

(The Gender Centre advise that this article may not be 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.)

The Marriage Amendment Act

The Good News and the Bad News

by norrie mAy-welby

Article appeared in Polare magazine: September 2004 Last Update: October 2013 Last Reviewed: September 2015



Well, we haff some good news and some bad news. [For the purpose of clarity, "sex" here means what the law says you are, and "gender" is what you see yourself as ...]

... transsexuals can have a sex-change operation and then marry their now opposite-sex partners.

The bad news is that same-sex partners will not be allowed to get married in Australia, or have their overseas marriages recognised here. The good news is that transsexuals can change sex, and for the purpose of marriage (according to questions asked and answered in Parliament on Friday 13th) are of the new sex if they've had a sex-change.

The bad news is that a pre-operative transsexual cannot marry a person whose sex is the same as theirs (which, legally, is usually the old sex on the pre-operative tranny's birth certificate), despite being of opposite gender.

The good news is that transsexuals can have a sex-change operation and then marry their now opposite-sex partners.

The good news is that a pre-operative transsexual can marry her/his same-gender partner, as they are still legally of opposite sex.

The bad news is that a post-operative transsexual cannot marry his/her same-gender partner, as they are legally of the same sex.

The good news is that if a pre-operative transsexual (or pre-transsexual) marries someone of the opposite sex (and, for pre-ops, the same gender), there is no mechanism for dissolving the marriage on same-sex grounds. That is, presuming your partner is willing, there is no legal reason why you cannot stay married even after it becomes a same-sex marriage. The law makes it clear that marriage in Australia is between a man and a woman, and that same-sex marriages made overseas will not be recognised in Australia. There is no such non-recognition legislated however for couples who are a man and a woman when married but this changes.

So nyah, nyah, nyah, transsexuals can marry whomever they want, providing they are willing to have surgery if that's necessary to make them an "opposite-sex" couple, or to get married while still pre-op, if that's what's necessary to make them an "opposite-sex" couple.

And from the incoherent answer to the intersex question asked in Parliament, it seems that everyone, even intersexed people, are going to be considered to be a man or a woman for the purpose of marriage. People who wish to identify their sex as intersex may have to choose between getting married as a man or as a woman, or making a political point.

And some more good news: If you are a same-sex partner of a terrorist or enemy combatant or any suspicious woggy character, you are exempt from being locked up for consorting with terrorists. The bad news is that if you are intersex, you may be held to be neither the heterosexual spouse, heterosexual defacto spouse, nor same-sex partner, and therefore may not be exempt, and may be locked up for giving a blow job too many times to someone Uncle Sam has classed as an evil terrorist. And the worse news is that if you're locked up for more than thirty six months, you can't even vote against the evil bastards that legislated against you.

And finally, a small address to non-voters: I know the system has been very disrespectful and dismissive of us, but remember, every one of us who doesn't vote is handing two votes to a fundamentalist fascist.

This government takes your money and kills people with it whether you vote against them or not, but if you vote against them, you may help stop them killing quite so many people. Please consider.

norrie mAy-welby

From [Wikipedia](#)  norrie mAy-welby became the first person in the world to be officially declared to be neither a man nor a woman, making Australia the first country in the world to recognise a "non-specified" gender.



Born in Paisley, Renfrewshire, Scotland, as a male and moving to Perth, Western Australia at the age of seven, norrie underwent male-to-female reassignment surgery in 1989, but later found that being a woman was not what zie felt like either. Zie moved to Sydney in the early 1990s. Doctors stated, in January 2010, that norrie was a neuter, neither male nor female, as hir psychological self-image was as a neuter, hir hormones were not the same as a male's or female's, and zie had no sex organs.

One of hir worries about being labelled male or female is that zie now looks like neither and is physically neither as well. Because of this, if hir passport states gender as being one or the other, it is possible that zie might be detained for not fitting what the gender field says zie should look like. This was one of norrie's reasons for seeking recognition as gender neutral. Of hir own sexuality, norrie has stated: "I'd be the perfect androgyne if I was completely omnisexual, but I'm only monosexual. Just think of me as a big queen girl."

norrie has been an integral part of the Gender Centre in many ways since moving from Western Australia many years ago. [Visit hir website for more about norrie](#)  Meanwhile, this excellent video has appeared on You Tube, an interview with norrie in which zie explains her views on many topics



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.

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.