



Changeling Aspects

In affiliation with Agender (Aust.)
In affiliation with Transbridge
Townsville

Kathy Anne Noble
PO BOX 897
Cleveland
Qld, 4163, Australia
Phone: 61 7 3286 9155
Email: knoble@inet.net.au
Website: www.changelingaspects.com

COMPLEXITIES 13-09-2010

I am often told that we in the Trans community are too complex. My reply is, "It is not us that is complex, but the complexities imposed on us by nine governments in Australia.

What this actually leads to is frustration, stress and suicidality. This should be considered by all government departments, especially the Health Departments, as they are going to bear the costs for the inactivity of other departments in recognising these issues.

Letter to a friend

I am aware of the problems facing those wishing to take advantage of our excellent support GP, who is currently on sick leave, as it is now having the affect that many are trying to bypass this part of the assessment. They are trying to go direct to Melbourne, with all that implies. I have people contacting me from North QLD in this regard. I think that we are so short of understanding with regard to health/assessment requirements that it is now beginning to show up significantly. I have grave doubts for the foreseeable future, as it appears that no one in any government, Human Rights or the AMA is willing to confront these enormous problems. The fact is, the longer they wait, the worse they become for all concerned. The inevitable outcome will be the extra cost factors that all health departments are going to face. This outcome is already noted by UK and America.

Stress, frustration and suicidality will impose a huge cost on these facilities. The problem is that no one is willing to even listen.

We are indeed increasing. I think at an alarming rate, due largely to the inter-net and youngsters thinking that it is now so easy to change. Add to this GenderQueer and you start to get the reason why governments, their departments and agencies virtually run and hide when confronted by us. I still firmly believe that there will be no solution to our problems any time soon. Soothing noises are made, but that is about all.

I am now on 4 Government committees in QLD, all of which when evaluated are really only being nice to us, by listening, but asking how we can advise them on issues that you know will never be fixed in the short term such as funding for the Trans community at all levels. Add to this the lack of willingness in the Trans community to stand up for their rights and you start to see the picture. Most are only too happy to leave it all to the few advocates/activists and then accept the benefits that flow if and when governments do make alterations. We are still not receiving any funding for Trans issues. These monies all go to the Gay community for AIDS, HIV and men having sex with men. I find this appalling, as nothing has really changed with regard to this situation. AIDS and HIV and MSM are still very much there. Most of the MSM is composed of married men looking to experience a different type of sexual gratification.

Our health needs are now of paramount importance, due to the larger numbers coming out as Trans. The kids are not being looked after. There is no follow up in cases of emergencies for us. Trans women are now having problems with implants that are leaking, cannot afford replacements, so are in danger of dying due to this problem. We are also suffering from lack of research into the long term usage of drugs and hormones. Clots, DVT, embolisms and heart problems are now showing up. Many are on warfarin because of these problems. There is the "Adverse Reaction Data Base" held by most pharmaceutical companies, but most Trans people are unaware of this. We really need to look at this problem and to see if anything can be done to alleviate the problems that our youngsters will face, if on hormones for 40, 50 or even 60 years, if we are to still need to be on them for life. This too will exacerbate over time, as many more age, go into care or residential facilities with again all of the cost factors to be taken into account.

Quotes from abroad

Transsexualism is now understood to be innate and somatic rather than a lifestyle choice. Deprived of appropriate treatment, trans people are likely to function less well and suffer ongoing health problems resulting in a greater strain on the National health System

Parliamentary Forum on Transsexualism (2005; Guidelines for Health Organisations Commissioning Treatment Services for Individuals Experiencing Gender Dysphoria and Transsexualism; London, Parliamentary Forum on Transsexualism

GID if left untreated, can result in clinically significant psychological distress, dysfunction, debilitating depression and, for some people without access to appropriate medical care and treatment, suicidality and death...delaying treatment for GID can cause and/or aggravate additional serious and expensive health problems, such as stress-related physical illnesses, depression, and substance abuse problems, which further endanger patients' health and strain the health care system

American Medical Association House of Delegates Resolution 122 (2008)

The personal accounts of transsexual people and their clinicians further demonstrate that surgical considerations often represent, quite literally, a matter of life or death

Kotula D. (2002) In *The Phallus Palace*, W.E. Parker (consulting editor) Alyson Publications, Los Angeles

Delays in the 'system', whether clinical or financial, cause a great deal of stress, While the inability to access timely treatment may also be a cause of suicidal feelings. As well as suicide, a number of other risks are identified:

Stress leads to a number of trans people to self-harm and even to attempt suicide.... These feelings may occur at any time, but they are often associated with the realisation that it is impossible to continue life in the pre-transition role. For some, the choice is stark: either the gender issue is addressed, or there is no future... Through frustration or anxiety, or both, some trans people self-harm by cutting their arms and legs and, occasionally, their offending sex characteristics, such as breasts (trans men) or the penis and scrotum (trans women). Alcohol and other substance misuse may also be a factor, especially where there is family breakdown and social isolation

GIRES et al. (2008) Guidance for GPs, other clinicians and health professionals on the care of gender variant people; document issued by the Department of Health (UK)

Since 2003 I have carried out research into the above, which is still on-going. Each one creates legislation that can and does differ on various points. Four that are virtually 100% in use by all nine governments are the following

- In order to amend documentation you have to be over 18, single (read divorced) and to have had Sex Affirmation Surgery (SAS)
- To amend a birth certificate, which is the responsibility of the States Registry of Births, Deaths and Marriages contain the wording in their legislation "Alteration or removal of all reproductive organs" However, there is no definition offered as to what they mean by "reproductive organs"
- Most legislation takes into account the lack of "bottom surgery" for Female to Male Trans people. This being due to cost and the lack of a phalloplasty to perform.
- Do not recognise an orchidectomy in most cases. Surely, this is the ultimate male reproductive organ.

STATES AND TERRITORIES

- Require you to be over 18, single (read divorced) or as some look upon it "Forced to divorce" and have had SAS in order to amend their birth certificate.
- Western Australia and South Australia issue Recognition Certificates (RC) in order to amend a birth certificate. This also recognises those born off shore
- Victoria and New South Wales issue a Recognised Details Certificate (RDC) which recognises those born off shore and resident in either jurisdiction for a minimum 12 months
- Currently, can move to any of these four States and reside there for 12 months and be issued with a RC or RDC. What happens if you then move back to the other four jurisdictions? Do they recognise those certificates?
- These certificates can be used to amend your documentation in your Country of birth, if is allowed by that Countries legislation

- Queensland, Tasmania and both Territories do not issue any form of Recognition Certificate, or RDC
- Queensland is currently the only State that requires a sex to be displayed on the driver's licence. This for police purposes and may change.
- Queensland in the 2003 legislation would only recognise Australian Medical Association practitioners to carry out the two inspections required. This meant that those born in Queensland but residing off shore had to return to Queensland for the inspections. This was amended in 2004, so that they could have them done off shore and witnessed by a JP or Notary.
- The requirement to divorce in order to amend a birth certificate is not the same as what is included in the letter dated 17-03-2009 from the Federal Attorney-General's Office. So it goes against the Marriage Act 1961. However, it appears that the States and Territories can over rule this Federal Act.
- Extract from the letter "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".
- It has been ruled as unconstitutional to **FORCE** Trans people to divorce in both Austria 2006 and Germany 2009.

