

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Contents

Part 1 — Preliminary

- | | | |
|----|--------------|---|
| 1. | Short title | 2 |
| 2. | Commencement | 2 |

Part 2 — *Births, Deaths and Marriages Registration Act 1998* amended

- | | | |
|-----|---------------------|---|
| 3. | Act amended | 3 |
| 4. | Long title amended | 3 |
| 5. | Section 3 amended | 3 |
| 6. | Section 4 amended | 4 |
| 7. | Section 18 amended | 4 |
| 8. | Section 31 amended | 4 |
| 9. | Section 36C amended | 5 |
| 10. | Section 36D amended | 5 |
| 11. | Section 36G amended | 6 |
| 12. | Part 5A inserted | 6 |

Part 5A — Changes of registration of sex or gender and issue of acknowledgment documents

Division 1 — Preliminary

- | | | |
|------|------------|---|
| 36I. | Terms used | 6 |
|------|------------|---|

Division 2 — Change of registration of sex or gender

- | | | |
|------|--|---|
| 36J. | Application to Registrar by person
18 years or more | 7 |
| 36K. | Application to Registrar to change
registration of sex or gender of child
12 years or more | 8 |
| 36L. | Application to Family Court by parent or
guardian of child 12 years or more | 9 |

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Contents

36M.	Application to Family Court by child 12 years or more	10
36N.	Application to Family Court by parent or guardian of child under 12 years	11
36O.	Application by CEO (Children and Community Services)	12
36P.	Application to Registrar if Family Court order made	13
36Q.	Entries on, and access to, Register and issue of certificates	13
36R.	Entitlement not affected by change of registration of sex or gender	14
36S.	Interaction with other laws	15
Division 3 — Western Australian residents born outside of Australia		
36T.	Application to Registrar for acknowledgment document by person 18 years or more	15
36U.	Application to Registrar for acknowledgment document for child 12 years or more	16
36V.	Application to Family Court by parent or guardian of child 12 years or more	18
36W.	Application to Family Court by child 12 years or more	19
36X.	Application to Family Court by parent or guardian of child under 12 years	20
36Y.	Application by CEO (Children and Community Services)	21
36Z.	Application to Registrar if Family Court order made	21
36ZA.	Issue of acknowledgment document	22
36ZB.	Entitlement not affected by issue of acknowledgment document	23
36ZC.	Interaction with other laws	23
Division 4 — Restrictions on changes of registration and issue of acknowledgment documents		
36ZD.	Terms used	23
36ZE.	Restrictions on change of registration based on frequency of change	23
36ZF.	Restrictions on issue of acknowledgment document based on frequency of issue	25
36ZG.	Supervisory authority approval required in relation to restricted person	26
36ZH.	Application by restricted person	26
36ZI.	Application on behalf of restricted person	27
36ZJ.	Approval by supervisory authority	27
36ZK.	Notice of decision by Registrar	28

	36ZL.	Supervisory authority to give documents and information	29	
	36ZM.	Delegation by chief executive officers	30	
13.		Section 49 amended		31
14.		Section 54 amended		31
15.		Section 61 amended		31
16.		Section 62 amended		31
17.		Section 63 amended		32
18.		Section 68A inserted		32
	68A.	Review of amendments made by <i>Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Act 2024</i>	32	
19.		Section 70A inserted		33
	70A.	Savings provisions for recognition certificates issued under <i>Gender Reassignment Act 2000</i>	33	
Part 3 — Gender Reassignment Act 2000				
20.		Written laws repealed		34
Part 4 — Other Acts amended				
Division 1 — Children and Community Services Act 2004 amended				
21.		Act amended		35
22.		Section 63 amended		35
Division 2 — Community Protection (Offender Reporting) Act 2004 amended				
23.		Act amended		35
24.		Section 26 amended		36
25.		Section 29 amended		36
26.		Section 40 amended		37
27.		Section 63 amended		37
28.		Various references to gender removed		38
Division 3 — Constitution Acts Amendment Act 1899 amended				
29.		Act amended		42
30.		Schedule V amended		43

Contents

	Division 4 — <i>Criminal Code Act Compilation Act 1913</i> amended	
31.	Act amended	43
32.	Section 306 amended	43
	Division 5 — <i>Criminal Investigation Act 2006</i> amended	
33.	Act amended	44
34.	Section 3 amended	44
	Division 6 — <i>Criminal Investigation (Identifying People) Act 2002</i> amended	
35.	Act amended	44
36.	Section 3 amended	44
	Division 7 — <i>Equal Opportunity Act 1984</i> amended	
37.	Act amended	44
38.	Section 4 amended	45
	Division 8 — <i>Family Court Act 1997</i> amended	
39.	Act amended	45
40.	Section 244A inserted	46
	244A. Rules for proceedings under <i>Births, Deaths and Marriages Registration Act 1998</i>	46
	Division 9 — <i>Guardianship and Administration Act 1990</i> amended	
41.	Act amended	46
42.	Section 45 amended	47
	Division 10 — <i>Prisons Act 1981</i> amended	
43.	Act amended	47
44.	Section 44 deleted	47
45.	Section 49 amended	47
46.	Section 110 amended	48
	Division 11 — <i>Terrorism (Extraordinary Powers) Act 2005</i> amended	
47.	Act amended	48
48.	Schedule 2 amended	48

**Division 12 — *Terrorism (Preventative
Detention) Act 2006* amended**

49.	Act amended	49
50.	Schedule 2 amended	49

Western Australia

LEGISLATIVE ASSEMBLY

**Births, Deaths and Marriages Registration
Amendment (Sex or Gender Changes) Bill 2024**

A Bill for

An Act —

- **to amend the *Births, Deaths and Marriages Registration Act 1998*;**
and
- **to repeal the *Gender Reassignment Act 2000* and the *Gender Reassignment Regulations 2001*; and**
- **to make consequential amendments to other Acts.**

The Parliament of Western Australia enacts as follows:

1

Part 1 — Preliminary

2

1. Short title

3

This is the *Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Act 2024*.

