

A close-up photograph of a person's face, focusing on the eye and forehead. The image is overlaid with horizontal bands of color: teal at the top and bottom, and a reddish-orange band across the middle where the text is located. The person's hair is dark and slightly messy. The eye is dark and looking directly at the camera.

# Trans @ School

A guide for trans and gender diverse children and young people



This publication has been developed in partnership between the LGBTI Legal Service, Legal Aid Queensland and the Queensland Human Rights Commission, in consultation with the Queensland Children's Gender Service, young people, parents and educators.

This guide is for trans and gender diverse students.

A guide for schools and educators on matters which arise in the school environment is available from the Queensland Human Rights Commission website at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

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We acknowledge Aboriginal peoples and Torres Strait Islander peoples as the First Australians and recognise their culture, history, diversity, and deep connection to the land, waters and seas of Queensland and the Torres Strait.

First Nations' languages reflect gender diversity, for example 'kwarte kwarte' in Arrente, 'kungka kungka' in Pitjantjatjara, 'yimpininni' in Tiwi and 'kungka wati' in Pintipi. We recognise that the discrimination and stigma that impacts on some First Nations' brotherboys and sistergirls stems from attitudes arising from the colonisation of Australia.

# Introduction

Some people's gender identity is different from their sex assigned at birth. This is known as being trans or gender diverse. Self-recognition of gender identity can emerge earlier than many people realise, with identity emerging for some children by three or four years of age. Others may not identify as trans or gender diverse until adolescence or adulthood. Some people may not identify as male or female be non-binary or agender.

School is an important part of life for children and young people. Schools not only have an ethical duty, but a legal responsibility to provide a safe and supportive environment that protects all students, including trans and gender diverse students. As such, schools need to know how to support trans or gender diverse students, and understand that each will have specific needs.

Children and young people express gender identity in many ways, such as in their choice of clothing, hairstyle, name and pronouns, behaviours, and social relationships. The school environment should support and affirm gender diverse students, so that they feel they can safely explore and express their developing gender identity, whatever this may be. The best approach is always to ask a student what they need in order to feel respected and affirmed. For this reason, a 'one size fits all' approach is unlikely to be successful. To succeed there must be clear and open communication between the school and the trans or gender diverse student (and when possible, their family) to ensure that the needs of the student are met.

Use this guide as a resource, but ensure that communication between the school and you and your parents or support people is ongoing.

## Purpose of this guide

We hope that this resource will assist trans and gender diverse students to navigate the challenging issues that you may sometimes face in the school environment. The information in the guide applies to both state schools and private schools, including faith-based schools.

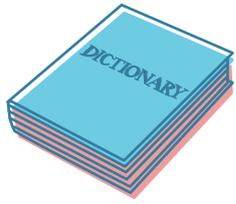
This information is general in nature so that it is widely applicable. When supporting individual students, it is vital that schools tailor support to the individual needs of the student, and within the context of that particular school. Part of supporting you as a trans or gender diverse student in school may be to develop a support plan. While not all students who identify as trans or gender diverse will require a plan to support them, schools should communicate with you to determine your needs and if required put in place a plan for your support.

## Terminology

Terminology is important, and using inclusive terminology should always be the aim. In this guide we use the phrase 'trans and gender diverse' to acknowledge the many identities in the gender diversity spectrum.

Trans and gender diverse is an umbrella phrase that includes all identities within the gender identity spectrum, including (but not limited to) people who identify as transgender, transsexual, genderqueer, gender fluid, non-binary, sistingirl, brotherboy, trans man, or trans woman.

It's important to check with individuals what language they prefer. Language is always changing.



# Terms used

**Gender** is part of how a person understands themselves. A person's gender does not necessarily mean that they have particular sex characteristics.

**Sex** means whether a person is male, female, non-binary or another sex.

**Gender identity** means a person's understanding of themselves as male or female, both, or neither. It affects how they perceive themselves, and what they call themselves. Gender identity can be a fixed and unchanging characteristic for some, however it can also be fluid or evolving for others.

**Note:** For the purpose of unlawful discrimination, gender identity under the *Anti-Discrimination Act 1991 (Anti-Discrimination Act)* is defined in the following terms:

*gender identity* is a person's internal and individual experience of gender whether or not it corresponds with their sex assigned at birth and includes a person's:

- personal sense of the body
- if freely chosen, modifications of their bodily appearance or functions by medical, surgical or other means;
- other expressions of their gender, including name, dress, speech and behaviour.

