



New South Wales

Equality Legislation Amendment (LGBTIQA+) Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Equality Legislation Amendment (LGBTIQA+) Bill 2024

No. _____, 2024

A Bill for

An Act to amend various Acts and other legislation to modernise laws and advance equality for LGBTIQA+ persons in NSW.

EXAMINED

Speaker

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Equality Legislation Amendment (LGBTIQA+) Act 2024*.

3

2 Commencement

4

This Act commences on the earlier of the following—

5

(a) a day or days to be appointed by proclamation,

6

(b) 1 July 2025.

7

| | | |
|---|--|----|
| Schedule 1 | Amendment of Births, Deaths and Marriages Registration Act 1995 No 62 | 1 |
| | | 2 |
| [1] Section 4 Definitions | | 3 |
| | Insert in alphabetical order in section 4(1)— | 4 |
| | <i>recognition certificate</i> , for Part 5A—see section 32A. | 5 |
| | <i>sex descriptor</i> , for Part 5A—see section 32A. | 6 |
| [2] Section 16 Obligation to have birth registered | | 7 |
| | Omit section 16(1). Insert instead— | 8 |
| | (1) A person responsible for having the birth of a child registered must have the birth registered— | 9 |
| | (a) within 60 days after the date of the birth, or | 10 |
| | (b) for a live birth where variations of sex characteristics do not allow for an easy assignment of sex—within 180 days after the date of the birth. | 11 |
| | Maximum penalty—10 penalty units. | 12 |
| [3] Section 16(2) | | 13 |
| | Omit “60 day period”. Insert instead “period specified in subsection (1)(a) or (b)”. | 14 |
| [4] Part 5A | | 15 |
| | Omit the part. Insert instead— | 16 |
| | Part 5A Acknowledgement of sex | 17 |
| | | 18 |
| | Division 1 Preliminary | 19 |
| | | 20 |
| 32A Definitions | | 21 |
| | In this part— | 22 |
| | <i>prohibited sex descriptor</i> means a sex descriptor that— | 23 |
| | (a) is obscene or offensive, or | 24 |
| | (b) could not practicably be established by repute or usage— | 25 |
| | (i) because it is too long, or | 26 |
| | (ii) because it consists of or includes symbols without phonetic significance, or | 27 |
| | (iii) for some other reason, or | 28 |
| | (c) includes or resembles an official title or rank, or | 29 |
| | (d) is contrary to the public interest for some other reason. | 30 |
| | <i>qualified counsellor</i> means a person who has the qualifications prescribed by the regulations. | 31 |
| | <i>recognition certificate</i> means a certificate that— | 32 |
| | (a) is issued under the law of another State or Territory or a jurisdiction outside Australia, and | 33 |
| | (b) recognises an alteration in a record of a person’s sex, and | 34 |
| | (c) is issued in relation to a person whose record of sex has been altered, and | 35 |
| | | 36 |
| | | 37 |
| | | 38 |
| | | 39 |