4

5

2. Commencement

6

This Act comes into operation as follows —

7

(a) Part 1 — on the day on which this Act receives the Royal Assent;

8

9

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

10

s. 6

1 Western Australia and were born outside of
2 Australia;

3

4 **6. Section 4 amended**

5 In section 4 in the definition of *registrable information* after
6 “49(2)” insert:

7

8 or (2A)

9

10 **7. Section 18 amended**

11 Delete section 18(1)(b)(i) and (ii) and insert:

12

13 (i) the other parent is dead; or

14 (ii) the other parent cannot be found; or

15

16 **8. Section 31 amended**

17 (1) In section 31(3) delete “guardian only if” and insert:

18

19 guardian if, and only if,

20

21 (2) In section 31(4) after “1 parent” insert:

22

23 if, and

24

1 **9. Section 36C amended**

2 (1) In section 36C:

3 (a) delete “A restricted person” and insert:

4

5 (1) A restricted person

6

7 (b) in the Penalty delete “Penalty:” and insert:

8

9 Penalty for this subsection:

10

11 (2) At the end of section 36C insert:

12

13 (2) Subsection (1) does not apply to an application made
14 under section 33.

15

16 **10. Section 36D amended**

17 (1) In section 36D:

18 (a) delete “A person” and insert:

19

20 (1) A person

21

22 (b) in the Penalty delete “Penalty:” and insert:

23

24 Penalty for this subsection:

25

26 (2) At the end of section 36D insert:

27

28 (2) Subsection (1) does not apply to an application made
29 under section 33.

30

s. 11

1 **11. Section 36G amended**

2 Delete section 36G(1)(b) and insert:

3

- 4 (b) notify the Registrar, or if the application is to
5 be made to a registering authority, the
6 registering authority, of the approval.

7

8 Note: The heading to amended section 36G is to read:

9 **Supervisory authority to give, and give notice of, documents and**
10 **information**

11 **12. Part 5A inserted**

12 After section 36H insert:

13

14 **Part 5A — Changes of registration of sex or**
15 **gender and issue of acknowledgment documents**

16 **Division 1 — Preliminary**

17 **36I. Terms used**

18 (1) In this Part —

19 *acknowledgment document* has the meaning given in
20 section 36ZA(1);

21 *psychologist* means a person registered under the
22 *Health Practitioner Regulation National Law (Western*
23 *Australia)* in the psychology profession.

24 (2) Terms used in this Part have the same meaning as they
25 have in section 28A.

26 (3) A reference in this Part to the Family Court —

27 (a) includes a reference to the Magistrates Court
28 constituted by a family law magistrate (as
29 defined in the *Family Court Act 1997*

- 1 section 5(1)) so as to be able, under the *Family*
2 *Court Act 1997* section 39(b), to exercise the
3 Family Court's non-federal jurisdiction; but
4 (b) does not include a reference to the Magistrates
5 Court referred to in the *Family Court Act 1997*
6 section 39(a).

7 **Division 2 — Change of registration of sex or gender**

8 **36J. Application to Registrar by person 18 years or more**

- 9 (1) A person who is 18 years of age or more may apply to
10 the Registrar to change the person's sex or gender in
11 the registration of the person's birth if —
12 (a) the person's birth is registered in the State; and
13 (b) the person believes the person's sex or gender
14 to be the sex or gender specified in the
15 application.
16 (2) The application must —
17 (a) be made in the approved form; and
18 (b) specify a sex or gender of a kind prescribed in
19 the regulations; and
20 (c) be accompanied by —
21 (i) a statement by a doctor, or a
22 psychologist, certifying that the person
23 has received appropriate clinical
24 treatment in relation to the person's sex
25 or gender; and
26 (ii) any other document or information
27 prescribed by the regulations;
28 and
29 (d) contain a declaration by the applicant setting
30 out whether the applicant is, at the time the
31 application is made, a required declarant.

s. 12

- 1 **36K. Application to Registrar to change registration of**
2 **sex or gender of child 12 years or more**
- 3 (1) The parents or guardians of a child who is at least
4 12 years of age and under 18 years of age may apply to
5 the Registrar to change the child's sex or gender in the
6 registration of the child's birth if —
- 7 (a) the child's birth is registered in the State; and
8 (b) the child consents to the change in accordance
9 with the application; and
10 (c) each applicant believes the child's sex or
11 gender to be the sex or gender specified in the
12 application.
- 13 (2) The application must —
- 14 (a) be made in the approved form; and
15 (b) specify a sex or gender of a kind prescribed in
16 the regulations; and
17 (c) be accompanied by a statement by a doctor, or
18 a psychologist, certifying that the child —
- 19 (i) has received appropriate clinical
20 treatment in relation to the child's sex or
21 gender; and
22 (ii) understands the meaning and
23 implications of the application;
- 24 and
- 25 (d) be accompanied by —
- 26 (i) a statement by the child consenting to
27 the change; and
28 (ii) any other document or information
29 prescribed by the regulations;
- 30 and

- 1 (e) contain a declaration by each applicant setting
2 out whether the child is, at the time the
3 application is made, a required declarant.
- 4 (3) An application under subsection (1) may be made by
5 1 parent if, and only if —
- 6 (a) the applicant is the sole parent named in the
7 registration of the child’s birth under this Act;
8 or
9 (b) the child’s other parent is dead.
- 10 (4) An application under subsection (1) may be made by a
11 guardian if, and only if, the parents of the child are
12 dead, cannot be found or for some other reason cannot
13 exercise their parental responsibilities for the child.
- 14 (5) Without limiting subsection (4), an application under
15 subsection (1) may be made by joint guardians if, and
16 only if, the joint guardians are unanimous in making
17 the application.
- 18 **36L. Application to Family Court by parent or guardian**
19 **of child 12 years or more**
- 20 (1) A parent or guardian of a child may apply to the
21 Family Court for an order approving the change of the
22 child’s sex or gender in the registration of the child’s
23 birth if —
- 24 (a) the child is at least 12 years of age and under
25 18 years of age; and
26 (b) the child’s birth is registered in the State.
- 27 (2) The application must specify a sex or gender of a kind
28 prescribed in the regulations.
- 29 (3) An application under subsection (1) may be made by a
30 guardian if, and only if, the parents of the child are

s. 12

- 1 dead, cannot be found or for some other reason cannot
2 exercise their parental responsibilities for the child.
- 3 (4) The Family Court may make the order if satisfied that
4 it is in the child’s best interests.
- 5 (5) In determining whether or not to make the order, the
6 Family Court must consider —
- 7 (a) any views expressed by the child and any
8 factors (such as the child’s maturity or level of
9 understanding) that the Family Court thinks are
10 relevant to the weight it should give to the
11 child’s views; and
- 12 (b) any views expressed by a parent or guardian of
13 the child; and
- 14 (c) whether the child has received appropriate
15 clinical treatment in relation to the child’s sex
16 or gender.
- 17 **36M. Application to Family Court by child 12 years or
18 more**
- 19 (1) This section applies if —
- 20 (a) each parent or guardian of a child who is at
21 least 12 years of age and under 18 years of age
22 does not support the change of the child’s sex
23 or gender in the registration of the child’s birth;
24 and
- 25 (b) the child’s birth is registered in the State.
- 26 (2) The child may apply to the Family Court for an order
27 approving the change of the child’s sex or gender in the
28 registration of the child’s birth.
- 29 (3) The application must specify a sex or gender of a kind
30 prescribed in the regulations.

