

Employers Kit



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The Gender Centre Inc.

Services for People With Gender Issues

7 Bent Street Petersham N.S.W. 2049

Phone: (02) 9569 2366

Fax: (02) 9569 1176

Website: www.gendercentre.org.au

Supported by the New South Wales Health Department through the AIDS and Infectious Diseases Branch.



The Gender Centre Inc. Fact Sheet
Service Brochure
Of the Gender Centre Inc.

Reviewed July 1st 2008

The Gender Centre is committed to developing and providing services and activities which enhance the ability of people with gender issues to make informed choices.

The Gender Centre is also committed to educating the public and providers about the needs of people with gender issues.

We offer a wide range of services to people with gender issues, their partners, families and friends in N.S.W.. We also act as an education, support, training and referral/resource Centre to other organisations and service providers.

We specifically aim to provide a high quality service which acknowledges human rights and ensures respect and confidentiality.

Counselling Service

Provides counselling to residents, clients and partners, families and friends of people with gender issues. Also provides education, support and referrals to a range of specialist counselling. For an appointment please contact the Counsellor.

For Service Providers and Others

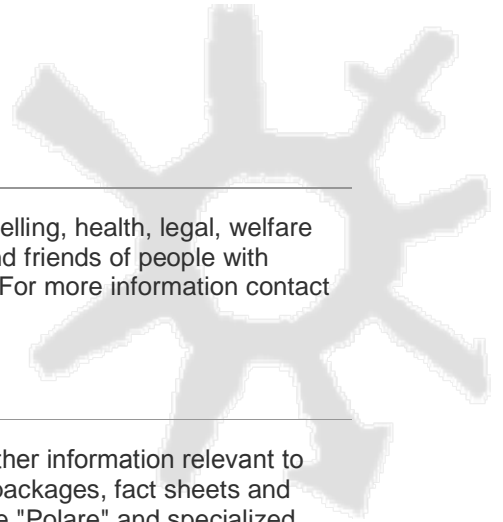
Training, support and workshops are available to employers, service providers, students and other people interested in gender issues. Topics covered include implications for staff and clients in relation to anti-discrimination legislation, E.E.O. issues, workplace harassment and provision of goods and services as well as many personal aspects of the transgender process. For more information contact the Coordinator of The Gender Centre.

Social & Support Service

Provides social and support groups and outings. Also provides referrals for medical, H.I.V./AIDS, education, training, employment, legal, welfare, housing and other community services to residents and clients living in the community. For more information, contact the Community Worker or the Outreach Worker.

Outreach Service

Available to clients in the inner city areas on Thursdays from 10:00am – 5:00pm and Tuesday nights from 6:00pm – 2:00am. Also available to clients confined to home, hospital or gaol (by appointment only). For an appointment contact the Outreach Worker.



For Partners, Family & Friends

Support, education and referrals to a wide range of specialist counselling, health, legal, welfare and other community services are available for partners, families and friends of people with gender issues. There are also social and support groups available. For more information contact the Community Worker, or the Counsellor.

Resource Development Service

Produces a range of print resources on H.I.V./AIDS medical and other information relevant to people with gender issues and their service providers. Information packages, fact sheets and other printed materials, including a free quality bi-monthly magazine "Polare" and specialized advertising supplements. For more information contact the Resource Development Worker.

Residential Service

Provides semi-supported share accommodation for up to 11 residents of age 16 and above. Residents can stay up to twelve months and are supported to move towards independent living. During their stay they are also encouraged to consider a range of options available to meet their needs. A weekly fee is charged to cover household expenses. Assessments for residency are by appointment only and can be arranged by contacting the Residential Program Worker or the Counsellor.

Drug & Alcohol Service

Provides support, education and referrals to a broad range of services by appointment only. For an appointment contact the Outreach Worker.

