September 27, 2016

Dear [Name] [s.40(1)]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-044-2016]

On August 18, 2016, Service NL received your request for access to the following records:

“All documents relating to the age requirement for an application for a change of name under the Change of Name Act, subsection 4(1), including: all letters, memoranda, missives, messages, notes, e-mails, voicemails, correspondence, communications, records, forms, internal directives, internal guidelines and handbooks, administrative opinions, recommendations, draft and current legislation and related documents, draft and current regulations and related documents and analysis.

In particular, and without limiting the previous request, all documents that may explain why the age requirement for a change of name was changed from “the age of majority” to “the age of 16 years” under the Change of Name Act following the Act to Amend the Change of Name Act of 2016 (i.e. Bill 8 of the 48th General Assembly).”

Further to your request, please be advised that a decision has been made by Service NL that access to some of the records you have requested cannot be provided as the documents contain either legal advice provided to Service NL from a law officer of the Crown, as well as documents that would reveal the deliberations of Cabinet. Specifically, this means that pages 35-123 of the documents cannot be provided. These exemptions are in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Section 27(1) In this section, "cabinet record" means

(c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;

(e) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet;

(h) a record created during the process of developing or preparing a submission for the Cabinet;"

Section 27(2)(a) “The head of a public body shall refuse to disclose to an applicant a cabinet record”

Section 30(1)(b): “The head of a public body may refuse to disclose to an applicant information that would disclose legal opinions provided to a public body by a law officer of the Crown.”

P.O. Box 8700, St. John's, NL, Canada A1B 4J6 Telephone 709.729.7437 Fax 709.729.4754
In addition, specific lines of text found on page 5 also cannot be released in accordance with the following sections of the Act:

Section 34(1)(b): “The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.”

Further to your request, I would like to take this opportunity for provide you with an additional explanation as to why changes were made to the Change of Name Act, 2009. The amendments to the Change of Name Act, 2009, were completed for consistency with amendments to the Vital Statistics Act, 2009, specifically in relation to the age requirements for applying for a change of name. Section 4 of the Change of Name Act, 2009, lists the requirements for a person to make an application under the Act to change his or her name. Prior to the amendments, Section 4 stated that an applicant applying to change their name must have reached the age of majority, which is 19 years old in Newfoundland and Labrador. This did not match with the amendments to the Vital Statistics Act, 2009 which allowed for individuals to apply to change their sex designation at the age of 16 or older without parental/guardian consent. Furthermore, the definition of "child" in the Change of Name Act, 2009 was amended for consistency to refer to persons under the age of 16 as it previously referred to under the 'age of majority'.

The Bills for the Vital Statistics Act, 2009 and the Change of Name Act, 2009, can be found on the House of Assembly website at the following link:
- http://www.assembly.nl.ca/business/bills/ga48session1.htm

Both the amended Vital Statistics Act, 2009 and the Change of Name Act, 2009 can be found the following link:

In addition, the debate in the Newfoundland and Labrador House of Assembly for the two Bills can be found at the following links:
- http://www.assembly.nl.ca/business/hansard/ga48session1/16-03-17.htm first reading, dated March 17, 2016;
- http://www.assembly.nl.ca/business/hansard/ga48session1/16-04-12.htm second reading debate, dated April 12, 2016; and

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided some additional information.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference).

A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.
The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-7437 or by email at ellenhaskell@gov.nl.ca.

Sincerely,

ELLEN HASKELL
ATIPP Coordinator

Enclosures
Access or correction complaint (Section 42)

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

   a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

   a) a request that is disregarded under section 21;

   b) a decision respecting an extension of time under section 23;

   c) a variation of a procedure under section 24; or

   d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant (Section 52)

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

   a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).
Megan Collins, B.A., M.A.
Director
Policy and Strategic Planning

Service NL
Government of Newfoundland and Labrador
2nd Floor West Block, Confederation Building
P.O. Box 8700 St. John's, NL A1B 416
megan.collins@gov.nl.ca
t: 709.729.6470 f: 709.729.4754
www.servicenl.gov.nl.ca

From: Kelland, Donna
Sent: Wednesday, April 15, 2015 5:06 PM
To: Collins, Megan
Subject: FW: Vital Statistics Act - NS Bill

FYI. more to follow re BC

From: Maher, James E.
Sent: Wednesday, April 15, 2015 4:59 PM
To: Kelland, Donna
Cc: Barrowman, Barbara G.; Stokes, Raylene V. M.; Osborne, Philip; King, Susan
Subject: FW: Vital Statistics Act - NS Bill

Donna,

Below is some information about the Nova Scotia amendments introduced in their legislature last week. Some members of the trans community made submissions to the legislature committee reviewing the bill. These may be of interest for your policy review.

