

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Attorney General's Department

Program: 1.4 Justice Services

Question No. BE17-150

Senator Pratt asked the following question on 05 June 2017:

- 1) The Government recently said that they are actively considering options for reforming the process of obtaining stage two treatment (puberty blockers) for transgender teenagers through the family court. Could the Minister please provide an update on what options the Government are currently considering?
- 2) Has the Government implemented any of the recommendations within the Senate Community Affairs References Committee report on 'Involuntary or coerced sterilisation of intersex people in Australia'?
- 3) Will the \$170 million in funding set aside for the marriage equality plebiscite go towards funding a postal vote plebiscite?

The response to the honourable Senator's question is as follows:

- 1) The Government recently said that they are actively considering options for reforming the process of obtaining stage two treatment (puberty blockers) for transgender teenagers through the family court. Could the Minister please provide an update on what options the Government are currently considering?**

The Government is sensitive to concerns that the need for Family Court authorisation for stage 2 treatment for gender dysphoria can cause expense and stress for the young person and their family, and can delay access to treatment. The Government is actively considering options for reform in this area.

The Attorney-General also notes that the Full Court of the Family Court has been asked in *Re: Kelvin* to confirm aspects of its decision in *Re: Jamie* (2013) 278 FLR 155.

2) Has the Government implemented any of the recommendations within the Senate Community Affairs References Committee report on ‘Involuntary or coerced sterilisation of intersex people in Australia’?

The Government welcomed the Senate Community Affairs References Committee’s report on the involuntary or coerced sterilisation of intersex people in Australia, and tabled its response in Parliament on 17 June 2015. The Government supports in principle the recommendation that governments and other organisations use the term ‘intersex’ and not use the term ‘disorders of sexual development.’

The *Australian Government Guidelines on the Recognition of Sex and Gender* standardise the gender classification system and the evidence required for a person to establish or change their sex or gender in personal records held by the Australian Government. The definition of the term ‘intersex’ in the Guidelines was updated in November 2015. It now refers to people who are born with genetic, hormonal or physical sex characteristics that are not typically ‘male’ or ‘female’. The definition also recognises that people with intersex characteristics have a diversity of bodies and identities.

The guidelines apply to all Australian Government departments and agencies that maintain personal records (including employee records), and/or collect sex and/or gender information. The Government encourages other organisations to adopt the terminology used in the Guidelines as appropriate.

3) Will the \$170 million in funding set aside for the marriage equality plebiscite go towards funding a postal vote plebiscite?

Questions about funding for a plebiscite on same-sex marriage should be directed to the Department of Finance.