

How can you change the gender status on formal documents?

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

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 Queensland 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 Qld), this still means trans people are required to undergo invasive surgery.

In Queensland, you can only apply to *note* your 'sex change' on your birth certificate. Your new birth certificate will not state that your gender has changed, it will only show your gender after "sexual reassignment" surgery and state that your birth has been re-registered.

In Qld, you can apply to 'note a change of sex' in if:

- you are at least 18 or your parents or guardians can apply with court approval (in certain circumstances one parent or guardian can apply)
- your birth or adoption is registered in Qld (or, if your birth or adoption is not registered in Queensland you will need to contact the Interstate and Overseas Registry offices)
- you have undergone “sexual reassignment” surgery. The law defines this as:
a surgical procedure involving the alteration of a person’s reproductive organs carried out:
 - a) *to help the person to be considered to be a member of the opposite sex*
OR
 - b) *to correct or eliminate ambiguities about the sex of the person*

How can you apply?

You can apply by post or in person by:

- Filling out the required form, currently on the Registry website as ‘Application to note a Reassignment of Sex in the Birth Register or the Adopted Children Register’
- Including statutory declarations from two medical practitioners verifying you have undergone “sexual reassignment” surgery with your application (the two practitioners do not have to be involved in the procedure)
- Return your old certificate to use for replacement, if you have one
- Paying the required fees. It currently costs \$112.50 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 Australian 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.

	<p>For this application, you must also provide one of the documents outlined in the Australian Government Guidelines.</p> <p>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).</p>
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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 borders 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 Queensland

In Qld, you will need to visit a Qld Transport and Main Roads 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 birth certificate if you have changed your name (you must show an original, official change of name certificate) or similar document issued by the relevant Registrar of Births, Deaths and Marriages
- A letter on a doctor's (including a general practitioner or psychiatrist) or psychologist's official letterhead stating the following or substantially similar:
'This is to certify that (new name), (new sex), formerly known as (previous name), (previous sex), has been undergoing treatment on a gender re-assignment program and should now be regarded as permanently (new sex)'

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 and General-Attorney provides guidance on what constitutes a statutory declaration in Qld here:
<https://www.ag.gov.au/Publications/Statutory-declarations/Pages/default.aspx>
- 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.qld.gov.au/transport/licensing/update/details>
- 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 at <https://www.pgdc.org.au>.
- The Australian Transgender Support Association of Queensland offers a wide range of services to people with gender issues, their partners, family members and friends in Queensland. This includes assistance with changing gender status. To find out more, contact the centre via their website <http://www.atsaq.com/> or call (07) 3843 5024

- The LGBTI Legal Service offers free and confidential legal advice to Queensland residents who identify as members of the diverse LGBTIQ+ community. To see if they can help with your type of legal issue, telephone Client Services on (07) 3124 7160 or visit <https://quac.org.au/programs/lgbti-legal/>.