proclamation of the Census date).
- 6 February 2020 the Regulations were made by the Governor-General. The Governor-General also agreed the Census date of 10 August.
- [10] February 2020 the Regulations were tabled in Parliament for the 15 sitting day disallowance period.

Key points

- The role of Treasury is to support the Government and the Minister in making the regulations and the proclamation that determine the topics covered in the Census and the date it will take place.
- The ABS is responsible for considering potential new topics and testing potential questions. This is a process that happens each Census. Treasury did not have any role in this process.

- Treasury does not have any role in the design of questions themselves. This is also the responsibility of the ABS.

s 22

Topic 2 on sex

- There has been no change to the regulations in this area.
- Consistent with *Australian Government Guidelines on the Recognition of Sex and Gender*, the ABS is required to offer a third non-binary option to reflect variations in biological sex characteristics (i.e. intersex) (rather than social or cultural identity).
- The Guidelines indicate that where the Government collects information on biological sex (i.e. chromosomal/anatomical), individuals should be given the option to select male, female or X (indeterminate, intersex or unspecified).
- The ABS will comply with these guidelines in designing the question for topic 2 (sex)

Beckett, Ian

From: Media
Sent: Monday, 3 February 2020 8:30 PM
To: Beckett, Ian
Cc: s 22 Kenna, Shannon; Media
Subject: RE: Fwd: Census consultation [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Ian,

I provided this response to the journalist and he has come back with the following:

Thanks for letting me know. I can see how the second question about when and how the decision was taken may be a matter for the assistant minister. But the first question - was treasury aware of this - is not.

At this point, I'm happy to leave it at this and not respond any further.

Let me know if you'd prefer a different approach.

Kindest regards,

s 22

Media and Speeches Unit | Communications and Parliamentary Division | Corporate Services and Business Strategy Group
The Treasury, Langton Crescent, Parkes ACT 2600
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UNCLASSIFIED

From: Beckett, Ian
Sent: Tuesday, 4 February 2020 10:20 AM
To: Media
Cc: s 22 Kenna, Shannon
Subject: RE: Fwd: Census consultation [SEC=UNCLASSIFIED]

UNCLASSIFIED

I agree with your suggested words.

UNCLASSIFIED

From: Media <media@treasury.gov.au>
Sent: Tuesday, 4 February 2020 10:16 AM
To: Beckett, Ian <Ian.Beckett@treasury.gov.au>
Cc: s 22 @TREASURY.GOV.AU>; s 22 @treasury.gov.au>; Kenna, Shannon <Shannon.Kenna@treasury.gov.au>; Media <media@treasury.gov.au>
Subject: RE: Fwd: Census consultation [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Ian,

I'm happy to direct the journalist back to the MHAT Office.

Are you comfortable if we say something along the lines of:

The decision to accept the Australian Bureau of Statistic's recommendations is a matter for Government. Your enquiry is best placed with the Minister for Housing and Assistant Treasurer's Office.

I also note that he's not going to be happy to be pushed back to the Office and will probably push us again for a response.

I'd be grateful for your advice on whether we should add anything or change this response.

Kindest regards,

s 22

s 22

Media and Speeches Unit | Communications and Parliamentary Division | Corporate Services and Business Strategy Group
The Treasury, Langton Crescent, Parkes ACT 2600

Phone: s 22

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UNCLASSIFIED

From: Beckett, Ian <ian.Beckett@treasury.gov.au>

Sent: Monday, 3 February 2020 7:06 PM

To: Media <media@treasury.gov.au>

Cc: s 22 <s22@TREASURY.GOV.AU>, s 22 <s22@treasury.gov.au>; Kenna,

Shannon <Shannon.Kenna@treasury.gov.au>

Subject: Re: [SEC=UNCLASSIFIED] Fwd: Census consultation

Can we refer this to MHAT office?

Sent from my iPhone

On 3 Feb 2020, at 6:37 pm, Media <media@treasury.gov.au> wrote:

Hi Ian s 22

For your information, we've had an enquiry from s 47F about the census consultation. The deadline is 3pm tomorrow, so we can talk about this in the morning.

Kindest regards,

s 22

Sent from my iPhone

Media Unit - The Treasury

Begin forwarded message:

From: s 47F

Date: 3 February 2020 at 5:56:32 pm AEDT

To: Media <media@treasury.gov.au>

Subject: Census consultation

Hi,

I'm interested in the outcome of [treasury's consultation](#) on the Census and Statistics Amendment.

When I contacted ^{s 22} [REDACTED] at the assistant treasurer's office, he informed me:

"The Government has accepted the recommendations of the Australian Bureau of Statistics regarding topics that should be included in the 2021 Census, which ensures the information collected reflects Australia's priority information needs."

Could I please ask:

- Were you aware that the government has accepted the ABS recommendations (to include questions on defence service and health conditions; but not gender and sexuality)?
- When and how was this decision taken?

Thanks for considering. Could I please get a response by 3pm Tuesday 4 February?

Cheers,

s 47F



From: Nicky Bath <nicky.bath@lgbtihealth.org.au>
Sent: Monday, 16 December 2019 9:03 PM
To: Beckett, Ian
Subject: Census and Statistics Amendment (Statistical Information) Regulations 2019
Attachments: Joint Statement for the inclusion of LGBTI data in 2021 Census.pdf

Dear Ian

Thank you for agreeing to meet with me this afternoon regarding the Census and Statistics Amendment (Statistical Information) Regulations 2019. Please find attached a statement from organisations supporting inclusion of questions not being consulted on that I would like to discuss during our meeting.

