

A PLEBISCITE ON HUMAN RIGHTS

SUMMARY

The Victorian AIDS Council (VAC) acknowledges that the time for marriage equality in Australia has arrived. Currently marriage is limited to a union between a man and a woman. To expand the definition of marriage federal parliament needs to pass a bill changing the *Marriage Act 1961* ("the Act"). This involves no cost and can be undertaken very quickly. Reforming the Act to allow equal access to marriage will remove another impediment to equality of choice for same-sex couples in Australia.

VAC believes that federal parliament is the appropriate forum to conduct debate and to enact reforms to the Act.

VAC opposes the use of a plebiscite, in other words a public vote, as the forum in which to debate marriage equality.

PLEBISCITE IS COSTLY

A plebiscite is a national vote to a question created by the government. Parliament is not bound by the result of the plebiscite. As such the result will not change the Act to extend the right to marry to same-sex couples.

A plebiscite is another layer of process. Like an election every adult in Australia would have to attend a voting booth on the day of the vote. This process would demand considerable resources and costs from the commonwealth.

An estimate by the Australian Electoral Commission puts the cost of a plebiscite on marriage equality at \$158 million, or \$44 million if held concurrently with an election. These are costs that would be better spent on other initiatives.

For example, \$158 million could provide 160,000 12-month courses of pre-exposure prophylaxis (PrEP) for HIV, 79,000 rehab beds for ice users, or counselling for 225,000 LGBTI people affected by family violence or experiencing mental health difficulties.

PARLIAMENT IS THE PLACE FOR LEGISLATIVE REFORM

A plebiscite is not required to change the Act. The Australian Constitution provides our federal parliament with the power to change the Act. Debates in parliament are subject to parliamentary process. This has the effect of managing potentially divisive and emotional points of discussion to ensure that the substance of the debate is not lost.

VAC does not believe that the right to equality should be subjected to a public vote. Rather, parliament is the appropriate forum to reform the Act to ensure that the right to marriage is available to same-sex couples.

A PLEBISCITE WILL POLARISE

VAC is very concerned that a plebiscite will descend into an election-like event with public campaigning. This could become a platform for divisive attitudes to be unleashed meaning that there is a real risk of the debate becoming hostile and vitriolic. In this context, outdated stereotypes about LGBTI communities could polarise Australians, with the aim of instilling fear in the general community about the impact of the proposed change.

VAC is concerned that this kind of public debate could lead to a resurgence in aggression and hostility towards sexually and gender-diverse members of our community. This conduct could counteract initiatives aimed at improving the health and wellbeing of these communities.

Australia's success in addressing HIV has been underpinned by a history of bipartisan support for initiatives that raise awareness about HIV-prevention strategies, and support for people living with HIV. Critical to this success is removing barriers experienced by affected communities in accessing services and testing facilities. A public debate that stigmatises sexually and gender-diverse people has the potential to marginalise these individuals, and jeopardise past achievements and current and ongoing attempts to address HIV in Australia.