

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN [SQUARE BRACKETS].

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**IN THE FAMILY COURT
AT NORTH SHORE**

**I TE KŌTI WHĀNAU
KI ŌKAHUKURA**

**FAM-2020-044-000028
[2020] NZFC 4376**

IN THE MATTER OF THE BIRTHS, DEATHS, MARRIAGES,
AND RELATIONSHIPS REGISTRATION
ACT 1995

BETWEEN [AMBER HANEY]
Applicant

AND REGISTRAR GENERAL; BIRTHS,
DEATHS & MARRIAGES
Respondent

Hearing: 15 June 2020

Appearances: Applicant appears in Person with G Webster as Counsel to Assist
No appearance by or for the Respondent

Judgment: 15 June 2020

ORAL JUDGMENT OF JUDGE T H DRUCE

[1] This records the outcome of a hearing held today where [Amber Haney] seeks an order, under s 28 Births, Deaths, Marriages, and Relationships Registration Act 1995, that her sex be shown on her birth certificate as female.

[2] This application was made in December last. Mr Webster was appointed counsel to assist. He has filed a memorandum setting out the applicable law and his

submissions based on that law. I have read that and agree with his summary. I note that he sees no evidence that would contraindicate the Court granting the application.

[3] The matter has proceeded today by formal proof. [Amber] is present in Court with a support person, who has also gone through the same process herself. The leading case is *Michael v Registrar-General of Births, Deaths and Marriages*.¹

[4] I have satisfied myself that all the jurisdictional requirements are met. [Amber] is now in her 70s so clearly the age requirement is met. The application has been served on the Registrar and there is record on the file that the Registrar does not seek to be heard. Effectively, the Registrar will abide the decision of the Court.

[5] I am satisfied that at birth [Amber]'s sex was registered as male.

[6] Comprehensive medical evidence is available, provided by way of reports and correspondence from General Practitioner, Dr [Atkins], specialist psychiatrist, Dr Ian Goodwin, and specialist surgeon, Dr Yang, establishing that the applicant has undergone medical treatment, both psychological and surgical, of a type sufficient to obtain physical conformation with her nominated female sex. She has gone through gender reassignment surgery. She has gone through the usual prior hormone treatment process from 2017 and there is clear opinion from the specialist that [Amber] intends to maintain her current gender identity of the nominated sex.

[7] With all of that well-established from the evidence and having heard from her today, I am satisfied that the case is made out and that the application is to be granted.

[8] Accordingly, a s 28 order is made in terms of the application filed.

Judge TH Druce
Family Court Judge

Date of authentication: 19/06/2020
In an electronic form, authenticated pursuant to Rule 206A Family Court Rules 2002.

¹ *Michael v Registrar-General of Births, Deaths and Marriages* (2008) 27 FRNZ 58.