

Polare Edition 48

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Editorial

by Katherine Cummings, Polare Editor

I seem to be taking up quite a bit of *Polare* space here and there, what with responding to letters and talking about the anti-violence project which is occupying most of my waking hours these days, but hey, that's life in the fast lane.

Some of what I have been writing of late has concerned itself with a series of breaches of copyright on our behalf ... breaches which I sincerely regret and would like to forestall for the future. One example was the result of a technical glitch (these newfangled computer programs ... can't trust them the way we used to when we cast the metal and set up the type in form ... [wheeze, dribble, cackle]), another was pure inadvertence and the third I cannot answer for, as the material came from one of our contributors.

It is as a guide to our contributors that I now write:

Copyright is property and it is a real property, which can be sold, licensed, given away or leased. It is infinitely divisible. If I write something I can sell it to one buyer to reproduce in black ink and another to reproduce in red; I can sell it to one publisher to use on odd-numbered days and another to use on even; I can sell it to one person to use in Australia and another to use in New Zealand.

The point is that if I take someone's work and reproduce it as I think fit, without permission, then I not only break the law but I am also showing disrespect for the creative endeavour of the original author. As a writer myself, I take pride in my work and do not want to see it misused or used without permission. I therefore try to observe both the spirit and the law of copyright.

Note, however, that copyright exists only in the "form" of the words. If I reproduce a passage verbatim without permission then I breach copyright. If I re-write the substance of the work in my own words then there is no breach. There is a grey area in between where legal action may be taken if passages of considerable length have been taken verbatim or altered only slightly (plagiarism). Courts and tribunals have difficulty in deciding what constitutes a breach and what doesn't. The case of *The Hand That Signed The Paper*, which appeared to have reproduced significant parts of other works with very little alteration, springs to mind. The tribunal established to decide whether copyright had been breached was unable to reach a decision although to the lay reader the case may have seemed watertight.

I ask that our contributors be conscientious in providing the sources from which they obtain material, if it is not their own creation. Material found on the Internet is not necessarily in the public domain and even if it is, it is good practice to cite the source.

Which having been said, please continue to provide material for Polare. We need your opinions and your input.

Manager's Report

by Elizabeth Riley, Gender Centre Manager

The Gender Centre A.G.M.

By the time this report goes to print the Gender Centre will have held its A.G.M. on 26th September at Petersham Town Hall. I would like to take this opportunity to express my thanks to the management committee for their dedicated and selfless service to the Centre and the community during the 2001/2002 year and to welcome new and returning management committee members for the 2002/2003 year.

Feature Articles



Most people accept that it is possible for a person to be "born as one sex but inside feel like the other sex" but many are confused about what transgender means, and who should be considered transgender.

U.S. Public Attitudes on Transgender

In September 2002 the Human Rights Campaign announced the findings of a poll that focused on public perception of transgender issues. The results of this poll show that while most people accept that a person can indeed be transgender, more public education is needed.

Transformation

While much work remains before trans people are fully accepted and included in the gay rights movement, Shannon Minter explains that trans activists have done an extraordinary job of propelling transgendered issues to the forefront of lesbian and gay policy discussions.

While management committee members often serve in a non-conspicuous role, an active and effective management committee is essential to the representative and balanced functioning of the centre. In this regard I commend the efforts of our management committee/s in recent years for the stability, common sense and integrity that they have applied to their role. Well done guys, (non gender specific), it's an honour to be working with you.

The Gay Games.

Included in this edition is a full reprint of the long awaited Gay Games policy relating to the transgender community. The Gender Centre has expressed our sadness and dismay that the policy was so long in the drafting that by the time it was due for implementation registrations had already closed. While I understand some concession for late registrations were made to transgender people who had expressed interest in participating, others who were waiting to see the policy before making a commitment were effectively left out.

Clearly, in relation to Sydney 2002, this is unfortunate. On a positive note, however, the policy makes significant advances for transgender inclusion over previous Gay Games policies and should provide a new benchmark for advancement in future Gay Games events. In that regard I would like to acknowledge the many individuals within the Gay Games who have expressed their support for transgender inclusion and in particular those few individuals who had carriage of the policy and shared our frustration at the delays in its implementation.

