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More good news from Australia!

Begin forwarded message:

Date: October 6, 2011 3:20:24 AM GMT+02:00

Subject: [TransgenderHumanRights] Media Release: CONSORTIUM OF TRANSGENDER & INTERSEX ORGANISATIONS WELCOME HISTORIC HIGH COURT DECISION IN AUSTRALIA

Thursday, 6th October 2011: A consortium of organisations representing transgender and intersex people around Australia today welcomed the High Court of Australia's decision to uphold the appeal of two trans men who challenged the interpretation of the West Australian Gender Reassignment Act (2001), saying that they hoped the decision would set a precedent for the way similar laws around the country would be applied.

Sally Goldner, spokesperson for TransGender Victoria said "The High Court ruled that the law should be applied in a beneficial way that makes life easier, not harder for people, and therefore that there was no justification for requiring people to have costly and unnecessary surgeries in order to have their sex recognised."

Goldner added that the decision "is in line with the findings of the Australian Human Rights Commission's Sex Files Report in 2009 which recommended that surgery should not be considered a necessary pre-requisite for the legal recognition of a change of sex."

Aram Hosie, spokesperson for the WA Gender Project said "Previously transsexual people in Western Australia, as in other parts of the country, have been unable to legally amend their sex without invasive, medically unnecessary surgeries that may be unwanted, impractical or unattainable."

"This has resulted in difficulties in proving ones identity on essential documentation, a loss of privacy, and the risk of exposure to discrimination, harassment and sometimes even violence."

Hosie added that "in Western Australia in particular, a person's inability to legally amend their sex leaves them without any legal discrimination protections."

"The High Court's decision will now make it much easier for transsexual people in Western Australia to obtain documentation that accurately reflects their identity and physical appearance. In turn, this will further help those same people to more easily obtain discrimination protection under West Australian law."

Peter Hyndal, spokesperson for A Gender Agenda said he hoped that the decision would "set a precedent about the way that laws governing the recognition of sex in Australian should operate, and so help make life easier for transsexual men and women in Western Australia and the rest of the country."

"To this end, we call on other State and Territory Governments around Australia to reflect the High Court's decision in their interpretation and administration of the law and to act on the recommendations of the Australian Human Rights Commission Sex Files report" Hyndal added.

“We would also like to acknowledge that this historic case would not have been possible without the generous pro bono support of Freehills. Freehills commitment to this case over more than three years demonstrates their support for human rights in Australia, and we are very grateful for their efforts. We congratulate AH and AB - and also people like Conor Montgomery in NSW – for their courage and determination in tackling unfair situations. They make a huge difference for the lives of many other people in standing up for what they believe.”

- ends -

The full high court decision is available online at:
<http://www.austlii.edu.au/au/cases/cth/HCA/2011/42.html>

Forwarded from Matt Tilley...

Dear colleagues

Some of you may be aware that two female-to-male transsexual people have won a landmark Australian High Court battle to be legally recognised as men under Western Australia's gender reassignment laws, with the announcement handed down today. This is an excellent outcome for Western Australian transsexual people's human rights, and comes after recent changes to Australian passport legislation supporting transsexual people as well.

For those of you who are interested to read more I have copied a link to a preliminary article in *The West Australian* newspaper below. I believe there will be a more in depth article in *The West Australian* newspaper tomorrow.

<http://au.news.yahoo.com/thewest/a/-/breaking/10412761/transsexuals-win-wa-high-court-battle/>

Regards

Matt

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Australia court in transgender ruling

By **Duncan Kennedy** BBC News, Sydney

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Australia's highest court has ruled that two transgender people can be legally recognised as men, even though they have not had complete sex changes.

The decision has been welcomed by support groups for transgender people.

Australia is now one of a growing number of countries to relax the rules on surgical requirements to determine gender.

The two people at the centre of this case have not been identified.

Both had their breasts removed and underwent male hormone therapy, but they both retain some female sex organs.

Yet when they tried to legally change their gender to male, they were blocked.

Now after an appeal, Australia's highest court has ruled in their favour saying that a person is identified as male or female by their external characteristics, not their sexual organs.

The decision has been welcomed by transgender support groups, and also brings Australia into line with South Africa, Britain and some other European countries.

It comes a month after the authorities here said that transgender people can change the gender on their passports without sex change surgery.

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