

TASMANIA

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OUTDATED SEX TERMINOLOGY) BILL 2023**

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# **JUSTICE MISCELLANEOUS (REMOVAL OF OUTDATED SEX TERMINOLOGY) BILL 2023**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*  
11 May 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This Act may be cited as the *Justice Miscellaneous (Removal of Outdated Sex Terminology) Act 2023*.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.

*Justice Miscellaneous (Removal of Outdated Sex Terminology)*  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

s. 3

Part 1 – Preliminary

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This Act is repealed on the first anniversary of the day on which it commenced.

*Justice Miscellaneous (Removal of Outdated Sex Terminology) Act  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*

Part 2 – Anti-Discrimination Act 1998 Amended

s. 4

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**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”.

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\*No. 46 of 1998

*Justice Miscellaneous (Removal of Outdated Sex Terminology)*  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

s. 7

Part 2 – Anti-Discrimination Act 1998 Amended

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**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*

Part 3 – Court Security Act 2017 Amended

s. 8

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**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”.

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\*No. 34 of 2017

*Justice Miscellaneous (Removal of Outdated Sex Terminology)*  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

s. 10

Part 4 – Public Trustee Act 1930 Amended

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**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).

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\*No. 61 of 1930



*Justice Miscellaneous (Removal of Outdated Sex Terminology) Act  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

Part 5 – Youth Justice Act 1997 Amended

s. 12

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**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”.

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\*No. 81 of 1997