FEDERAL GOVERNMENT

- Marriage Act 1961. States and Territories are agents of this Act.
- Deeming of those remaining married after SAS and classed as now being a "same sex couple" ceased in 2009, as per attached letter dated 19-01-2009
- While the reforms do not expressly address the sex or gender diversity of specific individuals, they ensure that same-sex de facto couples and their families are recognised and have the same entitlements as opposite-sex de facto couples. A transgender individual who remains married after surgery will not be deemed to be no longer married as a result of the reforms. The effect of the reforms is that such an individual will receive the same treatment regardless of whether they are considered to be a member of a same-sex or opposite-sex couple.
- This meant that they received back all the benefits of being married that were lost as a same sex couple. They were Medicare, PBS, defined superannuation and many others, as per above letter.
- Extract from letter as above, concerning staying married after SAS
- Continually pass the buck to States and Territories even if it is a federal responsibility
- Need to have all laws enacted at Federal level to achieve consistency of word and law through out Australia. The States and Territories to then act as Agents of the Federal Government in order to implement those acts.

FEDERAL DEPARTMENTS

INTRODUCTION

We have tried to make what follows easy and user friendly.

For Trans people to be able to amend documentation can be very frustrating, due to the very involved requirements that we have to follow. We will be concentrating on the requirements of the Department of Immigration and Citizenship (DIAC) and the Department of Foreign Affairs and Trade (DFAT) that includes the Australian Passport Office (APO)

Please remember that the people at all levels in these departments are very approachable. Don't be aggressive, as they are only too happy to explain what they can do to help!

The reason for this is that there is a natural flow on from Immigration FOI to Citizenship and then to Passport Office for those of us born off shore.

DIAC

Department of Immigration and Citizenship

There are two distinct areas dealt with in this department:

1. Immigration
and
2. Citizenship

Within Immigration is the Freedom of Information (FOI) section.

IMMIGRATION AND FOI DEPARTMENT

There appears to be a situation that was not made clear when we put together the details that follow. These are the amendments to correct what should have been there.

From DIAC 20-09-2010

In response to the questions asked the following may be of assistance. I have responded in the same order as your original questions.

New Zealand citizens who hold a Special Category visa should complete form 1162 Application for certificate of status for New Zealand citizens in Australia.

If a person is currently an Australian permanent resident, and they acquired that status on or after their arrival in Australia, and they want documentary evidence of that status, they can apply for a Certificate of Evidence of Resident Status (CERS). Form 164 (Application for evidence of resident

status) is the relevant form to be completed by an applicant for a CERS. The Form 283 is the CERS certificate that will be issued to the applicant.

A CERS cannot be issued to an Australian citizen. Australian citizens requiring evidence of their Australian citizenship must apply for evidence of Australian citizenship by completing form 119 Application for evidence of Australian citizenship.

As indicated in our conversation the non-issuing of CERS to Australian citizens is not a change of policy, but applying the policy as intended, that is as an evidence of permanent resident status and not issued to Australian citizens.

Regards

Larry Walker
Citizenship Operations
Tel: (02) 61987050

Q How are we affected by Immigration?

A Required by States and Territories to establish residency status if born off shore.

Q What do we do to amend our residency status if born off shore?

A Apply to Immigration FOI as below.

Quote from Department of Immigration and Citizenship, dated 30-01 2008.

The Freedom of Information Act 1982 (the FOI Act) provides a mechanism for the amendment and annotation of personal records held by Commonwealth Government agencies. Where clients consider that the Department of Immigration and Citizenship (The Department) has recorded their details incorrectly they may request under the FOI Act that the Department amends their details. To seek such amendment/s of personal records as held by the Department, they will need to complete a Form 424C (copy attached) and provide evidence of their correct details as explained by the form. There is no fee to lodge an amendment request

Once the amendment/s have been made, the next step is to apply for Certificate of Evidence of Residency Status (CERS). This application is made on a Form 164 (copy attached) and has an application fee of \$70. This fee was increased in July 2008 to \$100.00.

In respect of the visa/residency status of a person after gender reassignment, it is unlikely that their visa/residency status would change. The visa/residency held by the client is granted because the client has met criteria associated with that visa. If the visa holder continues to meet these requirements, their visa/residency status will not change.

Difficulties encountered by clients who may be permanent residents, but arrived on parental passports relate mainly to difficulties in locating the record of the original arrival in Australia. These difficulties arise due to the age of the records. For example, the records may not be held electronically or in some instances may have been destroyed.

These difficulties, while regrettable, are likely to be encountered by any client who arrived in Australia in the same circumstances.

Q Why should we do this?

A We entered Australia as a male, underwent SRS to become female, or vice versa, so our residency status needs to be up dated to show our new name. After submitting form 164 we are issued with form 283 Certificate of Evidence of Residency Status (CERS) This has our new name back dated to when we originally entered Australia.

This is imperative for Trans people. This is based on our interview with the Immigration Department at 26 Lee Street Sydney. There is no mention of sex on this form.

Quote from letter from DIAC dated 25 August 2008

Requirements for change of documentation with Australian government departments
Currently, we in the Trans community are the only group that has to change every piece of documentation, in order to be recognised.

Because of this, I believe that we are a special case, due to the amount of documentation we are forced to amend, and should therefore be aided in doing so by Government at all levels and across Departments and Agencies.

Currently our biggest problems are awareness and understanding of the requirements to lawfully amend records and identity documentation.

At present it would appear that the onus is on the Trans community to find out how we are affected and the required documentation. Each Government department has their own set of requirements and this causes frustration when trying to have documentation amended.

Below is a summary of the types of documentation which a Trans community member may need to have amended and the associated level of government.

Note: S = State or Territory, F = Federal

BORN IN AUSTRALIA

S Change of name

S Driver's Licence

S Evidence over 18, single or divorced

S Birth Certificate

S & F Evidence of Surgery, or Recognised Details Certificate, if available

F Passport

BORN OFF SHORE

S Change of name

S Driver's Licence

S Evidence over 18, single or divorced

S Evidence of Surgery, or Recognised Details Certificate, if available

S Evidence of residency of minimum 12 months in the State that you reside in

F Change of details in Immigration and Citizenship records under FOI

F New evidence of Australian Citizenship

F Passport

F Evidence over 18, single or divorced

In the interests of assisting Trans community members who wish to make applications the Department of Immigration and Citizenship has provided the following summary of documentary requirements for some specific applications.

To apply to have departmental records amended under Freedom of Information provisions a person must make an application. Form 424C - Request for amendment or annotation to personal records under the Freedom of Information Act 1982. There is no application fee for this application. Please note: all cases are assessed on a case by case basis.

- Recognised Details Certificate, issued in Australia by Office of Births, Deaths and Marriages (RBDM) in States or Territories,

OR

- Equivalent overseas document,

OR

- Evidence such as surgeons and/or psychiatrists statement

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

- Change of Name Certificate, if applicable, issued in Australia by RBDM (as no previous names are recorded on the RDC)

- Evidence of when and how you arrived, such as entry stamp in passport or details of ship or flight.

