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Getting a passport made easier for sex and gender diverse people

Joint media release

- The Hon Kevin Rudd MP, Minister for Foreign Affairs
- The Hon Robert McClelland MP, Attorney-General

14 September 2011

Foreign Minister Kevin Rudd and Attorney-General Robert McClelland today announced new guidelines to make it easier for sex and gender diverse people to get a passport in their preferred gender.

Under the guidelines, sex reassignment surgery will no longer be a prerequisite to issue a passport in a person's preferred gender.

"Sex and gender diverse people now have the option of presenting a statement from a medical practitioner supporting their preferred gender," said Mr Rudd.

"This amendment makes life easier and significantly reduces the administrative burden for sex and gender diverse people who want a passport that reflects their gender and physical appearance."

The initiative is in line with the Australian Government's commitment to remove discrimination on the grounds of gender identity and sexual orientation.

"Most people take for granted the ability to travel freely and without fear of discrimination," Mr McClelland said.

"This measure will extend the same freedoms to sex and gender diverse Australians.

"While it's expected this change will only affect a handful of Australians, it's an important step in removing discrimination for sex and gender diverse people.

"Importantly, this policy addresses a number of the recommendations contained in the Australian Human Rights Commission's Sex Files report."

Media inquiries

- Minister's office: (02) 6277 7500
- DFAT Media Liaison: (02) 6261 1555

This is attributable to a spokesperson for the Department of Foreign Affairs and Trade

UNCLASSIFIED

Dear Kathy,

My apologies for the delay Kathy, I wanted to ensure I had the information absolutely correct.

If you quote this information on your website, could you please attribute it to a spokesperson for the Department of Foreign Affairs and Trade.

"This new policy makes it easier for members of the sex and gender diverse community to obtain a passport in their preferred gender. Sex reassignment surgery is no longer a prerequisite to the issue of a passport in a new gender.

The passport will show the person as either female (f) male (m) or intersex, indeterminate, unspecified (x) to reflect their preferred gender identity.

Applicants will have to provide a statement from a medical practitioner registered with the Medical Board of Australia, or equivalent overseas authority, certifying that they have undergone, or are receiving, appropriate clinical treatment for gender transition; that they are intersex and live in a particular gender; or are of indeterminate sex.

The policy also applies to intersex applicants who do not accept the sex assigned to them at birth and who live in a different gender, as well as those who wish to have 'x' appear in their passport to identify their sex as indeterminate.

Applicants must meet all other normal passport requirements, such as providing proof of identity documents to support their identity in the wider community.

The policy removes unnecessary obstacles to recording a person's preferred gender in their passport. It has been developed in close consultation with the sex and gender diverse community.

This initiative is in line with the Australian Government's commitment to remove discrimination on the grounds of sexual orientation or sexual identity. "

This information will soon be available on the passports website. They are just in the process of updating the information.

Kind regards,

Dana

Dana Robertson

Media Liaison Officer

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13 September 2011

PASSPORT TO THE FUTURE: PASSPORT CHANGES WELCOMED IN SAME WEEK AS INAUGRAL PARLIAMENTARY FRIENDS MEETING

“changes hugely welcome...great gathering in Canberra...”

TransGender Victoria welcomes changes to passport requirements for sex and gender diverse Australians – coincidentally announced in the same week as the inaugural meeting of the Parliamentary Friends of LGBTI group.

“The changes to passport regulations that eliminate the requirement for surgery in relation to sex and gender diverse people are hugely welcome and a great combination of common sense and humanity” stated TransGender Victoria spokesperson Sally Goldner. “The practical effects for a person travelling overseas of the previous situation have resulted in circumstances ranging from humiliation to incarceration. This change will make travel much happier for people previously affected.”

“The changes are possibly the most significant reform announced by any jurisdiction in Australia regarding sex and gender diverse issues for at least 5 years and give reassurance that sex and gender diverse people are being remembered in relation to human rights.”

“TransGender Victoria in particular thanks Foreign Affairs Minister Rudd and officials from Department of Foreign Affairs and Trade for their initiative and equally for their highly professional and respectful process of consultation with transgender and intersex organisations

The announcement of the passport changes occurs within 24 hours of the first meeting of the Parliamentary Friends of LGBTI group (“friends group”) with LGBTI representatives from around Australia.

