

CLAUSE NOTES

Justice Miscellaneous (Removal of Outdated Sex Terminology) Bill 2023

PART 1

- Clause 1 **Short title**
Specifies the name of the proposed Act.
- Clause 2 **Commencement**
Provides for the Act to commence upon Royal Assent.
- Clause 3 **Repeal of Act**
Provides for the repeal of the Act on the first anniversary of the day on which it commences.

PART 2

- Clause 4 **Principal Act**
Provides that the *Anti-Discrimination Act 1998* is the 'Principal Act' referred to under this Part.
- Clause 5 **Section 3 amended (Interpretation)**
Provides that section 3 of the Principal Act is amended by deleting the reference to a person being intersex from the definition of *transsexual*, along with consequential amendments.
- Clause 6 **Section 16 amended (Discrimination on ground of attribute)**
Provides that section 16(eb) is amended by deleting the word 'intersex' and replacing it with 'innate'.
- Clause 7 **Section 19 amended (Inciting hatred)**
Provides that section 19(e) is amended by deleting the word 'intersex' and replacing it with 'innate'.

PART 3

- Clause 8 **Principal Act**

Provides that the *Court Security Act 2017* is the 'Principal Act' referred to under this Part.

Clause 9 Section 13 amended (Conduct of search)

This clause firstly amends subsection (1) by deleting the definition of *intersex*.

Secondly, the clause amends subsection (5)(a) by deleting the word 'intersex' and replacing it with 'has innate variations of sex characteristics'.

Finally, subsection (5)(b) is amended by deleting the word 'intersex' and replacing it with 'has innate variations of sex characteristics'.

PART 4

Clause 10 Principal Act

Provides that the *Public Trustee Act 1930* is the 'Principal Act' referred to under this Part.

Clause 11 Section 3 amended (Interpretation)

Provides that subsection (2) is deleted. Section 24A of the *Acts Interpretation Act 1931* provides an overarching provision for interpretation of references of gender, so subsection (2) was outdated in terminology and no longer required

PART 5

Clause 12 Principal Act

Provides that the *Youth Justice Act 1997* is the 'Principal Act' referred to under this Part.

Clause 13 Section 25D amended (Requirements as to gender of search officer conducting search)

Provides that subsection (1) is amended by deleting the word 'intersex' from paragraph (b) of the definition of *person of the required gender* and replacing it with 'has innate variations of sex characteristics'.