

POSTAL PLEBISCITE ON MARRIAGE EQUALITY

Every day we delay marriage equality is another day too long. The Victorian AIDS Council (VAC) calls on the Federal Government to put an end to marriage discrimination and legislate for marriage equality without delay.

Currently, marriage is defined by the *Marriage Act 1961* (the Act) as a union between a man and a woman, meaning all lesbian and gay, as well as many bisexual, transgender and intersex people are subjected to marriage discrimination.

MARRIAGE DISCRIMINATION IS HARMFUL

The evidence is clear¹, and health organisations are united in their concern that marriage discrimination is harming the health of LGBTI people². We must remember that LGBTI people suffer much higher rates of poor health³ because of the stigma and discrimination – including marriage discrimination – they are subjected to.

A PLEBISCITE WILL BE HARMFUL

VAC is concerned that a plebiscite will descend into an election-like event with public campaigning. This will provide a platform for a fear campaign and divisive attitudes, leading to a national debate that is hostile and vitriolic toward, and that perpetuates misinformation and stereotypes about, people from LGBTI communities.

A public debate that stigmatises sexually and gender-diverse individuals will marginalise these people and harm their mental health. It will also lead to an increase in prejudice-motivated crimes against LGBTI people.

A PLEBISCITE WILL BE COSTLY, INEFFECTIVE & LEGALLY QUESTIONABLE

An estimate by the Australian Electoral Commission (AEC) puts the cost of a plebiscite on marriage equality at \$158 million⁴, whereas an estimate by PwC Australia estimates the true cost could be as high as \$525 million.⁵

A postal plebiscite would result in much lower voter participation than one held during a federal election. The return rate of the postal vote to elect delegates to the Constitutional Convention in 1997 was only 47%.⁶ A postal plebiscite on marriage equality is likely to suffer from a similar low response rate as voting won't be compulsory and it won't capture Australians who have changed address and not yet updated the electoral roll.

The viability of a postal plebiscite also remains subject to legal challenge. Without supporting legislation to appropriate the funds needed for it, a postal vote on marriage equality would violate section 83 of the Constitution. Given a plebiscite bill was unable to pass the Senate, it is unlikely a postal plebiscite bill would either.

Polling has consistently shown the large majority of Australians support marriage equality. The market research has already been done.

A FREE VOTE IN PARLIAMENT IS NEEDED

A public vote was not required when the Howard Government amended the *Marriage Act 1961*, and it is not required to do so now. The right to marry should not be dependent upon a public vote. A free vote in Parliament is the appropriate mechanism for amending the Act to ensure that the right to marry is provided to all Australians.

SUMMARY

Marriage equality in Australia is inevitable. It can happen now under the Coalition Government with a free vote in Parliament. LGBTI communities do not need or want a divisive and harmful plebiscite — postal or otherwise. The majority of Australians support marriage equality and have for a long time. It is time for our politicians to recognise the will of the people, do their jobs, and legislate for marriage equality without delay.

REFERENCES

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² The Equality Campaign. (2017). Joint statement: Marriage discrimination is harmful to LGBTI Australian's health. <http://vac.org.au/site/assets/uploads/516e8fb1-healthstatement-2.pdf> (last accessed 07/08/17).

³ National LGBTI Health Alliance. (2016). Snapshot of mental health and suicide prevention statistics for LGBTI people. <http://lgbtihealth.org.au/wp-content/uploads/2016/07/SNAPSHOT-Mental-Health-and-Suicide-Prevention-Outcomes-for-LGBTI-people-and-communities.pdf> (last accessed 07/08/17).

⁴ Australian Electoral Commission. (2015). Submission to the inquiry into the matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia. Submission 26, p.10.

⁵ PwC Australia. (2016). Marriage equality in Australia: the cost of holding a plebiscite. <https://www.pwc.com.au/publications/pdf/marriage-equality-plebiscite-report-march-2016.pdf> (last accessed 07/08/17).

⁶ Australian Electoral Commission. (1998). 1997 Constitutional Convention election report and statistics. p.21. http://www.aec.gov.au/Elections/constitutional_convention/files/report.pdf (last accessed 07/08/17).