



16 January 2026

The Hon. Jihab Dib MP

Minister for Customer Service and Digital Government
Minister for Emergency Services
Minister for Youth Justice
GPO Box 5341
Sydney, NSW, 2001

Sent via email: office@dib.minister.nsw.gov.au

Dear Minister Dib MP,

Re: Access to Justice Concerns – Fee Waivers and Identity Documents for Trans and Gender Diverse People in NSW

On behalf of the NSW Chapter of Pride in Law, we write to you to raise serious concerns about current fee waiver practices at the NSW Registry of Births, Deaths and Marriages (BDM), which are creating barriers for trans and gender diverse people experiencing financial hardship.

Pride in Law works to connect, support, and celebrate the diversity of the legal profession, while advocating for fairness, inclusion, and justice for LGBTQIA+ communities. Our NSW Chapter stands alongside the Inner City Legal Centre (ICLC) and other community stakeholders in calling for policy amendments to ensure all members of our community, regardless of financial status, can access affirming and accurate records of their identity.

Community legal centres have been assisting clients who cannot afford the costs associated with updating their identity documents and who have applied for fee relief in good faith. They have now been advised by the Registrar that, while the \$70 certificate fee may be waived, BDM will not consider waiving the \$195 fee to register a change of name or the \$70 fee to register a change of sex or gender.

The practical effect of this policy is that trans and gender diverse people are unable to access legal recognition of their name or gender unless they can pay hundreds of dollars upfront. This is further exasperated by the fact that many of applicants are pension or concession recipients or otherwise experiencing financial hardship. Applications are not being refused on the merits, but because applicants cannot afford to proceed.

We respectfully raise our concerns that these practices represent a serious obstruction for the LGBTQIA+ community to their human rights and their access to justice. Accurate identity documents are foundational to participation in public life. Without them, individuals face barriers to



PRIDE IN LAW



AUSTRALIA'S NATIONAL LGBTIQA+ LAW ASSOCIATION

Pride in Law is a National LGBTIQA+ Law Association that became a company limited by guarantee for a charitable purpose. Pride in Law is also registered as a charity with the Australian Charities and Not-For-Profits Commission.

healthcare, housing, employment, education, and interaction with government agencies. When cost alone prevents people from obtaining legal recognition of their identity, the administrative system ceases to operate equitably.

We are aware of a recent case in which a young person on an income support scheme, who had clearly articulated personal hardship, lodged their paperwork with Services NSW in early October and waited months for an outcome, only to receive an email demanding payment of \$265 before their application could be assessed. Like many others in the community, the process was undertaken in good faith and with the support of a community legal centre. They simply want their identity documents to reflect who they are without significant barriers to do so.

It is also notable that this approach is inconsistent with other jurisdictions. In Victoria, there are no fees for trans and gender diverse people to update their name or gender on birth certificates. NSW's policy settings therefore risk entrenching inequality and placing the burden of systemic barriers onto community legal centres and charitable organisations, rather than addressing the issue at a structural level.

While ICLC has stepped in to cover these fees for clients in hardship, reliance on charity is not a substitute for fair and accessible public administration. Access to justice should not depend on a person's financial means or the capacity of community organisations to absorb government-imposed costs.

We respectfully urge you to review the fee-waiver framework at BDM to ensure that:

- hardship relief is available for all components of name and gender registration;
- fee-waiver decisions are made consistently and transparently; and,
- NSW policy aligns with principles of equality before the law and best practice nationally.

This is a policy issue that can be addressed through ministerial leadership. The NSW Chapter of Pride in Law stands ready to engage constructively with your office, alongside community legal centres and affected stakeholders, to support reform that ensures trans and gender diverse people in NSW are not excluded from legal recognition due to financial hardship.

We invite you to contact us, and the ICLC, to organise an opportunity for constructive and collaborations between our organisations, and other affected organisations and stakeholders, and the NSW Government.

You now have a pivotal opportunity to lead the State, and the nation, in advancing LGBTQIA+ equality through providing equitable access to justice. The NSW Chapter of Pride in Law and our network of legal professionals stand ready to support the Government in this critical work.

Thank you for your leadership and commitment to building a fairer, more inclusive New South Wales.

Kind regards,



www.prideinlaw.org



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