

Hon Dr Sally Talbot; Hon Helen Morton; President; Hon Amber-Jade Sanderson; Hon Jacqui Boydell; Hon Lynn MacLaren; Hon Col Holt; Hon Martin Pritchard; Hon Alanna Clohesy; Hon Samantha Rowe; Hon Sue Ellery

**MARRIAGE EQUALITY PLEBISCITE — FEDERAL GOVERNMENT —
MARRIAGE ACT AMENDMENT**

Motion

HON SALLY TALBOT (South West) [10.14 am] — without notice: I move —

That the Legislative Council supports the Premier of Western Australia in his call for the marriage equality plebiscite to be scrapped and for changes to the Marriage Act to legislate for marriage equality to be decided by the federal Parliament.

It occurs to me that we might just be scraping in with moments to spare in terms of standing shoulder to shoulder with the Premier of Western Australia in his opposition to holding a plebiscite. This has been a very trying week for the Premier and one can only hope that on this particular matter—his objection to a plebiscite—he is not replaced by somebody with a different point of view.

Several members interjected.

The PRESIDENT: Order, members! Let us start as we intend to continue. I do not mean by that last 30 seconds; I mean according to the standing orders—every member has the opportunity to state their case and every other member has the obligation to listen.

Hon SALLY TALBOT: I realise this is a very trying day for government members.

Hon Ken Travers: They don't want you to support the Premier!

Hon SALLY TALBOT: They absolutely do not want me to support the Premier. Nevertheless, Hon Ken Travers, that is exactly what I am going to do.

Hon Sue Ellery: Someone has to!

Hon SALLY TALBOT: Someone has to. Yes, it is a rare occurrence on this side of the house, but we will rise to the Premier's defence on this issue.

Hon Ken Travers interjected.

The PRESIDENT: Order, I would really like the debate to get on track; that is, for it to be relevant to the motion that has been moved.

Hon SALLY TALBOT: I support marriage equality. I support changing the Marriage Act to remove the current restrictions on who can marry. I support those changes as strongly as I opposed the move by a previous conservative federal government to put those restrictions in place in 2004. I do not support the current conservative federal government's plan to hold a plebiscite on the issue of marriage equality. This week the Premier of this state made a very strong statement when he agreed with the proposition that has been repeatedly put by the Australian Labor Party that we should not have a plebiscite. The current Premier, Hon Colin Barnett, made two points: firstly, that a plebiscite will cause a very divisive debate that will not be good for our community; and, secondly —

Hon Helen Morton interjected.

Hon SALLY TALBOT: I am sure Hon Helen Morton will get her chance.

Hon Helen Morton interjected.

Hon SALLY TALBOT: That is not my problem.

Hon Helen Morton interjected.

The PRESIDENT: Order, members! We know that on Thursday mornings the two sessions, non-government business and private members' business, are time-limited debates. It is only fair that members who are allocated a certain time are given the opportunity to state their case without continuous interjections.

Hon SALLY TALBOT: I can understand why Hon Helen Morton is conflicted between supporting the Premier and supporting the Premier's critics but that really is not my problem. The Premier made two very strong statements at the weekend. He pointed out that the debate around a plebiscite is likely to be very divisive and that that divisive debate will not be good for our community. He also pointed out, equally importantly, that a plebiscite is simply not required. We do not need to conduct a plebiscite to pass the relevant changes to the Marriage Act. I will have a bit more to say about that later in my contribution.

Whether honourable members—particularly those members in the Liberal–National coalition government—agree with my support for marriage equality or, I will phrase it another way, whether they agree with my support

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for making amendments to the Marriage Act to allow gay and lesbian people to marry, I ask members to support this motion —

That the Legislative Council supports the Premier of Western Australia in his call for the marriage equality plebiscite to be scrapped and for changes to the Marriage Act to legislate for marriage equality to be decided by the federal Parliament.

I have on several previous occasions explained the basis of my support for marriage equality—why I support the proposition that lesbian and gay people should be able to marry—but before I go on, let me make a few points clear. Let me put just a few of the facts on the record. Basically there are four of them. Firstly, in supporting marriage equality, we are not mandating marriage; we are not making marriage compulsory. Marriage for gay and lesbian couples, just as for heterosexual couples, will be a matter of choice. That choice will be made by gay and lesbian people just as it is made now by heterosexual people. Lots and lots of heterosexual people choose not to marry. Commonsense as well as empirical evidence from other countries tells us that lots and lots of gay and lesbian people —

Point of Order

Hon HELEN MORTON: The point of order is about relevance, Mr President. This is about whether we should or should not have a plebiscite. It is not about whether we support or do not support gay marriage.

The PRESIDENT: I am referring to the motion again. It reads —

That the Legislative Council supports the Premier of Western Australia in his call for the marriage equality plebiscite to be scrapped and for changes to the Marriage Act to legislate for marriage equality to be decided by the federal Parliament.

I have not heard anything at this stage to indicate that what the member is saying is not relevant to the motion, but I will keep my ears open.

Debate Resumed

Hon SALLY TALBOT: Thank you, Mr President. I will put some facts on the table to frame this debate. In supporting marriage equality, we are not mandating marriage. It will always be a choice for individual couples to make, just as it is now.

The second point I want to make is that we are not mandating the provision of marriage services. We are not making it compulsory for celebrants, cake makers or providers of any other sort of wedding service to provide those services for particular couples. Providers of wedding services will be under no obligation, just as they are under no obligation now, to service any particular couple's request for their services in preference to others.

