

Application to update sex marker on birth certificate

Aged 16 or 17



Internal Affairs
Te Tari Taiwhenua

Tono whakahou i te tohu ira tangata ki te tiwhikete whānau

16 me te 17 tau

BDM72

Use this form to update the sex marker on your New Zealand birth certificate if:

- your birth was registered in New Zealand
- you are aged 16 or 17, and
- you have not been in a marriage, civil union, or de facto relationship.

Me whakamahi i tēnei puka hei whakahou i te tohu ira tangata ki tō tiwhikete whānau o Aotearoa mēnā:

- i rēhitatia tō whānautanga mai i Aotearoa
- 16, 17 rānei ō tau, ā,
- kāore koe i mārena, kāore ō hononga ā-ture, hononga ā-whare rānei.

Before you apply

Guidelines for your new sex marker

You will need to select one of the following sex markers:

- female
- male
- non-binary.

Timeframe

To view our current timeframes for updating a sex marker on a birth certificate, go to:

govt.nz/bdmtimeframes.

If you have requested a certificate showing your new sex marker, allow extra time for postage.

If your application is not correct and complete, your application may be delayed.

Contact details

Website: govt.nz/bdm/contactus

Email: bdm.nz@dia.govt.nz

Only use email for enquiries about the form. To return the form, follow the postage instructions on page 13. Do not email the completed form to us.

Requirements

You will need to:

1. Have all your guardians sign their consent on page 6 of this form or provide a Letter of Support from a suitably qualified third party.
2. Provide a certified true copy of your current photo identification.
3. Make a statutory declaration on page 9–10 of this form.

Refer to pages 2–3 for further information about these requirements.

Include an official English translation of any document that is not in the English language.

1. Guardian consent or Letter of Support

What is a guardian?

A legal guardian is an adult who's responsible for the upbringing and care of a child. This is often both parents of the child. In some circumstances, it can be one parent or someone additional appointed by the Family Court.

You will need all of your guardians to provide a signature to show consent to your application to update the sex marker on your birth certificate.

If you have one guardian, or any additional guardians, your application will need to include a court document to show them being appointed. For one parent this is usually called a Sole Guardianship Order, or if you have more than two guardians, an Additional Guardianship Order.

In some circumstances a guardian may act alone if the other guardian(s) is/are dead, unknown, missing, of unsound mind or unable to act because of a medical condition. Note that a guardian is not missing if others know of their whereabouts, but they refuse to tell you.

What if my guardians do not consent?

You are able to apply to update the sex marker on your birth certificate with a Letter of Support from a suitably qualified third party.

The following professionals can provide a Letter of Support if they are registered in New Zealand:

- doctors
- psychologists
- psychotherapists
- nurses
- social workers
- registered counsellors

You can also get a Letter of Support from a person aged 18 years or over who has known you for 12 months or more.

What does the third party need to do?

The role of a third party will be to provide a Letter of Support that confirms that:

- you understand what it means to update the sex marker on your birth certificate; and
- it is something that you want to do.

The third party is not assessing if the change is in your best interest or if you physically conform to the sex marker you have requested.

2. Your current photo identification

You must provide a **certified true copy** of one of the following. It must include your photo.

- New Zealand or overseas passport (photo page only)
- New Zealand or overseas school photo ID
- New Zealand or international driver licence (copy of front and back)
- Overseas identity card

A certified true copy is a photocopy that has been stamped or endorsed by an authorised person. For example, a solicitor/lawyer, notary public, registrar of the court or Justice of the Peace. This confirms that the copy is a true copy of the original document.

If you do not have photo identification, you will also need to fill out a BDM76 Identity referee declaration form and attach it to this application. You can find this form at: govt.nz/birth-certificate-sex.

You must present your current photo identification or completed BDM76 form (with attached photo) to the person authorised to take a statutory declaration when you sign the declaration in front of them. They can certify your document at the same time.

3. Statutory declaration requirements

A statutory declaration is a written statement signed in front of an authorised person and declared to be true.

The people below are authorised to take a statutory declaration.

