

# Note 10:

## LGBTI Community

The term LGBTI refers collectively to people who are lesbian, gay, bisexual, trans and/or intersex. Other acronyms such as LGBTIQ+ include other forms of identity, such as 'Q' for queer or 'A' for 'asexual'. People in LGBTI communities are diverse and have different opinions about the best terminology to describe themselves or may reject these terms altogether.

The following information is drawn largely from the [Equality Before the Law Bench Book](#) – Judicial Commission of New South Wales.

LGBTI victims may face challenges in court due to a range of factors relating to their sexual orientation or gender identity or expression.

### Common concerns

LGBTI people have unique concerns as victims and witnesses in court proceedings. For example, they may:

- Fear potential consequences of 'coming out' or being 'outed', such as rejection by family, friends, colleagues or cultural communities;
- Be concerned about media coverage and fear discrimination, harassment and violence.

For example, trans or gender diverse people may be upset by being referred to by their previous name or the gender they were assigned at birth, or having their previous name or gender being unnecessarily revealed in court;

- Self-censor due to ongoing discrimination. For example, lesbian, gay, bisexual or queer people may limit discussion of their weekend activities or change their partner's pronouns in an effort to avoid discrimination and mistreatment;
- Appear evasive or selective when answering questions about their personal lives or activities.

### Key points to consider: Respectful language

#### Use appropriate terminology:

Court staff and judicial officers should be aware of appropriate terminology associated with LGBTI people.

For example, some trans or gender diverse people may prefer to refer to their 'gender affirmation' or 'aligning their body and gender' rather than referring to a transition or transitioning.

Adopting the same language shows respect for that approach.

**Avoid misgendering:** Consider what pronouns you use to describe victims and seek advice, in private if possible, if this is likely to be an issue.

Be aware that gender diverse people may use gender-neutral pronouns, such as 'they', 'zie' and 'hir' and gender neutral titles such as 'Mx'.

#### Avoid heteronormativity/

**heterosexism:** Avoid using language which reflects an assumption that everyone is heterosexual (straight).

For example, consider using the term 'partner' rather than 'wife' or 'husband' where the gender or sexual orientation of a person is unknown.

#### Acknowledge diversity

**within diversity:** LGBTI people may also be members of other groups, such as Aboriginal and Torres Strait Islander communities or other culturally and linguistically diverse communities.

LGBTI people might also be members of multiple LGBTI communities.

For example, a victim may be trans and bisexual.

**Actively monitor questioning** about sexual orientation, gender identity and sexuality or expression of sex characteristics and restrict such questioning where appropriate.

## Note 10: LGBTI Community

Resources that describe appropriate and inappropriate terminology associated with sex, gender, sexual orientation, gender identity and sex characteristics include:

- [Inclusive Language Guide](#) – Victorian Government;
- [Glossary of Common Terms](#) – Child Family Community Australia, Australian Institute for Family Studies;
- [Lesbians, Gay Men and Bisexuals – Explanations and Terminology](#) and [Sex and Gender Diverse People – Explanations and Terminology](#) – Equal Treatment Bench Book, Judicial Commission of New South Wales;
- [Gender Identity and Sexual Orientation](#) – Equal Treatment Bench Book, Supreme Court of Queensland.

### Family violence in LGBTI communities

The Magistrates' Court is trialling a one-year program aiming to improve inclusion and services for LGBTI people experiencing family violence.

For more information about family violence experienced by LGBTI people, see [People in Same-Sex Relationships](#) in the Family Violence Bench Book and [People who are Gay, Lesbian, Bisexual, Transgender, Intersex and Queer](#) in the National Domestic and Family Violence Bench Book.

For more information generally, see:

- [Lesbians, Gay Men and Bisexuals – Common Misconceptions](#)
- [Sex and Gender Diverse People – Common Misconceptions](#) – Equal Treatment Bench Book, Judicial Commission of New South Wales
- See also [Guidance Note 11: Victims of Family Violence](#)