The third point I want to make is that we are not deregulating marriage. We are not setting aside the uniqueness of the decision to enter into marriage with one's partner. When these legislative reforms are passed—I say "when", not "if"—people will still not be able to marry their siblings and they still will not be able to marry their animals or their pot plants or more than one person at a time. As a little light aside, I will put on the record a very amusing take on the whole debate by Michael Leunig in a cartoon that appeared in yesterday's *The Sydney Morning Herald*. Accompanied by the relevant pictures with each caption, which I am sure honourable members' imaginations will supply to them, it goes like this —

Same sex marriage
will obviously lead to
people marrying animals.

It will also lead to
group marriages
where three or more
individuals will want to
marry each other

Soon people will
demand the right
to marry THINGS
such as rocks or
trees or caves.

Then people will fall
in love with mountains,

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forests and rivers, and
want to marry them.

This will lead to
persons wanting to
marry landscapes and
entire ecosystems
including vast herds
of buffalo or wildebeest..

...which will lead to the
ultimate disaster: humans
falling in love with the earth
and wanting to live in peace
with it 'til death they do part.

A final fact for the record: in opposing the plebiscite, we are not trying to deny the voters of Western Australia or the rest of the country the right to have their say. The Australian electorate has been very vocal in expressing its overwhelming support for marriage equality. If, like Ireland, we had a constitutional barrier to allowing gay and lesbian people to marry, then, like Ireland, we would have to go to a referendum. However, the High Court has already ruled that we do not have that barrier in Australia. We do not need a referendum to change the Marriage Act and we certainly do not need a non-binding plebiscite just because marriage equality is an issue that still upsets a small minority of people, and conservative leaders in Canberra just want the issue to go away. The fact is that, post-amendment, marriage will still be marriage—a decision taken by a couple to take what the spiritual director of the Buddhist Society of Western Australia, Ajahn Brahm, calls “that unique leap into vulnerability and trust called adult love”.

With these facts in mind, let me explain why I support changing the law and why I oppose holding a plebiscite. We have, over the course of many centuries of our western democratic processes, had some truly dreadful laws on our statute books. When I say “truly dreadful laws”, these were laws that were properly drafted, debated in the proper way and enacted according to the conventions of the Westminster system. But they were still—I would be surprised if there were much dissent from this proposition today in this place—truly dreadful laws. We had laws banning homosexuality; we had laws that classified Aboriginal people as less than full participants in our society; we had laws discriminating against immigrants living, working and marrying; we had laws denying women the full rights of humanity; and we had laws that prevented people from marrying on the basis of race and religion. So lawmakers do get it wrong, but the reality is that the facts change, and when the facts change, the law must change. The facts about marriage have changed. For at least a few hundred years, marriage was fairly and squarely about property, inheritance and territory. That is clearly not the case anymore. The facts have changed and it is time that the law changed. We got rid of the White Australia policy; we embraced the concept of no-fault divorce; we gave Aboriginal people the vote —

The PRESIDENT: Order! We have one member on my right who has not stopped talking since we started this morning. I just encourage him to observe what is going on in the chamber.

Hon SALLY TALBOT: Thank you, Mr President. We granted women property rights and we ended the ban on homosexuality. Some of those legal changes required a referendum, but a lot of them did not. As I have said previously, if we had to have a referendum because of a constitutional barrier, we would embrace it; we would have that robust debate, and I am quite confident that we would win, but in the case of marriage equality, we do not need a referendum.

The point is that we can do this without not only a referendum but also a plebiscite. There are so many reasons why having a plebiscite is wrong. Let me just quickly go through five of them that, for me, are the minor reasons. Firstly, there is the cost. Obviously if we had to make a constitutional change, we would bear the cost of a referendum, but we do not need it. Why would we want to spend anywhere between \$150 million and \$200 million? There are estimates that put the cost even higher than that; why would we want to spend that on a non-binding plebiscite?

The second reason we do not need a plebiscite is that there is no consensus about the process. For example, there is no consensus about whether the yes and no campaigns are going to be publicly funded; there is no consensus about how the vote is going to be counted, whether it will be on a state or electorate basis; and there is no consensus even about whether the vote is going to be compulsory.

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The third reason is that we have no consensus on the question itself and who is going to have input into drafting that question. I will not go into those details now because my time is limited, but anyone who has been reading the media for the last couple of weeks will know that there is enormous controversy around the question itself.

There is also no consensus around the timing. One of the Premier's objections is based on the coincidence with the Western Australian state election. The other big question about the timing is the perception that the plebiscite device is simply a way of delaying the final decision.

My fifth and final minor reason why we do not need a plebiscite is simply that there is no constitutional necessity to hold one.

I have called these reasons minor because they are all, for me, eclipsed by the major reason, which is that the nature of the debate we are likely to see will be, to use the Premier's words, divisive; to use the words of other commentators, it will be hateful and fearmongering. To use the words of the comedian Hannah Gadsby, who posted a very eloquent account yesterday of why we should not have a plebiscite, the debate will release "horrific bile" upon the electorate.

I have never been daunted by the challenges of robust political debate. I am very happy to participate in both this place and the wider community in debates about euthanasia, privatisation, abortion, protectionism, asylum seekers, juvenile justice and uranium. I love a robust debate. If the plebiscite was going to be like that, I would be the first to embrace it. But it is not going to be like that. How do we know it is not going to be like that? We know because we watched the experience in Ireland. Ireland, as I have already said, had to have a constitutional referendum. The constitution of Ireland had to change to allow gay and lesbian people to marry, so Ireland had to have a referendum.

