

From sex to gender identity: Australian timeline

- **1977-78**
Equal Opportunity Act (VIC) passes in 1977 and sections come into force between 1977 and 1978. It outlaws discrimination on the basis of marital status and sex.
- **1979**
The Convention on the Elimination of All Forms of Violence Against Women (CEDAW) was adopted by the United Nations (UN) as a 'Bill of Rights' for women
- **1981**
CEDAW was instituted by the UN and is currently ratified by 189 states
- **1983**
Australia signs CEDAW
- **1984**
The Sex Discrimination Act 1984 (Commonwealth) is enacted in Australia for the purpose of eliminating discrimination against women in the public arena in Australia. CEDAW is enacted into the legislation as a schedule and has the full force of Commonwealth law.
 - <https://www.legislation.gov.au/Details/C2014C00002>
- **1996**
Transgender (Anti-Discrimination and Other Acts Amendment) Bill 1996 NSW. Amends Anti-Discrimination Act 1977 adding protection for 'recognized transgender person' (person with legal change of sex) and 'transgender person'. Bill passes.
 - http://www.austlii.edu.au/au/legis/nsw/num_act/taoaaa1996n22541.pdf
- **2000**
Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000 (VIC) adds gender identity as a protected attribute to the Equal Opportunity Act 1995 (VIC). It 'aimed at protecting people who are transgender and intersex from discrimination'.
 - <https://www.humanrights.vic.gov.au/about-us/our-history/equal-opportunity-timeline/>
- **2000**
Gender Reassignment Act 2000 passed in Western Australia, establishing the Gender Reassignment Board, which issues gender recognition certificates. States individual must have 'undergone a reassignment procedure', believes their reassignment to be to their true gender, 'has adopted the lifestyle and has the gender characteristics of a person of the gender to which the person has been reassigned', and has received 'proper counselling'. Application to board also requires letters of support from people who know you saying that you are recognized as the sex in your daily life. (See also 2011: AB v Western Australia,

which established that 'reassignment procedure' could mean breast reduction / double mastectomy in the case of trans men).

- https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1986.html
- https://grb.justice.wa.gov.au/H/how_to_apply.aspx

- **2000**

Western Australia adds 'gender reassignment' to their Equal Opportunity Act protections

- <http://www.eoc.wa.gov.au/about-us/the-equal-opportunity-commission-wa>

- **2003**

Sexuality and Gender Identity Discrimination Bill 2003 – sought to prohibit discrimination on the grounds of 'sexuality, transgender identity, or intersex status' and make amendments to the Human Rights and Equal Opportunity Commission Act 1986. Also attempted to prohibit 'public acts' that incited hatred on grounds of those attributes. (Did not proceed).

- **2004**

Births, Deaths and Marriages Registration (Amendment) Bill (VIC) introduced, seeking to modify the BDMRA 1996 to allow for people who have had 'sex affirmation surgery' to change their sex in the birth register. Bill passed without amendments.

- **2010**

Human Rights Commission Legislation Amendment Act 2010 (ACT) adds gender identity to Discrimination Act 1991 (ACT).

- **2010**

CEDAW General Recommendation 28 enacted on the core obligations of states, parties under Article 2

- Provision 5 expresses that the Convention is intended to protect *women* from discrimination on the grounds of *both* sex and gender.
- Provision 18 (about intersectionality) explicitly recognizes that discrimination against women based on sex and gender as 'inextricably linked with other factors that affect women', including race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity.

- **2011**

AB v Western Australia case establishes that females who retain their reproductive organs but have had surgery to alter sex/gender characteristics (breasts) can nonetheless be considered as transsexual for the purposes of obtaining a gender recognition certificate.

- <http://eresources.hcourt.gov.au/showCase/2011/HCA/42>
- <https://www.perthnow.com.au/news/wa/court-rules-transsexuals-do-not-require-gender-reassignment-to-become-men-ng-20008d274352250244f4f774e3761fa6>

- **2012**
Draft Exposure Human Rights and Anti-Discrimination Bill 2012 published. (Ultimately shelved).
 - https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/antidiscrimination2012/report/index
 - https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/antidiscrimination2012/index
 - <https://www.equalrightstrust.org/news/anti-discrimination-bill-2012-shelved-australian-government>

- **2012**
QLD Children Gender Service established
 - <https://www.childrens.health.qld.gov.au/service-gender-clinic/>

- **2012**
Royal Children’s Hospital Melbourne Gender Clinic established
 - <https://rch150.org.au/timeline/milestones/transgender-service/>

- **2013**
Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013
 - Insertion of “gender identity” protected characteristic
 - Definition of “gender identity” as per Yogyakarta Principles
 - Removal of definition of “man” and “woman”

- **2013 June**
Attorney-General Guidelines
 - <https://www.ag.gov.au/rights-and-protections/publications/australian-government-guidelines-recognition-sex-and-gender>

- **2013**
Following the Australian Government Guidelines on the Recognition of Sex and Gender (2013), listing ‘gender’ instead of sex on passports is made available without ‘sex affirmation surgery’. Before this, between 2003 - 2011 it was possible for those whose birth certificates noted their sex as indeterminate to have an X on their passport; and between 2011 – 2013 new guidelines allowed the issuing of passports with a new ‘gender’.
 - <https://www.passports.gov.au/getting-passport-how-it-works/documents-you-need/sex-and-gender-diverse-passport-applicants>
 - <https://web.archive.org/web/20111019035814/https://www.passports.gov.au/web/sexgenderapplicants.aspx>

- **2014**

Births, Deaths and Marriages Registration Act (ACT) amended to remove the requirement for sex reassignment surgery, and replace it with the weaker requirement of 'clinical treatment'.

