

Fact sheet: Implementing change of sex reforms in NSW

On 1 July 2025 new laws come into effect that will make it easier for people to change their sex in NSW. A medical procedure is no longer required. The changes are made under the ***Equality Legislation Amendment (LGBTIQA+) Act 2024***.

People can register a change of sex in two ways.

1. People born in NSW will register an alteration of sex on a NSW birth record
2. People born overseas will register an acknowledgement of sex in NSW, without changing a record of birth from another country

Eligibility to apply to register a change of sex in NSW

- Adults (18+) born or adopted in NSW
- Adults (18+) born overseas
- Parents or guardians applying for children (under 18) born or adopted in NSW or born overseas
- Department of Communities and Justice (DCJ) caseworkers applying on behalf of children (under 18) if the child is under the care of the Minister

People born or adopted in Australia, but not in NSW, are required to apply in the state or territory they were born in. Each jurisdiction has different laws and processes.

People born overseas need to meet the following residency criteria to register a change of sex:

- currently live in NSW, and
- have lived in NSW continuously for at least 12 months, and
- are either an Australian citizen or permanent resident

An online tool is available on the Registry website at nsw.gov.au/change-of-sex to check eligibility and provide information on the application process. People can register for email updates through the checker.

Applying for a change of sex

A digital application form will be available at nsw.gov.au/change-of-sex from 1 July 2025. It will verify identity documents digitally and include templates for a statutory declaration and statement of support. The online form is the fastest way to apply to register a change of sex. However, a paper-based option will also be available on the website and from Service NSW.

Documentation required for an adult (18 and over)

- a completed change of sex application form
- a statutory declaration confirming that the applicant identifies as the specified sex, and lives, or plans to live, as that sex (template available on the website)
- a statement of support from an adult who has known the applicant for at least 12 months confirming that they believe the person is making the application in good faith (template available on the website)
- three forms of identification
- overseas born applicants will also need to provide evidence of
 - Australian citizenship or permanent residency, and
 - current and continuous residence in NSW for at least 12 months

Documentation required for a child (under 18) to register a change of sex

In most cases, where a child has two living parents or guardians, both need to apply on their child's behalf with the following documentation:

- a completed change of sex application form
- a statutory declaration by the child (if they can complete it) or a statement of support from the parents
- a supporting statement from a qualified counsellor who has provided counselling to the child
- three forms of identification for the child
- three forms of identification for each of the parents or guardians
- a court order allocating guardianship (if applicable)
- evidence of the child's Australian citizenship or permanent residency (overseas born children only)
- evidence of the child's current and continuous residence in NSW for at least 12 months (overseas born children only)

One parent or guardian can apply under the following circumstances:

- only one parent is listed on the child's birth certificate or guardianship order showing they are the only parent or guardian for the child, or
- a District Court order authorising the alteration of the child's record of sex (if the child was born in NSW) or registration of acknowledgement of sex (if the child was born overseas), or
- one parent or guardian is deceased

A parent that has been allocated sole parental responsibility by the Federal Circuit and Family Court of Australia will require a District Court order that specifically authorises them to apply for a change of sex for their child.

A caseworker from the Department of Communities and Justice (DCJ) may apply to register a change of sex for a child in the care of the Minister. In addition to the documents outlined above, the application will need to be supported by:

- an order issued by the Children's Court of NSW allocating sole parental responsibility to the Minister
- a District Court order authorising DCJ to apply for a change of sex on the child's behalf

Definitions of counsellor and guardian for the purposes of applying to register a change of sex for a child

- A guardian is a person who has been allocated all aspects of parental responsibility for a child or young person until the child or young person reaches 18 years of age by a guardianship order under the *Children and Young Persons (Care and Protection) Act 1998*

- A qualified counsellor is someone who has one of the following qualifications - a medical practitioner, psychologist, nurse practitioner, a clinical member of the Psychotherapy and Counselling Federation of Australia or someone eligible for membership of the Australian Association of Social Workers

Updating details with other organisations following a change of sex

The Registry will issue two documents to people who are born in NSW to help them update their details with other organisations.

1. a one-off previous birth certificate watermarked '*this birth certificate was issued for linking purposes only*'
2. a verification letter signed by the Registrar confirming that a change of sex has been legally registered in NSW

When a change of sex and/or change of name is registered in NSW for a person born overseas, their birth record is not changed because it was registered in another country. A change of name and/or recognised details certificate can be used, in conjunction with other identity documents, to update details with Australian organisations.

Applying to register both a change of sex and change of name

The requirements and application forms for change of sex and change of name are different. However, people will be able to apply for both without waiting for a change of name application to be processed first.

