

Submission – 2021 Banking Code Review

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I am a transgender woman with recent experience navigating the change of name process with several ABA member banks.

Changing a name is a stressful and time consuming administrative task. There is a need for member banks to make this process as quick and easy as possible. In particular, member banks must ensure that their documentation requirements are aligned with current Births, Deaths and Marriages legislation around the country. My experience is that this is not always the case.

Amendments to the Births, Deaths and Marriages Registration Act 1996 (Vic) came into effect on 1 May 2020. Section 30D paragraph (c) of the Act states that after the record of a person's sex is altered, the newly issued birth certificate must not state the person's former name.

This contradicts the documentation requirements of at least one member bank, ANZ, who require a "linking document" which states both the person's new and former names. In effect, it is impossible for a trans person born in Victoria to change their name with ANZ without escalating through the dispute process. It is important that documentation requirements are satisfiable by customers, and are as consistent as possible between member banks.

I make the following recommendations:

1. The Banking Code should make specific reference to Trans and Gender Diverse people in chapter 13 paragraph 32. While this paragraph does currently refer to the inclusion of all people in addition to select specific groups, given our unique administrative needs and widespread experience of discrimination, I feel that it is important to state explicitly that this inclusion also extends to Trans and Gender Diverse people.
2. The Banking Code should contain a section relating to the documentation member banks require when updating a customer's name and title. The Code should establish as a consistent baseline that any valid birth certificate or recognised details certificate issued by an Australian Births, Deaths and Marriages registry must be accepted by a member bank as proof of a customer's change of name. Member banks may not impose additional requirements on valid certificates, but may choose to also accept alternative documentation in addition to this baseline.