

# CHANGING SEX ON YOUR IDENTIFICATION DOCUMENTS FACTSHEET

## INTRODUCTION

This factsheet offers a comprehensive look at how to legally affirm your gender for transgender, gender diverse, and in some cases, people with variations in sex characteristics. Legal affirmation is about confirming who you are within ‘official’ systems, not about creating your identity. You are already valid in the name you use and the gender you identify with. You already have some rights under the law as a trans or gender diverse person, without changing your name and sex marker officially.

For many trans and gender diverse people, it’s important to have your sex or gender marker corrected on legal documents. This can be a meaningful step in affirming your gender; to ensure social and governmental recognition of your identity; and to protect your privacy from potential “outing” regarding your gender or medical history.

Changing the sex or gender identity on your identification documents can be quite different depending on the State or Territory you were born in, live in, or if you were born overseas. However, when it comes to amending your Birth Certificate, there are generally a few standard steps to follow. You’ll typically need to pay a fee, provide identification documents, complete the required forms, and choose what gender marker or type of certificate you want. Don’t forget to ask about any fee waivers that may be available to you when applying!

If you are having, or have had, a significant interaction with the criminal justice system, are under some types of supervision orders, are incarcerated; committed certain types of offences, or a forensic patient, you will have to take some extra steps. In many cases of these cases, it is an offence to apply for a change of sex marker without first getting approval from the relevant supervising authority.

Likewise, if you are on a visa or were born overseas, you can have your sex recognised by law, but there may be extra steps involved.

Often the law doesn’t specify different steps or more detail for what steps a person with variations in sex characteristics should do, so understanding the general rules for changing your sex/gender marker is an important starting point.

If you were born overseas, have a variation in sex characteristics, or have had a significant interaction with the criminal justice system, we suggest getting specific legal advice.

Change of name with your State or Territories’ Registry is a separate process. Some Registries will let you apply for both in the same application.

## NEW SOUTH WALES

### Birth Certificate

*The law in NSW will change when the Equality Legislation Amendment (LGBTIQA+) Act 2024 (NSW) comes into force, which we expect will occur in July 2025. Please contact us if you have any questions or issues which might arise before this comes into effect.*

The July 2025 updated rules will be:

- You can change your sex marker with the New South Wales Births Deaths and Marriages Registry. The Registry can amend your Birth Certificate or issue a Recognition Certificate.
  - If you are over 18 years old you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.
  - The main criteria is that you must provide a statutory declaration that confirms your gender identity, and a supporting statement from an adult who has known you for at least 12 months to confirm the application is in good faith, and that they support it.
  - You can choose male, female, non-binary, or non-specified. This may be expanded in the future.
  - You can either receive an amended NSW Birth Certificate (you will have to return the old one, or have a good reason why you cannot), or a Recognition Certificate.
- If you are under 18 years old, your parents or guardians will have to apply on your behalf. Every living parent listed on the Birth Certificate, or everyone with certain legal parental responsibility must agree, otherwise your parent/guardian must get a court order. The application must also provide a statement from your parents that the change is in your best interests, a statutory declaration from you (if you're able to), and a supporting statement from a qualified counsellor.
  - If you were born overseas and have been living in NSW for at least 12 months and are a citizen or permanent resident, you can also apply to have your sex recognised in a Recognition Certificate.

## QUEENSLAND

### Birth Certificate

- You can change your sex marker with the Queensland Births Deaths and Marriages Registry.
- The Registry can either amend your Birth Certificate or issue you a Recognised Details Certificate.
- If you are over 16 years old you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.

- The main criterion for the application is that you provide a statutory declaration that confirms your gender identity and a supporting statement from an adult who has known you for at least 12 months to confirm the application is in good faith and supports your application.
- You can choose your own sex descriptor (it must not be obscene, offensive, absurd, contains symbols without phonetic significance or be contrary to public interest).
- You can either receive a new Queensland Birth Certificate (you will have to return the old one, or have a good reason why you cannot), or a Recognised Details Certificate.
- If you are under 16 years old, your parents or guardians will have to apply on your behalf. Your parents or guardians with relevant legal parental responsibility (such as a single parent with sole parental responsibility to make major long-term decisions) must agree, otherwise you may have to get an order from the Children's Court, or another Australian Court.
- If you are under 16 years old, the application must also provide a statement that the change is in your best interests, which must be accompanied by a supporting assessment by certain health workers (e.g. nurse, school counsellor, psychologist, etc.).
- In limited cases if you are aged between 12 and 16 you can ask the Court for permission to apply to change your sex marker even if your parents do not agree.
- If you were born overseas or in another State or Territory and have been living in Queensland for at least 12 months, you can also apply for a Recognised Details Certificate.