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The Gender Centre Inc. Fact Sheet
About the Gender Centre
Founded in 1983

Reviewed July 1st 2008

Tiresias House

In the very early 1980's, a small band of transsexual people held weekly support meetings at the Wayside Chapel in Kings Cross, Sydney. A transgendered woman, Roberta Perkins, who had completed an honours thesis on transsexuals approached Reverend Bill Crews of the Wayside Chapel Crisis Centre to ask if he would consider the use of the chapel for a regular meeting place offering support to the transsexual girls of the Cross.

Many of the girls working the streets of Kings Cross, from Darlinghurst Road to William Street were vulnerable to assaults, robberies, rape and harassment. Other issues of concern were incidences of transgenders being evicted and discriminatory treatment by landlords and some service providers. The problem of homelessness was significant and providing transsexuals with a safe refuge was crucial. Most refuge services at the time would not cater for transsexuals.

Problems of increased dependence on prescription and illicit drugs were also an issue. Often drugs were a means of managing a multitude of issues as a transgender individual, such as limited employment opportunities, no secure housing, verbal and physical abuse, violent attacks etc. These negative experiences reduce an individual's already low self esteem.

After consultation with Reverend Bill Crews and Reverend Ted Noffs together with Roberta Perkins, regular weekly support meetings for transsexuals commenced.

During this time, the media became involved in the issues of transsexuals and produced a documentary movie titled "Man into Woman". This film highlighted the plight of transgender people in Sydney, particularly the Cross. As public awareness was rising, Roberta contacted the state minister for Youth Affairs & Housing, Frank Walker M.P. (Member of Parliament)

She made a submission for funding to open a refuge for transsexuals. Frank Walker approved this plan and in 1984, Tiresias House was founded as a refuge for young transsexuals.

The premises in Petersham was approved by the Department of Main Roads, and Tiresias House was the first government funded service specifically for transgenders in Australia. It was funded entirely by the New South Wales (N.S.W.) Department of Community Services (DOCS) through the Supported Accommodation Assistance Program (S.A.A.P.). Two "annex" (semi-supported) houses located at Haberfield and Ashfield opened soon after.

By 1993, DOCS and the N.S.W. Department of Health entered into a joint funding agreement. This meant that Tiresias House was funded to provide services to minimise the effects of Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome (H.I.V./AIDS) on the transgender community. These services included Outreach and a Community Worker position. At this time, Tiresias House was incorporated and renamed The Gender Centre Inc, to reflect the change in services and service philosophy.

The Gender Centre Inc.

Rather than targeting simply young transsexuals, the service began to target people with gender issues, which included people who identified as transsexual or transgender, cross-dressers and any other person who experienced issues, problems or difficulties relating to the gender assigned to them at birth.

The introduction of amendments to the N.S.W. Anti-Discrimination Act in 1996, recognised the legal existence of transgender persons. The term transgender replaced the term people with gender issues which had been used to identify the target group served by the Gender Centre.

By 1997, many links had been formed with both the public and the private sectors. Training among employers and employees began to take steps in easing transgender individuals' path to maintaining their employment during gender transition and raised the awareness of gender issues throughout society.

Today the Gender Centre remains committed to the support and well-being of transgender people, employing 9 staff and housing up to 17 residents at any one time, in 3 refuges and 6 exit houses.

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The Gender Centre Inc. Fact Sheet
Training Brochure

For employers, organisations and service providers

Reviewed July 1st 2008

Topics Covered in Training

We cover a comprehensive range of topics addressing the specific issues facing transgender people. Depending on the needs of your organisation, these may include:

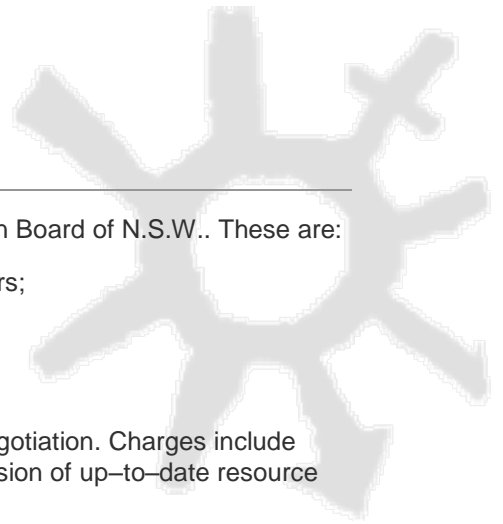
- Implications for staff and clients in relation to Anti-Discrimination;
- E.E.O. Issues;
- Workplace Harassment;
- Provision of Goods and Services; and
- many other aspects of the transgender process.