New Zealand

- Registrar of Births, Deaths and Marriages
- Justice of the Peace
- Registrar or a deputy registrar of the Supreme Court, Court of Appeal, High Court or a District Court
- Person enrolled as a barrister and solicitor of the High Court
- Any other person authorised by law to administer an oath

Commonwealth country other than New Zealand

- Commonwealth representative
- Justice of the Peace
- Notary Public
- Judge
- Commissioner of Oaths
- Solicitor of the High Court of New Zealand
- A person authorised by law to administer an oath for the purpose of judicial proceeding (examples on the next page)

Non-Commonwealth country

- Commonwealth representative
- Notary public
- Judge
- Solicitor of the High Court of New Zealand

Examples of people authorised by the law of Australia, England, Wales, Ireland, Northern Ireland and Scotland to administer an oath for the purpose of judicial proceeding:

Australia

Australian Police are not authorised to take this statutory declaration unless you are in the Northern Territory.

Australian pharmacists, optometrists and doctors are not authorised to take statutory declarations.

- Judge
- Notary public
- Justice of the Peace
- Solicitor of the High Court of New Zealand
- Australian legal practitioner
- Court clerk or registrar who certifies their authority to take an oath for a judicial proceeding
- Commonwealth representative

Also, if in Northern Territory

- Commissioner for Oaths (by personal appointment)
- Member of the Legislative Assembly
- Member of the house of the Parliament of the Commonwealth elected to represent the Territory or a constituency in the Territory
- Member of the police force who is 18 years or older

Also, if in Queensland

- Commissioner for Declarations
- Conveyancer

Also, if in South Australia

- Commissioner for Affidavits

Also, if in Western Australia

- A mining registrar appointed under the Mining Act 1978

England or Wales

- Judge
- Commissioner of Oaths (by personal appointment)
- Notary public
- Justice of the Peace
- Solicitor of the High Court of New Zealand
- Solicitor
- Barrister
- Legal executive
- Licensed conveyancer
- Court clerk or registrar who certifies their authority to take an oath for a judicial proceeding
- Commonwealth representative

Ireland or Northern Ireland

- Judge
- Notary public
- Justice of the Peace
- Solicitor
- Court clerk or registrar who certifies their authority to take an oath for a judicial proceeding
- Commonwealth representative
- Solicitor of the High Court of New Zealand

Scotland

- Judge
- Notary public
- Justice of the Peace
- Commonwealth representative
- Person authorised by the law of that country to administer an oath for the purpose of a judicial proceeding
- Solicitor of the High Court of New Zealand.

Privacy statement

The information provided on this form is collected under the Births, Deaths, Marriages, and Relationships Registration Act 2021 (the 'BDMRR' Act). A person who makes, or causes to be made, a false declaration on this form will be liable on conviction to a fine or term of imprisonment, or both. The new information will be held on a public register, and may generally be accessed by any person on application (e.g. as a certificate or printout). The Department of Internal Affairs may also release it to certain government agencies and foreign registration authorities, as authorised by law. The Department will notify the Passport service and the RealMe Identity Verification Service of the change in birth information accordance with section 107 of the BDMRR Act to ensure you do not have more than 1 identity recorded. This form and the details relating to your sex at birth will not be publicly available, except where the Registrar-General is satisfied the information is required in relation to the administration of an estate or trust, a marriage, or by order of a Court. A new birth registration will be made from the information provided. Corrections may be made as provided for in the BDMRR Act. The BDMRR Act governs access to registered information. Information about your rights to access and, where appropriate, correct the information is available on our website govt.nz/bdm or freephone 0800 22 52 52.

The information collected in your application may be used in statistical analysis and reporting for service improvement and business management purposes. Personal information will only be used where necessary for those purposes.

Data is stored, accessed and retained in accordance with our Privacy Policy, Information Management Policy, and the DIA Code of Conduct which incorporates our ICT and security policies, and in compliance with the Privacy Act 2020 and the Public Records Act 2005.

Fees statement

All fees are correct as at the form version date. All fees are in New Zealand dollars.