When I watched the accounts of the Irish referendum, a cold chill went down my spine, not about the possibility of having robust debate, but about the effect of such a divisive debate taking place in our community. My first thoughts went to the families of gay and lesbian people. Most of the gay and lesbian people I know are extremely resilient people. They have to be in order to survive. There is still a very prevalent attitude of homophobia in our community. At times our degree of tolerance is only wafer thin. A lot of gay and lesbian people have developed a high degree of resilience. We cannot say the same thing about the families of gay and lesbian people. I ask honourable members who still have doubts about whether the debate is going to be divisive to imagine for one moment that they have a gay or lesbian partner and that they have gone through the process of telling their parents that they have a gay or lesbian partner and that they have worked through all the issues that might need to be discussed with their parents and the parents of their partner. Imagine having a child and making the decision about which school they are going to send that child to. That decision will be made on the basis of whether that school is likely to promote an atmosphere of tolerance and understanding about parents with diverse sexual identities. I note at this stage that there is at least one major private school in Western Australia that specifies in its entry statement that it does not discriminate on the basis of the gender preference of the parents of its students, and I salute that school. My personal experience is of a mother who asked a boy whether there was much homophobic talk at school and she got the response, "It is okay, mum. I can cope, but just know there is a lot of it and I cannot defend you." That is the reality of life as a gay or lesbian parent in Western Australia.

What will it be like for those families if we go into this divisive debate and if we give anti-homosexual campaigners the biggest stage and the most significant platform that they have had since homosexuality was decriminalised? The experience in Ireland showed what it will be like. This is not an abstract consideration. I ask members to go back to their offices and ask their staff what it was like to deal with the Safe Schools campaign, with the flood of emails that are still hitting our inboxes, and with that stream of abuse and offensive comment that we have seen in the Safe Schools campaign. This of course was confirmed this week by Dr Grainne Healy, one of the yes campaign coordinators in Ireland, who talked about the torrent of hateful comments that debate unleashed. Is this what we want for lesbian, gay, bisexual, transsexual, intersex families? Is this what we want for LGBTI campaigners in this country? We will get marriage equality in Australia, but I ask members to consider at what human cost. We know the cost because it has been documented in several American states, on which we can do a direct comparison between what happened in the states in which referenda or plebiscites were held and in the states that they were not. The statistics about mental health and the deterioration in the mental health and wellbeing of LGBTI families and campaigners were quite marked.

We know what effect discrimination has on people. That, in fact, is why we have laws in Australia about racial vilification. The famous section 18C of the Racial Discrimination Act arose directly out of the 1987 Royal Commission into Aboriginal Deaths in Custody when the effect of discrimination on people's everyday lives was very well documented, perhaps for the first time in Australia. That is why we enacted the Racial Discrimination Act. That is why we have section 18C. That is why section 18C has to stay, yet our

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conservative government in Canberra is willing to unleash this bile, this hate speech, on the LGBTI community in Australia.

We do not need a plebiscite to change the law. We do not need a plebiscite to gauge public opinion. Most importantly, we do not need a plebiscite to inform the robust parliamentary debate that quite properly ought to herald the end of disgraceful and old-fashioned discrimination. I put it to members in conclusion that if it was up to us in this chamber to make this change, we would do it. We know what our job is in this chamber. We have courage, we have conviction and we know how to take action, and so should the federal government.

HON AMBER-JADE SANDERSON (East Metropolitan) [10.37 am]: I rise this morning to support Hon Sally Talbot's motion. It is not often that we on this side move a motion that supports the Premier. On this issue, the majority of sensible people would be on this side of the argument.

A plebiscite to gauge the opinion on same-sex marriage is wasteful, legally unnecessary and simply a way for politicians to hide behind, essentially, an inevitable social change and to avoid their responsibility of being part of that social change. A plebiscite is entirely unnecessary, particularly at this time, not only because of all the toxic and potentially vile debates that will surround the plebiscite, as outlined by Hon Sally Talbot, but also because it will be expensive, especially at the same time as the government is claiming that the finances are in peril. The Turnbull government wants to spend \$160 million on an entirely unnecessary plebiscite. It is unnecessary because voting in plebiscites is not compulsory and only highly motivated voters will turn out, so it will not be a general reflection of people's views on this issue. The Prime Minister gets to set the question. How the question is framed is not an open process. We all know that in any debate, referendum or plebiscite, the question is critical.

There are no guidelines on how to conduct plebiscites and plebiscites do not bind Parliament to make a decision consistent with the results. A number of conservative politicians in Canberra have already said that regardless of the result of the plebiscite, they will not support it. If there was overwhelming support for same-sex marriage in Australia, they still would not support it, so what is the point? There are no rules or transparency when it comes to public or private spending on plebiscites and that will allow opponents of marriage equality to significantly outspend other groups. In any public debate, we need transparency of finances.

A plebiscite is entirely unnecessary. It has already been settled in the High Court that we do not need a constitutional change to enact marriage equality in this country. It has been well and truly established that this is a matter for the federal Parliament. I say to federal parliamentarians, particularly members of the Liberal and National Parties, to step up and do their job—the job that they are paid to do. When we put ourselves up for election, we put our views to the community and we tell the community what we stand for and what we believe in. If members of the community support a candidate, they essentially support their views. If they do not, that is not the candidate for them, clearly. That is the great thing about our democracy. I do not understand why anyone would enter this place and not pursue what they believe is right. Why would anyone do that? Why would they not do what they believe in? I say to those federal members of Parliament that they should do their job; it is what they are paid to do. They should put the question to a vote. If it gives those members more comfort, they should survey their constituents on how they view it. That has been done in this place and the other place before in very difficult debates such as the abortion legislation. A number of members of the Legislative Assembly surveyed their constituents and voted in the way that their constituents had responded to the survey. The point is that the question should be brought to Parliament.

