

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

Applications for children

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

From this date, people of any age can change their record of sex. Parents must apply on their child's behalf.

In addition, the reforms mean that:

- Victorians will no longer need to undergo sex affirmation surgery to apply to change the record of sex in their birth registration
- when changing the record of 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
- a person can change their record of sex once in a 12-month period.

Applications for Victorians under 18 years of age

Victorian born children

Parents (or legal guardian) can apply to the Registrar to change the child's record of sex if:

- the child consents to the change
- the parents believe the change is in the child's best interests.

The application must include a statutory declaration by the parents and a supporting statement by a doctor or psychologist; or an adult who has known the child for at least 12 months (other than a parent).

Non-Victorian born children

Parents (or legal guardian) 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 consents to their record of sex being acknowledged as nominated
- the parents believe the acknowledgement to be in the best interests of the child
- the child has lived in Victoria for at least 12 months.

The application must include a statutory declaration by the parents and a supporting statement by a doctor or psychologist; or an adult who has known the child for at least 12 months (other than a parent).

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.

Further information

Further information about the application processes will be available from 1 May 2020 on the Registry of Births, Deaths and Marriages Victoria's website: www.bdm.vic.gov.au

Switchboard Victoria

For peer-driven LGBTIQ support services, contact Switchboard: www.switchboard.org.au, info@switchboard.org.au, 1800 184 527.