

# Sex-change woman facing bankruptcy over court fight

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A Melbourne woman who tried to sue doctors she said rushed her into a sex change faces bankruptcy after her case was thrown out of court for being outside the deadline for personal injury claims.

Medical insurers are threatening to bankrupt the woman who had a double mastectomy and took male hormones in preparation for life as a man.

In documents lodged with the County Court, the woman, now 36, said psychiatrists at the Monash Medical Centre gender dysphoria unit put her on male hormones at her second consultation in 1990, in breach of accepted standards of care.

Her statement of claim said her doctors disregarded psychological testing that indicated psychotherapy was the more appropriate treatment.

She also said the physicians knew she did not meet the condition of living in the chosen gender role for two years before surgery.

Three years after having her

breasts removed, she said the clinic turned her away when she said she wanted to reverse her sex change. She said she incurred thousands of dollars in costs for breast implants and treatment to remove a beard and body hair.

The woman has since married and had two children.

Her husband said that since her claim was disallowed because it fell outside the six-year deadline for personal injury claims, the Medical Defence Association of Victoria had threatened bankruptcy proceedings to recover \$40,000 in legal expenses to defend doctors against her claim.

The woman's lawyer, Anne Shortall of Arnold Thomas & Becker, said she was surprised that the MDAV, which is representing psychiatrists Trudy Kennedy and Herbert Bower, was so aggressive in seeking costs.

"A young family with children, who have been through a large trauma are going to be traumatised further," she said.

Ms Shortall said the question of when the six-year period

began was subject to argument.

In this case, however, the court ruled that the time to seek compensation for the breast surgery expired in 1998. It also found the period for seeking compensation for the hormone treatment expired in March 2001 — six years after she decided to revert to her female identity.

In ruling her claim "out of time", Judge Ross Howie noted that she had not acted on initial legal advice obtained in 1995.

John Snowden, corporate counsel for Southern Health — operator of the Monash Medical Centre — said the claims had been dealt with and the hospital would not respond further.

Ms Shortall said attempts to negotiate a settlement had failed.

A Melbourne man who consulted the clinic and had his genitals surgically removed in a sex-change bid also has lodged a compensation claim with the County Court. He too faces the legal hurdle of his claim being "out of time".

Solicitors for the Medical Defence Association, John Ball and Sons, did not respond to phone calls.