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- No. 6 **Adults may apply to Registrar for alteration of record of person’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 19, Schedule 2[5], proposed section 32B, line 16. Omit “16”. Insert instead “18”.
- No. 7 **Adults may apply to Registrar for alteration of record of person’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 19, Schedule 2[5], proposed section 32B(1)(a), line 20. Omit “16”. Insert instead “18”.
- No. 8 **Consequences for false statutory declaration or giving Registrar false information**
Page 19, Schedule 2[5], proposed section 32B(2). Insert after line 34—
Note— See the *Oaths Act 1900*, sections 25 and 25A, which provide for penalties for making a false statutory declaration, and this Act, section 57, which provides for penalties for giving the Registrar false information.
- No. 9 **Application to Registrar about alteration of record of person’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 19, Schedule 2[5], proposed section 32B(3), lines 35–38. Omit all words on the lines. Insert instead—
(3) The applicant must nominate a sex descriptor in the application.
- No. 10 **Omission of provision about application to NCAT by person under 16 years of age about alteration of record of person’s sex: Births, Deaths and Marriages Registration Act 1995**
Pages 19–21, Schedule 2[5], proposed sections 32C and 32CA, line 39 on page 19 to line 12 on page 21. Omit all words on the lines.
- No. 11 **Parents of child may apply to Registrar for alteration of record of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 21, Schedule 2[5], proposed section 32D(1), line 18. Omit “16”. Insert instead “18”.
- No. 12 **Amendment of proposed amendment to Births, Deaths and Marriages Registration Act 1995 about applications by sole parents**
Page 21, Schedule 2[5], proposed section 32D(1)(e) and (f), lines 26–30. Omit all words on the lines. Insert instead—
(e) an order of a court authorises the applicant to register a change of sex in relation to the child.
- No. 13 **Counselling: Births, Deaths and Marriages Registration Act 1995**
Pages 21 and 22, Schedule 2[5], proposed section 32D(2)(c), line 44 on page 21 to line 5 on page 22. Omit all words on the lines. Insert instead—
(c) accompanied by a statement from a qualified counsellor who has provided counselling to the child that the child has undertaken counselling in relation to—
(i) whether or not the application ought to be made, and
(ii) the implications of the alteration of the record of the child’s sex, and
(c1) accompanied by a statement from the qualified counsellor referred to in paragraph (c) that the counsellor supports the application, and
- No. 14 **Application by parent of child about alteration of record of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 22, Schedule 2[5], proposed section 32D(3), lines 8–11. Omit all words on the lines. Insert instead—
(3) The applicant must nominate a sex descriptor in the application.
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- No. 15 **Application to District Court**
Page 22, Schedule 2[5], proposed section 32E, line 12. Omit “NCAT”. Insert instead “**District Court**”.
- No. 16 **Parents of child may apply for alteration of record of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 22, Schedule 2[5], proposed section 32E(1)(a), line 15. Omit “16”. Insert instead “18”.
- No. 17 **Application to District Court**
Page 22, Schedule 2[5], proposed section 32E(2), line 20. Omit “NCAT”. Insert instead “the District Court”.
- No. 18 **Counselling: Births, Deaths and Marriages Registration Act 1995**
Page 22, Schedule 2[5], proposed section 32E(3)(b), lines 24–31. Omit all words on the lines.
- No. 19 **Application to District Court**
Page 22, Schedule 2[5], proposed section 32E(3)(c), line 32. Omit “NCAT”. Insert instead “the District Court”.
- No. 20 **Application by parent of child about alteration of record of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 22, Schedule 2[5], proposed section 32E(4), lines 34–37. Omit all words on the lines. Insert instead—

(4) The applicant must nominate a sex descriptor in the application.
- No. 21 **Application for registration of acknowledgment of sex: Births, Deaths and Marriages Registration Act 1995**
Page 22, Schedule 2[5], proposed section 32EA(1)(a), line 43. Omit “16”. Insert instead “18”.
- No. 22 **Consequences for false statutory declaration or giving Registrar false information: Births, Deaths and Marriages Registration Act 1995**
Page 23, Schedule 2[5], proposed section 32EA(2). Insert after line 19—

