

**The Hon. Kate Washington MP**

Minister for Families and Communities  
Minister for Disability Inclusion



Ref: EAP23/10723

Ms Helen Minnican  
Clerk of the Legislative Assembly  
Parliament House

26 September 2023

By email: [helen.minnican@parliament.nsw.gov.au](mailto:helen.minnican@parliament.nsw.gov.au)

Dear Ms Minnican,

**Petition – Allow transgender people to self-ID their legal gender**

Acting for and on behalf of the Attorney General, the Hon. Michael Daley MP, I refer to the petition presented on 22 August 2023 by Ms Jenny Leong MP, Member for Newtown, calling for reforms to the *Births, Deaths and Marriages Registration Act 1995* (**BDMR Act**) to allow trans and gender diverse people to self-nominate their preferred gender. The Attorney General has joint responsibility for the BDMR Act with the Minister for Customer Service and Digital Government, the Hon. Jihad Dib MP.

I acknowledge the concerns raised about the current requirements for changing sex markers on NSW birth certificates and the negative impact these have on the trans and gender diverse community. Under Part 5A of the BDMR Act, a person is required to undergo a 'sex affirmation procedure' to legally change their sex on their birth certificate. NSW is the only state in Australia with this requirement. The NSW Government supports the LGBTIQ+ community and is currently considering whether reforms to the BDMR Act are appropriate.

I note the petition refers to a requirement for a person to prove their identity to a 'Gender Recognition Panel' before they can change their sex marker on their birth certificate. This is not a requirement under the BDMR Act.

I thank Ms Leong and the signatories to the petition for their advocacy on this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kate Washington'.

**The Hon. Kate Washington MP**  
**Minister for Families and Communities**  
**Minister for Disability Inclusion**

CC: The Hon. Jihad Dib MP  
Minister for Customer Service and Digital Government