

From: [Frances Muir](#)
To: [HOLDAWAY, Heather](#)
Cc: [Kate Raggett](#); [Michael Kane](#); [Logan Fenwick](#); [Caroline Carver](#); [Sue Boland-Vernon](#); [Susan Arcus](#); [Julia Tustin](#)
Subject: RE: URGENT RE: [EXTERNAL] RE: Heads-up: LEG paper and SOP for your review tomorrow
Date: Tuesday, 6 July 2021 10:21:23 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
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[image006.png](#)
[image007.png](#)

Kia ora Heather

Thanks for your feedback.

We can see that there is value in disclosing to Police that a person has amended their registered sex and the person's name before this amendment where Police has an interest in ensuring a person has one identity. **s.9(2)(f)(iv) OIA**

[Redacted]

[Redacted]

s.9(2)(g) OIA

[Redacted]

The intention of the self-identification policy is not to change how other agencies and organisation record a person's gender or sex - happy to discuss

Ngā mihi

Frances

Frances Muir (she/her) | Senior Policy Analyst | Kaitātari Kaupapahere Matua
Policy Group | Rōpū Kaupapahere

The Department of Internal Affairs | Te Tari Taiwhenua

s.9(2) [Redacted]
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From: HOLDAWAY, Heather <xxxxxxx.xxxxxxxx@xxxxxx.xxxx.xx>
Sent: Friday, 2 July 2021 1:49 PM
To: Michael Kane <xxxxxxx.xxxx@xxx.xxxx.xx>
Cc: CROSS, Jennifer (Jenny) <xxxxxxx.xxxxx@xxxxxx.xxxx.xx>; FLAHIVE, Michael (Mike) <xxxxxxx.xxxxx@xxxxxx.xxxx.xx>; WEBB, Michael (Mike) <xxxxxxx.xxxx@xxxxxx.xxxx.xx>; PIECK, Karin (Karin Pieck) <xxxxx.xxxxx@xxxxxx.xxxx.xx>; AITCHISON, Christine <xxxxxxxxx.xxxxxxxx@xxxxxx.xxxx.xx>; VAN PEER, Tanja <xxxxx.xxxxxxxx@xxxxxx.xxxx.xx>; Christine MacKenzie <xxxxxxxxx.xxxxxxxx@xxxxxx.xxxx.xx>; Scott Spackman <xxxxx.xxxxxxxx@xxxxxx.xxxx.xx>

Subject: RE: URGENT RE: [EXTERNAL] RE: Heads-up: LEG paper and SOP for your review tomorrow

Kia ora Michael, and apologies for delay

As discussed, please see our feedback below.

The LEG paper refers to the current process whereby a person can change their registered sex on their birth certificate, by means of provision of evidence to the Family Court that the person has undergone medical treatment to conform with their desired sex. We note that the proposed change introduces a less medicalising process whereby a person can simply self-declare their registered sex to reflect their gender and have that sex recorded on their birth certificate.

In general, Police supports the proposed changes. However, we have some specific comments regarding the impacts from a Police operational perspective:

Accuracy of identity information

s.9(2)(g) OIA
[Redacted text block]

[Redacted] to be given as to how to manage this risk, and whether Police/other government agencies should have the ability to link new birth certificate records with previous identities. Police needs to be able to determine who they're dealing with when dealing with members of the public, to ensure that a person's true criminal history is known to courts, and is properly managed. This risk is not identified in the Cabinet paper and we recommend that it is explicitly surfaced. We note that s.110(4) does allow for the RG to notify agencies with interest in ensuring people do not have more than 1 identity of a change to sex marker on birth certificate, but this is dependent on the decision to notify.

s.9(2)(f)(iv) OIA
[Redacted text block]

[Redacted] we're aware that our current AISA does not allow information sharing where a person has changed their registered sex under the existing Family Court, but that we do currently receive name change information from the BDM Registry under our existing AISA with the Registrar-General.

This captures information relating to the individual's name change, **their current birth information** and all previous name changes (if any) that is maintained by the Registrar-General under the BDMRRA for a New Zealand-born individual who is the subject of a registered name change or a non-disclosure direction - with identifying information including, but not limited to names at birth, former names, new names, date and place of birth, and **sex**.

s.9(2)(f)(iv) OIA
[Redacted text block]

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[Redacted text block] s.9(2)(f)(iv) OIA

s.9(2)(f)(iv) OIA

s.9(2)(g) OIA

This is referenced at para 85 of the Cabinet paper, but we would like to see this wording strengthened to reflect the likelihood of resource impacts for agencies which hold individual information, as well as the necessity of agencies ensuring individual's information accurately reflects identifying particulars, such as sex and gender, that is held across government, and that need for this work to align with StatsNZ revised statistic standards for gender, sex and variations of sex characteristics--understanding that these proposals are only one part of this broader programme/s.

Ngā mihi

Heather

Heather Holdaway

Assistant Policy Advisor (she/her)

Criminal Justice Policy

S: [Redacted]

E: xxxxxxx.xxxxxxxx@xxxxxx.xxxx.xx



From: Michael Kane <xxxxxxx.xxxx@xxx.xxxx.xx>

Sent: Friday, 18 June 2021 3:07 pm

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[Redacted]

s.9(2)(a) OIA [Redacted]

Subject: [EXTERNAL] RE: Heads-up: LEG paper and SOP for your review tomorrow
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tēnā koutou

Further to my email yesterday, please find attached the Supplementary Order Paper amending the self-identification provisions in the Births, Deaths, Marriages, and Relationships Registration Bill along with the associated LEG paper. We would appreciate if you could provide feedback on these papers by **COP Thursday, 1 July**. I have also attached the previous Cabinet paper for your reference.

The SOP document is very long as it includes the whole Bill with track-changes for the amendments. The key pages in the SOP are 12-13, 21-30, 52-54, 89-91. Please note that the SOP is a work in progress draft and subject to peer review and proof reading. There is some placeholder provisions and one drafting query that you are welcome to comment on.

Thank you again for your support in this work. Feel free to get in touch with any questions.
Ngā mihi

From: Michael Kane
Sent: Thursday, 17 June 2021 12:35 PM

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s.9(2)(a) OIA

[Redacted content]

Subject: Heads-up: LEG paper and SOP for your review tomorrow
Tēnā koutou

Cabinet has given policy approvals for introducing a self-identification process in the Births, Deaths, Marriages and Relationships Registration Bill. This included amendments to the provisions recommended by Select Committee, which will be made via an SOP. The Minister intends to invite the Governance and Administration Committee to undertake an inquiry on the SOP for three months – giving time for public submissions.

Heads-up: Supplementary Order Paper and Leg paper for agency feedback

We intend to send the legislation paper and SOP to you this **tomorrow** for feedback. We would appreciate getting any comments by **COP Thursday 1 July**.

Next steps

Following Agency consultation, the paper will be circulated to Ministers on 12 July, with feedback due on 23 July. The aim is to go to Leg Committee on 5 August and to Cabinet on 9 August.

Ngā mihi
Michael

Michael Kane (he/him) | Kaitātari Kaupapahere | Policy Analyst
Rōpū Kaupapahere | Policy Group
The Department of Internal Affairs Te Tari Taiwhenua

s.9(2)(a) OIA

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