Many thanks

Kind regards

Nicky

Nicky Bath, Executive Director

Direct: 02 8568 1120 | **Switch:** 02 8568 1123 | **Mobile:** s 47F | **Postal address:** PO Box 51 Newtown NSW 2042

Email: Nicky.bath@lgbtihealth.org.au | **Website:** www.lgbtihealth.org.au

Pronouns: She/her/hers

The Alliance acknowledges the Traditional Owners of country throughout Australia, their diversity, histories and knowledge and their continuing connections to land and community. We pay our respects to all Australian Indigenous Peoples and their cultures, and to Elders of past, present and future generations.



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JOINT STATEMENT IN SUPPORT OF THE INCLUSION OF SEXUAL ORIENTATION, GENDER IDENTITY
AND INTERSEX STATUS IN THE 2021 CENSUS OF POPULATION AND HOUSING

The Australian Bureau of Statistics (ABS) has recently identified sexual orientation, gender identity and intersex status for further testing and potential inclusion in the 2021 Census of Population and Housing (the Census). The meaningful inclusion of data on these topics is most welcomed as there are no other alternative data sources or solutions that could meet these topic needs.

As Australia's official statistical organisation, the ABS aspires to be a high quality, objective, and responsive national statistical service that strives for data excellence. The Census is best placed to understand the cultural, economic and social diversity of our communities, providing information about the population across small geographic areas and long-time trends in key aspects of the lives of Australians. Census data underpins government funding and investment and informs government decisions in a range of areas, including healthcare and social services planning.

The current exclusion of appropriate sexual orientation, gender identity and intersex status questions in the Census means that clear demographic data of the Australian population is not being captured.

A number of national health and wellbeing policies, strategies and programs rightly identify LGBTI people as a priority population for action. This is due to the ongoing significant health and wellbeing disparities experienced across and within LGBTI communities. This includes for example disproportionate rates of mental health diagnoses, suicidal behaviours, as well as elevated rates of drug and alcohol use, higher rates of HIV and STIs, and a significantly higher cancer burden. Discrimination and stigma have a negative impact on accessing high quality and culturally safe community and residential services, for example in aged care, domestic and family violence, homelessness and disability.

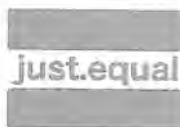
Asking appropriate questions on sexual orientation, gender identity and intersex status in the Census is crucial in fostering an evidence-informed environment for health and economic policy service planning and understanding health and social service utilisation. This is essential in addressing the significant health disparities that LGBTI people experience.

There is a strong shift internationally towards collecting this data. Scotland and Northern Ireland are considering a sexual orientation question for their 2021 Census. The Office for National Statistics in the UK are recommending the inclusion of sexual orientation and gender identity questions in the 2021 Census in England and Wales. These decisions have been made after their testing showed it would be acceptable to the population and will deliver good-quality data with minimal effect on overall response and respondent burden. The United States and Canada are also currently taking steps to achieve accurate population counts for LGBTI people in their Censuses.

Australia has a unique opportunity to provide statistical leadership in the collection, production and analysis of data for LGBTI populations. The inclusion of sexual orientation, gender identity and intersex status in the 2021 Census will promote scientific excellence and data integrity. This will have an enormous impact on improving social cohesion and the health outcomes of LGBTI people and communities.

The National LGBTI Health Alliance, with the support of the following health experts and community organisations, place on the public record our support for the appropriate and meaningful collection of data on sexual orientation, gender identity and intersex status of the Australian population in the 2021 Census.







AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS



DOWSON TURCO
LAWYERS



MARIE STOPES
AUSTRALIA



rainbow families
connecting • supporting • empowering



midsumma
festival



REAL • VISIBLE • HERE
BISEXUAL • COMMUNITY PERTH



Australian Society for HIV Medicine



THE GENDER
CENTRE
INC
SERVICES FOR THE
TRANSGENDER AND
GENDER DIVERSE COMMUNITY



Curtin University
CENTRE FOR HUMAN
RIGHTS EDUCATION



55
upitty



thorne
harbour
health*



VICTORIAN
GAY & LESBIAN
RIGHTS LOBBY



blue knot
foundation
National Centre of Excellence
for Complex Trauma



family
planning nsw
Reproductive & Sexual Health



Public Health Association
AUSTRALIA



Scarlet
Alliance
Australian
Sex Workers
Association



EAAA
Elder Abuse Action Australia



Mental Health
Victoria
Collaboration • Knowledge • Leadership



gry
gen



PREVENTION UNITED
Joining forces to prevent mental health conditions



mhcc
mental health coordinating council



LELAN
SA LIVED EXPERIENCE LEADERSHIP & ADVOCACY NETWORK



TRANSFOLK of WA
SUPPORT AWARENESS STRENGTH UNITY



mind.
Help, hope and purpose



hepatitis
australia



Rainbow
TERRITORY



Sydney Gay and Lesbian
MARDI GRAS



Carers
Australia
VIC



SOUTH AUSTRALIAN
SARAA
RAINBOW ADVOCACY ALLIANCE



SJ
SOCIAL JUSTICE IN
EARLY CHILDHOOD



MULTIVERSE



MCC
METROPOLITAN
COMMUNITY CHURCH
SYDNEY



Elgin
House
WOMEN'S HEALTH SPECIALISTS



UnitingCare
Australia



The Royal Australian
and New Zealand
College of Obstetricians
and Gynaecologists
Good Women for Women's Health



NADA
network of alcohol and
other drugs agencies



AAG
Australian
Association of
Gerontology



Hume
Whittlesea
Primary Care Partnership



queerscreen



Beckett, Ian

From: s 22
Sent: Wednesday, 6 November 2019 9:56 PM
To: Beckett, Ian
Cc: s 22
Subject: FW: Census content - Upcoming Treasury Consultation [SEC=UNCLASSIFIED]

Hi Ian,

FYI, please see this email from ABS's communications area. As highlighted, I note that their expectation is that we hold a four week consultation.

