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Tasmanian sex and gender identity reforms given the all clear

The Tasmania Law Reform Institute ([TLRI](#)) has concluded that Tasmania's 2019 gender identity reform laws do not create any significant unintended consequences for the State's law and justice system.

The conclusions outlined in the TLRI's latest report follow wide-ranging research, including [public and stakeholder consultation](#) on how the Marriage and Gender Amendments Act has operated since it was enacted in September last year.

The first of its kind in Australia, the Marriage and Gender Amendments Act, among other functions, serves to:

- remove the obligation for parents to record the sex of their child on birth certificates (it is still recorded on a separate public register);
- allow Tasmanians to change their gender without the need for sex reassignment surgery; and
- provide diverse options for gender descriptors in registration documents.

Given Tasmania's groundbreaking law, the Attorney-General of Tasmania directed the TLRI to consider its potential unintended legal consequences.

TLRI researcher Dylan Richards said that the Marriage and Gender Amendments Act mainly affects transgender and non-binary members of our community, and generally makes their lives easier when it comes to seeking out public services.

"These benefits have not come at a cost for most other Tasmanians," he said.

"We hope the report will provide clarity for other Australian states that are considering following Tasmania's lead towards law that supports human rights for diverse gender identities."

As part of the review, the TLRI considered the rules relating to consent, authorisation, and the impact of medical procedures performed on children.

In response to medical and psychological evidence, and experiences shared by intersex and gender diverse people and their families, the TLRI recommends:

- Enacting new laws that establish clear rules about when a person (including a child or their parent/guardian) can consent to medical treatment.
- Making nonconsensual surgical treatments a crime (other than lifesaving surgery)
- Making it easier for intersex people to obtain compensation for harms suffered as a result of nonconsensual surgical treatment.

"We found that surgical interventions on intersex children can have significant long-term consequences that last into adulthood," Mr Richards said.

"Given the ongoing concern from the intersex community about this kind of surgery, we recommend stronger, clearer guidance around consent to medical treatment."

Mr Richards also emphasised the importance of protecting the rights and interests of transgender young people.

"We heard from young transgender adults about the distress caused by lengthy delays before receiving medical treatment or conflicting advice they received from doctors," he said.

"Members of the transgender community will also benefit from improved clarity around consent to medical treatment."

The report and animated explainer videos produced by nationally acclaimed cartoonist Jon Kudelka and voiced by Oliver Cassidy, Tasmanian artist and documentary maker and member of the transgender community, are available at utas.edu.au/gender-reforms.

The review was funded through the Solicitor's Guarantee Fund with support from the Tasmanian Government Department of Justice, the University of Tasmania and the Law Society of Tasmania.

MEDIA OPPORTUNITIES

- Phone interview with TLRI researcher Dylan Richards (he/him)
- Joint phone interview with cartoonist Jon Kudelka (he/him) and documentary maker Oliver Cassidy (he/him)

Please contact Claire Baker to arrange interviews.

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