Australian temporary or permanent residents may be required to provide evidence of the status to State or Territory authorities in the form of a certificate of evidence of resident status. To must make this application on a Form 164 - Certificate of evidence of residence status (also known as a form 283) and pay a \$70.00 application fee. This certificate is not required for citizenship application purposes. Fee now \$100.00

CITIZENSHIP

Q How are we affected by Citizenship?

A We need to amend citizenship, as it is regarded as a cardinal document, by the Passport Office. This can be used if we are unable to amend our birth certificate in our Country if birth.

Q What do we do to amend our Citizenship Certificate?

A It is desirable that the evidence of Australian citizenship reflects the person's new identity. Australian citizens applying for new evidence of citizenship should apply on Form 119 – Application for evidence of Australian citizenship and pay \$60.00 application fee. The following documentation should be provided in addition to those that are required for all applications:

- Recognised Details Certificate, issued in Australia by Office of Births, Deaths and Marriages (RBDM) in States or Territories,

OR

- Equivalent overseas document,
OR
- Evidence such as surgeon's and/or psychiatrists letters
- Original citizenship certificate (which is to be cancelled and retained by the department)
- Change of Name Certificate, if applicable, issued in Australia by RBDM (as no previous names are recorded on the RDC)

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

In cases of gender reassignment, it is desirable that the evidence of Australian citizenship reflects the person's new identity. Applicants should enclose with their application:

- a Recognised Details Certificate (RDC); or either,
 - a statement from their surgeon confirming the full gender re-assignment procedure or a statement from their doctor/counsellor confirming 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; and their original citizenship certificate (which is to be cancelled and retained by the department); and if applicable, evidence to support a name change.
- Accept details of residency from Immigration FOI as Citizenship will already know if an applicant is a permanent resident
- Form 164 to be completed at a cost of \$100.00
- Send in existing Citizenship certificate if you have become a citizen already
- Issue new Citizenship Certificate back dated to when it was taken out and in new name

New Citizen, never taken out citizenship

- As above in red
- RDC from either Australia or off shore
- Change of name certificate
- Drivers licence.
- Confirmation of residency
- Form 164 to be completed at a cost of \$100.00
- Form 119 –Application for evidence of Australian citizenship and pay \$55.00 application fee

If a person who has not had SRS can provide the above documents, then yes, they can apply.

These are the letters that have gone between myself and DIAC

Please note that the Citizenship Certificate does not note sex.

DFAT

Department of Foreign Affairs and Trade PASSPORT OFFICE. APO

Amended details from both Immigration FOI and Citizenship can be accepted by the APO to amend a passport or to use when applying for a new passport.

Email from APO dated 18 June 2008

Dear Kathy Anne,

Thank you for the opportunity to discuss passport policy and clarify our requirements for issuing of Australian passports to transgender applicants.

As discussed, the Australia Passport Office (APO) does not play a role in registering identities in the Australian community. The Registry of Births, Deaths and Marriages (RBDM) and the Department of Immigration and Citizenship (DIAC) have this responsibility and the APO relies on information provided by these authorities to determine a person's identity and entitlement to an Australian passport. The document required (known as cardinal document) is either a RBDM birth certificate (for Australian born applicants) or a DIAC citizenship certificate (for overseas born applicants). All passport applicants regardless of gender, or whether they are transgender, must present one of these documents in support of their application for an Australian travel document.

The Department therefore responds directly to what RBDM or DIAC agree to include on the birth or citizenship register. Provided the applicant can provide a birth or citizenship certificate in the reassigned gender, and meets all other passport application requirements (such as completing the application form correctly, paying the appropriate fee and providing RBDM evidence of name change if necessary) then an Australia passport will be issued in that gender. Where transgender applicants remain married, the APO will consider applications on a case by case by basis.

Regards

Jane

Q How are we affected if born on or off shore?

A We need an amended passport in order to travel abroad for every day reasons, or for going off shore for surgery There are various ways of achieving this amendment even if remaining married after SRS. Please see the attached from the APO.

Emails from APO dated 8 May 2009

From their designated web pages for Trans people

Travelling for the purpose of gender reassignment

People travelling overseas for the specific purpose of gender reassignment surgery may be issued with:

- A full validity passport which indicates their gender at birth as recorded on their birth certificate or citizenship record (as confirmed by DIAC), or
- A limited validity passport (LVP) in their intended gender with sufficient validity to meet return travel needs up to a maximum validity of 12 months, whichever is the lesser, or
- A Document of Identity, with a maximum validity of 12 months and the gender field left blank.

Limited Validity Passport (LVP)

Applicants issued with a LVP in the intended gender are required to:

- Provide appropriate medical evidence from a registered medical practitioner, including that gender affirmation surgery is scheduled to take place.
- Sign a statement acknowledging that difficulties crossing international borders may still be encountered due to the fact that the gender in the passport does not match the physical gender of the client, and that the passport has been issued in the intended gender at the client's request.

Note - The LVP may be replaced gratis with a passport valid for the remainder of the 10 year period in reassigned gender only when the applicant submits a cardinal document reflecting the changed sex, evidence of a change of name registered with RBDM as well as other usual passport requirements

Document of Identity

Applicants issued with a Document of Identity in these circumstances should be advised in writing that:

- Australian Documents of Identity are widely, although not universally, recognised as a valid travel document and the applicant should check with the relevant country's diplomatic representative, prior to their departure from Australia, as to whether a Document of Identity will be accepted for entry to and exit from that country.

Note - For LVPs and DOIs, the applicant must acknowledge the following in writing:

- Their receipt of the letter from DFAT; and
- Their agreement to the issue of a Document of Identity.

Change of Name

All applicants who have undergone gender reassignment and wish their passport to include a new name must provide the normal RBDM change of name/revised birth certificate to support the change of name. Applicants travelling for the purpose of gender reassignment surgery and who request a different name on the travel document must provide the normal RBDM name change documentation to support the change of name, before it can be included in a travel document.

Full validity passports issued in new gender

Applicants must provide

- For applicants born in Applicants must provide Australia - a birth certificate from their state/territory RBDM showing the-gender of reassignment;
- For applicants born overseas - a revised citizenship certificate to reflect their new identity, or given current citizenship certificates no longer record a person's gender, formal evidence from DIAC that it has accepted the reassigned gender and amended its citizenship records to reflect the new gender.

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.

Applicants who have not completed gender reassignment

Applications will be considered on a case by case basis by the APO where an applicant claims they are unable to obtain an cardinal document in their preferred gender because they are unable to complete gender reassignment surgery due to a pre-existing medical condition or because the surgery in the applicant's case carries a higher than normal risk, with the result that completion of the surgery in the applicant's case is considered by a relevant medical practitioner to be dangerous or life threatening. The following documentation should accompany the application:

1. Documentary evidence that the applicant has approached the relevant body in their State or Territory seeking recognition of their change of gender, and the body's written advice as to why it has declined to recognise a change in gender.
2. A statement from the client's medical practitioner providing the following information: confirmation that hormone therapy treatment has been on-going for at least two years. - evidence of any initial surgery completed (e.g mastectomy) - details of the pre-existing health condition and advice why surgery carries a higher than normal risk – confirmation that completion of sexual reassignment surgery would be dangerous or tile-threatening for the particular applicant.
3. Documentary evidence from the client confirming that they live in the community in their reassigned gender, e.g. driving licence, Medicare card, credit card.