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Instructions:

- You can complete this form by hand or on-screen using Adobe Reader.
- You can use the Tab key to move to the next fillable form field in Adobe Reader.
- You must still print off the application and sign where applicable by hand.
- When you see this icon  it means you need to take extra care with your answers.

Please read the 'Before you apply' section (pages 1–4) of this application form carefully before you start. If your application is not correct and complete, your application may be delayed or unsuccessful.

1. My name

This is the current name on your birth certificate.

All first and middle names

Surname

2. My date of birth

Date (dd/mm/yyyy)

3. My place of birth

Town/city

Country

4. My contact details

Phone number

Email

My preferred name for contact purposes

5. I am making this application with (tick one):

- ☐ The consent of all my guardians ► Go to section 6 below
- ☐ A Letter of Support from a suitably qualified third party ► Go to the statutory declaration on page 8

See the guide notes on page 2 for information on guardian consent and who can supply a Letter of Support.

6. Guardian consent

If your application is made with guardian consent, all your guardians must sign below.
If you have 1 guardian or 1 of your guardians is acting alone, complete section 7.

I/we are the guardian(s) of the person whose registered sex marker is to be updated and I/we consent to the change as set out in this application by the applicant.

Guardian 1's full name

Guardian 1 signature

Date signed (dd/mm/yyyy)

Guardian 2's full name (if applicable)

Guardian 2 signature

Date signed (dd/mm/yyyy)

Guardian 3's full name (if applicable)

Guardian 3's signature

Date signed (dd/mm/yyyy)

Guardian 4's full name (if applicable)

Guardian 4's signature

Date signed (dd/mm/yyyy)

7. My guardian is acting alone (if applicable)

Complete this section if you have 1 guardian or 1 of your guardians is acting alone.
There are 6 statements to choose from. Select the statement that applies:

☐ **Statement 1:** My mother is my sole guardian because:

- I was conceived on or after 1 July 2005; and
- my mother was not married to, nor in a civil union with my father at any time from the time I was conceived to the time of my birth; and
- my mother was not living with my father as a de facto partner at any time during that period; and
- none of the exceptions below apply.

Exceptions to statement 1:

- My mother and father jointly registered my birth on or after 1 July.
- My father's details were included in my birth information on or after 1 July 2005 but before 24 January 2009.
- A testamentary guardian has been appointed by a deceased parent under section 26 (2) of the Care of Children Act 2004 or section 7 (2) of the Guardianship Act 1968
- The Family Court has appointed any other person(s) as a guardian.

☐ **Statement 2:** My mother is the sole guardian because I was born as a result of an assisted reproduction procedure (such as donor insemination) to my mother acting alone, and the donor is not my mother's partner (i.e. not in a marriage, civil union or de facto relationship), and the donor did not become my mother's partner between conception and notification of the birth for registration.

☐ **Statement 3:** The Family Court has given consent for my guardian to act alone.

Attach a copy of the Family Court order (not a Parenting order, previously known as a Custody order).

☐ **Statement 4:** A guardian is unable to act because of a medical condition or they are of unsound mind.

Provide evidence from a registered medical practitioner.

☐ **Statement 5:** A guardian is dead.

If they died in New Zealand, enter the deceased's name, date of death and place of death. If they died overseas, include a certified true copy (or original) of the deceased's death certificate

Full name of first deceased guardian

Date of death (dd/mm/yyyy)

Place of death (town or city, and country)

Statement 6 continues over the page

☐ **Statement 6:** A guardian is missing.

State the recent actions within the last 2 months that you have taken to contact the missing guardian and include the date you tried to contact them. This includes searching the electoral roles, the Internet, asking family and friends or former employers.

You must also state that you and all the people that know the guardian (which you have contacted) have no way of contacting them below.

I/we searched the electoral roles on this date:

Date (dd/mm/yyyy)

I/we asked friends on this date:

Date (dd/mm/yyyy)

I/we searched the Internet on this date:

Date (dd/mm/yyyy)

I/we asked their employers on this date:

Date (dd/mm/yyyy)

I/we asked family members on this date:

Date (dd/mm/yyyy)

Tick box to confirm:

☐ I/we and all people who known the guardian, who I/we have contacted, have no way of contacting the guardian.