This is a social reform. It does not require a constitutional change. It is a social reform to end what is basically institutional discrimination against same-sex couples. Parliament could end that institutionalised discrimination. Social reforms are not always easy. As Hon Sally Talbot said, it requires some bravery—some guts!—and sometimes parliamentarians have to push through, but the Prime Minister is completely lacking in that. We have reams of countless research demonstrating the adverse psychiatric effects on people who suffer from institutional discrimination. It is not just same-sex couples, because over decades people have suffered from institutional discrimination, with effects on their mental health, finances, children and physical health. It is time for Parliament to act on this and change this institutional discrimination.

The argument from the opponents of same-sex marriage is that it is all about the children. My view is that children need a loving family. Those families come in all shapes and forms. If this question is put to the Australian people, those children will experience a tsunami of hate directed towards their family. This plebiscite will be divisive and toxic. Those children, including young children, will have to deal with posters, television campaigns, billboards and newspaper advertisements questioning the legitimacy of their family. There is nothing more important for a child than their family, whether it is a single-adult family, an extended family, a same-sex family, a heterosexual family or a family with transgender parents. There is nothing more important to a child than that cocoon. This plebiscite will attempt to crack that cocoon, that safe haven, and to make children

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question the legitimacy of their own family. It is about the children and I think about the children I know in same-sex marriages. These are very happy families with very happy kids who will be subjected to a tsunami of hate.

This is coming, people! The world is changing; wake up and move on. We need to do this—full stop. It has been done in 21 countries around the world since 2000. The first country changed its laws 16 years ago—The Netherlands in 2000. It was followed by Belgium in 2003; Canada in 2005; South Africa in 2006; Norway and Sweden in 2009; Argentina, Iceland, Portugal, Denmark, Brazil, England, Wales, France, New Zealand and Uruguay in 2013; Luxembourg and Scotland in 2014; Finland, to be effective in 2017; and the most recent is Ireland in 2015. That list includes some deeply religious countries—Ireland not being the least—and they managed to do this. Those countries managed to move with progress. They managed to end institutional discrimination. While we are talking about Ireland, this week we saw reports from some of the leading campaigners in support of same-sex marriage essentially warning against a plebiscite in Australia for this question, given that it is completely unnecessary. They described the experience in Ireland as brutal for gay and lesbian people and their families. The report states —

Grainne Healy, co-director of the Yes Equality campaign, said Irish volunteers needed counselling after abuse and hate speech from reform opponents, calling for MPs to stop Australia from seeing an unnecessary plebiscite campaign.

...

“The ‘no’ side posters which declared that ‘every child deserves a mother and a father’ were deeply hurtful and upsetting for LGBT-headed families as they passed the posters on lamp posts and billboards across the country—explaining to our children that they were OK and trying to hide the posters from them was awful for LGBT parenting families.

“Likewise, some LGBT canvassers who were out asking for rights for themselves suffered greatly from the hateful comments they heard on doorsteps and in train or bus stations while canvassing.”

Homophobia is still alive and well in this country. There is no doubt that gay and lesbian people suffer discrimination every single day of their lives. Let us not subject our brothers, sisters, fathers, mothers and children to what essentially will be a divisive, hurtful, toxic and completely unnecessary experience. Members should show some leadership, like the Premier, Colin Barnett, and put it to a vote of Parliament.

HON JACQUI BOYDELL (Mining and Pastoral) [10.48 am]: I rise to speak briefly on the motion, and I thank Hon Sally Talbot for bringing the motion to the house. It is obviously an important issue in Western Australia, as we see both sides of the house participating in this debate this morning. It gives us, as representatives of our community, an understanding that this issue is really important to the people we represent.

I come to this issue after listening to the point of view of young people. My children often talk to me about same-sex marriage, asking why the government does not just get on with it and make a decision on this. With this issue being so important to young people, I think about how they interact with the federal government. I have three children. I know that two of them will vote in the plebiscite and will relish the opportunity to tell the federal government what their position is. In my mind, and from the young people and the people in my community to whom I speak, a plebiscite gives them the opportunity to tell the federal government what they think and that they want the government to act on that. It is a real opportunity, particularly for young people, given the gap between them and how they engage with not only the state Parliament but also the federal Parliament, to vote on an issue that is particularly important to them. This is a way they can engage with government, and I know that they look forward to that.

The other issues that have been raised by members this morning are all relevant to the things that need to be considered in this debate. Unfortunately, people in the lesbian, gay, bisexual, transsexual and intersex community already experience vile debate from a minority in our wider community. I do not condone that in any way at all.

I think a plebiscite would offer the LGBTI community a groundswell of support. It would offer it an opportunity to stand together with the wider community to give a show of hands about what action we want the federal government to take. I know how I will vote in the plebiscite. I support marriage equality; that is a very clear decision for me. I think that members of the LGBTI community have the opportunity to stand together with members of the wider community, who can embrace them and say that they accept loving LGBTI families and children within those families and the relationship that they bring to the wider community.

Having considered the motion yesterday and listened to the debate today, my last point is that Prime Minister Malcolm Turnbull went to the federal election clearly stating that he would hold a plebiscite on same-sex

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marriage if he won the election. I think he deserves the opportunity to do that. He will deliver on what he promised he would do. I tend to agree with other members that federal members of Parliament should be strong enough to make a decision. The communities that I represent would like the federal Parliament to move on this issue. I agree with that, but that does not seem to be the case. The opportunity for the Australian community to tell federal Parliament how it would like it to act exists through a plebiscite. I welcome the opportunity to directly have a say. As I said at the start of my contribution, the sooner we have a plebiscite and introduce same-sex marriage laws into federal Parliament, the better it will be, particularly for young people.

HON LYNN MacLAREN (South Metropolitan) [10.55 am]: I commend Hon Sally Talbot for putting this motion on the notice paper today. I wholeheartedly support the motion, which reads —

That the Legislative Council supports the Premier of Western Australia in his call for the marriage equality plebiscite to be scrapped and for changes to the Marriage Act to legislate for marriage equality to be decided by the federal Parliament.

