



Australian Government
Attorney-General's Department

Social Inclusion Division

10/18084

14 February 2011

Ms Kathy Noble
Changeling Aspects
PO Box 897
CLEVELAND QLD 4163

Dear Ms Noble

I am writing to provide an update on the Government's approach to the issues raised in the Australian Human Rights Commission's *Sex Files* report. The Government recognises that these are extremely complex issues, which are contested both within the sex and/or gender diverse community and the broader Australian community.

The Australian Government is committed to ensuring that people are able to participate in society and receive the protection of the law regardless of their sex or gender. During the 2010 election campaign, the Government confirmed that it will be introducing legislation to protect against discrimination on the basis of a person's sexual orientation or gender identity as part of its review and consolidation of federal anti-discrimination laws into a single Act. The Government also reiterated its commitment to consider the issues raised by the *Sex Files* report.

The *Sex Files* report makes several recommendations relating to the collection and recording of sex and gender data in government records. To address these issues, the Attorney-General has tasked the Department with coordinating a review of how and why the Australian Government collects sex and gender data. The review will focus on federal legislation, policies and forms. It is likely that the review will be used to inform the development of national guidelines to ensure sex and gender data is collected consistently across government and only where there is a legitimate purpose.

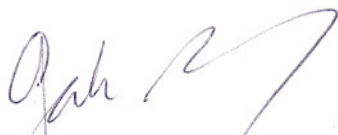
The Department will commence the review shortly. To ensure it is appropriately focussed, we would like to discuss the scope of the review with members of the sex and/or gender diverse community. If you would like to be consulted on the review and future work in this area, please confirm your interest by emailing <sexandgender@ag.gov.au>. The Department intends to contact interested individuals/organisations in the coming weeks and we would appreciate your timely response if you wish to be consulted.

The *Sex Files* report also has a strong focus on the process for legally changing sex. This is largely an issue for the States and Territories as they manage their respective Registries of Births, Deaths and Marriages. However, the Australian Government has a strong interest in developing a nationally consistent approach to change of sex. The Attorney-General has asked the Department to work with relevant federal agencies, and our State and Territory counterparts, to consider this issue. The aim is to create a harmonised system which addresses the needs of the sex and/or gender diverse community while ensuring the integrity of government records.

I understand that members of the sex and/or gender diverse community have significant concerns about the current process for legally changing sex. I request your patience as the Commonwealth and States and Territories work together to consider this complex issue. While I am unable to provide detailed timelines for this process, I would like to assure you that you will be consulted on this issue before any final decisions are reached.

I trust this information is of assistance and we look forward to working with you over the coming period to address these complex issues.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Boersig', with a large, sweeping flourish extending to the right.

Dr John Boersig PSM
Assistant Secretary
Human Rights Branch