Note— See the *Oaths Act 1900*, sections 25 and 25A, which provide for penalties for making a false statutory declaration, and this Act, section 57, which provides for penalties for giving the Registrar false information.
- No. 23 **Application to Registrar for registration of acknowledgement of sex: Births, Deaths and Marriages Registration Act 1995**
Page 23, Schedule 2[5], proposed section 32EA(3), lines 20–24. Omit all words on the lines. Insert instead—

(3) The applicant must nominate a sex descriptor in the application.
- No. 24 **Parents of child may apply to Registrar for registration of acknowledgement of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 23, Schedule 2[5], proposed section 32EB(1)(a), line 28. Omit “16”. Insert instead “18”.
- No. 25 **Application to Registrar by parent of child about registration of acknowledgement of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 23, Schedule 2[5], proposed section 32EB(2)(e) and (f), lines 42–46. Omit all words on the lines. Insert instead—

(e) an order of a court authorises the applicant to register a change of sex in relation to the child.
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- No. 26 **Counselling: Births, Deaths and Marriages Registration Act 1995**
Page 24, Schedule 2[5], proposed section 32EB(3)(c), lines 14–22. Omit all words on the lines. Insert instead—
- (c) accompanied by a statement from a qualified counsellor who has provided counselling to the child that the child has undertaken counselling in relation to—
 - (i) whether or not the application ought to be made, and
 - (ii) the implications of the registration of the acknowledgement of the child’s sex, and
 - (c1) accompanied by a statement from the qualified counsellor referred to in paragraph (c) that the counsellor supports the application, and
- No. 27 **Application to Registrar by parent about registration of acknowledgement of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 24, Schedule 2[5], proposed section 32EB(4), lines 25–29. Omit all words on the lines. Insert instead—
- (4) The applicant must nominate a sex descriptor in the application.
- No. 28 **Application to District Court**
Page 24, Schedule 2[5], proposed section 32EBA, line 30. Omit “NCAT”. Insert instead “**District Court**”.
- No. 29 **Parents of child may apply for registration of acknowledgement of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 24, Schedule 2[5], proposed section 32EBA(1)(a)(i), line 36. Omit “16”. Insert instead “18”.
- No. 30 **Application to District Court**
Page 24, Schedule 2[5], proposed section 32EBA(2), line 46. Omit “NCAT”. Insert instead “the District Court”.
- No. 31 **Counselling: Births, Deaths and Marriages Registration Act 1995**
Page 25, Schedule 2[5], proposed section 32EBA(3)(b), lines 3–10. Omit all words on the lines.
- No. 32 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 25, Schedule 2[5], proposed section 32EBA(3)(c), line 11. Omit “NCAT”. Insert instead “the District Court”.
- No. 33 **Application by parent about registration of acknowledgement of child’s sex: Births, Deaths and Marriages Registration Act 1995**
Page 25, Schedule 2[5], proposed section 32EBA(4), lines 13–17. Omit all words on the lines. Insert instead—
- (4) The applicant must nominate a sex descriptor in the application.
- No. 34 **Omission of provision for persons under 18 years of age to apply for registration of acknowledgement of person’s sex: Births, Deaths and Marriages Registration Act 1995**
Pages 25 and 26, Schedule 2[5], proposed sections 32ECA and 32ED, line 18 on page 25 to line 40 on page 26. Omit all words on the lines.
- No. 35 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 27, Schedule 2[5], proposed section 32G, line 31. Omit “NCAT”. Insert instead “**District Court**”.
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- No. 36 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 27, Schedule 2[5], proposed section 32G(1), line 32. Omit “NCAT”. Insert instead “the District Court”.
- No. 37 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 27, Schedule 2[5], proposed section 32G(1), line 34. Omit “NCAT”. Insert instead “the District Court”.
- No. 38 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 27, Schedule 2[5], proposed section 32G(2), line 43. Omit “NCAT”. Insert instead “The District Court”.
- No. 39 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 27, Schedule 2[5], proposed section 32G(2), line 44. Omit “NCAT”. Insert instead “the District Court”.
- No. 40 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 27, Schedule 2[5], proposed section 32G(3), line 47. Omit “NCAT may regard”. Insert instead “the District Court may have regard”.
- No. 41 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32G(3)(a), line 1. Omit all words on the line.
- No. 42 **Application to District Court: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32G(4), line 6. Omit “NCAT”. Insert instead “The District Court”.
- No. 43 **Restrictions on change of sex for certain persons: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5]. Insert after line 13—

Division 5A Change of sex restrictions for certain persons

32GA Application and interpretation of division

- (1) The requirements and restrictions contained in this division are in addition to any other requirements and restrictions contained in this part.
- (2) A term used in this division and Part 5, Division 3 has the same meaning in this division as it has in Part 5, Division 3.

