



HIGH COURT OF AUSTRALIA

2 April 2014

NSW REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES v NORRIE [2014] HCA 11

Today the High Court unanimously held that the *Births, Deaths and Marriages Registration Act* 1995 (NSW) permits the Registrar to register that a person's sex is "non-specific".

Norrie, who had undergone a "sex affirmation procedure", applied to the Registrar under the Act to register both a change of sex to "non-specific" and a change of name.

The Registrar issued Norrie a Change of Sex certificate and a Change of Name certificate, both of which recorded Norrie's sex as "not specified". Later, the Registrar advised Norrie that the Change of Sex certificate was invalid, and re-issued a Change of Name certificate which recorded Norrie's sex as "not stated".

Norrie lodged an application for review of the Registrar's decision in the Administrative Decisions Tribunal (NSW). The Tribunal rejected Norrie's application, holding that it was not open to the Registrar to record Norrie's sex as "non-specific". The appeal panel of the Tribunal dismissed an appeal against that decision. Norrie's appeal to the Court of Appeal was upheld.

By special leave, the Registrar appealed to the High Court. The issue was whether it was within the Registrar's power to record the sex of a person as "non-specific".

The High Court decided that the Act recognises that a person may be neither male nor female, and so permits the registration of a person's sex as "non-specific". The High Court ordered that Norrie's applications be remitted to the Registrar for determination in accordance with its reasons and otherwise dismissed the appeal.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*