

TASMANIA

**JUSTICE MISCELLANEOUS (REMOVAL OF
OUTDATED SEX TERMINOLOGY) BILL 2023**

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JUSTICE MISCELLANEOUS (REMOVAL OF OUTDATED SEX TERMINOLOGY) BILL 2023

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

**An Act to amend the *Anti-Discrimination Act 1998*, the
Court Security Act 2017, the *Public Trustee Act 1930* and
the *Youth Justice Act 1997***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Justice
Miscellaneous (Removal of Outdated Sex
Terminology) Act 2023*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

3. Repeal of Act

This Act is repealed on the first anniversary of
the day on which it commenced.

Justice Miscellaneous (Removal of Outdated Sex Terminology)
Act 2023
Act No. of 2023

s. 4

Part 2 – Anti-Discrimination Act 1998 Amended

**PART 2 – ANTI-DISCRIMINATION ACT 1998
AMENDED**

4. Principal Act

In this Part, the *Anti-Discrimination Act 1998** is referred to as the Principal Act.

5. Section 3 amended (Interpretation)

The definition of *transsexual* in section 3 of the Principal Act is amended as follows:

- (a) by omitting “whether or not intersex and having been legally assigned one” and substituting “having been legally assigned a specific”;
- (b) by omitting from paragraph (a) “the other” and substituting “another”;
- (c) by omitting from paragraph (b) “the other” and substituting “another”;
- (d) by omitting from paragraph (c) “the other” and substituting “another”.

6. Section 16 amended (Discrimination on ground of attribute)

Section 16(eb) of the Principal Act is amended by omitting “intersex” and substituting “innate”.

*No. 46 of 1998

*Justice Miscellaneous (Removal of Outdated Sex Terminology) Act
2023
Act No. of 2023*

Part 2 – Anti-Discrimination Act 1998 Amended

s. 7

7. Section 19 amended (Inciting hatred)

Section 19(e) of the Principal Act is amended by omitting “intersex” and substituting “innate”.

Justice Miscellaneous (Removal of Outdated Sex Terminology)
Act 2023
Act No. of 2023

s. 8

Part 3 – Court Security Act 2017 Amended

PART 3 – COURT SECURITY ACT 2017 AMENDED

8. Principal Act

In this Part, the *Court Security Act 2017** is referred to as the Principal Act.

9. Section 13 amended (Conduct of search)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting the definition of *intersex* from subsection (1);
- (b) by omitting from subsection (5)(a) “intersex” and substituting “has innate variations of sex characteristics”;
- (c) by omitting from subsection (5)(b) “intersex” and substituting “has innate variations of sex characteristics”.

*No. 34 of 2017

Justice Miscellaneous (Removal of Outdated Sex Terminology) Act
2023
Act No. of 2023

Part 4 – Public Trustee Act 1930 Amended

s. 10

PART 4 – PUBLIC TRUSTEE ACT 1930 AMENDED

10. Principal Act

In this Part, the *Public Trustee Act 1930** is referred to as the Principal Act.

11. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting subsection (2).

*No. 61 of 1930

Justice Miscellaneous (Removal of Outdated Sex Terminology)
Act 2023
Act No. of 2023

s. 12

Part 5 – Youth Justice Act 1997 Amended

PART 5 – YOUTH JUSTICE ACT 1997 AMENDED

12. Principal Act

In this Part, the *Youth Justice Act 1997** is referred to as the Principal Act.

13. Section 25D amended (Requirements as to gender of search officer conducting search, &c.)

Section 25D(1) of the Principal Act is amended by omitting “intersex” from paragraph (b) of the definition of *person of the required gender* and substituting “has innate variations of sex characteristics”.

*No. 81 of 1997