

## Legal Precedent set for Transsexuals

*An application under section 1(1)(b) must include evidence that the applicant has changed gender under the law of an approved country of territory*

Gender Recognition Act (2004)

On 20<sup>th</sup> April 2007 a transsexual woman set a legal precedent. After 3 hours in the family court, Kaye was granted a Declaration under the Births, Deaths and Marriages Registration Act 1995 (BDMRA). The Declaration will allow Kaye to apply to the Gender Recognition Panel in United Kingdom for a Gender Recognition Certificate and an amended Birth Certificate under the Overseas Track, which requires legal recognition of acquired gender. The Declaration gives Kaye that legal recognition.

It was believed that the BDMRA only worked for transsexuals born in New Zealand. Under applications made by transsexuals born in New Zealand, the Declaration is granted, then the Birth Deaths and Marriages (BDM) in Wellington issues an amended New Zealand birth certificate. The solicitor for BDM was against the application because the applicant's birth was not registered in New Zealand. The judge agreed with some points made by the BDM and had to tread carefully throughout the process.

In 2006, another application to the Family Court was made by a transsexual woman who was born in United Kingdom. She was granted a Declaration from the Family Court, which allowed her to apply for a Gender Recognition Certificate, and an amended Birth Certificate. This case demonstrated that the Declaration was accepted by the Gender Recognition Panel, and gave Kaye the hope that another application could be successful. This was a big step forward.

UK born transsexuals living as New Zealand Citizens now have the same rights as New Zealand born transsexuals. It is a great legal victory for those of us not born in New Zealand. The Declaration part of the BDMRA can be used independently, as a court order.