Having said all that I understand that those responsible for the policy have already met with flak from some sections of the transgender community. I leave it to you to be the judges.

A Little Bit More Controversy.

I note with interest some of the correspondence that Katherine has received and her responses to that correspondence. Interestingly, or perhaps boringly depending on your perspective, we are still engaged in the trivia of labelling. Transsexual vs transgender vs cross-dresser vs transvestite vs interplanetary space traveller, (if men are from Mars and women are from Venus then we are interplanetary space travellers are we not?) vs man vs woman. What irritates me most about this ongoing debate is not the academic rationalisation of one term in preference to another, I think this a useful debate in that it is time we found clarity and uniformity in our language. The irritation stems from the inherent subtext underlying many of the arguments that assumes members identifying under one terminology are somehow better than members identifying under another. What a load of rubbish.

If your goal is to be better than other people then there is probably something intrinsically wrong with your goal to begin with. If, on the other hand, you want to be the best person you are capable of being, the way to achieve it is through the value systems that govern the way you live your life, not the label you adopt to identify yourself.

Which leads me to a new slant in all of this. I have spoken in passing on a few occasions with Rachael Wallbank, Rachael is the solicitor who represented "Kevin and Jennifer" in their right-to-marry case. Our discussions have centred around the ongoing problems with existing anti-discrimination legislation. The essence of those conversations has concerned the attempts in the legislation to be all things to all people in our community. The difficulty with this of course lies in the diversity of our community and the necessity of a period of transition for all people undergoing sex reassignment. We may be pre-op, non-op or post-op and at a period in time we may be all of these things as an individual. How then are we best served by legislation? The current legislation seeks to address both human rights and legal status as a member of a particular sex in the one package. Those of you who are familiar with the legislation will be aware of some of the problems this has created with the terminologies of "recognised" and "other" transgenders and the specifying of rights to each group.

Rachael attended the last transgender consultation at the Anti-Discrimination Board and proposed an alternative concept for debate. Her idea was to divide the legislation into two distinct parts. One of these would deal directly with legal status allowing reassigned people full legal recognition and status as members of their reassigned sex. The other would seek to afford the right to all people who express their gender outside or across cultural norms to do so, free from discrimination and harm. The latter group would not gain a changed legal sex status unless they underwent sex reassignment but they would be entitled to enjoy the social freedom to express transgender behaviours. Such a distinction would unblur the existing boundaries between legal sex status and human rights and overcome the resistance of legislators to legislate for both. A possible side benefit to this could be that legislators, in ensuring that legal status was not denied to a group within the community, could legislate to provide access to S.R.S. in the public hospital system. Another side benefit for people who have undergone sex reassignment would be that in gaining a new legal sex status they would be at liberty to brush aside the transgender/transsexual label and simply enjoy the same rights as all other men and women.

While there may be controversial elements in Rachael's proposal it presents a refreshing alternative to bashing our heads against the brick wall of existing legislation in an effort to effect change.

This could prove to be an important development and it requires considerable input from the community. I would be interested to hear from people who would like to comment. If there is sufficient interest the Gender Centre could arrange a forum to discuss the ideas more fully. I look forward to receiving your letters.

The Gender Centre advise that this edition of Polare is not current and as such certain content, including but not limited to persons, contact details and dates may not apply. Where legal authority or medical related matters are cited, responsibility lies with the reader to obtain the most current relevant legal authority and/or medical publication.

under the S.A.A.P. program and supported by the N.S.W. Health Department through the AIDS and Infectious Diseases Branch. Polare provides a forum for discussion and debate on gender issues. Unsolicited contributions are welcome, the editor reserves the right to edit such contributions without notification. Any submission which appears in Polare may be published on our internet site. Opinions expressed in this publication do not necessarily reflect those of the Editor, The Gender Centre Inc., the Department of Family & Community Services or the N.S.W. Department of Health.

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. We offer a wide range of services to people with gender issues, their partners, family members and friends in New South Wales. We are an accommodation service and also act as an education, support, training and referral resource centre to other organisations and service providers. The Gender Centre is committed to educating the public and service providers about the needs of people with gender issues. We specifically aim to provide a high quality service, which acknowledges human rights and ensures respect and confidentiality.

