

Information for those seeking a gender reassignment recognition certificate

The Gender Reassignment Board (the Board) was established under the Gender Reassignment Act 2000 (WA). The Board's main function is to deal with applications from people who have undergone a gender reassignment procedure to be legally recognised as belonging to their new gender. If the person is successful in their application, the Board will issue a recognition certificate.

The Board is made up of the President and up to five members. The Board includes at least one medical practitioner, a person who has undergone a reassignment procedure, and a person with experience in equal opportunity matters.

The full text of the Gender Reassignment Act 2000 can be read on the website of the State Law Publisher at www.slp.wa.gov.au.

Who can apply for a recognition certificate?

Any person who has undergone a reassignment procedure in Western Australia can apply. If the reassignment procedure was carried out outside Western Australia, the person must also satisfy one of two conditions:

- (1) that the person must have been born in Western Australia; or
- (2) that the person must have been resident in Western Australia for more than 12 months at the time of applying.

If the person seeking the certificate is a child, then the child's parent or guardian can make the application on the child's behalf.

A person who is married cannot apply.

Why should I apply?

If you have been successful in your application and you are granted a recognition certificate, then with respect to all matters under the jurisdiction of the State of Western Australia, this certificate officially recognises you as belonging to your new gender. If you were born in

Western Australia, you can apply to the Registrar for Births Deaths and Marriages for a new birth certificate and that new birth certificate will show your reassigned gender.

You will also be entitled to protection against discrimination on the basis of your gender history in many areas covered by the Equal Opportunity Act 1984.

If you were born in another State, Territory or Country that has similar gender reassignment legislation to Western Australia, then you could possibly also obtain a new birth certificate from that State, Territory or Country.

The laws of that other State, Territory or Country will say whether the Western Australian certificate is able to be recognised there.

How do I apply?

An application form can be obtained online at http://www.courts.dotag.wa.gov.au/g/gender_reassignment_board.aspx#downloads

Alternatively an application form can be obtained by contacting the Board.

You must lodge your application by filling out the application form and posting it or delivering it in person.

You will need to attach to your application copies of the following documents:

- A letter from the medical practitioner who carried out or supervised your reassignment procedure. The letter should contain details of the reassignment procedure, including where and when it was carried out if it was a surgical procedure. If it was a medical procedure such as hormonal therapy, the letter should contain details of what changes have occurred.
- A letter from a psychiatrist, psychologist or other recognised counsellor confirming that you have had counselling on your reassignment.
- A letter from any other medical professional who has been involved in your reassignment procedure.
- A certified copy of your birth certificate

or extract of entry of birth.

- Certified copies of any documents relating to a change of name.
- If you were not born in Western Australia, documents confirming that you have been resident here for at least 12 months.

The fee to apply for a certificate is \$40 and must be paid when you apply. The fee can be waived in demonstrated cases of hardship.

What if I don't have all the documentation?

If you do not have all the documentation, you will still be able to apply for a recognition certificate. It is likely that the Board will not issue a recognition certificate unless you attend before the Board and explain in person the reasons for the lack of documentation. It will then be up to the Board to decide whether there is sufficient evidence to issue a recognition certificate.

What happens then?

The Board, upon receiving your application form and supporting documents, will create a file and your application will be given a number for administrative purposes.

You must then serve copies of your application form and supporting documents on the Attorney General.

You serve the documents by delivering them in person or posting them to the office of the Attorney General at:

**Attorney General
10th Floor London House
216 St Georges Terrace
PERTH WA 6000**

Telephone: 6552 6800

You must provide evidence to the Executive Officer that you have served the application form and supporting documents on the Attorney General.

The Board has approved a standard Statutory Declaration form (Western Australia) with some particular wording for this purpose. You can use

this form as evidence of service if you wish. You can obtain a blank copy of the form from the Executive Officer or print it out from the website.

Once you have served the documents on the Attorney General, you must provide the proof of service to the Executive Officer.

The Board will check that your application is in order and also, if necessary, request from you any further information or documents that may be required. Your application will then be placed before the Board for a decision at its next meeting. Normally, the Board will meet to consider any application within four weeks of the time it is lodged.

The Board's meetings are held at the offices of the State Administrative Tribunal (SAT) at 565 Hay Street, Perth. The Board is not part of SAT. However, SAT staff provides administrative support to the Board. Your name is not made public in any way and is not put on SAT's daily list of cases.

What happens at the Board meeting?

You will be informed of the time and place of the Board meeting so you can attend. The application form gives you the opportunity to indicate whether you will be attending. If you change your mind about your attendance, you can simply advise the Executive Officer of that fact.

The Board will be made up of the President and at least two other members.

The Board's procedure is informal. It is not a court. The meetings are not taped and they are not open to the public. The Attorney General can send a representative or a lawyer on his or her behalf. The Attorney General is allowed to make submissions to the Board on whether your application should be allowed.

Most of the information which the Board needs will already be in your application form and supporting documents. You may speak about your application if you wish. The Board members may have some questions for you. If you are successful in your application, the Board may be able to advise you of that fact and

issue the recognition certificate immediately.

What if my application is refused?

You have the right to appeal against the Board's decision to refuse to issue a recognition certificate. The appeal must be made to the State Administrative Tribunal. The appeal must be lodged within 28 days.

For information on how to appeal to SAT, the contact details are:

State Administrative Tribunal

565 Hay Street

PERTH WA 6000

Telephone: 9219 3111

Regional Callers: 1300 306 017

Alternatively, application forms can be completed on line and can be found on the website www.sat.justice.wa.gov.au by using the 'SAT Form':

<https://www.justice.wa.gov.au/SATeForm/default.aspx>

You may also reapply for a recognition certificate at a later date if your circumstances change or additional documentation is produced.

When do I get a new birth certificate?

If you are successful in your application and receive a recognition certificate, you must wait one month before you apply for a new birth certificate.

If the Attorney General appeals against the granting of your recognition certificate, you cannot apply unless and until the appeal is finalised in your favour.

How do I get a new birth certificate?

You apply for a new birth certificate by producing your recognition certificate to the Registrar of Births Deaths and Marriages.

The contact details for the Registrar, Births Deaths and Marriages are:

Registrar, Births Deaths and Marriages

Level 10

141 St Georges Terrace

Cloisters Square

PERTH WA 6000

or

Registrar, Births Deaths and Marriages

PO Box 7720

PERTH WA 6850

Telephone: 1300 305 021 **Fax:** 9264 1599

Website: www.bdm.dotag.wa.gov.au

The Registrar must accept your certificate, and then register your reassignment of gender. The Registrar must make alterations and entries on any register or index kept by his or her office so as to give effect to your new gender. A new birth certificate can then be issued, and that new certificate will show that at the time of birth you were born in your new gender. No reference is made to your old gender.

The fee for an application to amend the register and for the issue of a new birth certificate is set out in the website www.bdm.dotag.wa.gov.au or you can telephone the Registry on 1300 305 021.

What happens to my information?

No person connected with the Board is permitted to divulge any information about an application, except as required in the course of that person's official duties.