

NORTHERN TERRITORY OF AUSTRALIA

BIRTHS, DEATHS AND MARRIAGES
REGISTRATION AMENDMENT ACT 1997

No. 12 of 1997

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NORTHERN TERRITORY OF AUSTRALIA

No. 12 of 1997

AN ACT

to amend the *Births, Deaths and Marriages
Registration Act*

[Assented to 11 April 1997]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Births, Deaths and Marriages Registration Amendment Act 1997*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Births, Deaths and Marriages Registration Act* is in this Act referred to as the Principal Act.

4. OBJECTS OF ACT

Section 3 of the Principal Act is amended by omitting paragraph (b) and substituting the following:

"(b) the registration of changes of name and sex;"

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5. DEFINITIONS

Section 4 of the Principal Act is amended by omitting from the definition of "registrable event" the words "change of name" and substituting "change of name or sex".

6. NEW PART

The Principal Act is amended by inserting after Part 4 the following:

"PART 4A - REGISTRATION OF CHANGE OF SEX

"28A. DEFINITIONS

"In this Part -

'recognition certificate' means a certificate that -

- (a) is issued under a law that recognises that a person who has undergone sexual reassignment surgery may have changed sex;
- (b) is issued in respect of a person who, having undergone sexual reassignment surgery, has changed sex; and
- (c) states the sex of that person as so changed;

'sexual reassignment surgery' means a surgical procedure involving the 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.

"28B. APPLICATION TO REGISTER CHANGE OF SEX

"(1) An adult -

- (a) whose birth is entered in the Register;
- (b) who has undergone sexual reassignment surgery; and

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(c) who is not married,

may apply to the Registrar, in a form approved by the Registrar, to register a change of the person's sex.

"(2) The parents, parent (if a sole parent) or guardian of a child -

(a) whose birth is registered in the Register; and

(b) who has undergone sexual reassignment surgery,

may apply to the Registrar, in a form approved by the Registrar, to register a change of the child's sex.

"28C. INFORMATION THAT MUST ACCOMPANY CERTIFICATE

"An application under section 28B must be accompanied by -

(a) the prescribed evidence, if any, that verifies that the adult or child the subject of the certificate has undergone sexual reassignment surgery; and

(b) other documents and information, if any, as the Registrar requires.

"28D. REGISTRATION OF CHANGE OF SEX

"(1) If the Registrar is satisfied that the sex of a person whose birth is registered in the Register has been changed, the Registrar may note the particulars of the change of sex in the Register in the entry relating to the birth of the person.

"(2) In considering whether or not to note the particulars of a change of sex under subsection (1), the Registrar may -

(a) require the person or persons who signed the application under section 28B to provide further particulars as the Registrar requires; or

(b) make such inquiries, if any, as he or she thinks fit to inform himself or herself as to whether the person has changed his or her sex.

"(3) The Registrar must not note particulars of the change of a person's sex in the Register if the person is married.

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"28E. ISSUING OF BIRTH CERTIFICATE AFTER NOTING CHANGE

"(1) If the change of a person's sex is registered under this Part, a birth certificate issued by the Registrar for the person is, unless otherwise requested by the person, to show the person's sex in accordance with the registered change.

"(2) A birth certificate referred to in subsection (1) must not include a statement that the person has changed sex.

"28F. ISSUING OF OLD BIRTH CERTIFICATE

"The child of a person in respect of whom a change of the person's sex is registered under this Part, or a person prescribed for the purpose of this section, may apply to the Registrar, in a form approved by the Registrar, for a birth certificate of the person that shows the person's sex before his or her change of sex, and the Registrar must issue the birth certificate to the child or person.

"28G. USE OF OLD BIRTH CERTIFICATE

"A person in respect of whom a change of the person's sex is registered under this Part shall not, with the intention to deceive, produce to another person a birth certificate of the person that shows the person's sex before his or her change of sex.

Penalty: \$10,000 or imprisonment for 2 years.

"28H. EFFECT OF REGISTRATION OF PERSON'S CHANGE OF SEX

"Where a person's change of sex is registered under this Part, the person is, for the purposes of (but subject to) any law in force in the Territory, a person of the sex as so changed.

"28J. RECOGNITION CERTIFICATE

"A person in respect of whom there is a recognition certificate is, for the purposes of (but subject to) any law in force in the Territory, a person of the sex stated in the recognition certificate."
