

REFORMS TO CHANGE OF GIVEN NAMES AND REGISTERED SEX LAWS – INFORMATION FOR SCHOOLS



FACTSHEET

Background

Reforms to allow young people in the ACT to change their given names and/or registered sex in certain situations came into effect on 20 August 2021. This factsheet has been developed to assist teachers and school wellbeing teams to understand the changes. The information in this factsheet is not legal advice.

What are the reforms to the law?

The *Births, Deaths and Marriages Registration Act 1997* (the Act) now allows young people under the age of 18 years to independently apply to the Births, Deaths and Marriages (BDM) Registry at Access Canberra to change their given names and/or registered sex on their birth certificate, or to obtain a recognised details certificate.¹

The reforms provide additional pathways for transgender, intersex or gender diverse young people to be able to make these applications. Previously, young people under the age of 18 years could only have these details changed if both parents agreed and made the application on behalf of the young person.

Parents can still make these applications on behalf of their child under the age of 18 years where both parents agree or in certain circumstances where there is only one parent for a child. For example, there is only one parent registered on a child's birth certificate or only one surviving parent.

A person with parental responsibility for a child can also still make an application on behalf of a child in certain situations. For example, where the parents are deceased, cannot be found, or for some other reason cannot exercise their parental responsibilities to the child.

How can young people independently change their names and sex?

There are different requirements depending on the age of the young person:

- Young people aged 16 years or older may apply directly to the BDM Registry to change their sex and/or their given name to better reflect their gender identity.
- Young people aged 12 to 15 years may apply:
 - directly to the BDM Registry where they have the consent of boths parents, or each person with long term parental responsibility for the child;² or the consent of one parent or person with long term care responsibility where it is not reasonable or practicable to obtain the consent of the other; or
 - to the ACT Civil and Administrative Tribunal (ACAT) to seek permission to apply to the BDM Registry where they do not have this parental consent (for example, if one or both parents disagree). If ACAT gives permission, the young person may apply to the BDM Registry to make this change.
- Children under the age of 12 years must have the consent of at least one parent or a person with parental responsibility for them to apply to the ACAT and there must be exceptional circumstances. If ACAT gives permission, the child can apply to the BDM Registry to make this change.

¹ A recognised details certificate is issued to people whose birth is not registered in, but who are currently residing in, the ACT.

² For more detail about people who can consent, see section 8 of the *Births, Deaths and Marriages Registration Regulation 1998*.

What do schools need to know?

Teachers, and school wellbeing teams may be one of the first points of contact for young people to reach out to to discuss their wish to change their given names and/ or registered sex.

The Justice and Community Safety Directorate and Access Canberra have developed factsheets for schools to provide young people, where appropriate, about the application process to change their given names and registered sex, and contact information for legal, advocacy and social supports. Schools can display these resources for students in their student wellbeing area.

The factsheets are available on the Justice and Community Safety [website](#) and the Access Canberra [website](#).

More information

The application process

Births, Deaths and Marriages, Access Canberra

The Births, Deaths and Marriages team at Access Canberra can answer any questions about its application process.

Phone: 13 22 81

Email: bdm@act.gov.au

Website: act.gov.au/accessCBR

ACT Civil and Administrative Tribunal

The team at ACAT can answer any questions about the ACAT application process.

Phone: (02) 6207 1740

Email: tribunal@act.gov.au

Website: www.acat.act.gov.au

Application support and assistance for young people

A Gender Agenda (AGA)

AGA provides advocacy and support for intersex, trans and gender diverse young people in the ACT. AGA will be able to assist with any questions you have about navigating these changes.

Phone: (02) 6162 1924

Email: Complete form at <https://genderrights.org.au/contact-us/>

Website: <https://genderrights.org.au/>

Youth Law Centre

The Youth Law Centre provides free legal services for young people aged 12 to 25 years. They can be contacted for advice and assistance where young people need help with the ACAT process, particularly if they are under the age of 16 and applying to ACAT on their own.

Phone: (02) 6173 5410

Email: contact@youthlawact.org.au

Website: <https://www.legalaidact.org.au/what-we-do/youth-law-centre>

The Public Advocate

The Public Advocate is available to talk to young people about their application and can also support them in the ACAT if they would like them to. As Public Advocate, they can help by making sure young people's rights and interests are upheld in the process and, in particular, can make sure young people get the chance to tell the ACAT all the things they want them to know.

The Public Advocate is part of the ACT Human Rights Commission – you can find out more about them here –

Website: <https://hrc.act.gov.au/public-advocate/>

Social support for young people

Bit Bent

Bit Bent is an all-inclusive social support group for gender and sexually diverse young people run out of the Belconnen Youth Centre.

Phone: (02) 6264 0200

Email: bitbent@crccs.com.au

Social media: [Facebook page.](#)

A – Z Social Support Group

A – Z is a social support group for gender and sexuality diverse young people aged 12 to 25 years run by YWCA Canberra. The group meets on Tuesdays from 5 to 7pm during school terms at the Mura Lanyon Youth and Community Centre.

Phone: (02) 6185 2090

Email: youth@ywca-canberra.org.au