



Transgender Victoria;
Transgender Victoria
100 Drummond Street, Wurundjeri country
Carlton VIC 3053
Affirmation Station
279 Lygon St
Brunswick East VIC 3057
Email: [REDACTED]
Phone: [REDACTED]

20 July 2026

Insurance Council of Australia

Email: codeofpractice2026@insurancecouncil.com.au

Transgender Victoria –Submission on Draft General Insurance Code of Practice.

Acknowledgement of Country	1
About Transgender Victoria	1
Gender identity as a protected attribute in Commonwealth law	1
The Impact of the Sex Discrimination Act	2
Honorifics.....	3
Legal Name and Preferred Name	3
Sex and gender	3
Change of details	4
Contact by phone or with voice online	4
Inclusion and use of pronouns and gendered references	4

Acknowledgement of Country

Transgender Victoria operates across lands belonging to the Wurundjeri, Boonwurrung, Taungurong, Dja Deja Wurrung, and Wathaurong peoples of the Kulin nation. Transgender Victoria pays its respects to Elders past, present, and emerging, and acknowledges that sovereignty has never been ceded.

About Transgender Victoria

Transgender Victoria (TGV) is the leading body supporting the trans and gender diverse (TGD) community in Victoria. Transgender Victoria (TGV) works to achieve justice, equity and inclusive service provision for trans and gender diverse (TGD) people, their partners, families and friends. The TGD community includes those whose gender identity or expression is different from that which was assigned at birth or is expected of them by society. This includes those who identify as: trans; transgender; transsexual; genderqueer; non-binary; cross-dressers; Sistergirls, Brotherboys, and other culturally-specific identities; as well as a variety of other gender labels. Some of these groups have their own supporting bodies and TGV respects their right to self-definition, however TGV works in a way that supports all of these groups within the broader TGD community.

Gender identity as a protected attribute in Commonwealth law

TGV's notes the definition of gender identity in the Sex Discrimination Act (Cwth 1984 as amended).¹

"gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth"

It should be noted that the inclusion of gender identity was added to the Sex Discrimination Act in 2013 and in the explanatory memorandum issued with this amendment to the act it makes it clear that gender refers to genders other than male or female as well as male or female. Referring to the definition of gender identity²

"This definition provides maximum protection for gender diverse people. It includes the way a person expresses or presents their gender and recognises that a person may not identify as either male or female. This acknowledges that it is often the discord between a person's gender presentation and their identity which is the cause of the discrimination."

¹ Sex Discrimination Act (Cwth 1984 as amended) Section 4 Interpretation <https://www.legislation.gov.au/C2004A02868/latest/text>

² Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 [Explanatory Memoranda](#)

The fact that this law has been in operation for over 13 years means that it is not a reasonable legal defence for any discrimination to rely on the newness of the definition.

The Act makes it clear that discrimination on the grounds of gender identity is illegal except in defined circumstances. It defines discrimination on the grounds of gender identity as follows

“For the purposes of this Act, a person (the **discriminator**) discriminates against another person (the **aggrieved person**) on the ground of the aggrieved person’s gender identity if, by reason of:

- (a) the aggrieved person’s gender identity; or
- (b) a characteristic that appertains generally to persons who have the same gender identity as the aggrieved person; or
- (c) a characteristic that is generally imputed to persons who have the same gender identity as the aggrieved person;

the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who has a different gender identity.

(2) For the purposes of this Act, a person (the **discriminator**) discriminates against another person (the **aggrieved person**) on the ground of the aggrieved person’s gender identity if the discriminator

imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons who have the same gender identity as the aggrieved person.³

TGV notes that there are a variety of state laws also preventing discrimination against trans and gender diverse (TGD) people. A brief summary can be found in the reference below, noting that it is dated 2017 and may not be current.⁴ Insurance Council of Australia should seek legal advice on the impact of any applicable legislation in relation to discrimination against TGD people

The Impact of the Sex Discrimination Act

TGV thanks the Insurance Council for the opportunity to comment on their draft General Insurance Code of Practice. TGV submits that the Insurance Council should ensure that the code of practice is compliant with respect to these laws particularly as the Code will be legally enforceable as part of an insurance contract for the first time, pending ASIC’s approval.