Jim

From: Barrowman, Barbara G.
Sent: Wednesday, April 15, 2015 4:39 PM
To: Maher, James E.
Subject: Vital Statistics Act - NS Bill

Jim,

As Donna was mentioning, the NS government tabled a bill last week to make amendments to their Change of Name Act and Vital Statistics Act. See:

Bill summary and progress of the bill to date:

The bill as introduced:
http://nslegislature.ca/legc/bills/62nd_2nd/1st_read/b082.htm

Written submissions to the Law Amendments Committee:
http://nslegislature.ca/pdfs/committees/62_2_LACSubmissions/BillB2.pdf

Barb

Barbara Barrowman
 Solicitor, Civil Division
Office of the Attorney General
Department of Justice and Public Safety
Government of Newfoundland and Labrador
tel. (709) 729-0448, fax (709) 729-2129
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Haskell, Ellen

From: Mullaly, Ken
Sent: Monday, September 19, 2016 3:19 PM
To: Haskell, Ellen
Subject: FW: Age for Legal Name Change and Change of Sex Designation

Ellen,

FYI

Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca

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From: Mullaly, Ken
Sent: Tuesday, March 22, 2016 3:39 PM
To: 'Dewey, Krista M'
Subject: RE: Age for Legal Name Change and Change of Sex Designation

Thanks Krista

Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca

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From: Dewey, Krista M [mailto:Krista.Dewey@novascotia.ca]
Sent: Tuesday, March 22, 2016 3:36 PM
To: Mullaly, Ken; “Jack Shewchuk” (jack.shewchuk@gov.bc.ca); ‘Schmidt, Alexandra (SO)’ (Alexandra.Schmidt@ontario.ca); ‘Cheryl Charlie’; “Eileen Joly” (eileen.joly@gov.ab.ca); ’Jenetta Day’ (jenetta.day@gov.nt.ca); ‘Jeniffer_Anawak@gov.nt.ca’; ’Dubé, Josée (SNB)’ (Josee.Dube@snb.ca); ”Mona Bichai” (mona.bichai@gov.ab.ca); ’Jhilsen@gov.pe.ca’; , “Annamarie Hedley” (ahedley@gov.nu.ca); ‘Pat Dean’; ‘Koss, Denise (Denise.Koss@gov.mb.ca)’
Subject: RE: Age for Legal Name Change and Change of Sex Designation

From: Mullaly, Ken [mailto:kmullaly@gov.nl.ca]
Sent: Tuesday, March 22, 2016 2:22 PM
To: ’Jack Shewchuk’ (jack.shewchuk@gov.bc.ca) <jack.shewchuk@gov.bc.ca>; Schmidt, Alexandra (SO) (Alexandra.Schmidt@ontario.ca) <Alexandra.Schmidt@ontario.ca>; Cheryl Charlie <Cheryl.Charlie@gov.nu.ca>; ’Eileen Joly’ (eileen.joly@gov.ab.ca) <eileen.joly@gov.ab.ca>; ’Jenetta Day’ (jenetta.day@gov.nt.ca) <jenetta.day@gov.nt.ca>; ’Jeniffer_Anawak@gov.nt.ca’ <Jeniffer_Anawak@gov.nt.ca>; ’Dubé, Josée (SNB)’ (Josee.Dube@snb.ca) <Josee.Dube@snb.ca>; ”Mona Bichai” (mona.bichai@gov.ab.ca); Dewey, Krista M <Krista.Dewey@novascotia.ca>; Jhilsen@gov.pe.ca; ’Annamarie Hedley’ (ahedley@gov.nu.ca) <ahedley@gov.nu.ca>; Pat Dean <Pat.Dean@ehealthsask.ca>; Koss, Denise (Denise.Koss@gov.mb.ca) <Denise.Koss@gov.mb.ca>
Subject: Age for Legal Name Change and Change of Sex Designation

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change
Adult – What age? 16
Child – What age? Parent must be the applicant

Change of Sex Designation
Adult – What age? 16
Child – What age? Only the person whose designation is to be changed can apply
No lower age limited
Parental consent required for age 15 and under
Statement of competency from a physician or psychologist required

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca

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Ken,

All change of names require the client to be 19 years old. For those under the age of 19, we require consent from the parents or guardians depending upon the circumstances.

