How can you change the gender status on formal documents?

A resource for trans and gender diverse young people and their families in NSW

Fact Sheet

This fact sheet answers some common questions trans and gender diverse young people, and their families, have about self-identification on formal documents.

Choices around self-identification should be respected. By reading this resource you will get a better understanding of the options in New South Wales around identification of gender.

Can you change your gender status on formal documents?

In most formal documents, yes. However different documents have different requirements and different gender identity options.

Unfortunately some trans and gender diverse people may have limited ability to change their gender status on some formal documents.

What steps are involved with making a change?

The steps for applying to change your gender status on formal documents differs depending on whether the document you would like to change is issued by:

a) a state or territory government organisation
   OR
b) a federal government organisation

See how you can change key documents below.

Changing the gender on your birth certificate

Birth certificates are issued and regulated at a state and territory level. This means that the approach to changing your birth certificate to match your gender identity will be different depending on which state or territory your certificate was issued in.

However, there is a general requirement that a medical procedure of some kind must have occurred in order to change the legal sex on your birth certificate. Unfortunately, in most states and territories (including NSW), this still means trans people are required to undergo invasive surgery.

In NSW, you can apply to 'record a change of sex' in NSW if:

- your birth is registered in NSW (or, if your birth is not registered in Australia and you are an Australian citizen or permanent resident, you have lived in NSW for at least one year)
- you have undergone "sex affirmation" surgery. The law defines this as:

a surgical procedure involving alteration of a person's reproductive organs carried out:
a) for the purpose of assisting a person to be considered to be a member of the opposite sex, or
b) to correct or eliminate ambiguities relating to the sex of the person

You do not need to be over 18 to apply.

How can you apply?
You can apply by post or in person by:

- Filling out the required form, currently on the Registry website as 'Record a Change of Sex Application'
- Including statutory declarations from two medical practitioners verifying you have undergone "sex affirmation" surgery with your application
- Paying the required fees. It currently costs $127 but fees may change

See 'Where to Get Help and Information' for more details.

Changing your gender on federal government documents, such as your passport, and on records with Medicare or Centrelink

You can change your gender on federal formal documents or records by applying to the agency that looks after the document or record that you want to change.

There are Australian Government Guidelines on recognising gender (see the link further below). This means that:

- Federal departments and agencies must take all reasonable steps to correct the gender information in their records to make sure it is accurate, up-to-date, and not misleading
  AND
- You can apply to federal agencies, such as the Department of Foreign Affairs and Trade and the Department of Human Services, directly to change your gender on your personal record, or as shown on your passport

Do you need to provide supporting documentation?
Under the Australian Government Guidelines, you need to provide **one** of the following with your request for a change of your recorded gender:

- A statement from a registered medical practitioner or registered psychologist which specifies your gender
- A state or territory gender recognition certificate or recognised details certificate showing a change in sex
- A valid Australian government travel document, such as a valid passport, which specifies your gender
- A state or territory birth certificate, or a document from an Australian Registrar of Births, Deaths and Marriages recognising a change of gender.

You **do not** need to have had surgery and/or hormone therapy for the recognition of a change of gender in federal government records. This means that even though you may not have any related medical procedures, you can still apply to correct the gender information recorded on your personal record. *See 'Where to get help and more information' for a link to the Australian Government Guidelines'.*

Here is a quick guide on changing your gender on federal government documents:

Document	Department	What you need to do
Your Medicare card	Department Human Services	Attend a Medicare Service Centre in person and provide one of the above documents outlined in the Australian Government Guidelines
Your Centrelink file	Department of Human Services	Attend a Centrelink Service Centre in person and provide one of the above documents outlined in the Australian Government Guidelines
Your passport	Department of Foreign Affairs and Trade	For both a new passport and/or to change your gender on an existing passport, you need to start the application process online (here) and then print it for lodgement. For this application, you must also provide one of the documents outlined in the Australian Government Guidelines.

		If you are in the process of transitioning, you can provide a statement from a registered medical practitioner or psychologist that you have had or are receiving appropriate clinical treatment for gender transition. This should be provided on DFAT's 'Declaration: sex/gender of passport applicant form' (available here).

Will every application and outcome be the same?
No. The different departments may have different application forms and therefore varied outcomes around changing your gender identification.

What's an example?
The Department of Human Services can update your gender as male or female, but if you identify as non-binary, they can only add a note on your personal record. You can also tell them you prefer not to use a courtesy title such as Miss, Mr or Ms.

Whereas…

The Department of Foreign Affairs and Trade provides for the recognition of your gender as M (male), F (female), or X (indeterminate/intersex/unspecified) on your passport. However, the Department notes that those travelling with a passport showing 'X' may encounter difficulties when crossing boarders due to its infrequent use. In more conservative countries or areas you may become the focus of unwanted attention.

Changing your gender on your driver's licence

The steps involved with changing your driver's licence will vary depending on the state or territory that you live in.

What you need to do in NSW
In NSW, you will need to visit a NSW Roads and Maritime Services customer service centre and provide:

- A passport with your preferred gender (passports can be expired, but must not be expired by more than two years)
- A revised birth certificate and one of the following documents:

- A Recognised Details Certificate issued by NSW Registry of Births, Deaths and Marriages (or equivalent Australian authority) that states your gender
- A medical certificate confirming your gender from an Australian registered medical practitioner (surgery is not required, but you should have had, or are receiving, appropriate clinical treatment for transitioning)
- A medical certificate confirming your gender from the surgeon/clinic where the gender reassignment surgery was conducted.

Where to get help and more information

- To access the Australian Government Guidelines on the Recognition of Sex and Gender, visit https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.pdf

- The Department of Justice provides guidance on what constitutes a statutory declaration in NSW here: http://www.jp.nsw.gov.au/justices-of-the-peace/information-for-jps/performing-your-role-as-a-jp/nsw-statutory-declaration

- The Department of Foreign Affairs offers travel advice for LGBTI travellers on its Smart Traveller website here: https://smartraveller.gov.au/guide/Pages/lgbti-travellers.aspx

- For more information on changing your gender on your driver's licence, visit https://www.service.nsw.gov.au/transaction/change-gender-nsw-roads-and-maritime-services

- Parents of Gender Diverse Children provides peer support nationally to parents and those parenting trans and gender diverse children. To access their resources or make an enquiry, visit their website https://www.pgdc.org.au.

- The Gender Centre offers a wide range of services to people with gender issues, their partners, family members and friends in New South Wales. This includes assistance with changing gender status. To find out more, contact the centre via their website https://gendercentre.org.au or call (02) 9569 2366

- The ICLC Trans and Gender Diverse Legal Service provides legal information, advice and assistance with documentation around changing gender status. To make an appointment, call (02) 9332 1966 or visit http://www.iclc.org.au/iclc-services for more information

- Twenty 10 provides a range of support services and social spaces for people of diverse genders and sexualities aged under 26 in NSW and some parts of the ACT: https://www.twenty10.org.au/