

GENDER REASSIGNMENT AMENDMENT BILL 2015

Introduction and First Reading

Bill introduced, on motion by **Hon Michael Mischin (Attorney General)**, and read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [5.18 pm]: I move —

That the bill be now read a second time.

Since its commencement, the Gender Reassignment Act 2000 has promoted equal opportunity in Western Australia by enabling persons who have undergone a gender reassignment procedure to legally change their sex. The act established the Gender Reassignment Board and gave it the authority to receive and determine applications for gender reassignment and to issue recognition certificates in suitable cases. A recognition certificate is evidence that a person has undergone a reassignment procedure and is of the sex as stated on the certificate. A successful applicant may register the certificate with the Registrar of Births, Deaths and Marriages to have their birth certificate amended and re-issued to reflect their newly assigned gender. The Gender Reassignment Board is comprised of a president, four members and an executive officer. The board does not have its own offices or hearing rooms, and presently utilises the facilities and resources of the State Administrative Tribunal. Over the last four financial years, the board has sat sporadically, hearing between five and 17 applications each year.

In 2013, a proposal was made to this government to abolish the Gender Reassignment Board and transfer its functions to the State Administrative Tribunal. The rationale behind the proposal is summarised as follows. First, one of the principal aims in establishing the State Administrative Tribunal was to reduce the number of administrative decision-making bodies in Western Australia. It would therefore make sense that decisions associated with gender reassignment also be determined by this tribunal. Second, the determination of gender reassignment applications would sit comfortably within the human rights work undertaken by the State Administrative Tribunal. Third, the number of jurisdictions dealing with gender reassignment matters through reviews and appeals would reduce, thereby simplifying the process and reducing the cost to the community. Fourth, as the board utilises the facilities and resources of the State Administrative Tribunal, this move would have a negligible impact upon applicants and current operations. Fifth, the board has a very low caseload making it difficult to justify its existence as a stand-alone entity. This government accepted the merits of the proposal and approved the drafting of the Gender Reassignment Amendment Bill 2015. When it comes into operation, this bill will ensure that there is greater consistency in the practice and procedure of administrative decision-making in Western Australia.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 2662.]

Debate adjourned, pursuant to standing orders.