³ Sex Discrimination Act (Cwth 1984 as amended) Section 5 Sex Discrimination <https://www.legislation.gov.au/C2004A02868/latest/text>

⁴ A Quick Guide to Australian LGBTI Anti-Discrimination Laws 2017 Alistair Lawrie. <https://alastairlawrie.net/2017/07/29/a-quick-guide-to-australian-lgbti-anti-discrimination-laws/>

TGV also notes that as TGD people represent almost 1% of the Australian population⁵, it makes good business sense to make their contracts and associated documentation as customer friendly to TGD people, their friends and family.

TGV offers the following suggestions to assist the Insurance Council in achieving legal compliance and business sense for TGD people. It should of course take formal legal advice in situations of doubt.

Honorifics

Where honorifics are offered it makes legal and sound business sense to offer in addition to the standard male or female gendered honorifics non gender specific such as Mx. A more complete list can be found in the reference below.⁶

Legal Name and Preferred Name

TGV of course accepts that in a legally binding contract it may be essential to ask for the legal name of the person entering into the contractual arrangement. However, many people including many TGD people have difficulty with their legal name but may be unable to change it for a variety of reasons. For those people it is good practice to offer people the option of including a preferred name in any forms or contracts with them and then to use their preferred name in addressing them directly in any communication

Sex and gender

TGV submits that unless there is a good reason for collecting this information about a person that it is not requested. The sex at birth or sex recorded on a birth certificate can be very disturbing for a TGD person to record and may not accord with their gender identity. In situations where it is important to establish their gender identity it is best to ask a person's gender and to employ a simple list of options such as

- Male
- Female
- Non-binary
- Other please specify.

If it is absolutely essential to establish their sex the following should be offered

- Male
- Female
- Another term⁷

⁵ Estimates and characteristics of LGBTI+ populations in Australia Australian Bureau of Statistics 2024
<https://www.abs.gov.au/statistics/people/people-and-communities/estimates-and-characteristics-lgbti-populations-australia/latest-release>

⁶Gender neutral titles https://nonbinary.wiki/wiki/Gender_neutral_titles

⁷ Australian Bureau of Statistics 2020 Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables
<https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release>

If the information is to be collected by interview either in person or by voice online or on the phone, the interviewer should refrain from making assumptions about a person's sex and/or gender identity based on indicators such as their name, voice (NB the section below on phone contact) or appearance. Accordingly, the interviewer must ask the sex or gender questions as written and no assumptions made by the interviewer.

Change of details

It should be noted that changes to all the above details are common within the TGD community. Legal name and change of sex on birth certificates are possible in all Australian jurisdictions and on other identity documents such as passports or change of record of sex in Victoria. Any processes or contracts should enable changes with appropriate proof should be efficient and effective. Changes of honorifics, preferred name and gender should be able to be made without proof.

Contact by phone or with voice online

It is common to make contact with clients or others by phone. TGD people frequently report not being believed that they are the gender that they claim to be on the basis of their voice alone. It is good practice in general not to confirm identity on the basis of voice alone to establish the identity of the person being spoken to. TGD people generally retain some traces of the voice of the gender that they were confirmed at birth and it creates problems for them. Personally, I frequently get asked several times if I am Michelle on the basis of my voice which is in the middle of the so-called androgynous range. Transgender women and transgender men with voices which have a pitch in the extremely deep or high range are frequently not believed to be who they claim to be. Employing PINS, secret questions etc as a means of identifying callers should be routine for establishing identity and written into the code of practice.

Inclusion of pronouns and gendered references in Contracts

It is important to note that there are more than two genders male and female recognised under law in Australia. A person may not use male or female identifiers and as such the use of a gender-neutral pronoun is preferred if there is no clarity on the gender of the person being referred to. It is not appropriate to assume a pronoun based on appearance. The use of singular they and them is recommended where the appropriate pronoun is not known. Pronoun use is important to TGD peoples' sense of their gender and an appropriate pronoun should be requested where this is important. Options might include

- He/Him
- She/Her
- They/Them
- Other – please specify
- Prefer not to say

A common objection to the use of they/them as a singular pronoun is that it is grammatically incorrect. Usage of they or them as singular pronouns can be found in Austen, Shakespeare and Chaucer. More commentary on the importance of pronouns and some newer pronouns is given in

the reference below⁸. A general comment on good practice here is that it can be reassuring for a TGD person when meeting someone for the first time to be politely asked about their pronouns. An appropriate introduction might be:

“Hi, Pleased to meet you, I am Jane from XYZ Insurance. I use she/her pronouns. Would you mind letting me know which pronouns you prefer?”

⁸ Understanding Pronouns lgbt foundation 2026 <https://lgbt.foundation/help/understanding-pronouns/>