Jenetta

Jenetta Day
Registrar General | Registraire générale
Department of Health and Social Services | Ministère de la Santé et des Services sociaux
Government of the Northwest Territories | Gouvernement des Territoires du Nord-Ouest
Bag Service #9 | Sac postal 9
Inuvik NT X0E 0T0
107 MacKenzie Road, 2nd Floor, IDC Building | 107, chemin Mackenzie, immeuble IDC, 2e étage
Tel. | Tél. : 800-661-0830, ext. | poste 134
Fax | Téléc. : 867-777-3197
E-mail | Courriel : jenetta_day@gov.nt.ca
www.hss.gov.nt.ca

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From: Mullaly, Ken [mailto:kmullaly@gov.nl.ca]
Sent: Tuesday, March 22, 2016 11:22 AM
To: ‘Jack Shewchuk’ (jack.shewchuk@gov.bc.ca); Schmidt, Alexandra (SO) (Alexandra.Schmidt@ontario.ca); Cheryl Charlie; ‘Eileen Joly’ (eileen.joly@gov.ab.ca); Janetta Day; ‘Jennifer_Anawak@gov.nt.ca’; Dubé, Josée (SNB) (Josee.Dube@snb.ca); ‘Mona Bichai’ (mona.bichai@gov.ab.ca); ‘Dewey, Krista M’ (Krista.Dewey@novascotia.ca); Jhlarsen@gov.pe.ca; ‘Annamarie Hedley’ (ahedley@gov.nu.ca); Pat Dean; Koss, Denise (Denise.Koss@gov.mb.ca)
Subject: Age for Legal Name Change and Change of Sex Designation

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change
Adult – What age?
Child – What age?

Change of Sex Designation
Adult – What age?
Child – What age?

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca

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Haskell, Ellen

From: Cheryl.Charlie@gov.yk.ca
Sent: Tuesday, March 22, 2016 9:10 PM
To: Mullaly, Ken; jack.shewchuk@gov.bc.ca; Alexandra.Schmidt@ontario.ca; ellen.joly@gov.ab.ca; jenetta_day@gov.nt.ca; Jennifer.Anawak@gov.nt.ca; Josee.Dube@snb.ca; mona.bichai@gov.ab.ca; Krista.Dewey@novascotia.ca; jhlarsen@gov.pe.ca; ahedley@gov.nu.ca; Pat.Dean@ehealthsask.ca; Denise.Koss@gov.mb.ca
Subject: RE: Age for Legal Name Change and Change of Sex Designation

From: Mullaly, Ken [mailto:kmullaly@gov.nl.ca]
Sent: Tuesday, March 22, 2016 10:22 AM
To: 'Jack Shewchuk' (jack.shewchuk@gov.bc.ca) <jack.shewchuk@gov.bc.ca>; Schmidt, Alexandra (SO) (Alexandra.Schmidt@ontario.ca) <Alexandra.Schmidt@ontario.ca>; Cheryl.Charlie <Cheryl.Charlie@gov.yk.ca>; 'Eileen Joly' (ellen.joly@gov.ab.ca) <ellen.joly@gov.ab.ca>; 'Jenetta Day' (jenetta_day@gov.nt.ca) <jenetta_day@gov.nt.ca>; 'Jennifer Anawak@gov.nt.ca' <Jennifer.Anawak@gov.nt.ca>; Dubé, Josée (SNB) (Josee.Dube@snb.ca) <Josee.Dube@snb.ca>; 'Mona Bichai' (mona.bichai@gov.ab.ca) <mona.bichai@gov.ab.ca>; 'Dewey, Krista M' (Krista.Dewey@novascotia.ca) <Krista.Dewey@novascotia.ca>; jhlarsen@gov.pe.ca; 'Annamarie Hedley' (ahedley@gov.nu.ca) <ahedley@gov.nu.ca>; Pat Dean <Pat.Dean@ehealthsask.ca>; Koss, Denise (Denise.Koss@gov.mb.ca) <Denise.Koss@gov.mb.ca>
Subject: Age for Legal Name Change and Change of Sex Designation

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change
Adult – What age? 18
Child – What age? 0-17

Change of Sex Designation
Adult – What age? 18
Child – What age? Not allowed for Yukon

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729.6340
kmullaly@gov.nl.ca

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Please see responses for Ontario below.