- 1 (4) The Family Court may make the order if satisfied that
2 it is in the child's best interests.
- 3 (5) In determining whether or not to make the order, the
4 Family Court must consider —
- 5 (a) any views expressed by the child and any
6 factors (such as the child's maturity or level of
7 understanding) that the Family Court thinks are
8 relevant to the weight it should give to the
9 child's views; and
- 10 (b) any views expressed by a parent or guardian of
11 the child; and
- 12 (c) whether the child has received appropriate
13 clinical treatment in relation to the child's sex
14 or gender.

15 **36N. Application to Family Court by parent or guardian**
16 **of child under 12 years**

- 17 (1) A parent or guardian of a child under 12 years of age
18 whose birth is registered in the State may apply to the
19 Family Court for an order approving the change of the
20 child's sex or gender in the registration of the child's
21 birth.
- 22 (2) The application must specify a sex or gender of a kind
23 prescribed in the regulations.
- 24 (3) An application under subsection (1) may be made by a
25 guardian if, and only if, the parents of the child are
26 dead, cannot be found or for some other reason cannot
27 exercise their parental responsibilities for the child.
- 28 (4) The Family Court may make the order if satisfied that
29 it is in the best interests of the child.

s. 12

- 1 (5) In determining whether or not to make the order, the
2 Family Court must consider —
- 3 (a) any views expressed by the child and any
4 factors (such as the child’s maturity or level of
5 understanding) that the Family Court thinks are
6 relevant to the weight it should give to the
7 child’s views; and
- 8 (b) any views expressed by a parent or guardian of
9 the child; and
- 10 (c) whether the child has received appropriate
11 clinical treatment in relation to the child’s sex
12 or gender.

13 **36O. Application by CEO (Children and Community**
14 **Services)**

- 15 (1) In this section —
- 16 *CEO (Children and Community Services)* means the
17 CEO as defined in the *Children and Community*
18 *Services Act 2004* section 3;
- 19 *parent* has the meaning given in the *Children and*
20 *Community Services Act 2004* section 3.
- 21 (2) If a protection order (time-limited) or a protection
22 order (until 18) is in force in respect of a child under
23 the *Children and Community Services Act 2004* —
- 24 (a) the CEO (Children and Community Services)
25 may make an application under section 36K,
26 36L or 36N in respect of the child; and
- 27 (b) no other person can make the application.
- 28 (3) Before making an application under section 36K the
29 CEO (Children and Community Services) must take
30 reasonable steps to notify each parent of the child of
31 the proposed application and give them a reasonable

- 1 opportunity to provide their written views on the
2 making of the application.
- 3 (4) An application may be made under section 36K only if
4 no parent notified under subsection (3) opposes the
5 making of the application.

6 **36P. Application to Registrar if Family Court order**
7 **made**

- 8 (1) Any person may apply to the Registrar to change a
9 child's sex or gender in the registration of the child's
10 birth if the Family Court has made an order under
11 section 36L, 36M or 36N approving the change.
- 12 (2) The application to the Registrar must —
- 13 (a) be made in the approved form; and
- 14 (b) be accompanied by —
- 15 (i) a copy of the order; and
- 16 (ii) any other document or information
17 prescribed by the regulations;
- 18 and
- 19 (c) contain a declaration by the applicant setting
20 out whether the child is, at the time the
21 application is made, a required declarant.

22 **36Q. Entries on, and access to, Register and issue of**
23 **certificates**

- 24 (1) On receipt of an application under section 36J or 36K,
25 the Registrar must —
- 26 (a) make the requested change; or
- 27 (b) refuse to make the requested change.
- 28 (2) On receipt of an application under section 36P, the
29 Registrar must make the change in accordance with the
30 order of the Family Court.

s. 12

- 1 (3) If a person's sex or gender in the registration of the
2 person's birth is changed under this section, the
3 Registrar —
- 4 (a) must retain on the Register the particulars
5 contained in the entry in the Register relating to
6 the person's sex or gender before the
7 registration was changed; but
- 8 (b) must not —
- 9 (i) allow access to the particulars referred
10 to in paragraph (a); or
- 11 (ii) issue a birth certificate for the person
12 showing the person's sex or gender
13 before the registration was changed.
- 14 (4) Subsection (3)(b)(i) does not apply if an application for
15 access to the particulars is made by —
- 16 (a) the person; or
- 17 (b) a person or body prescribed by the regulations.

18 **36R. Entitlement not affected by change of registration of**
19 **sex or gender**

- 20 (1) Subsection (2) applies to a person who has an
21 entitlement —
- 22 (a) under a will; or
- 23 (b) under a trust; or
- 24 (c) otherwise by operation of law.
- 25 (2) The person does not, except as otherwise provided
26 under the will, the trust or by the law conferring the
27 entitlement, lose the entitlement only because the
28 person's sex or gender in the registration of the
29 person's birth has been changed.

1 **36S. Interaction with other laws**

2 If a person's sex or gender in the registration of the
3 person's birth is changed under this Division, the
4 person is a person of the sex or gender as changed for
5 the purposes of, but subject to, a law of the State.

6 **Division 3 — Western Australian residents born**
7 **outside of Australia**

8 **36T. Application to Registrar for acknowledgment**
9 **document by person 18 years or more**

- 10 (1) A person who is 18 years of age or more may apply to
11 the Registrar for an acknowledgment document for the
12 person if —
- 13 (a) the person was born outside of Australia; and
 - 14 (b) the person has lived in the State for at least
15 12 consecutive months immediately before the
16 day the application is made; and
 - 17 (c) the person believes the person's sex or gender
18 to be the sex or gender specified in the
19 application.
- 20 (2) The application must —
- 21 (a) be made in the approved form; and
 - 22 (b) specify a sex or gender of a kind prescribed in
23 the regulations; and
 - 24 (c) be accompanied by —
 - 25 (i) a statement by a doctor, or a
26 psychologist, certifying that the person
27 has received appropriate clinical
28 treatment in relation to the person's sex
29 or gender; and

s. 12

- 1 (ii) any other document or information
2 prescribed by the regulations;
3 and
4 (d) contain a declaration by the applicant setting
5 out whether the applicant is, at the time the
6 application is made, a required declarant.

