

Application to record a change of sex or gender identity for a child

Births, Deaths and Marriages Registration Act 1996 (BDMR Act), Part 4A

Who can apply

Birth registered in SA

A child, younger than 18 years of age whose birth is registered in the State, or their parent or guardian, can apply for registration of a change of the child's sex or gender identity if:

- the child, or their parent or guardian, provides a statement by a medical practitioner or psychologist certifying that the child has undertaken a sufficient amount of appropriate clinical treatment in relation to the person's sex or gender identity; and
- the South Australian Civil & Administrative Tribunal (SACAT) approves the making of the application.

After the record has been changed, your new birth certificate will not be marked in any way to suggest your sex or gender identity has been changed.

South Australian residents born overseas

A child, younger than 18 years of age who was born outside Australia, or their parent or guardian, can apply for an "identity acknowledgement certificate" if:

- the child has been resident in the State for at least 12 consecutive months immediately before the date of the application; and
- the child's birth is not registered in another State or Territory; and
- the child, or their parent or guardian, provides a statement by a medical practitioner or psychologist certifying that the child has undertaken a sufficient amount of appropriate clinical treatment in relation to the child's sex or gender identity; and
- the South Australian Civil & Administrative Tribunal (SACAT) approves the making of the application.

Limitation on the number of applications that may be made

If you apply to change your sex or gender identity more than once in a 12 month period or more than three times in your lifetime, the Registrar of Births, Deaths and Marriages may reject your application.

Born in another Australian State or Territory

Unless your birth has subsequently been registered in this State (e.g. if you are adopted in South Australia), if you were born in another Australian State or Territory you will need to apply in the State or Territory of your birth.

How to apply

Please write in BLOCK letters.

Initial all corrections and do not use 'white out' or correcting fluid.

- Complete sections A and C.
- Return your/your child's original (not a photocopy) SA Birth Certificate and SA Change of Name Certificate(s) (if applicable).
- Provide the required ID documents and payment
- If the sex or gender identity of you/your child has been recognised under the law of another Australian State or Territory, provide a copy of the certificate or notification issued by the relevant authority in that State or Territory.
- Provide a statement from a medical practitioner or psychologist certifying that you/your child have/has undertaken a sufficient amount of appropriate clinical treatment in relation to your/your child's sex or gender identity (refer to section C). If the sex or gender identity of you/your child has been recognised under the law of another Australian State or Territory, the statement may specify that a sufficient amount of appropriate clinical treatment has been undertaken in that State or Territory.



Applications to the Registrar of Births, Deaths and Marriages in relation to a change of a child's sex or gender identity need to be approved by the South Australian Civil & Administrative Tribunal (SACAT). This is referred to further below. This application form and the other documents referred to above must first be submitted to Births, Deaths and Marriages for assessment. They will then be returned to you to enable you to include them with a separate application that you will need to lodge in the South Australian Civil & Administrative Tribunal (SACAT).

Identification (ID)

You must provide the required identity documents as outlined in this application form. Overseas documents need to be translated into English by an accredited translator. Faxed or emailed applications and ID documents are not accepted.

Provide 'certified copies' of your documents if you are submitting your application by post. A 'certified copy' is a photocopy that has been endorsed, advising it is a true copy of the original document. The following people can certify your identity documents:

- Justice of the peace (JP)
- Notary public
- Commissioner for taking affidavits in the Supreme Court of South Australia
- Proclaimed police officer.

Fees

Visit www.sa.gov.au/bdm to find out the current fees relating to the 'Record a change of sex or gender identity – application'. Application fees also apply to:

- apply for a new birth certificate – born in SA
- apply for an identity acknowledgement certificate
 - born overseas
- register your name change.

Enquiries

Phone: 131 882

Email: bdm.registrations@agd.sa.gov.au

Interpreting services are available by phoning the Translating and Interpreting Service (TIS National) on 131 450

Website: www.sa.gov.au/bdm

Lodge your application

Apply by post

SA Registry of Births Deaths and Marriages

GPO Box 1351, Adelaide SA 5001

Apply in person

Consumer and Business Services

Ground floor, 91 Grenfell Street, Adelaide SA 5000
Monday to Friday 9:00am - 4:30pm.

