

Prohibited sex descriptor policy



Acknowledgement of Traditional Custodians



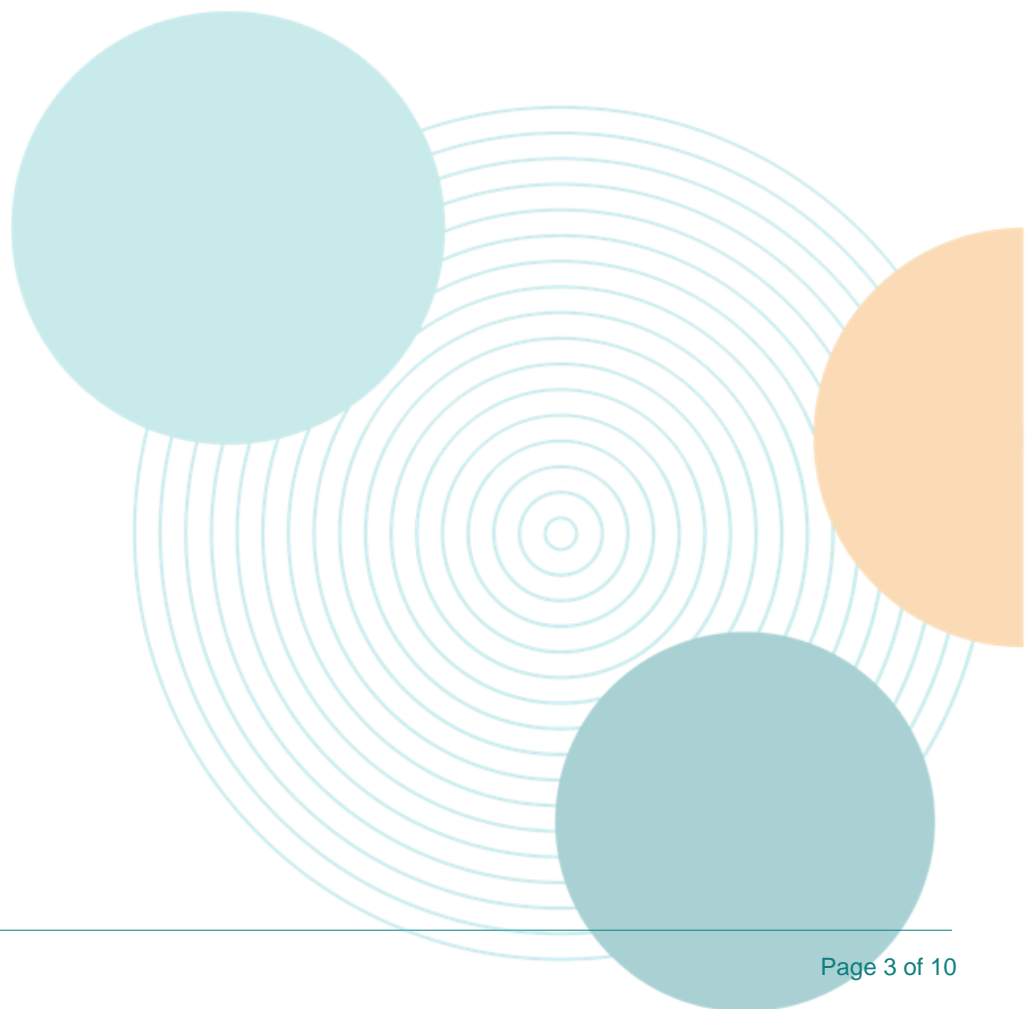
The Department of Justice and Attorney-General recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



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1.0 Policy overview

Queensland law allows people to apply to the Registry of Births, Deaths and Marriages (RBDM) to have the sex they identify as officially recognised.

Two types of applications are available, depending on where a person was born:

1. Persons born in Queensland

- Can apply to alter the sex recorded on their birth certificate
- This is called an 'acknowledgement of sex application'

2. Persons born elsewhere who live in Queensland

- Can apply for a 'recognised details certificate' to have the sex they identify as officially acknowledged under Queensland law
- This is called a 'recognised details certificate application'

For both types of applications, a person applying must provide their 'sex descriptor'.

A sex descriptor is the word or words a person uses to describe the sex they identify as. This can be 'male' or 'female', or for those who don't identify with either, they can nominate a descriptor like 'non-binary', 'genderqueer', 'agender', or another descriptor that aligns with the sex they identify with.

If RBDM accepts the application, the sex descriptor provided by the person applying becomes their official and legal sex in Queensland:

1. Persons born in Queensland

- The sex descriptor is entered into the applicant's birth record and replaces the previous sex listed on their birth record
- The applicant can request a new birth certificate and choose whether or not to display their registered sex on the certificate.

