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**Australian Government**  
**Department of Foreign Affairs and Trade**

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28 November 2011

Ms Kathy Anne Noble  
(knoble@iinet.net.au)

Dear Ms Noble

Thank you for your email of 7 November 2011 to Mr Kevin Rudd MP, Minister for Foreign Affairs and the Attorney-General, the Hon Robert McClelland MP, regarding passports for Trans people. I have been asked to reply on behalf of the Minister.

We appreciate your comments of support for the government's new policy which makes it easier for members of the sex and gender diverse community to obtain a passport in their preferred gender.

In accordance with the policy announced in the media, an Australian passport may be issued to sex and gender diverse applicants in M (male), F (female) or X (indeterminate/unspecified/intersex) upon receipt of a statement from a medical practitioner (registered with the Medical Board of Australia or equivalent overseas authority) certifying that the person identifies as Male, Female or they are Intersex/of Indeterminate sex. A copy of the policy is attached for your information. The policy has not changed since it was announced on 14 September 2011.

In relation to the query about the scanning of the passport, I can assure you that the passport will scan with the corresponding letter that appears in the sex field on the passport.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Kolobaric'.

Mauro Kolobaric  
Assistant Secretary  
Passport Client Services Branch  
Australian Passport Office

## Sex and Gender Diverse (SGD) Policy

The Australian Human Rights Commission (*Addressing sexual orientation and sex and/or gender identity discrimination 2011*) defines the phrase 'sex and gender diverse' (SGD) as referring to the whole spectrum of sex and/or gender identity. For the purposes of issuing passports, this includes 'trans' and 'intersex' persons. 'Trans' is a general term for a person whose preferred gender is different to their sex at birth. The term 'intersex' refers to a person who has genetic, hormonal or physical characteristics that are not exclusively male or female. A person who is intersex may identify as male, female or as being of indeterminate sex. An RBDM, DIAC or a medical practitioner registered with the Medical Board of Australia (or equivalent overseas authority) must determine an applicant's sex.

A passport may be issued to sex and gender diverse applicants in M (male), F (female) or X (indeterminate/unspecified/intersex).

Applications from persons who identify as sex and gender diverse and seeking a sex in their passport different to their birth sex will generally fall into two categories:

1. Applicants who have undergone sex reassignment surgery and have an amended cardinal document; or
2. Applicants, who are seeking a passport in a non-registered sex as they are unable to, or choose not to, obtain an amended cardinal document. These applicants may or may not have undergone sex reassignment surgery.

All states and territories have legislation allowing sex and gender diverse persons who have undergone sex reassignment surgery, and are not married, to apply to amend the sex on their birth certificate. RBDMs are legislatively empowered to amend a person's birth record and may provide documentation recognising a person in a sex different to their sex at birth when evidence can be supplied that sex reassignment surgery has been completed. In relation to Australian citizens not born in Australia, DIAC is legislatively empowered to amend citizenship records in relation to a person's sex.

A full validity passport in a new sex may be issued to sex and gender diverse applicants who present an amended birth certificate, gender recognition certificate, or recognised details certificate showing that an RBDM has accepted the reassigned sex. For applicants born overseas, a gender recognition certificate, recognised details certificate, revised citizenship certificate or other evidence from DIAC may be presented.

A full validity passport in a new sex may be issued to sex and gender diverse applicants who are unable to, or choose not to, obtain an amended cardinal document in their new sex and can provide a statement from a medical practitioner (registered with the Medical Board of Australia or equivalent overseas authority) certifying that they have had, or are receiving, appropriate clinical treatment (including sex reassignment surgery) for gender transition to a new gender or that they are intersex and do not identify with the sex assigned to them at birth.

Applicants must meet all other normal passport requirements, including identity documents supporting their identity in the wider community. As with applicants who have changed their name due to marriage, there may be instances where the sex and gender diverse applicant has not had time to change their PIDs and as a result cannot provide PIDs to support their new sex. Interviewing and eligibility officers need to be mindful of this and accept the application and all supporting documentation.