My position on this issue is a position I have long held. In 2004 the then Prime Minister, John Howard, changed the Marriage Act without asking the Australian public just because he wanted to. He could smell it in the wind that human rights around the world was changing and that people were going to have the right to marry no matter what their sexual preference. He saw an opportunity to put a barrier in the Marriage Act. Had John Howard not made that change, the Marriage Act would have permitted same-sex marriage and we would not have had this very divisive, long and expensive debate over many years, which has come at a cost. The Prime Minister could not have changed the Marriage Act in 2004 had it not been for elected Labor Party members supporting that change. Today we have a motion from the Western Australian Labor Party, which shows that times have changed. We are ready—all of us are ready—to change the Marriage Act. It is clear from a look at the latest figures about who has recently been elected to federal Parliament that that is true. I put a link to the figures on my Facebook page yesterday or the day before. SBS published a very easy to understand diagram of how the numbers fall in Parliament, and it is clear that there are sufficient numbers to pass marriage equality legislation now. We Australians chose the elected members in the last election, and part of the reason that we chose them to represent us is that their views on marriage equality are in support. If a vote were held next Tuesday, we know that it would pass in the House of Representatives and the Senate. That is their job; we elected them to do that and we should get them to do it.

The Electoral Commission quoted the Prime Minister a cost of \$160 million for a plebiscite. The cost is \$158.2 million, which is just shy of \$160 million. We know that we do not have an economy that can afford to throw away that kind of money on an issue on which we already know the position of members of Parliament and overwhelmingly the views of the Australian population.

I differ from my colleagues in one respect—that is, whether state Parliament can initiate this change. As members know, I have on the notice paper a bill for same-sex marriage. There is an argument that same-sex marriage is not our business, but that is not a legal certainty. We could legislate on same-sex marriage if the federal Parliament fails us. Next year we will have a state election and at that election I will be asking candidates whether they will consider moving ahead if the federal Parliament fails us yet again. I have several constituents about whom I have talked several times in this chamber. At least twice a year we have an equal love rally and those constituents are fed up to the back teeth waiting for this reform. Indeed, many have gone overseas to get married, but most people want to be married surrounded by their families. It breaks my heart when year after year they say, “When is it happening, Lynn?” I tell them that we are trying. Now it is up to the federal Parliament. It is past time to prevaricate on this. The truth of the matter that has unravelled since the notion of a plebiscite was introduced is that it will not have any bearing on how members vote. In fact, an elected federal Liberal member of Parliament from my area of the South Metropolitan Region has said that no matter what the people say in the plebiscite, he will still oppose marriage equality. How would members feel if they lived in his electorate and knew that no matter how they voted in the plebiscite, he would ignore them? The very nature of this plebiscite is not binding on members’ votes. What use is it?

It would be one thing if the plebiscite were used to foster the culture and encourage people to be out and proud, but that is not what a plebiscite will do. As Hon Amber-Jade Sanderson just made clear, there is a tsunami of hate on the horizon. The Premier, I would argue, has also seen that. He has used his experience from over the years and said that the plebiscite will do us no good because it will stir up hatred. The Premier does not want that happening in the weeks before a state election. Therefore, he went on the public record on the front page of the paper and said that he opposes a same-sex marriage plebiscite. I have written to the Premier and asked him to use his influence and convincing powers among Liberal Party members in federal Parliament to encourage those who oppose a plebiscite to continue to oppose it and to convince those who are in favour of a plebiscite to oppose it. Time and again, eminent respected members of the conservatives have stood up and said that

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a plebiscite is wrong. Tomorrow at Curtin University's Centre for Human Rights Education we will hear from the eminent Justice Michael Kirby, whose position is the same as my position. No-one in this campaign is more respected across Australia than Rodney Croome, the individual who moved Tasmania away from its position of extreme conservatism when gay acts were illegal and jailable. Tasmania was the last state to change its law and he was part of that change. He has seen the hatred that can be triggered when people's prejudices are given oxygen. Not everyone will have an opportunity to meet someone who is lesbian, gay, bisexual, transsexual or intersexual and have their fears dissolved. We have to accept that, but now is the time for LGBTI people and their supporters to really come out and talk to people they think might be a bit prejudiced about this and show them that there is nothing to fear; this is something to embrace, it is the right thing to do, and Australia has taken far too long to do it. Now is the time for all of us in this chamber, if we support marriage equality, to encourage people to have those conversations with people they might not know very well to say that there is nothing scary, and ask them what they think. Get it out in the open, and if there are fears and concerns, and people express prejudice, we can deal with that face to face. That is the only way we can change attitudes like this—face to face, heart to heart and eye to eye. That is what will change this, and I really encourage people to be honest about their experience and their fears, and get this out in the open.

A plebiscite will only work against that kind of genuine human one-on-one interaction. It will create big front-page headlines, just like shark attacks. A hateful, spiteful comment will always get publicity. It will be out there for all to see and it will make it possible for people who are not too sure to be pulled into hatred. We have seen that happening; it is a social truism. Let us not let that happen; let us not support a plebiscite. I encourage everyone to encourage their federal representatives—we all have federal representatives—to stand true in opposition to the plebiscite. Again, I thank the Premier for his courage and his wisdom in making those statements in opposition to the plebiscite.

