

**JUSTICE AND RELATED LEGISLATION (MARRIAGE
AMENDMENTS) BILL 2018 2018**
(Bill No. 47)

Amendments (Mr Dean)

CLAUSE 9

Page 8.

Leave out paragraphs (a) to (i) (inclusive).

Insert instead the following paragraphs:

- (a) by inserting the following definition after the definition of *award*:

"biological sex", in relation to a person, means the male or female sex phenotype of the person, if observable at birth;

- (b) by omitting the definition of *gender identity*;

- (c) by inserting the following definition after the definition of *sexual orientation*:

"social identity", in relation to a person, means the sex-related appearance, or other sex-related characteristics, of the person, whether or not the appearance or characteristics have occurred by way of medical intervention or by virtue of the person's biological sex, and includes transsexualism;

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- (d) by omitting the definition of *transgender*;
- (e) by omitting the definition of *transgenderism*;
- (f) by omitting from the definition of *transsexualism* the word "gender" (wherever occurring) and substituting "sex".

CLAUSE 10

Vote against the clause.

CLAUSE 11

First amendment

Page 10, paragraph (b).

Leave out "following paragraph".

Insert instead "following paragraphs".

Second amendment

Same page, same paragraph.

Leave out proposed new paragraph (e).

Insert instead the following proposed new paragraphs:

- (e) the biological sex of the person or any member of the group; or
- (ea) the political belief or affiliation or political activity of the person or any member of the group; or

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- (eb) the social identity of the person or member of the group; or
- (ec) any intersex characteristics of the person or member of the group; or

CLAUSES 13-16

Vote against the clauses.

CLAUSES 18 AND 19

Vote against the clauses.

CLAUSE 20

Page 15.

Leave out all words after "is amended by".

Insert instead "omitting from subsection (3) all words after "for the person" and substituting the following:

"must –

- (a) include both the name to which the person's name has been changed and a notation of each name of the person that was previously registered; or
- (b) if the Registrar thinks fit and has been requested to do so by the person applying for the birth certificate, include only the name to which the person's name has been

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changed, without a notation
of any name of the person that
was previously registered."

CLAUSES 21 AND 22

Vote against the clauses.

CLAUSE 23

Page 25.

Leave out proposed subsections (1A) and (1B).

Insert instead "the following proposed subsection:

(1A) The Registrar, at the request of an
applicant for a birth certificate who –

(a) who is the person to whom
the birth certificate is to
relate; or

(b) where the person to whom the
birth certificate is to relate has
not attained the age of 18
years, who is a parent or
guardian of the person –

may issue a birth certificate in
relation to the person that contains no
information as to the sex of the
person."

CLAUSE 24

Vote against the clause.

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NEW CLAUSE A

To follow clause 9.

A. Section 10 amended (Discrimination on grounds of attribute)

Section 16 of the Principal Act is amended by omitting paragraphs (e) and (ea) and substituting the following:

(e) biological sex;

(ea) social identity;

NEW CLAUSE B

To follow clause 11.

B. Section 17 amended (Prohibition of certain conduct and sexual harassment)

Section 17 of the Principal Act is amended by omitting "section 16(e), (a), (b), (c), (d), (ea), (eb) and (k), (f), (fa), (g), (h) (i) or (j)" and substituting "section 16".

NEW CLAUSE C

To follow clause 11.

C. Section 22 amended (Areas of activity)

Section 22 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) "other than inciting hatred" and substituting "including inciting hatred";
- (b) by inserting "activity, including but not limited to any".
- (c) by omitting subsection (2).

NEW CLAUSE D

To follow clause 11.

D. Section 27 amended (Gender)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "gender" and substituting "biological sex";
- (b) by omitting from subsection (1)(b) "one-gender" and substituting "one-biological sex";
- (c) by omitting from subsection (1)(f) "gender" and substituting "biological sex";
- (d) by omitting from subsection (2) "gender" and substituting "biological sex";
- (e) by omitting from subsection (3) "gender" (twice occurring)

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and substituting "biological
sex".

NEW CLAUSE E

To follow clause 11.

E. Section 29 amended (Sport)

Section 29 of the Principal Act is
amended by omitting "gender" and
substituting "biological sex".

NEW CLAUSE F

To follow clause 11.

**F. Section 30 amended (Insurance and
superannuation)**

Section 30(1) of the Principal Act is
amended by omitting "gender" and
substituting "biological sex".

NEW CLAUSE G

To follow clause 14.

**G. Section 11 amended (Notification of
births)**

Section 11 of the Principal Act is
amended by inserting after subsection
(3) the following subsection:

(3A) If the sex phenotype of the infant at
birth is not clearly either male or
female, the Registrar may accept a

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notice of birth that does not specify
the sex of the infant.

NEW CLAUSE H

To follow clause 14.

**H. Section 15 amended (Obligation to have
birth registered)**

Section 15 of the Principal Act is
amended by inserting after subsection
(3) the following subsection:

- (4) If the sex phenotype of the infant at birth is not clearly either male or female, the Registrar may accept a birth registration statement that does not specify the sex of the infant.