Just to be clear, the definition is based on self-identification rather than legal paperwork including identification documents.

**Gender expression** is the way in which a person communicates their gender identity to others through behaviour, clothing, appearance, voice, and other forms of presentation. The Anti-Discrimination Act protects a person from discrimination based on their gender expression within the attribute of gender identity. See also – gender identity in this section.

**Gender diverse** refers to people who do not prescribe to binary roles or normative standards of expressing gender. Other identifications that may be used are gender fluid, gender questioning, or genderqueer.

**Gender fluid** means that a person's gender identity is not fixed. Some gender fluid people feel very masculine on some days, and feminine on others, while some live free from definition entirely.

**Non-binary** is used to describe genders that do not fall into binary definitions of male or female.

**Affirming gender** means affirming the gender that matches a person's gender identity. For example, if a person was assigned male at birth and identifies as female, the person affirms their gender as female.

**Cisgender** is a term used to describe people whose gender is the same as that assigned to them at birth. 'Cis' is a Latin term meaning 'on the same side as'.

**Gender dysphoria** is a recognised medical condition in which a person's sex assigned at birth does not match their gender identity or expression, resulting in impaired functioning in daily life. One treatment for gender dysphoria is for the person to undergo a transition. Not all trans and gender diverse people have gender dysphoria and of those who have dysphoria, for many it ceases with access to gender affirming health care.

**Transgender** (or **trans**) means that a person does not identify with the sex assigned at birth.

**Transitioning** is the process by which a person changes aspects of themselves to better match their gender identity.

A **medical transition** is the process by which a person changes their physical sex characteristics via hormonal intervention and/or surgery to more closely align with their gender identity.

A **social transition** is the process of making others aware of one's gender identity, changing name and pronoun in social settings, and changing gender expression.

# Introduction to discrimination and human rights

A student who identifies as trans or gender diverse enjoys the same legal rights and protections as any other student. Anti-discrimination protections for students apply under the Queensland *Anti-Discrimination Act 1991* and the federal *Sex Discrimination Act 1984*.

Under the Queensland *Human Rights Act 2019*, students in state schools have the right to access primary and secondary education appropriate to their needs, and can expect equality before the law. Children also have the right to have their best interests protected.

The *Human Rights Act* recognises that children are entitled to special protections under the law because of their vulnerability. This means that the best interest of the child should be taken into account in all actions that affect a child. A child's 'best interests' will depend on the circumstances and is different for each individual. Consideration of best interests should take into account the child's views and recognise their autonomy to make decisions for themselves when they are mature enough to do so.

In the context of education, this means that children in Queensland have a human right to a public education that enables them to develop to their full potential, caters for their individual circumstances, and allows them to express their individual identity.

The *Human Rights Act* also requires that children are protected against discrimination.

Unlawful discrimination under the *Anti-Discrimination Act* can be either:

**Direct discrimination:** less favourable treatment because of an attribute (such as gender identity, age, or sex), for example a school refusing to accept an enrolment application from a student because of their gender identity;

or

**Indirect discrimination:** imposing an unreasonable requirement that a person cannot comply with because of their attribute (such as gender identity, age, or sex), for example a school requiring all students to wear a school uniform based on their sex assigned at birth.

The Queensland Human Rights Commission (QHRC) helps resolve discrimination complaints under the *Anti-Discrimination Act 1991* (involving state or private schools) and human rights complaints against public entities (including state schools but not private schools) under the *Human Rights Act 2019*.

The federal *Sex Discrimination Act 1984* provides protection from discrimination for people who identify as trans and gender diverse, and the [Australian Human Rights Commission \(AHRC\) resolves complaints made under this Act](#).

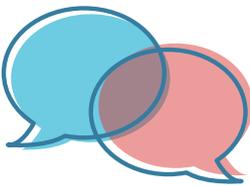


## Expressing yourself at school

The information provided in this section is for students who have decided it is time to express their gender identity at school. Everyone's experience is different and these changes may take place over time. You may be clear about what you want to happen, or you may be uncertain. We suggest that you take it one step at a time.

Before you start affirming your gender, it is probably best to work out a plan with the school guidance officer, school principal, or another trusted person. This may help to avoid communication breakdowns, misunderstandings, and insensitive treatment. If you don't explain your needs or concerns the school cannot address them.