32GB Restricted persons

- (1) In this division, a *restricted person*—
 - (a) means any of the following persons—
 - (i) an inmate,
 - (ii) a person on remand,
 - (iii) a parolee,
 - (iv) a periodic detainee,
 - (v) a person who is subject to a supervision order,
 - (vi) a forensic patient,
 - (vii) a correctional patient,
 - (viii) a person of a class included by the regulations under subsection (2), but

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- (b) despite paragraph (a), does not include a person of a class prescribed by the regulations as not being a class of restricted persons.
 - (2) For subsection (1)(a)(viii), the regulations may include as a restricted person a person of a class that consists of the whole or part of the following classes—
 - (a) persons in lawful custody,
 - (b) persons the subject of an order made under an Act authorising a form of supervision or conditional release of the person in connection with the commission, or alleged commission, of an offence.

32GC Applications for change of sex by or on behalf of restricted person

- (1) A restricted person must not do the following without the written approval of the supervising authority—
 - (a) apply to the Registrar to register a change of the restricted person’s sex under this Act,
 - (b) apply to a registering authority to register a change of the restricted person’s sex under a corresponding law.

Maximum penalty—5 penalty units.

- (2) A person must not, on behalf of a restricted person, do the following without the written approval of the supervising authority—
 - (a) apply to the Registrar to register a change of the restricted person’s sex under this Act,
 - (b) apply to a registering authority to register a change of the restricted person’s sex under a corresponding law.

Maximum penalty—5 penalty units.

32GD Approval by supervising authority

- (1) The supervising authority may approve the making of an application to the Registrar or a registering authority for registration of a change of sex of a restricted person only if the supervising authority is satisfied the change of sex is necessary or reasonable.
- (2) The supervising authority must not approve the making of an application to the Registrar or a registering authority for the registration of a change of sex of a restricted person if the supervising authority is satisfied—
 - (a) the change of sex would, if registered, be reasonably likely to—
 - (i) adversely affect the security, discipline or good order of premises or a facility at which the restricted person is held or accommodated, or
 - (ii) jeopardise the restricted person’s or another person’s health or safety, or
 - (iii) be used to further an unlawful activity or purpose, or
 - (iv) be used to evade or hinder the supervision of the restricted person, or
 - (b) the proposed change of sex would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community.
- (3) The supervising authority for a restricted person who is a forensic patient and a person referred to in section 32GB(1), definition of *restricted person*, paragraph (a)(i)–(v) must not approve the making of an application to the Registrar or a registering authority for the registration of a change of the person’s sex unless—
 - (a) the supervising authority has consulted with the Commissioner of Corrective Services, and

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- (b) the Commissioner has given concurrence.

Note— The supervising authority for all forensic patients is the Mental Health Review Tribunal.

- (4) Subsections (1) and (2) apply to a determination of the Commissioner of Corrective Services about whether to give concurrence in the same way as the subsections apply to a determination of a supervising authority about whether to give approval.
- (5) If the supervising authority approves the making of an application to the Registrar or a registering authority for the registration of a change of sex of a restricted person, the supervising authority must—
 - (a) as soon as practicable, give written notice of the approval to the person who intends to make the application, and
 - (b) give a copy of the written notice of approval to the Registrar or registering authority.

32GE Additional requirements for registration of change of sex of restricted persons

- (1) The Registrar must not register a change of sex of a restricted person unless the Registrar has received a copy of the notice of approval of the supervising authority to the application for the registration of a change of sex.
- (2) The Registrar must give written notice to the supervising authority of a decision of the Registrar to—
 - (a) register a change of sex of a restricted person, or
 - (b) refuse to register a change of sex of a restricted person.
- (3) The Registrar must give written notice to—
 - (a) the Commissioner of Corrective Services if the Registrar registers the change of sex of a person who is—
 - (i) a forensic patient, and
 - (ii) a person referred to in section 32GB(1), definition of *restricted person*, paragraph (a)(i)–(v), and
 - (b) the Commissioner of Police if the Registrar registers the change of sex of a person who is—
 - (i) a restricted person, and
 - (ii) a registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*.

