

c2024-194C
GRNS--The Greens

LEGISLATIVE COUNCIL

Equality Legislation Amendment (LGBTIQ+) Bill 2024

Second print

Proposed amendments

No. 1 **Single application for altering record of sex and name: Births, Deaths and Marriages Registration Act 1995**

Page 3, Schedule 1. Insert after line 16—

[3A] Section 29D

Insert after section 29C—

29D Single application for altering record of sex and name

- (1) This section applies if—
 - (a) a record of a person's sex in the register is altered under Part 5A, and
 - (b) the application for the alteration includes a nomination that the person's name be changed in the register.
- (2) The person's change of name is to be considered and registered under this part as if an application for the change of name had been made under section 27 or 28.

No. 2 **Application to alter record of person's sex may be made by person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 4, Schedule 1[4], proposed section 32B, line 10. Omit "18". Insert instead "16".

No. 3 **Application to alter record of person's sex may be made by person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 4, Schedule 1[4], proposed section 32B(1)(a), line 14. Omit "18". Insert instead "16".

No. 4 **Application to alter record of person's sex may be made by person who is under 18 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 4, Schedule 1[4]. Insert after line 32—

32BA Application to District Court by person under 16 years of age about alteration of record of person's sex

- (1) A person (an *applicant*) may apply to the District Court to have a record of the person's sex, specified in the application, altered if—
 - (a) the applicant is under the age of 16 years of age, and

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- (b) the applicant's birth is registered in this State.
 - (2) An application under subsection (1) must be—
 - (a) in the approved form, and
 - (b) accompanied by any other document or information the District Court reasonably requires.
 - (3) The applicant—
 - (a) must state in the application that the applicant understands the District Court must give notice about the application to each parent or other person with parental responsibility for the applicant under section 32BB(1)(a), and
 - (b) may make a submission to the District Court that the applicant does not want the persons mentioned in paragraph (a) notified because the applicant would be adversely affected.
- Note—** The District Court must not notify a parent, or another person with parental responsibility for the applicant, about the application if making the notification could reasonably be expected to adversely affect the applicant, see section 32BB(1)(b).
- (4) The applicant must nominate the following in the application—
 - (a) a sex descriptor,
 - (b) if the applicant wishes to change the applicant's name as part of altering the record of the applicant's sex—the applicant's proposed new name.

32BB Notification about application

- (1) Subject to subsection (2), the District Court—
 - (a) must take reasonable steps to notify each parent, or other person with parental responsibility for the person, about the application, and
 - (b) must not notify a parent, or other person with parental responsibility for the young person, about the application if the notification could reasonably be expected to adversely affect the young person.
- (2) If a person makes a submission under section 32BA(3)(b) about a parent or other person with parental responsibility for the person being notified about the application—
 - (a) the District Court must, after considering the submission, decide if giving notice under subsection (1)(a) could reasonably be expected to adversely affect the person, and
 - (b) if the District Court decides the person could not reasonably be expected to be adversely affected by the notification, the District Court must give the person a written notice stating—
 - (i) the reasons for its decision, and
 - (ii) that the person may, in writing, withdraw the person's application before the end of a stated period of at least 14 days after the day the notice is given to the person, and
 - (iii) that, if the application is not withdrawn before the end of the stated period, the District Court will notify each parent or other person with parental responsibility for the person in accordance with subsection (1).
- (3) For this section, a person is not adversely affected by an application if the only reason the person is affected is that—
 - (a) a parent, or another person with parental responsibility, disagrees with the application, and
 - (b) the disagreement causes the person discomfort.

No. 5 **Application to alter record of person's sex may be made by person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 4, Schedule 1[4], proposed section 32C(1), line 38. Omit "18". Insert instead "16".

No. 6 **Application to alter record of child's sex may be made by 1 parent: Births, Deaths and Marriages Registration Act 1995**

Page 5, Schedule 1[4], proposed section 32C(1). Insert after line 2—

(d1) the applicant has sole parental responsibility to make decisions about major long-term issues for the child under a parenting order made under the *Family Law Act 1975* of the Commonwealth, Part VII, or

(d2) the applicant is a parent of the child and it is not practicable or reasonable to obtain the consent of the child's other parent, or

No. 7 **Application to alter record of sex may for person who is under 16 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 5, Schedule 1[4], proposed section 32D(1)(a), line 32. Omit "18". Insert instead "16".