Incomplete applications may cause delays, be returned or be denied.

How we deal with your information

Your privacy

Your information is collected under the *Births, Deaths and Marriages Registration Act 1996*. The register is part of the civil records of SA and a permanent historical record.

Your information is used to prevent fraud and prove that you are eligible to:

- record a change of sex or gender identity
- be issued the related certificate.

The public do not have access to these records.

Information held in the registry can be used for statistics and uses provided for by law, e.g. – by law enforcement agencies. Access may be granted to other registries and certain government and authorised non-government agencies.

Disclosure of information

When you complete this application you are consenting to the release of the personal information you provide, to agencies that may be able to validate it.

The ID you provide may be verified through the online National Document Verification Service (DVS).

Documents issued by this office may be verified by other organisations using DVS.

Processing times

Check the estimated processing time for your application at www.cbs.sa.gov.au/processing-times

Identity of the child

Applying in person – bring the original documents

Applying by post – enclose certified photocopies of each identity document. Do not send original documents unless it is your/your child's SA birth certificate or change of name certificate.

If you don't have all of the required identification documents, please contact us to ask for assistance - phone 131 882.

Child born in South Australia

Identity documents from lists 2, 3 and 4 **are not required** for a child born in South Australia if the parent(s)/guardian(s) are making the application.

List 1: Proof you/your child were/was born in SA

SA Birth certificate (original)

You must return your/your child's original (not a photocopy) SA Birth Certificate and SA Change of Name Certificate(s) (if applicable).

List 2: Link between photo and signature

Australian passport
Overseas passport
Australian driver's licence
Photo card issued by an Australian government agency

If you are unable to supply one of the above photo identity documents a guarantor must complete page 6 and you must also include a passport size photograph that has been witnessed and signed by the guarantor. Refer to page 6 for further details.

List 3: Operation in the community

Medicare card
Private health care card
Credit/debit card or ATM card
Centrelink card
School or tertiary student identity card

List 4: Proof of your current residential address

Australian driver's licence
Centrelink concession card
Current tenancy or lease agreement
Superannuation fund statement
Letter from school confirming address

PO boxes and bank statements are not accepted

Child born overseas and residing in SA for the last 12 months

You/your child must provide one **different form of identity** from each list. Expired documents are not accepted. One identification document must show your/your child's place of birth. If you cannot provide this on one of the below documents, please provide an expired passport.

List 1: Your/your child's overseas birth certificate

Overseas birth certificate or travel identity document of the child – if not in English, provide a translated version as well.

List 3: Proof you/your child has been residing in SA for the last 12 months before applying.

A total of four (4) different documents required.
Refer to page 5 for acceptable documents

List 2: Your/your child's right to reside in Australia

Australian Citizenship Certificate
Australian visa supported by overseas passport
Visa status from the Department of Home Affairs
Immicard

Identity of parent(s) / guardian(s)

Parent or guardian ID is not required if a child is making their own application.

Each parent/guardian must provide **one different form of identity from each list**. e.g. if you provide an Australian driver's licence for list 1, you cannot also provide an Australian driver's licence for list 3. You must provide a different form of identity from list 3. Expired documents are not accepted.

Applying in person – bring the original documents

Applying by post – enclose certified photocopies of each identity document. Do not send original documents with your application.

Parents

List 1: Link between photo and signature

- Australian passport
- Overseas passport
- Australian driver's licence
- Photo card issued by an Australian government agency
- Australian firearm licence

If you are unable to supply one of the above photo identity documents a guarantor must complete page 6 and you must also include a passport size photograph that has been witnessed and signed by the guarantor. Refer to page 6 for further details.

