

Births, Deaths and Marriages

Applying for a change of sex or gender identity of a child

What kind of applications can I bring to SACAT relating to the sex or gender identity of a child?

SACAT can consider applications relating to the following:

- to approve an application to change a child's sex or gender identity and
- to approve an application for an identity acknowledgement certificate in respect of a child born outside of Australia

SACAT can also review a decision made by the Registrar of Births, Deaths and Marriages to reject an application for a change of sex or gender if the application made exceeds the number of applications permitted by the Registrar.

Who can apply?

An application to SACAT can be made by the child or a parent or guardian of the child.

Do I need to do anything before coming to SACAT?

You are required to file an application with the Registrar of Births, Deaths and Marriages **prior** to lodging an application with SACAT. The Registrar will review your application and may give you some advice about the information you have provided and whether more may be required.

What documents do I need to provide?

When completing your online application, the following documents should be provided to support your application:

- a copy of the change of sex or gender identity application form you have filed with the Registrar of Births, Deaths and Marriages
- if you are a parent or guardian of the child, **certified** proof of your identity
- a **certified** copy of the child's birth certificate

To obtain **certified copies** of documents, you will need to take the original documents, together with photocopies, to a Justice of the Peace (JP), who acts as an independent and objective witness and can certify a true copy of an original document. Most local councils provide complimentary JP services.

- a statement by a medical practitioner or psychologist certifying that the child has undertaken a sufficient amount of appropriate clinical treatment in relation to their sex or gender identity and has the mental capacity to consent to the application
- a letter from the other parent acknowledging the application and stating whether they are supportive of the application
- a copy of any previous decisions made by a court or SACAT regarding a change of sex or gender identity and
- any other documents that you think are relevant to the application

How will SACAT make a decision?

The matter may first be listed for a directions hearing (usually with just the applicant), so that SACAT can direct the provision of any further documents and clarify any issues concerning the conduct of the full hearing. The medical or psychological evidence provided will be assessed to determine if the contents are sufficient.

In most cases the medical practitioner/psychologist is not involved in the hearing. SACAT will hear from the applicant and any other family members who wish to attend. The Tribunal Member will interview the child.

The Tribunal must determine whether the change of sex/gender identity proposed is in the best interests of the child and must be satisfied that the child understands the meaning and implications of changing their sex/gender identity.

The Tribunal must also determine whether the child has the capacity to consent to the application and, if so, determine their position in relation to the making of the application.

In some rare instances, if the medical evidence is sufficient, both parents are in agreement, and SACAT determines that it is not necessary or appropriate in the circumstances to interview the child, then the application may be determined on the written evidence only, without the need for a hearing.

Will SACAT want to speak to the child? What can they expect?

The Tribunal Member will need to speak to the child, and generally will speak to them by themselves. However, the child may have a support person, friend or relative (excluding a parent or guardian) present to support them in a non-speaking role. If there are any special requirements relating to the attendance of a child at SACAT, such as special communication needs, we recommend that you contact the Registry prior to the hearing.

SACAT will be flexible, sensitive and reactive to the needs of a child attending as long as the arrangements allow the Tribunal member to gather all information necessary to make an informed decision.

What should I do once SACAT has made an order authorising a change of sex or gender identity?

SACAT will send a copy of the final order made to the Registrar of Births, Deaths and Marriages. However, it is necessary that you contact the Registrar's office directly to ensure the application to the Registrar is progressed.

What if there is a change of name application associated with the application to change sex or gender identity?

The Registrar of Births, Deaths and Marriages can authorise a change of name in relation to a child if both parents consent and if the Registrar is satisfied that the change of name is in the best interests of the child.

An application for approval to change the child's name will need to be made to SACAT if only one parent applies for a change of name. It is best if that application is made at the same time as the application for approval to change the sex or gender identity of a child.

The Registrar of Births, Deaths and Marriages will advise you if you need to apply to SACAT for approval when you lodge your applications with them. For more information about a change of name application, refer to the Fact Sheet on the SACAT website.

Contact the Tribunal

If you would like to speak to a staff member about making an application to change the sex or gender identity of a child, please telephone SACAT on 1800 723 767 (select option 4 and then option 5).

This Information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.