

Changing Sex on your Identification Documents: Around Australia

Background

The requirements for changing your sex or gender identity on official documents differ slightly in each state of Australia. It can be important for these listings to be changed so as, for instance, to allow for a complete transition into your correct gender, to reflect full social and governmental recognition of your identity, or to prevent “outing” of transgender or intersex status.

The requirements for changing sex on your identity documents will be influenced by the state you were born in, and the state in which you are currently living.

New South Wales

Birth Certificate

You may be able to apply to the **Registrar of Births, Deaths and Marriages** for the record of your sex to be changed.¹ The only one requirement is that you must have undergone a sex affirmation procedure.²

“**Sex affirmation procedure**” is defined as “a surgical procedure involving the alteration of a person’s reproductive organs carried out:

- (a) for the purpose of assisting a person to be considered to be a member of the opposite sex, or
- (b) to correct or eliminate ambiguities relating to the sex of the person.³

You must provide statutory declarations from two medical practitioners verifying that you have undergone a sex affirmation procedure and three documents confirming your identity.⁴

Following a 2014 High Court case,⁵ you may now have the record of your sex changed to “**nonspecific**”. As with other record changes, it is a requirement that you have undergone a sex affirmation procedure and are not married.

Children may have the record of their sex changed on application by their parents or guardian.⁶

For forms and ID requirements, see:

www.nsw.gov.au/topics/name-changes-and-corrections/change-of-sex

¹ *Births, Deaths and Marriages Registration Act 1995* (NSW) (“*BDMR Act NSW*”) s 32B (for people whose birth is already on the NSW Register), s 32DA (for people whose birth is not on any Australian Register).

² *BDMR Act NSW* s 32B.

³ *BDMR Act NSW* s 32A.

⁴ *BDMR Act NSW* s 32C (for applications made under s 32B), s 32DB (for applications made under s 32DA); *Births, Deaths and Marriages Registration Regulation 2011* (NSW), rr 9-10.

⁵ *NSW Registrar of Births, Deaths and Marriages v Norrie* [2014] HCA 11.

⁶ *BDMR Act NSW* ss 32B, 32DA.

Driver's Licence

You must supply (on top of the usual requirements for a NSW licence, card, or permit) **either**:

- A Birth Certificate or a Recognised Details Certificate from an Australian Registry of Births, Deaths and Marriages showing your changed sex; or
- A "list 1" document showing your changed sex (this includes, among other things, a passport or other travel document – see list at link below); or
- A medical certificate from an Australian registered medical practitioner confirming the correct sex.

Note that your sex cannot be changed on these documents without having first obtained a Birth Certificate showing your correct sex, and regardless of whether any "sex affirmation procedure" has occurred.

The alteration must be made on a "**Replacement Application**" form, available at:

www.nsw.gov.au/sites/default/files/2021-02/rms-form-45070182-replacement-application.pdf

See generally: www.service.nsw.gov.au/transaction/change-gender-transport-nsw

Queensland

Birth Certificate

You may be able to apply to the **Registrar of Births, Deaths and Marriages** for the record of your sex to be changed.⁷ The only requirement is that you must have undergone a sex affirmation procedure.⁸

"**Sexual reassignment surgery**" means a surgical procedure involving the alteration of a person's reproductive organs carried out –

- (a) to help the person be considered a member of the opposite sex; or
- (b) to correct or eliminate ambiguities about the sex of the person.⁹

You must provide a recognition certificate¹⁰ or statutory declarations from 2 doctors verifying that you have undergone sexual reassignment surgery as well as any other documents or information required by the regulation.¹¹

Children may have the record of their sex changed on application by their parents or guardian.¹²

Driver's Licence

Your gender has no bearing on your eligibility to obtain a driver licence and is not relied on to verify your identity. As such, the gender indicator was removed from Queensland driver licences on 1 October 2016.¹³

⁷ *Births, Deaths and Marriages Registration Act 2003* (QLD) ("BDMR Act QLD") s 23.

⁸ *BDMR Act QLD* s 23(4)(b).

⁹ *BDMR Act QLD* Schedule 2.

¹⁰ *BDMR Act QLD* s 23(4)(b)(ii).

¹¹ *BDMR Act QLD* s 23(4)(b)(i).

¹² *BDMR Act QLD* s 23(2).

