



Changeling Aspects

In affiliation with Transbridge Townsville

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OPEN LETTER TO GOVERNMENT

It appears that all nine governments, departments and agencies are intent on making it harder for Trans people to exist within society as a whole.

No longer do we have just, the binary system for sex and gender. This is being supplanted by many other areas between the male and female concept. We can no longer be looked upon as a minority group within society, as the numbers coming out now are increasing exponentially.

Over the years I have highlighted the many problems and anomalies that Trans people in Australia face. The fact that legislation at federal level can be over ruled at state and territory level is more than enough to contend with, but there are as we now know, many others to contend with. The lack of a “one size fits all approach”, leads to a lack of consistency which has been noted on many occasions. This situation is still allowed to continue unabated.

The very fact that after surgery we are supposed to be recognised at law as male or female when in fact, this is demonstrably untrue. *“All States and Territories in Australia state in their laws, in one form or another, that “A person’s sex is noted under the Act, the person is of the sex stated on their birth certificate or recognition certificate. They are also, but subject to any law, a person of the sex so stated or altered.”*

As per the **“Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions] page 18 section 2.47”**.

- This definition is included to compliment changes made to item 62 of schedule 1 of the Bill, which would amend section 40 of the Sex Discrimination Act. Section 40 sets out exemptions under the Sex Discrimination Act to acts done under statutory authority. The Bill would amend the Sex Discrimination Act to provide that nothing in division 2 of the part II makes it ‘unlawful to refuse to make, issue or alter an official record of a person’s sex if a law of a State or Territory requires the refusal because the person is married.’

The amount of time given over to the problems that Gay and Lesbian communities are awarded now needs to be given to the problems that we in the Trans community suffer. Discrimination in many forms is prevalent, as is noted above. I think it safe to say, that we did not expect it to come from governments in Australia.

A complete new approach is required in order to correct the afore said problems and anomalies, starting with one consistent law that is Nation wide. This is highlighted in the **“Inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime”** http://www.aph.gov.au/senate/committee/le_ctte/aviation_maritime/index.htm. This is the full report.



Recommendation 6

4.17 The committee recommends that the Crimes (Aviation) Act 1991 be amended so as to create a new offence of deliberately travelling under a false identity.

4.18 Ms Plumb also recommended that passengers be required to verify their identity at the point of check-in to further ensure that individuals could not travel under a false identity.

4.21 Qantas did not support the introduction of identity checks for domestic airline passengers. It was against such a measure given the difficulties of establishing a sufficiently robust system of identification assessment, stating: As the Committee is aware; there is currently no Commonwealth legislation that requires verification of passenger identity prior to uplifting a passenger on domestic airline services. Nor is there any common form of identity document available to Australian nationals that could be used to meet any such requirement, presenting problems for particular categories of persons including unaccompanied minors, infants, people without driver's licenses, passports or any other form of photographic identification.

Recommendation 7

4.27 The committee recommends that it be made a legal requirement to provide photo identification confirming passenger identity immediately prior to boarding an aircraft.

4.29 A further issue relates to the ability of an individual to officially change their name. This practice can cause problems for the administration of criminal histories.

As Det. Supt. Carver noted in relation to the process by which names are changed: Different regimes, different states, different territories, different ways of doing things. Again, it comes down to the states and territories getting their act together to look at the serious effect these offences have right across Australia—in fact, around the world.

4.30 Change of name procedures are managed by the states and territories. This has led to a diversity of approaches by jurisdictions to change of name processes and the exchange of change of name information with law enforcement agencies.

4.31 Attorneys-General around Australia have agreed to develop best practice change of name processes through a Standing Committee of Attorneys-General (SCAG) working group, led by NSW, which is intended to have concluded its work by the end of 2011.

4.32 The committee considers that this and other issues relating to identity and identification are of serious concern. As a result, the committee may conduct an inquiry into issues of identity and law enforcement.

These sections high light many of the problems that we in the Trans community suffer, and it is most welcome that people in authority recognise these facts. Attached are a few to be taken into account.



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- If you use the electronic ticket issued 24 hours before the flight and you only have cabin luggage, how will this be implemented?
- If you have baggage to go in the hold, how will this apply?
- How will this affect Trans people?
- What ID is needed?
- Driver's licence, birth certificate, passport, residency status, citizenship certificate or a gender recognition certificate?
- Can we use the International Airlines "X" in the box? I know that currently this is not in vogue in Australia.
- In Queensland, we can change our name, as anyone can. We can then receive a letter from our treating psychiatrist, stating we are now Male or Female as we are being treated for transsexualism. Would this be acceptable as part of ID?
- Part of assessment is the "Real Life Experience" when we are required to live in our preferred gender 24/7. How will this affect those people, as their paperwork may not support their ID?
- Many have to travel from Queensland to Victoria for their final assessment and surgery
- We know the consequences for off shore travel for surgery
- What if you choose to live in your preferred gender, but do not choose to have surgery, cannot afford it or cannot undergo surgery as it would be life threatening?
- If presentation and ID do not match, will there be a pat down procedure or a body search? Who would carry out these procedures?
- Would you be denied the flight? Who would decide?
- How do we balance identity theft against privacy?

When it comes to the ***"Sex Files report"*** it really does become aggravating, as this was supposed to be a specific report with regard to the many problems and issues that Trans people face. There were 15 recommendations made, but they are split into two sections. Sections 1 to 9 are to be dealt with at State and Territory levels, whilst 10 to 15 are at the Federal level. This only compounds the existing status quo, and only iterates the fact that we do not have, nor will have one set of laws to cover Trans people. All it will do is to confirm "business as usual" and allow the States and Territories to see fit to deal with Trans people as each sees fit.

I write this in the hope that someone will read and understand our plight and will adopt a more humane methodology and approach to these problems and issues. We really do need to be understood, so that our health does not suffer as a consequence of pressure and stress that is currently being imposed on us and our wives, spouses and partners.

It is now amply apparent that a "Trans Advisory Group" consisting of Trans people is urgently needed, as we are only too well aware of the problems we face on a day to day basis, with no end to those problems in sight. It is also apparent, that far from the number of our problems decreasing, they are in fact increasing with every review of current legislation.

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