

# Births, Deaths, Marriages and Relationships Registration Bill Supplementary Order Paper: Introducing a self-identification process to recognise gender on birth certificates

Social Wellbeing Committee

Date: 7 April 2021

Minister of Internal Affairs

## Description:

The Births, Deaths, Marriages and Relationships Registration Bill was deferred in early 2019 to allow a new process for people to change the sex on their birth certificates to be worked through. This paper seeks approval to introduce changes to the Bill via a supplementary order paper. These changes would:

- allow people to change the sex on their birth certificate through a statutory declaration instead of a court process. People will no longer need to demonstrate that they have physically assumed the gender identity of their nominated sex.
- make it clear that a 'birth certificate is not conclusive evidence of sex' or an identity document.
- only allow one change to a person's sex on their birth certificate unless there are exceptional circumstances.
- 9(2)(f)(iv)

## Impacts on Corrections:

9(2)(f)(iv)

## Feedback provided:

9(2)(f)(iv)

The paper appeared to use the terms sex and gender interchangeably. It also says that the sex recorded on a birth certificate will not be conclusive evidence of sex, however, also says that certificates are used to verify identity in a number of contexts.

9(2)(f)(iv)

**Births, Deaths, Marriages and Relationships Registration Bill Supplementary Order Paper: Introducing a self-identification process to recognise gender on birth certificates**

Social Wellbeing Committee

Date: 12 May 2021

Minister of Internal Affairs

**Description:**

The Births, Deaths, Marriages and Relationships Registration Bill was deferred in early 2019 to allow a new process for people to change the sex on their birth certificates to be worked through. This Cabinet paper seeks approval to introduce changes to the Bill via a supplementary order paper. These changes would:

- allow people to change the sex on their birth certificate through a statutory declaration instead of a court process. People will no longer need to demonstrate that they have physically assumed the gender identity of their nominated sex.
- make it clear that a 'birth certificate is not conclusive evidence of sex' or an identity document.
- only allow one change to a person's sex on their birth certificate unless there are exceptional circumstances.
- 9(2)(f)(iv) [REDACTED]

[REDACTED]

These changes would not come into effect until the end of 2022 at the earliest.

**Impacts on Corrections:**

Currently when a person in prison presents a birth certificate, Corrections is required to determine their placement in a men's or women's prison based on their birth certificate (the birth certificate rule). This occurs irrespective of wellbeing or safety considerations. The birth certificate rule was designed around the current Family Court process.

9(2)(f)(iv) [REDACTED]

[REDACTED]

The paper also signals the need for amendments to the Corrections Regulations in line with what you agreed to in 2018, to align with the intent that a birth certificate is not conclusive evidence of sex [B3782 refers]. In 2018, you agreed to revoke the birth certificate rule in the Corrections Regulations 2005.

9(2)(f)(iv) [REDACTED]

[REDACTED]

**Feedback provided:**

9(2)(f)(iv)

[Redacted]

[Redacted]

[Redacted]

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Social Wellbeing Committee

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Minister of Internal Affairs

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# Appendix One: Non-Corrections Cabinet Papers

This section updates you on upcoming non-Corrections Cabinet Papers.

## New Upcoming Cabinet Committee papers

<b>Births, Deaths, Marriages and Relationships Registration Bill Supplementary Order Paper: Introducing a self-identification process to recognise gender on birth certificates</b>		
Social Wellbeing Committee	Date: 7 April 2021	Minister of Internal Affairs
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<b>Impacts on Corrections:</b> 9(2)(f)(iv)		
<b>Feedback provided:</b> 9(2)(f)(iv) <p>The paper appeared to use the terms sex and gender interchangeably. It also says that the sex recorded on a birth certificate will not be conclusive evidence of sex, however, also says that certificates are used to verify identity in a number of contexts.</p> 9(2)(f)(iv)		

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Social Wellbeing Committee

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- only allow one change to a person's sex on their birth certificate unless there are exceptional circumstances.

9(2)(f)(iv)

These changes would not come into effect until the end of 2022 at the earliest.

## Impacts on Corrections:

Where someone presents a birth certificate, Corrections is required to determine their placement in a men's or women's prison based on their birth certificate (the birth certificate rule). The birth certificate rule is designed around the current Family Court process. The Bill will make it easier for people to change their birth certificate through the new self-identification process. 9(2)(f)(iv)

## Feedback provided:

9(2)(f)(iv)

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