I will organise to meet with them next week.

Regards,

s 22
Macroeconomic Modelling and Policy Division
The Treasury
p: s 22 | email: s 22 @treasury.gov.au

From: Nick Stathis
Sent: Thursday, 7 November 2019 1:36 PM
To: Kenna, Shannon
Cc: s 22
Subject: Census content - Upcoming Treasury Consultation [SEC=UNCLASSIFIED]

s 22

I wanted to flag with you the upcoming Treasury Consultation on content for the 2021 Census.

Census content is currently pending government's decision on topics to be included in and removed from the 2021 Census. Once government decides on the topics to be included and removed from the 2021 Census (which we hope will be very soon), Treasury will hold a four week consultation. The consultation will be hosted on the Treasury consultation hub and seek the community's views on an exposure draft of the Census and Statistics Regulation. This will likely be the first time the government's decision on topics is made public. Stakeholders are likely to be vocal if sexual orientation and gender identity are not included in the Regulation.

We are preparing our communication plans for the public consultation and wanted to make sure what we are planning is in line with Treasury's expectations (draft plan is below). As mentioned above, given this is likely to raise community and media interest, I also wanted to discuss with your team any media and inquiry handling processes and also provide you some background to the key issues.

I've been told s 22 is organising the consultation materials and process from the Treasury end. I'd like to suggest we all (or relevant people from our teams) meet early next week to talk through these issues and make sure we are all on the same page.

Nick

Nick Stathis

Program Manager | Communication and Parliamentary Branch

Australian Bureau of Statistics

Treasury consultation

Milestone timing: November – December 2019 (expected, depending on timing of Government decision)

Background

Once government decides on the topics to be included and removed from the 2021 Census, Treasury will hold a four week consultation. The consultation will be hosted on the Treasury consultation hub and seek the community's views on an exposure draft of the Census and Statistics Regulation.

This will likely be the first time the government's decision on topics is made public. Stakeholders are likely to be vocal if sexual orientation and gender identity are not included in the Regulation.

There will be strong support by other sectors if questions such as chronic health conditions and Defence force service are included and motor vehicles garaged topic is not removed.

We anticipate limited stakeholder reaction to the proposed removal of the internet access question and short-list items not proceeding such as smoking status.

Approach

- Media: Issue media statement to coincide with Treasury release of the consultation
- Online: Update ABS website and consultation hub
- Stakeholder:
 - Email all participants in the ABS's public consultation who opted in for updates to advise of consultation
 - Census Content team will directly engage with key stakeholders representing the health, Defence force services, transport, sexual orientation and gender identity questions

Key messaging (depending on Government decision)

Consultation process

- The decision on Census topics has reached a new milestone.
- The ABS provided the Australian Government its recommendations on topics for inclusion and removal in the 2021 Census.
- The Government has made a decision and advised Treasury on the changes required to the Census and Statistics Regulation.
- The Census and Statistics Regulation outlines what information can be collected in the 2021 Census including topics being added or removed.
- Treasury is running a public consultation to seek the community's views on an exposure draft of the Census and Statistics Regulation



ABS House
45 Benjamin Way
Belconnen ACT 2617

Locked Bag 10
Belconnen ACT 2616
Telephone: 1300 135 070

FOI 3079
Document 14

**General Manager
Census Division**

Name
Address
Address

Dear Salutation

Thank you for your correspondence of XX XXXXX 20XX, originally directed to the Prime Minister, regarding new content on the 2021 Census of Population and Housing. Your correspondence has been referred to the Minister for Housing and Assistant Treasurer, who has asked the Australian Bureau of Statistics (ABS) to respond on his behalf.

The ABS has provided a recommendation to the Australian Government on the topics to be included in and removed from the 2021 Census. When making this recommendation, the ABS needed to consider the data needs of the Australian community, along with the overall length of form, the ability of respondents to answer accurately, and consider any sensitivities of asking particular questions on a household form. The Government has not yet made a decision on 2021 Census topics.

The ABS remains committed to producing meaningful data for LGBTI communities through our survey program, and continues to have strategic discussions with key stakeholders in this space.

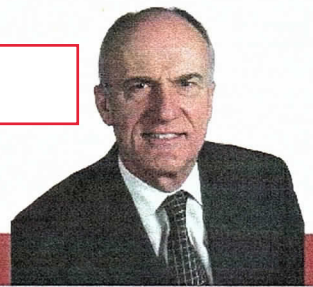
I trust this information is of use to you.

Yours sincerely

Chris Libreri
General Manager, Census Division
October 2019



FOI 3079
Document 15



PARLIAMENT OF AUSTRALIA - THE SENATE

8th July 2019

Senator the Hon
Eric Abetz
Liberal Senator for Tasmania

The Hon Michael Sukkar
Assistant Treasurer
Parliament House
CANBERRA ACT 2600

Dear Minister, *Michael,*

Re: ABS – Census – Gender

I attach for your information a media story in my local newspaper on Sunday, 7th July 2019 suggesting that the Census may lose gender.

I trust that Government policy acknowledges the importance of gender as being basically a binary construct and therefore look forward to your intervention in this matter. Awaiting your early advice and thanking you in anticipation.