Alex

Sent from my BlackBerry 10 smartphone.

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change

Adult – What age? 16 and older

Child – What age? Under 18

Change of Sex Designation

Adult – What age? 16 and older

Child – What age? Under 18

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Hi Ellen,

FYI

Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca

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-----Original Message-----
From: Mullaly, Ken
Sent: Wednesday, March 23, 2016 8:11 AM
To: 'Schmidt, Alexandra (MGCS)'
Subject: RE: Age for Legal Name Change and Change of Sex Designation

Thanks Alex

Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca

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-----Original Message-----
From: Schmidt, Alexandra (MGCS) [mailto:Alexandra.Schmidt@ontario.ca]
Sent: Wednesday, March 23, 2016 1:44 AM
To: Mullaly, Ken; 'Jack Shewchuk' (jack.shewchuk@gov.bc.ca); Cheryl Charlie; 'Eileen Joly' (eileen.joly@gov.ab.ca);
'Jenetta Day' (jenetta_day@gov.nt.ca); 'Jennifer_Anewak@gov.nt.ca'; Dubé, Josée (SNB) (Josee.Dube@snb.ca); 'Mona
Bichai' (mona.bichai@gov.ab.ca); 'Dewey, Krista M' (Krista.Dewey@novascotia.ca); Jhlarsen@gov.pe.ca; 'Annamarie
Hedley' (ahedley@gov.nu.ca); Pat Dean; Koss, Denise (Denise.Koss@gov.mb.ca)
Subject: Re: Age for Legal Name Change and Change of Sex Designation

Please see responses for Ontario below.

Alex

Sent from my BlackBerry 10 smartphone.
From: Mullaly, Ken
Sent: Tuesday, March 22, 2016 1:24 PM
To: 'Jack Shewchuk' (jack.shewchuk@gov.bc.ca); Schmidt, Alexandra (MGCS); Cheryl Charlie; 'Eileen Joly'
(eileen.joly@gov.ab.ca); 'Jenetta Day' (jenetta_day@gov.nt.ca); 'Jennifer_Anewak@gov.nt.ca'; Dubé, Josée (SNB)
(Josee.Dube@snb.ca); 'Mona Bichai' (mona.bichai@gov.ab.ca); 'Dewey, Krista M' (Krista.Dewey@novascotia.ca);
Jhlarsen@gov.pe.ca; 'Annamarie Hedley' (ahedley@gov.nu.ca); Pat Dean; Koss, Denise (Denise.Koss@gov.mb.ca)
Subject: Age for Legal Name Change and Change of Sex Designation

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change

Adult – What age? 16 and older
Child – What age? Under 18

Change of Sex Designation

Adult – What age? 16 and older
Child – What age? Under 18

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca<mailto:kmullaly@gov.nl.ca>
Hi Ken,

Information for Manitoba is as follows:

Legal Name Change
Adult – What age? 18+
Child – What age? Parents/guardians apply on behalf of their children up to the age of 18

Change of Sex Designation
Adult – What age? 18+
Child – What age? Mature minors (deemed mature by health practitioner to make health related decisions)

Warm regards,

Alena Lukes

Alena Lukes
Senior Legislative, Policy & Privacy Analyst and Confidential Services Manager / Analyste législative, des politiques, et de la confidentialité et Gestionnaire de l’unité des services confidentiels
Vital Statistics Agency / Bureau de l’état civil
Manitoba Tourism, Culture, Sports and Consumer Protection / Manitoba Tourisme, Culture, Patrimoine, Sport et Protection du consommateur
254 Portage Avenue / 254, avenue Portage
Winnipeg, Manitoba R3C 0B6
Phone / Téléphone: 1-204-945-5184
Fax / Télécopieur: 1-204-948-2885
Email / Courriel: Alena.Lukes@gov.mb.ca

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From: Mullaly, Ken <kmullaly@gov.nl.ca>
Sent: Tuesday, March 22, 2016 12:25 PM
To: 'Jack Shewchuk' (jack.shewchuk@gov.bc.ca); Schmidt, Alexandra (SO) (Alexandra.Schmidt@ontario.ca); Cheryl Charlie; 'Eileen Joly' (eileen.joly@gov.ab.ca); 'Lenetta Day' (lenetta.day@gov.nt.ca); 'Jennifer Anawak@gov.nt.ca'; Dubé, Josée (SNB) (Josee.Dube@snb.ca); 'Mona Bichai' (mona.bichai@gov.ab.ca); 'Dewey, Krista M' (Krista.Dewey@novascotia.ca); Thilarsen@gov.pe.ca; 'Annemarie Hedley' (ahedley@gov.nu.ca); Pat Dean; Koss, Denise
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Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change
Adult – What age?
Child – What age?