7 **36U. Application to Registrar for acknowledgment**
8 **document for child 12 years or more**

- 9 (1) The parents or guardians of a child who is at least
10 12 years of age and under 18 years of age may apply to
11 the Registrar for an acknowledgment document for the
12 child if —
13 (a) the child was born outside of Australia; and
14 (b) the child has lived in the State for at least
15 12 consecutive months immediately before the
16 day the application is made; and
17 (c) the child consents to the issue of the document
18 in accordance with the application; and
19 (d) each applicant believes the child's sex or
20 gender to be the sex or gender specified in the
21 application.
22 (2) The application must —
23 (a) be made in the approved form; and
24 (b) specify a sex or gender of a kind prescribed in
25 the regulations; and
26 (c) be accompanied by a statement by a doctor, or
27 a psychologist, certifying that the child —
28 (i) has received appropriate clinical
29 treatment in relation to the child's sex or
30 gender; and

- 1 (ii) understands the meaning and
2 implications of the application;
3 and
4 (d) be accompanied by —
5 (i) a statement by the child consenting to
6 the issue of the document; and
7 (ii) any other document or information
8 prescribed by the regulations;
9 and
10 (e) contain a declaration by each applicant setting
11 out whether the child is, at the time the
12 application is made, a required declarant.
- 13 (3) An application under subsection (1) may be made by
14 1 parent if, and only if —
15 (a) the applicant is the sole parent named in the
16 registration of the child's birth; or
17 (b) the child's other parent is dead.
- 18 (4) An application under subsection (1) may be made by a
19 guardian if, and only if, the parents of the child are
20 dead, cannot be found or for some other reason cannot
21 exercise their parental responsibilities for the child.
- 22 (5) Without limiting subsection (4), an application under
23 subsection (1) may be made by joint guardians if, and
24 only if, the joint guardians are unanimous in making
25 the application.

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- 1 **36V. Application to Family Court by parent or guardian**
2 **of child 12 years or more**
- 3 (1) A parent or guardian of a child may apply to the
4 Family Court for an order approving the issue of an
5 acknowledgment document for the child if —
- 6 (a) the child is at least 12 years of age and under
7 18 years of age; and
- 8 (b) the child was born outside of Australia; and
- 9 (c) the child has lived in the State for at least
10 12 consecutive months immediately before the
11 day the application is made.
- 12 (2) The application must specify a sex or gender of a kind
13 prescribed in the regulations.
- 14 (3) An application under subsection (1) may be made by a
15 guardian if, and only if, the parents of the child are
16 dead, cannot be found or for some other reason cannot
17 exercise their parental responsibilities for the child.
- 18 (4) The Family Court may make the order if satisfied that
19 it is in the child’s best interests.
- 20 (5) In determining whether or not to make the order, the
21 Family Court must consider —
- 22 (a) any views expressed by the child and any
23 factors (such as the child’s maturity or level of
24 understanding) that the Family Court thinks are
25 relevant to the weight it should give to the
26 child’s views; and
- 27 (b) any views expressed by a parent or guardian of
28 the child; and
- 29 (c) whether the child has received appropriate
30 clinical treatment in relation to the child’s sex
31 or gender.

- 1 **36W. Application to Family Court by child 12 years or**
2 **more**
- 3 (1) This section applies if —
- 4 (a) each parent or guardian of a child who is at
5 least 12 years of age and under 18 years of age
6 does not support the issue of an
7 acknowledgment document for the child; and
- 8 (b) the child was born outside of Australia; and
- 9 (c) the child has lived in the State for at least
10 12 consecutive months immediately before the
11 day the application is made.
- 12 (2) The child may apply to the Family Court for an order
13 approving the issue of an acknowledgment document
14 for the child.
- 15 (3) The application must specify a sex or gender of a kind
16 prescribed in the regulations.
- 17 (4) The Family Court may make the order if satisfied that
18 it is in the child’s best interests.
- 19 (5) In determining whether or not to make the order, the
20 Family Court must consider —
- 21 (a) any views expressed by the child and any
22 factors (such as the child’s maturity or level of
23 understanding) that the Family Court thinks are
24 relevant to the weight it should give to the
25 child’s views; and
- 26 (b) any views expressed by a parent or guardian of
27 the child; and
- 28 (c) whether the child has received appropriate
29 clinical treatment in relation to the child’s sex
30 or gender.

s. 12

- 1 **36X. Application to Family Court by parent or guardian**
2 **of child under 12 years**
- 3 (1) A parent or guardian of a child under 12 years of age
4 may apply to the Family Court for an order approving
5 the issue of an acknowledgment document for the child
6 if —
- 7 (a) the child was born outside of Australia; and
8 (b) the child has lived in the State for at least
9 12 consecutive months immediately before the
10 day the application is made.
- 11 (2) The application must specify a sex or gender of a kind
12 prescribed in the regulations.
- 13 (3) An application under subsection (1) may be made by a
14 guardian if, and only if, the parents of the child are
15 dead, cannot be found or for some other reason cannot
16 exercise their parental responsibilities for the child.
- 17 (4) The Family Court may make the order if satisfied that
18 it is in the best interests of the child.
- 19 (5) In determining whether or not to make the order, the
20 Family Court must consider —
- 21 (a) any views expressed by the child and any
22 factors (such as the child’s maturity or level of
23 understanding) that the Family Court thinks are
24 relevant to the weight it should give to the
25 child’s views; and
- 26 (b) any views expressed by a parent or guardian of
27 the child; and
- 28 (c) whether the child has received appropriate
29 clinical treatment in relation to the child’s sex
30 or gender.

-
- 1 **36Y. Application by CEO (Children and Community**
2 **Services)**
- 3 (1) In this section —
- 4 **CEO (Children and Community Services)** means the
5 CEO as defined in the *Children and Community*
6 *Services Act 2004* section 3;
- 7 **parent** has the meaning given in the *Children and*
8 *Community Services Act 2004* section 3.
- 9 (2) If a protection order (time-limited) or a protection
10 order (until 18) is in force in respect of a child under
11 the *Children and Community Services Act 2004* —
- 12 (a) the CEO (Children and Community Services)
13 may make an application under section 36U,
14 36V or 36X in respect of the child; and
- 15 (b) no other person can make the application.
- 16 (3) Before making an application under section 36U the
17 CEO (Children and Community Services) must take
18 reasonable steps to notify each parent of the child of
19 the proposed application and give them a reasonable
20 opportunity to provide their written views on the
21 making of the application.
- 22 (4) An application may be made under section 36U only if
23 no parent notified under subsection (3) opposes the
24 making of the application.
- 25 **36Z. Application to Registrar if Family Court order**
26 **made**
- 27 (1) Any person may apply to the Registrar for an
28 acknowledgment document for a child if the Family
29 Court has made an order under section 36V, 36W or
30 36X approving the issue of the acknowledgment
31 document.

s. 12

- 1 (2) The application to the Registrar must —
2 (a) be made in the approved form; and
3 (b) be accompanied by —
4 (i) a copy of the order; and
5 (ii) any other document or information
6 prescribed by the regulations;
7 and
8 (c) contain a declaration by the applicant setting
9 out whether the child is, at the time the
10 application is made, a required declarant.