Yours sincerely,

Eric Abetz
Liberal Senator for Tasmania

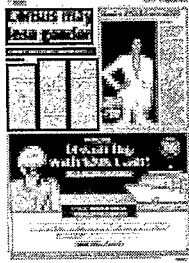
Correspondence Received - Office of the Minister for Housing & Assistant Treasurer

<input type="checkbox"/> Minister	<input type="checkbox"/> Contact Adviser -
<input type="checkbox"/> Chief of Staff	<input type="checkbox"/> Other Adviser -
	<input checked="" type="checkbox"/> DLOs -

Departmental Action **11 JUL 2019**

<input type="checkbox"/> Acknowledge	<input type="checkbox"/> Briefing
<input type="checkbox"/> Substantive Response	<input type="checkbox"/> Speech
<input checked="" type="checkbox"/> Appropriate Action	<input type="checkbox"/> Refer to
<input type="checkbox"/> Information	<input type="checkbox"/> No Further Action
<input type="checkbox"/> Constituent Response	<input type="checkbox"/> URGENT
<input type="checkbox"/> Signatory	

...advancing Tasmania's interests.



Sunday Tasmanian
Sunday 7/7/2019
Page: 14
Section: General News
Region: Hobart Circulation: 36,212
Type: Capital City Daily
Size: 244.00 sq.cms.
Frequency: -----S

Brief: DPLAUTO2



Census may lose gender

Key questions may be dropped

MANDY SQUIRES

ONE of the first and key questions on the Australian Census — whether respondents identify as male or female — is under review, as part of a range of changes being looked at by the Australian Bureau of Statistics.

The ABS told the *Sunday Tasmanian* it was considering changes to the standard responses of male and female for the 2021 Census and would make recommendations to the Federal Government on the subject soon.

Non-binary sex and gender identity were among several topics under review, an ABS spokesman said.

“When it comes to Census data, the gender option in the 2016 Census was a ‘point in time’ with no option for a respondent to say whether they previously identified as a different gender,” he said.

“The ABS has been explor-

ing changes to the standard responses of male and female for the 2021 Census.”

The topics were being “tested”, and recommendations were expected to be made to the Federal Government in coming months, he said.

“We expect this will be finalised in early 2020 following tabling the regulations in parliament,” the ABS spokesman said.

“We will publish the outcomes of this in a publication later the same year.”

Other Census topics being reviewed include sexual orientation, Aboriginal identity, smoking status, past or current service in the Australian Defence Force, chronic health conditions and care of children.

Two questions that may be removed from the next Census are those inquiring about household internet access and the number of cars per household.

The ABS is required by law to run a Census every five years, and the information from the comprehensive, nationwide survey is used to shape the country’s service and infrastructure needs.

The Census has changed since its inception to reflect the times.

In 1947 households were asked if they had running water and flushing toilets, and then in the 1960s if they had television sets.

Discussing the review last year, Australian Statistician David Kalisch said public consultation on the range of topics to be included in the 2021 Census had taken place between April 3 and June 30 last year.

More than 400 submissions had been received from a range of sectors including government, academia, community and advocacy groups, industry bodies, businesses and individuals, he said.

mandy.squires@news.com.au



LEGISLATIVE COUNCIL
PARLIAMENT HOUSE
ADELAIDE, S.A. 5000

The Hon. Michael Sukkar MP
Assistant Treasurer
PO Box 6022
Parliament House
CANBERRA ACT 2600

SPO - NFA - VIP HUNTER TO
SUKKAR - LGBTIQ+ NOT INCLUDED
IN THE CENSUS

Michael

Dear Assistant Treasurer

Re: Count Us In

I write to add my voice to the many LGBTIQ+ community members who are calling for our community to be counted in the 2026 national census.

We know that Australia is home to a vibrant, diverse and thriving LGBTIQ+ community. We also know that there is strong public support for the inclusion of all people, regardless of gender identity or sexual orientation. Yet there is a real lack of data about the size, composition and demographics of our LGBTIQ+ community.

I am therefore disappointed that this year's census will not include any questions on sexuality, gender identity, or variations of sex characteristics. As a direct consequence, this year's census will not fully depict Australia in all its diversity.

As a member of Parliament and a former Minister, I know the importance of good data in determining policy – and the census provides some of the best data we have about our country.

I share the concerns of many advocates that the exclusion of LGBTIQ+ identity from the census will lead to worse outcomes for our community, which already faces significant disparities in health, homelessness and other areas.

While it may be too late to address these issues for the imminent 2021 census, you have the opportunity to lay the groundwork for the 2026 iteration. I urge you to right this wrong, and ensure we are counted in the next census.

Yours sincerely

IAN HUNTER MLC
Member of the Legislative Council

3 August 2021

Cc. Dr David Gruen, Australian Statistician

Correspondence Received - Office of the Minister for Housing & Assistant Treasurer	
<input type="checkbox"/> Minister	<input type="checkbox"/> Contact Adviser
<input type="checkbox"/> Chief of Staff	<input type="checkbox"/> Other Adviser
	<input checked="" type="checkbox"/> DLOs - 5X
- 9 AUG 2021	
Departmental Action	
<input type="checkbox"/> Acknowledge	<input type="checkbox"/> Briefing
<input type="checkbox"/> Substantive Response	<input type="checkbox"/> Speech
<input type="checkbox"/> Appropriate Action	<input type="checkbox"/> Refer to
<input checked="" type="checkbox"/> Information	<input type="checkbox"/> No Further Action
<input type="checkbox"/> Constituent Response	<input type="checkbox"/> URGENT
<input type="checkbox"/> Signatory	

From: Minister Sukkar
Sent: Monday, 26 July 2021 11:21 AM
To: Min Processing
Cc: DLO Sukkar
Subject: [Refer to ABS] gender identity to be excluded from the Census

Categories: s 22

OFFICIAL

Departmental response please

s
2

OFFICIAL

From: s 22 (M. Sukkar, MP) s 22 @aph.gov.au>
Sent: Monday, 26 July 2021 9:20 AM
To: Minister Sukkar <Minister.Sukkar@TREASURY.GOV.AU>
Subject: FW: Website Enquiry - s 47F

Non constituent / Census

From: s 47F
Sent: Saturday, 24 July 2021 7:28 PM
To: Sukkar, Michael (MP) <Michael.Sukkar.MP@aph.gov.au>
Subject: Website Enquiry - s 47F

Title

s

First Name

s 47F

Last Name

s 47F

email

s 47F

Mobile

s 47F

Address

s 47F

Suburb

s 47F

State

s

Postcode

s

Message

I wish to enquire whether it is true that you have ordered questions related to sexual orientation and gender identity to be excluded from the Census.
I hope this is not the case.