List 2: Operation in the community

- Medicare card
- Private health care card
- Credit/debit card or ATM card
- Australian Department of Veterans' Affairs card
- Australian security guard licence or crowd control licence
- School or tertiary student identity card

List 3: Proof of your current residential address

- Australian driver's licence
- Utility account (electricity, gas, water)
- Rates notice
- Centrelink concession card
- Current tenancy or lease agreement
- Superannuation fund statement

PO boxes and bank statements are not accepted

If you don't have all of the required identification documents, please contact us to ask for assistance - phone 131 882

Court appointed guardians

List 1: Proof of guardianship

A custody order that allocates guardianship

List 3: Operation in the community - not applicable for children under the guardianship of the minister

- Medicare card
- Private health care card
- Credit/debit card or ATM card
- Australian Department of Veterans' Affairs card
- Australian security guard licence or crowd control licence
- School or tertiary student identity card

List 2: Link between photo and signature

- Australian passport
- Overseas passport
- Australian driver's licence
- Photo card issued by an Australian government agency
- Australian firearm licence

If you are unable to supply one of the above photo identity documents a guarantor must complete page 6 and you must also include a passport size photograph that has been witnessed and signed by the guarantor. Refer to page 6 for further details.

List 4: Proof of your current residential address - not applicable for children under the guardianship of the minister

- Australian driver's licence
- Utility account (electricity, gas, water)
- Rates notice
- Centrelink concession card
- Current tenancy or lease agreement
- Superannuation fund statement

PO boxes and bank statements are not accepted

Residency requirements – born overseas only

If you were born overseas, you will need to prove you have been residing in SA for 12 consecutive months before the date of this application. The most current document must be less than three months old.

How to prove 12 months residency

You need to provide four (4) documents from the past 12 months from the list below. Documents must show your residential address not PO box, business or third party address.

Bank statements are not accepted.

Examples of accepted proof

Do you own your home?

- Rates notice*
- Water rates*
- Utility bills*
- Land valuation certificate
- Home insurance paper*

*Please include proof of payment

Do you rent your home?

- Agent lease agreement with rental history ledger
- Bond lodgement notice
- Content insurance papers*
- Utility bills*
- Housing SA rental ledger

*Please include proof of payment

Do you work?

- ATO Notice of Assessment
- Centrelink payment advice

Are you currently unemployed?

- Centrelink payment advice
- Centrelink ledger, with address history
- School reports
- University/TAFE transcripts

Do you own a vehicle?

- Insurance papers
- Registration papers*
- Infringement notice*

*Please include proof of payment

What other documents do you have?

- Other government letters
- Electoral enrolment confirmation
- Superannuation documents
- Private health insurance statements

Unable to supply photo identification

If you are unable to supply the photo identity documents listed above, a guarantor must complete the below details. You must also include a passport size photograph that has been witnessed and signed by the guarantor.

Please include a recent passport size colour photograph signed on the back by a guarantor.

The guarantor MUST:

- not be related by birth or marriage to the person making the application;
- not be a de facto partner of the person making the application;
- not live with the person in the last 12 months;
- be 18 years of age or over;
- endorse the back of the photograph writing: "this is a true photo of" (the applicant's full name) and signing their own name;
- have known the person for at least the last 12 months.

Guarantor's details

Surname

Given names

Residential address (PO Box **cannot** be accepted)

Date of birth

Daytime telephone number

Email address

How do you know the person in this photo (e.g. friend, colleague)?

How long have you known this person?

Guarantor's declaration

I declare that the information I have provided is true and correct to my knowledge and that I am qualified to be a guarantor for the person making this application this application.

I authorise the SA Registry of Births, Deaths & Marriages to make enquiries with any organisation or individual to verify the information I have provided on this form.