Change of Sex Designation
Adult – What age?
Child – What age?

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729.6340
kmullaly@gov.nl.ca

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Hi Ken,

Please see Alberta’s responses below.

Eileen

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change
Adult – What age? 18
Child – What age? 17 and under. From 12 to 17 years of age, consent is required from the minor for the name change.

Change of Sex Designation
Adult – What age? 18
Child – What age? 17 and under. From 12 to 17 years of age, consent is required from the minor for change of sex.

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

Service NL
149 Smallwood Drive
Motor Registration Building, Mount Pearl
709.729-6340
kmullaly@gov.nl.ca
Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Vincent, Wanda L VSA:EX <Wanda.Vincent@gov.bc.ca>
Sent: Wednesday, March 23, 2016 4:56 PM
To: Shewchuk, Jack VSA:EX
Subject: RE: Age for Legal Name Change and Change of Sex Designation

Under Amendment to sex designation is states in - section 27(2) (d) in the case of a minor, the consent of all parents having guardianship and all other guardians of the minor.

We have two separate forms, one for Adults and one for Minors (age is not specified)

Application for Change of Gender Designation (Adult) - Changing BC Birth Certificate
http://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509a_fill.pdf

Application for Change of Gender Designation (Minor) - Changing BC Birth Certificate
http://www2.gov.bc.ca/assets/gov/health/forms/vital-statistics/vsa509c_fill.pdf

Wanda Vincent, Regional Manager
Vital Statistics Agency
Health Sector Information, Analysis and Reporting Division Ministry of Health Province of British Columbia
Phone: 250 952-9092
Email: Wanda.Vincent@gov.bc.camailto:Wanda.Vincent@gov.bc.ca>
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From: Shewchuk, Jack VSA:EX
Sent: Wednesday, March 23, 2016 4:26 PM
To: Vincent, Wanda L VSA:EX
Subject: FW: Age for Legal Name Change and Change of Sex Designation

Jack Shewchuk CPA (CA)
Registrar General
Vital Statistics Agency
Health Sector Information, Analysis and Reporting Ministry of Health
From: Mullaly, Ken [mailto:kmullaly@gov.nl.ca]
Sent: Tuesday, March 22, 2016 10:22 AM
To: Shewchuk, Jack; VSA:EX; Schmidt, Alexandra (SO)
(Alexandra.Schmidt@ontario.ca<mailto:Alexandra.Schmidt@ontario.ca>); Cheryl Charlie; 'Eileen Joly'
(eileen.joly@gov.ab.ca<mailto:eileen.joly@gov.ab.ca>); 'Jenetta Day'
(jenetta_day@gov.nt.ca<mailto:jenetta_day@gov.nt.ca>); 'Jennifer.Anawak@gov.nt.ca'; Dub?, Jos?e (SNB)
( josek.dube@snb.ca<mailto:josek.dube@snb.ca>); 'Mona Bichai'
(mona.bichai@gov.ab.ca<mailto:mona.bichai@gov.ab.ca>); 'Dewey, Krista M'
(Krista.Dewey@novascotia.ca<mailto:Krisa.Dewey@novascotia.ca>); Ihlarsen@gov.pe.ca<mailto:Ihlarsen@gov.pe.ca>;
'Annamarie Hedley' (ahedley@gov.nu.ca<mailto:ahedley@gov.nu.ca>); Pat Dean; Koss, Denise
(Denise.Koss@gov.mb.ca<mailto:Denise.Koss@gov.mb.ca>)
Subject: Age for Legal Name Change and Change of Sex Designation

Good day everyone,

I was looking at confirming the age to do a Legal Name Change and Change of Sex Designation in your jurisdiction.

Legal Name Change
Adult - What age?
Child - What age?

Change of Sex Designation
Adult - What age?
Child - What age?

Thanks Ken

Ken Mullaly
Registrar, Vital Statistics

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Q and As
Vital Statistics Act Amendments
April 2016

Why are these amendments taking place?