11 **36ZA. Issue of acknowledgment document**

- 12 (1) A document issued under subsection (2) or (3) is an
13 *acknowledgment document*.
14 (2) On receipt of an application under section 36T or 36U,
15 the Registrar must —
16 (a) issue a document acknowledging the person’s
17 sex or gender; or
18 (b) refuse to issue the document.
19 (3) On receipt of an application under section 36Z, the
20 Registrar must issue a document acknowledging the
21 person’s sex or gender in accordance with the order of
22 the Family Court.
23 (4) The acknowledgment document must not state the
24 applicant’s former sex or gender unless the applicant
25 has requested, in writing, that the information be
26 included.

1 **36ZB. Entitlement not affected by issue of**
2 **acknowledgment document**

3 (1) Subsection (2) applies to a person who has an
4 entitlement —

- 5 (a) under a will; or
6 (b) under a trust; or
7 (c) otherwise by operation of law.

8 (2) The person does not, except as otherwise provided
9 under the will, the trust or by the law conferring the
10 entitlement, lose the entitlement only because an
11 acknowledgment document has been issued for the
12 person.

13 **36ZC. Interaction with other laws**

14 If an acknowledgment document is issued for a person,
15 the person is a person of the sex or gender specified in
16 the document for the purposes of, but subject to, a law
17 of the State.

18 **Division 4 — Restrictions on changes of registration**
19 **and issue of acknowledgment documents**

20 **36ZD. Terms used**

21 In this Division —

22 *restricted person* has the meaning given in
23 section 36A;

24 *supervisory authority* has the meaning given in
25 section 36A.

26 **36ZE. Restrictions on change of registration based on**
27 **frequency of change**

28 (1) The Registrar must not change a person's sex or gender
29 in the registration of the person's birth on an

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 2 Births, Deaths and Marriages Registration Act 1998 amended

s. 12

- 1 application under section 36J if the Registrar is aware
2 that —
- 3 (a) a change of the person’s sex or gender in the
4 registration of the person’s birth has been made
5 (whether in this State or another State) within
6 the period of 12 months immediately before the
7 day the application is made; or
- 8 (b) 3 or more changes of the person’s sex or gender
9 in the registration of the person’s birth have
10 been made (whether in this State or another
11 State).
- 12 (2) When counting the number of changes for the purposes
13 of subsection (1)(b), a change of a person’s sex or
14 gender in the registration of the person’s birth made
15 before the person reached the age of 18 years must not
16 be counted.
- 17 (3) Despite subsection (1)(b), the Registrar may, on
18 application, change a person’s sex or gender in the
19 registration of the person’s birth if the Registrar is
20 satisfied that the change is justified by exceptional
21 circumstances.
- 22 (4) The Registrar may require the person to provide
23 evidence to enable the Registrar to be satisfied under
24 subsection (3).
- 25 (5) The Registrar must not change a child’s sex or gender
26 in the registration of the child’s birth on an application
27 under section 36K if the Registrar is aware that a
28 change of the child’s sex or gender in the registration
29 of the child’s birth has been registered (whether in this
30 State or another State) within the period of 12 months
31 immediately before the day the application is made.

1 **36ZF. Restrictions on issue of acknowledgment document**
2 **based on frequency of issue**

3 (1) In this section —

4 *interstate document*, for a person, means a document
5 issued by a registering authority that acknowledges the
6 person's sex or gender.

7 (2) The Registrar must not issue an acknowledgment
8 document for a person on an application under
9 section 36T if the Registrar is aware that —

10 (a) an acknowledgment document or interstate
11 document for the person has been issued within
12 the period of 12 months immediately before the
13 day the application is made; or

14 (b) 3 or more acknowledgment documents or
15 interstate documents for the person have been
16 issued.

17 (3) When counting the number of acknowledgment
18 documents and interstate documents for the purposes of
19 subsection (2)(b), a document issued before the person
20 reached the age of 18 years must not be counted.

21 (4) Despite subsection (2)(b), the Registrar may, on
22 application, issue an acknowledgment document for a
23 person if the Registrar is satisfied that the issue is
24 justified by exceptional circumstances.

25 (5) The Registrar may require the person to provide
26 evidence to enable the Registrar to be satisfied under
27 subsection (4).

s. 12

1 (6) The Registrar must not issue an acknowledgment
2 document for a child on an application under
3 section 36U if the Registrar is aware that an
4 acknowledgment document or interstate document for
5 the child has been issued within the period of
6 12 months immediately before the day the application
7 is made.

8 **36ZG. Supervisory authority approval required in relation**
9 **to restricted person**

10 (1) The Registrar must not change a restricted person's sex
11 or gender in the registration of the person's birth, or
12 issue an acknowledgment document for a restricted
13 person, on an application, unless the Registrar has been
14 given a copy of the written approval for the application
15 by the supervisory authority for the person.

16 (2) Subsection (1) does not apply if the Registrar receives
17 an application under section 36P or 36Z.

18 **36ZH. Application by restricted person**

19 (1) A restricted person must not do either of the following
20 unless the person has obtained the written approval of
21 the supervisory authority for the restricted person —
22 (a) apply, under this Act, to the Registrar to change
23 the restricted person's sex or gender in the
24 registration of the person's birth;
25 (b) apply, under this Act, to the Registrar for the
26 issue of an acknowledgment document for the
27 person.

28 Penalty for this subsection: imprisonment for 2 years
29 and a fine of \$12 000.

30 (2) Subsection (1) does not apply to an application made
31 under section 36P or 36Z.

1 **36ZI. Application on behalf of restricted person**

- 2 (1) A person (the *applicant*) must not, in respect of a
3 restricted person, do either of the following unless the
4 applicant has obtained the written approval of the
5 supervisory authority for the restricted person —
6 (a) apply, under this Act, to the Registrar to change
7 the restricted person’s sex or gender in the
8 registration of the person’s birth;
9 (b) apply, under this Act, to the Registrar for the
10 issue of an acknowledgment document for the
11 restricted person.
12 Penalty for this subsection: imprisonment for 2 years
13 and a fine of \$12 000.
14 (2) Subsection (1) does not apply to an application made
15 under section 36P or 36Z.