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| | (d) states the person's sex in accordance with the altered record. | 1 |
| | <i>sex descriptor</i> means the following— | 2 |
| | (a) female, | 3 |
| | (b) male, | 4 |
| | (c) non-binary, | 5 |
| | (d) non-specified, | 6 |
| | (e) any descriptor prescribed by the regulations. | 7 |
| Division 2 | Applications by persons born in NSW for alteration of record of sex | 8 |
| | | 9 |
| 32B | Application to Registrar by person 18 years of age or more about alteration of record of person's sex | 10 |
| | | 11 |
| | (1) A person may apply to the Registrar to have a record of the person's sex, specified in the application, altered if— | 12 |
| | | 13 |
| | (a) the person is 18 years of age or more, and | 14 |
| | (b) the person's birth is registered in this State. | 15 |
| | (2) An application under subsection (1) must be— | 16 |
| | | 17 |
| | (a) in the approved form, and | 18 |
| | (b) accompanied by a statutory declaration in which the person declares that the person— | 19 |
| | (i) identifies as being of the sex specified in the declaration, and | 20 |
| | (ii) lives, or seeks to live, as a person of that sex, and | 21 |
| | (c) accompanied by a support statement by an adult who has known the applicant for at least 12 months stating that— | 22 |
| | | 23 |
| | (i) the adult believes the person is making the application in good faith, and | 24 |
| | | 25 |
| | (ii) the adult supports the person in making the application, and | 26 |
| | (d) accompanied by any other document or information the Registrar reasonably requires in relation to the sex of the person. | 27 |
| | | 28 |
| | Note— See the <i>Oaths Act 1900</i> , 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. | 29 |
| | | 30 |
| | | 31 |
| | (3) The applicant must nominate a sex descriptor in the application. | 32 |
| Division 3 | Applications by persons for alteration of record of sex of children born in NSW | 33 |
| | | 34 |
| 32C | Application to Registrar by parents or guardians about alteration of record of child's sex | 35 |
| | | 36 |
| | (1) Persons or a person (each an <i>applicant</i>) may apply to the Registrar to alter a record of the sex, specified in the application, of a child under the age of 18 years whose birth is registered in the State if— | 37 |
| | | 38 |
| | | 39 |
| | (a) the applicants constitute all the parents or guardians of the child, or | 40 |
| | (b) the applicant is the sole parent named in the registration under this Act of the child's birth, or | 41 |
| | | 42 |
| | (c) the applicant is the sole guardian of the child, or | 43 |

| | | |
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| (d) | the applicant is the child’s parent and there is no other surviving parent of the child, or | 1 2 |
| (e) | an order of a court authorises the applicant to register a change of sex in relation to the child. | 3 4 |
| (2) | An application under subsection (1) must be— | 5 |
| (a) | in the approved form, and | 6 |
| (b) | accompanied by— | 7 |
| (i) | if the child is able to make a statutory declaration—a declaration made by the child that the child— | 8 9 |
| (A) | identifies as being of the sex specified in the declaration, and | 10 11 |
| (B) | lives, or seeks to live, as a person of that sex, and | 12 |
| (ii) | if the child is not able to make a statutory declaration but is able to express the child’s views—a statement from each applicant stating that the applicant believes on reasonable grounds that alteration of the record of sex of the child is in the child’s best interests, and | 13 14 15 16 17 |
| (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— | 18 19 20 |
| (i) | whether or not the application ought to be made, and | 21 |
| (ii) | the implications of the alteration of the record of the child’s sex, and | 22 23 |
| (d) | accompanied by a statement from the qualified counsellor referred to in paragraph (c) that the counsellor supports the application, and | 24 25 |
| (e) | accompanied by any other document or information the Registrar reasonably requires. | 26 27 |
| (3) | The applicant must nominate a sex descriptor in the application. | 28 |
| 32D | Application to District Court by parent or guardian about alteration of record of child’s sex | 29 30 |
| (1) | This section applies if— | 31 |
| (a) | not all the parents or guardians of a child, who is under the age of 18 and whose birth is registered in this State, wish to apply to alter a record of the sex of the child, or | 32 33 34 |
| (b) | the parent or guardian is otherwise ineligible to apply under section 32C to the Registrar to alter the record of the sex of the child. | 35 36 |
| (2) | The parent or a guardian (the <i>applicant</i>) may apply to the District Court to alter the record of the sex, specified in the application, of the child. | 37 38 |
| (3) | An application under subsection (2) must be— | 39 |
| (a) | in the approved form, and | 40 |
| (b) | accompanied by any other document or information the District Court reasonably requires. | 41 42 |
| (4) | The applicant must nominate a sex descriptor in the application. | 43 |