All participants are encouraged to ask even the difficult questions and clarify any issues, so that any concerns or areas of interest can be addressed.

Training Benefits

What are the benefits of training for my company/organisation?

- Understanding of legislation;
- Understanding of transgender identity;
- Knowledge of periods of transition;
- Dealing with workplace transition;
- Raised awareness for staff;
- Improved service to clients;
- Productive use of human resources;
- Potential preferred employer status;
- Assistance with policy development;
- Knowing your rights;
- Knowing the rights of the transgender employee/client; and
- Minimising the risk of costly legal action.



What Does Training Cost

Our current charges are matched to those of the Anti-Discrimination Board of N.S.W.. These are:

- \$350.00 + G.S.T. for sessions up to one and a half hours;
- \$750.00 + G.S.T. for sessions of four hours; and
- \$1375.00 + G.S.T. for full day sessions

Longer sessions or ongoing sessions for larger organisations by negotiation. Charges include preparation time, consultations with your organisation and the provision of up-to-date resource material for each participant.

Where travel is required to locations in excess of one hundred kilometres from Sydney, then an additional charge for travel and any necessary accommodation will also apply.

Testimonials

"We had an attendance of some 35 staff and managers attend the well-structured, informative and professional presentation by Gender Centre staff, Dash and Elizabeth. The interactive session had good audience participation and all issues that were raised were adequately explained and the difficult questions answered. The presentation was pitched at the right level for the audience and positive feedback was received from attendees. Overall I rate the presentation and feedback from staff as very high. I would have no hesitation in recommending the presentation to interested agencies.

Ken Sweeney, National Manager, Comcar.

"Elizabeth is a polished professional adult educator who encourages her audience to be open minded, and leave their comfort zone. She has unique communication skills, which enable her to read the audience and pitch her presentation, which on the one hand is non-threatening, yet is stimulating and confronting. Her presentation is a must for inclusion in all E.E.O. awareness programs."

Narelle Stone, E.E.O. Practitioner and E.E.S.A. Member.

"Cellblock staff responded with genuine enthusiasm to an excellent presentation which raised our awareness of people with gender issues."

Cellblock Youth Health /Arts Service.

"Elizabeth presented a comprehensive and informative program which fully addressed the participants needs. Evaluated highly."

Martyn Wilson, N.S.W. College of Nursing.

"The Gender Centre consultants are the experts in transgender issues. They can explore and help answer the difficult questions your managers and staff will ask."

Anthea Lowe, Manager Education Services, Anti-Discrimination Board.

"Training was excellent. Information was presented in an informative and objective manner. The Consultant answered a lot of questions one wants to ask, but does not know how to."

Andrew de Wynter, Human Resources Manager, City Rail.

"Staff enjoyed the in-service presented by Elizabeth from The Gender Centre. She was informative, professional and approachable. Elizabeth assisted in developing the skills and confidence of our staff."

Sally Lynch, Manager, Gorman House.

Bookings

It is generally preferable to make your bookings a few weeks in advance to:

Coordinator
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The Gender Centre Inc. Fact Sheet
Model Policy
For Employment Transition

Reviewed July 1st 2008

Transgender

Transgender is a term used to describe anyone who lives or wishes to live as a member of the opposite gender to their birth gender. It may also encompass, under a broad definition, anyone who presents or behaves ambiguously in relation to commonly accepted male/female gender expectations.

Transition

Transition is the term used to identify that period of time required by the transgender person to change over from their birth gender to their preferred gender. Though this can be a lengthy period in reality, from a workplace perspective, it will probably be perceived as the day on which the employee presents in their new gender role.

