



**Parliament of South Australia
Legislative Review Committee**

Date: 13 April 2016

To: All Media

Attention: News Editors

Parliamentary Committee Report Tabled

Inquiry into the Sexual Reassignment Repeal Bill 2014

On Tuesday 12 April 2016, the Report of the Legislative Review Committee into the Sexual Reassignment Repeal Bill 2014 was tabled in Parliament. The referral to investigate the Bill was brought in the Legislative Council in late 2014 by the Hon. Tammy Franks MLC. The report recommends the passage of the Sexual Reassignment Repeal Bill to repeal the *Sexual Reassignment Act 1988* (SA) (the 'SRA'). Presiding member of the Committee, Gerry Kandelaars, said that the report recognises a particular need for law reform to improve the health outcomes experienced by the 'gender diverse' (meaning gender questioning, queer, androgynous, non-binary, transgender, or transsexual) community in South Australia.

The SRA primarily regulates the following:

- Ministerial approval of medical practitioners who may carry out 'reassignment procedures' (as defined in the SRA).
- Ministerial approval of hospitals in which reassignment procedures may be carried out.
- The process and required criteria for a person to change the sex recorded on his or her birth certificate.

The committee is comprised of six Members from both Houses of Parliament. The report sets out nine recommendations which aim not just to improve health outcomes, but to allow for a new process, qualifying criteria, and required supporting evidence for the purposes of both adults and children changing the sex as registered in the South Australian register of births. It was recommended that

a recognition certificate issued by the Magistrates Court should no longer be required, however a requirement to obtain supporting evidence from a medical practitioner was recommended, and the committee was unable to support a 'self-determination' model.

The report further recommended:

- That a third 'non-specific' or 'non-binary' sex should be recognised in law.
- That the marital status of a person should not be a barrier to change of recognised sex.
- That reform should allow for the delay of the registration of the birth where the sex of a child cannot be accurately determined within the time limit for the registration of a birth, which is currently 60 days.
- To provide the Registrar of Births, Deaths and Marriages with discretion to limit the frequency of changes of legally recognised sex, as well as to provide for privacy with respect to the historical record of any changes of a person's sex.
- To give consideration to the introduction of a multidisciplinary approach to the provision of increased publicly funded medical care to the gender diverse community.

During the course of the Inquiry, the committee heard from representatives from government, non-government organisations, and from members of the community. It is hoped that the recommendations of the Committee will drive the commencement of a process of reform to improve the availability of medical care available to the gender diverse community, to improve overall health outcomes, and to improve the process which provides for legal recognition of a change of sex.

Current Membership of the Committee:

Hon. Gerry Kandelaars MLC (Presiding Member)
Hon. John Darley MLC
Mrs Annabel Digance MP
Hon. Andrew McLachlan MLC
Mr Lee Odenwalder MP
Ms Isobel Redmond MP

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