16 **36ZJ. Approval by supervisory authority**

- 17 (1) In this section —
18 *change of sex or gender application* means an
19 application proposed to be made by or in respect of a
20 restricted person to change the restricted person’s sex
21 or gender in the registration of the person’s birth.
22 (2) A person may apply to a supervisory authority for —
23 (a) approval to make a change of sex or gender
24 application; or
25 (b) approval to make an application for an
26 acknowledgment document for a restricted
27 person.
28 (3) The application for approval must be made in a manner
29 approved by the supervisory authority.
30 (4) A supervisory authority must not approve the making
31 of a change of sex or gender application, or the making

s. 12

- 1 of an application for an acknowledgment document,
2 unless the authority is satisfied that the change of the
3 restricted person's sex or gender in the registration of
4 the person's birth or issue of an acknowledgment
5 document is in all the circumstances necessary or
6 reasonable.
- 7 (5) A supervisory authority must not approve the making
8 of a change of sex or gender application, or the making
9 of an application for an acknowledgment document, if
10 the authority is satisfied that the change of the
11 restricted person's sex or gender in the registration of
12 the person's birth or issue of an acknowledgment
13 document is reasonably likely —
- 14 (a) if the restricted person is detained — to have an
15 adverse effect on the security, discipline or
16 good order of the place in which the restricted
17 person is detained; or
- 18 (b) to be regarded as offensive by a victim of crime
19 or a significant sector of the community; or
- 20 (c) to frustrate the administration of any of the
21 following Acts —
- 22 (i) the *High Risk Serious Offenders*
23 *Act 2020*;
- 24 (ii) the *Prisons Act 1981*;
- 25 (iii) the *Sentence Administration Act 2003*;
- 26 (iv) the *Sentencing Act 1995*;
- 27 (v) the *Young Offenders Act 1994*.

28 **36ZK. Notice of decision by Registrar**

- 29 (1) The Registrar must notify the supervisory authority for
30 a restricted person if the Registrar does any of the
31 following —

- 1 (a) changes the person's sex or gender in the
2 registration of the person's birth;
- 3 (b) refuses to change the person's sex or gender in
4 the registration of the person's birth;
- 5 (c) issues an acknowledgment document for the
6 person;
- 7 (d) refuses to issue an acknowledgment document
8 for the person.
- 9 (2) When notifying a supervisory authority under
10 subsection (1), the Registrar must give the authority
11 sufficient information to identify the restricted person.

12 **36ZL. Supervisory authority to give documents and**
13 **information**

- 14 (1) If a supervisory authority decides to approve the
15 making of a change of sex or gender application, or the
16 making of an application for an acknowledgment
17 document, under section 36ZJ, the authority must, as
18 soon as practicable —
- 19 (a) give written approval to the person who wishes
20 to make the application; and
- 21 (b) notify the Registrar of the approval.
- 22 (2) For the purposes of the Registrar verifying the details
23 of an application to change a restricted person's sex or
24 gender in the registration of the person's birth, or an
25 application for an acknowledgment document for a
26 restricted person, each supervisory authority must, if
27 the Registrar requests, give the Registrar the
28 following —
- 29 (a) the name of each restricted person for whom
30 they are the supervisory authority;

s. 12

- 1 (b) any other name by which the person is, or has
2 previously been, known (of which the
3 supervisory authority is aware);
4 (c) the date of birth of the person;
5 (d) any other information that may be used to
6 identify the person.

7 **36ZM. Delegation by chief executive officers**

- 8 (1) A chief executive officer referred to in the definition of
9 *supervisory authority* in section 36A may delegate to
10 any person any power or duty of the chief executive
11 officer under another provision of this Division.
12 (2) The delegation must be in writing signed by the chief
13 executive officer.
14 (3) A person to whom a power or duty is delegated under
15 this section cannot delegate the power or duty.
16 (4) A person exercising or performing a power or duty that
17 has been delegated to the person under this section is
18 taken to do so in accordance with the terms of the
19 delegation unless the contrary is shown.
20 (5) Unless the contrary is shown, it is to be presumed that
21 a document purporting to have been signed by a person
22 as a delegate of the chief executive officer was signed
23 by a person in the performance of a function that at the
24 time was delegated to the person by the chief executive
25 officer.
26 (6) Nothing in this section limits the ability of the chief
27 executive officer to perform a function through an
28 officer or agent.
29

1 **13. Section 49 amended**

2 After section 49(2) insert:

3

4 (2A) The Registrar may maintain on the Register records of
5 information, in addition to registrable information
6 relating to registrable events, if the inclusion is
7 considered appropriate by the Registrar.

8

9 **14. Section 54 amended**

10 After section 54(3) insert:

11

12 (4) The operation of this section is affected by
13 section 36Q(3)(b)(i).

14

15 **15. Section 61 amended**

16 In section 61(3)(c) delete “the event” and insert:

17

18 the event, or other registrable information,

19

20 **16. Section 62 amended**

21 (1) After section 62(1) insert:

22

23 (1A) The Registrar may revoke a change made under
24 Part 5A to a birth registration if it appears that the
25 change was obtained by fraud or other improper means.

26

s. 17

1 (2) In section 62(2) delete “event” and insert:

2

3 event, or revokes a change made under Part 5A to a birth
4 registration,

5

6 Note: The heading to amended section 62 is to read:

7

Revocation of registration or Part 5A change obtained by fraud

8 **17. Section 63 amended**

9 In section 63(a) delete “his or her” and insert:

10

11 their

12

13 **18. Section 68A inserted**

14 After section 68 insert:

15

16 **68A. Review of amendments made by *Births, Deaths and***
17 ***Marriages Registration Amendment (Sex or Gender***
18 ***Changes) Act 2024***

19 (1) The Minister must review the operation and
20 effectiveness of the amendments made to this Act by
21 the *Births, Deaths and Marriages Registration*
22 *Amendment (Sex or Gender Changes) Act 2024*, and
23 prepare a report based on the review, as soon as
24 practicable after the 3rd anniversary of the day on
25 which section 12 of that Act comes into operation.