Workplace Policy

Most organizations will have in place a policy to ensure that equity is maintained in the workplace. Such policies might ideally include equal and fair opportunity for all prospective and existing employees in terms of: employment, promotion, transfer, training and conditions of service: regardless of race, colour, religion, gender, transgender status, nationality, age, family responsibility/parenthood, pregnancy, political affiliation, criminal record, marital status, lifestyle or sexual preference, physical or intellectual disability/impairment and H.I.V. status.

The application of such policy should aim to recognize and encourage employees solely on the basis of their abilities, aptitudes, performance, qualifications and skills.

Transgender People in Transition

Where an employee of your organization advises you of their intention to transition, the following guidelines will assist in providing a safe and supportive environment for the individual concerned and all other staff members.

(Note: the employee may or may not have canvassed their decision with some staff members before approaching management.)

Once advised management should discuss the situation in full with the employee to become aware of their issues and concerns. It is then advisable to seek expert advice and information. The Gender Centre can assist with questions relating to gender issues and the Anti-Discrimination Board of N.S.W. can provide legal advice. (Training Workshops can be arranged through both organizations).

Discussions with the employee should not be seen as an opportunity to attempt to dissuade them from their decision. Whilst management may find the disclosure surprising and unexpected it is

important to be aware that the employee will probably have spent a number of years arriving at their decision.

Once management are fully conversant with the situation they should organise with the employee appropriate time frames leading up to the transition. These should be adequate to allow the implementation of a staff awareness program to prepare all staff members for the transition.

It is often useful to set the date of transition for the employee at the point of return from a period of leave. This helps to reduce any levels of confrontation that staff may experience on first meeting the "new" person.

Management should notify all staff members, (and relevant union organizations through delegates or the joint consultative committee) in writing of the employee's intended transition. This document should be prepared sensitively, reflecting the Workplace Policy and clearly indicating management's support. The best way to achieve this is to approach the issue matter-of-factly with a clear emphasis on management policy to treat all employees with respect and dignity.

The document (see example below) should also include advice on how to appropriately treat and address the individual concerned. These should include:

- New name under which the employee will be known;
- Use of appropriate gender references. (She, her etc if transitioning to female; Him, he etc. if transitioning to male. Emphasis should be placed on the unacceptability of derogatory references such as "it".);
- Access to appropriate facilities (Toilets/Change rooms of chosen gender);
- To be generally treated in the same way as all other members of staff belonging to his/her chosen gender (In no way should they be subject to harassment, snide remarks or jokes.);
- Open lines of communication between management and staff, including the transitioning individual, should be maintained. Staff should be encouraged to discuss with management any issues of concern that may arise. If there are concerns it is easier to resolve them if they are addressed promptly; and
- Where management succeeds in addressing all aspects of transition matter-of-factly and with a minimum of fuss, impact on the organization's operations should prove negligible.

Aims

- That the process has minimal impact on all concerned and on workplace efficiency;
- That the transitioning employee is treated with respect and dignity;
- That any staff concerns are addressed;
- That the workplace remains free of harassment or unfair treatment; and
- That staff will quickly adjust to employing correct name and gender references.

Post Transition Phase

It is advisable to conduct a review of the process within three months of the original transition date, to ensure that aims have been met. If not, further training or reminder memos may assist in rectifying any continuing issues.

It is also worth noting that people transitioning will always be pre-operative (i.e. they will not have had surgical intervention though they will probably be undergoing hormone treatment). The option to have Sexual Reassignment Surgery remains the decision of each individual and does not affect their transgender status.

However, if the employee elects to have surgery and this is common knowledge to staff members, it can raise some emotive issues for some staff members. This may be the case even if the original transition phase was comfortably handled. Management should be aware of this possibility, both for staff members and in regard to themselves, and be prepared for further consultation or training if this occurs.

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Transgender Discrimination

Guidelines for Employers and Service Providers

Revised November 2007 Reviewed July 1st 2008

Is transgender discrimination against the law?