| | | |
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| Division 4 | Applications by persons born outside NSW for registration of acknowledgment of sex | 1 |
| | | 2 |
| 32DA | Application for registration of acknowledgement of sex | 3 |
| (1) | A person may apply to the Registrar for the registration of an acknowledgment of the person's sex, specified in the application, if— | 4 |
| | | 5 |
| (a) | the person is 18 years of age or more, and | 6 |
| (b) | the person is an Australian citizen or permanent resident of Australia, and | 7 |
| | | 8 |
| (c) | the person lives, and has lived for at least one year, in New South Wales, and | 9 |
| | | 10 |
| (d) | the person's birth is not registered under this Act or a corresponding law. | 11 |
| | | 12 |
| (2) | An application under subsection (1) must be— | 13 |
| (a) | in the approved form, and | 14 |
| (b) | accompanied by a statutory declaration in which the person declares that the person— | 15 |
| | | 16 |
| (i) | identifies as being of the sex specified in the declaration, and | 17 |
| (ii) | lives, or seeks to live, as a person of that sex, and | 18 |
| (c) | accompanied by a support statement by an adult who has known the applicant for at least 12 months stating that— | 19 |
| | | 20 |
| (i) | the adult believes the person is making the application in good faith, and | 21 |
| | | 22 |
| (ii) | the adult supports the person in making the application, and | 23 |
| (d) | accompanied by any other document or information the Registrar reasonably requires in relation to the sex of the person. | 24 |
| | | 25 |
| | Note— See the <i>Oaths Act 1900</i> , 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. | 26 |
| | | 27 |
| | | 28 |
| (3) | The applicant must nominate a sex descriptor in the application. | 29 |
| 32DB | Application to Registrar by parents or guardians about registration of acknowledgment of child's sex | 30 |
| | | 31 |
| (1) | This section applies in relation to a child if— | 32 |
| (a) | the child is under the age of 18 years, and | 33 |
| (b) | the child is an Australian citizen or permanent resident of Australia, and | 34 |
| (c) | the child lives, and has lived for at least one year, in New South Wales, and | 35 |
| | | 36 |
| (d) | the child's birth is not registered under this Act or a corresponding law. | 37 |
| (2) | The following persons or a person (each an <i>applicant</i>) may apply to the Registrar for the registration of an acknowledgment of the child's sex, specified in the application, if— | 38 |
| | | 39 |
| | | 40 |
| (a) | the applicants constitute all the parents or guardians of the child, | 41 |
| (b) | the applicant is the sole parent named in the registration under this Act of the child's birth, | 42 |
| | | 43 |
| (c) | the applicant is the sole guardian of the child, | 44 |

| | | |
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| (d) | the applicant is the child’s parent and there is no other surviving parent of the child, | 1 |
| (e) | an order of a court authorises the applicant to register a change of sex in relation to the child. | 2 |
| (3) | An application under subsection (2) must be— | 3 |
| (a) | in the approved form, and | 4 |
| (b) | accompanied by— | 5 |
| (i) | if the child is able to make a statutory declaration—a declaration made by the child that the child— | 6 |
| (A) | identifies as being of the sex specified in the declaration, and | 7 |
| (B) | lives, or seeks to live, as a person of that sex, and | 8 |
| (ii) | if the child is not able to make a statutory declaration but is able to express the child’s views—a statement from each applicant stating that the applicant believes on reasonable grounds that the registration of an acknowledgment of the child’s sex is in the child’s best interests, and | 9 |
| (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— | 10 |
| (i) | whether or not the application ought to be made, and | 11 |
| (ii) | the implications of the registration of the acknowledgement of the child’s sex, and | 12 |
| (d) | accompanied by a statement from the qualified counsellor referred to in paragraph (c) that the counsellor supports the application, and | 13 |
| (e) | accompanied by any other document or information the Registrar reasonably requires. | 14 |
| (4) | The applicant must nominate a sex descriptor in the application. | 15 |
| 32DBA | Application to District Court by parent or guardian about registration of acknowledgment of child’s sex | 16 |
| (1) | This section applies if— | 17 |
| (a) | not all the parents or guardians of a child who meets the following criteria (a <i>relevant child</i>) wish to apply for the registration of an acknowledgement of the child’s sex— | 18 |
| (i) | the child is under the age of 18 years, | 19 |
| (ii) | the child is an Australian citizen or permanent resident of Australia, | 20 |
| (iii) | the child lives, and has lived for at least one year, in New South Wales, | 21 |
| (iv) | the child’s birth is not registered under this Act or a corresponding law, or | 22 |
| (b) | the parent or guardian is otherwise ineligible to apply under section 32DB to the Registrar for the registration of an acknowledgement of the child’s sex. | 23 |
| (2) | The parent or a guardian (the <i>applicant</i>) may apply to the District Court for the registration of an acknowledgement of the sex, specified in the application, of the relevant child. | 24 |

