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For transgender and intersex people, there can be a range of identity documents that you may want to change so that they properly reflect your gender and name. Here are some of the most common areas where people may want to amend their documents.

Note: A number of the agencies will only change your records if you have had gender reassignment surgery. In other cases, however, it may be possible to change your identity documents if you haven't had surgery. This fact sheet applies to adults who want to change their identity documents. This means people aged eighteen years or over. If a child wants to change any of his / her documents he or she should seek legal advice.

BIRTH CERTIFICATES

Amending your Birth Certificate

If you were born in N.S.W. and have had gender reassignment surgery, you can apply to have your Birth Certificate amended to reflect your correct gender. The new birth certificate will not show that you have changed your gender, but there will be a note on your new certificate that says your birth was "previously registered in another name". Access to your old birth certificate is limited by legislation. Other than you, only the following people can apply for your original birth certificate:



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- Your child;
- The executor or administrator of your estate;
- Your parent;
- Your spouse of former spouse; or
- An officer from the following law enforcement agencies:
 - The N.S.W. Police Force;
 - Police Forces of other Australian States or Territories;
 - The Australian Federal Police;
 - The N.S.W. Crime Commission;
 - The Australian Crime Commission;
 - The Office of the Director of Public Prosecutions of N.S.W., or another Australian State or Territory, or the Commonwealth; or
 - The Independent Commission Against Corruption.

To apply, you must be over 18 years old; and not be married (either never married, or widowed or divorced); and have undergone gender reassignment surgery. "Gender Reassignment Surgery" is defined as: A surgical procedure involving the alteration of a person's reproductive organs carried out: (for the purposes of assisting a person to be considered to be a member of the opposite sex, or to correct or eliminate ambiguities relating to the sex of the person. Your application must include statutory declarations from two medical practitioners, confirming that gender reassignment surgery has occurred.

The cost for registering a change of sex with the N.S.W. Registry of Births, Deaths and Marriages (B.D.M.) is \$95.00, plus a \$5.00 postage and handling fee. An application will take fifteen working days to process. You will also need to provide some current identification. A list of the identification documents you need can be found on the N.S.W. Registry of Births, Deaths & Marriages Website.

Your new birth certificate can be used anywhere in Australia. In countries where a change of gender is not legally recognised, you cannot use your new birth certificate. In those jurisdictions, you must tell them that your gender has been changed or use the old birth certificate.

The Application form to change your birth certificate (in P.D.F. format and requiring Adobe Acrobat Reader to view) can be found on the N.S.W. Registry of Births, Deaths & Marriages Website.

Official Change of Name

You can apply to the N.S.W. Registry of Births, Deaths and Marriages to change your name if you are over eighteen years old and;

- you were born in N.S.W. or your birth was registered in N.S.W.; or
- you are an Australian Citizen or permanent resident who is ordinarily a resident of N.S.W.

You should know that it is an offence to change your name with the intention to deceive someone. You are not allowed to change your name to:

- something that is obscene or offensive;
- something that could not practically be used;
- something that resembles an official title; or
- something that is against the public interest.

The cost for registering a change of name is \$128.00, plus a \$5.00 postage and handling fee. An application will take five working days to process. You will also need to provide some current identification. A list of the identification documents you need can be found on the N.S.W. Registry of Births, Deaths & Marriages Website. The Application form to change your birth certificate (in P.D.F. format and requiring Adobe Acrobat Reader to view) can be found on the N.S.W. Registry of Births, Deaths & Marriages Website.

Change of name by repute or usage

You can also change your name without taking any formal steps. Once you have used, and become known by, the new name, the law will recognise it. But you should be aware that it may be harder to change your other identity documents if you don't have documents to prove that you have changed your name.

PASSPORTS

Getting a Passport when you haven't had Gender Reassignment Surgery

If you want to travel overseas and you haven't had gender reassignment surgery, the Department of Foreign Affairs and Trade (D.F.A.T.) can only issue one of the following travel documents:

- A full passport with your birth sex; or
- A limited validity passport (for up to twelve months) with your birth sex; or
- A Document of Identity, which has a maximum validity of twelve months, and the gender field is left blank.

D.F.A.T. will not issue an interim passport in your correct gender for the purposes of overseas travel for gender reassignment surgery.

If you decide to apply for a Document of Identity, D.F.A.T. will write and tell you that:

- Some countries will not accept Document of Identity as a valid travel document.
- Some countries might view a Document of Identity as suspicious, and might delay or harass you; and
- A body search might be embarrassing.

D.F.A.T. will want you to write back to them, and say that you have received the letter from them, and that you agree to getting a Document of Identity. If you have been given a limited validity passport or a Document of Identity, you can only get another travel document with your correct gender after you have had gender reassignment surgery.



