

Dissenting Report by Coalition Senators

1.1 The most democratic course of action in settling the marriage equality debate is to refer the matter to a compulsory plebiscite. While potentially costly a plebiscite would be invaluable in affirming the often referenced majority support for same-sex marriage, and would assure the government that it was taking the right course of action by the Australian people.

The people of Australia should be allowed to discuss freely and openly what marriage is in Australia.¹

1.2 On the appropriateness of a plebiscite to decide this matter, same-sex marriage is an incredibly divisive social issue, and while there are 'no consistent criteria for when and why a plebiscite is desirable or warranted':²

Plebiscites have been held before on divisive social issues, particularly where the division crosses party boundaries and there are strong differing views within political parties.³

1.3 We believe that same-sex marriage fits this precedent, and that a plebiscite will provide closure on a much contended issue that has been in the domain of public debate for many years:

The issue of same-sex marriage has been in the public domain for quite a number of years. It is one of the very few subjects that keeps on raising its head. It has been dealt with by the parliament in the past and it has been dealt with by state parliaments, but it keeps resurfacing all the time. The idea that it should just be left to the parliament because if not, what else are you opening, has very little support on the basis that this issue itself has dominated public debate for quite a number of years. Therefore, it is not resolved.

One way perhaps to bring it to a 'closure'—to use your words, Senator—would be to put it to a popular vote in order for the people to express their opinions and for parliament to be informed and guided by the outcome of that popular vote.⁴

So our comments there were, 'Look, this has been through the democratic process up hill and down dale. A lot of parliament's time has been expended on it and yet it keeps coming back.' I guess, in the face of the relentlessness of this, where have we left to go? Obviously, we support this now going to the people. If it keeps going to the parliament and getting rejected, as it has,

1 Mr Christopher Brohier, Founder, Lawyers for the Preservation of the Definition of Marriage, *Committee Hansard*, 10 September 2015, p. 13.

2 The University of Adelaide - Public Law & Policy Research Unit, *Submission 2*, p. 3.

3 Professor Anne Twomey. *Submission 6*, p. 3.

4 Mr Rocco Mimmo, Founder and Chairman, Ambrose Centre for Religious Liberty, *Committee Hansard*, 10 September 2015, p. 6.

and through numerous Senate and parliamentary inquiries, it is only logical now that it goes to the people for all Australians to have a say. I think that is the best way to resolve this, given that those who want change, as is their right, keep bringing this forward. We need to come to some sort of resolution, and a people's vote obviously is the way to go.⁵

1.4 The position that Coalition Senators recommend is that enunciated by the Prime Minister, Mr Turnbull in Question Time on 15 September 2015

1.5 Our government has decided that the resolution of this matter will be determined by a vote of all the people via a plebiscite to be held after the next election:

Our government, our party room, has decided that the decision will be taken by a plebiscite. Why is the opposition afraid of the people having a vote? Why don't they want all Australians having a vote? There is no greater virtue in a free vote here or a plebiscite.

At the next election, Australians will have a choice. The Labor Party will say, "Vote for us and marriage equality will be dealt with by the politicians, by the parliament, in a free vote after the election". And we will say "If we're re-elected to government, every single Australian will have a say". We all respect members of parliament – after all, we are all members of parliament – but we are just representatives and we are just 150 in number. Every single Australian will have a vote on the issue after the next election if we are returned to government. How can the opposition seriously and credibly say that that is anything other than thoroughly democratic? When did it cease to be democratic to let the people speak?"⁶

1.6 Apart from Mr Turnbull's poor mathematics (there are in fact 226 parliamentarians) we agree entirely with Mr Turnbull's statement.

5 Mr Lyle Shelton, Managing Director, Australian Christian Lobby, *Committee Hansard*, 10 September 2015, p. 12.

6 *House of Representatives Hansard*, 15 September 2015.

Recommendation 1

1.7 The Government Senators do not support the recommendation of the Labor, Green Independent majority. We recommend that the matter of amending the *Marriage Act 1961* to allow for the marriage between two people regardless of their sex be addressed by a compulsory national plebiscite.

**Senator the Hon Ian Macdonald
Deputy Chair**

Senator Linda Reynolds

