



**Changeling Aspects** In affiliation with Agender ( Aust. )  
In affiliation with Transbridge

Townsville

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**Kathy Anne Noble**

PO BOX 897

Cleveland

Qld, 4163, Australia

Phone: 61 7 3286 9155

Email: [knoble@inet.net.au](mailto:knoble@inet.net.au)

Website: [www.changelingaspects.com](http://www.changelingaspects.com)

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## **REQUIREMENTS EXPECTED OF TRANS PEOPLE**

Are the nine Governments in Australia aware of the mental and health pressures they place on Trans people?

Trans people live in a state of utter confusion with regard to legal requirements.

No other Australian citizen is placed in this invidious position with regard to their legal status, or subjected to these so called "Requirements" This does not even apply to the Gay, Lesbian or Bi-Sexual communities.

We are expected to know how to go about amending our documentation (up to 40+ documents) and in the main, without any guidelines, other than those now supplied by the Passport Office in a designated web page on their web site. In the main we have to rely on support groups for the ways in which we can amend documents, many of which can be amended before surgery, but the main ones not until after surgery.

We might accept these impositions more favourably if they were consistent through out Australia. We need one law to cover the whole of Australia, and more designated web pages, as per the Passport Office. This helps all involved to understand the requirements that Trans people have to meet. This would also help all involved and save immeasurable angst and stress across the board.

However, there are anomalies in the above statement, as many Government Departments and Agencies give the false impression that our documents are changed before sex affirmation surgery, only to find that it is an interim measure that requires more notification after sex affirmation surgery. They will amend their computer data, but it is not completed until after sex affirmation surgery. In the case of Medicare and Private Health care, they issue you cards in your new name, but when making a claim, the details when scanned come up in your old name and sex. This situation is not resolved until after sex affirmation surgery. This also happens with other government departments and agencies.

Then there are the problems of staying married after sex affirmation surgery, and the need to have had sex affirmation surgery, or not. To stay married after sex affirmation surgery is now accepted by the Federal Attorney-General's Office, as part of the Same Sex Act 2009, as per his letter to me, dated 17 March 2009. It is also accepted by government departments and agencies, such as Centrelink. Why then is it not acceptable to the States and Territories? This then poses the question, how can the States and Territories over rule the Federal Marriage Act 1961, as they are only acting as agents of that Act. Do they understand the immense pressures this places on both partners, most of whom take their marriage vows very seriously and do not like the idea of being "Forced" to divorce by the States and Territories in order that the Trans partner can amend their birth certificate. As there is no law in Australia that can force you to divorce, how can this be so? There is only one Divorce Law in Australia, and that says nothing about a "Forced divorce"

I have listed some anomalies and how we are expected to understand these requirements without guidelines.

### **Born in Australia**

#### **E:G:-**

- Can change their name in the jurisdiction in which they were born
- Can amend their drivers licence via the jurisdiction in which they are currently domiciled.
- Cannot change their birth certificate if remaining married after sex affirmation surgery in the jurisdiction in which they were born.
- Can amend their passport if remaining married after sex affirmation surgery

The first two items can be changed before sex affirmation surgery, and the other two after sex affirmation surgery.

Therefore, they can amend documents via the State they were born in or domiciled in. Also can amend their passport via the Federal Government department, the Department of Foreign Affairs and Trade (DFAT). This means that we could be dealing with two State Governments and the Federal Government as well. How complicated!

### **Born off Shore**

#### **E:G:-**

- Can change their name and amend driver's licence in the jurisdiction in which they are domiciled.
- Can amend their Residency status via Immigration Freedom of Information (FOI) department
- Can amend their Citizenship Certificate via the Department of Immigration and Citizenship (DIAC)
- DIAC will accept "Non Surgery" ***Note: the surgeon's statement would contain information such as confirmation that the person has undergone a full gender re-assignment procedure. The psychiatrist's statement would provide confirmation that the person is living as their chosen gender of***

*identity, has undergone hormone treatment and shows no intention of reverting to their original gender*

- Can amend passport, even if remaining married after sex affirmation surgery via the Passport Offices “Case by Case Basis”
- Birth Certificate can only be amended via Country of Birth, if offered.

Therefore we have a situation where you have the confusing mix of being able to amend documentation both before and after sex affirmation surgery. The confusion arises, because DIAC will accept “Non Surgery” as per above. Also many Countries outside of Australia, now offer “Non Surgery” as a means of recognition of a persons preferred sex/gender.

**Both**

**E:G:-**

- Some Government departments and agencies allow us to amend our documents in name only before sex affirmation surgery. They require us to return after sex affirmation surgery, in order to complete the full change of name and sex. Until then, the details when scanned show our old name and sex.
- In most cases, all private documentation can be changed before sex affirmation surgery.

Yours Sincerely, Kathy Anne Noble.  
President, Changeling Aspects  
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