Other

Other cases will be considered on a case by case basis by the APO. (Note This exception policy would generally be used for children who are indeterminate sex and unable to undergo surgery due to their age).

Applicants who claim that they are unable to meet requirements because of unique circumstances, including a failure to meet the requirements of the relevant state or territory legislation or by DIAC, should provide the following supporting documentation,

- Statement (Bi 1) of reason why the applicant cannot meet requirements;
- Medical practitioner's statement, where relevant, providing reasons for the applicant's inability to undergo gender reassignment;
- Evidence of living in the character of the other gender such as driver's licence, medicare card, centrelink card, rates notices (or other PIDS documents);
- Original birth certificate;
- Name change certificate;
- Passport Office Manager's recommendation.

The relevant body in each State or Territory for recognising gender reassignment is listed in the table below.

State or Territory
Australian Capital Territory
New South Wales
Northern Territory
Queensland
South Australia
Tasmania
Victoria
Western Australia

Contact Details

<http://www.ors.act.gov.au/bdm/index.html>
(02) 62070 460

www.bdm.nsw.gov.au
1300 655 236

www.bdm.nt.gov.au
(08) 8999 6119/(08) 8951 5339

www.justice.qld.gov.au/16.htm
1300 366 430

<http://www.courts.sa.gov.au/courts/magistrates/index.html>
(www.ocba.sa.gov.au/bdm/)
(08) 8204 2444 ((08) 8204 9599)

www.justice.tas.gov.au
1300 135 513

<https://online.justice.vic.gov.au/bdm/home>
1300 369 367

www.bdm.dotag.wa.gov.au
(08) 9219 3020

Hi Susan,

On page 2 under 'Applicants who have not completed gender reassignment' at 2 "Evidence of any initial surgery completed (e.g. mastectomy)" Would also an orchidectomy be considered if the person met all other requirements?

I am pleased that those who cannot have surgery because it could be life threatening are included. There are two other categories that need to be looked at. They are, those who choose not to have surgery, but would meet all other criteria, and those who cannot afford surgery, but would meet all other criteria. I know of many Trans people who live full time in their preferred gender, but fall into the two categories that I have outlined. Can they be included in the above mentioned section?

It is gratifying to see that the children who maybe Trans are being considered as well. There are many of these coming out, and our feelings are, that there will be many more. It is understood that many who may consider themselves to be Trans will later retreat from that feeling and revert to their original gender/sex. This is now very much in the news with Re-Alex and puberty blockers to consider.

Once again, thank you for your help, and I will certainly keep in touch if any other problems arise.

Love and Peace, Kathy

Hi Kathy

All applications that do not meet the 'general' policy where RBDM or DIAC have issued a certificate in the new gender would be looked upon on a case by case basis and a decision made on the evidence/documentation/information provided (including any gender reassignment surgery already performed) and any other 'unique circumstances affecting that person.

As far as I am aware, there are no current plans to extend the exceptions to those that cannot afford surgery or choose not to have surgery.

Susan

Thank you Susan. We will have to live in hope that there will be a change so that those people who live in the preferred gender/sex by either choice, or lack of funds that they will be able to amend passports in the future. Many travel on their passport in their birth gender/sex and this can be hairy in some countries.

Love and Peace, Kathy

Q What do we have to do?

A We need an amended Cardinal document, such as an amended birth certificate if born in Australia, or an amended birth certificate from our Country of birth if offered or an amended Citizenship Certificate. This is the direct flow on from DIAC as mentioned above.

Q Why do we need to amend our passport?

A Because this enables us to have a "Normal life" after SRS. It can also make life easier for those travelling off shore for surgery and for those who are unable to undergo SRS for health reasons. At present there is no thought of allowing those who choose not to have SRS, or cannot afford to have SRS to be able to amend their passport

14-04-2010

Attachment of special General Declaration by Passport Applicant from Brisbane
Passport Officer John Milne.

He rang me this morning and discussed actual required documents.

He advised that I could attach e-mail scanned documents to him ASAP so he could get the Approval from Canberra to book an appointment to see him in Brisbane.

John appears to be a very helpful and obliging person so you may add him to your list of contacts in Brisbane DFAT Passport Office.

Contact as follows:-

Attention John Milne

Phone:-07 3405-4746 Fax 07 3405 4700

The above refers to form B-11, *General Declaration by Passport Applicant*.

This form must be completed and submitted with a passport application where required.
Note: it is an offence under the Australian Passport Act 2005 to deliberately make a false or misleading statement

Details of the person completing this form

Your full name

Your current address

Details of the Statement

Declaration

Declaration by the person completing this form

I declare that the information I have given on this form is complete and correct and that I am aware that the penalty for making a false or misleading statement either in writing or orally to obtain an Australia travel document is \$110 000 or 10 years imprisonment, or both.

Signature

Date

Full name (please print)

Federal agencies

- These are such as Medicare, Centrelink, Tax Office, Health Insurance Commission (HIC), Private Health and others
- Medicare and Private Health issue you with a new card in your new name, but what follows can cause confusion
- They allow you to change your name after a change of name, but central records are not amended until after SAS. This can be very confusing and embarrassing to both staff and Trans people.
- GPs, Dentists, Pharmacists will amend their records according to Medicare, but may have problems because of HIC
- Each Hospital maintains it's own records, so you may have to inform all Hospitals that you have been a patient in
- Response from Centrelink in regard to staying married after SAS

Centre link

Australian Government giving you options

Kathy Anne Noble
PO Box 897
Cleveland Qld 4163
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,
Paula Nightingale
Manager
Cleveland Customer Service Centre
Ph 3383 0130

A GUIDE FOR TRANS PEOPLE BORN IN NEW ZEALAND

NEW ZEALAND FAMILY COURT AND IMMIGRATION

This is a double whammy, as those New Zealanders living in Australia will have to apply via two government systems as did I via the United Kingdom, my birth Country. First you have to amend your birth certificate in New Zealand and then come to terms with all the documentation in Australia that then has to be amended.

The Australian documentation to be amended is contained in A Guide for Trans People in Australia which covers Residency, Citizenship and Passport and it is on our web site at: www.changelingaspects.com

"kathy noble" <knoble@iinet.net.au> 12/06/09 08:08 >>>

Good Morning,

My group has contact with many Kiwis now living in Australia and especially in the Brisbane/Gold Coast area. These people are Transsexuals who have either had surgery or are leading up to it. Many have taken out Australian Citizenship and have Australian passports too. Their problems are in concern to their New Zealand Birth Certificates and how they go about amending them.

From the point of view of the Family Court, do they have to return to New Zealand to appear before the Family Court, or would they be treated as an 'Exceptional circumstance'?

Would they also have to present to the BDMR in New Zealand, or can this also be done under the 'exceptional circumstances' situation?

With regard to their New Zealand passport, how do they go about amending that?

In all instances, do they have to be over 18, single (Read divorced) and have had SRS?