## AUSTRALIAN CAPITAL TERRITORY

### Birth Certificate

- You can change your sex or gender marker with the Australian Capital Territory Births Deaths and Marriages Registry. The Registry can either amend your Birth Certificate or issue you a Recognised Details Certificate.
- If you are over 14 years old, you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.
- You can choose either male, female, unspecified, intersex or indeterminate.
- You can either receive an amended Australian Capital Territory Birth Certificate or a Recognised Details Certificate.

- You can choose to have both old and new gender details recorded, only your new gender details recorded, or no gender details recorded.
- If you are between 12- and 14 years old, your parents or guardians will have to apply on your behalf. One parent can apply if they have the requisite parental responsibility (e.g. under a parenting order from the Family Court), or if it is not practicable to get the consent of the other parent.
- Your parent/s or guardian must also provide a statement to confirm that the alteration of the record is in your best interests.
- Alternatively, if you under 14 years old you can apply for a change of sex yourself, if you have permission from the ACT Civil and Administrative Tribunal (even if your parents do not agree). If you are under 12 years old you additionally must have the support of at least one parent or person with parental responsibility.
- If you were born overseas or in another State or Territory, and have been living in Australian Capital Territory (typically at least 3 months), you can also apply for a Recognised Details Certificate. You will be required to provide two proof of residency documents (such as a driver's licence and/or rates notice), your original birth certificate and three forms of identification (such as a passport, Medicare card or driver's licence).

## VICTORIA

### Birth Certificate

- You can change your sex marker with the Victoria Births Deaths and Marriages Registry. The Registry can either amend your Birth Certificate or issue you a Recognised Details Certificate.
- If you are over 18 years old, you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.
- The main criteria are that you must provide a statutory declaration that confirms your gender identity, as well as a supporting statement from an adult who has known you for at least 12 months. Their statement must support your application and that your application is being made in good faith. In some cases, you can provide an interstate recognition certificate as well.
- You can choose your own sex descriptor (it must not be obscene, offensive or absurd, more than 100 characters, contain symbols without phonetic significance or other reasons).
- You can either receive a new Victoria Birth Certificate (you will have to return the old one, or have a good reason why you cannot), or a Recognised Details Certificate and a Letter of Verification.

- The Letter of Verification explains the link between your new Certificate and old identity documents.
- If you are under the age of 18 years old, your parents or guardians will have to apply on your behalf. Every living parent listed on the Birth Certificate, or everyone with certain legal parental responsibility must agree, otherwise your parent will have to get a Court order.
- Your parents must also provide a statutory declaration confirming that the change is in your best interest, and that (if you are under 16 years old) that you consent. You must additionally get a supporting statement from either an adult who has known you for at least 12 months or from a doctor or psychologist.
- If you are under 18 years old you may add to your parents' application by filing in a prescribed form indicating that you consent to the change of your sex marker. If you are over 12 years old, it is encouraged that you include this in the application.
- In some cases, if you are under 18 years old, live in Victoria for at least 12 months and are born in a different State or Territory, you can get a type of Certificate acknowledging your gender change. The 12-month requirement may be waived by way of a Court order if they are satisfied the change is being made for the purpose of protecting of the child.
- If you were born overseas and have been living in Victoria for at least 12 months, you can also apply for a Recognised Detail Certificate. You do not need to be a citizen or permanent resident.
- In Victoria you can apply to change your name and sex marker in the same application.

## TASMANIA

### Birth Certificate

- You can change your gender marker with the Tasmania Births Deaths and Marriages Registry.
- The Registry can amend your Birth Certificate.
- If you are over 16 years old, you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.
- The main criterion is that you must provide a gender declaration. If you are over 16 years old, but under 18 years old, you should include evidence that you have undertaken counselling regarding the application.
- You can choose male, female, indeterminate, non-binary, or another word indicating gender approved by the Registry.

- If you are under 16 years old your parents or guardians will have to apply on your behalf.
- Every living parent listed on the Birth Certificate, or everyone with certain legal parental responsibility must agree, or your parent must get a Court order. You must also provide a statutory declaration confirming your gender, or a statement from your parent or guardian confirming that you wish to amend your gender marker. You should include evidence that you have undertaken counselling regarding the application.
- There are no provisions for people born overseas and living in Tasmania to change their sex marker.
- The main criterion is that you provide a statement by a medical practitioner or psychologist stating that you either are an intersex person or have received appropriate clinical treatment related to your sex or gender. Treatment can include counselling, hormone therapy or surgery.
- You can choose male, female, non-binary or unspecified.
- You will receive a new Northern Territory Birth Certificate and will have to return the old one. You can request to have the old certificate returned to you, however it will be cancelled and stamped.
- If you are under 18 years old, your parents or guardians will have to apply on your behalf. Every living parent listed on the Birth Certificate, or everyone with certain legal parental responsibility must agree, or your parent must get a court order.