Census 2021 is the Australian Government's key opportunity to understand what the community needs — particularly in relation to health and mental health services, education, and community and social services. If the government doesn't ask questions about sexual orientation and gender identity, it won't understand the needs of the LGBTQIA+ community. As a result, the community will miss out on vital services, simply because of their sexual orientation or gender identity.

The best way to improve health, mental health, education, and other important outcomes for all is ensuring that our leaders consider the diversity of our community when creating policies that affect our lives.
It is so important that LGBTQIA+ Australians are counted as part of the 2021 Census



MINISTER FOR TERRITORY FAMILIES

Parliament House
State Square
Darwin NT 0800
minister.wakefield@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8936 5685
Facsimile: 08 8936 5626

Hon Michael Sukkar MP
Assistant Treasurer
House of Representatives
PO Box 6022
Parliament House
CANBERRA ACT 2600

Via email: department@treasury.gov.au

Dear Minister

I write in relation to the proposed inclusion of sexual orientation, gender identity and intersex status questions in the 2021 Census.

Counting sexual orientation, gender identity and intersex status and including these results in the reported Census data, is essential for improving service provision in a number of sectors and providing a better understanding of the needs of lesbian, gay, transgender and bi-sexual Australians.

I am aware that the Australian Bureau of Statistics has been developing sexual orientation, gender identity and intersex status questions for the 2021 Census. The inclusion of these questions in the 2021 Census now sits with the Commonwealth Government as potential new topics pending the Government's decision.

I respectfully request that you, in your role of oversight over the Census, approve the inclusion of sexual orientation, gender identity and intersex status questions in the 2021 Census.

Thank you for your time and consideration on this matter of national importance.

Yours sincerely

DALE WAKEFIELD

06 JAN 2020



s 47F

Thank you for your correspondence of 24 October 2019, originally directed to the Prime Minister, concerning the 2021 Australian Bureau Statistics (ABS) Census. Your correspondence has been referred to the Assistant Treasurer and Minister for Housing and he has asked me to respond to you.

The Government is currently consulting on the proposed *Census and Statistics Amendment (Statistical Information) Regulations 2019* which update the list of topics in relation to which the Statistician shall collect statistical information in the 2021 Census.

The draft regulations would add Australian Defence Force service and chronic illness to the list of topics and remove internet access at the dwelling from the list of topics. The draft regulations can be accessed at the following URL (<https://treasury.gov.au/consultation/c2019-41183>).

Once again, thank you for taking the time to write.

Yours sincerely

s 22

Ian Beckett
Division Head
Macroeconomic Modelling and Policy Division
18 December 2019

24/10/2019 06:20:05 PM

s 47F



s 47F

Inappropriate religious influence on Bureau of Statistics

Dear Mr Morrison

The proposed 2021 census questions on gender and sexuality has been dumped and it has been reported that it is suspicious that assistant treasurer Michael Sukkar influenced the decision.

Given that you and he are known religious fundamentalists who seek impose their positions on sexuality and gender on others. Will you for once stand for a fair go for all Australians and not just your tribes?

Yours continuing in despair

s 47F



National LGBTI Health Alliance

lesbian, gay, bisexual, transgender, intersex and other
sexuality, sex and gender diverse people and communities
PO Box 51 Newtown NSW 2042
(02) 8568 1120/1119, s 47F



12 December 2019

Dear Attorney-General

I write to you in my capacity as Executive Director of the National LGBTI Health Alliance (the Alliance), the national peak health organisation in Australia for organisations and individuals that provide health-related programs, services and research focused on lesbian, gay, bisexual, transgender, and intersex (LGBTI) people.

As we reach the end of the year, I would like to draw your attention to the national importance of including questions on sexual orientation, gender identity and intersex status in the 2021 Census. The Alliance has been working closely with the ABS for over a year, advising on the way in which these questions are asked as well as, the data needs and the way in which this data will be able to assist in reducing the health disparities across LGBTI communities.

In August 2019, the Alliance developed a [Joint Statement](#) calling for the meaningful inclusion of data on these topics in the 2021 Census. The Statement has garnered the support of over 120 peak bodies, health experts and community organisations with expertise spanning across mental health, suicide prevention, social services, disability, ageing and aged care, family violence, human rights, and research. This broad cross-sectoral support and need for collecting this data clearly shows we now have national consensus for LGBTI people to be counted.

An LGBTI-inclusive Census that captures sexual orientation, gender identity and intersex data is crucial in fostering an evidence-informed environment for LGBTI health policy development in terms of policy, programme and service development. This is essential in responding to the significant health disparities that LGBTI people continue to experience. Being counted in the Census will also result in a more supporting and accepting societal environment that will act as a protective factor for the mental health and wellbeing of LGBTI people. We respectfully ask that you consider these issues when Census regulations are tabled in parliament early next year.

