

# Important legislative changes in Victoria: Changing record of sex in a birth registration

## Making a supporting statement for a child's application

### Legislative changes

On **1 May 2020**, reforms to the *Births, Deaths and Marriages Registration Act 1996* commence, removing barriers for Victorians wanting to change the record of sex in their birth registration.

Applications to change the record of sex in a birth registration must be made to the Victorian Registrar of Births, Deaths and Marriages (the Registrar).

From this date:

- Victorians will no longer need to undergo sex affirmation surgery to apply to change the sex in their birth registration
- when changing the sex in their birth registration, applicants will be able to nominate a sex descriptor of their choice, which can be male; female; or any other sex descriptor
- parents will be able to apply on behalf of their child
- a person can change their recorded sex once in a 12-month period.

An application by parents on behalf of a child must include a supporting statement from an authorised person, who can be a doctor or psychologist; or an adult who has known the child for at least 12 months.

### Application for a child

#### Victorian born children

Parents (or legal guardian) of a Victorian born child can apply to the Registrar to change the child's record of sex. They must include in their application:

- a supporting statement from an authorised person
- a statutory declaration made by each of the parents, declaring that: the child consents to the change of their record of sex; the parents believe the change is in the best interests of the child.

#### Non-Victorian born children

Parents of a non-Victorian born child can apply to the Registrar for a recognised details certificate acknowledging the child's affirmed sex if the child has lived in Victoria for at least 12 months. They must include in their application:

- a supporting statement from an authorised person
- a statutory declaration made by each of the parents, declaring that: the child consents to the change of the child's record of sex; the parents believe the change is in the best interests of the child; the child has lived in Victoria for at least 12 months.

A child born in Victoria or outside Victoria can also separately indicate their consent in the application.

A recognised details certificate cannot be used to certify details in the Victorian Register of Births and is not a legal document.

### Supporting statement

When providing a supporting statement for a child, the authorised person must state that in their opinion:

- the change of the child's record of sex is in the best interests of the child

- the child has the capacity to consent to the change (if the child is under the age of 16).

The authorised person must also write a brief statement explaining their reasons for supporting the application.

## Further information

Further information about making a supporting statement for a child's application will be available from 1 May on BDM's website: [www.bdm.vic.gov.au](http://www.bdm.vic.gov.au)

## Switchboard Victoria

For peer-driven LGBTIQ support services, contact Switchboard: [www.switchboard.org.au](http://www.switchboard.org.au), [info@switchboard.org.au](mailto:info@switchboard.org.au), 1800 184 527.