Over 40 MPs, including 3 ministers and MPs from remote electorates, where the effects of isolation for LGBTI people are felt even more deeply were in attendance. They heard the story of openly gay diver Matthew Mitcham’s personal journey in relation to sexual orientation. Peter Hyndal of A Gender Agenda spoke of the need for progress for transgender, intersex and bisexual Australians who have, at times felt left behind in reforms, while a representative of a major Australian business spoke of the positives of respecting diversity.

“The gathering, while largely informal, gave the chance for LGBTI people to give directly to MPs some insight on a range of issues including documentation, health and Medicare and even issues as basic as appropriate use of pronouns for trans people. The issue of “forced trans divorce” in relation to the lack of marriage equality also arose in the course of conversation, leaving one or two ardent supporters of the status quo at least with a new perspective.”

“The fact that the friends group was organised in a cross-partisan way is also a welcome move in aiming to put LGBTI lives above being a political football. We thank Warren Entsch, Graham Perrett and Sarah Hanson-Young and their staff for their efforts and also Corey Irlam of Australian Coalition for Equality for his strong input.”

“The first meeting builds a great foundation for further progress to a better future for LGBTI Australians, their friends, partners and families.”

For more information contact Sally Goldner on 0407 946 242. See also <http://oii australia.com> for specific issues relating to people experiencing intersex and <http://www.genderrights.org.au> for A Gender Agenda

Hi Danielle and all

Here is the response

Cheeyars

Sally

DFAT will deal with applications on a case by case basis. For new passport applications (ie, where the person does not currently hold a passport), the fee will be payable. For cases where the person is seeking essentially to have a passport reissued in their preferred gender under the new policy, DFAT will consider applications for a gratis passport on a case by case basis, and only for the period of validity of the passport that is being replaced.

passports.gov.au
'Sex and Gender Diverse Passport Applicants' section

Revised Policy

Sex reassignment surgery is not a prerequisite to issue a passport in a new gender. Birth or citizenship certificates do not need to be amended for sex and gender diverse applicants to be issued a passport in their preferred gender.

A letter from a medical practitioner certifying that the person has had, or is receiving, appropriate clinical treatment for gender transition to a new gender, or that they are intersex and do not identify with the sex assigned to them at birth, is acceptable.

The letter will only be accepted from practitioners registered with the Medical Board of Australia (or equivalent overseas authority). 'Appropriate clinical treatment' does not have to be specified.

A full validity passport in a new sex may also be issued to applicants who have undergone sex reassignment surgery and have registered their change of sex with Registrars of Births, Deaths and Marriages (RBDM) or the Department of Immigration and Citizenship (DIAC).

A passport may be issued to sex and gender diverse applicants in M (male), F (female) or X (indeterminate/unspecified/intersex).

Applicants must meet all other normal passport requirements, such as providing proof of identity documents to support their identity in the wider community.

The policy removes unnecessary obstacles to recording a person's preferred gender in their passport and was developed in close consultation with sex and gender diverse community organisations in Australia.

This initiative is in line with the Australian Government's commitment to remove discrimination on the grounds of sexual orientation or sex and gender identity.

For further advice, contact the Australian Passport Information Service on 131232 or the Passport Policy Section on passports_policy@dfat.gov.au.

All state and territory passport offices will have trained staff in sex and gender diversity policy who can assist you at interview if required.

What do I need to do to apply for a passport in my preferred gender?

You need to lodge an Application for Australian Passport at an Australia Post outlet, Australian Passport Office or Australian diplomatic or consular mission. Please be aware that the Australian Passport

Renewal Application form (PC7) cannot be used to change any detail that appeared on a previous Australian passport.

For further information on the application that best suits your circumstances, please contact APIS on 131232 or your nearest Australian diplomatic or consular mission.

You must also meet the usual passport application requirements, including providing proof of your identity and Australian citizenship status, and pay the applicable fee/s.

D11/762395

In addition, to be issued a full validity passport in your preferred gender, you must provide either a:

Letter from a registered medical practitioner (registered with the Medical Board of Australia or equivalent overseas authority) certifying that you have had, or are receiving, appropriate clinical treatment for gender transition to a new gender or that you are intersex; or.