- (3) An application under subsection (2) must be—
 - (a) in the approved form, and
 - (b) accompanied by any other document or information the District Court reasonably requires.
- (4) The applicant must nominate a sex descriptor in the application.

Division 5 Decisions about applications

32E Decision by Registrar

- (1) After receiving an application under this part for the alteration of a record of sex or the registration of an acknowledgement of sex in relation to a person, the Registrar—
 - (a) for an application for the alteration of a record of sex—must—
 - (i) alter the record of sex in relation to the person by making an entry in the Register specifying the sex to be the registered sex in relation to the person, and
 - (ii) make any other changes to the Register necessary to indicate each previous registered sex of the person is no longer the registered sex in relation to the person, or
 - (b) for an application for the registration of an acknowledgement of sex in relation to a person—must make an entry in the Register specifying the sex to be the acknowledged sex in relation to the person, or
 - (c) must refuse to alter the record of sex or register the acknowledgement of sex in relation to the person.
- (2) If the Registrar decides an application made under this part by refusing to alter the record of sex or to register the acknowledgement of sex in relation to the person—
 - (a) the Registrar must record the Registrar’s reasons for the refusal, and
 - (b) the Registrar must give the person who made the application the Registrar’s reasons for the refusal, and
 - (c) the person who made the application may apply under section 56 for a review of the decision.
- (3) If a record of sex is altered in relation to a person under this section, any registered sex that was previously registered in relation to the person ceases to be the registered sex in relation to the person.
- (4) The Registrar may refuse to approve the registration of the sex descriptor nominated by or for a person if the alteration or acknowledgement would result in the recorded sex being a prohibited sex descriptor.
- (5) A certificate issued under this Act certifying particulars in an entry altered under this section must not include indicators that would disclose that a record of the following has been altered—
 - (a) the person’s sex or sex descriptors,
 - (b) the person’s name.

32F Decision by District Court

- (1) If an application is made to the District Court under this part to approve the alteration of a record of a sex or for the registration of an acknowledgment of sex, specified in the application, the District Court may—

| | | |
|-------------------|---|----|
| (a) | make an order that— | 1 |
| (i) | approves the alteration of the record of sex or the registration of the acknowledgment of sex in relation to the person, and | 2 |
| (ii) | requires the Registrar to make an entry in the Register altering the record of sex or registering the acknowledgment of sex in relation to the person, or | 3 |
| (b) | refuse to approve the alteration of the record of the person’s sex or the acknowledgement of the sex of the person. | 4 |
| (2) | The District Court may approve the alteration of a record or the registration of an acknowledgement of the sex of a child only if the District Court is satisfied the alteration or acknowledgement is in the child’s best interests. | 5 |
| (3) | In deciding whether the alteration or acknowledgement is in the child’s best interests, the matters to which the District Court may have regard include the following— | 6 |
| (a) | the views of the child, however expressed, | 7 |
| (b) | whether the child is sufficiently mature to understand the meaning and legal implications of the alteration of the record or registration of acknowledgement of the sex of the child. | 8 |
| (4) | The District Court may refuse to approve the registration of the sex descriptor nominated by or for a person if the alteration or acknowledgement would result in the recorded sex being a prohibited sex descriptor. | 9 |
| (5) | A certificate issued under this Act certifying particulars in an entry altered under this section must not include indicators that would disclose that a record of the following has been altered— | 10 |
| (a) | the person’s sex or sex descriptors, | 11 |
| (b) | the person’s name. | 12 |
| Division 6 | Change of sex restrictions for certain persons | 13 |
| 32G | Application and interpretation of division | 14 |
| (1) | The requirements and restrictions contained in this division are in addition to any other requirements and restrictions contained in this part. | 15 |
| (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. | 16 |
| 32GA | Restricted persons | 17 |
| (1) | In this division, a <i>restricted person</i> — | 18 |
| (a) | means any of the following persons— | 19 |
| (i) | an inmate, | 20 |
| (ii) | a person on remand, | 21 |
| (iii) | a parolee, | 22 |
| (iv) | a periodic detainee, | 23 |
| (v) | a person who is subject to a supervision order, | 24 |
| (vi) | a forensic patient, | 25 |
| (vii) | a correctional patient, | 26 |
| (viii) | a person of a class included by the regulations under subsection (2), but | 27 |

