

Attachments:



From: Moira Deeming <Moira.Deeming@parliament.vic.gov.au>

Sent: Saturday, February 18, 2023 11:02 AM

To:



Subject: FW: table comparing state laws concerning changing sex on birth certificate

And this table compares gender identity laws by state.

Hope this helps for the info list you need!

Cheers,

Moira

Table of state laws regarding change of sex on birth certificates

Summary of the major differences:

a) states that have already changed their legislation are: ACT, NT, SA, TAS, VIC.

States that haven't: QLD, WA, NSW

QLD has a bill before parliament to change

WA has announced they will abolish Gender Reassignment Board and bring in legislation in line with other states

NSW changes are rumoured depending on imminent election

b) states that set the age for independent action at 18: VIC, NSW, SA, NT, WA

set the age at 16: TAS, ACT, QLD

c) states that require physical treatment: WA and NSW – though WA has officially signalled imminent change

c) states that require only a statutory declaration about gender identity: TAS, VIC, QLD

states that require some "medical treatment", which could be surgery or hormones, or could just be counselling: NT, SA, ACT

	WA	NT	SA	QLD	NSW	ACT	VIC	TAS
Change what	Gender/sex (changes announced – GRB on the way out – new laws in harmony with other states anticipated)	“sex or gender”	“sex or gender”	Sex (bill before the house)	Sex (changes rumoured)	sex	sex	gender (sex optional on birth cert, “gender identity” can be registered on request)
Age	18	18	18	16	18	16	18	16
Children allowed	Yes, with parents agreement	Yes, with parents’ agreement	Yes, with Tribunal approval	Yes, parents’ agreement If parents disagree, child over 12 can apply to Court	Yes, parents’ agreement	Yes with one parents’ agreement	Yes, with parents’ consent and supporting statement by doctor	Yes with parent’s consent
Surgery required		no	No “ clinical treatment need not involve invasive medical treatment”	no	YES	no	no	no
Treatment required	“reassignment procedure..” “a medical or surgical procedure (or a combination	“ appropriate clinical treatment in relation to the adult’s sex or gender”, eg.	“appropriate clinical treatment”... “appropriate clinical treatment		“sex affirmation procedure” “means a surgical procedure	“ the person believes their sex to be the sex nominated in the application		“ a gender declaration made by the person” For under 18s - “ the person

	<p>of such procedures) to alter the genitals and other gender characteristics of a person”</p> <p>“has received proper counselling in relation to his or her gender identity”</p>	could be surgery, hormone therapy, or counselling (gov website)	constituted by counselling only cannot be regarded as a sufficient amount of appropriate clinical treatment unless the period of the counselling is equal to or greater than the prescribed period”[not specified how long period is]		involving the alteration of a person’s reproductive organs carried out”	(the altered sex), and— (i) has received appropriate clinical treatment for alteration of the person’s sex”		has undertaken counselling”
Testimony requirement		“ a statement by a medical practitioner or a psychologist certifying that the adult: (i) has received appropriate clinical treatment in relation to the adult’s sex or gender”	a statement by a medical practitioner or psychologist certifying that the person has undertaken a sufficient amount of appropriate clinical treatment in relation to the person’s sex	statutory declaration, that the person— (i) identifies as the sex stated in the application ... A supporting statement.. by a person who is at least 18 years and who has known the	2 statutory declarations verifying that the person the subject of the application has undergone a sex affirmation procedure	a statement by a doctor, or a psychologist, certifying that the person— (i) has received appropriate clinical treatment for alteration of the person’s sex;	Stat dec that the person believes the person’s sex to be as nominated in the application; “ A supporting statement ... by a person who is aged 18 years or over and who has known the	

			or gender identity	person making the application for at least 12 months			applicant for at least 12 months	
Legal effect		“ Where a person's change of sex or gender is registered under this Part, the person is, for the purposes of (but subject to) any law in force in the Territory, a person of the sex or gender as so changed.”			32I Effect of alteration of register and interstate recognition certificates (1) A person the record of whose sex is altered under this Part is, for the purposes of, but subject to, any law of New South Wales, a person of the sex as so altered	(1) A person to whom a recognised details certificate relates is, for the purposes of, but subject to, any territory law, a person of the sex stated in the certificate.	(1) If the record of a person's sex in the person's birth registration is altered under this Part the person is a person of the sex as altered.	If there is a registered gender in relation to a person, the person is, for the purposes of, but subject to, any law in force in this State, a person of that gender