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Legislators and Legislation

31-08-2011

Have the legislators ever considered just how much damage is done to the Trans community by their ill thought out and out dated legislation. This being due to lack of understanding Trans people along with lack of consultation with them.

Trans people when faced with this plethora of laws in most instances succumb to frustration, depression, breakdowns and suicidality.

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

- They are frustrated at the number of laws that they are expected to understand in order to become their true self
- Frustration leads to depression as they realise that these out dated laws are totally inflexible
- Add to this, the pressures this all leads to and the frustration and depression then leads to breakdowns
- Add these three areas together and you arrive at suicidality. One reason why our suicide rate is so high

This means that our health and well being are not being considered, which leads us to believe that we are looked upon as something other than human beings. Our rights are either non existent, or legislated out of existence.

Transsexualism is now understood to be innate and somantic 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)



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Legislation enacted 30 years ago has no meaningful bearing on current situations. Understanding and research of the Trans phenomena have moved ever onwards, with much more still to come. These legislations enacted are totally inflexible and therefore cannot and do not take into account these latest findings

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).

If lucky, a review of legislation is put in place, but as we have found with the "Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions] it has left Trans people out of the final review totally. The same can be said of the "2009 The sex and gender diversity project Sex files, the legal recognition of sex in documents and government records" This has sat on the shelf now since its launch on 17 March 2009 with still no outcome.

Precedents are obtained from time to time, but Courts can and do view them differently, so in essence are of very little use and can be costly.

Amendments are from time to time enacted, but once again they become part of the out dated legislation. So what has been gained, when we are moving on? We are even aware that certain amendments are settled out of Court to no ones benefit except the person concerned. This only breeds discontent for those who have vainly tried for years to have documentation amended. More frustration, depression and possible suicidality.

If we are to be taken into account then the increases in knowledge and research into the Trans phenomena must allow flexibility to come into play. Is there an area in law, which allows for automatic updates as the need arises, so that new knowledge and research can be taken into legislation without the many years of frustration caused by laws "set in stone?"

Quote from Michael Kirby as an extract from the 2011 John Button Oration. *"The fact that at the time, I did not see the issues as Justice Thomas did; shows that in such matters, the minds of everyone, heterosexual as well as homosexual, are on a journey. When new ideas are presented, they sometimes take time for absorption by everyone"*

My wish is that there are no more lengthy delays before Trans people have legislation that is easy to understand, is nationwide in word as well as law. But more to the point is user friendly.

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