HON COL HOLT (South West — Parliamentary Secretary) [11.02 am]: I will make some quick comments and stick relatively closely to the motion before the house rather than talk about the issue itself. I acknowledge all the opinions in the room, and I think Hon Jacqui Boydell raised some good points. I completely understand—we will discuss this in the next debate in private members' business—why we got to this point and why the government is committed to a plebiscite on this issue. However, in my opinion, we should never have got to that point. When I was first elected to Parliament, I remember having a discussion with one of my colleagues about the way we discuss things around the barbecue or the dining room table with our friends and family. Everyone has an opinion on something, especially these sorts of social issues in our community such as euthanasia and marriage equality. My colleague said to me one day, "Everyone has an opinion on it, but guess who has to vote on it?" That is the privilege and the responsibility of someone elected to Parliament. I do not think this issue should have reached the commitment to a plebiscite. Federal members should make the decision. In support of the motion, I agree with the Premier of Western Australia that this should have been done by a vote of the federal Parliament, rather than going to a plebiscite.

HON MARTIN PRITCHARD (North Metropolitan) [11.04 am]: I stand as a very proud father. I often talk about my family and my experiences in this place. I am sorry if my family does not like it, but I do draw on those sorts of experiences. I am a father of two natural children, and one young lady who has come into our family. My eldest daughter is gay, and I am very proud of her. One of the funny things is that I cannot remember when she actually came out. I can remember many things about my daughter's childhood. I can remember her going to school for the first time, and I can remember her playing T-ball. I can remember many things, but her coming out to me and my wife did not strike a mention; it did not seem important. The only time it really became important to me was when she found love, and the fact that she found love with another woman did not bother me in the least. Her, hopefully, future wife is a lovely person who is more than welcome into our family. Indeed, I would suggest that I now have three daughters, and I always talk about the fact that I have three daughters.

I stood today because I am concerned about the debate that will go on in the lead-up to a plebiscite. Hon Col Holt has it exactly right: we have the privilege and the responsibility to represent the views of our constituents in this place, and ultimately we are the people who vote on issues. Obviously, being in opposition, my vote sometimes does not count as much as I would like it to, but it is my responsibility to vote the way I feel my constituency wants me to vote. In this case, I think the overwhelming view is that we should move towards allowing same-sex marriage. That is the way I would vote, but it is a real pity that we will end up going into many months of very damaging debate in the community, the Parliament and any other arena, and I do not think it should be so. The federal Parliament should have stood up, made a determination and faced the consequences if it got it wrong.

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HON ALANNA CLOHESY (East Metropolitan) [11.07 am]: I support the Premier of Western Australia in his call for the proposal for a marriage equality plebiscite to be scrapped, and I support his call for changes to the Marriage Act to be legislated to ensure marriage equality at a federal level. I am very pleased to say that I support the Premier in that. His argument that a plebiscite will be divisive is very strong, as is his argument that marriage equality should be resolved by the federal Parliament. In addition, the Minister for Health, Hon John Day, has also called for the plebiscite to be scrapped, because he thought it would be a distraction and confuse issues. He may be a little more pragmatic in his reasoning for scrapping the marriage plebiscite but he has called for it nevertheless. I encourage members of the Liberal–National government to get behind their leader and support him on this particularly important social and legal issue.

As my erudite colleague Hon Sally Talbot pointed out, we do not need a referendum, because there is no need to alter the Australian Constitution to ensure marriage equality for same-sex couples across the board. We do not need a referendum, and therefore we also do not need a plebiscite. As members will know, a plebiscite is a non-binding instrument. Why go to that extent, when the instrument that is being used is not binding on members of Parliament, and when we know already what the decisions of most members of Parliament will be? It is a federal issue that needs to be dealt with by federal members of Parliament, in the same way as the Marriage Act changes were dealt with by the John Howard Liberal conservative government in 2004. In 2004, the Marriage Act was changed on the whim of the Prime Minister to actively discriminate against same-sex couples. Similarly, that act by the Liberal conservative government can be undone by the federal government in the same way. It is for those reasons that we do not need a plebiscite. I am in full support of any legislation that removes discrimination against any member of our society. Western Australia has a very strong history of removing legislation that discriminates against homosexual people. I noticed that in 1977 this chamber dealt with legislation introduced by Grace Vaughan, which sought to decriminalise homosexuality. I did not realise that before now. Of course, homosexuality was not decriminalised in Western Australia until 1989. In 2001 the Gallop Labor government brought in the Acts Amendment (Lesbian and Gay Reform) Act 2002, which put in place for lesbian and gay people legal protections against discrimination under the Equality Opportunity Act for the first time. It also removed a range of discriminations against adoption and parenting rights, the age of consent and de facto couples. At the time, that was significant anti-discrimination law reform —

Hon Sally Talbot: And superannuation too.

Hon ALANNA CLOHESY: Yes, and it provided superannuation rights for lesbian and gay people. It was legislation that I, as a community member, was extremely pleased to support. I vividly remember being in the President's gallery for those debates. Similarly, in 2008 the federal Labor government removed a significant number of discriminatory pieces of legislation against lesbian and gay people that involved taxation, superannuation, health insurance, social security, aged care, child support, immigration, citizenship and veterans' affairs. In 2008, the federal government amended 101 pieces of legislation to remove discrimination against lesbian and gay people. It addressed some transgender discrimination issues as well. This is about removing discrimination and creating a society that is equal for all people. Hon Sally Talbot spoke about the history that this country has of removing discrimination and moving forward with equality, which is what marriage equality is all about. The plebiscite is not about treating people equally; it singles out a group of people to highlight their difference. It will open up a divisive and nasty stream in our society. It sets up lesbian and gay people as targets and it sets up their families as targets for hate. It is not an opportunity for members of the community to express their support for equal marriage because, as we know, the origin of the idea of the plebiscite was to get the current Prime Minister out of a sticky situation in his party room. It was not a positive step towards ensuring equality in our community; it was a political fix for a nasty group of people. As the Honourable Michael Kirby pointed out when talking about the marriage equality plebiscite, it is simply an endeavour to delay or defeat marriage equality that has not been put forward by friends of equality. I agree with Michael Kirby: the idea or the proposition of a plebiscite has not been put forward by friends of equality. It will give effect to the absolute opposite. It has been done by those who oppose marriage equality and who want to draw out an extended debate and enhance the divisiveness of the issue within the community. The effect will be extremely negative on not only lesbian and gay people, but also their families, supporters and people who otherwise stand up for equality and stand against discrimination. It is a political fix to the short-term problem of the current Prime Minister to get him out of a difficult political situation. It should not be used as an opportunity to discriminate further against lesbian and gay people. The plebiscite must be withdrawn. We have heard arguments about how the proposed \$160 million needed to hold a plebiscite could be better used. One way in which it could be better used is to introduce a respectful relationship program within our schools. It could be better used to support the Safe Schools program. There are many ways in which \$160 million could be used to address equality in our community, but not through a divisive plebiscite.