Without the inclusion of these questions in 2021, we will need to wait until 2026 to advocate again for us to be counted and this is too long; we desperately need to gain the insights that the Census will provide to us so that health and social services are better able to respond to our needs by making better use of their resources. Countries such as New Zealand and UK are ensuring that this data is captured, and we hope very much that you will support this to happen in the next Census.

We have written to all MPs and Senators on this matter and we will continue to put the case forward for LGBTI inclusion in 2021 Census in the new year.

I'd like to wish you and your family a safe and restful break over the holiday season.

Your sincerely

A handwritten signature in blue ink that reads "Nicky Bath". The signature is written in a cursive, flowing style.

Nicky Bath, Executive Director

STATEMENT IN SUPPORT OF THE INCLUSION OF SEXUAL ORIENTATION, GENDER IDENTITY AND INTERSEX STATUS IN THE 2021 AUSTRALIAN CENSUS OF POPULATION AND HOUSING

Prepared by

s 47F

on behalf of

Australian Professional Association for Trans Health Ltd

(AusPATH)

October 2019

Background of AusPATH

The Australian Professional Association for Trans Health (AusPATH) is Australia's peak body for professionals involved in the health, rights and well-being of trans, gender diverse and non-binary (TGDNB) people. Initially established in 2009 as ANZPATH (Australian and New Zealand Professional Association for Transgender Health), the organisation changed its name and governance structure in April 2019 to better reflect its national reach and representation.

AusPATH has the following aims:

Our principal purpose is to promote the health and well-being of TGDNB people. This is achieved through the organisation's aims:

- Provide education on the health, rights and well-being of TGDNB people to health professionals
- Develop best practices and supportive policies
- Share information and promote communication and collaboration amongst health professionals
- Encourage, promote and disseminate relevant research
- Maintain a network of supportive and informed professional service providers

Statement of Inclusion

The LGBTI community in Australia deserve recognition in the collection of national population data.

For the TGDNB population in particular, population estimates from cross-sectional studies, such as the National Survey of Australian Secondary Students and Sexual Health 2019, indicate that 2.3% of young people identify as trans or gender diverse including non-binary. However, despite the relatively large size of this population, no national population data exists.

It is well documented that the TGDNB population have a higher incidence of poor mental health outcomes and are more likely to experience depression, anxiety disorders, violence including domestic violence, abuse, self-harm and suicide attempts compared to the general population. This is the direct result of the stigma and

discrimination that occurs in a range of areas, including legal recognition in some jurisdictions, access to social and legal services and reduced access to appropriate healthcare services which recognises their particular needs.

TGDNB people are included as a national priority in the **5th National Mental Health and Suicide Prevention Plan** and addressing the above issues is a necessity if this is to be a success. Additionally, while a paucity of data exists at a national level of the prevalence of TGDNB people with HIV/AIDS, they are also considered a priority population in the **8th National HIV Strategy**, especially in relation to sex work and in custodial settings. Furthermore, for healthy ageing and aged care, TGDNB people are included in the **2012 National Lesbian, Bisexual, Transgender and Intersex (LGBTI) Ageing and Aged Care Strategy**.

In light of the Federal Government's commitment in these important policy areas, it becomes imperative that accurate and relevant data be collected at the national level to help address the diverse needs of TGDNB people. Without comprehensive, inclusive national data, essential planning of resources at a population level cannot be undertaken in these key areas. The 2021 Australian Census of Population and Housing offers the ideal opportunity to obtain accurate data to reflect the reality of the Australian population.

Therefore, AusPATH supports the inclusion of sexual orientation, gender identity and intersex status in the 2021 Australian Census.

Yours Sincerely,

Board of Directors, Australian Professional Association for Trans Health.

ABS options for the collection of sex in the 2021 Census

16 August 2019

- 1 This brief provides information to the Minister's Office on the recommended collection of sex with a non-binary response option in the 2021 Census. This supplements the Australian Bureau of Statistics' recommendation to Government on Census topics detailed in MB19-000039.
- 2 In this minute, the ABS noted that the existing Census sex question would be modified to provide a non-binary option in addition to male and female. This was to enable compliance with the *Australian Government Guidelines on the Recognition of Sex and Gender* (the Guidelines), established by the Attorney General's Department and implemented progressively from July 2016.
- 3 The topic 'sex' is prescribed in the *Census and Statistics Regulation* and no change is required to collect it in a non-binary way. Unlike the addition of new topics or the removal of existing topics, this change does not require Government or Parliamentary approval.
- 4 However, there are a variety of approaches that could be adopted to collect information on Australians' sex, and the Minister's Office has requested ABS provide information on options.

Background

- 5 The term 'sex' refers to a person's biological characteristics. These characteristics could be male, female or another variation that means that neither the male nor the female categories apply. People with a variation in sex characteristics are sometimes referred to as intersex. The Guidelines require the ABS to provide an option for 'any person who does not exclusively identify as either male or female'.
- 6 As part of the 2021 Census topic review program, there has been comprehensive development and testing of question options to collect sex in a way that is acceptable to both respondents who identify as non-binary and the broader population. Testing to date has shown that the questions perform well with the public, including those from culturally and linguistically diverse backgrounds. There appears to be an increasing community expectation that forms provide three response categories. This testing has been qualitative and included about 150 participants.
- 7 The large-scale Census field test in October 2019 will include two versions of the non-binary sex question and will measure any impact on data quality of this approach. Community and respondent reaction will also be measured. See attachment A for question wording of the two versions being tested.
- 8 Discussions with stakeholders have emphasised that collecting non-binary sex on the Census is a journey that started with a set of special procedures in 2016 and may take a couple of cycles to produce reliable data. It is worth noting that there are many different perspectives among stakeholder groups on this topic and no easy solution.

