

Responses to Questions on Notice or further information agreed to be supplied at the hearings

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Committee member
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Minister Natalie Hutchins
Aiv Puglielli
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Question:

Is it your assessment, Minister, that a state legislative change would circumvent the Commonwealth issue?

Transcript extract:

Aiv PUGLIELLI: Just looking at budget paper 3, page 134, the departmental objectives and the output services to the community, currently it is not possible to change your name on your marriage certificate. This is having an impact on trans and gender-diverse people in Victoria who may have changed their names since their marriage and would like to be able to update this important document in the same way that they can update their birth certificate. This is an update that would make a meaningful difference to many people. Are you aware, Minister, of this issue, and what steps are you taking to fix it?

Natalie HUTCHINS: Thank you. Yes, I am aware of this issue, and thank you for raising it here. The Victorian Registry of Births, Deaths and Marriages has recorded significant life events since, I think, the 1850s and will continue to deliver that service. We know that this is an issue that has been raised by members of the community, in particular around the name on marriage certificates. I understand the concerns that have been raised by members of the trans community regarding the inability to update names and gender markers on state-issued marriage certificates, even after changes have been made on other government documents. This limitation is imposed somewhat by the Commonwealth Marriage Act, which mandates that marriage certificates must reflect the details at the time of marriage. But we are looking at what options we can enforce to make this, I guess, streamlined and better at the point of contact for those that are making applications in regard to this. I just want to make sure that I get the figures right in terms of the application of the fees, so –

Aiv PUGLIELLI: Maybe instead of going on to fees, if that is okay, just in the interests of time, is it your assessment, Minister, that a state legislative change would circumvent the Commonwealth issue?

Natalie HUTCHINS: I might have to take that on notice. No, I do not think so, but I might have to get some more advice on that. What is important is that we are looking at individual cases. We have a capacity to look at individual cases. We support, obviously, change of sex and then change of name, and then it is what we could do around making sure that we can try to minimise the costs involved in those.

Answer:

Under the *Marriage Act 1961* (Cth), the official certificate of marriage must reflect the legal name and party descriptor (e.g. bride, groom) of each party at the time of the marriage. Concerns about retrospective amendments can be raised with the relevant Minister, being the Hon Michelle Rowland MP, Commonwealth Attorney General.

The Victorian Registry of Births, Deaths and Marriages continues to support Victoria’s transgender and gender diverse communities by waiving one of the fees where a person applies to change both their record of sex and name or waiving the certificate fees where a person is experiencing financial hardship. The Minister for Government Services, the Hon Natalie Hutchins, has requested that the Department of Government Services explore what else can be done to support trans and gender diverse communities to minimise costs and barriers to accessing identity documents.