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HON SAMANTHA ROWE (East Metropolitan) [11.17 am]: I also rise to support the motion brought into this chamber by Hon Sally Talbot. I support the Premier in his call to scrap the marriage equality plebiscite and for changes to the Marriage Act that legislate for marriage equality to be decided upon by a vote in federal Parliament. I will start by noting that so far in this morning's debate we have had contributions from all sides of the house. They have been considered and thoughtful, which is a good thing because people have very strong opinions about this issue. It is a very emotive and very serious issue because it has social impacts on the people in our communities in Western Australia and Australia, and also economic impacts on our country. The debate so far has been very thoughtful, which is appreciated because it certainly raises quite a lot of emotions for many of us who have close friends in a gay or lesbian partnership. My godfather was gay. He only recently passed away. He was forced to marry the love of his life in another country. I would dearly love to have been a part of that celebration. He was a big part of my life growing up and always treated me as a quasi-daughter. Most of the time when we get married here in Australia, we are able to have our families and close friends attend the special celebration. I know a lot of our family and friends would dearly love to have been a part of that celebration here in Australia, but it was not to be. It is disappointing that in 2016 we are still debating whether same-sex couples can marry in our country. Who would have thought that we would have to wait this long for people of the same sex to be married legally in this country? It is disappointing that both sides of government at a federal level have not done anything to act on this issue. When you become a member of Parliament, whether it be at a state or a federal level, you need to be bold with your decision-making processes. Members need to stand up for what they believe in and why they went into politics in the first place, which is probably why people voted for them. They would have gone out pledging: "This is what I believe in and this is what I stand up for." To then go into Parliament and have such an honour as to be a federal member of Parliament and to not act is highly disappointing, yet that is where we are; this is what we face at this time.

I wanted to comment on this motion because undoubtedly the plebiscite will result in social impacts for the LGBTI community. We have already seen the hate that occurred in Ireland and we have also started to see it in Victoria. I am sure many members have heard that a nasty, ugly flyer was handed out during an AFL match between the Saints and the Swans. The material handed out was very hurtful. It was basically a flyer outlining that a child deserves a mother and a father and that the AFL was showing bias by holding its Pride match. That is highly offensive material. A little girl on a pink flyer is holding a teddy bear, making out that she has to have a mother and a father to have a happy childhood. As my colleague Hon Amber-Jade Sanderson already pointed out, many children grow up in a single-parent household or they have extended family members raise them. To have such hurtful material already going out is cause for concern because we will probably see much more material and many more hateful and nasty messages once the date for the plebiscite is set.

There is also a fiscal element, an economic argument, as to why we should not have a plebiscite here in Australia. PricewaterhouseCoopers published a report in March this year on the cost of holding a plebiscite. The purpose of the report was to provide evidence-based analysis to inform the current debate on marriage equality. One of its findings states —

A standalone plebiscite would **cost the Australian economy approximately \$525 million ...**

The report breaks down how that figure was arrived at as follows —

This cost comprises:

- **facilitation of a standalone plebiscite (\$158 million)**
- **all funding of campaigns (\$66 million)**
- **time impost for voters to participate (\$281 million)**
- **impact on the mental health and wellbeing of impacted groups (\$20 million).**

We are talking about \$525 million that this plebiscite could cost Australia. That is a staggering amount of money to spend on a plebiscite that is not going to change what happens in federal Parliament. We have to ask ourselves why. Why would a government decide to go down this path, particularly at a time when federal and state Liberal governments are asking people to tighten their belts; we all have to rein in our spending. What could we spend that money on? What could we spend \$525 million on, apart from a federal plebiscite on marriage equality? That money could be put into infrastructure, hospitals, schools and jobs. We do not have to waste time and have this hate campaign that will cost Australians \$525 million. One of the parts of the report that interests me is the cost associated with mental health and wellbeing on the LGBTI community. The report states —

People from the LGBTI community experience greater levels of stress than the general population as a result of the experience of prejudiced events, expectations of rejection, and hiding and concealing their sexual identity, and internalised homophobia. This disrupts multiple life domains including social

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relationships, coping mechanisms, resources, income-earning potential and productivity. This is defined as minority stress and creates a hostile and stressful social environment that is linked to an increase in mental health conditions ...

A plebiscite will be a high profile, national, public debate that will likely extend over a number of months. Evidence reviewed for this study shows the attention that arguments opposing marriage equality received in the media and in community forums during a referendum have an impact on mood disorders and mental health and wellbeing of people from the LGBTI community ...

For a segment of the community already more susceptible to mental health issues as a result of discrimination, the discussion of marriage equality opponents' opinions may further exacerbate health outcomes.