I await your replies, so that I can inform them how and what is required in order to amend their documentation. What forms and documentation are required.

I have been in touch with your HRC, and Jack Byrne who has sent me your details of contact.

The attached is from Jack Byrne at HRC. Here's some details from Rosslyn Noonan's speech to the Agender conference, explaining that some guys have applied successfully without all surgeries.

Citizenship / legal recognition:

- In late January a significant legislative change came into force, enabling people born over seas to make applications to the Family Court for a declaration changing their sex details. At least one application has already been granted.
- We understand there have been teething problems as it has taken time for Family Courts and Judges to become aware of the new provisions. A practice note (or guideline issued by the Court) on how these applications are to be handled may be useful in overcoming these difficulties.
- In addition, this time last year an important legal case Re Michael clarified that trans men do not necessarily need to have had all gender reassignment surgeries in order to be recognised by the Family Court as male.

Applications by trans women who have not had SRS will be very helpful in:

- further clarifying the legal threshold and
- identifying those groups who may still face barriers in gaining legal recognition under the current legislation.
- The Inquiry's recommendation, based on international case law and human rights standards, is that: the ability to get a Family Court declaration and therefore change important documentation should be available to any trans person who "has taken decisive steps to live fully and permanently" in their gender identity"

Jack

Dear Kathy

Thank you for your enquiry.

The Births, Deaths, Marriages and Relationships Registration Act 1995 defines who are eligible persons to make an application to the Family Court:

In sections 28 and 29,—

eligible adult means a person—

- (a) who is any of the following:
 - (i) a person whose birth is registered:
 - (ii) a person whose birth is registrable under this Act but is not yet registered:
 - (iii) a person who is a New Zealand citizen or is entitled, under the Immigration Act 1987, to be in New Zealand indefinitely; and
- (b) who—
 - (i) is 18 years of age or older; or
 - (ii) is younger than 18 years of age but who is or has been in a marriage, in a civil union, or in a de facto relationship

eligible child means a person—

- (a) who is any of the following:
 - (i) a person whose birth is registered:
 - (ii) a person whose birth is registrable under this Act but is not yet registered:
 - (iii) a person who is a New Zealand citizen or is entitled, under the Immigration Act 1987, to be in New Zealand indefinitely; and
- (b) who—

- (i) has not attained the age of 18 years; and
- (ii) has never been in a marriage, in a civil union, or in a de facto relationship.

It would be up to the individual Judge considering each application as to whether or not the applicant was required to appear before the Court in person.

I hope this answers your questions.

Kind Regards

Michelle Haigh

Acting Principal Analyst | Family/Civil Jurisdiction

District Courts

Ministry of Justice | Tahu o te Ture

DDI +64 4 918 8570 | Ext 58570

Vogel Centre | 16 Kate Sheppard Place | Box 180 | Wellington

www.justice.govt.nz

Kim Williams has suggested that I contact you on these last areas of concern. I have also learnt from my friends in NZ, that they only now need to submit an Affidavit to the Court along with their details required. Is this correct, as it would save the people here having to return to NZ for a Court appearance? They could submit Statutory Declarations to the Court, in the same way as Affidavits are now allowed.

Yours Sincerely, Kathy Anne Noble.

President, Changeling Aspects

Dear Kathy 02-07-2009

It would be something that was up to the Judge dealing with the case to decide. Many Judges may be comfortable dealing with an affidavit or statutory declaration instead of an in-person appearance for these cases, however as it is a matter of judicial discretion, I am unable to confirm what the process would be in every case.

Regards

Michelle Haigh (née Moffat)

[Immigration Act 1987 No 74 \(as at 01 August 2008\), Public Act](#)

[Act by section](#)

- [Contents](#)
- [Part 1 Exemptions, visas, and permits](#)

28 Minister may require applicant for temporary permit to have sponsor

- (1) Without limiting the Minister's discretion under section 27 of this Act, the Minister may, before granting a temporary permit, require the applicant to supply a written undertaking, in a form approved by the Minister, by any person acceptable to the Minister (in subsection (2) of this section called the sponsor) who is a New Zealand citizen or the holder of a residence permit or is exempt under section 12(1) of this Act from the requirement to hold a permit, relating to the employment, accommodation,

maintenance (including the costs of any social services of a kind for which benefits are provided by the State), or repatriation of the applicant and any dependants of the applicant in New Zealand, or to any 2 or more of those matters, or to any other matter or matters specified by the Minister, and otherwise upon such conditions as the Minister may require.

(2) In the event of the sponsor failing to comply with the whole or any part of the undertaking, the sponsor shall be liable to pay to the Crown all costs and expenses reasonably incurred by the Crown in respect of that failure. Subsection (1) was amended, as from 18 November 1991, by section 15 Immigration Amendment Act 1991 (1991 No 113) by inserting “(including the costs of any social services of a kind for which benefits are provided by the State)”.

[Immigration Act 1987 No 74 \(as at 01 August 2008\), Public Act](#)

[Act by section](#)

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29 Change of temporary permit

• (1) Any person who is the holder of a temporary permit (other than a temporary permit that is subject to the condition specified in section 27A(2) of this Act) may, at any time before the date on which the permit will expire, apply in the prescribed manner for a temporary permit of another type.

(2) If a temporary permit of another type is granted on an application made under this section, the current temporary permit shall be deemed to be cancelled as from the date on which the new one comes into force.

Subsection (1) was amended, as from 1 April 1993, by section 3(5) Immigration Amendment Act 1992 (1992 No 88) by inserting “(other than a temporary permit that is subject to the condition specified in section 27A(2) of this Act)”.

[FROM DEPARTMENT OF INTERNAL AFFAIRS](#)

Dear Kathy

Thank you for your email of 12 June regarding Kiwi Transsexuals who have either had surgery or leading up to it. All applicants must:

Be 18 years of age or have not married

have had their birth registered in New Zealand
not be legally married to a person of the nominated sex.

Applications can be made through any nominated Family Court in New Zealand. I am unable to advise you whether or not the applicant has to return to New Zealand to appear before the court as I am unaware of the Court procedures. You would need to contact someone in the Courts to provide the Court procedures you have requested.

You can go into our website www.dia.govt.nz for information on how to amend their passport.

This is a must view as to how to amend your passport

I am not aware of any successful applications where the sex has been changed on birth certificates without the applicant having the full reassignment surgery.

The documentation received from the Family Courts usually contain: completed initial application form from applicant giving a full account of why they are applying to have the gender changed on their birth record, a covering letter from applicant outlining history (including reports from Doctors, Psychologists, Psychiatrists supporting their application or providing further history), letter from the surgeon who performed the surgery outlining the whole procedure including any follow up appointments or recommendations for applicant, Family Court Declaration as to their sex under section 28 of the Births, Deaths, Marriages, and Relationships Registration Act 1995.

Upon application the Family Court will advise the Registrar-General of the hearing date. It is up to the Registrar-General whether legal representation from Births, Deaths and Marriages attend the hearing. Once the Judge has made a decision based on the evidence presented, the Court will forward Births, Deaths and Marriages the complete application, with the Judges recommendation. A form is sent to the applicant to complete, and the information from this form will then be transferred on to a new birth record. The only fee required by Births, Deaths and Marriages is NZD\$50 which is a registration fee, plus NZD\$26 if they require a new birth certificate.