Yes. It is generally against the law to discriminate against or harass people because:

- they are transgender, or
- you think they are transgender, or
- they have a relative or associate who is (or you think is) transgender.

In the same way as with other types of unlawful discrimination, (race discrimination, sex discrimination, and so on), transgender discrimination and harassment are only against the law in relation to employment, service delivery, government education, registered club membership and the provision of any type of rental or holiday accommodation.

It is also against the law to publicly vilify people for being transgender. For more information about transgender vilification please visit the New South Wales (N.S.W.) Anti-Discrimination Board website.

What does transgender mean?

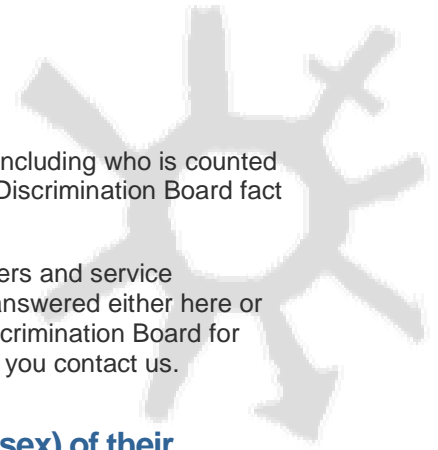
Transgender means anyone who lives, has lived, or wants to live as a member of the opposite gender (sex) to their birth gender.

In the past, the common term for transgender has been transsexual. However, in general, people who are transgender prefer to use the term transgender as this is a more accurate reflection of their identity or behaviour – that is, that they want to live and behave as a member of the opposite gender to their birth gender, not the opposite sexuality, sexual preference or sexual orientation. A transgender, just like anyone else, may be heterosexual, homosexual or bisexual.

What does this law mean for employers and service providers?

It means that you must treat all transgenders fairly. It does not matter whether they have or haven't had "sex change" or other surgery. It does not matter whether they are or aren't taking hormones. It does not matter why they are transgender. It does not matter what gender they were at birth, or what gender they prefer to be. It does not matter whether they already live as their preferred gender, or whether they are in the process of "changing over" to their preferred gender ("transitioning"). If they fit the definition of transgender given above you must treat them fairly.

The general rule is that you should treat transgenders in the same way as you would treat anyone else. In most cases, this means that you should treat transgenders in the way they wish to be treated. In other words, if they want you to treat them as the opposite gender to their birth gender that is what you should do.



There is more information about the exact legal rights of transgenders – including who is counted legally as being their preferred gender and who isn't, in the N.S.W. Anti-Discrimination Board fact sheet "Transgender Discrimination: Your Rights".

The rest of these guidelines answer the most common questions employers and service providers ask us about transgender discrimination. If your question isn't answered either here or in the "transgender discrimination" fact sheet please contact the Anti-Discrimination Board for advice. You don't have to give us your or your organisation's name when you contact us.

Must I treat someone who is transgender as the gender (sex) of their choice?

If your employee, or customer or client is transgender, or decides to "change over" into their preferred gender while working for or doing business with you, it is best to ask them how they wish to be treated and then abide by their wishes. For example, a transgender may still wish to be addressed as their original gender, or they may wish to be known as their preferred gender. They may wish to set an official date from which they will always be known as their preferred gender. It depends on the individual.

It's important to check with the particular person first and not make assumptions. If they are in the process of "transitioning" ("changing over" to their preferred gender), it is important to ask them how they wish to handle this with their colleagues or your staff. Some may wish to talk with their colleagues/your staff themselves, or they may want you to do this for them. Some may want to have a period of leave before coming back as their preferred gender. You can get more information on how best to handle transitioning from the Gender Centre or the N.S.W. Anti-Discrimination Board.

If you have a dress code, it must apply to men and women fairly. In general, someone who is transgender should be allowed to wear the clothing or uniform of their preferred gender.