Getting a passport when you have had Gender Reassignment Surgery

If you were born in Australia:

To get a new passport, you will need to provide D.F.A.T. with evidence of your identity.

The Australian Manual of Passport Issue says that you need to provide D.F.A.T. with your birth certificate showing that your gender has been changed. You can get this from the N.S.W. Registry of Births Deaths and Marriages, or the equivalent body in the State or Territory of your birth. If you have had gender reassignment surgery, and cannot get a new birth certificate because you are married, the Passport office can issue you a passport in your correct gender. You will need to provide evidence to the passport

office confirming:

- That you are an Australian citizen;
- Your gender; and
- Your identity.

IF YOU WERE BORN OVERSEAS:

To get a new passport, you will need to provide D.F.A.T. with a revised Citizenship Certificate that records your correct gender, or some other formal evidence from the Department of Immigration and Citizenship that recognises that your gender has been changed.

FURTHER INFORMATION:

The Gender Centre Inc. Phone: **(02) 9569 2366**

Inner City Legal Centre Phone: **(02) 9332 1966**

Australian Passport Information Service Phone: **131 232**

Roads & Traffic Authority (R.T.A.)

To change your name on your driver's licence, you need to submit an "Adjustment to Records" form, and take it to an R.T.A. office. You can get this form from an R.T.A. office, or download it from their website (in P.D.F. format and requiring Adobe Acrobat Reader to view).

You will need to provide original identity documents to the R.T.A.. This could mean:

- A Change of Name Certificate issued by the Registry of Births, Deaths and Marriages; or
- A birth certificate showing your name at birth and your new name.

You also need to provide the R.T.A. with other documents to prove your identity. A list of these documents can be found on the R.T.A. website. You should be aware that the R.T.A. will keep a record of your old name on their system as an alias.

CENTRELINK

If you have not had gender reassignment surgery, you can request that Centrelink record your name change by giving them evidence of the change. For example, you could give them a copy of a new driver's licence or your change of name certificate. If you have had gender reassignment surgery, you can request Centrelink to record your changed name and gender by providing your new birth certificate or a document from your surgeon certifying that you have undergone gender reassignment surgery.





MEDICARE

To change your name with Medicare, you must have legally changed it with the Registry of Births, Deaths and Marriages. This means you will need either an amended birth certificate, or a change of name certificate.

If you have not had gender reassignment surgery, then you can either:

- go to a Medicare branch with your change of name certificate and one other piece of identification; or
- send a letter to Medicare stating that you want to change your details with them. You will need to get your change of name certificate and one other piece of identification certified by a J.P., solicitor or other qualified person

This means that Medicare will change your name in their records, but they will not change the gender they have you recorded as. If you have had gender reassignment surgery, then you can either:

- go into a Medicare branch with your amended birth certificate and one other piece of identification; or
- send a letter to Medicare stating that you want to change your details with them. You will need to get your amended birth certificate and one other piece of identification certified.

To change your recorded gender with Medicare, you will need to provide a letter from a doctor, stating that:

- surgery has taken place;
- and you are undergoing hormone therapy;
- and you have been living in this gender for at least two years.

You should be aware that Medicare divides treatments according to gender. If you change your records to your new gender, then you may be denied Medicare reimbursement for treatment that is allocated only for people of your birth gender.

AMENDING YOUR RECORDS HELD WITH GOVERNMENT DEPARTMENTS IN N.S.W.

You can apply to amend your records held with N.S.W. Government Departments, including the Police, Department of Community Services and Department of Housing. You have the right to amend your records held with a N.S.W. government department if:

- The document contains information about your personal affairs;
- The information is used by the government agency; or
- You believe the information is incomplete, incorrect, out of date or misleading.

If you want to amend your records, your application should:

- Be in writing;
- Say that it is an Application under the Freedom of Information Act 1989 (N.S.W.);
- Contain enough information so that the agency can identify the document;
- State the reasons why you believe the document is incomplete, incorrect, out of date or misleading;

- If you claim it is out of date, give them updated information; and
- Give them an address where they can send letters to you.

If your records have been amended, you should still be aware that the N.S.W. Police may list your old name as an alias. This means that this name will come up if a criminal record search is conducted.

AMENDING YOUR RECORDS HELD WITH COMMONWEALTH GOVERNMENT DEPARTMENTS

You can apply to amend your records held with Commonwealth Government agencies, including the Police, Department of Community Services and Department of Housing. You have the right to apply to amend or add an annotation to your records held with a Commonwealth government department if:

- The document contains personal information about you;
- The information is incomplete, incorrect, out of date or misleading; or
- The information is available for use by the government agency.

