



REFORMS TO SEX OR GENDER RECOGNITION IN WESTERN AUSTRALIA



APPLYING TO UPDATE SEX OR GENDER IN THE REGISTRATION OF BIRTH FOR A CHILD (AGED 12 TO 17 YEARS)

There is a new, simpler process for young people in Western Australia (WA) to apply to update their sex or gender in their birth registration.

This process will be managed by the WA Registry of Births Deaths and Marriages (the Registry).

This Fact Sheet provides information for children aged 12 to 17 seeking to update their sex or gender marker in their birth registration.

The law is written using the term 'sex or gender.' This guidance material also uses this wording.

What has changed from the previous process?

The Gender Reassignment Board (the Board) has been abolished. Previously, individuals had to apply to the Board for a 'recognition certificate' before applying to the Registry to change their sex or gender on their birth certificate.

To get a recognition certificate, individuals had to show they had undergone a 'reassignment procedure.' This is no longer required.

The new process will allow your parents or guardians to apply directly to the Registrar of Births, Deaths and Marriages (Registrar) without having to show that you have undergone a 'reassignment procedure.'

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

Your parents or guardians can apply for your sex or gender to be recognised as 'male,' 'female' or 'non-binary' in your registration of birth. No other descriptions will be accepted.

Who can apply?

Your parents or guardians can apply to update your sex or gender in your registration of birth if you were born in WA, you are between the ages of 12 and 17 years and you consent. Both of your parents or guardians must support the application.

If you were born outside of Australia, your parents or guardians can apply for an acknowledgment document to recognise your sex or gender, as long as you have lived in WA for the past 12 months.

If you are under a protection order (time limited or until 18 years old) the CEO (Children and Community Services) can make the application for you. There are added processes for the CEO (Children and Community Services), such as notifying your parents or guardians of the proposed application and allowing them a reasonable opportunity to provide their views. For more information about the Department of Communities Child Protection Guide, visit wa.gov.au/organisation/departments-of-communities/child-protection-guide.

If you are a detainee, subject to an early release order or supervised young offender, you are a 'restricted person.' Restricted persons must get approval from their supervisory authority (eg, the Supervised Release Review Board for supervised young offenders) before applying.

Your parents or guardians will be required to file the application with the Registry on your behalf.

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

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

What if I am under 12 years old?

If you are under 12 years old, your parents or guardians will have to apply to the Family Court for an order to update your sex or gender on your birth registration, or for an acknowledgment document.

If granted, this order will require the Registrar to approve your application.

The Family Court may make the order if satisfied that it is in your best interest to do so. The Family Court will consider your views, your maturity, the views of your parents or guardians and whether you have received appropriate clinical treatment in relation to your sex or gender.

What if my parents or guardians do not support my application?

If you are between 12 and 17 years old and one of your parents or guardians does not support your application, the parent or guardian who supports your application will have to apply to the Family Court for an order to update your sex or gender on your birth registration, or for an acknowledgment document.

If neither of your parents or guardians support your application, you will be able to apply to the Family Court for an order directly.

If granted, this order will require the Registrar to approve your application.

How do I apply?

You can find the application forms online at [justice.wa.gov.au/bdm](https://www.justice.wa.gov.au/bdm).

What documents do I need?

Your application must include:

- Identification proving your identity.
- A statement from a doctor or psychologist registered with the Australian Health Practitioner Regulation Agency (AHPRA), stating that they have received appropriate clinical treatment in relation to your sex or gender and that you understand the meaning and implications of the application. There are no set requirements for the form of this statement. An example statement for children 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 legislation. The decision as to what clinical treatment is appropriate will depend on your 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 the treatment you have undertaken. 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 that if you have a recognition certificate but have not provided it to the Registrar, you still have the ability to do so.

What happens after I send my application to the Registry?

Once your parents or guardians have sent 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, your parents or guardians may be able to apply again with more information or after making sure all the application requirements are satisfied (e.g. residing in WA for 12 months before applying for an acknowledgment document).

If you are dissatisfied with the Registrar's decision, your parents or guardians can apply to the State Administrative Tribunal (SAT) for a review of the decision. The application has to happen 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 changes to a person's sex or gender on their birth certificate, 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 or your parent or guardian 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)

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.