If you could not attempt to contact the guardian with one of the above methods, attach a letter of explanation.

The next section is the Statutory Declaration. You will need to sign it in front of an authorised person. Refer to pages 2–3 for the list of people authorised to take a Statutory Declaration.



Statutory declaration

Take care completing this statutory declaration as you may be required to do it again if there are errors. All corrections must be:

- initialled
- dated, and
- witnessed by a person authorised to take a statutory declaration.

8. I,

Enter the name you are currently known by.

Full name

9. of

Enter your residential address. This cannot be a PO Box.

Street number and name

Suburb

Town or city

Country

10. a

Enter your occupation, for example, 'Student' or 'Landscape gardener'. If you have no occupation, enter 'No occupation'.

Occupation

11. I solemnly and sincerely declare that:

- *I identify as a person of the sex marker selected below; and*
- *I understand that any future birth certificates will show the selected sex marker in the sex field.*

Select one:

- ☐ Female
- ☐ Male
- ☐ Non-binary



12. Fill out and sign this section before a person authorised to take a statutory declaration

(Refer to pages 2-3 for the list of authorised people.)

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at (Town or city, and country)

this day of (dd/mm/yyyy)

by (Signature of applicant)



13. The person authorised to take a statutory declaration must complete this section

I am satisfied of the applicant's identity because (tick one):

- ☐ *I have sighted the applicant's original photo identification document from the list on page 2 (write document name and number below).*

Document name (e.g. New Zealand passport)

Document number (e.g. Passport number)

- ☐ *I have sighted the applicant's photo on a fully completed BDM76 Identity Referee form.*

Signature (Authorised person signs here)

Full name of authorised person

Qualification of authorised person

End of Statutory Declaration. Continue to sections 14-16 of the form.

14. Fees

The application fee to update your sex marker is \$55.

Birth certificate (additional fee)

You can order a birth certificate if you need a certificate that shows your new sex marker.

If you do not need a certificate to prove your new sex marker, this is optional.

There are several types and packages of birth certificate that you can select from.

Enter quantity:

<input type="text"/>	Standard certificate		\$33
<input type="text"/>	Forest style decorative certificate		\$35
<input type="text"/>	Beach style decorative certificate		\$35
<input type="text"/>	Two certificate package: beach style decorative and standard		\$55
<input type="text"/>	Two certificate package: forest style decorative and standard		\$55

15. Birth certificate delivery (if applicable)

If you have ordered a birth certificate, select a delivery method:

- | | |
|--|-------------|
| <input type="checkbox"/> I want the certificate(s) sent by standard post | \$0 |
| <input type="checkbox"/> I want the certificate(s) couriered to a New Zealand address | \$5 |
| <input type="checkbox"/> I want the certificate(s) couriered to an overseas address | \$15 - \$30 |
| Australia, Asia, Pacific: | \$15 |
| USA: | \$20 |
| Europe | \$25 |
| Rest of world: | \$30 |
| Includes: Azerbaijan, Armenia, Bulgaria, Bosnia and Herzegovina, Cyprus, Croatia, Greece, Georgia, Macedonia, Malta, Moldova | |

Contact us if you are unsure whether we can deliver to your country. Contact information is on page 1.

Delivery address:

Delivery name

Street number and name

Suburb

Town or city

Country

Postcode

Complete the payment section on the last page of the form.

16. Payment

Do not post cash or card. Do not email credit card details.

Charge my debit or credit card (Visa, MasterCard, American Express, Prezzy Card):

Card number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Card expiry date

		/		
--	--	---	--	--

Name on card

Cardholder signature

Next steps

Print and sign the form.

Post the form, appropriate fee(s), and documents to us.

New Zealand office:

Births, Deaths and Marriages
Department of Internal Affairs
PO Box 10-526
Wellington 6140
New Zealand

Sydney office:

Births, Deaths and Marriages
Department of Internal Affairs
GPO Box 365
Sydney
New South Wales 2001
Australia

London office:

Births, Deaths and Marriages
Department of Internal Affairs
1 Pall Mall East
London SW1Y 5AU
United Kingdom