They are also twice as likely to have a high or very high level of psychological distress and to be more susceptible to suicide. Again, we must ask ourselves: why are we having this plebiscite? Why would we spend that \$525 million on a plebiscite that will not change the result of what federal Parliament does? It is 2016: it is time to make those changes. Let us change the Marriage Act and get on with it. We are already way behind other countries that are much more conservative than Australia. What are we waiting for? Federal members of Parliament need to stand up and make this decision and make it happen now, without taking us down the path of a very nasty, ugly campaign that will hurt not only gay and lesbian couples who want to seek marriage, but also the children who are involved in their families, and that is not good enough.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [11.26 am]: I am pleased to support the motion moved by Hon Sally Talbot to oppose the marriage equality plebiscite because I am happy to support the Premier. Today more than most days he needs friends—he is losing them at a rapid rate—but he is right on this issue.

Hon Peter Collier: No he hasn't; he hasn't lost one friend.

Hon SUE ELLERY: I reckon he has lost one.

Hon Donna Faragher: He hasn't lost me. I'm his friend.

Hon SUE ELLERY: That is good. I hope he stays there as Premier and I hope members opposite continue to support him. I hope he stays there right up until March next year and then, of course, I hope that Mark McGowan is the next Premier of this state.

Hon Peter Collier: Why would you go down this path in this debate?

Hon SUE ELLERY: Because it is about supporting the Premier, so that is what I started to say.

Hon Peter Collier: You just lowered the bar. It was such a good debate before that.

Hon SUE ELLERY: There is a level of agitation in this place. I do not know what is causing it.

Several members interjected.

The PRESIDENT: Order, members! Let us get back to the debate.

Hon SUE ELLERY: I was trying, Mr President; thank you. As I was saying, I am happy to support the Premier today and I am happy to be one of his friends, and I hope he stays right where he is. He is right when he says two things: that the plebiscite is not necessary and that it will be divisive. The plebiscite is not necessary because federal Parliament can vote right now, just like it did in 2004 unfortunately, to fix the Marriage Act to enable same sex couples to marry. It is not necessary for us to spend \$160 million when the federal Treasurer tells us that finances at a federal level are in a mess. If that sounds like a familiar set of assumptions about the finances, members could look at the finances here in Western Australia as well. It is not necessary for any of the faith-based organisations that currently conduct marriages to fear that a change in the marriage laws will impose anything different for them. They will not be mandated to perform marriage ceremonies for anyone they do not deem to meet their particular marriage requirements, in the same way as they can make decisions now about who meets their requirements. Faith-based organisations can say that now; nothing will change.

A vote of the federal Parliament versus a plebiscite will not impose anything on religious marriages. Our laws now recognise the difference between civil and religious marriages. After a plebiscite our laws will recognise the difference between civil and religious marriages, just as after a vote in the federal Parliament our laws will recognise the difference between civil and religious marriages. The difference between doing it via a plebiscite and doing it via a vote of duly elected representatives is the very real possibility of a destructive, "divisive"—as the Premier called it—damaging public campaign in the lead-up to the plebiscite vote. That is the difference.

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That is why I appeal, outside of this house, to the faith-based organisations to stand and say they do not fear changes to the laws. It will not have any impact on whom they can marry and whom they cannot marry, but they do fear the kind of divisive, destructive damage that can be caused to many people and their families by the nature of the debate in the lead-up to a plebiscite vote.

Same-sex parents in Western Australia already have had to listen, for example, to the member for Southern River who said last week that marriage equality is about institutionalising kids not having a mum and dad. The implication from his comment is that they are somehow lesser parents and that children in families that do not have a mum and a dad are in some way lesser than children who do. Other speakers have already made the point today that families come in all shapes and sizes. What children need is to be raised in loving and safe families. The number of mums and the number of dads in those families does not guarantee a safe and loving family. Their gender does not guarantee a safe and loving family. Their sexual orientation does not guarantee a safe and loving family. What guarantees a safe and loving family is the attitude of the people who are raising the children. That is what determines whether children are raised in a safe and loving family. That is what our guide should be. It is distressing to me already that the member for Southern River has said, effectively, that this is a debate—if I have interpreted his comments correctly; he can correct me on the public record if I am wrong and I invite him to do that—that somehow children who are raised in safe and loving families by same-sex parents are living in a lesser family than anybody else. I think that is really unfortunate. If that is the beginning of the campaign, I fear the kind of commentary that will be made by him and others in the lead-up to a plebiscite. That is why a vote in the Parliament by the people who were duly elected to make decisions about all sorts of things is the appropriate way to deal with this. All of the evidence tells us that what children need is to be loved and to be safe. The number, gender and sexual orientation of their parents does not guarantee any of those things.

Lots of research has been done. I will touch on some of that in the one minute and 35 seconds that I have left. Lots of work has been done on why a plebiscite is not a good idea. I will read some quotes from a couple of people. I refer to a quote by Chris Berg from the Australian Institute of Public Affairs, which is not known as a radical left-wing organisation. The quote states —

Marriage is a private form of social welfare. Spouses insure each other against sudden loss of income. Married couples are less vulnerable to financial stress ...

Married people tend to lead more stable lives. Their relationships are more durable. Extending the marital franchise to gay and lesbian couples would multiply the number of Australians who can join this crucial social institution, spreading the positive impact of marriage on society.”

Heather Ridout from the Australian Industry Group said —

I don't see gay marriage as a radical agenda; it's very relevant to many Australians.”

Many corporations have already come out in support of this move. I will get the opportunity to list only some, but St George Bank, Westpac, ING, Seek, Commonwealth Bank, ANZ, Qantas, David Jones and Telstra are some of the corporate organisations that have come out and said this is a sensible move to make and that a move to support marriage equality is a sensible way to proceed in Australia. We need to do that in a calm, sensible and rational way. A plebiscite that already has the signs of being divisive is not the way to do it.

Motion lapsed, pursuant to standing orders.