Systems are in place to ensure that dual applications are processed together. This will ensure that a new birth or recognised details certificate includes the applicant's new name.

Both change of sex and change of name applications can be submitted online.

- Applicants who **do not intend to change their name** or have **already registered a new legal name** can complete the change of sex application only in their current name
- Applicants that have a **current change of name application** with the Registry will be asked to include their change of name order number (ORN) in the change of sex application form
- Applicants who **intend to apply to register a change of name** are encouraged to start that process via the online change of name form just prior to submitting a change of sex application

A combined change of sex and change of name PDF form can also be printed, completed and posted to the Registry, or submitted over the counter at a Service NSW Service Centre.

Where change of sex and change of name applications have been processed together, any certificates will be posted in the applicant's previous name to ensure that they can collect certificates which are sent via Registered Post.

Certificates issued following a change of sex or change of sex and change of name

NSW birth certificates and recognised details certificates can be ordered which will reflect the new sex marker. There will be no indication that a change of sex has been registered. If a person born in NSW has also registered a change of name, their former names will not appear on their new birth certificate.

Descriptors on birth and marriage records

Regardless of their legal sex, people may choose to be described as:

- mother, father or parent when registering the birth of their child
- bride, groom or partner on a marriage registration

Differences between change of name and change of sex applications

Requirements for change of name and change of sex are set out under different sections of the *Births, Deaths and Marriages Registration Act 1995* (NSW). The differences are outlined in the following table.

	Change of name	Change of sex
Residency for overseas born	Continuous residency in NSW for at least 3 years immediately preceding the application.	Must be an <u>Australian citizen or permanent resident</u> living in NSW who can provide proof of current and continuous residency in NSW for at least 1 year.
Number of changes	One change of name in a 12-month period and a maximum of 3 changes in a lifetime. Limited exceptions to this rule are considered on a case-by-case basis.	No limit
Documentation (in addition to ID)	Reason for application. Overseas applicants must provide evidence of continuous residency in NSW for three years immediately prior to the application. Evidence of former name changes if registered in other jurisdictions or internationally.	Residency status (overseas born applicants only) Adult applicants: Statutory declaration by adult applicants, and Statement of support by adult who knows applicant for a minimum of 12 months. Application for a child: Statutory declaration by a child if they can complete one, or parents can complete a statement of support, and Statement of support by a qualified counsellor.
Other restrictions	Registrar must be satisfied that the registration is not sought for fraud or another improper purpose	N/A
Disclosure of criminal convictions	Mandatory	Not required
Consent to a National Police Check	Mandatory	Not required
Sole parents	The Federal Circuit and Family Court of Australia orders a sole parent to	A District Court order must specifically authorise a sole parent to apply to

	make decisions on all major long-term issues.	register an alteration of sex record for a child, or an acknowledgement of sex for an overseas born child.
Availability to 'restricted' people	Not without permission of a supervising authority	
Other restrictions	Registrar must be satisfied that the registration is not sought for fraud or another improper purpose	N/A

Timeframes and fees

The following service timeframes will apply for complete, correct and compliant applications.

	Change of sex	Change of name and change of sex
Online application	3-4 weeks	4-6 weeks
Paper application	5-7 weeks	7-9 weeks

Fees from 1 July

	Change of name	Change of sex
Registration fee	Applications for 14 years and over \$195 standard \$224 priority Applications for 13 years and under \$155 standard \$184 priority	\$70
Certificate fee	\$57 change of name certificate + \$11 postage and handling	\$57 birth certificate + \$11 postage and handling \$57 Recognised details certificate + \$11 postage and handling No priority service available

Fee waivers

People who are experiencing financial hardship and are vulnerable in one of the following ways may be eligible for a free birth or recognised details certificate under the Registry's [fee waiver policy](#).

- a person who is currently a victim of and/or directly impacted by domestic violence
- a person who is sleeping rough or homeless
- a child under 18 years of age who is currently living in poverty or experiencing significant disadvantage
- a person suffering from a long-term chronic debilitating illness
- a person who has experienced a personal disaster, e.g., house fire resulting in destruction of all personal property, within six months of the event occurring
- a person who is incarcerated or being released from a correctional facility
- a person who is a member of the Stolen Generations

People can apply for a fee waiver for a new birth certificate or recognised details certificate at a Service NSW Centre. A supporting letter from a community service provider is generally required.

Applying to register a change of sex – restricted people

A restricted person requires written approval from the relevant supervising authority to apply to register a change of sex. This includes inmates, people on parole or remand, forensic and correctional patients, periodic detainees, and people on a reintegration home detention order. The full definition of 'restricted person' can be found in section 31B of the *[Births Deaths and Marriages Registration Act 1995](#)*.