



**Australian Government**  
**Attorney-General's Department**

**Information Law and  
Human Rights Division**

07/525, MC07/18265, MC07/18527, MC07/19673

29 October 2007

Ms Kathy Anne Noble  
President  
Changeling Aspects  
PO Box 897  
CLEVELAND QLD 4163

Dear Ms Noble

**Problems encountered by the transsexual community**

Thank you for your letters of 28 August 2007, 9 September 2007 and 4 October 2007 to the Attorney-General, the Hon Philip Ruddock MP. I am replying on behalf of the Attorney-General as the Australian Government is now in a caretaker role pending the outcome of the election on 24 November 2007.

Your letters raise a number of issues concerning the interface of State and Territory laws, Commonwealth laws and programs in the recognition of transgender individuals and also providing information on the usage of the term 'transgender'. Your views concerning law reform and issues faced by the transsexual community, particularly in relation to the recognition of a change in gender, raise matters of policy and it would be inappropriate for the Government to deal with it during a caretaker period. You may wish to raise these issues with the incoming Government once the outcome of the election is known.

Some of your queries relate to the consistency of information held by different Australian Government departments and agencies. It is not appropriate for me to comment on decisions by other departments, particularly where they relate to another individual.

However, I can advise you that personal information provided to one Australian Government department or agency is not automatically provided to all other agencies.

The *Privacy Act 1988* regulates the collection, storage, use and disclosure of personal information by most Australian Government agencies and many private sector organisations. If an agency did not tell you when collecting your personal information that it may disclose it to another agency, and if you have not given your permission for this to happen, then usually the agency cannot make such a disclosure.

There are some limited circumstances in which an agency may disclose personal information to another agency. For example, it may disclose where it is necessary to prevent or lessen a threat of death or injury to the person or someone else, or if the agency is required to do so by a specific law.

I have sent a copy of each of your letters dated 28 August 2007, 9 September 2007 and 4 October 2007 and this reply to the Department of Foreign Affairs and Trade for its information, as that Department is responsible for Australian passports.

I trust that this information will be of assistance to you.

Yours sincerely



Peter Arnaudo  
Assistant Secretary  
Human Rights Branch

Telephone: (02) 6250 6420

Facsimile: (02) 6250 5924