

# Chapter 4

## Committee view

4.1 On the basis of the evidence before the committee and the experience, concerns and expertise of submitters and witnesses, the committee does not support a plebiscite or a referendum on the matter of marriage in Australia. The High Court's decision in *The Commonwealth v The Australian Capital Territory* renders a referendum redundant. Further, as the evidence to this committee emphasised, the matter of marriage is not one which should be decided by a popular vote. Whether the definition of marriage should be changed to encompass the union of two people, regardless of sex, is a matter which is squarely within the Parliament's power to legislate.

4.2 In the committee's view a bill to amend the definition of marriage in the *Marriage Act 1961* to provide for the marriage between two people regardless of sex should be introduced into the Parliament as a matter of urgency.

4.3 The committee strongly supports a conscience vote for all members of the Parliament on any bill to amend the definition of marriage.

### Recommendation 1

**4.4 The committee recommends that a bill to amend the definition of marriage in the *Marriage Act 1961* to allow for the marriage between two people regardless of their sex is introduced into the Parliament as a matter of urgency, with all parliamentarians being allowed a conscience vote.**

**Senator Glenn Lazarus**  
**Chair**