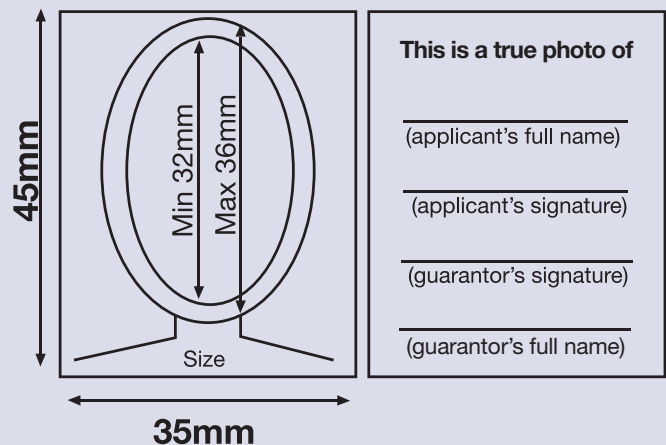
Guarantor's signature

Date signed

Your photograph MUST:

- Measure 45mm high and 35mm wide
- be signed on the back by you
- be endorsed on the back by the guarantor with their name and signature

Please DO NOT glue or staple down the photo



False representation

If you knowingly provide false information in this application, you may be guilty of an offence under Section 51 of the *Births, Deaths and Marriages Registration Act 1996*.

Maximum penalty: \$1250

Section A - Your/your child's details

Applications to the Registrar in relation to a change of a child's sex or gender identity need to be approved by the South Australian Civil & Administrative Tribunal (SACAT). The Tribunal may approve the making of the application if satisfied that it is in the best interests of the child that approval be granted. In determining whether or not to approve the making of the application, the Tribunal must take into account whether the child:

- understands the meaning and implications of the making of the application; and
- has the capacity to consent to the application and, if so, the child's position in relation to the making of the application; and
- has undertaken a sufficient amount of appropriate clinical treatment in relation to their sex or gender identity; and
- has been provided a designated certificate or a prescribed notification in relation to their sex or gender identity.

Child's details

Family name

Current given name

Other given names

Date of birth

Sex at birth recorded as

Male

Female

Not determined

Details of the person completing this application

Complete this section if you are the applicant, or are applying on behalf of your child - e.g. parent, legal guardian

Family name

Given name

Other given names

Parent 1

Parent 1

Male Female Co-parent

Family name

Family name at birth

Given name

Other given names

Parent 2 (if applicable)

Male Female Co-parent

Family name

Family name at birth

Given name

Other given names

I/my child have/has undertaken clinical treatment in relation to my/my child's sex or gender identity. I enclose a statement of an Australian registered medical practitioner or psychologist.

I apply to the Registrar to have my/my child's change of sex or gender identity registered in accordance with section 29J of the BDMR Act (child whose birth is registered in South Australia) or for the issue of an identity acknowledgment certificate in accordance with section 29P of the BDMR Act (child born overseas and resident in South Australia).

I/my child wish/wishes to have my/their sex or gender identity recorded as:

Male

Female

Non-binary

Indeterminate/intersex/unspecified

I understand that it is a punishable offence to:

- give false information in this application
- produce a birth certificate issued before my change of sex or gender identity with intent to deceive.

I understand that the SA Registry of Births Deaths and Marriages may confirm or verify the validation of any document provided with this application to establish my/my child's identity and eligibility for this change of sex or gender identity to be registered.

I understand that the Tribunal may ask me/my child at the time of the hearing questions to assist it in assessing whether it is in my/my child's best interests that approval be granted, including in relation to:

- whether I/my child understand/s the meaning and implications of the making of this application;
- whether I/my child have/has the capacity to consent to this application and, if so, my/my child's position in relation to the making of this application; and
- whether I/my child have/has undertaken a sufficient amount of appropriate clinical treatment in relation to my/my child's sex or gender identity

I have read and understand 'Your privacy' and 'Disclosure of information' and declare the information provided in this application is true and correct.

Has a change of name application been lodged with this application?

Yes

No

I certify that I have read and understood the information on the previous pages.

Signature of applicant 1

Date

Section B– Medical practitioner or psychologist statement

False information

If you knowingly provide false information in this application, you may be guilty of an offence under Section 51 of the *Births, Deaths and Marriages Registration Act 1996*.