If you want to amend your records, your application should be in writing, and should include a return address. It should be sent to the agency whose records you want to change. Your letter should include:

- Which document needs to be amended;
- What information is incomplete, incorrect, out of date or misleading, and why; and
- What amendment you would like.

Note: Commonwealth agencies usually will not entirely get rid of the old records that they have.

LAND OWNERSHIP - CERTIFICATE OF TITLE

To change your name on the Certificate of Title to any land you own in N.S.W., you need to complete a Notice of Change of Name Form, and a Notice of Sale Form.

These forms will change the recorded name on the title, and will inform the local council and the water supply authority that the name on the title has changed. Both of these forms are available from the Department of Lands.

LEASES

If you are renting a property and have an existing lease, then the lease will continue if you change your name. If you want to change your name on your lease, here are some options for doing this:

- Send your landlord or real estate agent some proof of your change of name and ask them to consent to change your name as it appears on the residential tenancy agreement; or
- Send your landlord or real estate agent proof of your change of name, and ask them to annex it to your residential tenancy agreement. You can also request that any future correspondence be sent to you in your correct name.

It would probably be best to discuss either of these approaches with the landlord or real estate agent before you send the letter. If the landlord or real estate agent refuses to do either of these, you may be able to apply to the Consumer, Trader and Tenancy Tribunal to have your name changed on the lease. If you wish to do this, you should seek legal advice.

CITIZENSHIP

If you were born outside Australia, you may want to get a new certificate of citizenship. You will need to complete the following forms:

- Application for Evidence of Australian Citizenship - Form 119 (available at the Department of Immigration & Citizenship website in P.D.F. format and requiring Adobe Acrobat Reader to view). The fee for this application is \$55.00; and a

- Request for amendment or annotation to personal records - Form 424C (available at the Department of Immigration & Citizenship website in P.D.F. format and requiring Adobe Acrobat Reader to view).

You will also need to provide supporting documents, such as a change of name certificate, or evidence of gender reassignment surgery.

DEPARTMENT OF HOUSING

If you are in Department of Housing accommodation, you can change your records with them by filling in an "Advice of Tenant Name Change" form. This form will ask for your details, and the reason why you are changing your name. You will need to give them evidence that your name has changed. This could include:

- Centrelink documentation;
- Drivers licence; or
- Bank account statements.

The form is available on the Department of Housing website in P.D.F. format and requiring Adobe Acrobat Reader to view).

FOREIGN DOCUMENTATION

Any documentation from an overseas country will be subject to the laws of that country. If you wish to change these, you should contact the relevant Embassy or get legal advice.

WILLS, ENDURING GUARDIANSHIPS OR ENDURING POWERS OF ATTORNEY

If you have a will, an enduring power of attorney or an enduring guardianship document, you should make changes to these if you change your name.

AUSTRALIAN ELECTORAL COMMISSION

The Electoral Commission can change your name and gender on your registered details. You do not need to have had sex reassignment surgery to change your records. You can change your records by filling in an Electoral Enrolment form, available at the Australian Electoral Commission website in P.D.F. format and requiring Adobe Acrobat Reader to view).

OTHER IDENTITY DOCUMENTS

There are a number of other documents that you might want to change when you change the official record of your name and gender. These can include:

- University, TAFE and School qualifications;
- Insurance policies;
- Professional or skills based licences;
- Banks;
- Electricity, Gas and Phone Companies; and
- Credit cards

Many of these organisations will have different policies for changing your records. If you have any records or identity documents from them, it is best to call the organisation and ask them about the process for changing your records held with them.

CONTACTS

The Gender Centre Inc. Phone: **(02) 9569 2366**

Inner City Legal Centre Phone: **(02) 9332 1966**

N.S.W. Registry of Births, Deaths & Marriages Phone: **1300 655 236**

Roads & Traffic Authority Phone: **132 213**

Centrelink Phone: **131 021**

Medicare Phone: **132 911**

N.S.W. Department of Lands Phone: **1300 052 637**

Office of Fair Trading Phone: **133 220**

Department of Immigration & Citizenship Phone: **131 880**

N.S.W. Department of Housing Phone: **1800 629 212**

Australian Electoral Commission Phone: **132 326**

Ph: (02) 9519 7599

www.gendercentre.org.au



SOURCES OF FURTHER INFORMATION:

The Gender Centre Inc.

41/43 Parramatta Road

Annandale N.S.W. 2038

Phone (02) 9519 7599

Fax (02) 9519 8200

Anti-Discrimination Board

Level 4, 175-183 Castlereagh Street

Sydney N.S.W. 2000

Phone (02) 9268 5544

Fax (02) 9268 5500