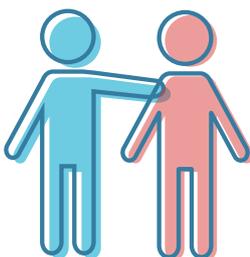
For example, if you are changing your name the school will need to organise a new student identity card, email address, computer logins, academic and other achievement records. These processes can take time, so it is important to involve the school from the beginning.



## Importance of communication

Good communication is essential for you to be supported to affirm your gender identity at school. You could start by thinking about who you are most comfortable to approach at the school. As difficult as it may be to have that first conversation with the guidance officer, principal, teacher, or other staff member, it is vital to involve key people at the school for things to go well. If you have the support of a parent or carer they can help you approach the school.

You should also make it clear what information you consider private, and what information you are okay with others knowing, and at what stage. If you have any issues, it is better to let someone know early on.



## Support person or ally

We suggest that you find a trusted support person from outside school such as a parent, guardian, friend, or sibling who can assist you through the process of affirming your gender. This person can attend meetings with you, and, if you are ready to do so, set an example by using your correct name and pronoun in front of other students and staff.

If you have an ally, give them information about how you want to be supported. There are a number of helpful resources available for allies, including:

- [Open Doors Youth Service](#);
- [GenderQueer Australia](#);
- [Transcend](#);
- [Headspace and their 'Purple Pack'](#).



## Help for your parent or carer

As a trans or gender diverse student, you may face additional challenges if your parents or carers are not supportive of you affirming your gender. You may have been thinking about this for some time, but your parents or carers may need more time and information. You could suggest your parents or carers seek support from [Parents of Gender Diverse Children](#) or [Transcend Support](#) or give them some information from these websites. The Australian Psychological Society has an [information sheet for the parents, caregivers and families](#) of trans and gender diverse children.

If you need support for your own health and wellbeing you could also seek affirmative care from the [Queensland Children's Gender Service](#). This service may also be able to assist you to work on the relationship with your parents or carers. It might take some time for parents or carers to see things the same way that you do. They may be feeling overwhelmed, scared or confused.

If you have given it some time and your parents or carers are still not affirming your gender identity, you may need to think about another supportive and trusted adult with whom you can talk about the changes that you want, and to help you navigate this with the school and your parents or carers.

If your parents or carers do not agree with your decision to change your name, for example, you may encounter some difficulties. If you are in this situation, you could seek help from someone who can advocate on your behalf with the school so that the changes happen as you want them to. This person could be someone from within your school (for example your guidance officer), a counsellor, psychologist, or another trusted adult. If there is a disagreement between your parents or carers about things like changing your name, you should also seek legal advice.

If at any time you feel that you are in an unsafe situation at home because of your gender identity, you should tell the school about this. They need to take into account your safety and wellbeing when supporting you to affirm your gender identity.



## Names and pronouns

You have the right to be called by your correct name. This name does not need to be your legal name. You also have the right to be referred to by your affirmed gender pronoun (e.g. he, she, they). It is important to tell the school that your name and pronouns have changed.

While accidental slip ups may happen when the change is new, continuous and deliberate use of the wrong pronoun or a former name may be discrimination. If you encounter issues with this, you should let the school know.



## School documentation and records

You have the right to ask your school to make changes to reflect your gender and name and ensure that your correct name is reflected on school records and documentation for day-to-day use. This includes the class roll, timetable, email address, logins, and report cards.

Records from prior to you affirming your gender, such as old report cards, should be reissued to show your correct name when requested.

It may take time for your school to implement these changes. However, if you feel as though your request has not been processed within a reasonable timeframe, it is possible you are experiencing discrimination.



## Privacy issues and medical information

Trans and gender diverse students, like all students, are entitled to have their personal, historical, medical, social, and other information that is collected by the school kept private.

If your school asks you to provide private medical information or details about your interactions with medical or psychological services, you are within your rights to ask why the information is needed.

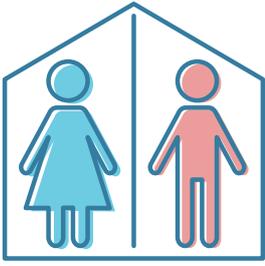
If you feel that the school is requesting medical reports to identify and address your particular needs, then it is probably a reasonable request. You may also choose to provide the school with medical information even if they do not ask for it so that the school can understand your situation and how best to support you. For example, in a situation where a parent or carer does not give their consent for you to change your personal records, it may be helpful to provide medical information to the school so they can make decisions that are in your best interests.

