



Changeling Aspects

In affiliation with Agender (Aust.)

In affiliation with Transbridge

Townsville

Kathy Anne Noble

Website: www.changelingaspects.com

2010-10-21

ACTIONS NOT AGENDAS

Governments show their concerns, by formulating agendas, then proceed to discuss content and over time follow this by prioritising the content. This is in order to arrive at a paper that may deliver on all or some of those prioritised contents in a time frame of 5 to 10 years.

What then happens if there is a change of government? The paper which is still at discussion level is not carried on by the new government, as it is not part of their agenda.

This leads to inertia and a total lack of conclusion for this paper.

The worst possible scenario is that, even if the discussion paper comes to fruition, in many cases it has failed to deliver within the 5 to 10 year target. This means that more than likely the problems that were prioritised have exacerbated over this time period, with the distinct possibilities of loss of life via suicide/disability and ageing.

It is of no use talking 10 years hence to a 75 year old, as many will not be here to see any conclusion to the problems discussed 10 years previously. If a government of another persuasion kills off this paper, then it will never become legislation.

For many of today's problems, time is of the essence, not many years down the track. By putting off any intervention, all that is achieved is higher cost to be borne by government health departments due to costs that could have been saved by early intervention.

Another way to have favourable outcomes in a reasonable time frame is to stop the practice by governments and their departments and agencies from practicing the art of moving staff. Just as you feel that you are achieving a breakthrough, the people concerned are moved, thereby necessitating starting from scratch with new staff members. In this way, very little is ever achieved and only leads to a feeling of angst.

I have been told that this is government practice, and will continue as such, as it delays having governments, departments and agencies from having to enact legislation that they consider as not required.

I am continually told by the Queensland Attorney-General's Office that a Recognised Details Certificate is not to be considered in this financial year. This has been ongoing since 2004. At least they are consistent!

Current buck passing between the Federal Attorney-general's Office and the Australian Human Rights Commission concerning "SEX FILES" is a good example of this. We commenced dialogue in 2008, with "Sex Files" Launched on 17-03-2009 and since then nothing has eventuated. In comparison, the New Zealand "To Be Who I Am" was launched in 2008 and several areas of concern have now been addressed, so making life that much easier for not just Trans people, but for the departments that they have to deal with.

One small area that has been implemented in Australia is by the Passport Office, which has a designated web page concerning how Trans people can amend their passport.

[Exceptions Full validity passport to be issued in new gender](#)

Married Applicants

Applicants who claim that they are unable to obtain an amended cardinal document because they are married should provide the following documentation (note, this only applies to RBDM documents as DIAC will amend its records for married persons):

- A statement from the relevant RBDM/Gender Reassignment Board that they have met all requirements for their reassigned gender to be recognised, except that they are married or medical evidence as set down in the relevant state or territory Registry of Births, Deaths and Marriages;
 - Evidence of living in the character of the other gender such as driver's licence, Medicare card, Centrelink card, rates notices (or other P] DS documents);
 - Original birth certificate;
 - RBDM name change certificate;
 - Marriage certificate;
 - Statutory declaration stating that marriage has not been annulled.
 - Application for an Australian passport. Form B11 2005 -

Also, the Department of Immigration and Citizenship (DIAC), grant amended documentation under Immigration FOI and Citizenship to those born off shore who have not undergone "Sex Affirmation Surgery". As per this from DIAC "*Note: the surgeon's statement would contain information such as confirmation that the person has undergone a full gender re-assignment procedure. The psychiatrist's statement would provide confirmation that the person is living as their chosen gender of identity, has undergone hormone treatment and shows no intention of reverting to their original gender*"

They will also accept "Recognition Certificates from off shore.

- We then come to the highly emotive situation concerning “staying married after Sex Affirmation Surgery” This vexed situation has been resolved by the Federal Government in their letter dated 17-03-2009 stating
- “Gender re-assignment surgery has never, of itself, changed the status of a marriage which was valid at the time of solemnization. It has always been the case that a validly solemnized marriage would continue, irrespective of whether one of the parties subsequently underwent gender re-assignment surgery. The same-sex reforms due to come into force on 1 July 2009 do not change that position”

Centre link

Australian Government giving you options

Kathy Anne Noble

7 May 2009

Dear Ms Noble

I refer to your recent enquiry about Centrelink's policy in regard to the introduction of the Government's same-sex reforms.

From 1 July 2009, a couple who are legally married and not living separately and apart from one another on a permanent or indefinite basis, despite one of the members of the couple having undergone gender re-assignment surgery, can be assessed in the same way as any other legally married couple.

I hope that this answers your question. Please contact me if I can be of further assistance in this matter.

Yours Sincerely,

Manager

This leads to the situation that many face when staying married after Surgery. They face the following

- Marriage still recognised, as per the above extract from the letter
- Able to amend Passport on a case by case basis
- Cannot amend their birth certificate unless ***Divorced***. We look on this as not a requirement, but being forced into this situation. If we abide by the one way in which you can divorce in Australia, then for Trans people to stand before the Court and declare this, is an act of perjury, as they still honour their marriage vows.
- This really is high farce
- Austria and Germany now recognise that to FORCE Trans people to divorce is unconstitutional

I would like these positive items, with the farcical excluded, extended to all Government departments and agencies, with the added benefit that the laws governing Trans people are made in Canberra and implemented by States and Territories as “AGENTS of those laws” Perhaps I am being naïve to even consider this as a possibility, but it would end considerable amounts of bad legislation, due to too many overlapping laws that only confuse all who have to use them. There are too many occasions where the States over rule what is a Federal law. As you can imagine, this is very confusing to us. I would like to see this as part of the new “INCLUSION system” that is being launched.

One very important area of concern that needs to be addressed is the confusion caused by the wording in laws concerning the “Alteration or removal of all reproductive organs” we need to have “Reproductive Organs” defined so that there is no confusion in anyone involved in making the decision as to what Reproductive Organs are! I have been told by doctors and nurses what are and are not “Reproductive Organs”

Yours Sincerely, Kathy Anne Noble.
President, Changeling Aspects
© Changeling Aspects