



REFORMS TO SEX OR GENDER RECOGNITION IN WESTERN AUSTRALIA



**APPLICATION FOR ADULTS TO UPDATE THEIR
SEX OR GENDER IN THEIR REGISTRATION OF BIRTH**

The Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Act 2024 (WA) ('the reforms') abolishes the Gender Reassignment Board (the Board) and creates a new streamlined process for individuals to update their sex or gender marker in their birth registration or apply for a document acknowledging their sex or gender if they were born outside of Australia. This new process is managed by Western Australia's Registry of Births, Deaths and Marriages (the Registry).

This Fact Sheet provides information for adults seeking to update their sex or gender marker in their birth registration. The legislation is written using the term 'sex or gender.' This guidance material also uses this wording.

What has changed from the previous process?

The previous process required individuals to apply to the Board for a 'recognition certificate' before applying to the Registry to update their sex or gender on their birth certificate. To obtain a recognition certificate, individuals had to demonstrate that they had undergone a 'reassignment procedure.'

The new process will allow you to apply directly to the Registrar for Births, Deaths and Marriages (Registrar). You no longer need to show that you have undergone a 'reassignment procedure.'

What are the sex or gender classifications under the new process?

You can apply for your sex or gender to be recognised as 'male,' 'female' or 'non-binary' in your birth registration. No other description will be accepted.

Who can apply?

To apply to update your sex or gender in your registration of birth you must have been born in Western Australia (WA) and be over 18 years of age.

If you were born outside of Australia, you can apply for an acknowledgment document, acknowledging your sex or gender, as long as you have resided in WA for at least 12 months.

If you are a 'restricted person' (ie, a prisoner, high risk offender, detainee, supervised offender or subject to an early release order), you will require approval from your supervisory authority (eg, the Prisoners Review Board) before applying to the Registry.

You can apply to record an update of sex or gender in WA once in any 12-month period and three times as an adult, unless the Registrar grants an exemption to the three-time limitation.

What if I was born in another Australian state or territory but live in WA?

You will have access to the update of sex or gender registration process in your birth state or territory.

How do I apply?

You can find the application forms online at www.justice.wa.gov.au/bdm.

You must submit your completed forms by post or in person at the Registry's Office in Perth.

What documents do I need?

Your application must include:

- Appropriate identification as specified on the application form.
- A statement from a doctor or psychologist registered with the Australian Health Practitioner Regulation Agency (AHPRA), stating that you have received appropriate clinical treatment in relation to your sex or gender. There are no set requirements for the form of this statement. An example statement for adults is available at www.justice.wa.gov.au/bdm.
- Any other documents required by the Registry.

What is 'appropriate clinical treatment'?

The term 'appropriate clinical treatment' is not defined in the law. The decision as to what clinical treatment is appropriate will depend on your individual needs and in all circumstances, will be determined in confidence between you and a doctor or psychologist.

Appropriate clinical treatment will be different for different people. For example, it may include discussions with a doctor or psychologist, hormone therapy, puberty blockers, chest binders, speech therapy and voice modification, facial hair removal, supportive therapy or other forms of gender affirming care.

There are no minimum requirements for treatment. For example, if a doctor or psychologist forms the view that an individual does not need any treatment, the doctor or psychologist can be satisfied that the individual has received treatment deemed appropriate for that person.

You do not need to provide details about any treatment you have undertaken in your application.

What if I already have a recognition certificate from the Board?

Recognition certificates already granted by the Board will not be affected.

The Registrar will still be able to register an update of sex or gender from a recognition certificate and issue a birth certificate showing your sex or gender.

This means if you have not yet provided your recognition certificate to the Registrar, you will still be able to do so.

What happens after I send my application to the Registry?

Once you have provided your completed application form and supporting documents and paid the required fee, the Registrar will assess your application to ensure all the correct information has been provided. Incomplete applications will cause delays and may be refused.

You should expect to wait at least 15 working days for the Registry to process your application. If you are paying by personal cheque, please allow a further 10 working days.

You will receive notification of the outcome of your application. If your application is successful, you will be automatically issued with a new birth certificate or acknowledgment document.

Why might my application be refused?

Your application may be refused if it does not meet the requirements set out in the law. For example, if you:

- did not provide all the necessary information.
- are a restricted person and did not get approval from your supervisory authority.
- are applying for an acknowledgment document but have not lived in WA for 12 months.

What can I do if my application is refused?

Depending on the reasons for the Registrar's refusal, you may be able to apply again with more information or after making sure all the application requirements are satisfied (eg residing in WA for 12 months before applying for an acknowledgment document).

If you are dissatisfied with the Registrar's decision, you can apply to the State Administrative Tribunal (SAT) for a review of the decision. You must apply within 28 days of the Registrar's decision.

Applications to the SAT can be made in person or online at the eCourts Portal of Western Australia ecourts.justice.wa.gov.au/eCourtsPortal.

How will my privacy be protected?

The Registry understands the importance of managing personal information responsibly and follows the WA Information Management Framework. The Registrar is bound by legislation to, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.

The Registrar also maintains access policies on which access to information contained in the Register is to be given or denied. The policies are available at wa.gov.au/organisation/departments-of-justice/the-registry-of-births-deaths-and-marriages/privacy-and-disclosure-of-information-registry-of-births-deaths-and-marriages. In respect of updates to a person's sex or gender on their birth registration, the Registrar must not allow access to such particulars unless the request for access is made by the person to whom the entry relates, or a person or body prescribed by Regulations.

If I need support, who can I talk to?

You may consider contacting the following services:

- **Qlife** - anonymous and free LGBTIQ+ peer support and referral for people living in Australia (qlife.org.au)
- **Trans.au** – a community-led national directory of services for trans and gender diverse people (trans.au/directory/wa)
- **TransFolk WA** – a support and advocacy service for trans and gender diverse people in WA who have a list of recommended providers available upon request (transfolkwa.org.au)
- **GLBTI Rights in Ageing (GRAI)** – a community-controlled, culturally safe, not-for-profit organisation protecting the rights and well-being of older LGBTI individuals in WA (grai.org.au)

The **Australian Professional Association for Trans Health (AusPATH)** is Australia's peak body for professionals involved in the health, rights and well-being of all trans, gender diverse and non-binary people. Their website contains a list of WA providers who are committed to strengthening the health, rights and wellbeing of all trans people (auspath.org.au/providers).

A list of bulk billing practices can be found at healthdirect.gov.au/australian-health-services.

People living in rural and remote parts of WA may consider Telehealth medical appointments. Information can be found at healthdirect.gov.au/western-australia-rural-and-remote-health-services.

Who can I contact for questions?

You can contact the Registry by phone on 1300 305 021 or 61 8 9264 1555 (overseas calls only), or via email at bdm@justice.wa.gov.au.

Alternatively, you can visit the Registry office at Level 10, 141 St Georges Terrace, Perth WA 6000 and speak with Registry staff.

Further information can be found on the Registry's website justice.wa.gov.au/bdm including a fact sheet for child applicants.