| | | |
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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. | 1 2 |
| (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— | 3 4 |
| (a) | persons in lawful custody, | 5 |
| (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. | 6 7 8 |
| 32GB | Applications for change of sex by or on behalf of restricted person | 9 |
| (1) | A restricted person must not do the following without the written approval of the supervising authority— | 10 11 |
| (a) | apply to the Registrar to register a change of the restricted person’s sex under this Act, | 12 13 |
| (b) | apply to a registering authority to register a change of the restricted person’s sex under a corresponding law. | 14 15 |
| | Maximum penalty—5 penalty units. | 16 |
| (2) | A person must not, on behalf of a restricted person, do the following without the written approval of the supervising authority— | 17 18 |
| (a) | apply to the Registrar to register a change of the restricted person’s sex under this Act, | 19 20 |
| (b) | apply to a registering authority to register a change of the restricted person’s sex under a corresponding law. | 21 22 |
| | Maximum penalty—5 penalty units. | 23 |
| 32GC | Approval by supervising authority | 24 |
| (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. | 25 26 27 28 |
| (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— | 29 30 31 |
| (a) | the change of sex would, if registered, be reasonably likely to— | 32 |
| (i) | adversely affect the security, discipline or good order of premises or a facility at which the restricted person is held or accommodated, or | 33 34 35 |
| (ii) | jeopardise the restricted person’s or another person’s health or safety, or | 36 37 |
| (iii) | be used to further an unlawful activity or purpose, or | 38 |
| (iv) | be used to evade or hinder the supervision of the restricted person, or | 39 40 |
| (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. | 41 42 43 |
| (3) | The supervising authority for a restricted person who is a forensic patient and a person referred to in section 32GA(1), definition of <i>restricted person</i> , paragraph (a)(i)–(v) must not approve the making of an application to the | 44 45 46 |

| | |
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| Registrar or a registering authority for the registration of a change of the person's sex unless— | 1 |
| | 2 |
| (a) the supervising authority has consulted with the Commissioner of Corrective Services, and | 3 |
| | 4 |
| (b) the Commissioner has given concurrence. | 5 |
| Note— The supervising authority for all forensic patients is the Mental Health Review Tribunal. | 6 |
| | 7 |
| (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. | 8 |
| | 9 |
| | 10 |
| | 11 |
| (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— | 12 |
| | 13 |
| | 14 |
| (a) as soon as practicable, give written notice of the approval to the person who intends to make the application, and | 15 |
| | 16 |
| (b) give a copy of the written notice of approval to the Registrar or registering authority. | 17 |
| | 18 |
| 32GD Additional requirements for registration of change of sex of restricted persons | 19 |
| (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. | 20 |
| | 21 |
| | 22 |
| (2) The Registrar must give written notice to the supervising authority of a decision of the Registrar to— | 23 |
| | 24 |
| (a) register a change of sex of a restricted person, or | 25 |
| (b) refuse to register a change of sex of a restricted person. | 26 |
| (3) The Registrar must give written notice to— | 27 |
| (a) the Commissioner of Corrective Services if the Registrar registers the change of sex of a person who is— | 28 |
| | 29 |
| (i) a forensic patient, and | 30 |
| (ii) a person referred to in section 32GA(1), definition of <i>restricted person</i> , paragraph (a)(i)–(v), and | 31 |
| | 32 |
| (b) the Commissioner of Police if the Registrar registers the change of sex of a person who is— | 33 |
| | 34 |
| (i) a restricted person, and | 35 |
| (ii) a registrable person within the meaning of the <i>Child Protection (Offenders Registration) Act 2000</i> . | 36 |
| | 37 |
| 32GE Registrar may correct Register | 38 |
| (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. | 39 |
| | 40 |
| (2) This section does not limit the power of the Registrar under section 45 to correct the Register. | 41 |
| | 42 |
| 32GF Regulations for purposes of division | 43 |
| The regulations may provide for the following— | 44 |
| (a) the making of applications under this division, | 45 |