¹³ This information is adapted from: <https://www.qld.gov.au/transport/licensing/update/details>

However, if you wish to change your gender on your licence record, you must visit a Queensland **Department of Transport and Main Roads** customer service centre with:

1. A passport with your preferred gender (passports can be expired, but must not be expired by more than two years)
2. A birth certificate if you have changed your name (you must show an original, official change of name certificate) or similar document issued by the relevant Registrar of Births, Deaths and Marriages
3. A letter on a doctor's (including a general practitioner or psychiatrist) or psychologist's official letterhead stating the following or substantially similar:

"This is to certify that (new name), (new sex), formerly known as (previous name), (previous sex), has been undergoing treatment on a gender re-assignment programme and should now be regarded as permanently (new sex)"

Australian Capital Territory

Birth Certificate

You may apply to the **Registrar-General of Births, Deaths and Marriages** for the record of your sex to be changed.¹⁴ There are three requirements:¹⁵

- (1) You must be 16 years old, and
- (2) Your birth must be registered in the ACT, and
- (3) You believe your sex to be the sex nominated in the application (known as the "altered sex"), and
 - (i) Have received appropriate clinical treatment for alteration of your sex; or
 - (ii) Is an intersex person.

If you are at least 12 years old, but not yet 16 years old, then in addition to points (2) and (3) above, you must obtain the consent of your parent(s) or guardian(s).

"**Appropriate clinical treatment**" is not defined further in the Act, but unlike other States, no surgery is required to change sex on your birth certificate in the ACT.

Children may have the record of their sex changed on application by their parents or guardian.¹⁶

You are required to submit documents proving the above requirements when applying to have your sex changed on the birth register.¹⁷ You will also need at least three forms of identity documents.¹⁸

The **form** is available at: <https://www.accesscanberra.act.gov.au/s/article/recording-a-change-of-sex-on-the-birth-register-tab-apply-to-change-your-sex-on-the-birth-register>

¹⁴ *Births, Deaths and Marriages Registration Act 1997 (ACT)* ("BDMR Act ACT") s 24.

¹⁵ *BDMR Act ACT* s 24(1).

¹⁶ *BDMR Act ACT* s 24(2).

¹⁷ *BDMR Act ACT* s 25.

¹⁸ Types of accepted identity documents available at: www.accesscanberra.act.gov.au/s/article/recording-a-change-of-sex-on-the-birth-register-tab-proof-of-identity

There is also a prescribed fee. Check the current fee at: www.accesscanberra.act.gov.au/s/article/births-deaths-and-marriages-forms-and-fees-tab-payment-options

Once the register is changed, you can apply for a new birth certificate.

Driver's Licence

You can apply to the **Road Transport Authority (RTA) services** to have the gender on your licence changed.

This requires taking a copy of your new birth certificate into any **Access Canberra** location.

Victoria

Birth Certificate

You may be able to apply to the **Registrar of Births, Deaths and Marriages** for the record of your sex to be changed.¹⁹

If you are 18 years old or over, you can apply to change your record of sex if:

1. Your birth is registered in Victoria, and
2. You believe your sex to be as nominated in the application, and
3. You have not altered the record of your sex within the past 12 months.

There is no longer any requirement for a person to have had gender affirming surgery to change their record of sex in Victoria.

If you were not born in Victoria, but you do currently live there, and have done so for the past 12 months, you can apply for a Recognised Details certificate that recognises your change in sex.

In regard to the **online application process**, visit: www.bdm.vic.gov.au/changes-and-corrections/change-your-recorded-sex

Once the register is updated, you may request a new birth certificate.²⁰

Driver's Licence

To change the sex on your driver's licence, you will need to visit a **VicRoads Service Centre** in person. You need to produce a document evidencing your change of sex such as:

- Your new birth certificate,
- A recognition certificate from any state or territory,
- An "Alteration of Sex in Birth or Recognised Details" certificate or equivalent from an Australian Births Deaths and Marriages registry,

¹⁹ *Births, Deaths and Marriages Registration Act 1996* (VIC) ("BDMR Act VIC") s 30A.

²⁰ *BDMR Act VIC* s 30D.

- A current or expired Australian passport that records your preferred gender (passports must not be expired by more than two years),
- A letter from a medical practitioner or psychologist who has treated you for the gender transition.

You can also request that VicRoads change your title to Mr, Ms, Mrs, Mx (gender-neutral and may be used by any person).

Tasmania

Birth Certificate

You may be able to apply to the **Registrar of Births, Deaths and Marriages** for the record of your sex to be changed.²¹

You can apply to register your gender if your birth is registered in Tasmania. You will need to fill out an application form, which includes a gender declaration. You must attach evidence of identity documents. If you are under 18 years, you may be asked to provide evidence that you have undertaken counselling. It is no longer a requirement for you to have undergone "sexual reassignment surgery".

