

The Gender Centre Inc.

Sydney Australia

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This proposal for Same Sex law reform is submitted by the Gender Centre Inc

The Gender Centre is a specialist state-wide service working with the Transgender community based in Petersham.

The Gender centre has been in existence since the 1980s, and is entirely funded by the New South Wales Department of Community Services DoCs through the Supported Accommodation Assistance Program (SAAP) and the New South Wales Department of Health.

The Gender Centre formally known as Tiresias House was funded to provide services to minimize the effects of the human Immunodeficiency Virus Acquired Immunodeficiency Syndrome (HIV/AIDS) on the Transgender community as well as providing housing options and education

Today the Gender centre offers a wide range of services to people with gender issues to their partners, family members and members of the wider community.

The Gender Centre is the only funded service in Australia that provides welfare support accommodation and advocacy services specifically to this community.

We are committed to developing and providing services and activities, which enhance the ability of people with gender issues to make informed choices.

We specifically aim to provide a high quality service, which acknowledges human rights and ensures respect and dignity.

Today the Gender Centre has moved from simply being an accommodation service to a service that offers a wide range of services and programs to the community.

We offer:

- Counselling
- Outreach
- Night outreach
- Jail outreach
- Drop-In's
- Case-Management
- Resource development
- Drug & Alcohol service
- Residential program
- Exit program
- Social & Support
- Training for service providers

For transgender people the issues raised by the legislation surrounding marriage in Australia at present is more significant than for the people who enter into same sex or opposite sex relationships based upon their biological gender. This is evident in the case studies listed below:

Case Study 1

Mary and Chris;

Mary and Chris have been married for 15 years. They consider their marriage to be a supportive and happy one which is stable and they say long lasting. Chris has identified that he is transgendered and is transitioning to Christy. Mary his wife is incredibly supportive of Chris' choice and the marriage remains strong throughout this process. Christy undergoes gender reassignment surgery. She (as Christy now identifies) is unable to change her birth records to reflect her change in gender as she is married. Christy and Mary do not want to get a divorce so Christy is left in a position where even after gender reassignment surgery she cannot finalise her gender recognition. The law disallowing same sex marriages puts Christy and Mary in a position where they must divorce for Christy to be recognized legally as female or Christy must stay as male on legal documentation such as birth records. Christy in this case feels that her rights to transition and maintain the dignity and contentment she had established for many years of her life has been withdrawn.

Case Study 2

Kate and Michael.

Kate and Michael have been partners for 3 years. Kate is a biological female and Michael is a transgender male. To the world Michael and Kate relationship is that of any other heterosexual couple. For medical reasons Michael is unable to undergo any form of gender reassignment surgery that will enable him to meet the current legal

requirements to be recognized as male and as such entitled to legally marry Kate. Michael is still considered to be female by his birth records and as such the law excludes Kate and Michael from marrying, even though to the community this couple is representative of a traditional heterosexual couple.

Case Study 3

Susan and Peter

Susan and Peter have been together for 5 years. Peter has 2 children aged 10 and 12 from his previous marriage. Peter has sole custody of the children as the biological mother (Peter's previous wife) is deceased. Susan is transgender.

Susan and Peter met while Susan was still transitioning and saving for her Gender reassignment surgery. They now live as a family unit with the children. Susan has taken on the role of the children's mother. They are not aware that Susan is transgender, she is just mum to them. As a result of this relationship Susan has not been able to save the money for reassignment surgery. The joint income in this family household is utilized to meet the needs of the family unit and Susan happily accepts this outcome. She has said that the reassignment surgery is not as important to her as her family and step children. In this case again the family unit seen by the wider community as that of the traditional nuclear family; mum dad and the two kids. However the existing marriage laws exclude this family from having their relationships legally recognized as Susan is still seen to be legally male having not had gender reassignment surgery.

From these case studies it is easy to see that the traditional images of heterosexual or same sex relationships can become convoluted.

This is then confusing for people trying to understand what their rights, especially when the laws around marriage support heterosexual relationships: But not when a person is preoperative transgender, even if they have lived as their identified gender for many years and identify as heterosexual.

The laws as they stand at present do little to allow transgender people to transition and assimilate back into society post transition (whether pre or post operative in relation to gender reassignment). The marriage laws at present mean that people living in heterosexual relationships where one partner identifies as male and the other as female, but have the birth anatomy indicative of the opposite gender to their identified one are excluded from utilizing existing laws to get married. Alternatively where a person has had surgery they are limited in their choices about their existing relationships where a gender change on their birth records changes an existing solid relationship from heterosexual to same sex, as cited in case study 1

While there is much controversy at present about the definition of transgender in the law and the need for gender reassignment surgery to be completely recognized as male or female, this should not be considered as significant by way of marriage legislation.

The rights of people to be married whether in what is classed as a same sex marriage or a heterosexual marriage would eliminate the confusion for all transgender people no matter which relationship they do choose to be in. It would allow many transgender people to assimilate into society much more readily as they would not have to lie or find excuses as to why they are not able to marry their partner of choice. They could undertake the roles and lifestyles of their identified gender the same as any other person living in Australia.

As such the Gender Centre strongly supports the proposal that same sex marriages be recognized. It is a step towards removing barriers transgender people experience as part of their day to day lives. This simple recognition of a person's right to live in a legally recognized relationship with the person of their choice regardless of gender; both biological and identified does much to enhance the transgender community's opportunities to assimilate into Australian society rather than having Transgenders stand out as different or unworthy of equitable treatment and justice

This document is submitted to the Senate from the Gender Center Inc.

Submitted on the 28th Day of August 2009