| | | |
|-------------------|---|----------------------|
| (b) | the giving of approvals and concurrences under this division, | 1 |
| (c) | consultation requirements for supervising authorities, | 2 |
| (d) | exemptions from the requirements of the provisions of this division, | 3 |
| (e) | the modification of the application of the provisions of this division in specified circumstances. | 4 5 |
| Division 7 | Miscellaneous | 6 |
| 32H | Effect of alteration of record etc | 7 |
| (1) | A person whose record of sex is altered under this part is, for the purposes of a law of this State, a person of the sex stated in the altered record. | 8 9 |
| (2) | A person for whom a registration of an acknowledgement of sex is recorded under this part is, for the purposes of a law of this State, a person of the sex stated in the record. | 10 11 12 |
| (3) | A person for whom a recognition certificate is in force is, for the purposes of a law of this State, a person of the sex stated in the recognition certificate. | 13 14 |
| (4) | This section is subject to any other Act. | 15 |
| | Note — Nothing in this part changes access to toilets, change rooms, sport or allocation in correctional facilities, women’s refuges or any other place. | 16 17 |
| 32I | Other certificates | 18 |
| (1) | This section applies if, under this part or because of a recognition certificate— | 19 |
| (a) | a person’s sex or name, as recorded in the Register, is altered, or | 20 |
| (b) | a registration of an acknowledgement of a person’s sex and name is recorded in the Register. | 21 22 |
| (2) | The Registrar must, on application by a relevant person in the approved form, issue— | 23 24 |
| (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 | 25 26 |
| (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. | 27 28 29 30 |
| (3) | In this section— | 31 |
| | relevant person means— | 32 |
| (a) | for a birth certificate in relation to a person who is 18 years of age or older—the person, or | 33 34 |
| (b) | for a birth certificate in relation to a child who is under the age of 18 years—the person or persons who may apply under this part to alter the record of child’s sex or for the registration of an acknowledgment of the child’s sex. | 35 36 37 38 |

| | | |
|-------------------|---|-------------|
| Schedule 2 | Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157 | 1 |
| | | 2 |
| [1] | Section 9 Principles for administration of Act | 3 |
| | Insert “, gender identity, variations of sex characteristics” after “religion” in section 9(2)(b). | 4 |
| [2] | Section 175 Special medical treatment | 5 |
| | Insert after section 175(3)— | 6 |
| | (4) Despite subsection (2)(b), the consent of the Civil and Administrative Tribunal to the carrying out of the special medical treatment referred to in that section is not required if a court has already consented to or approved the treatment. | 7 8 9 |

