



# Why Australian Marriage Equality opposes a plebiscite on marriage equality

Some people have suggested a plebiscite on marriage equality. In this information sheet we respond to frequently asked questions about a plebiscite and explain why Australian Marriage Equality opposes it.

## 1. What is a plebiscite and how could it relate to marriage equality?

A plebiscite is a nationwide vote to gauge public feedback on a political proposal. This is different to a referendum which is a national vote on an amendment to the Constitution.

## 2. Why don't we have a Constitutional referendum?

In 2013 the High Court found that the definition of "marriage" in the Constitution includes same-sex unions. This made it clear the Federal Parliament has the power to enact marriage equality.

Therefore, no referendum is required. In Ireland a referendum was required because its constitutional definition of "marriage" explicitly defined it as a heterosexual union.

## 3. Why is a plebiscite the wrong way to achieve marriage equality?

There are four key reasons

*Parliament can already make it happen*

- As mentioned above, the High Court has confirmed Parliament can enact marriage equality.
- Parliament could legislate for marriage equality by the end of 2015 if a cross-party free vote is granted.

*Parliament has the mandate and the responsibility*

- We already know that Australians support marriage equality. The Liberal Party's go-to research company, Crosby/Textor, has found 72 per cent of the public already support it, higher than many countries with marriage equality.
- We elect and pay politicians to represent us and make laws. A majority of Australians want marriage equality now.

*A plebiscite will delay marriage equality*

- At the earliest it will be 2017 before a national plebiscite is conducted and implemented.
- The last time Australia had a plebiscite was in 1977 - on the question of the national anthem - it took seven years to implement the result.

*A plebiscite won't break the political deadlock*

- Even if Australians overwhelmingly vote for marriage equality, it will still lie in the hands of politicians to actually change the law.
- Unlike a referendum, governments are not bound by the result of a plebiscite.
- The same groups that oppose marriage equality now will continue to oppose it after a successful plebiscite.

## 4. Won't the plebiscite allow us to show our support for marriage equality?

Although polling shows a majority of Australians already support marriage equality, a plebiscite can be open to political manipulation because it isn't regulated by strict rules like a referendum or an election.

- Voting in plebiscites is not compulsory, only the most highly-motivated voters would end up casting a ballot.
- The Prime Minister can set the question.
- There are no guidelines for how plebiscites are conducted and it isn't binding on Parliament to make a decision consistent with the results.
- There are no rules or transparency when it comes to public or private spending on plebiscites. This may allow groups opposed to marriage equality to significantly out-spend groups in favour of equality.

## 5. How much would a plebiscite cost?

At a time when we are told by politicians that excessive spending needs to stop, a stand-alone plebiscite could cost more than \$100 million.

The 1999 republic referendum cost Australian taxpayers \$66.8 million. This is \$105 million in today's money.

## 6. What are the other consequences of a plebiscite?

A plebiscite would give anti-gay campaigners the biggest stage they have ever had. US research (Hatzenbuehler et al) has shown that the mental health of lesbian, gay, bisexual, transgender and intersex (LGBTI) people suffered significantly during referenda debates on marriage equality.

For LGBTI people who experienced a US state referendum on marriage equality there was;

- a 37 per cent increase in mood disorders,
- a 42 per cent increase in alcohol-use disorders, and
- a 248 per cent in generalised anxiety disorders.

In states without such referenda, there was no increase.

## 7. Where to from here?

The way forward is to lobby your local Members of Parliament to show

- A majority of Australians already want marriage equality.
- A plebiscite is the wrong way to go.
- Parliament can act now and resolve the matter once and for all.

For more information on your local MP's position go to [whereyourmpstands.org](http://whereyourmpstands.org)