25 July 2022

Identity Policy Team
Department of Internal Affairs
Wellington 6140

By email to: bdmrr@dia.govt.nz

Tēnā koutou

Re: Self-identification process to recognise gender on birth certificates

On behalf of the Royal Australian and New Zealand College of Psychiatrists, thank you for the opportunity to provide feedback on Recognising gender on the Department of Internal Affairs (DIA)’s discussion document regarding the self-identification process to recognise gender on birth certificates.

About the Royal Australian and New Zealand College of Psychiatrists (RANZCP)

The RANZCP is a membership organisation that prepares doctors to be medical specialists in the field of psychiatry and addiction, supports and enhances clinical practice, advocates for people affected by mental health and addiction issues, and advises government on mental health care.

The RANZCP represents almost 950 members around Aotearoa New Zealand, including more than 450 qualified psychiatrists and around 240 members who are training to qualify as psychiatrists.

This submission has been developed in consultation with Tu Te Akaaka Roa – New Zealand National Committee, the New Zealand Faculty of Child and Adolescent Psychiatry (FCAP) Committee, and an Associate member of the College who has expertise and lived experience as a member of the Trans and Gender Diverse community.

Gender identity and mental health

Trans, gender diverse and non-binary (TGDNB) and takatāpui people face increased rates of mental distress as a result of discrimination and marginalisation. The New Zealand Counting Ourselves survey found that over 70% of trans and non-binary people had high or very high levels of psychological distress.¹

Counting Ourselves also found that 83% of participants did not have the correct gender marker on their New Zealand birth certificate. The many barriers to being able to update identity documents with an accurate gender identity can cause unnecessary stress and frustration.¹ Improving the process for birth certificates will therefore be a small but important
step to avoid this harm.

**Options for the range of available sex and gender markers**

The RANZCP is supportive of Option 4 ‘Include a more extensive list of sex and gender markers’. We cannot see any particular reason to limit the options for sex and gender markers, whereas a more extensive list will be more inclusive and affirming.

This list should be developed with TGDNB, takatāpui and intersex communities and organisations. We emphasise the need for input from those with lived experience of being intersex. We are aware there are a range of views on this matter amongst those within this community and note intersex individuals have often been marginalised within recent discussions and legal protections. The process proposed by DIA is likely to hold significance for this group. In seeking input, this might include (but should not be limited to) Intersex Trust of Aotearoa New Zealand.

We would like to emphasise our opposition to Option 1 ‘Only allow people to amend their birth certificate to “male” or “female”’, as this is not inclusive of people whose gender identity or sex is outside these two categories.

**Who can be a third party to support applications for youth and children**

The RANZCP is supportive of Option 4 ‘Registered professionals or a person who has known the child for 12 months’ as an approach to identifying a suitably qualified third party. The combination of a category of registered professionals and the category of a person who has known the child or youth for 12 months allows for applicants to exercise choice. It allows the young person to choose an individual they trust to receive and process the necessary information. We note this option is also consistent with the recommendations of the Office of the Minister of Internal Affairs, and the DIA’s Regulatory Impact Statement on the Births Deaths Marriages and Relationships Registration Bill.\(^2\,^3\)

We raise the fact that children 15 years and under will not have the opportunity to exercise the choice of witness to their application as with older youth. We note that a majority of TGDNB people began questioning or exploring their gender prior to the age of 14 years.\(^4\) In circumstances where the population 15 years and younger do not have a supportive relationship with their guardian, they could be prevented from exercising their choice to update their gender marker to reflect their identity. This could occur, for example, for those who are in state care and those who are estranged from their legal guardian. This is not an uncommon experience – the *Counting Ourselves* survey found 17% of trans and non-binary youth (14-25 years) had experienced whānau/family members stop talking to them or end their relationship because of their gender identity.\(^1\)

*Time period for third parties*

We support the 12-month period of acquaintance required for any adult to support a 16- and 17-year-old applicant is an appropriate length of time. A relationship of a year or more is conducive to both parties having formed a good understanding of each other and a bond of trust and support.
Registered professionals

In line with the DIA’s Regulatory Impact Statement on the Births Deaths Marriages and Relationships Registration Bill, we recommend including a range of registered professionals who can act as third parties. This could include health professionals, counsellors, social workers, support workers and education professionals. Having a range of professionals will help to ensure the process is more accessible. Restricting third parties to health professionals, for example, could make it difficult for young people who do not have good access to healthcare or who have had a negative experience with their health professional.

If you have any questions about the submission, please contact Ms Jane Renwick, National Manager New Zealand. Ms Renwick can be contacted at jane.renwick@ranzcp.org or via phone at (04) 830 7184.

Nā māua noa, nā

A/Prof Susanna Every-Palmer  
Chair, Tu Te Akaaka Roa – New Zealand National Committee

Dr Tanya Wright  
Chair, New Zealand Faculty of Child and Adolescent Psychiatry Committee

References