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| Schedule 3 | Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80 | 1 |
| | | 2 |
| [1] Section 7 Meaning of “intimidation” | | 3 |
| Insert before the note to section 7(1)(a)— | | 4 |
| Example of conduct that may amount to harassment of a person— | | 5 |
| (1) Intentionally disclosing or threatening to disclose any of the following about a person without the person’s consent, known as “outing”— | | 6 |
| (a) the person’s sexual orientation, | | 7 |
| (b) the person’s gender history, | | 8 |
| (c) that the person has a variation of sex characteristics, | | 9 |
| (d) that the person lives with HIV, | | 10 |
| (e) that the person is, or has been, a sex worker. | | 11 |
| (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— | | 12 |
| (a) the Births, Deaths and Marriages Registration Act 1995, Part 5A, or | | 13 |
| (b) the corresponding provisions of a law of another State or Territory or a jurisdiction outside Australia. | | 14 |
| | | 15 |
| | | 16 |
| | | 17 |
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| | | 19 |
| [2] Section 21 Referral of matters to mediation | | 20 |
| Omit “, HIV/AIDS infection” from section 21(2)(d). | | 21 |
| [3] Section 21(2)(d1) | | 22 |
| Insert after section 21(2)(d)— | | 23 |
| (d1) the defendant has engaged in conduct amounting to harassment relating to the protected person being a person living with HIV/AIDS, or | | 24 |
| | | 25 |
| [4] Section 53 Discretion to refuse to issue process in apprehended personal violence order matters | | 26 |
| Omit “, HIV/AIDS infection or disability.” from section 53(5)(c). Insert instead— | | 27 |
| or disability, | | 28 |
| (d) the defendant having engaged in conduct amounting to harassment relating to the protected person being a person living with HIV/AIDS. | | 29 |
| | | 30 |
| | | 31 |

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| Schedule 4 | Amendment of Crimes (Sentencing Procedure) | 1 |
| | Act 1999 No 92 | 2 |
| [1] | Section 21A Aggravating, mitigating and other factors in sentencing | 3 |
| | Insert “, gender identity” after “language” in section 21A(2)(h). | 4 |
| [2] | Section 21A(2)(h) | 5 |
| | Insert “particular variations of sex characteristics or” after “or having”. | 6 |

**Schedule 5 Amendment of Drug Misuse and Trafficking Act
1985 No 226**

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Section 36B Objects of Part

3

Omit “HIV infection” in section 36B(d). Insert instead “HIV”.

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| Schedule 6 | Amendment of Mental Health Act 2007 No 8 | 1 |
| Section 16 | Certain words or conduct may not indicate mental illness or disorder | 2 |
| | Insert after section 16(1)(d)— | 3 |
| | (d1) the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular gender identity or gender expression, | 4 5 6 |

| | | |
|-------------------|--|---|
| Schedule 7 | Amendment of Summary Offences Act 1988 No | 1 |
| | 25 | 2 |
| | Section 15 Living on earnings of prostitution | 3 |
| | Omit the section. | 4 |

Schedule 8 Amendment of Surrogacy Act 2010 No 102

[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.

[2] Section 23 Surrogacy arrangement must be altruistic

Omit section 23(2). Insert instead—

(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.

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| Schedule 9 | Amendment of Workers Compensation Act 1987 | 1 |
| | No 70 | 2 |
| [1] | Section 67A Special provisions for HIV/AIDS | 3 |
| | Omit “HIV infection” in section 67A(1A). Insert instead “HIV”. | 4 |
| [2] | Section 67A(2) | 5 |
| | Omit “HIV infection or AIDS”. Insert instead “HIV/AIDS”. | 6 |
| [3] | Section 67A(3) | 7 |
| | Omit “HIV infected or is suffering from AIDS”. | 8 |
| | Insert instead “living with HIV/AIDS”. | 9 |
| [4] | Section 67A(3) | 10 |
| | Omit “HIV infected or suffering from AIDS”. | 11 |
| | Insert instead “living with HIV/AIDS”. | 12 |
| [5] | Section 67A(4) | 13 |
| | Omit “HIV infection or AIDS”. Insert instead “HIV/AIDS”. | 14 |
| [6] | Section 67A(5) | 15 |
| | Omit the subsection. Insert instead— | 16 |
| | (5) In this section— | 17 |
| | <i>AIDS</i> means Acquired Immune Deficiency Syndrome. | 18 |
| | <i>HIV</i> means Human Immunodeficiency Virus. | 19 |
| [7] | Section 67A, note | 20 |
| | Insert at the end of the section— | 21 |
| | Note— The amendment of this section by the <i>Equality Legislation Amendment (LGBTIQA+) Act 2024</i> 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. | 22 23 24 25 |
| [8] | Schedule 6 Savings, transitional and other provisions | 26 |
| | Omit “HIV infection” from Part 6, clause 11. Insert instead “HIV”. | 27 |