U.S. Public Attitudes to Transgender

According to a September 2002 Survey

by [H.R.C.](#)

Article appeared in Polare magazine: **October 2002** Last Update: **October 2013** Last Reviewed: **September 2015**



In September 2002 the Human Rights Campaign

announced the findings of a poll that focused on public perception of transgender issues. The poll showed that while most people accept that a person can be transgender, more education is needed. Seventy percent of Americans have heard the word transgender and a majority have, on some level, contemplated the issue.

Transgender individuals also face the same problem as gay and lesbian Americans, in that a great number of people believe that the law already protects these groups.

Most people accept that it is possible for a person to be "born as one sex but inside feel like the other sex" but many are confused about what transgender

means, and who should be considered transgender.

Respondents overwhelmingly favoured transgender students attending public schools and there is a strong consensus that no one should be subjected to violence and discrimination because of who they are. There are, however, differences on how to address these issues.

The poll found that sympathizers who believe in transgender equality favour transgender-specific laws and opponents prefer using what they erroneously believe to be existing laws to protect transgender people. Additionally, there is conflict in the public view on transgender as a moral issue and whether people have a choice about being transgender.

"Three-quarters of those who say being transgender is a choice, also see it as a moral issue," said a spokesperson for the [H.R.C.](#), "while two-thirds who do not see it as a moral issue say people are born transgender." The majority favour laws to protect transgender people's rights. Transgender individuals also face the same problem as gay and lesbian Americans, in that a great number of people believe that the law already protects these groups.

"The data clearly suggests that a strategic, step-by-step educational campaign that focuses on broadly supported issues - such as hate crimes and discrimination protection — are the best place to start on the road toward equality," said the [H.R.C.](#) spokesperson.

Among other findings:

- » 61 percent believe the country needs laws to protect transgender people from discrimination.
- » 57 percent incorrectly believe that it is not legal to fire a person just because they are transgender.
- » 67 percent agree that it is possible for a person to be born as one sex, but inside feel like another sex.
- » 53 percent believe it is "all right" for a person to be transgender, while 37 percent believe that it is wrong.
- » 77 percent of people believe that transgender students should be allowed to attend public schools.
- » 48 percent of Americans would have "no problem" working with a transgender person, while only 8 percent claim they "would not" be willing to.

Polare Magazine is published quarterly in Australia by The Gender Centre [Inc.](#), which is funded by the Department of Family & Community Services under the [S.A.A.P.](#) program and supported by the [N.S.W.](#) Health Department through the [AIDS](#) and Infectious Diseases Branch. Polare provides a forum for discussion and debate on gender issues. Unsolicited contributions are welcome, the editor reserves the right to edit such contributions without notification. Any submission which appears in Polare may be published on our internet site. Opinions expressed in this publication do not necessarily reflect those of the Editor, The Gender Centre [Inc.](#), the Department of Family & Community Services or the [N.S.W.](#) Department of Health.

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Transformation

How Transgender Issues Have Become Part of H.R.C.s Work

by Shannon Minter, Staff Attorney for the National Centre for Lesbian Rights in San Francisco and former board member of the International Conference on Transgender Law and Employment Policy and a member of Female-to-Male International.
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Words are certainly powerful, but the proof is in the action.

When I began working for the National Centre for Lesbian Rights in 1993, transgender and transsexual issues were scarcely a blip on the screen of national lesbian and gay groups. Most lesbian and gay leaders would have been hard-pressed to discuss trans issues in any meaningful way, or even to clearly define the word "transgendered." Although much remains to be done before trans people are fully accepted and included in the gay rights movement, trans activists have done an extraordinary job of propelling transgendered issues into the forefront of lesbian and gay policy discussions and political debates.

While H.R.C. isn't doing everything the trans community has asked, we should give it credit for the trans-inclusive work it has done and continues to do.

