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O.I.I. Submission to the National Human Rights Plan

Recommending Relationship Recognition and Documentation Changes

by Gina Wilson, President O.I.I. Australia

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Australia has made a submission to the Attorney General's Department consultation on the National Human Rights Action Plan. The

O.I.I. Australia is not in favour of the creation of a third sex category ...

O.I.I.

submission has key recommendations in the following areas:

Intersex is not a gender-identity. O.I.I. Australia believes that definitions of sex should never assume that everyone conforms to a binary consisting of male and female. It is critically important that the definition of sex is broad enough to acknowledge and include intersex variations in human biology.

O.I.I. Australia proposes that the sexes could be defined as female, male or unspecified. Alternatively, O.I.I. Australia proposes that sex be defined as "sex characteristics" which are typically, but not always, male or female.

Changing legal documentation on sex or gender

It is crucial that any nationally consistent approach to legally changing gender does not remove the right of intersex people to an administrative correction of the details on their birth certificate.

It is crucial that intersex people are not forced into a situation where they must surgically or hormonally modify their body to conform to the expectations of male or female gender.

A nationally consistent approach to changing gender must continue to facilitate the administrative correction of birth certificates for intersex people.

Gender notation in passports

O.I.I. Australia is not in favour of the creation of a third sex category but does welcome a situation where people can choose not to specify their sex.

O.I.I. Australia believes that adults should be able to choose to have 'x' listed on their passports or other legal documentation, as is implied in the Baseline Study statement. O.I.I. Australia believes that this should be possible without any requirement for supporting medical documentation.

Collection of data on gender

O.I.I. Australia believes that a nationally consistent framework for sex and gender information must not:

- expose people to discriminatory treatment in access to healthcare, insurance, employment and services, especially if access to an 'x' sex marker is standardised across government and government-issue documents; or
- require intersex people to obtain an 'x', or 'm' or 'f', gender marker to access appropriate healthcare.

O.I.I. Australia welcomes this review of how and why the Federal Government collects and uses sex and gender information, and hopes to be able to participate in the consultation process.

Relationship recognition

O.I.I. Australia would prefer that the collection and recording of data on relationships did not have an impact on the ability of partners in a relationship to manage their joint legal affairs.

O.I.I. Australia would welcome a review of how and why the Federal Government collects relationship information. It would then be

possible to develop national guidelines to ensure that such information is collected consistently across government and only collected where there is a legitimate purpose for doing so.

[O.I.I.](#) Australia would welcome a nationally consistent framework for the recognition of all supportive adult relationships.

Physical autonomy and access to appropriate healthcare

Concerns about legal approaches to changes of gender, and medical approval for the issuing of a passport with an 'x' identifier touch on some fundamental issues about the right of intersex people to live with autonomy over our own bodies, and free, fully informed and prior consent to any surgical or hormonal procedure.

Current procedures in need of revision:

- Enabling of cosmetic genital surgery on infants on the basis that they are in the "best interests of the child", despite a legal framework that is supposed to prevent this;
- Intersex people who take testosterone blockers, such as Androcur, might find themselves on a list of potential sex offenders, as use otherwise is regarded as "off-label"; and
- Intersex people who take testosterone, a hormone that is generally prescribed over a full adult lifetime, are subject to constraints on their freedom of movement due to State and Federal prescribing and access restrictions. These are human rights issues that are not currently referred to in the National Human Rights Action Plan, but which should be included.

View the complete [O.I.I. Australia submission](#)  by visiting their website.

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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.