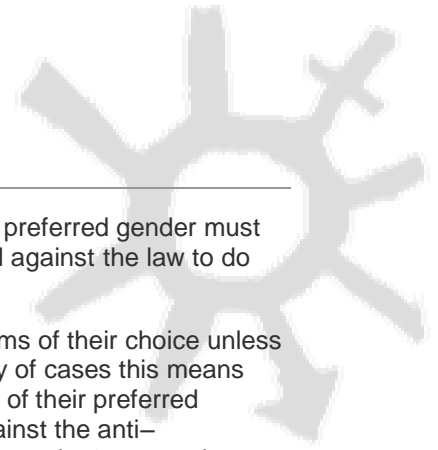
Do I need to change my records to reflect a transgender's preferred gender?

Anyone (including a transgender) can change their name by deed poll or statutory declaration. If a transgender has changed their name, you should change your records to reflect this. You can ask for an official document to confirm the name change, although you don't have to do this.

Do I have the right to ask transgenders their gender, or to see their identification

This would depend on the circumstances and the reasonableness of the request. In general, you can only ask to see someone's identification in a situation where everyone else would be asked to show their identification. In most situations, it wouldn't be appropriate to ask questions about someone's gender unless you are asking everyone else too. In general, it's best to treat transgenders in the way they are presenting themselves and not ask inappropriate questions.

In a situation where everyone is asked to show their identification, and a transgender shows you an identification of the opposite gender to the one they present as, you should be extremely sensitive in your approach. All you need to do is establish that they are the same person as their identification. You do not need to ask why they choose to present differently, or to harass or insult them in any way.



What is the situation with toilets and change rooms?

A transgender who has a birth certificate or recognition certificate in their preferred gender must be treated at all times as their new gender. It would be discrimination and against the law to do anything else.

All other transgenders should be allowed to use the toilets or change rooms of their choice unless this would be "unreasonable in all the circumstances". In the vast majority of cases this means that transgenders should be allowed to use the toilets and change rooms of their preferred gender. It is not necessary, and in most cases would be insulting and against the anti-discrimination law, to either instal a special set of toilets/change rooms or make transgenders use a different set than people who are not transgender.

Once again, don't make assumptions. Some transgenders may wish to use the toilets of their birth gender, while others may wish to use the toilets of their preferred gender.

How do I stop other staff from harassing transgender staff?

Prevention is better than cure! It is management's legal responsibility to make sure, to the best of their ability, that no-one – including transgenders – is harassed when working for them. If other members of staff refuse to work with, be supervised by, or share toilets with transgenders, or if they harass transgenders, call them names, or refuse to use their preferred name or gender, this would be transgender harassment, and against the law.

This means that you need to set a standard for what is acceptable and professional work behaviour and what isn't. You should implement grievance procedures to deal with all types of harassment, including transgender harassment. Staff must be advised that transgender harassment is not only unacceptable in your workplace, but also against the law, and that disciplinary action will be taken against them if harassment continues.

For more information on how to prevent and deal with harassment ask the Anti-Discrimination Board for their harassment in the workplace guidelines.

Do I have to employ a transgender?

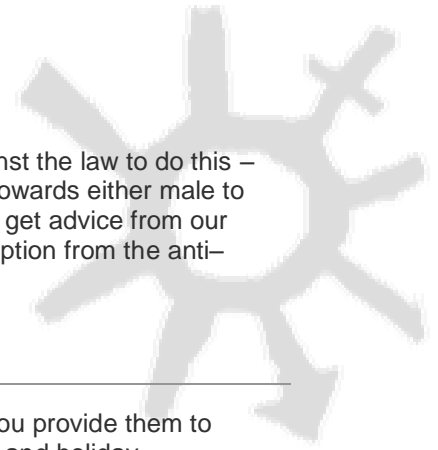
In general, all job advertisements, jobs, apprenticeships and traineeships must be open to anyone who is transgender, in the same way that they are open to anyone else.

Transgenders must be assessed on their merits against the specific criteria for the particular job in the same way as all other applicants.