RBDM revised birth certificate; or

RBDM gender recognition certificate; or

RBDM recognised details certificate; or

DIAC revised citizenship certificate (or a letter from DIAC confirming that DIAC has accepted the reassigned sex and their records have been amended).

Why do I have to have a sex recorded on my passport?

Under the International Civil Aviation Organisation (ICAO) standards, sex is one of four mandatory personal identifiers contained in a passport. A passport must include either the letter M (male), F (female) or X (indeterminate/unspecified/intersex).

Do I have to change the sex on my Australian birth or citizenship certificate?

No. You no longer need to change the sex on your birth or citizenship certificate to be issued a passport or other travel document in your preferred gender.

What evidence do I need to provide from my doctor if I am unable to change the sex on my birth or citizenship certificate?

A letter from a registered medical practitioner (registered with the Medical Board of Australia or equivalent overseas authority) certifying that you have had, or are receiving, appropriate clinical treatment for gender transition to a new gender or that you are intersex.

For people transitioning

This is a sample of a letter your doctor should use certifying that you have had, or are receiving, appropriate clinical treatment for gender transition.

Registered medical practitioner's letterhead (including full name and contact details)
I, <medical practitioner's full name> am the doctor of <name of patient> with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose history I have reviewed and evaluated).

<Name of patient> has had, or is receiving, appropriate clinical treatment for gender transition to the new gender of (specify new gender male or female). D11/762395

Signature of medical practitioner
Signature block of medical practitioner
Registration number from the Medical Board of Australia (or equivalent overseas authority)

For people who are Intersex

This is a sample of a letter your doctor should use certifying that you are intersex.

Registered medical practitioner's letterhead
(including full name and contact details)

I, <medical practitioner's full name> am the doctor of <name of patient> with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose history I have reviewed and evaluated).

<Name of patient> is intersex and lives in the gender (specify new gender male or female).

OR

<Name of patient> is intersex and is of indeterminate sex.

Signature of medical practitioner

Signature block of medical practitioner

Registration number from the Medical Board of Australia (or equivalent overseas authority)

I am planning to travel overseas for sex reassignment surgery. Can I get a passport in my preferred gender?

Yes, sex reassignment surgery is not required to issue a passport in your preferred gender. However, you must provide a letter from your medical practitioner confirming you have had, or are receiving appropriate clinical treatment for gender transition or that you are intersex.

I'm married and have had sex reassignment surgery but cannot get a revised birth certificate. Can I get a passport in my reassigned gender?

Yes. You no longer need to change the sex on your birth certificate to be issued a passport in your preferred gender. However, you must provide a letter from your medical practitioner confirming you have had, or are receiving appropriate clinical treatment for gender transition or that you are intersex.

I am unable to complete sex reassignment surgery. Am I able to obtain a passport in my preferred gender?

D11/762395

Yes, sex reassignment surgery is not required to issue a passport in your preferred gender. However, you must provide a letter from your medical practitioner confirming you have had, or are receiving appropriate clinical treatment for gender transition or that you are intersex.

In the process of transitioning to my preferred gender, I have changed my name. Am I able to get a replacement passport?

Yes. You will need to lodge an Application for Australian Passport at an Australia Post outlet, Australian Passport Office or Australian diplomatic or consular mission. Please be aware that the Australian Passport Renewal Application form (PC7) cannot be used to change any detail that appeared on a previous Australian passport.

Requests for a gratis replacement passport following a change of name as part of the transitioning process will be considered on a case-by-case basis.

Any gratis replacement passport issued would have the same expiry date as the passport being replaced.

If you have not previously had an Australian passport, the full fee is applicable when applying for a passport.

Your change of name must be formally registered with the RBDM in the state or territory of your birth or residency and an original RBDM certificate provided as evidence of your new name. You must also provide a letter from your medical practitioner confirming you have had, or are receiving, appropriate clinical treatment for gender transition or that you are intersex.

I have not had sex reassignment surgery and I can't get a letter from my doctor. What should I do?

Apply for a Document of Identity (valid for a maximum of three years), with the sex field left blank.