I hope this information helps you. Feel free to email me if you require any further information.

Registration Officer
The Department of Internal Affairs Te Tari Taiwhenua
Identity Services
DDI: 043823617 Extn: 4617
Email Address: kim.williams@dia.govt.nz
www.dia.govt.nz

To the Family Court,

I have received these answers to my queries concerning Trans people who were born in NZ, but now reside in Australia. Many have taken out Australian Citizenship as well as Australian passports. They need to know how to go about amending their NZ birth certificate and to this end; I have received these answers, but do need more clarification. If you could just answer the remaining queries that I have raised it would be most helpful to the
Kiwis that I am helping in Australia

Dear Kathy

Thank you for your email today. Here is some more information you may find useful.

1. All applications are made through the Wellington Family Court. (Even if someone applies to another Family Court in New Zealand the application will be forwarded to Wellington. This is because Wellington is where the Registrar-General of Births Deaths and Marriages is based).

Understood

2. The website to obtain the forms is: www.justice.govt.nz/family/forms/list

The forms they need to download are:

G5 (Application form for order (or declaration) on notice

G7 (Information Sheet) and

General Affidavit form (right at the bottom of the list)

Understood

3. The forms need to be completed, and sent in with the following documents:

a) An original (or certified true copy) Birth Certificate

b) Proof of any operation performed from a Medical Practitioner or Surgeon

c) Any Psychologist or Psychiatrist reports or letters

d) Other evidence or information relevant to the application

Does this mean at c that you do not need surgery to be able to amend your birth certificate? Also do you need to be divorced in order to amend your birth certificate?

Hi Kathy

In response to the points below where you have raised further questions:

On the question of whether or not a physical appearance would be required, as I said earlier, it would be up to the Judge considering the application so I am unable to confirm that an affidavit only would be acceptable in every case.

I hope this assists with the information you are putting together.

Kind Regards

Michelle

Michelle Haigh (néeMoffat)

Acting Principal Analyst | Family/Civil Jurisdiction

3.

The decision about whether or not full surgery is required will be up to the Judge to consider on a case by case basis. The following link gives information about a recent Family Court decision where it was decided that full gender reassignment surgery was not required in that particular case.

http://www.hrc.co.nz/home/hrc/humanrightsenvironment/actiononthetransgenderinquiry_citizenship.php#June_2008_Family_Court_Decision

With regards to your question about divorce:

S30 of the Births, Deaths and Marriages Act sets out the case when the person is married. It says:

30 Registrar-General may add information to registration of birth

• (1) Subject to subsection (2) of this section, where there is deposited with the Registrar-General a declaration issued under section 28 or section 29 of this

Act that relates to a person whose birth has been registered or is later registered, the Registrar-General shall, on payment of the prescribed fee (if any), include in the information relating to the birth recorded under this Act or a former Act information that the person is a person of the nominated sex.

(2) The Registrar-General shall not at any time act under subsection (1) of this section if the person concerned is then lawfully married to a person of the nominated sex.. So, basically, the birth certificate cannot be updated if the person is married to a person of the same sex as the declaration. This provision does not refer to people who are in a civil union, so presumably they would not have to get divorced first to amend their birth certificate.

4. Documents a), b), c) and d) are then used as exhibits through the Affidavit.
Understood

5. All documentation needs to be photocopied to enable the Court to send the photocopy to the Registrar-General of Births, Deaths and Marriages. The Registrar-General will then decide if he wants to defend the hearing and advise the Court that either Births, Deaths and Marriages will send legal representation to the hearing, or advise the Court that he will be satisfied with the decision of the Judge.

Photo copied and noted by a Notary or JP?

5. The photocopies/duplicates of the documentation for the Family Court to provide to Births, Deaths and Marriages do not need to be certified.

6. If the Registrar-General wants to defend the hearing, the applicant will be required to be present at the hearing. If not, the Court may decide to forward the application to the Judge who may then make a decision based on the information given in the application, and grant an order without the applicant having to appear in Court at all.

Understood

7. Once the Judge has made a decision and granted a Court Order in favour of the applicant, the Court will then advise Births, Deaths and Marriages and the applicant. A Court Order will be forwarded to Births, Deaths and Marriages.

Understood

8. I will send the applicant an application to Deposit a Declaration by Family Court as to sex of person aged 18 or over.

The completed application form (BDM65) will be completed and returned to Births, Deaths and Marriages along with:

e) An original or certified true copy of the applicant's Birth Certificate establishing the applicant was born in New Zealand

f) The declaration from the Family Court

g) The application fee = New Zealand Dollars \$50.00

h) Application fee of new Birth Certificate if required = New Zealand Dollars \$26.00

Is this you personally, or the department?

8,9,10.

These queries appear to be directed to Kim Williams, rather than us.

9. Once the completed form is returned, I collate all the information and forward it to the Registrar-General for approval to create a completely new birth record. Once approved, I will then transfer the information and create a new birth record for the applicant. Their old birth record will then remain a closed record.

The information on the new birth certificate will show their new name, if applicable, their new nominated gender of female or male, and everything else will remain the same as their old record. (birth date, place of birth, and parent's details).

Again, is this you, or the department?

10. After the new record has been created, I will then write to the applicant and advise them that their application has been completed, and send their new birth certificate if they have requested a new one.

Again, is this you, or the department?

And last but not least, apart from the \$76.00 payable to Births Deaths and Marriages, there are no Court Fees involved. Great!

Hope this information helps you.

Registration Officer
The Department of Internal Affairs Te Tari Taiwhenua
Identity Services
DDI: 043823617 Extn: 4617
Email Address: kim.williams@dia.govt.nz
www.dia.govt.nz

Kathy Anne Noble
© Changeling Aspects
Telephone: (07) 3286 9155
Mobile: 0417 738 491
email: knoble@iinet.net.au
website: www.changelingaspects.com

UK Gender Recognition Act 2004 (GRA 2004)

The UK Gender Recognition Act 2004, is predicated on “Non Surgery”

To achieve a Case by Case Basis application

CHANGES TO UK REGISTRATION OF
PRACTITIONERS (Updated information)

As from November 2009, the legislation in the UK concerning General Medical Council (GMC) registered medical practitioners, practising outside of the UK

The new rules are that practitioners have to be not only registered, but licensed too. This only applies within the UK unfortunately. Therefore we have to revert to using practitioners in the UK who are both registered and licensed.

There are those at Charring Cross Gender Identity Clinic, such as Dr James Barrett, Dr Richard Curtis and Dr Michael Penning. I am given to understand by the Gender Recognition Panel (GRP) that these doctors have all been involved in the “Case by Case Basis application”

It is best to write to the address below in order to contact these doctors to see if they are willing to still do these applications. Also, bear in mind that the cost may have risen. James.Barrett@wlmht.nhs.uk

I am also asking the GRP and the Department for Constitutional Affairs if for those residing in Australia, if we can use Australian Medical Association registered doctors. The reason for this being that they do the required inspections to grant Gender recognition Certificates in South Australia and Western Australia. They also do the same in Victoria and New South Wales in order to issue a Recognised Detail Certificate. If these are acceptable to the UK GRP, why cannot AMA doctors be used in Queensland, Tasmania, The ACT and the Northern territory? It would appear that this could be construed as Discrimination on the part of the GRP and UK Government.

