



Who am I?

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The importance of who I am

- ▣ Legal identity – Birth Certificate
- ▣ Protection under the law – my rights
- ▣ Travel - Passport
- ▣ Relationships – Gay, straight?, ?
- ▣ Personal equilibrium



*Please think about these as we run through
the presentation*

Quick quiz

How old do you have to be to:

- ▣ Leave home
- ▣ Get Centrelink
- ▣ Get a tattoo/piercing
- ▣ Get a Medicare card
- ▣ Get a mobile phone
- ▣ Get contraception
- ▣ Have sex? OMG!



Leaving home

You can leave at 17 years and be free to do your thing
BUT

- ▣ May find difficulty getting a rental property
 - Lease – legal capacity
 - Bond
- ▣ Unless working, likely to be placed on Income Management
- ▣ You will probably have to do your own washing
- ▣ If you leave at a younger age, DHS likely to become involved

Get Centrelink

- ▣ When you turn 16, if unemployed or a full-time student you can register
- ▣ If you have a dependent child, may be eligible for parenting payment at any age
- ▣ If you are under 16, studying full-time and don't have an adult parent or guardian supporting you, you might be able to get Youth Allowance or a Special Benefit
- ▣ BUT... Income management is mandated if you are deemed unsuitable to live at home.

Get a tattoo/piercing

- ▣ 16 – piercings like ear, navel, eyebrow and tongue – under that age you need parental consent
- ▣ 18 – intimate area piercings
- ▣ 18 - tattoos



Get a Medicare card

- ▣ Over 15 can apply for your own Medicare card online.
- ▣ Otherwise you need to use your parents' card when you go to the doctor or want a script dispensed.
- ▣ Your doctor and the chemist have an obligation to protect your privacy if you have your own card



Get a mobile phone

- ▣ At 18 – can sign a contract
- ▣ Any age – prepaid phone

BUT

Be aware sexting, harassment, threats are all serious offences

- Sex offenders registration
- Intervention orders
- Stalking offences
- Using a carriage service



Get contraception

- ▣ Any age – can buy condoms from chemist or supermarket
- ▣ Any age can get the pill from a doctor if they think you are mature enough to understand



Have sex?

- ▣ Under 12 – no-one can have sex or touch sexually even if both agree
- ▣ Over 12 but under 16 person can't have sex with you or touch you sexually even if you consent unless married
 - ▣ It is a defence if the older person is less than 24 months older and both consent
 - ▣ If the older person is 18+ and the younger under 16, it's a crime unless the older person honestly believed the younger person was 16
- ▣ 16 or 17 – can't agree to have sex with anyone caring for or supervising you or let them touch you sexually

Legal identity

- ▣ Birth certificate is the prime source of identity
- ▣ Not always easy to obtain
 - Parental control if under 18
 - Refugees
 - Indigenous issues
- ▣ No direct exemption from Registry fee \$29.20
- ▣ The identity merry-go-round
 - Proof of identity requirements
 - Photo ID
- ▣ Sex, not gender



Changing name

- ▣ Must be over 18 or parental application
- ▣ Born in Victoria – new birth certificate
- ▣ Resident for more than 12 months – change of name certificate
- ▣ Child – parents must agree absent court order
- ▣ Must be for legitimate purpose
 - Not for fraud or avoidance of creditors
 - Not offensive
 - Only contain characters of alphabet

Changing legal sex

- ▣ A person can obtain a new birth certificate showing a change in their sex if
 - Over 18 years
 - Unmarried
 - Have undergone sex affirmation surgery
 - Pay \$95.70
- Adults who have undergone treatment for transsexualism must divorce their spouses to be recognised
- Transgender adults and children are denied their identity

How do others “see” me?

- ▣ Discrimination is grounded in the “fear of difference”: Kirby J
- ▣ Direct discrimination occurs when a person is treated unfavourably because of a particular attribute
 - Gay
 - Lesbian
 - Bisexual
 - Transgender
 - Transsexual
 - Intersex
 - Queer
- ▣ BUT – labels can be damaging



How do others “see” me?

- ▣ Indirect discrimination occurs if a person imposes or proposes to impose a requirement, condition or practice...
 - That has or is likely to have the effect of disadvantaging persons with the attribute;
 - AND
 - That is not reasonable (onus reversed)

Note: a range of issues to be considered in determining whether a requirement is reasonable

When is discrimination unlawful?