2. Persons born elsewhere who live in Queensland

- The sex descriptor is displayed on the applicant's recognised details certificate.

RBDM can accept most sex descriptors used by the trans and gender diverse community. However, the law does not allow RBDM to accept sex descriptors that are 'prohibited sex descriptors'.

There is no official list of 'prohibited sex descriptors' – a sex descriptor is only prohibited if it violates rules set out in the law, which are explained in this policy.

2.0 Purpose of policy

This policy explains how RBDM determines whether a sex descriptor is prohibited.

3.0 Scope

This policy only relates to prohibited sex descriptors. It does not address the other aspects of applying to alter a person's record of sex on their birth certificate, or to obtain a recognised details certificate.

Application processes and requirements can be found on [RBDM's webpage](#).

4.0 Policy objective

In June 2024, significant changes were made to the laws governing RBDM. A key objective of the new laws was greater legal recognition to trans and gender diverse people by allowing a person's legal identity to match their lived identity.

This policy, and the decisions RBDM makes, are designed to be consistent with that key objective. RBDM's intention is to allow persons to nominate and obtain legal recognition of the sex descriptor that they identify with and that is meaningful to them.

A sex descriptor will only be disallowed if RBDM determines that it is prohibited, having regard to the law and the factors set out in this policy.

5.0 Prohibited sex descriptors

A sex descriptor may not be allowed if it is a 'prohibited sex descriptor'.

Under the law, there are three reasons why a sex descriptor may be prohibited:

1. It is obscene, offensive or absurd

OR

2. It cannot practically be established in the community by common use or reputation

OR

3. It is against public interest

The sections below explain what each of these categories means.

5.1 Obscene, offensive or absurd

RBDM cannot approve a sex descriptor if it is obscene, offensive or absurd.

Obscene

The word 'obscene' means something that goes against widely accepted standards of morality or decency.

RBDM may consider a sex descriptor is obscene if it refers to anything:

- violent
- hateful
- indecent, pornographic, or explicitly sexual
- illegal
- morally wrong for another reason

Offensive

RBDM may consider a sex descriptor to be offensive if:

1. It contains swear words, including swear words from another language

OR

2. It contains a racial, cultural or ethnic slur

OR

3. It is likely to insult, upset, humiliate, or intimidate a person or group based on their race, religion, culture or other characteristics

Absurd

The word 'absurd' means something that is so silly or illogical that it does not make sense. Whether something makes sense depends on the situation or context. So, while a term might be considered absurd as a legal 'sex descriptor', it could still make sense in another context.

As examples, RBDM may consider a sex descriptor absurd if it:

- does not describe the person's sex in any way, or
- describes the person's sex using a complicated metaphor or other abstract language, or
- appears to intentionally mock the idea of gender identity (for example, 'attack helicopter' or 'Martian').

5.2 Cannot practically be established by repute or usage

Sex descriptors must also be practical, and able to be formed through regular use in the community. They must be something that others could reasonably come to know about the person.

The law recognises several reasons a sex descriptor may not be able to be established in this way.

Too long

There is a character limit for sex descriptors so that it can fit on a birth certificate or recognised details certificate. A sex descriptor will be considered too long if it contains more than 30 characters (including spaces).

A combination of terms is allowed so long as it does not exceed the character limit (for example, 'genderfluid non-binary' is allowable).

Unpronounceable: symbols without phonetic significance

A sex descriptor must be able to be written down and spoken out loud. Otherwise, it cannot be shown on a certificate, or be used practically in the community.

When writing a sex descriptor, it must not contain any symbols without 'phonetic significance'. This means that each written character (letter or symbol) must help people say the word(s).

When symbols without phonetic significance are included in a word, they make pronouncing the word confusing. For example, any of the following would be difficult or confusing to pronounce if they were included in a word:

1.	Symbols Examples: @ # \$ + ^ & *
2.	Punctuation Examples: , . ? ! : ; " ' ()
3.	Numbers Examples: 1 2 3 4 5 6 7 8 9 0
4.	Custom or personalised marks Examples: ☩

All English alphabet letters have sounds associated with them (phonetic significance). However, their phonetic significance can be lost when used for stylistic purposes. For instance, using a capital letter in the middle of a word or having too many consonants

or vowels in a row can cause the usual sounds of a letter to change and can make the word confusing to say.

Dashes, even though they are silent when words are spoken, may be used to connect related words (for example, non-binary).

