

Hon Kerry Shine MP
Attorney-General and Minister for Justice
GPO Box 149
Brisbane
Queensland 4001

17/05/2007

Dear Sir,

I would like to see the BDM Registration Act amended as follows, so that:

(i) It requires the Registrar to issue a corrected birth certificate showing their affirmed sex to a person who was born in Qld and who has undergone Sex Affirmation Surgery (SAS);

(ii) It makes provision for the Register to issue a recognition certificate showing the affirmed sex of a person who is a resident of, but was not born in Qld and who has undergone SAS;

(iii) It holds a person who has undergone SAS as a member of the sex shown on their corrected birth certificate or recognition certificate for all purposes of law as the powers of the Qld Parliament permit.

(iv) Sets the proof of having undergone SAS as two statutory declarations to that effect by medical practitioners who have treated the person for transsexualism.

(v) It repeals the existing requirement that an applicant seeking an alteration to the Register following SAS be "unmarried" on the basis that marriage is a matter wholly within the prerogative of the Commonwealth which has evinced its intention to cover the field under s109 of the Constitution and no legislation enacted by the State can therefore affect a valid marriage. The common law as articulated in Re Kevin clearly holds that the sex of a person for the purposes of marriage is their sex at the time the marriage is entered into and no subsequent alteration in the sex of one of the parties can render a valid marriage void. The case law also holds the person, after surgery, to be a member of their affirmed sex for all contemporaneous purposes.

(vi) It protects the privacy of the individual by prohibiting the Registrar from incorporating any statement or code or like identifier on the document that would make another person aware of the alteration contained therein.

Yours Sincerely



Kathy Anne Noble
President, Changeling Aspects