

2019

The Parliament of the
Commonwealth of Australia

SENATE

Presented and read a first time

Sex Change Recognition Bill 2019

No. , 2019

(The Hon. Senator Lieselta)

(Written by The Hon. DirtySaiyan MP and The Hon. Senator Lieselta)

**A Bill for an Act to recognise change of sex, and for
related purposes.**

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1 **A Bill for an Act to recognise change of sex, and for**
2 **related purposes.**

3 The Parliament of Australia enacts:

4 **Part 1—Preliminary**

5 **Division 1—Preliminary**

6 **1 Short title**

7 This Act is the *Sex Change Recognition Act 2019*.

Section 2

1 **2 Commencement**

2 (1) Each provision of this Act specified in column 1 of the table
3 commences, or is taken to have commenced, in accordance with
4 column 2 of the table. Any other statement in column 2 has effect
5 according to its terms.

6

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	1 July 2019	1 July 2019

7 Note: This table relates only to the provisions of this Act as originally
8 enacted. It will not be amended to deal with any later amendments of
9 this Act.

10 (2) Any information in column 3 of the table is not part of this Act.
11 Information may be inserted in this column, or information in it
12 may be edited, in any published version of this Act.

13 **3 Act binds the Crown**

14 This Act binds the Crown in each of its capacities.

15 **4 Object of this Act**

16 This object of this Act is:

17 (a) to allow persons who undergo a change of sex through
18 medical treatment or is an intersex person be able to change
19 their personal information to reflect their new sex.

1 **Division 2—Definitions**

2 **5 Definitions**

3 In this Act, unless the contrary intention appears:

4 ***Personal information*** means the same definition under the Privacy
5 Act 1988.

6 ***Medical treatment*** refers to *hormone replacement therapy or *sex
7 affirmation surgery.

8 Note: For the avoidance of doubt, undergoing medical treatment can mean either undoing
9 hormone replacement therapy, sex affirmation surgery, or both.

10 ***Change of sex*** refers to when a person undergoes *medical
11 treatment to have the sexual characteristics of their new sex.

12 ***Hormone replacement therapy*** means the administration of sex
13 hormones to transgender or intersex individuals for the purpose of
14 more closely aligning their secondary sexual characteristics with
15 their new sex.

16 ***Sex affirmation surgery*** means a surgical procedure (or procedure)
17 by which a transgender or intersex person's physical appearance
18 and function of their existing sexual characteristics are altered to
19 resemble that of their new sex.

1 **Part 2—Applications**

2 **6 Applications**

- 3 (1) A person of either sex who is aged at least 18 years may make an
4 application for their sex to be changed on their *personal
5 information on the basis of undergoing a *medical treatment.
- 6 (2) A person of either sex who is aged younger than 18 years but no
7 younger than 16 years may make an application under the
8 provisions of subsection (1), subject to the approval of a
9 magistrate.
- 10 (3) An application is to be determined by a Sex Recognition Panel.
- 11 (4) An application is to be submitted to any of the office branches in
12 any state/territory capital city.

13 **7 Determination of application**

- 14 (1) In the case of an application the Panel must grant the application
15 if satisfied that the applicant:
- 16 (a) has lived in their new sex for a period of at least 1 year; and
17 (b) has undergone *medical treatment.
- 18 (2) The Panel may reject an application if there is insufficient
19 evidence that the panel is satisfied that the requirements under
20 subsection (1) have been met.

21 **8 Evidence**

- 22 (1) An application must include:
- 23 (a) a report made by two different registered medical
24 practitioners; or
25 (b) a report made by a chartered psychologist; or
26 (c) medical history of *medical treatment.

1 **9 General**

2 (1) When a successful application is issued to a person, the person's
3 sex becomes for all purposes the new sex. And therefore, the
4 individual's sex must be represented on all *personal
5 information.

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