You must not dismiss someone for being transgender, or for deciding to "change over" to their preferred gender while working for you – unless the job is legally only open to people of their birth gender, and then you can only dismiss someone once they have a birth certificate or recognition certificate in their new gender. In all other cases, a transgender can only be dismissed for the same reasons that anyone else can be dismissed – for example, for ongoing poor work performance, serious misconduct, medical reasons that mean they're no longer fit enough to do the job, or redundancy.

What about jobs that are targeted towards men or women only?

Someone who is transgender has the legal right to be considered for a job that is legally targeted towards only one gender, if they have an official birth certificate or recognition certificate issued in that gender. (This could be a certificate in their birth gender, or one in their preferred gender, as some transgenders are legally able to get new certificates in their preferred gender).



If you wish, you can target a job towards transgenders only. It is not against the law to do this – as long as the job is open to all transgenders. If you wish to target a job towards either male to female transgenders or towards female to male transgenders you should get advice from our legal branch first, as you will almost certainly need to get an official exemption from the anti-discrimination law before going ahead.

Do I have to provide services for transgenders?

You must provide all your services to transgenders in the same way as you provide them to everyone else. Transgenders must be allowed the same access to rental and holiday accommodation, government education, club membership and indeed to the vast majority of other services, as anyone else. Transgenders must not be harassed by you or any of your staff.

If staff members refuse to serve transgenders, give them lesser or demeaning service, harass them, call them names, or refuse to use their preferred name or gender, this would be transgender discrimination, and you as a service provider could be held legally responsible for this. You should specifically tell your staff that they must treat all customers, including transgenders, fairly and that anyone who disobeys this instruction may be disciplined.

What about services, clubs and so on, that are for men or women only?

Someone who is transgender has the legal right to use and be admitted to a service, club or educational institution that is legally targeted at only one gender, as long as they have an official birth certificate or recognition certificate issued in that gender. (this could be a certificate in their birth gender, or one in their preferred gender, as some transgenders are legally able to get new certificates in their preferred gender). In addition, if you decide to admit a transgender who does not have the appropriate certificate to a single sex club or educational institution, your club/ institution won't lose its single sex status just because you have done this.

If you wish, you can target a service towards transgenders only. It is not against the law to do this – as long as the service is open to all transgenders. If you wish to target a service towards either male to female transgenders or towards female to male transgenders you should get advice from our legal branch first, as you will almost certainly need to get an official exemption from the anti-discrimination law before going ahead.



N.S.W. Anti-Discrimination Board Contact Details

Sydney Office:

The Sydney Office is wheelchair accessible. Parking for people with disabilities nearby, telephone for details.

Post Office (P.O.) Box A2122 Sydney South N.S.W. 1235

Level 4, 175 Castlereagh Street Sydney N.S.W.

General Office Telephone: (02) 9268 5555

General Enquiry Service and Employers Advisory Service: (02) 9268 5544

Fax: (02) 9268 5500

Telephone Typewriter: (02) 9268 5522

Toll Free: 1800 670 812 (for rural and regional New South Wales only)

Website: <http://www.lawlink.nsw.gov.au/adb>

Wollongong Office:

The Wollongong Office is wheelchair accessible. Telephone if parking is required as this can be arranged.

P.O. Box 67, Wollongong N.S.W. 2520

84 Crown Street Wollongong N.S.W.

Telephone: (02) 4224 9960

Fax: (02) 4224 9961

Telephone Typewriter: (02) 4224 9967

Toll Free: 1800 670 812 (for rural and regional New South Wales only)

Newcastle Office:

The Newcastle Office is wheelchair accessible. Metered parking spaces outside the office can be used free of charge by people with disabled parking permits. The closest designated disabled parking spaces are in Burwood Street (enter from King Street.)

Level 1, 414 Hunter Street Newcastle West N.S.W. 2302

Telephone: (02) 4926 4300

Fax: (02) 4926 1376

Telephone Typewriter: (02) 4929 1489

Toll Free: 1800 670 812 (for rural and regional New South Wales only)

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