However, if the school is collecting information that is not needed for the purposes of providing you with education (and you do not wish to provide the information), requiring you to provide it could amount to a breach of privacy law or the Queensland *Anti-Discrimination Act*, if the information might be used to discriminate against you. If you are at a state school, your school has an obligation to protect your privacy under the Queensland *Human Rights Act*.

Not everyone who is trans or gender diverse engages with medical services. It should not be a requirement for you to provide the school with medical information in order to socially transition. Social transition includes things like:

- change to a correct name or pronoun for everything except official records;
- access to the uniform that matches your gender identity; and
- using the toilet that matches your gender identity.

These things are about making social adjustments and the school should not need medical information to allow these changes to happen.



# Toilets and change room facilities

You have the right to use toilets and change rooms that match your gender identity. There is no legal basis to deny a student access to a toilet that matches their gender identity. In some situations, schools may have to consider whether there are any potential safety concerns for you that need to be considered. Some trans or gender diverse students prefer initially, or even in the long term, to use a unisex or gender-neutral toilet.

Another option is to ask to use a locked, accessible toilet and have access to the key. This is a personal choice. You should not be told that you cannot use a toilet that matches your affirmed gender, and you shouldn't be required to use an accessible toilet or a staff toilet, unless that is what you prefer.

Gender fluid and non-binary students should be allowed to use the toilet facilities that they feel are appropriate and safe for them, understanding that this choice may change depending on the day and how safe they feel at the time.

If there are no safe and appropriate toilet facilities, you could ask the school to make modifications to existing facilities, such as better cubicle walls and doors. The school should make the modifications if these changes are not too expensive or difficult to do. Sometimes these modifications make the school safer and more accessible for all students.

You should communicate clearly and early with the school about what you are comfortable with, and raise any safety concerns as soon as possible. You may change your mind at some point about what toilet facilities you want to access. If you want the school to help and support you, you will need to communicate your needs at every step along the way.



# Uniforms and dress standards

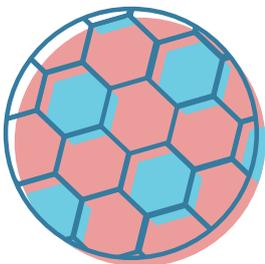
You should be allowed to wear the uniform in way that that affirms your gender identity.

Many schools now have gender-neutral options. In most schools, and in all state schools, this will include the option of wearing shorts or pants, regardless of your sex or gender identity. You should be given the same options as everyone else.

It is reasonable for the school to request that you dress in a way that protects your health and safety, such as wearing a hat. There may be other rules, such as to only wear clear nail polish and keep your hair tidy. This will not be discrimination as long as there are not different rules for you compared with the cisgender students.

Just like any other student you will need to comply with the dress code at your school by wearing the full uniform. Sometimes there might be a practical reason why you can't wear the uniform in the same way as others. For example, a blouse may not fit your chest and you would prefer to wear the sports polo instead. If you are asking for an exemption from the rules in the dress code, you should make a formal request and explain why it is important for you to wear something different from what the dress code says.

When attending a school formal or other official events out of uniform you should be able to wear what you feel safe and comfortable in. For example, a trans female should be allowed to wear a dress, if that is what she prefers. It is reasonable for the school to ask you to wear something formal and appropriate for such an event, so long as there are not different expectations of trans and gender diverse students compared with cisgender students.



# Sports and physical activities

Rules for participation of trans and gender diverse students can be different depending on the type of sporting activity, age group and competition type.

## If you are under 12 years old

Under the anti-discrimination laws in Queensland, children under the age of 12 do not need to be grouped by gender when playing sport. This means that children of any gender may participate in any sport they choose. For example, an eight-year-old girl may freely join the under 9 boys in rugby, and cannot be refused a place in the team because of her gender. Likewise, a boy of similar age may play a traditionally female sport, such as netball.

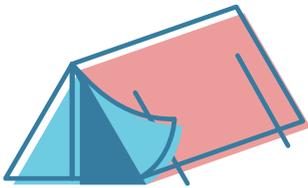
One exception is where a competition is organised to encourage a particular group to participate more in a particular sport. For example, a girl's rugby union competition can exclude boys because the aim of the competition is to encourage females in a traditionally male sport. A trans girl should be allowed to join that team.