32GF Registrar may correct Register

- (1) The Registrar may correct the Register under section 45 if a change of sex of a person has been registered in contravention of this division.
- (2) This section does not limit the power of the Registrar under section 45 to correct the Register.

32GG Regulations for purposes of division

The regulations may provide for the following—

- (a) the making of applications under this division,
- (b) the giving of approvals and concurrences under this division,
- (c) consultation requirements for supervising authorities,
- (d) exemptions from the requirements of the provisions of this division,
- (e) the modification of the application of the provisions of this division in specified circumstances.

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- No. 44 **Effect of alteration of record to be subject to other Acts: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32H. Insert after line 22—
 (4) This section is subject to any other Act.
- No. 45 **Effect of alteration of record: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32H. Insert before line 23—
 Note— Nothing in this part changes access to toilets, change rooms, sport or allocation in correctional facilities, women’s refuges or any other place.
- No. 46 **Amendment of proposed provision in Births, Deaths and Marriages Registration Act 1995 about who may apply for certificates**
Page 28, Schedule 2[5], proposed section 32I(2), lines 29 and 30. Omit all words on the lines. Insert instead—
 issue—
 (a) for an alteration of a person’s sex referred to in subsection (1)(a)—a birth certificate certifying particulars by reference to the altered sex, or
 (b) for a registration of an acknowledgment of a person’s sex and name referred to in subsection (1)(b)—a certificate certifying particulars in an entry in the Register in relation to the acknowledgment of the person’s sex and name.
- No. 47 **Certificates: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32I(3), line 33. Omit all words on the line.
- No. 48 **Certificates: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32I(3), line 34. Omit “16”. Insert instead “18”.
- No. 49 **Certificates: Births, Deaths and Marriages Registration Act 1995**
Page 28, Schedule 2[5], proposed section 32I(3), line 36. Omit “16”. Insert instead “18”.
- No. 50 **Amendment of Children and Young Persons (Care and Protection) Act 1998**
Page 29, Schedule 3[2], lines 5–21. Omit all words on the lines.
- No. 51 **Omission of proposed amendment to Children’s Guardian Act 2019**
Page 30, Schedule 4, lines 1–4. Omit all words on the lines.
- No. 52 **Omission of proposed amendments to Court Security Act 2005**
Pages 31 and 32, Schedule 5, line 1 on page 31 to line 3 on page 32. Omit all words on the lines.
- No. 53 **Omission of proposed amendments to Crimes Act 1900**
Page 33, Schedule 6, lines 1–15. Omit all words on the lines.
- No. 54 **Omission of proposed amendments to Crimes (Administration of Sentences) Act 1999**
Page 34, Schedule 7, lines 1–33. Omit all words on the lines.
- No. 55 **Amendment and omission of proposed amendments to Crimes (Domestic and Personal Violence) Act 2007 in relation to threatening to out a person, apprehended domestic violence orders and mediation**
Pages 35 and 36, Schedule 8[1]–[7], line 3 on page 35 to line 10 on page 36. Omit all words on the lines. Insert instead—
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[1] Section 7 Meaning of “intimidation”

Insert before the note to section 7(1)(a)—

Example of conduct that may amount to harassment of a person—

- (1) Intentionally disclosing or threatening to disclose any of the following about a person without the person’s consent, known as “outing”—
- (a) the person’s sexual orientation,
 - (b) the person’s gender history,
 - (c) that the person has a variation of sex characteristics,
 - (d) that the person lives with HIV,
 - (e) that the person is, or has been, a sex worker.
- (2) For subsection (1)(b) of this example, *gender history* means the sex recorded at birth for the person is different to the sex the person identifies with, lives in or seeks to live in, whether or not the person’s record of sex is altered under—
- (a) the *Births, Deaths and Marriages Registration Act 1995*, Part 5A, or
 - (b) the corresponding provisions of a law of another State or Territory or a jurisdiction outside Australia.

[2] Section 21 Referral of matters to mediation

Omit “, HIV/AIDS infection” from section 21(2)(d).