The application form can be found here: <https://www.justice.tas.gov.au/bdm/forms/forms/gender-registration-forms/Application-to-Register-Gender-16-and-over.pdf>

A parent or guardian of a child under the age of 16 can apply to register their gender.

The application form can be found here: <https://www.justice.tas.gov.au/bdm/forms/forms/gender-registration-forms/Application-to-Register-Gender-Under-16.pdf>

Once the register has been changed, you may request a new birth certificate. There is a fee.²²

Children may have the record of their sex changed on the application of their parents or guardian.²³

Driver's Licence

To update the sex on your licence, you need to produce the new birth certificate to any **Service Tasmania shop**.

Northern Territory

Birth Certificate

You may be able to apply to the **Registrar of Births, Deaths and Marriages** for the record of your sex to be changed.²⁴

1. Your birth is entered in the Register (in the Northern Territory), and
2. You believe your sex or gender to be the sex or gender specified in the application, and
3. You have received appropriate clinical treatment in relation to your sex or gender or are an intersex person.

²¹ *Births, Deaths and Marriages Registration Act 1999* (TAS) ("BDMR Act TAS") s 28A.

²² <https://www.justice.tas.gov.au/bdm/fees#Registrationfees>

²³ *BDMR Act TAS* s 28A(2).

²⁴ *Births, Deaths and Marriages Registration Act 1999* (NT) ("BDMR Act NT") s 28B.

Children may have the record of their sex changed on the application of their guardian.²⁵

Forms are available at nt.gov.au/law/bdm/register-a-change-of-sex-or-gender-on-a-birth-certificate

There is a fee.²⁶

Once you have registered your change of sex, a birth certificate can be issued to show your new gender.²⁷ The old birth certificate must be returned to the Births, Deaths and Marriages office and you can request to have it returned back to you (it will be cancelled and stamped).

Driver's Licence

To update the sex on your driver's license, you must produce an **original** of your new birth certificate to any **Northern Territory Transport office**. It can be done in person or by post.

If you wish for someone to change the sex on your driver's license on your behalf, that person would need to take in an authorization letter from you (call **1300 654 628** for guidance on how to do this).

South Australia

Birth Certificate

In South Australia, you need to make an application to the **Registrar** in order to obtain a recognition certificate.²⁸

Your application for recognition must be accompanied by a statement by a medical practitioner or a psychologist that certifies that you have undertaken a sufficient amount of appropriate clinical treatment in relation to your sex or gender identity.²⁹

The clinical treatment prescribed need not be invasive; clinical treatment may constitute of counselling sessions.³⁰ For these counselling sessions to apply, they must be comprised of either 3 separate counselling sessions aggregating 135 minutes,³¹ or counselling sessions occurring over a period of at least 6 months.³²

Children may have the record of their sex changed on the application of their guardian.³³

The relevant **form** is the 'Record a change of sex or gender identity – application' found at www.sa.gov.au/data/assets/pdf_file/0010/301213/2019_CBS_0018_ChangeOfSexOrGenderForm_V2.pdf

You must provide one form of ID from each of the four lists as described on page 3 of the

²⁵ *BDMR Act NT* s 28B(2).

²⁶ See nt.gov.au/law/bdm/births-deaths-and-marriages-office-fees

²⁷ *BDMR Act NT* s 28E.

²⁸ *Births, Deaths and Marriages Registration Act 1996* (SA) ("*BDMR Act SA*") s 29I.

²⁹ *BDMR Act SA* s 29K.

³⁰ *BDMR Act SA* s 29H(3).

³¹ *Births, Deaths and Marriages Registration Regulations 2011* (SA) r 7C(a).

³² *Births, Deaths and Marriages Registration Regulations 2011* (SA) r 7C(b).

³³ *BDMR Act SA* s 29J(1).

application form.

The documents can be lodged at a **CBS Customer Service Centre** or by post to:

SA Registry of Births, Deaths and Marriages GPO
Box 1351
Adelaide SA 5001

Driver's Licence

To register or amend your gender without changing your name, you must present one of the following documents to a **South Australian Service Centre**:

- A statement from a registered medical practitioner or a registered psychologist
- A valid Australian Government travel document, such as a current passport, which specifies your preferred gender
- An amended state or territory birth certificate, which specifies your preferred gender
- A state or territory gender recognition certificate, or recognised details certificate, showing that a state or territory registrar of birth deaths and marriages has accepted your change in sex will be sufficient evidence.

Once one of these documents is supplied, you can change your gender to one of the following:

- 'M' – male
- 'F' – female
- 'X' - this option is available if you do not identify your gender as either male or female.

