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25 June 2014

Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
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Dear Committee,

Recognition of Foreign Marriage Bill 2014

Thank you for the opportunity to provide a submission about the *Recognition of Foreign Marriages Bill 2014*. Whilst I support the intention of the Bill and completely support same sex marriage, I am disappointed foreign marriages like mine will still not be recognised if this Bill is passed in its current form.

I was born with a biological intersex variation. Doctors refer to this as a “Disorder of Sex Development” (specifically “Androgen Insensitivity Syndrome” in my case) but essentially it means I was born with a natural variation that resulted in being born with biological attributes of both sexes. As a result of my biological variation and the way it was treated by doctors, I have lived as a woman and a man at various times in my life although I was raised as a girl. (I have also had Victorian birth certificates that reflect my sex as female, male and nothing). I am extremely comfortable with who I am and am open about being an intersex person in all aspects of my life. Like most Australians, I identify in line with my biology at birth; I am both female and male.

I am unable to marry in Australia without having to pretend to be one sex because marriage in Australia is explicitly between “a man and a woman to the exclusion of all others”. I should not have to deny who and what nature made me. When New Zealand introduced marriage equality last year they allowed people like me to marry too. My wife and I had the great pleasure of getting married in New Zealand last September without the restrictions that exist in Australia. Although the terminology isn’t perfect, our New Zealand marriage license and certificate acknowledges my sex as “indeterminate”.

After the joys of getting married and having a honeymoon in New Zealand, it was heartbreaking knowing that when we arrived back in Australia our marriage would no longer be recognised. Sadly, it’s equally disappointing reading the Foreign Marriage

Bill knowing that if it's passed in its current form, my marriage still won't be recognised in Australia.

The Senate is reasonably familiar with intersex people given the detailed inquiry your committee held last year about the involuntary or coerced sterilisation of intersex people in Australia, and the excellent report and recommendations following the inquiry. Additionally, Senators Sue Boyce, Claire Moore and Rachel Siewert spoke very passionately about issues facing intersex people in Australia and our need for equality.

I hope the committee recommends appropriate changes to the Bill to enable all Australians married overseas to be legally recognised, including people who are born and identify both female and male. Marriage shouldn't be about a man and a woman, a man and another man, or a woman and another woman. It should be about two people irrespective of sex.

I am very happy to provide evidence to your committee at a public hearing should you require additional information. Thank you again for this opportunity and for your consideration of genuine marriage equality in Australia.

Yours sincerely,

Tony Briffa JP

Vice-President, Organisation Intersex International Australia Ltd

Vice-President, AIS Support Group Australia Inc.

Justice of the Peace (Vic)

Bail Justice (Vic)

Mayor, City of Hobsons Bay (2011-12)

Deputy Mayor, City of Hobsons Bay (2009-11)

Councillor, City of Hobsons Bay (2008-2014)