No. 8 **Application to register acknowledgement of sex may for person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 6, Schedule 1[4], proposed section 32DA(1)(a), line 6. Omit "18". Insert instead "16".

No. 9 **Application by parents to register acknowledgement of sex may for person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 6, Schedule 1[4], proposed section 32DB(1)(a), line 33. Omit "18". Insert instead "16".

No. 10 **Application by parents to register acknowledgement of sex may for person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**

Page 7, Schedule 1[4], proposed section 32DB(2). Insert after line 2—

(d1) the applicant has sole parental responsibility to make decisions about major long-term issues for the child under a parenting order made under the *Family Law Act 1975* of the Commonwealth, Part VII,

(d2) the applicant is a parent of the child and it is not practicable or reasonable to obtain the consent of the child's other parent,

No. 11 **Application by parents to register acknowledgement of sex may be made by 1 parent: Births, Deaths and Marriages Registration Act 1995**

Page 7, Schedule 1[4], proposed section 32DBA(1)(a)(i), line 35. Omit "18". Insert instead "16".

No. 12 **Application to register acknowledgement of sex for persons under the age of 16 years: Births, Deaths and Marriages Registration Act 1995**

Page 8, Schedule 1[4]. Insert after line 5—

32DBB Application to the District Court by person under 16 years of age about registration of acknowledgement of person's sex

(1) A person (an *applicant*) may apply to the District Court for the registration of an acknowledgement of the person's sex, specified in the application, if—

(a) the person is under the age of 16 years, and

(b) the person is an Australian citizen or permanent resident of Australia, and

(c) the person lives, and has lived for at least one year, in New South Wales, and

(d) the person's birth is not registered under this Act or a corresponding

law.

- (2) An application under subsection (1) must be—
 - (a) in the approved form, and
 - (b) accompanied by any other document or information the District Court reasonably requires.
- (3) The applicant—
 - (a) must state in the application that the applicant understands the District Court must give notice about the application to each parent or other person with parental responsibility for the applicant under section 32DBC(1)(a), and
 - (b) may make a submission to the District Court that the applicant does not want the persons mentioned in paragraph (a) notified because the applicant would be adversely affected.

Note— The District Court must not notify a parent, or another person with parental responsibility for the applicant, about the application if making the notification could reasonably be expected to adversely affect the applicant, see section 32DBC(1)(b).
- (4) The applicant must nominate the following in the application—
 - (a) a sex descriptor,
 - (b) if the applicant wishes to change the applicant's name as part of registering the acknowledgement of the applicant's sex—the applicant's proposed new name.

32DBC Notification about application

- (1) Subject to subsection (2), the District Court—
 - (a) must take reasonable steps to notify each parent, or other person with parental responsibility for the person, about the application, and
 - (b) must not notify a parent, or other person with parental responsibility for the young person, about the application if the notification could reasonably be expected to adversely affect the young person.
- (2) If a person makes a submission under section 32DBB(3)(b) about a parent or other person with parental responsibility for the person being notified about the application—
 - (a) the District Court must, after considering the submission, decide if giving notice under subsection (1)(a) could reasonably be expected to adversely affect the person, and
 - (b) if the District Court decides the person could not reasonably be expected to be adversely affected by the notification, the District Court must give the person a written notice stating—
 - (i) the reasons for its decision, and
 - (ii) that the person may, in writing, withdraw the person's application before the end of a stated period of at least 14 days after the day the notice is given to the person, and
 - (iii) that, if the application is not withdrawn before the end of the stated period, the District Court will notify each parent or other person with parental responsibility for the person in accordance with subsection (1).
- (3) For this section, a person is not adversely affected by an application if the only reason the person is affected is that—
 - (a) a parent, or another person with parental responsibility, disagrees with the application, and
 - (b) the disagreement causes the person discomfort.

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- No. 13 **Change of sex restrictions for certain persons: Births, Deaths and Marriages Registration Act 1995**
Pages 9–12, Schedule 1[4], proposed Division 6, line 27 on page 9 to line 5 on page 12. Omit all words on the lines.
- No. 14 **Certificates for persons under the age of 18 years: Births, Deaths and Marriages Registration Act 1995**
Page 12, Schedule 1[4], proposed section 32I(3), line 33. Omit “18”. Insert instead “16”.
- No. 15 **Certificates for persons under the age of 18 years: Births, Deaths and Marriages Registration Act 1995**
Page 12, Schedule 1[4], proposed section 32I(3), line 35. Omit “18”. Insert instead “16”.