Under the current legislation, individuals who wish to change their gender designation on their birth registration or marriage registration, must first undergo sex reassignment surgery.

The proposed amendments being presented here today will enable a person to change the gender designation on a birth registration or marriage registration without having to undergo surgery.

These amendments to the Act respond to changes that have been requested by LGBTQ advocates, as well as a recent human rights ruling.

Other jurisdictions have recognized similar concerns with their legislation, and the amendments we are making today reflect changes that have already been made in some other provinces.

What do the amendments involve?

Under the proposed amendments, individuals aged 16 and older will be able to apply to change their gender marker on birth and/or marriage registrations, without the need to undergo surgery. Those under the age of 16 will require a parent or guardian to make an application on their behalf.

These age limits are consistent with other provincial legislation that allows individuals 16 and older to make significant decisions on their own behalf.

As part of the application process, a person requesting a change in gender marker will have to provide a declaration stating they identify with, and intend to maintain, his or her chosen gender identity.

Applicants must also provide a supporting statement from a registered medical practitioner, psychologist, nurse practitioner, registered nurse, or social worker.

In order to ensure consistency with other legislation, we are also proposing an amendment to the Change of Name Act, 2009 with respect to age requirements.
Why does the Change of Name Act also have to be amended?

Currently a person must be 19 years or older in order to independently apply for a change of name.

To maintain consistency across provincial legislation, we will need to amend the Change of Name Act, 2009 to allow someone who is 16 or older to change their name, in addition to changing their gender marker.

This is done simply by changing the definition of “child” under the Change of Name Act to a person under the age of 16 years and by allowing a person 16 or older to make an application to change their name.

Why does there have to be corroboration of a persons’ wish to change his or her gender marker?

Applicants must provide a supporting statement from a registered medical practitioner, psychologist, nurse practitioner, registered nurse, or social worker that confirms that the gender designation being applied for is consistent with the gender with which the individual identifies.

This approach is in keeping with the professional corroboration already required for birth registrations in general, and is designed to maintain the integrity of the registries.

Requiring professional confirmation is also consistent with what is being done in other jurisdictions.
How did you arrive at the policies around age?

Under the proposed amendments, individuals aged 16 and older will be able to apply to change their gender marker on birth and/or marriage registrations, as well as the associated certificates, without the need to undergo surgery.

Those under the age of 16 will require a parent or guardian to make an application on their behalf.

These age limits are consistent with other provincial legislation that allows individuals 16 and older to make significant decisions on their own behalf.

Allowing individuals 16 and older to apply on their own behalf is also consistent with some of the other jurisdictions which have removed the requirement for surgery.

In the case of an application for a child under the age of 12, two supporting statements from separate professionals will be required in order to ensure protection of the child’s rights.

Why include gender markers at all on birth certificates and marriage licenses?

This practice is consistent with practices in place throughout Canada.

It should be noted that many systems require sex designation on official documentation, including travel documentation, and researchers track the number of boys and girls born for statistical purposes. Not including gender marker information would interfere in these areas.
HOUSE OF ASSEMBLY SPEECH
The Honourable Eddie Joyce, Minister of Service NL
Amendment to the Vital Statistics Act Re: Gender Designation
Amendment to the Change of Name Act, 2009: Re: Age Limits
March__, 2016

• Mr. Speaker I rise in this Honourable House today to open
debate on amending the Vital Statistics Act, 2009 and making a
consequential amendment to the Change of Name Act, 2009.

• The Vital Statistics Act, 2009 governs the registration of births,
maririages, deaths, and other vital events or information,
including gender designation.

• Under the current legislation, individuals who wish to change
their gender designation on their birth registration or marriage
registration, must first undergo sex reassignment surgery.

• The proposed amendments being presented here today will
enable a person to change the gender designation on a birth
registration or marriage registration without having to undergo
surgery.
• These amendments to the Act respond to changes that have been requested by LGBTQ advocates, as well as a recent human rights ruling.

• For advocates, this issue speaks to a person’s right to self-expression, safety, and privacy.

• Other jurisdictions have recognized similar concerns with their legislation, and the amendments we are making today reflect changes that have already been made in some other provinces.

• With the passing of this amendment, Newfoundland and Labrador will join Ontario, British Columbia, Alberta, Manitoba, and Nova Scotia in allowing a change of gender designation on birth registrations and marriage registrations without the need for surgery.

