

TASMANIA
LAW REFORM
INSTITUTE

**STATEMENT ON TRANSGENDER & INTERSEX LAW REFORM
REFERENCE**

The TLRI has been asked by the Tasmanian Government to provide advice on issues relating to sex / gender in Tasmanian legislation, including registration requirements for changing sex / gender and consent to related medical treatment.

It is not general practice for the TLRI to publish terms of reference or details of a reference prior to the release of an Issues Paper. However, given the controversy surrounding the work that the TLRI is undertaking, the TLRI has decided to post the following explanation on its website.

- The Terms of Reference are to provide advice on:
 - What steps should be required to register a change of sex or intersex status on official documents;
 - What categories of sex/gender should be displayed on birth certificates and other documents;
 - What, if any, reforms should be made in relation to consent to medical treatment to alter a person's sex or gender; and
 - What, if any, reforms should be made in relation to the definitions or use of terms relating to sex and/or gender in Tasmanian legislation?
- The TLRI will not consider policy in relation to these issues. Instead, the TLRI will conduct a technical review of the practical effects of the enacted Tasmanian legislation in light of reviews undertaken in other jurisdictions, to identify any desirable consequential amendments to ensure that the policy settings enacted by Parliament are achieved.
- This is in accordance with TLRI practice not to comment on Bills that are before Parliament, any related amendments or any debate surrounding those Bills, except where reforms relate to recommendations previously made by the TLRI.
- This means that we will not comment on the *Justice and Related (Marriage Amendment) Bill 2018*, or any related amendments, until a final form of the Bill is enacted.
- Preliminary work on this reference has commenced, and will continue regardless of the status of the *Justice and Related (Marriage Amendment) Bill 2018*. This means that the work of the TLRI should not defer consideration of the Bill by the Legislative Council. Our research will incorporate consideration of the terms of any Bill passed into law.
- The TLRI review will include the publication of an Issues Paper, a period of public consultation, then the publication of a Final Report. It is expected that the Final Report will be delivered to the Attorney-General on 30 September 2019, prior to its public release on 31 October 2019.
- **If you would like to receive notification when the Issues Paper is released, please send us your contact details, including your email address.**