

## News

# The Mercury

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## Opinion

## Talking Point: Commitment to love knows no boundaries

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Transgender rights advocate Martine Delaney.

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**IT seems strange to me that Tasmania's Government, vocally committed to the institution of marriage, forces some couples to divorce even when they love each other and have no wish to end their marriage.**

Let me explain.

Although I was born with a perfectly normal little boy's anatomy, my earliest memories are of knowing I was meant to be a girl.

This conviction remained throughout my life and, many years later, I went through a very complex process resulting in my life today as Martine.

One problem, I fell in love with a woman before transitioning.

She was widowed with two sons. Very much in love, we spent months talking about my gender issues before deciding to marry and deal with all that after the boys had grown up.

Twelve years after we met — married and still very much in love — she drowned, moments after saving a young girl who had been caught in a rip.

Later, I transitioned and became Martine, as we'd planned.

While my public identity obviously altered, I really haven't changed as a person.

The reality is I'm still me, I'm just far more honest with the world now than I was for many years.

Previously, I'd only felt able to be that honest with my wife. Largely due to fear of the very real discrimination transgender people face, I'd not felt strong enough to be honest with the world.

My wife and I intended to stay together, but if she hadn't died, the law would have tried to separate us. I would have sought to have my birth certificate amended to recognise my true gender.

Without this amendment, I'd be forced to "out" myself every time I applied for work or did anything else requiring a birth certificate.

But the Tasmanian Births, Deaths and Marriages Act insists that anyone changing their birth certificate to make it a more honest reflection of their gender must get a divorce.

Put simply, the law says transgender people have to choose between official recognition of their gender or official recognition of their marriage.

There will be some couples who divorce in these circumstances, not because of the birth certificate requirement but because their relationship hasn't survived the challenges of gender reassignment.

But divorce is their choice, not a government-imposed necessity.

My late wife and I, like many other couples, loved each other, wished to stay married, but would have had to divorce if I wanted the kind of identity documents other people take for granted.

The current situation is very unfair and unnecessary for the small number of couples it affects. Couples dealing with an incredibly difficult life event, and who want to face it together, should have their legally recognised commitment upheld, not undermined.

I'm not asking Tasmania to marry same-sex couples. That's a separate issue.

I just want Tasmanian law to recognise the existing commitment of a handful of very courageous people, and to remove an unnecessary barrier to their happiness.

I'd have liked that, had tragedy and my wife's bravery not altered my life forever.

Martine Delaney is a transgender rights advocate.

