

**Submission
No 58**

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Name: Miss Jasmine Nightingale

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Good Morning Mr Premier and Honourable Members

I am Jasmine Nightingale. I am transgender. I am not a criminal.

Yet to the NSW Police Security Enforcement and Licencing Directorate (SLED), I am committing an offence under the Security Industry Act for working as Jasmine, a preferred name and gender identity which has literally saved my life. They base their records on the details on a persons birth certificate, the gender marker on which can only be changed with Births Deaths and Marriages (BDM) after undergoing Gender Reassignment Surgery (GRS). GRS is a process which is financially and/or medically out of reach to many transgender people, and the number of doctors performing it for those who do seek it can be counted using the fingers on two hands, so it takes years to achieve. It is worth noting that NSW is the ONLY state in the country to still impose the surgical requirement to change gender on birth certificates through BDM, every other state having passed legislation to remove that antiquated requirement.

So, to tick the boxes and remain compliant with antiquated legislation, I must use my "deadname" dozens of times each week on all official paperwork. Each log entry, timesheet, incident report, and police statement, I must use a name that affects my well being. The National Library of Medicine, an official US Government website, has quoted studies that show transgender youth who choose a name different than the one given at birth, use of their chosen name in multiple contexts affirms their gender identity and reduces mental health risks known to be high in this group. The risks include higher incidence of depression, self harm and suicidal ideation. These risks don't just disappear when we become adults, if anything they accumulate and escalate as the years grind down your will to live a life you feel zero connection with. Perhaps, if there had been a framework for me to affirm my gender identity and preferred name as a child in 1983, I might not have wasted 38yrs of my life as an angry disruptive person who hated themselves and the world. It is a sad irony that, while I have found a way to make my life overwhelmingly happier and therefore make myself a much more productive citizen, there is legislation hampering that improvement.

Another sad irony is that I am faced with the ludicrous bureaucracy where various departments of the same state government work to different standards. While the NSW Police consider my life non-compliant, NSW Health has been amazing at accommodating my new identity. While the official records at back office level must reflect my official name to remain compliant with Medicare, all communications, referrals and subscriptions reflect my chosen name. To BDM, RMS, and therefore every other government entity I interact with, I am Mr Judd Nightingale, but to NSW Health I am Miss Jasmine Nightingale. They're the only NSW Government department to recognise the risks involved with not recognising gender identity.

Some of you may say I could simply change my name via deed poll, but to do that without being able to also change my gender marker is not something I would find helpful at all. To be Mr Jasmine Nightingale seems a half measure and a mockery of how far I have come in 4yrs. I dearly want to change my identity in whole before I possibly become one of those statistics, sacrificing myself merely to satisfy government departments adhering to legislation that has failed to keep up with societys expectations. It is again emphasising that NSW is the ONLY state in the country to still impose the surgical requirement to change gender on birth certificates. While this Bill addresses many areas where LGBTQI people face hardship in society, Schedule 2 in particular will bring us into line with EVERY OTHER STATE in abolishing the surgical requirement for change of gender on birth certificates through BDM (with the cascading effect in dealing with the wider bureaucracy)

We are not asking for anything special or unique. We just want the rights already enjoyed by LGBTQI people in EVERY OTHER STATE before we become a statistic.

Thank you for your time, and for your consideration of this Bill which could save LGBTQI lives.

I am Jasmine Nightingale. I am transgender. I am not a criminal.