

South Australia

Births, Deaths and Marriages Registration (Gender Identity) Variation Regulations 2017

under the *Births, Deaths and Marriages Registration Act 1996*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Births, Deaths and Marriages Registration (Gender Identity) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which the *Births, Deaths and Marriages Registration (Gender Identity) Amendment Act 2016* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Births, Deaths and Marriages Registration Regulations 2011*

4—Variation of regulation 4—Particulars required in notification of birth

Regulation 4(c)—after "sex" insert:

(if determined)

5—Variation of regulation 5—Information to be included in birth registration statement

(1) Regulation 5(c)—after "sex" insert:

(if determined)

(2) Regulation 5(ea)(ii)—after "sex" insert:

or gender identity

(3) Regulation 5(m)—after "sex" insert:

or gender identity

(4) Regulation 5(n)—after "sex" insert:

or gender identity

6—Variation of regulation 6—Particulars of birth to be included in the Register

(1) Regulation 6(c)—after "sex" insert:

(if determined)

(2) Regulation 6(da)(ii)—after "sex" insert:

or gender identity

(3) Regulation 6(j)—after "sex" insert:

or gender identity

7—Variation of regulation 7—Particulars of change of name to be included in the Register

Regulation 7(d)—after "sex" insert:

or gender identity

8—Insertion of Part 3A

After Part 3 insert:

Part 3A—Registration of change of sex or gender identity

7A—Recognised sex or gender identity

For the purposes of Part 4A of the Act, each of the following is a recognised sex or gender identity:

- (a) male;
- (b) female;
- (c) non-binary;
- (d) indeterminate/intersex/unspecified.

7B—Particulars of change of sex or gender identity to be included in the Register

An entry to be made in the Register under section 29L of the Act about a person's change of sex or gender identity must include the following particulars:

- (a) the person's name;
- (b) the person's sex or gender identity following registration of the change;
- (c) the person's date and place of birth;
- (d) the date on which the entry was made.

7C—Appropriate clinical treatment—prescribed period in relation to counselling

In accordance with section 29H(3) of the Act, for the purposes of determining whether or not clinical treatment constituted by counselling only is to be regarded as a sufficient amount of appropriate clinical treatment, the prescribed period may be comprised of—

- (a) at least 3 separate counselling sessions aggregating 135 minutes; or
- (b) counselling sessions occurring over a period of at least 6 months.

7D—Access to Register etc—prescribed persons and bodies

For the purposes of section 29M(2)(b)(v) of the Act, the following persons and bodies may be allowed access to information on, or the issue of an extract or certificate from, the Register showing a person's sex or gender identity before the registration of a change in sex or gender identity of that person:

- (a) the person's spouse or domestic partner;
- (b) a parent or guardian of the person;
- (c) an executor or administrator of the person's estate;
- (d) an officer or employee of any of the following bodies:
 - (i) South Australia Police, or the police force of another State, or of a Territory;
 - (ii) the Australian Federal Police;
 - (iii) the Australian Crime Commission;
 - (iv) the office of the Director of Public Prosecutions of this State, or of the Commonwealth, or of another State, or of a Territory;
 - (v) the Independent Commissioner Against Corruption;
 - (vi) the Office for Public Integrity;
- (e) a legal practitioner authorised to access such information by the person, a child of the person or a person referred to in a preceding paragraph.

9—Variation of regulation 8—Particulars required in notification by doctor

- (1) Regulation 8(c)—delete "his or her" and insert:
the deceased's
- (2) Regulation 8(d)—after "sex" insert:
or gender identity (if known)

10—Variation of regulation 9—Particulars required in notification by funeral director etc

- (1) Regulation 9(b), (f), (g), (h), (i) and (l)—delete "his or her" wherever occurring and substitute in each case:
the deceased's
- (2) Regulation 9(c)—after "sex" insert:
or gender identity (if known)
- (3) Regulation 9(g) and (i)—delete "he or she" wherever occurring and substitute in each case:
the deceased

- (4) Regulation 9(j)—after "sex" insert:
or gender identity

11—Variation of regulation 10—Particulars of death to be included in the Register

- (1) Regulation 10(1)(d), (h), (i), (j) and (k)—delete "his or her" wherever occurring and substitute in each case:
the deceased's
- (2) Regulation 10(1)(e)—after "sex" insert:
or gender identity (if known)
- (3) Regulation 10(1)(i) and (k)—delete "he or she" wherever occurring and substitute in each case:
the deceased
- (4) Regulation 10(1)(l)—after "sex" insert:
or gender identity

12—Variation of Schedule 1—Fees

Schedule 1, table—after item 2 insert:

2A	Application to register change of sex or gender identity (section 29I or 29J of Act)	\$47.75
2B	Application for identity acknowledgment certificate (section 29O or 29P of Act)	\$47.75

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 23 May 2017

No 60 of 2017

DPC17/026CS