[3] Section 21(2)(d1)

Insert after section 21(2)(d)—

- (d1) the defendant has engaged in conduct amounting to harassment relating to the protected person being a person living with HIV/AIDS, or

[4] Section 53 Discretion to refuse to issue process in apprehended personal violence order matters

Omit “, HIV/AIDS infection or disability.” from section 53(5)(c). Insert instead—

or disability,

- (d) the defendant having engaged in conduct amounting to harassment relating to the protected person being a person living with HIV/AIDS.

- No. 56 **Omission of proposed amendments to Crimes (Forensic Procedures) Act 2000**
Pages 37 and 38, Schedule 9, line 1 on page 37 to line 46 on page 38. Omit all words on the lines.
- No. 57 **Omission of proposed amendments to Government Sector Employment Act 2013 and Government Sector Employment (General) Rules 2014**
Pages 41 and 42, Schedules 12 and 13, line 1 on page 41 to line 6 on page 42. Omit all words on the lines.
- No. 58 **Omission of proposed amendments to Interpretation Act 1987**
Page 43, Schedule 14, lines 1–35. Omit all words on the lines.
- No. 59 **Omission of proposed amendments to Law Enforcement (Powers and Responsibilities) Act 2002**
Pages 44 and 45, Schedule 15, line 1 on page 44 to line 16 on page 45. Omit all words on the lines.

No. 60 **Omission of proposed amendments to Sheriff Act 2005**

Page 47, Schedule 17, lines 1–36. Omit all words on the lines.

No. 61 **Amendment of proposed amendments to Summary Offences Act 1988**

Page 48, Schedule 18, lines 3 and 4. Omit all words on the lines. Insert instead—

Section 15 Living on earnings of prostitution

Omit the section.

No. 62 **Commercial surrogacy: Surrogacy Act 2010**

Page 49, Schedule 19[1]–[3], lines 2–16. Omit all words on the lines. Insert instead—

[1] Section 18 Making of parentage order by Court

Omit section 18(2). Insert instead—

- (2) However, the Court may make a parentage order, despite not being satisfied a precondition to the making of the order has been met, if—
- (a) for a surrogacy arrangement that is not a commercial surrogacy arrangement—
 - (i) the precondition is not a mandatory precondition to the making of a parentage order, and
 - (ii) the Court is satisfied exceptional circumstances justify the making of the parentage order, despite the precondition not being met, or
 - (b) for a commercial surrogacy arrangement entered into outside Australia for a child born on or before 30 June 2025—
 - (i) the precondition is not a mandatory precondition to the making of a parentage order, and
 - (ii) the Court is satisfied, having regard to the circumstances of the birth parent or parents, the intended parent or parents and the surrogacy arrangement, that it is in the best interests of the child to make the parentage order, despite the precondition not being met, or
 - (c) for a commercial surrogacy entered into outside Australia for a child born on or after 1 July 2025—
 - (i) if the precondition is that the surrogacy arrangement is not a commercial surrogacy arrangement—the Court is satisfied, having regard to the circumstances of the birth parent or parents, the intended parent or parents and the surrogacy arrangement, that it is in the best interests of the child to make the parentage order, despite the precondition not being met, or
 - (ii) if the precondition is any other precondition that is not a mandatory precondition to the making of a parentage order—the Court is satisfied exceptional circumstances justify the making of the parentage order, despite the precondition not being met.

No. 63 **Altruistic surrogacy: Surrogacy Act 2010**

Page 49, Schedule 19[4], line 18. Omit all words on the line. Insert instead—

Omit section 23(2). Insert instead—

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- (2) This precondition is only a mandatory precondition to the making of a parentage order in relation to a surrogacy arrangement entered into in Australia.

No. 64 **Omission of proposed amendment to Surrogacy Act 2010**

Page 49, Schedule 19[5], lines 19–22. Omit all words on the lines.

No. 65 **Amendment of Workers Compensation Act 1987**

Page 50, Schedule 20[2], line 6. Omit all words on the line. Insert instead—

Omit “HIV infection or AIDS”. Insert instead “HIV/AIDS”.

No. 66 **Amendment of Workers Compensation Act 1987**

Page 50, Schedule 20. Insert after line 19—

[6A] Section 67A, note

Insert at the end of the section—

Note— The amendment of this section by the *Equality Legislation Amendment (LGBTIQ+)* Act 2024 to refer to “living with HIV/AIDS” is merely to modernise language and is not intended to change the application of workers compensation legislation and other applicable legislation.