• Mr. Speaker, at this time I would like provide this Honourable House with more detail on the amendments we are seeking.
• Under the proposed amendments, individuals aged 16 and older will be able to apply to change their gender marker on birth and/or marriage registrations without the need to undergo surgery.

• Those under the age of 16 will require a parent or guardian to make an application on their behalf.

• These age limits are consistent with other provincial legislation that allows individuals 16 and older to make significant decisions on their own behalf.

• For instance, a 16 year old can make an advance health care directive under the *Advance Health Care Directives Act*. In addition, they are no longer considered a “child” under the *Children and Youth Care and Protection Act*) and may make certain decisions about their own well-being independently.

• Allowing individuals 16 and older to apply on their own behalf is also consistent with some of the other jurisdictions which have removed the requirement for surgery.
• As part of the application process, a person requesting a change in gender marker will have to provide a declaration stating they identify with, and intend to maintain, his or her chosen gender identity.

• Applicants must also provide a supporting statement from a registered medical practitioner, psychologist, nurse practitioner, registered nurse, or social worker that confirms that the gender designation being applied for is consistent with the gender with which the individual identifies.

• Whether an individual lives in an urban or rural community, they should be able to access at least one of these types of professionals to assist with their application.

• In the case of an application for a child under the age of 12, two supporting statements from separate professionals will be required in order to ensure protection of the child’s rights.

• The proposed approach is in keeping with the professional corroboration already required for birth registrations in general, and is designed to maintain the integrity of the registries.
• Requiring professional confirmation is also consistent with what is being done in other jurisdictions.

• Mr. Speaker, in order to ensure consistency with other legislation, we are also proposing an amendment to the Change of Name Act, 2009 with respect to age requirements.

• Currently a person must be 19 years or older in order to independently apply for a change of name.

• To be consistent with the amendments to the Vital Statistics Act, we need to amend this other legislation to allow someone who is 16 or older to change their name, in addition to changing gender.

• This is done simply by changing the definition of “child” under the Change of Name Act to a person under the age of 16 years and by allowing a person 16 or older to make an application to change their name.
• Mr. Speaker, it is important to note that Newfoundlanders and Labradors have been able to apply for a change of gender designation on their birth and/or marriage registrations since December of 2015.

• To date, more than 20 people have availed of this opportunity since it became available in December.

• Government's policies were changed at that time in response to an order issued by a Board of Inquiry that was established by the Provincial Human Rights Commission to address this issue.

• The order required that transgender individuals would no longer have to undergo reassignment surgery in order to have their gender marker changed on their birth or marriage registrations.

• This effectively made that requirement of the existing Vital Statistics Act null and void.
• Service NL responded to the order in a matter of days, to accommodate those who wanted to make changes to the gender marker on their birth or marriage registrations.

• While the order from the Human Rights Commission was effective in allowing the department to change its processes, it did not, in and of itself, actually change the legislation.

• As such, amendments to the legislation are necessary to reconcile the gap between our practices and the legislative provisions.

• Mr. Speaker, we believe the proposed amendment will support inclusion in our society, and address some of the barriers that transgendered people experience in our society.

• This amendment is about ensuring the safety and dignity of transgender individuals and, as I noted previously, this is something that has been advocated for by the LGBTQ community for some time.
• Mr. Speaker, as this amendment respects and protects the dignity of transgender individuals, we hope to have the cooperation of all Honourable Members in passing it.

• When an individual's gender identity and gender expression do not match their identification documents, they can experience anxiety and invasion of their privacy and sense of security.

• This amendment will help transgender people to not have to explain themselves to strangers.

• This may also help to avoid possible discrimination or violence against trans-individuals.

• I will conclude now by expressing appreciation for the efforts of advocates who have expressed their point of view on this matter, including my Honourable Colleagues opposite.

• I thank them for their courage and commitment to this issue.
• Mr. Speaker, advancing the rights of Newfoundlanders and Labradors is a top priority for our government.

• By amending the *Vital Statistics Act, 2009* and the *Change of Name Act, 2009* to support inclusion and protect the human rights of transgender individuals, we will do just that.

• Thank you, Mr. Speaker.
HOUSE OF ASSEMBLY SPEECH
Third Debater – Provincial Government
Amendment to the Vital Statistics Act Re: Gender Designation
Amendment to the Change of Name Act, 2009: Re: Age Limits
March__, 2016

• Mr. Speaker, I rise in this Honourable House today to continue debate on proposed amendments to the Vital Statistics Act, 2009.

