



TASMANIA

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OUTDATED SEX TERMINOLOGY) ACT 2023**

No. 19 of 2023

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Repeal of Act

PART 2 – ANTI-DISCRIMINATION ACT 1998 AMENDED

4. Principal Act
5. Section 3 amended (Interpretation)
6. Section 3 further amended (Interpretation)
7. Section 16 amended (Discrimination on ground of attribute)
8. Section 19 amended (Inciting hatred)

PART 3 – COURT SECURITY ACT 2017 AMENDED

- 9. Principal Act
- 10. Section 13 amended (Conduct of search)

PART 4 – PUBLIC TRUSTEE ACT 1930 AMENDED

- 11. Principal Act
- 12. Section 3 amended (Interpretation)

PART 5 – YOUTH JUSTICE ACT 1997 AMENDED

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



JUSTICE MISCELLANEOUS (REMOVAL OF OUTDATED SEX TERMINOLOGY) ACT 2023

No. 19 of 2023

**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***

[Royal Assent 21 September 2023]

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Miscellaneous (Removal of Outdated Sex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*.

Justice Miscellaneous (Removal of Outdated Sex Terminology)
Act 2023
Act No. 19 of 2023

s. 2

Part 1 – Preliminary

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This Act is repealed on the first anniversary of the day on which it commenced.

Justice Miscellaneous (Removal of Outdated Sex Terminology) Act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. 19 of 2023

Part 2 – Anti-Discrimination Act 1998 Amended

s. 4

**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)

Section 3 of the Principal Act is amended by omitting the definition of *sex characteristics* and substituting the following definition:

sex characteristics, in relation to a person, means the person's physical features relating to sex, including –

- (a) the person's genitalia and other sexual and reproductive parts of the person's anatomy; and
- (b) the person's chromosomes, hormones, and secondary physical features that emerge as a result of puberty;

6. Section 3 further amended (Interpretation)

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

*No. 46 of 1998

Justice Miscellaneous (Removal of Outdated Sex Terminology)
Act 2023
Act No. 19 of 2023

s. 7

Part 2 – Anti-Discrimination Act 1998 Amended

- (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”.

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

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

8. Section 19 amended (Inciting hatred)

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

Justice Miscellaneous (Removal of Outdated Sex Terminology) Act
2023
Act No. 19 of 2023

Part 3 – Court Security Act 2017 Amended

s. 9

PART 3 – COURT SECURITY ACT 2017 AMENDED

9. Principal Act

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

10. 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 variations of sex characteristics”;
- (c) by omitting from subsection (5)(b) “intersex” and substituting “has variations of sex characteristics”.

*No. 34 of 2017

Justice Miscellaneous (Removal of Outdated Sex Terminology)
Act 2023
Act No. 19 of 2023

s. 11

Part 4 – Public Trustee Act 1930 Amended

PART 4 – PUBLIC TRUSTEE ACT 1930 AMENDED

11. Principal Act

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

12. 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. 19 of 2023

Part 5 – Youth Justice Act 1997 Amended

s. 13

PART 5 – YOUTH JUSTICE ACT 1997 AMENDED

13. Principal Act

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

14. 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 variations of sex characteristics”.

*[Second reading presentation speech made in:–
House of Assembly on 11 May 2023
Legislative Council on 28 June 2023]*

*No. 81 of 1997