9 In the international context, comparable National Statistical Organisations will not be including a non-binary option for sex in their next Censuses. Several are likely to include a question on gender identity to supplement the sex question.

2016 Census approach

10 The Attorney General's guidelines were updated in November 2015 with an expectation that Australian Government Departments would progressively align their processes from July 2016.

11 The Census held in August 2016 introduced special procedures to allow people to respond as other than male or female but this wasn't available on the mainstream forms. A special online form was developed that contained three response options (male, female and other - please specify). This was available in an opt in basis by contacting the Census Inquiry Service. This procedure was implemented because there was insufficient time to test this option during development and therefore no understanding of how the public would respond to an explicit 'other' option.

12 The Census paper forms were printed before procedures were finalised and the paper form contained only male and female response options. 'How to Answer' instructions were developed which were available on the ABS website and distributed as a fact sheet through stakeholders. People wanting to respond as other than male or female on paper were instructed to leave both boxes unmarked and write a response alongside these boxes.

13 A pilot test was also conducted during the 2016 Census to test responses among the wider population. In this test 29,000 dwellings received the special online form with the three response options for the sex question. Analysis of the test results showed no real difference in response rate compared to the rest of the population and some reporting of the other option in error.

Options for 2021

14 While the 2016 procedures enabled inclusion in the Census of people who wanted to respond as other than male or female, it required knowledge among respondents that procedures existed and an extra step to participate online. With the high volume of calls to the Census Inquiry Service before and after Census night, respondents wanting to request log in details were unable to have their calls answered in a timely manner. Members of the non-binary community reported discomfort with the procedures, including needing to make contact with an operator and personally identify themselves as non-binary to get access to the online form. In some cases call centre staff were not familiar with the procedures or didn't know how to assist the person.

15 The three options that the ABS can consider for collecting sex in the 2021 Census are:

- A. As shown in Attachment A, offer a non-binary sex option to the whole population using one of the questions to be tested in the October field test. This approach would include a confirmation message on the online form to reduce the risk of error in reporting of the non-binary option.

- B. Develop an alternative sex question within the online form that can be accessed by clicking a link with words to the effect of 'these options don't apply to me'. This approach would seamlessly substitute in a sex question with a non-binary response option and potentially a confirmation question as is being included in the field test.
- C. Develop an alternative online form that includes the non-binary variation of the sex question and the confirmation question. This approach would require the respondent to contact the ABS through the website or contact centre to get access to a new login code for the alternative form.

16 Development activity to date has focussed on option A. Changing to option B or, in particular, C will introduce risk and cost to the program that needs to be further explored:

- Both will require development and testing with users to come up with suitable guiding text and functionality.
- Option C will also involve the development of a new online form and back-end processes that are not in the current scope of the digital channel work that PwC has been contracted to do. It will also be a more burdensome process for respondents that wish to use the alternative form.
- Ongoing engagement with stakeholders will be required to inform the new approach and garner support. LGBTI stakeholders are expected to advocate strongly for the inclusion of non-binary options as they have done recently in New Zealand in their 2018 Census.

17 Work will need to start on alternate options immediately to ensure development before the major readiness exercise to be conducted in mid-2020.

Appendix A: October 2019 test questions (online version)

SAMPLE 1

What is <name's> sex?

Sex may be different from gender. A question on gender will be asked later in the form.

- More information
- Male
- Female
- Variations in sex characteristics
(also known as intersex)

You have indicated that <name> has variations in sex characteristics, also known as intersex. If you would like to, please provide more information below. Otherwise, check the box and continue or select back to change your response.

- Prefer not to provide additional information

SAMPLE 2

Is <name>:

- More information
- Male
- Female
- Non-binary

You have indicated that <name> identifies as non-binary. If you would like to, please provide more information below. Otherwise, check the box and continue or select back to change your response.

- Prefer not to provide additional information

21/08/2019 06:16:17 PM

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ATT:473897 Joint Statement for the inclusion of LGBTI data in the 2021 Census

Dear Prime Minister

Please find attached a Joint Statement of peak organisations in Australia in support of the appropriate and meaningful collection of data on sexual orientation, gender identity and intersex status of the Australian population in the 2021 Census.

The National LGBTI Health Alliance has led this approach so as not to bombard you with letters of support, instead consulting with our colleagues in other peak health organisations, many of which represent a significant membership base across Australia, to develop a consensus statement highlighting the national importance of collecting this data.

We would very much welcome the opportunity to discuss this important issue further with you or your office.

Kind regards
Nicky Bath
Executive Director, National LGBTI Health Alliance

JOINT STATEMENT IN SUPPORT OF THE INCLUSION OF SEXUAL ORIENTATION, GENDER IDENTITY AND INTERSEX STATUS IN THE 2021 CENSUS OF POPULATION AND HOUSING

The Australian Bureau of Statistics (ABS) has recently identified sexual orientation, gender identity and intersex status for further testing and potential inclusion in the 2021 Census of Population and Housing (the Census). The meaningful inclusion of data on these topics is most welcomed as there are no other alternative data sources or solutions that could meet these topic needs.

As Australia's official statistical organisation, the ABS aspires to be a high quality, objective, and responsive national statistical service that strives for data excellence. The Census is best placed to understand the cultural, economic and social diversity of our communities, providing information about the population across small geographic areas and long-time trends in key aspects of the lives of Australians. Census data underpins government funding and investment and informs government decisions in a range of areas, including healthcare and social services planning.

The current exclusion of appropriate sexual orientation, gender identity and intersex status questions in the Census means that clear demographic data of the Australian population is not being captured.