## 12 years old and over

You may have heard it said that trans and gender diverse students have a physical advantage over other students in sport, particularly male-to-female trans athletes. While this may occasionally be true, under Queensland laws, students cannot be excluded from recreational school sport on the basis of their gender identity. This includes any intra-school sport (i.e. sports played with other students of the school, such as PE lessons or athletics carnivals).

You can ask to participate with the group that matches your gender identity. If you identify as gender fluid or non-binary, you can ask the school to participate with whichever gender you feel more comfortable.

When it comes to competitive sporting activities, the law is less clear. What is considered 'competitive' sport will depend on the particular circumstances and you should seek legal advice from the LGBTI Legal Service if you are unsure.

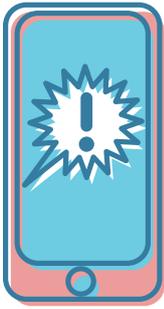


## Gender-specific activities, camps and excursions

Schools sometimes organise events and activities where girls and boys attend separate classes, such as classes for sex and relationship education, sexual health, and sporting activities. You have the right to attend with the group that matches your gender identity. You should advise the school in advance what your preferences are so they can make the arrangements.

For overnight events such as camps, you have the right to access the same sleeping facilities as other students of your affirmed gender, if you choose to do so and feel safe in the circumstances. In advance of the camp you might want to tell the school which peers you feel most comfortable with. If you have any other special requests, such as private change facilities, you should also ask the school in advance so they can make these arrangements.

If you are a gender fluid or non-binary student, you should communicate with the school about the group with which you would be most comfortable and feel the safest.



## Bullying

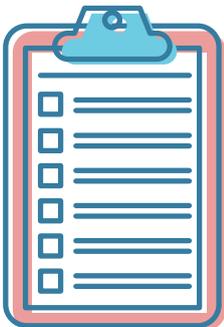
You have the right to learn in a safe and supportive environment that values diversity and individual identity, and should be free from bullying, harassment, discrimination, and violence.

If you are being bullied at school, you should talk to someone about it. You could talk to a parent or guardian, a school counsellor, or staff member you trust. Most schools have policies in place to deal with bullying. Websites such as [Bullying No Way!](#) and [Reach Out](#) have useful information about bullying and how to deal with it.

- [Bullying No Way!](#)
- [ReachOut](#)

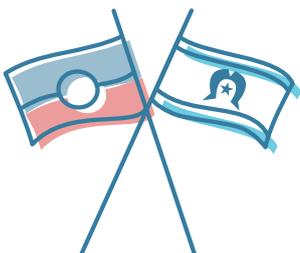
You could also seek out peer support if there is a rainbow support group or ally program already at the school, or you could even start one with some other students.

Bullying by a teacher because you are trans or gender diverse may be direct discrimination. If you are bullied by other students and you feel that your school has not taken your concerns about bullying seriously, you should first make a formal complaint to the school, making it clear what you want them to do, and giving them time to resolve the issues. You could suggest that a specific homophobic/transphobic bullying policy and strategies are put in place. The situation may be indirect discrimination if the school is aware that you are being bullied because of your gender identity, and the school has failed to take reasonable steps to address the issue. In this case, you could bring a complaint against the school to the Queensland Human Rights Commission on the basis of indirect discrimination.



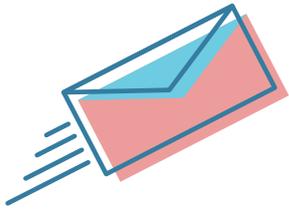
## Starting a new school

When starting at a new school, students and families only need to provide the school with information that is necessary for the school to provide educational services. Any personal, historical, medical, social, or other information collected about you by the school should be kept private. You can also decide what information you provide – you do not need to provide former names, or even tell the school you are trans or gender diverse. However, depending on your situation, sharing this information may assist the school in providing support. If you decide to provide this information to a new school, you should make it clear exactly who in the school you are comfortable with sharing this information – for example, the school principal, year coordinator and/or guidance counsellor.



