



17 August 2015

Emmy Rākete  
via [fyi.org.nz](http://fyi.org.nz)

Dear Ms Rākete

### Official Information Act 1982 request

Thank you for your request under the Official Information Act 1982 received by the Department of Internal Affairs (**Department**) on 22 July 2015.

You requested:

*“Given that transgender people as a population often lack the disposable income to make repeated applications to the Family Courts, I ask that the DIA clarify the terms under which it will or will not accept a declaration that a birth certificate should be amended.”*

Should a person wish to have the sex shown on their birth certificate amended, they must make an application to the Family Court under section 28 of the Births, Deaths, Marriages and Relationships Registration Act 1995 (**Act**).

The Department does not decide such an application; instead it is the Family Court that makes that determination, based on the information provided by the applicant. The Registrar-General abides by the decision of the Court.

If an application is successful, the Registrar-General is served with a Court Order by the Family Court declaring that the application has been granted. Once the Registrar-General receives the Court Order, the applicant is sent the necessary paperwork in order to enable them to have their sex changed on their birth record.

In terms of the Court’s decision-making process, you may find it helpful to consider the lead case regarding applications made under section 28 of the Act: “MICHAEL” V REGISTRAR-GENERAL OF BIRTHS, DEATHS AND MARRIAGES FC AK FAM-2006-004-002325, which is attached.

If you have further questions about the Department and transgender policies and procedures, please refer to our website [www.dia.govt.nz](http://www.dia.govt.nz) which has a page dedicated to transgender applicants.



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You have the right to request an investigation and review by the Ombudsman of this decision under section 28 of the Official Information Act. The Ombudsman can be contacted at:

Office of the Ombudsman  
PO Box 10152  
Wellington 6143

Yours sincerely



**Jeff Montgomery**  
Registrar-General and General Manager  
Births, Deaths, Marriages, Citizenship, Authentications and Translations