Alternatively, email the Passport Policy Section at passports_policy@dfat.gov.au or call the Australian Passport Information Service on 131232 and ask them to refer your case to the Passport Policy Section for review.

Australia Government changes policy on passports.

<http://www.abc.net.au/news/2011-09-15/passport-gender-choice-made-easier/2899928>

Genital surgery is no longer needed to change the sex marker status on the passports of sex and/or gender diverse groups of people. Recent negotiations with the government and several high profile cases brought against the government has encouraged the change in line with the recommendations of the Australian Human Rights Commission's 2009 Sex Files Report for a better legal status for all groups of sex and/or gender diverse people.

Sex and/or gender diverse (SGD) people are made up from many differing groups including people who are intersex, transexed, transsexual, transgendered, androgynous, without sex and gender identity, cross dressers and people with sex and gender culturally specific differences. They are people who experience variations in physical presentation and social behavior that is other than stereotypically male or female. Each group may have its own physical, psychological, social, legal and political issues that may not necessarily relate to any of the other groups.

The change is interesting in its terminology in that it not based on a person being transsexual or transgender in line with SAGE's recommendations.

<http://www.sageaustralia.org/linked/sage%20passport%20submission%20aug%202011%20to%20kevin%20rudd.pdf>

This now leaves the way open for people to get a passport of their choice in their preferred gender by producing a letter from a medical practitioner stating their need to pass as that gender, easily a GP. That may not even require hormone treatment. What it also opens up is the choice for M F or X on a passports. This will mean people who do not identify as male or female should be able to ask their GP to recommend the use of X on the passport as an indication of the absence of a sex marker. This is useful in case like that of Norie May-Welby who has been medically certified and 'sex non specified'. It will also be useful in cases of gender queer people who do not want surgery or hormones.

<http://www.youtube.com/watch?v=IULXMrxG9fg>

Thank you.

Best Wishes

Tracie

Australian passports to have third gender option

X category aims to counter discrimination against intersex people, while transgender people can pick male or female

- Staff and agencies

guardian.co.uk,

Thursday 15 September 2011

Australian passports will now have three gender options male, female and indeterminate under new guidelines to remove discrimination against transgender and intersex people, the government said Thursday.

Intersex people, those born with reproductive or sexual anatomy that does not fit the typical definitions of female or male, will be able to list their gender on passports as X.

Transgender people, whose perception of their own sex is at odds with their birth gender, will be able to pick whether they are male or female if their choice is supported by a doctor's statement.

Previously, gender was a choice of only male or female, and people were not allowed to change their gender on their passport without having had a sex-change operation. The US dropped the surgery prerequisite for transgender people's passports last year.

Australian senator Louise Pratt, whose partner was born female and is now identified as a man, said the reform was a major improvement for travellers who face questioning and detention at airports because their appearance does not match their gender status.

"X is really quite important because there are people who are indeed genetically ambiguous and were probably arbitrarily assigned as one sex or the other at birth," Pratt said. "It's a really important recognition of people's human rights that if they choose to have their sex as 'indeterminate', that they can."

Australia's foreign minister, Kevin Rudd, said the new guidelines removed discrimination on the grounds of gender identity and sexual orientation.

"This amendment makes life easier and significantly reduces the administrative burden for sex and gender diverse people who want a passport that reflects their gender and physical appearance," he said in a statement.

The attorney-general, Robert McClelland, said while the change would affect few Australians, it was important because it would allow them to travel free of discrimination.

Peter Hyndal, who negotiated with the government on the reforms on behalf of the human rights advocacy group A Gender Agenda, said the new guidelines were in line with more flexible approaches to gender issues in passports issued by the US and Britain.

"It's amazingly positive," Hyndal said. "It's the biggest single piece of law reform related to transgender and intersex issues at a commonwealth level ever in this country mind-blowing."

As many as 4% of people have an intersex condition, but most never become aware of their minor chromosome abnormalities.

Earlier this year, the transgender and eunuch Hijra community in Bangladesh won a fight for third gender category when authorities printed passport application forms with 'other' as an option. Hijras in neighbouring India have been able to list their gender as E for eunuch on passports since 2005.