If you are changing your name and your gender at the same time, visit a South Australian Service Centre with evidence of your identity (such as a passport).³⁴

Western Australia

Birth Certificate

If you have undergone a reassignment procedure, you may make an application to the **Gender Reassignment Board of Western Australia** for a recognition certificate.³⁵

A **child's** guardian may also make an application.³⁶

“**Reassignment procedure**” means a medical or surgical procedure (or a combination of such procedures) to alter the genitals and other gender characteristics of a person, identified by a birth certificate as male or female, so that the person will be identified as a person of the opposite sex and includes, in relation to a child, any such procedure (or combination of procedures) to correct or eliminate ambiguities in the child's

³⁴ The following information is adapted from www.sa.gov.au/topics/driving-and-transport/licences/licence-details/update-your-details

³⁵ *Gender Reassignment Act 2000* (WA) s 14.

³⁶ *Gender Reassignment Act 2000* (WA) s 14(2)(b).

gender characteristics.³⁷

In a 2011 High Court case,³⁸ the court stated that it is not necessary for the applicant to have undergone genital intervention surgery to obtain a recognition certificate in Western Australia; hormone therapy is sufficient.³⁹

The Board must also be satisfied that you:

- Believe your true gender is the one to which you have been assigned, and
- You have adopted the lifestyle and gender characteristics of a person of the gender you have been assigned, and
- You have received proper counselling in relation to your gender identity.⁴⁰

The **form** and more information are available at grb.justice.wa.gov.au/H/how_to_apply.aspx

After the Gender Reassignment Board has issued you a recognition certificate you can make an application to the Perth Registry to amend your birth certificate one month after the Gender Reassignment Board has issued your Recognition Certificate.

This can be done by filling in the following form: www.wa.gov.au/sites/default/files/2020-09/BDM500-register-change-sex-adult-application_0.pdf

Driver's Licence

The **Department of Transport** records your gender information. However, your gender is not displayed on your driver's licence, learner's permit, or your WA Photo Card.⁴¹

To change your gender information, you will need to attend a **DVS Centre or agency** in person and present the following documents:

- A completed Change of Personal Details (P64) form; and
- Your proof of identification; either
 - One category B document only; OR
 - One category A document and one category C document.
- You must also supply one of the following:
 - A statement from a Registered Medical Practitioner or Registered Psychologist, certifying that you have been their client; or
 - A valid Australian Government travel document, such as a valid Passport, which specifies your preferred gender; or

³⁷ *Gender Reassignment Act 2000* (WA) s 3.

³⁸ *AB & AH v Western Australia* [2011] HCA 42.

³⁹ Samantha Hardy, Olivia Rundle and Damien W Riggs, *Sex, Gender Sexuality and the Law*, (Thomson Reuters, Australia, 2016).

⁴⁰ *Gender Reassignment Act 2000* (WA) s 15(1)(b).

⁴¹ The following information is adapted from www.transport.wa.gov.au/licensing/change-my-gender.asp

- An amended State or Territory Births Deaths and Marriages birth certificate, which specifies your preferred gender.
- A State or Territory Gender Recognition Certificate, or recognised details certificate showing that a State or Territory Registrar of Births Deaths and Marriages has accepted your change in sex.

You can change your gender to one of the following:

- M – Male.
- F – Female.
- X – If you do not identify as either male or female.

Australian Passport

You may apply for an Australian passport in a sex different from that of a previous passport, or different from your birth certificate. These requirements are Australia-wide.

Australian Passports may be issued marked M (male), F (female), or X (indeterminate/unspecified/intersex).

To apply for a passport with a different sex from that recorded on your birth certificate or your previous Australian passport, you will need to complete a full passport application form and provide original documents as evidence of your identity, citizenship, and preferred sex.

To support your application, you can also submit:

- A copy of a Birth Certificate showing your correct (altered) sex, or
- A gender recognition certificate issued by the Gender Reassignment Board, or
- A recognised details certificate, which records your new sex and current name.
- A declaration from a medical practitioner certifying that you have had, or are receiving, appropriate clinical treatment for transition to a new sex or gender, or that you are intersex and do not identify with the sex assigned to you at birth.

Note that your sex can be changed on these documents without having first obtained a Birth Certificate showing the correct sex, and regardless of whether any “sex affirmation procedure” has occurred.

If you already hold an Australian passport, and it has more than two years’ validity remaining, you may be entitled to a free replacement.

For further information, see: www.passports.gov.au/passports-explained/how-apply/eligibility-citizenship-and-identity/sex-and-gender-diverse-passport

This information in this factsheet is legal information and is no substitute for legal advice tailored to your particular circumstances. Information current to 15 September 2021.