THE HISTORY OF CASE BY CASE BASIS

Since we were made aware that only General Medical Council (GMC) registered doctors could make the reports in May/June 2005, it has been an uphill battle with the UK authorities, in order to find an equitable solution to this problem.

We became very frustrated due to the Gender Recognition Panel (GRP) and their standard answers of ‘we cannot answer those queries unless accompanied by an application’ or ‘we do not make the laws, only apply them’ None of this helped us to come to understand what was to happen, if anything, to make our way of achieving our Gender Recognition Certificate (GRC) or Birth Certificate (BC) any better than it appeared at that time. The time being late 2005 and early 2006.

We were receiving no support or understanding of our dilemma from Department of Constitutional Affairs (DCA), Gender Recognition Panel (GRP), in fact we had been barred from asking any more questions in the hope of resolving our problems. On many occasions we pointed out to them that finding GMC registered doctors working in Australasia, or for that matter, anywhere outside of UK, were extremely difficult. There was no register kept in UK that would enable us to find these doctors, and at that time, none that we were aware of in Australasia.

Looking back over our correspondence in early 2005, it appears that we were all learning about how the Gender Recognition Act 2004 (GRA) really operated, plus its short comings for those outside of UK. Many were deceived by the term ‘Overseas Track’ into thinking it applied to all those outside of UK. The ‘Fast Track’ was for those who could prove they had lived in their preferred gender for 6 years or longer with one medical report required.

More to the point, I believe we were all ignorant of the fact that until it was defined in May/June 2005, that ‘Registered Medical Practitioner’ really meant ‘General Medical Council Registered Medical Practitioner’ This was only made clear after the definition was added to rejection notices in May/June 2005 as a directive from the Gender Recognition Panels Vice President. These existed until early 2006 on rejection

notices. This would also answer how some received their GRC/BC by using the 'Fast Track' without GMC doctors reports.

From the Vice President of the Gender Recognition Panel *"That the term Registered medical practitioner derives from the Medical Act 1983 and is to be interpreted as medical practitioners registered with the GMC. The term is a recognised legal term and it would have been an anomaly if the GRA had interpreted it differently"* You do not however mention as in the rejection letters dated after May/June 2005 *The GRA 2004 does not define this term. It is defined in the Interpretation Act 1978 by reference to section 55 of the Medical Act 1983. A 'registered medical practitioner' has to be registered by the General Medical Council. This can include doctors trained or practising abroad but registered in UK*

At this time the 'Standard Track' was not in vogue, so we did not understand the full implications of it until just before it came into vogue in September 2005.

At one stage we were given to understand that we would have to return to UK to have the 2 reports required under the Standard Track done by UK based doctors, and specialists who have a background in Gender Dysphoria/ Transsexualism. This would mean precluding about 95% of those eligible to apply, due to cost. An alternative suggestion was that we band together and fly out a 'specialist' at our expense in order that he/she could collate and process the reports. The idea was for the 'Specialist' to view our reports from our Psychiatrists, Surgeons and Endocrinologists and collate it into an acceptable report for GRP. How often was this to happen, and it still left out the GPs report!

About this time I found that my new GP was GMC registered. I also found a GMC registered Psychiatrist on the Gold Coast, but he proved to be unacceptable, unless he was on the 'Approved List in UK' This list only covered 'Specialists' based in UK, and for him to be added he would have had to apply to be placed on that list by supplying a CV which included his background in Gender Dysphoria/Transsexualism

When you look at it in this light, it then becomes clear as to why there was so much angst and misunderstanding. I now believe that the Government Departments were totally unaware of the problems this caused. I also now realise that Press for Change (Pfc) a support group offering 'Help as and when it was available' were on as bigger learning curve as were we out here.

Another event happened at this point in time, as it was suggested that it might be possible for a member, or members on the approved list to be able to collate our reports made outside of UK into an acceptable GRP report. This suggestion came from Stephen Whittle of PFC.

This was in May 2006, so we now had to contact someone on the approved list. I tried Dr Dalrymple as suggested, but he was retired, so had Dr James Barrett reply. Dr Barrett is the Consultant Psychiatrist and Lead Clinician at the Gender Identity Clinic at the Claybrook Centre in London. He agreed to see if it was possible along the lines that we were working on.

We now had to convince DCA and GRP that this route could work. I also now made Lynne Jones MP, who is the chairperson for the Parliamentary Committee for the Gender Recognition Act 2004 (GRA) aware of the situation. It had also been brought to her attention by Karen Gurney of WOMAN in Victoria. She now corresponded

with Baroness Ashton of Upholland at the DCA, and they sent a reply to Karen Gurney at WOMAN. This was passed on to me as it was decided that because of the problems caused outside of UK, it had been decided to implement this route on a 'Case by Case Basis'

Now comes the task of implementing it from our standpoint. I again confirmed with Dr Barrett that he would act along these lines as a test case, to which he agreed, and also stated that if acceptable he would do it for others outside of UK, at a cost of £60 pounds sterling. Dr Barrett has verified that 3 other Psychiatrists at the Claybrook Centre will also collate our reports. The names of these doctors are on our web site, or you can apply to me for the information.

I now went to my GMC registered GP and he wrote his report concerning my surgery, giving full details of all procedures. I then forwarded this report along with my Psychiatrists, Surgeons and Endocrinologists reports to Dr Barrett. He collated them and sent back his report to go to GRP. This was in early June 2006. I was unable to re-apply until early October 2006 after my rejection in May 2006, as you have to wait a mandatory period of 6 months before being able to re-apply after a rejection.

I made Kain aware of the situation and he was willing to try this route as he also had been rejected, but could re-apply earlier than me. This he did at the due time and was accepted in October 2006. He now has his Gender Recognition Certificate (GRC) and Birth Certificate (BC). He did not use Dr Barrett and is unable to disclose the name of the doctor he used, but did follow every thing that had to be done concerning the Standard Track application and the Case by Case Basis.

I followed on with my re-application in October 2006 and was accepted on the 14/11/2006. I have received my GRC and my BC is on the way.

So after 20 months of probing and questioning the Act 2004 in order to find an acceptable solution to our problems, so that we could receive our GRC/BC, we have arrived at a conclusion. Others can now use this same route, as outlined in my details of requirements for the 'Case by Case Basis'

I am not going to say it has been easy to achieve this outcome, as at times it has been quite acrimonious with little understanding or empathy for our plight. It must however be said that once a considered course of action was verified, it could be taken and our problems were fully understood. The outcome has been a Win, Win situation.

I would hope that others will use this route in order to achieve their goal and receive their GRC/BC

I know that South Australia and Victoria provide a GRC for those who have had SRS and reside in those states, but were born in UK. I wish to point out that the GRA 2004 is based on 'Non Surgery', so this means all who have lived in their preferred gender for a minimum of 2 years can apply if born in UK. This means that those in South Australia and Victoria who have not had SRS, due to choice, cost or ill health and live full time in their preferred gender and will continue to do so until death can also apply. So too can others in the rest of the States and Territories in Australia, as can those in New Zealand.