- https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1691#!tabs-2
- <https://www.abc.net.au/news/2014-03-17/easier-for-transgender-people-to-change-birth-certificate/5324952>

- **2016**

Births, Deaths and Marriages Registration Amendment Bill (VIC) (BDMRA) is introduced, seeking to replace the requirement of 'sex affirmation surgery' with 'acknowledgement of sex' application, to change sex in birth register. The bill is defeated at the Second House/Legislative Council's Second reading.

- **2016**

Births, Deaths and Marriages Registration Act (SA) 1996 is amended, replacing sex reassignment surgery with 'clinical treatment' for change of sex on birth certificates.

- [https://www.legislation.sa.gov.au/LZ/V/A/2016/Births%20Deaths%20and%20Marriages%20Registration%20\(Gender%20Identity\)%20Amendment%20Act%202016_65.aspx](https://www.legislation.sa.gov.au/LZ/V/A/2016/Births%20Deaths%20and%20Marriages%20Registration%20(Gender%20Identity)%20Amendment%20Act%202016_65.aspx)
- <https://www.buzzfeed.com/lanesainty/landmark-transgender-rights-bill-passes-in-south-australia-n>

- **2018**

Australian Standards for the Care and Treatment of Transgender and Gender Diverse Children and Adolescents published by Dr. Michelle Telfer of RCHM

- **2018**

Births, Deaths and Marriages Registration and Other Legislation Amendment Act 2018 (NT) passed, making the registration of a change of sex or gender a matter of 'clinical treatment'.

- <https://legislation.nt.gov.au/Bills/Births-Deaths-and-Marriages-Registration-and-Other-Legislation-Amendment-Bill-2018?format=assented>

- **2019 June** Trans and Gender Inclusion Guidelines for Sports (AHRC and Sports Australia) published

- Sports Australia
- https://www.sportaus.gov.au/integrity_in_sport/transgender_and_gender_diverse_people_in_sport
- AHRC
<https://humanrights.gov.au/our-work/lgbti/publications/guidelines-inclusion-transgender-and-gender-diverse-people-sport-2019>

- **2019 April**
Gender becomes optional on birth certificates in Tasmania, and sex can be changed via statutory declaration.
 - <https://www.news.com.au/lifestyle/parenting/babies/gender-optional-on-tasmanian-birth-certificates/news-story/68973a0811a2c76328b77457a31644e3>
- **2019 June**
Births, Deaths and Marriages Registration Amendment Bill (VIC) (BDMRA) is introduced, seeking to replace the requirement of 'sex affirmation surgery' with 'acknowledgement of sex' application, to change sex in birth register.
- **2019 August**
The BDMRA 2019 (VIC) is passed.
- **2019 December**
NSW Department of Education Bulletin 55 Transgender Students in School
 - <https://education.nsw.gov.au/about-us/rights-and-accountability/legal-issues-bulletins/bulletin-55-transgender-students-in-schools>
- **2020 March**
ACON launches TransHub!
 - <https://www.transhub.org.au>
- **2020 May**
BDMRA 2019 (VIC) comes into force. (Change of sex in the birth register can be done through a statutory declaration of believed sex).
 - <https://www.legislation.vic.gov.au/as-made/acts/births-deaths-and-marriages-registration-amendment-act-2019>
- **2020**
Health Legislation Amendment Act QLD Chapter 5B Conversion Therapy
- **2020**
Sexuality and Gender Identity Conversion Practices Act (ACT) 2020
- **2020**
QHRC Trans @ School: A Guide for trans and gender diverse children and young people
- **2020 October**
Pride in Sport sporting organisations guidelines
 - <https://www.prideinsport.com.au/tag/sport-guidelines/>

2020 Overview

Discrimination (national level)—

Gender identity is protected under sex discrimination in the national Sex Discrimination Act.

Discrimination (state level)—

7/8 states protect against discrimination on the grounds of gender identity. (Tasmania, Queensland, Victoria, and the Australian Capital Territory use the term 'gender identity'; New South Wales uses 'transgender status'; South Australia uses 'chosen gender'; and Western Australia uses 'gender history'.) The exception is Northern Territory, which covers 'transsexuality' under 'sexuality', but doesn't mention gender identity or similar separately.

Change of sex in birth register—

6/8 states do not require sex reassignment surgery for legal change of sex (only NSW & QLD require it). 1/8 states requires surgical *or* medical treatment (e.g. hormone therapy), in addition to meeting some other requirements. 3/8 states require only 'clinical treatment' (ACT, NT, & SA). 2/8 states have no requirements beyond making a statutory declaration (VIC & TAS).