Last week Thai campaigners successfully petitioned courts to allow transgender people to serve in the military after previously being turned away of the grounds that they were suffering from "permanent psychosis".

<http://www.guardian.co.uk/world/2011/sep/15/australian-passports-third-gender-option>

Thank you Dana.

16-09-2011

Sorry to be a pain. Look forward to your answers.

Kathy

From: Robertson, Dana [mailto:Dana.Robertson@dfat.gov.au]
Sent: Friday, 16 September 2011 8:45 AM
To: 'knoble@iinet.net.au'
Subject: Re: Query [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

That's fine Kathy.

I understand your need to get correct information to your community.

I'll chase up these answers and your earlier question this morning and get back to you asap.

You might be interested to know that story has had enormous coverage overseas. (UK, Japan, and Turkey to name a few)

Best,
Dana

From: Kathy Knoble [mailto:knoble@iinet.net.au]
Sent: Friday, September 16, 2011 08:41 AM
To: Robertson, Dana
Subject: Query

Sorry to trouble you Dana. Could you please verify the attached as correct please, as there are certain areas that I do not feel happy with

- There is no mention of sex on the Australian Citizenship certificate
- How are permanent residents affected by this?
- How are Kiwis affected by this? As they have special entry rights and different form numbers to fill in for DIAC when asking for their residency status to be amended from male to female or female to male. They receive form 283 which does not contain a sex on it.

Again, I apologise for raising these queries, and there maybe more to come.

Sincerely
Kathy Anne Noble
Changeling Aspects

From: Kathy Knoble [mailto:knoble@iinet.net.au]
Sent: Friday, 16 September 2011 6:40 AM
To: Robertson, Dana
Subject: Question

Good Morning Dana,

Can the new passports be issued via the "Post Shop" or do we have to go via the Passport Offices?

We find that most Post Shops are not up to speed where we in the Trans community are concerned.

Sincerely, Kathy Anne Noble
Changeling Aspects

UNCLASSIFIED 16-09-2011

Hi Kathy,

Apologies for the delay in getting back to you.

In relation to your question about Australia Post:

People may attend an interview at any Australia Post outlet that conducts passport interviews - they may also attend any state or territory Australian Passport Office.

We are working closely with Australia Post to urgently distribute the new policy to all passport interviewing outlets across Australia.

Australia Post will shortly send a 'bulletin' to all of their outlets outlining the new policy, and training material developed in conjunction with the Australian Passport Office will follow.

Given the number of Australia Post outlets that conduct interviews (around 1700) it may take some time to ensure that all Australia Post staff members are fully trained on the new policy. But as mentioned earlier, applicants may also attend an Australian Passport Office for their interview.

People wanting advice on the new policy may contact the Australian Passport Information Service (131232), or a state or territory passport office.

In relation to your questions about citizenship certificates:

Australian citizenship certificates have not contained a sex or gender field for some time. For more detailed information on Australian citizenship certificates it's best to contact the Department of Immigration and Citizenship (DIAC). Their media contact details are on their website www.immi.gov.au

People seeking a passport in their preferred gender, who have an Australian citizenship certificate, do not need to have their sex/gender in DIAC records amended. People who choose to amend their DIAC records, however, will need to provide at interview a letter from DIAC as evidence that DIAC has

changed their records. The Australian Passport Office will also need to see the existing citizenship certificate to confirm the person's Australian citizenship.

It is important to remember that changing DIAC citizenship records is no longer necessary to obtain a passport in a person's preferred gender. Under the new policy a client may provide a letter from a medical practitioner instead.

Questions concerning DIAC requirements to amend their records for Permanent Residents, including for New Zealand citizens, should be directed to DIAC.

Our policy applies only to Australian citizens as Australian passports are issued to Australian citizens only.

I hope this clarifies things for you.

Kind regards,

Dana

*Dana Robertson
Media Liaison Officer
Department of Foreign Affairs and Trade
tel: + 61 2 6261 1555
fax: +61 2 6261 1325
media@dfat.gov.au*

Thank you Dana,

Yes that does indeed clarify the situations that I raised.

I was aware of the DIAC situation as I worked with them to produce a report to go on my web site.

Thank you very much, once again

Sincerely, Kathy