Maximum penalty: \$1250

Statement from an Australian registered medical practitioner or registered psychologist

The law which enables applications for changes of sex or gender identity to be recognised under the Births, Deaths and Marriages Registration Act 1996 (the “BDMR Act”) requires the Registrar of Births, Deaths and Marriages and, in the case of persons below the age of 18 years the South Australian Civil & Administrative Tribunal (SACAT), to be satisfied that the person has undertaken a sufficient amount of appropriate clinical treatment in relation to their sex or gender identity.

Applications relating to such recognition must be accompanied by a statement from a medical practitioner or psychologist certifying that the person has undertaken a sufficient amount of appropriate clinical treatment in relation to their sex or gender identity.

If the clinical treatment provided has been constituted by counselling only, please include details of the number of counselling sessions provided, the total duration of the counselling sessions and the date(s) on which the counselling sessions were provided (the BDMR Act and its associated regulations provide that treatment constituted by counselling only cannot be regarded as sufficient if it is less than a minimum of 3 separate counselling sessions aggregating at least 135 minutes or counselling sessions occurring over a period of at least 6 months).

Further considerations apply to applications made in respect of persons below the age of 18 years. In particular, they need to be approved by the South Australia Civil & Administrative Tribunal (SACAT) and the Tribunal must consider whether it is in the best interest of the child that approval be granted.

The tribunal must take into account whether the child:

- Understands the means and implications of the making of the application; and
- Has the capacity to consent to this application and, if so, the child’s position in relation to the making of this application.

You are invited to express your opinion on these points.

The following guidance is provided to practitioners:

- The statement must be on letterhead with your contact details and your Medicare provider number.
- On the assumption that you consider that your patient has undertaken a sufficient amount of appropriate clinical treatment in relation to their sex or gender identity, the following sample statement is suggested. There is no requirement that these exact words be used.

<Practitioner name>
<Practitioner address>
<Practitioner telephone details>
<Practitioner email>
<Date>

To the Registrar,

[RE: name and date of birth of child or young person the subject of the application (SACAT case reference no if known)]

I am a psychologist/medical practitioner registered in Australia.

I have provided clinical treatment for <insert child's name>, whose identity I have confirmed from documents provided to me.

I can confirm that <insert name> is now known as <insert name> and identifies as the sex or gender identity of (male; female; non-binary; or indeterminate/intersex/unspecified).

The clinical treatment provided has consisted of at least <insert number> sessions of psychological therapy at this service. These sessions, of <insert number of minutes/hours> duration each, occurred between <insert date> and <insert date>. Treatment has included <insert details such as psychoeducation about gender dysphoria, social and medical transition, paediatric referral for treatment for puberty suppression etc.>.

It is my opinion that <insert name> has the mental capacity to understand the meaning and implications of a change of sex or gender identity and that they are able to consent to that change. This is based on <insert reasoning>.

I consider that <insert name> has received a sufficient amount of treatment to make a decision about their affirmed sex or gender identity and that they, in an age appropriate manner, are supportive of the application to change their legally recognised sex or gender identity to that of (male; female; non-binary; indeterminate/ intersex/ unspecified).

(Any other information you feel is relevant)

I certify that the information provided is, to the best of my knowledge and belief, correct for the purpose of registering a change of sex or gender identity.

Kind regards

Name

Title

Medicare Provider No:

Section C – Payment details

The application fee to record a change of sex or gender identity must be paid when you submit this form. A birth certificate or identity acknowledgement certificate must also be purchased.

Applicants details – person completing this form

Current family name

Current given name(s)

Residential address

Suburb/town/city

State/territory

Postcode

Country

Postal address (if different)

Suburb/town/city

State/territory

Postcode

Country

Phone number

Email address

Details of the certificate required

Name of registered person

Family name

Family name at birth

Given name

Other given names

Place of birth (suburb/town/city)

Payment details – complete this section for all mail applications

Visit www.sa.gov.au/bdm or call 131 882 for current fees.

Total amount \$

Please debit:

Mastercard

Visa

or enclosed cheque*/money order

Cardholder name

Signature of cardholder

Date

X

Card number

↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓

Expiry date

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CVV

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