A number of national health and wellbeing policies, strategies and programs rightly identify LGBTI people as a priority population for action. This is due to the ongoing significant health and wellbeing disparities experienced across and within LGBTI communities. This includes for example disproportionate rates of mental health diagnoses, suicidal behaviours, as well as elevated rates of drug and alcohol use, higher rates of HIV and STIs, and a significantly higher cancer burden. Discrimination and stigma have a negative impact on accessing high quality and culturally safe community and residential services, for example in aged care, domestic and family violence, homelessness and disability.

Asking appropriate questions on sexual orientation, gender identity and intersex status in the Census is crucial in fostering an evidence-informed environment for health and economic policy service planning and understanding health and social service utilisation. This is essential in addressing the significant health disparities that LGBTI people experience.

There is a strong shift internationally towards collecting this data. Scotland and Northern Ireland are considering a sexual orientation question for their 2021 Census. The Office for National Statistics in the UK are recommending the inclusion of sexual orientation and gender identity questions in the 2021 Census in England and Wales. These decisions have been made after their testing showed it would be acceptable to the population and will deliver good-quality data with minimal effect on overall response and respondent burden. The United States and Canada are also currently taking steps to achieve accurate population counts for LGBTI people in their Censuses.

Australia has a unique opportunity to provide statistical leadership in the collection, production and analysis of data for LGBTI populations. The inclusion of sexual orientation, gender identity and intersex status in the 2021 Census will promote scientific excellence and data integrity. This will have an enormous impact on improving social cohesion and the health outcomes of LGBTI people and communities.

We, the undersigned, place on the public record our support for the appropriate and meaningful collection of data on sexual orientation, gender identity and intersex status of the Australian population in the 2021 Census.



Hon. Scott Morrison MP
Prime Minister
Parliament House
Canberra 2600

Dear Prime Minister,

Census of Population and Housing

I write to you in my capacity as Chief Executive Officer of Family Planning NSW, Australia's leading provider of reproductive and sexual health services.

As you may be aware, the Australian Bureau of Statistics (ABS) recently identified eight new and existing topics for further testing and potential inclusion in the 2021 Census of Population and Housing (the Census). Non-binary sex and/or gender identity and sexual orientation are among those topics being considered.

The ABS aspires to be a high quality, objective, and responsive national statistical service. The Census allows us to understand the cultural, economic and social diversity of our communities, providing information about the population across small geographic areas and long-time trends in key aspects of the lives of Australians. Census data underpins government funding and informs government decisions in a range of areas, including healthcare and social services.

An LGBTI-inclusive Census that captures sexual orientation, gender identity and intersex data is crucial in fostering an evidence-informed environment for LGBTI health policy development in terms of prioritising, planning and analysis. This is essential in addressing the health needs of LGBTI people. Improving awareness about the LGBTI community, including through collection of national statistics, is a prerequisite of inclusion¹.

¹ OECD. Society at a glance 2019: OECD social indicators. 2019. [Cited 2019 June 11]. p.39. Available from: <https://www.oecd-ilibrary.org/docserver/c64c3d3f-en.pdf?expires=1560216922&id=id&acname=guest&checksum=8661D2C4E730933F12992CA38DE26387>



We respectfully ask that you consider these issues when the ABS makes its recommendations to Government on the additional questions to be included in the 2021 Census. Without the inclusion of sexual orientation, gender identity and intersex questions in the upcoming Census in 2021, Australia will need to wait until 2026 for all citizens to be appropriately included in the Census, and this is too long.

Australian policy makers and service providers need Census so insights to inform health and social services for all Australians, including LGBTI people. Countries such as New Zealand and UK are ensuring that this data is captured, and we hope very much that you will support this to happen in the next Census.

Many thanks for your consideration of this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ann Brassil', with a stylized flourish at the end.

Adj. Prof Ann Brassil
CEO, Family Planning NSW

20 June 2019

Beckett, Ian

From: Chris Libreri <chris.libreri@abs.gov.au>
Sent: Monday, 2 December 2019 10:53 PM
To: Beckett, Ian
Subject: Fw: FYI: Census Test Senate Order Material released [SEC=UNCLASSIFIED]

Categories: s 22

Chris Libreri

General Manager Census Division

Head of Brisbane Office

Australian Bureau of Statistics

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s 22

----- Forwarded by Chris Libreri/Staff/ABS on 03/12/2019 02:52 PM -----

From: Michael Meagher/Staff/ABS
To: Chris Libreri/Staff/ABS@ABS, Lily Viermann/Staff/ABS@ABS, Paul Jelfs/Staff/ABS@ABS
Cc: s 22 Staff/ABS@ABS, Nick Stathis/Staff/ABS@ABS
Date: 03/12/2019 10:53 AM
Subject: FYI: Census Test Senate Order Material released

[Routine | FYI Only | No response required | Alternative Contact: s 22]

Summary: The Minister's Office has tabled material about the Census Test and ABS recommendations on Gender/Sexuality questions.

Issues: Note that the Minister's Office has tabled Minsiterial Brief MB00039 in full (where ABS makes our recommendations to the Minister). In addition, the material provided by the ABS (form, and extract of analysis) has also been tabled.

You can find the full material at:

https://parlinfo.aph.gov.au/parlInfo/download/publications/taledpapers/0d17ec78-cb05-40e1-81bf-990299e32d4d/upload_pdf/OPD%20219%20gender.pdf;fileType=application%2Fpdf#search=%22publications/taledpapers/0d17ec78-cb05-40e1-81bf-990299e32d4d%22

Regards,

Michael Meagher (he/him)

Program Manager

Risk, Planning and Policy | Finance, Risk and Planning Division | **Australian Bureau of Statistics**

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Executive Sponsor for the ABS Pride Network