## Information for Aboriginal peoples and Torres Strait Islander students

If you are Aboriginal or Torres Strait Islander or both, you might want to seek out specific culturally safe support to help you navigate your gender identity and culture. [2Spirits](#) are committed to improving health and wellbeing outcomes for Aboriginal and Torres Strait Islanders who identify as LGBTI across Queensland. They may be able to provide you with support or referrals.



# Making a complaint

You might be thinking about making a complaint if things are not going well at school. The first step is to try to resolve the issues directly with the school. If you have the support of a parent or carer they could advocate on your behalf, or you could find another trusted adult to help you. You could start by asking for a meeting with the school. To make it clear what you are looking for to resolve the issue, you should put your complaint in writing and say what you want to happen. If you do not make it clear what your needs are and what outcome you are seeking, then the school may find it hard to support you.

If the complaint is not resolved by talking to the school you could escalate it further. If you attend a state school you could ask for a review in accordance with the [Education Queensland complaints process](#). Private schools will also have their own specific complaints policies and this information will usually be available on the website.

While you are encouraged to try to resolve the complaint with the school first, you can choose to make a complaint to the [Queensland Human Rights Commission](#) or [Australian Human Rights Commission](#) at any point along the way.

## Choosing where to make a discrimination complaint

Both the Queensland Anti-Discrimination Act and the federal Sex Discrimination Act prohibit unlawful discrimination on the basis of a person's gender identity. While you can lodge a complaint to either the Queensland Human Rights Commission (QHRC) or the Australian Human Rights Commission (AHRC), there are some factors that can determine which is the better option for you.

If you are making a complaint about a religious school, it would be usually better to make a complaint to the Queensland Human Rights Commission under the Anti-Discrimination Act. This is because there is an exemption in the federal Sex Discrimination Act which says that religious schools may discriminate against teachers and students based on their gender identity if it is done in good faith and in accordance with doctrines, tenets belief or teachings of a religion. There is no exemption of this kind in the Queensland law.

A complaint to the QHRC should be generally made within one year. Sometimes this time frame can be extended if you can provide good reasons for the delay. The AHRC can terminate complaints that were made more than 2 years after the allegations took place.

We recommend you seek legal advice before lodging a complaint.

## Age of complainants

If you are 16 years or older you can make a complaint to the Queensland Human Rights Commission on your own. Depending on the circumstances, you might be able to complain to the Queensland Human Rights Commission on your own if you are under 16. Alternatively, the Queensland Human Rights Commission conciliator may ask you if you would like to authorise a parent, guardian, or another adult to act on your behalf.

# About the Queensland Human Rights Commission

We work to protect and strengthen human rights in Queensland, and to help build a fairer, safer, and more inclusive community.

We do this by:

- Providing an expert dispute resolution service for discrimination, human rights, sexual harassment, and vilification complaints
- Providing a free and personalised information service on rights and responsibilities
- Training businesses, government and the community
- Supporting the development of policy and legislation to better protect rights
- Increasing public understanding and discussion of human rights and responsibilities

We are a statutory body established under the Queensland *Anti-Discrimination Act 1991* and were formerly called the Anti-Discrimination Commission Queensland. We were renamed the Queensland Human Rights Commission on 1 July 2019 with the commencement of the *Human Rights Act 2019*.

## Training

As the leading authority on the *Human Rights Act 2019*, we are responsible for delivering practical training to help all people in Queensland to understand their rights and responsibilities under the Act, and to help organisations to promote and protect people's human rights. We also offer training on a variety of aspects of anti-discrimination law, including information and capacity building workshops on gender identity and supporting trans and gender diverse employees.

You can contact our training team at [training@qhrc.qld.gov.au](mailto:training@qhrc.qld.gov.au).

## Complaints, information and enquires

The Commission has a free enquiry service which can provide information about the Human Rights Act and Anti-Discrimination Act, rights and responsibilities under these laws, our complaints process, and referrals to other support or complaint agencies where relevant.

Our highly skilled complaint management team is responsible for assessing all complaints received and working with parties to resolve the issues through conciliation.

You can read more about our complaints process and conciliation on our website at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au), or contact our enquiry line on 1300 130 670.



## Contact us

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STATEWIDE ENQUIRY LINE: 1300 130 670

[WWW.QHRC.QLD.GOV.AU](http://WWW.QHRC.QLD.GOV.AU)

[TRAINING@QHRC.QLD.GOV.AU](mailto:TRAINING@QHRC.QLD.GOV.AU)

