

Dear Committee Secretary,

As an Australian who believes same-sex couples should be able to marry, I strongly support the Marriage Equality Amendment Bill 2010.

Fundamental Human Rights – from where I stand that is what the move for Marriage Equality is really about, at the core. It is about Australia fulfilling its basic obligations under the International Declaration of Human Rights and granting citizens the fundamental human right – to marry. The rest of the noise is just opinion and prejudice and fear and naivety, and it clearly does not reflect the trend to more acceptance in Australia, and to majority support for marriage equality among the Australia population. Prejudice and fear and denying basic rights and inequality are not the things upon which to base a society and its core protections. This is not what Australia is about. We pride ourselves on being a just and fair society, a strong upholder and even advocate of human rights; a country deeply committed to equality, a country that's about 'fair go' for all. And yet that is not equality for all, it is equality for some. As George Orwell wrote in *Animal Farm* "four legs good, two legs better", or this case "homosexuals ok, but heterosexuals better" and somehow more equal. I ask you in this senate enquiry to show leadership and courage and wisdom and benevolence and foresight and make the changes necessary to grant equality of marriage to same-sex couples. It is a change that will happen, even if it takes some small remaining pockets of Australian society time to catch up, and you should be the group which leads that change. The United Nations Charter also states that the peoples of the United Nations are determined "to promote social progress". So it not about waiting until all of society is agreed or has caught up, but about promoting social progress and change specifically where it comes to human rights.

I have been awarded the Order of Australia for my services to International Humanitarian Work. I was awarded the Sir Edward Weary Dunlop Award for my leadership in humanitarian work. I earned an Overseas Service Medal for serving as an Australian in international humanitarian crises. I am proud to have been recognised and honoured as an Australian citizen who has contributed service to humanity. Yet despite all of this service to Australia, the sacrifice and commitment and the recognition, I am denied a fundamental human right that the majority of Australians have. No marriage for me, because my chosen partner and I are of the same sex. My parents both served the Australian Government and its people through the Department of Foreign Affairs and Trade, my father for almost forty years – and they have supported me and my partner and given us love. My paternal grandfather fought in WWI and was in the first landing at Gallipoli. My maternal grandfather fought in WWII in the Pacific. They fought to defend Australia's freedom and its rights, and would have supporters of giving someone a 'fair go' as that was national ethos even back then. They fought the wars which eventually led to widespread recognition that a basic set of fundamental human rights should be agreed upon, set down on paper and committed to by the international community – and yet their granddaughter cant access one of these rights, in the great country of Australia. This was the Universal Declaration of Human Rights (IDHR). The preamble the IDHR refers to it being about "equal and inalienable rights" of all members of the human family and that these "human rights should be protected by the rule of law".

Article 16 of the International Declaration of Human Rights states that "men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. "; and "the family is the natural and fundamental group unit of society and is entitled to protection by

society and the State. “ Nowhere does it say that this is only for heterosexuals, and obviously this was probably not even a consideration at the time. But it now is and Australia should demonstrate its commitment to spirit and the wording of the law, which is about equal rights for marriage. The preamble specifically states that “the General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction” (my underlining).

Marriage is a right granted to heterosexuals regardless of who they are and what kind a person they are, and whether they are worthy of that rights in the eyes of certain portions of the population, and this is likely as it should be, it is a universal right. Marriage should be not denied on prejudicial grounds that are about personal judgement. And yet I cannot marry. I have been in a loving and committed relationship with my partner for almost eight years. Our relationship has taken us across the world, serving in humanitarian situations. We now have two children, created with great intention and love. We have had to leap enormous hurdles to have them and be recognised by the law. But we have done this to protect them and our family. Australia recognised my partner as my interdependent spouse for visa purposes (she is American) and has granted her a visa. Medicare and Centrelink recognise us a family. And yet, Shawn and I cannot marry and Shawn still cannot adopt our children in Australia. This is ludicrous, wrong and unjust. But it also has a detrimental impact on our lives, our livelihoods as humanitarian professional and our well-being.

Many countries (for visa purposes) and international employers (for conditions of service) will not recognise us both as the parents of our children based on Australian birth certificate which lists us both as parents. They will only recognise one birth mother or an adoptive parent. So we had to travel back to the USA to enable Shawn to adopt our children there. Many countries and employers also will not recognise us as a family without Shawn and I being married. This leaves us unprotected and in legal limbo in our work overseas where the non-employed partner is given no recognition. Allowing same-sex marriage in Australia would be a huge step forwards in protecting us a family. This is specifically so for work with the United Nations which now finally recognises same-sex couples equally with heterosexual couples, but only where the couple has been married in the home country of that couple (so no quickie weddings in Belgium for us allowed!).

Marriage is not about sexual difference and procreation. This is modern fantasy by the church.

Marriage was largely invented as a legal institution regarding property and ownership.

I appreciate that many changes in law have been made federally and at the state level in the interests of granting same-sex families some equal rights. These are wonderful and much appreciated. But they do not go far enough if the right to marry itself is still denied. The right to same-sex adoption should also be Australia-wide.

So, I ask you, in your deliberations to focus on the core issue here, which is about the granting of fundamental human rights, to which Australia is a proud signatory and global proponent, equally to Australians wanting to marry, regardless of their sexuality. I ask you to lead on the removal of all discrimination in the Marriage Act. I ask you to ignore the prejudice and fear mongering of certain small and increasingly out of touch pockets of Australian society who are arguing against the granting of this right. I ask you to look at the situation in countries where this has been granted and see that none of the ridiculous and panic-inspiring predictions which have been made by these

groups have come true. Society has not collapsed in Belgium or the Netherlands or Norway, it has not been damaged. Marriage has not disintegrated. Family life has not collapsed or even been damaged. Life goes on and people keep functioning just as they did before. And if the institution of marriage is so shaky and fragile that it can be undermined by granting marriage equality, then it clearly had problems to start with. And family life is being damaged quite effectively and it has nothing to do with marriage equality. How about protecting Australian families who are committed and taking care of their kids and spouses and granting them marriage equality? There are thousands of same-sex families in this position. Please lead the change on removing discrimination in the Marriage Act and allow same-sex couples to marry on equal grounds with all other couples. I ask you to make this change, lead this social progress as I would love my beautiful children to attend the legal wedding of their parents; love for my very aged and loving father to see me married to my partner; love to be surrounded by my family and friends on my legal wedding day (as most of the rest of the adult Australian population can) and to know that my loving mother was watching me somewhere and smiling and shedding a few motherly tears.

Thank you

Josephine Hutton (partner to Shawn Boeser and mother to Emmeline and Elias)