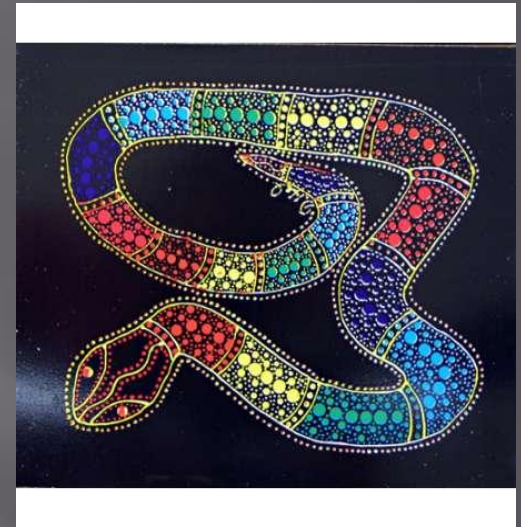
- ▣ Employment
- ▣ Employment-related areas
- ▣ Education
- ▣ Provision of goods and service
- ▣ Disposal of land
- ▣ Accommodation
- ▣ Clubs and club members
- ▣ Sport
- ▣ Local government

BUT...



Discrimination is it not unlawful if...

- ▣ It does not occur because of an “attribute”
- ▣ It does not occur in one of the “areas of activity”
- ▣ There is an exception
 - Statutory authority
 - Orders of court and tribunals
 - Pensions and certain superannuation
 - Charitable benefits
 - Religious bodies, schools (s82, 83)
 - Religious beliefs, principles (s84)
 - Legal incapacity and age of majority
 - Protection of health, safety and property
 - Age benefits and concessions
 - Special needs
- ▣ There is an exemption granted by the Tribunal



Victims and vicarious liability

- ▣ Unlawful victimisation occurs where a person who has made a complaint under the Act is subjected to a detriment by another person because the complaint has been made (s104)
- ▣ A person must not authorise, assist, encourage another person to unlawfully discriminate or victimise a person
- ▣ Employers and principals are vicariously liable for contraventions by employees and agents



Relationships

The purpose of the Relationships Act 2008 is —

- a) to establish a relationships register in Victoria for the registration of domestic and caring relationships;
- b) to provide for relationship agreements;
- c) to provide for adjustment of property interests between domestic partners and the rights of domestic partners to maintenance; and
- d) to provide for the rights and adjustment of property interests between caring partners who are in, or have been in, a registered caring relationship.

NOTE... Only applies between adults

Federal changes

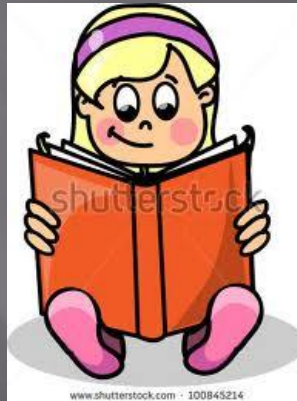
- ▣ From 1 August 2013, the *SDA* (Cth) has made it unlawful to treat a person unfairly because of the person's sexual orientation, gender identity or intersex status in:
 - ▣ Employment
 - ▣ Education
 - ▣ Accommodation
 - ▣ Services
- ▣ BUT, as always there are numerous exemptions
 - Especially in relation to marriage



Guidelines for recognition of sex and gender

In July 2013 the Australian Government introduced new guidelines for the recognition of sex and gender. These establish systems for consistency in –

- ▣ Classification of sex and gender;
- ▣ The evidence standards required to establish identity
- ▣ The manner in which data collection will occur



Passports

- ▣ The new passport policy for applicants who are sex and gender diverse does not require them to have completed sex affirmation surgery for the issue of an appropriate passport.
 - A letter from a medical practitioner certifying that the person is or has received clinical treatment for gender transition or is an intersex person who does not identify with their assigned sex, is sufficient proof.
 - A person who has undergone sex affirmation surgery will automatically receive a passport in the affirmed sex.

So.....

How *do* you “see” me?

- A label?
- An attribute?
- A pathology?



OR

Who am I?



How do *you* respond to “difference”

Kaz