• My Honourable colleague, the Minister of Service NL, has already spoken to the specific details of the proposed amendment.

• Another Honourable colleague spoke to some of the history of this issue, and developments in other jurisdictions over time.

• This was done to help paint a picture of how change of gender designation on vital statistics documents is being handled elsewhere, and how that compares to our proposed approach.
• At this time, I would like to speak about how today’s proposed amendment is in keeping with our government’s five point plan, and provides a great opportunity for collaboration among all Honourable Members.

• Mr. Speaker, supporting safe and sustainable communities is one of the five points of our government’s approach to building a stronger tomorrow.

• When we discuss this amendment in this Honourable House, we are discussing a human rights issue. We are discussing an individual’s right to self-expression, and the right to feel safe.

• Up to this point, transgendered people have been required to undertake an expensive, irreversible, and hard to access surgery in order to get documentation that reflects the gender identity they identify with.

• This has created situations where transgendered people have had to make a difficult decision whenever they had to present identification.
- Many have been in a position where they have to decide if they were willing to reveal themselves as being transgendered, and have a discussion in public about why their gender marker may not match their presentation. Sometimes, they do not even have a choice.

- It is a situation that has caused people stress, and caused many to fear for their personal safety.

- At a time when we are focused on promoting healthy and safe communities, this cannot continue.

- Concerns about this issue have been raised by representatives from the province's Human Rights Commission, and by advocates for the province's LGBTQ community.

- As outlined previously, governments in British Columbia, Manitoba, Alberta, Ontario, Nova Scotia, Quebec, and New Brunswick also see this as an important priority, and are at varying stages of addressing the issue with changes.
• Four of those jurisdictions: British Columbia, Manitoba, Alberta, and Nova Scotia, have already amended their legislation to allow a person to change their gender designation on their birth registration without having had sex reassignment surgery.

• This gave us a blueprint to work with in terms of developing our own approach.

• Having consulted best practice, the Provincial Government proceeded to speak with health and social work professionals to gain their expertise.

• Then, based on all of this information, a number of departments helped develop our government’s approach as outlined by the Minister of Service NL.

• As a result, we are now ready to proceed with an important and comprehensive amendment.

• As noted previously, our approach will also require a change to the Change of Name Act, 2009.
• Currently a person must be 19 years or older in order to independently apply for a change of name.

• To maintain consistency across provincial legislation, we will need to amend the Change of Name Act, 2009 to allow someone who is 16 or older to change their name, in addition to changing their gender marker.

• This is done simply by changing the definition of “child” under the Change of Name Act to a person under the age of 16 years and by allowing a person 16 or older to make an application to change their name.

• I truly hope we have the support of all Honourable Members in advancing all necessary amendments to address this serious issue.

• To reiterate Mr. Speaker, we have an important issue for members of the LGBTQ community.

• We have received feedback, expertise, and calls to action from advocates and representatives of the provincial Human Rights Commission.
• We have information from other jurisdictions.

• We have the analysis of officials in multiple Provincial Government departments.

• And now, we as Honourable Members, have our first opportunity with this spring sitting of the House of Assembly to take action to protect the rights and well-being of Newfoundlanders and Labradorians.

• Our government pledged that we would collaborate with other parties on a variety of issues, and I believe this is one where we can agree that we have a well-researched approach, and the time to move forward is at hand.

• I urge all my colleagues in this Honourable House to vote in favor of the amendments we have proposed, and enshrine into legislation a solution to an issue that has negatively impacted transgendered people throughout Canada.

• Our proposed amendments protect people’s dignity, privacy, safety, and ability to freely and fully express themselves.
• I believe our proposed amendments could serve as a valuable guide for other jurisdictions that may follow us in pursuing changes to policies and procedures that have had a negative impact on members of the LGBTQ community.

• Let us now join together to show people in the community, people working for human rights, and interested parties in other jurisdictions in Canada and throughout the world, that the members of this Honourable House are able to work together to bring forward legislation that promotes a stronger, safer, and more inclusive society.

• Let us show the Human Rights Commission, the advocates, and the LGBTQ community that their faith in us is well placed.

• Let us vote in favor of this proposed amendment, and permanently enshrine in legislation a change that will bring a world of positive change for transgendered individuals.

• Thank you Mr. Speaker.