



797-1259



**Attorney-General  
Minister For Emergency Management**

MC13/08483

Your reference: 797/1259

The Hon John Murphy MP  
Chair  
Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

Dear Mr Murphy

Thank you for your letter of 24 June 2013 referring to me a petition which requests a referendum to coincide with the federal election regarding the definition of marriage in the *Marriage Act 1961* (Cth).

My view is that any change to the definition of marriage in Australia should occur through Parliamentary consideration of an amendment to the Marriage Act, not through a referendum. The most appropriate way to consider such an amendment is through a conscience vote in Parliament.

When this issue has previously been considered by Parliament, the Labor Party has allowed each Labor MP and Senator a conscience vote according to their own personal views. This reflects the fact that people of good will can have different views on this matter.

While Liberal and National Party Members of Parliament have not been afforded the same opportunity previously, it is hoped they will be able to exercise a vote according to their personal conscience at some point in the future.

With regards to a referendum, any change to allow same-sex marriage would occur by amending the Marriage Act, not the Constitution. That means any referendum question would first need to pass Parliament, because Australia does not have a mechanism for citizen-initiated referendums. Further legislative change would then be required in the case of a 'yes' vote, with the Parliament free not to follow the result of a referendum.

I hope this information is of assistance to the Committee when considering this petition.

Yours sincerely

**MARK DREYFUS QC MP**

23/7/13