The questions we have confronted are important and not yet fully resolved. Should transsexual women be allowed to participate in women-only lesbian events? Should lesbians who transition to become female-to-male (F.T.M.) transsexuals be allowed to remain in lesbian organisations? Should lesbian and gay legal groups represent transgendered and transsexual clients? Should laws that prohibit discrimination on the basis of sexual orientation be drafted to include, where possible, gender-identity as well? It is probably safe to say that every national lesbian, gay or bisexual group has been profoundly affected by these debates, or has at least begun to consider how to include trans issues in its organisational work.

As the largest lesbian and gay political organisation in the country, the Human Rights Campaign is an influential participant in these discussions. Given H.R.C.s visibility and national role, it is not surprising that it has come in for a large share of criticism from trans activists who are frustrated at the pace of change and fearful that trans people will be left to struggle on our own, without the support of the very communities and organisations we have helped to build. These criticisms have ranged from demanding that H.R.C. add the word "transgender" to its mission statement to protesting that "gender-identity" is not included in the Employment Non-Discrimination Act.

As a transsexual person, I understand on the most visceral level why the trans community feels left out, but there is a great deal of misinformation about H.R.C.s efforts on behalf of trans issues and its commitment to including transgendered people in its work. In the past three years, H.R.C. has taken a number of steps to educate itself about trans issues, to establish an alliance with trans activists and trans groups, and - most importantly - to work with trans people to develop and implement a long-term strategy for advancing transgender and transsexual rights.

In September 1995, H.R.C. flew a number of transgender community leaders to Washington for a meeting with Executive Director Elizabeth Birch and senior staff. At this meeting, H.R.C. committed to support an amendment to E.N.D.A. that would add protections for the transgender community and to work with the transgender community on hate crimes legislation.

A month later, H.R.C. ran the first of several lobby skills trainings for transgendered activists. H.R.C. also provided the services of Chai Feldblum, an H.R.C. consultant and highly respected Georgetown University law professor, in drafting legislative language on gender identification.

The next year, H.R.C. invited GenderPAC to join the Hate Crimes Coalition, which takes the lead in passing federal hate crimes legislation. Jessica Xavier, a well-known trans activist, made a presentation to H.R.C. staff. That March, Elizabeth Birch submitted testimony on behalf of H.R.C. to the Senate Judiciary Committee on the Hate Crimes Statistics Act stating that the bill should include the transgender community. She also met again in November 1996 with representatives of the transgender community to listen to our concerns about E.N.D.A.

In January 1997, H.R.C. set up and attended, with representatives of GenderPAC, a series of meetings with E.N.D.A. co-sponsors in Congress to begin educating them on transgender issues and to assess the level of support for a transgender-inclusive E.N.D.A. Every office visited indicated that the general educational work needs to be done on transgender issues before such legislation would be

viable.

That April, H.R.C. invited me to a luncheon to discuss discrimination against transgender and transsexual youth. H.R.C. staff attended along with representatives from the National Gay and Lesbian Task Force, the National organisation for Women and Parents, Families and Friends of Lesbians and Gays.

Among its other transgender-related work last year, H.R.C. attended congressional meetings and a press conference as part of a national transgender lobby day and helped get members of Congress to sign a letter to the Justice Department asking it to provide all assistance possible to the trans community on hate crimes. H.R.C. Senior Policy Advocate Nancy Buermeyer attended the annual International Conference on Transgender Law and Employment Policy in Houston in 1997 to learn more about transgender issues and to hear the thoughts and concerns of participants. H.R.C. has continued to expand its work on behalf of trans people in 1998.

This past March, H.R.C. invited me and Nancy Nangeroni, executive director of the International Foundation for Gender Education, to make a presentation on trans issues to its boards - a session that I believe was well-received. And I continue to meet with H.R.C. staff and other trans leaders to discuss opportunities for us to work together.

H.R.C. was also instrumental in getting gender-identity in the Hate Crimes Prevention Act currently before Congress. And, this past spring H.R.C. co-sponsored a legal round-table on gender and sexual orientation with the National Centre for Lesbian Rights and GenderPAC.

My point is simple: While H.R.C. isn't doing everything the trans community has asked, we should give it credit for the trans-inclusive work it has done and continues to do. It's important to change a group's name and mission statement, and I hope H.R.C. will do that in the future. But those changes are meaningless if they are only cosmetic. Words are certainly powerful, but the proof is in the action.

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