



A Gender Agenda media statement – Re Kelvin

AGA welcomes the decision in *Re Kelvin*, which at last removes legal discrimination against young transgender people seeking access to gender affirming hormone therapy. Transgender people under 18 will now be in the same legal position as any other young person in Australia seeking access to prescription medication: medical specialists will be able to prescribe hormone therapy in accordance with best practice guidelines. This means that decisions about gender affirming hormone therapy can be made by the young person in consultation with their interdisciplinary health care team and, depending on their personal circumstances, their parents. The court will retain its role in resolving disputed cases, as with any other medical treatment.

Sel Cooper, Executive Director of A Gender Agenda noted:

“We see increasing numbers of young people and parents of transgender youth seeking support. Requiring families of transgender youth who are seeking gender-affirming hormones to go to court is intrusive and discriminatory, at a particularly challenging time for a group of young people already at high risk of suicide. The Court’s decision means transgender young people, like any young person seeking medical treatment, will be able to make decisions about gender-affirming hormone therapy guided by medical professionals and their parents, rather than judges.”

Not all young transgender people seek access to hormones, but for those who do it is an important part of their journey. The inevitable delay that has been caused by the court process has been very detrimental to the health of many adolescents at a critical time in their life. Most young transgender people who seek access gender affirming hormones are between 16 and 18.

For parents with transgender children the former process which required them to seek a court order to enable their child to access gender affirming hormones was confusing, expensive and stressful. One AGA member, a parent of a transgender child, said that:

‘ When I told my son about the decision in *Re Kelvin* he cried with relief. No longer would our family have to go through the difficult and expensive process of going to court to enable him to continue his transition. Why should my child have to prove himself in court, he has done nothing wrong.’

For the young people involved the inevitable delay caused by the requirement for a court order was distressing. One young AGA member said:

'I have been on puberty blockers for 8 months and I'm desperate to start stage 2 hormones since I came out to my family and peers just over a year ago. Stage 2 hormones will make my body change to match how I feel on the inside. My doctors and counsellor agree that this is the right course for me. My parents and friends are all really supportive. When I found out that we would have to get a lawyer and go to court and that it could take 6-12 months or longer to get through all of that I was incredibly devastated and it made my mental health even worse. Not having to go to court will be a huge relief for me and my family.'

AGA thanks the lawyers who have given their time to support this case including the Human Rights Law Centre, Lander and Rogers, Kris Walker QC and Elizabeth Bennett.

AGA will not be giving any interviews.

Background

A Gender Agenda (AGA) works with, and on behalf of, intersex, transgender and gender diverse people, their friends, families and allies. AGA seeks to remove discrimination and break down barriers. We provide social support, events, workshops, advocacy, training, policy advice and resources. Further information about AGA can be found on our website: www.genderrights.org.au

Best practice guidelines for medical specialists considering prescribing hormone therapy can be found in the *Australian Standards of Care and Treatment Guidelines for Trans and Gender Diverse Children and Adolescents*. Melbourne: The Royal Children's Hospital; 2017).