While Queensland is a culturally diverse state, English is spoken by most people and official documents are recorded in English. For this reason, sex descriptors with characters from another language (for instance, Japanese Kanji) are impractical to establish in Queensland and cannot be used. However, RBDM may accept a sex descriptor from another language if it has been converted to (spelled out in) English characters. RBDM acknowledges that some translations to English may result in different spellings of the same sex descriptor. Examples of cultural sex descriptors spelled out in English include but are not limited to: Fa'afafine; Fakaleiti; Khanith; Whakawahine.

Any other reason

There may be other reasons why a sex descriptor is impractical to form by use in the community. For example, RBDM may consider that a sex descriptor is impractical if it includes:

- words or phrases that would make it confusing to use in a sentence or on an official document (for example, 'blank' or 'not provided'), or
- initials or acronyms that have not been established by regular use in the community (for example, MtF and FtM are established in the transgender community to mean Male to Female and Female to Male respectively, and would not be prohibited).

RBDM will consider each sex descriptor on a case-by-case basis, and may consider perceptions of the sex descriptor in the trans and gender diverse community (noting that community perceptions change over time).

5.3 Contrary to the public interest

A sex descriptor will be contrary to the public interest if it is sought for an unlawful or improper purpose, or if it includes extra information about a person other than their sex.

There may be other reasons that a sex descriptor is contrary to the public interest, and these will be considered by RBDM on a case-by-case basis.

Information not related to sex

While a person may identify their sex in many ways, RBDM cannot accept terms that include extra information about the person that:

- is not normally included on an official certificate, and
- relates to aspects of their identity other than sex.

As examples, a person cannot register a sex descriptor that includes details about their:

1.	Sexual orientation or sexuality
2.	Life experiences, disabilities, disorders, or neurodivergence
3.	Identification with or affinity for any object, animal, character, concept, or sensory experience
4.	Self-concept of age, status, personality, or other characteristics
5.	Political opinions, beliefs, or association with any group or movement

This is not an exhaustive list, and these are only examples. RBDM appreciates that these can be important aspects of a person's self-identity, even if they are not able to be included within a description of the person's sex on an official certificate.

RBDM also recognises that some terms may have more than one accepted meaning. Terms with multiple meanings will not be prohibited as a sex descriptor if one of the accepted meanings relates to the person's sex. For example, the term 'Queer' can be used to describe a person's sex or sexual orientation, and is allowed as a sex descriptor.

If RBDM identifies that a nominated sex descriptor includes information that cannot be registered, we will try and work with the person applying to find another meaningful descriptor of their sex that can be recorded. In these cases, the person applying may need to fill out new supporting documents for their application—we will let them know.

6.0 How RBDM makes decisions about sex descriptors

RBDM decides whether a sex descriptor is prohibited based on the factors set out in this policy.

RBDM may also consider any of the following factors:

1.	The reason the sex descriptor was chosen
2.	How the sex descriptor is spelt and how it sounds when spoken
3.	The suitability of the sex descriptor for administrative purposes (for instance, its length, the types of characters it contains, and whether it can be shown on a certificate or other official documents)
4.	Publicly available information about the descriptor

In rare cases where a person nominates a sex descriptor that RBDM has not seen before, which appears to be prohibited, we may contact them to understand more about their sex descriptor. RBDM might ask the person about:

- The meaning of their sex descriptor, or
- Any online resources available about their sex descriptor.

RBDM treats all applicants with respect and dignity and will not:

- Seek evidence or ask about a person's:
 - physical sex characteristics, or
 - social, legal, or medical gender transition, or
- Make assumptions based on appearance about a person's sex descriptor.

If a sex descriptor is prohibited, RBDM will work with the person applying to explore other sex descriptors that are still meaningful. The person applying may need to redo supporting documents to meet legal requirements—we will let them know.

If RBDM asks an applicant to nominate an alternative sex descriptor, it must generally be provided within **14 days**. Otherwise, we may refuse the application.

7.0 Reviewing the decision of the Registrar

If you are not happy with a decision made by the Registrar, you have the right to seek a review of the decision. You can do so by applying to the Queensland Civil and Administrative Tribunal (QCAT) in accordance with the procedures outlined in the *Queensland Civil and Administrative Tribunal Act 2009*.

8.0 Compatibility with human rights

RBDM is committed to upholding, safeguarding, and advancing human rights. Under the *Human Rights Act 2019*, RBDM is required to act and make decisions in a manner that aligns with human rights. When making a decision about whether to decline a sex descriptor because it is prohibited, decision-makers must give careful consideration to human rights and ensure compliance with this obligation.

9.0 Commencement and version

Commencement date: 24 June 2024

Version: 1.0

Approved: Registrar-General