## NORTHERN TERRITORY

### Birth Certificate

- You can change your sex or gender marker with the Northern Territory Births Deaths and Marriages Registry. The Registry can issue you a new Birth Certificate or issue a Recognition Certificate.
- If you are over 18 years old, you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.
- You must also provide evidence that this is in the child's best interest. If you are over 14, or mature enough, you must provide a statement consenting to the change.
- There are no provisions for people born overseas and living in Northern Territory to change their sex marker.

## SOUTH AUSTRALIA

### Birth Certificate

- You can change your sex or gender marker with the South Australia Births Deaths and Marriages Registry. The Registry can either amend your Birth Certificate or issue you an Identity Acknowledgement Certificate.
  - If you are over 18 years old, you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.
  - The main criterion is that you provide a statement from a medical practitioner or psychologist certifying that you have undertaken sufficient clinical treatment in relation to your gender/sex.
  - This includes counselling (e.g. 3 sessions) and does not need to involve invasive treatments. In some cases, you can provide a type of certificate issued from under a different jurisdiction (e.g. overseas) in addition.
  - You can choose between male, female, non-binary or indeterminate/intersex/unspecified.
  - If you are under 18 you can apply yourself, or with a parent, but you must also seek approval by the South Australian Civil and Administrative Tribunal.
- If you were born overseas and have been living in South Australia for at least 12 months, you can also apply for an Identity Acknowledgement Certificate acknowledging your sex marker. You do not need to be a citizen or permanent resident.

## WESTERN AUSTRALIA

### Birth Certificate

*The law has recently changed in WA – from approximately April 2025 we expect the Western Australia Gender Reassignment Board will cease operating, and sex marker change applications will be processed by the Western Australia Births Deaths and Marriages Registry only. We expect the new rules to commence in 2025 – please seek further legal advice and updates on this legislation.*

The updated rules will be:

- You can change your sex marker with the Western Australia Births Deaths and Marriages Registry. The Registry can either amend your Birth Certificate or issue you an Acknowledgement Document.
- If you are over 18 years old, you can apply by filling in the relevant form, paying the prescribed fee and providing the required documents.



- The main criterion is that you provide a statement from a doctor or psychologist certifying that you have received appropriate clinical treatment (this does not need involve invasive treatments) in relation to your gender/sex.
- The list of sex markers has not been finally determined; however, it is expected that you will be able to choose between male, female, non-binary or indeterminate/intersex/unspecified.
- If you are between 12 and 18 years old, your parents or guardians will have to apply on your behalf. To apply, your parents must believe that your sex or gender would be correctly reflected in an amended certificate. You must also provide a statement by a doctor or psychologist certifying that you have received appropriate clinical treatment in relation to your sex or gender and that you understand the application. You must also provide a statement consenting to the change.
- Further, every living parent listed on the Birth Certificate, or everyone with certain legal parental responsibility must agree, or your parent must get a Family Court order. You must also provide a statement consenting to the change.
- In some circumstances if you are between 12 and 18 years old, and do not have the support of your parents or guardians to change your sex marker, you can apply yourself to the Family Court for an order approving the change.
- If you are under 12 years old, a parent or guardian can apply to the Family Court for approval to change your sex marker.
- If you were born overseas and have been living in Western Australia for at least 12 months, you can also apply for an Acknowledgement Document.

## OTHER

### Driver's Licence

Please note that a state Driver's Licence does not list your gender/sex. However, you may update your gender/sex for the purposes of state records, such that the relevant State Service Centre has your information correctly listed.

In addition to the usual requirements for a licence, card, or permit, you must also show your Birth Certificate (or equivalent recognition/acknowledgement type certificate) reflecting your amended sex marker. You will have to show an original, official certificate.

### Australian Passport

You may apply for an Australian passport in a sex different from that of a previous passport, or different from your Birth Certificate. These requirements are Australia-wide.

Australian Passports may be issued with gender markers M, F, or X.



To apply for a passport with a different sex from that recorded on your Birth Certificate or your previous Australian passport, you will need to complete a full passport application form and provide original documents as evidence of your identity, citizenship, and preferred sex.

To support your application, you must also provide one of the following:

- a declaration from a medical practitioner confirming that you have had, or are receiving, appropriate clinical treatment for transition to a new sex or gender, are unable to receive treatment, or that you are intersex or of indeterminate sex and that supporting the change of gender marker;

OR

- copy of a Birth Certificate showing your amended sex;

OR

- a State or Territory issued recognition or acknowledgement type certificate, which records your amended sex and current name.

Please note that your sex can be changed on your Passport without amending your sex marker with your State or Territory Registry.

If you already hold an Australian passport, and it has more than two years' validity remaining, you may be entitled to a free replacement.

Further information is available [here](#).