26 (2) The Minister must cause the report to be laid before
27 each House of Parliament as soon as practicable after it
28 is prepared, but not later than 12 months after the
29 3rd anniversary.
30

1 **19. Section 70A inserted**

2 After section 70 insert:

3

4 **70A. Savings provisions for recognition certificates issued**
5 **under *Gender Reassignment Act 2000***

6 Despite the repeal of the *Gender Reassignment*
7 *Act 2000* —

- 8 (a) a recognition certificate issued under that Act
9 continues in force; and
10 (b) the Registrar may act under sections 17 and 18
11 of that Act as if the sections had not been
12 repealed.
13

1 **Part 3 — *Gender Reassignment Act 2000***

2 **20. Written laws repealed**

3 (1) The *Gender Reassignment Act 2000* is repealed.

4 (2) The *Gender Reassignment Regulations 2001* are repealed.

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Part 4 — Other Acts amended

Division 1 — *Children and Community Services Act 2004* amended

21. Act amended

This Division amends the *Children and Community Services Act 2004*.

22. Section 63 amended

After section 63(3) insert:

(3A) The Family Court may, on an application made by the special guardian, permit the making of a change of name application if —

- (a) the change of name application is to change a given name or given names of a child; and
- (b) the change of name application is made at the same time as the special guardian makes an application to the Family Court under the *Births, Deaths and Marriages Registration Act 1998* section 36L or 36N; and
- (c) the Family Court is satisfied that it is in the best interests of the child to permit the making of the change of name application.

Division 2 — *Community Protection (Offender Reporting) Act 2004* amended

23. Act amended

This Division amends the *Community Protection (Offender Reporting) Act 2004*.

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 2 Community Protection (Offender Reporting) Act 2004 amended

s. 24

1 **24. Section 26 amended**

2 After section 26(1)(c) insert:

3

4

(ca) the offender's sex or gender —

5

(i) as registered under the *Births, Deaths and Marriages Registration Act 1998* or a corresponding law (as defined in section 4 of that Act); or

6

7

8

9

(ii) as acknowledged in a document issued under the *Births, Deaths and Marriages Registration Act 1998* section 36ZA, or a document issued under a corresponding law (as defined in section 4 of that Act), for the purpose of acknowledging a person's sex or gender; or

10

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(iii) if neither subparagraph (i) nor (ii) apply in respect of the offender — being a sex or gender prescribed in regulations under the *Births, Deaths and Marriages Registration Act 1998* and identified by the offender as the offender's sex or gender;

24

and

25

26 **25. Section 29 amended**

27 After section 29(2) insert:

28

29

(2A) For the purposes of subsection (1), a change occurs in a reportable offender's personal details relating to sex or gender only if —

30

31

- 1 (a) the registration of the offender’s sex or gender
2 under the *Births, Deaths and Marriages*
3 *Registration Act 1998* or a corresponding law
4 (as defined in section 4 of that Act) is changed;
5 or
6 (b) a document is issued under the *Births, Deaths*
7 *and Marriages Registration Act 1998*
8 section 36ZA or a corresponding law (as
9 defined in section 4 of that Act) for the purpose
10 of acknowledging the offender’s sex or gender.
11

12 **26. Section 40 amended**

13 (1) Delete section 40(1)(b) and insert:
14

- 15 (b) to expose any part of the reportable offender’s
16 body to enable that part of the body to be
17 photographed by the authorised person or a
18 person authorised by the authorised person.
19

20 (2) Delete section 40(2) and insert:
21

- 22 (2) An authorised person cannot, under subsection (1),
23 require a reportable offender to expose their genitals,
24 the anal area of their buttocks or, in the case of
25 females, or persons identifying as female, their breasts.
26

27 **27. Section 63 amended**

28 (1) In section 63(2) delete “his or her reporting” and insert:
29

30 the person’s reporting
31

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 2 Community Protection (Offender Reporting) Act 2004 amended

s. 28

1 (2) Delete section 63(2)(c) and insert:

2

3 (c) whether the form of notification given to the
4 person as to the person's obligations was
5 adequate to inform the person of those
6 obligations;
7

8 **28. Various references to gender removed**

9 Amend the provisions listed in the Table as set out in the Table.

10

Table

Provision	Delete	Insert
s. 3 def. of <i>reporting period</i> s. 24(1), (2A) and (2) s. 25(1) to (5) and (7) s. 26(1) s. 28(1) and (3) to (5) s. 29(1) and (5) s. 29A(5) s. 32(2), (2a) and (4) s. 38(2)(a) s. 41(1)(b) s. 43(3)(a)	his or her (each occurrence)	the offender's

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Other Acts amended **Part 4**
 Community Protection (Offender Reporting) Act 2004 **Division 2**
 amended

s. 28

Provision	Delete	Insert
s. 46(3) s. 51(1) and (2) s. 52 s. 63(1) s. 66(1) s. 67(1)(a), (2)(c), (3) and (6) s. 69(1) s. 71(a) s. 80C(1) s. 80(2)(f) s. 85F(2)(a)(i) and (4)(b) s. 94(1)(a) s. 114(2)(e)(v)		
s. 6(4)	Unless he or she because he or she	Unless a person because the person
s. 6(5) and (6)(b) s. 7(b)(i) s. 25(6) s. 26(3) s. 27(1) to (4)	he or she	the person

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 2 Community Protection (Offender Reporting) Act 2004 amended

s. 28

Provision	Delete	Insert
s. 29(4) s. 32(3) s. 47(1) s. 72(1), (2), (3)(a) and (4)(b) s. 76(a) s. 85G(3)(b) s. 85J(4) s. 93(1)(cb) and (4)		
s. 24(1), (2A) and (2) s. 25(1), (2), (3)(b), (4)(b), (5) and (7) s. 26(1) and (2)(a), (c), (da) and (d) s. 28(2), (5) and (6) s. 29(3) and (5)(b) s. 29A(1), (2)(a), (3), (4), (5) and (6) s. 30(2) and (3) s. 31(1)(a) s. 32(1), (2), (2a) and (4) s. 35(1)(c) and (2)	he or she (each occurrence)	the offender

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Other Acts amended **Part 4**
 Community Protection (Offender Reporting) Act 2004 **Division 2**
 amended

s. 28

Provision	Delete	Insert
s. 43(3) s. 44(1) and (4)(b) s. 46(1) to (3) s. 49(1)(b) and (2) s. 50(1) and (2)(b) s. 52 s. 60(3) s. 67(1)(b) and (2) s. 69(1) s. 71(b) s. 75(1)(b) s. 80(2)(b) s. 94(1)(b) s. 111(2)		
s. 3 def. of reporting obligations s. 26(1)(h) and (j) s. 35(4) and (5) s. 41(1) s. 61(5) s. 94(1)	him or her	the offender
s. 26(2)(db)	he or she	the child

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 3 Constitution Acts Amendment Act 1899 amended

s. 29

Provision	Delete	Insert
s. 36(1)(b) s. 72(1), (2)(a) and (4)(b) s. 85G(6)(d) s. 94B(8)(h) s. 106(2)	his or her	the person's
s. 38(3)	he or she	the authorised person
s. 39(1) and (2)	him or her	the authorised person
s. 41(2)	him or her	the officer
s. 47(2)	him or her	the person
s. 77(4)(b)	his or her	the applicant's
s. 80(1)	his or her	the Commissioner's

1 **Division 3 — *Constitution Acts Amendment Act 1899* amended**

2 **29. Act amended**

3 This Division amends the *Constitution Acts Amendment*
4 *Act 1899*.

1 **30. Schedule V amended**

2 In Schedule V Part 3 delete “The Gender Reassignment Board of
3 Western Australia established by the *Gender Reassignment*
4 *Act 2000*.”.