For all the support and hard work in achieving this outcome, I would like to thank Karen Gurney, Rachael Wallbank, Stephen Whittle (his idea started it) Kain for trialling it, and every one else who has given me their support over this very trying time. You all know who you are. Thank you all.

Approved countries and territories under the Gender Recognition Act 2004

[View a table of gender recognition schemes in countries and territories that have been approved by the Secretary of State](#)  (144kb)

List of approved countries and territories under the Gender Recognition Act 2004

- Australian territories of:
 - Australian Capital Territory. **Wrong. No recognition certificate issued**
 - Northern Territory **Wrong. No recognition certificate issued**
 -

- Australian states of:
 - New South Wales RDC from March 2009
 - Queensland **Wrong. No recognition certificate issued**
 - South Australia RC from 1988
 - Tasmania **Wrong. No recognition certificate issued**
 - Victoria RDC from January 2005
 - Western Australia RC from 2001
- New Zealand RC from 2008

All of the above appear on their Approved list, when in reality only South Australia, Western Australia and Victoria should appear. These are the only three States in Australia that offer a recognition certificate that can be used as proof of recognition after SRS and change of sex. Since writing this

South Australia (1988 and now being reviewed) Western Australia (2001) and Victoria (2005) The DCA showed how little they were up to speed when they wrote to me and were not aware of Victoria legislation as from January 2005. Since writing this New South Wales has also issued a RDC as from March 2009

New Zealand should not have been on there, as they do not issue recognition certificates. In all the above cases what was being used was the fact that all the States and Territories in Australia as well as New Zealand do issue amended documentation to those born in those States or Territories or Country, with the addition of the three States mentioned above who do issue recognition certificates for those residing in those States, but born abroad. New Zealand issued a certificate via the family Court from 2008. Also now predicated on Non Surgery fro 2009

We were also told that any research into these matters pertaining to off shore was carried out, not by Government, but by Volunteer support organisations, such as Press for Change. There was very little money spent on this research.

STANDARD TRACK application using the CASE BY CASE BASIS.

Forms & Guidance

You are eligible to apply for Gender Recognition if you are:

- at least 18 years of age, and
- have lived in your acquired gender or have been recognised under the law of a country or territory outside the United Kingdom as having changed gender.

Things to consider before applying for Gender Recognition

If you are successful in your application for Gender Recognition, the law will recognise you as having all the rights and responsibilities appropriate to a person of your acquired gender. A successful application may affect some aspects of your life. These could relate to matters such as your pension entitlements, your benefit entitlements or your marriage.

The Gender Recognition Panel is aware that some applicants living overseas face difficulties with the evidence needed to satisfy the Gender Recognition Act 2004, especially the requirement to submit medical report/s by a General Medical Council (GMC) registered Practitioner. To alleviate this difficulty, the Gender Recognition Panel is prepared to consider, on a case by case basis, reports by a GMC registered practitioner practising in the field of gender dysphoria, who has read the medical report/s by non-GMC medical practitioners and is able to confirm the information and opinion contained in the report(s). This does not affect the statutory requirements for reports from 2 registered medical practitioners in support of applications.

Guidance for married people or those in a Civil Partnership: Section 4(3) Gender Recognition Act 2004 requires the panel on considering an application for a Gender Recognition Certificate to issue an interim and not a full GRC where the applicant is married or a civil partner. The reason for this provision is that if the marriage is not terminated or the civil partnership ended the issue of a full GRC would have the effect of creating a same sex marriage or opposite sex civil partnership which are not allowed under UK law.

It is recognised that some couples do not want to end their existing relationship on the grant of a full GRC. They would need to end their existing marriage or civil partnership on the issue of the interim certificate and then enter into a new civil partnership or marriage, as appropriate, on the granting of the full GRC.

This is for applicants for a Gender Recognition Certificate (GRC) and Birth Certificate (BC) residing outside of UK. All usual requirements included in the application are the same with the exception of the following.

We now have 2 GMC registered doctors to contact. One is Dr Steinbeck in Sydney and the other is Dr Kiely in Brisbane. Please contact me with any queries on knoble@iinet.net.au

We Can no longer use these two doctors as they are not licenced, due to changes of law in UK as licences are not issued outside of the UK

To achieve a Case by Case Basis application you need to

- A Find a General Medical Council (GMC) registered GP practising in the country that you now reside in. Don't forget his GMC registration number.
The GP has to confirm that you have or have not had SRS.
If you have what were the procedures used?
If not, then why not. Health, Choice or lack of funds?
You must have lived in your preferred gender for a minimum of 2 years and will Continue to do so for the rest of your life.

- B Collect all paper work from your Psychiatrist concerning Gender Dysphoria (GD) and from your surgeon concerning SRS. You also need to include a copy of The GPs report.
- C Send all of these as copies to Dr James Barrett for him to collate the details into a Report for the Gender Recognition Panel (GRP) in Leicester UK. Ask for his report to be sent to you. His cost is 60 Pounds Sterling.
- D When you have his report you then send that plus the GPs report with Standard Application to GRP, with their fee if applicable.
- E All details are on the GRP web site for normal usage. If you go into Applicants There is a paragraph under Explanatory Leaflets, please read.
The Gender Recognition Panel is aware that some applicants living overseas face Difficulties with the evidentiary needed to satisfy the Gender recognition Act 2004, especially the requirement to submit report/s by a General Medical Council (GMC) registered practitioner. To alleviate this difficulty, the Gender Recognition Panel is prepared to consider, on a case by case basis, reports by a GMC registered practitioner practising in the field of gender dysphoria who has Read the medical report/s by non-GMC medical practitioners and is able to Confirm the information and opinion contained in the report/s

The web site is www.grp.gov.uk

- F The address for Dr James Barrett is Gender Identity Clinic
Claybrook Centre
37 Claybrook Road
London
W6 8LN

CONCLUSIONS

- Too many laws that are not understood by many in the Trans Community
- Need to have one set of laws to cover Trans issues, legislated at Federal level and administered by States and Territories as Agents
- Need to have user friendly and easily understood legislation. This is a concern for both those administering and those trying to work within these laws
- Too many anomalies for us to understand. Cannot amend birth certificate unless divorced. Can amend passport even if remaining married after SAS.
- More designated web pages needed, as per the Passport web site
- Can amend documentation via DIAC for those born off shore even if you have not had SAS
- Can be in the unenviable position of having a female passport and a male birth certificate, what a farce.
- SCAG template issued in 2005 has never been implemented
- A National advisory group that includes not just the governments, but Trans people as well to be implemented in order to deal with outstanding Trans issues
- Lack of support at all levels with regard to Trans People

- No help with regard to costs of transitioning other than rebates from Medicare and Private Health if able to afford private health cover.
- Those born off shore, treated as second class citizens due to no recognition given at some State and Territory levels
- This will make life easier all round for those born off shore by issuing RDCs in Queensland, Tasmania, The ACT and The Northern Territory
- Urgent need for upgraded education at all levels of the medical fraternity
- Decision as to whether Australia accepts “Non Surgery” or not

Yours Sincerely, Kathy Anne Noble.
President, Changeling Aspects
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