



Organisation Intersex International Australia Limited
For intersex human rights, information, and peer support

PO Box 51, Altona, VIC 3018, Australia

11 September 2015

Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House Canberra ACT 2600
Phone: +61 2 6277 3560
Fax: +61 2 6277 5794
Email: legcon.sen@aph.gov.au

Dear Committee,

Inquiry into the matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia

Thank you for the opportunity to provide a submission to the *Inquiry into the matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia*. It is the firm opinion of the Organisation Intersex International (OII) that the issue regarding marriage equality, including the issues relating to the legal recognition of marriages of people born with biological intersex variations, should be settled by the Parliament via a change to the Marriage Act and not by public vote in the form of a plebiscite or referendum.

This issue directly impacts numerous people born with biological intersex variations, whereas sadly the awareness and community understanding about intersex people and our human rights are little understood or acknowledged. The debate is likely to have significant mental health and other adverse impacts on intersex people as their rights are debated by the public. A public vote will require extensive community awareness raising to enable the public to make an informed vote, along with significant resources to provide support and counselling to intersex people and their families, and therefore significant resources which families with intersex variations cannot afford.

If however, the Parliament decides to proceed with a popular vote to settle this matter, intersex organisations such as OII must be engaged and supported at the earliest opportunity to ensure the question put to the community is inclusive of all marriages subject to the plebiscite and not just “same-sex marriage”.

As the Senate Legal and Constitutional Affairs Legislation Committee heard during last year’s consultations regarding the *Recognition of Foreign Marriages Bill*, people with

intersex variations (also referred to by doctors as “Disorders of Sex Development”) are born with natural biological variations where our bodies are not exclusively male or female. In my case, for example. I was born with a typical female body externally (including female genitalia) but with a typical male chromosomal pattern and internal testes. I was raised as a girl, but my biological sex is both female and male. Under the existing Marriage Act, my marriage is legally questionable as my wife and I do not meet the criteria that our marriage is between a man and a woman to the exclusion of all others”. It’s not easy to classify some intersex people as being a “man” or a “woman”, and some of us do not want to be classified as being one exclusively as it denies us the right to be who and what nature made us.

I am very happy to provide discuss this matter in detail with your committee and to particulate in a public hearing should you require additional information.

Thank you again for this opportunity. We hope the issue of marriage equality for people with intersex variations is settled very soon and urge the Parliament to resolve this matter without the need for a costly and potentially divisive public debate with negative impacts on the mental health of many intersex people and their families.

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)