5 **Division 4 — Criminal Code Act Compilation Act 1913 amended**

6 **31. Act amended**

7 This Division amends the *Criminal Code Act Compilation*
8 *Act 1913*.

9 **32. Section 306 amended**

10 (1) In section 306(1) insert in alphabetical order:

11

12 *genital reconfiguration surgery* means a surgical
13 procedure to give a person the genital appearance of a
14 particular sex, whether male or female.

15

16 (2) In section 306(1) in the definition of *female genital*
17 *mutilation* —

18 (a) delete paragraph (d) and insert:

19

20 (d) genital reconfiguration surgery carried out by a
21 person registered under the *Health Practitioner*
22 *Regulation National Law (Western Australia)*
23 in the medical profession; or

24

25 (b) in paragraph (e) delete “purposes.” and insert:

26

27 purposes;

28

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 5 Criminal Investigation Act 2006 amended

s. 33

1 **Division 5 — *Criminal Investigation Act 2006* amended**

2 **33. Act amended**

3 This Division amends the *Criminal Investigation Act 2006*.

4 **34. Section 3 amended**

5 In section 3(1) delete the definition of *private parts* and insert:

6

7 *private parts*, in relation to a person, means the
8 person's genital area, anal area and buttocks and, in the
9 case of a female or person identifying as female,
10 includes the person's breasts;

11

12 **Division 6 — *Criminal Investigation (Identifying People)***
13 ***Act 2002* amended**

14 **35. Act amended**

15 This Division amends the *Criminal Investigation (Identifying*
16 *People) Act 2002*.

17 **36. Section 3 amended**

18 In section 3(1) delete the definition of *private parts* and insert:

19

20 *private parts*, in relation to a person, means the
21 person's genital area, anal area and buttocks and, in the
22 case of a female or person identifying as female,
23 includes the person's breasts;

24

25 **Division 7 — *Equal Opportunity Act 1984* amended**

26 **37. Act amended**

27 This Division amends the *Equal Opportunity Act 1984*.

1 **38. Section 4 amended**

2 In section 4(1) delete the definition of *gender reassigned*
3 *person* and insert:

4
5 *gender reassigned person* means —

6 (a) a person who has been issued with a
7 recognition certificate under the *Gender*
8 *Reassignment Act 2000* or a certificate that was
9 an equivalent certificate for the purposes of that
10 Act; or

11 (b) a person —

12 (i) whose sex or gender in the registration
13 of the person's birth under the *Births,*
14 *Deaths and Marriages Registration*
15 *Act 1998* has been changed
16 under section 36Q of that Act; or

17 (ii) who has been issued a document
18 acknowledging the person's sex or
19 gender under the *Births, Deaths and*
20 *Marriages Registration Act 1998*
21 section 36ZA;

22

23 **Division 8 — Family Court Act 1997 amended**

24 **39. Act amended**

25 This Division amends the *Family Court Act 1997*.

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 9 Guardianship and Administration Act 1990 amended

s. 40

1 **40. Section 244A inserted**

2 After section 244 insert:

3

4 **244A. Rules for proceedings under *Births, Deaths and***
5 ***Marriages Registration Act 1998***

6 (1) The judges, or a majority of them, may make rules
7 providing for and in relation to —

8 (a) the practice and procedure to be followed in the
9 Court exercising jurisdiction conferred on it
10 under the *Births, Deaths and Marriages*
11 *Registration Act 1998* Part 5A; and

12 (b) all matters and things necessary or convenient
13 to be prescribed for the conduct of any business
14 in the Court exercising jurisdiction conferred
15 on it under the *Births, Deaths and Marriages*
16 *Registration Act 1998* Part 5A.

17 (2) If no provision is made under subsection (1) in relation
18 to a matter for which rules may be made under that
19 subsection, the rules under section 244 that are most
20 nearly applicable in relation to the matter apply.

21

22 **Division 9 — *Guardianship and Administration Act 1990***
23 **amended**

24 **41. Act amended**

25 This Division amends the *Guardianship and Administration*
26 *Act 1990*.

Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Bill 2024

Part 4 Other Acts amended

Division 11 Terrorism (Extraordinary Powers) Act 2005 amended

s. 46

1 (b) in paragraph (a) delete “female prison officer or some
2 other female person” and insert:

3

4 prison officer identifying as female or some other person
5 identifying as female

6

7 (c) in paragraph (b) delete “female persons” and insert:

8

9 persons identifying as female

10

11 **46. Section 110 amended**

12 Delete section 110(1)(p) and insert:

13

14 (p) regulating the association of prisoners of
15 different sexes;

16

17 **Division 11 — *Terrorism (Extraordinary Powers) Act 2005***
18 **amended**

19 **47. Act amended**

20 This Division amends the *Terrorism (Extraordinary Powers)*
21 *Act 2005*.

22 **48. Schedule 2 amended**

23 In Schedule 2 clause 1 delete the definition of *private parts* and
24 insert:

25

26 *private parts*, in relation to a person, means the person’s
27 genital area, anal area and buttocks and, in the case of a
28 female or person identifying as female, includes the
29 person’s breasts;

30

1 **Division 12 — *Terrorism (Preventative Detention) Act 2006***
2 **amended**

3 **49. Act amended**

4 This Division amends the *Terrorism (Preventative Detention)*
5 *Act 2006*.

6 **50. Schedule 2 amended**

7 In Schedule 2 clause 1 delete the definition of *private parts* and
8 insert:

9
10
11
12
13
14

private parts, in relation to a person, means the person's
genital area, anal area and buttocks and, in the case of a
female or person identifying as female, includes the
person's breasts;

=====