



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

Plebiscite (Same-Sex Marriage) Bill 2016

Second Reading

SPEECH

Wednesday, 12 October 2016

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Wednesday, 12 October 2016 Page 1764 Questioner Speaker O'Brien, Ted, MP</p>	<p>Source House Proof No Responder Question No.</p>
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Mr TED O'BRIEN (Fairfax) (18:41): There is no high moral ground on the issue of gay marriage when you stand on nothing but hypocrisy, as is the case with the Labor Party. The opposition leader says that Labor will not support the government's bill because it is unnecessary, expensive and divisive. Yet three years ago he held precisely the opposite view. He then said:

... I would rather that the people of Australia could make their view clear on this, than leaving this issue to 150 people.

In 2013 the opposition leader thought it was necessary that the people had their say in a plebiscite. He obviously believed that such an investment in democracy was valid. He clearly believed the Australian people were capable of conducting such a debate.

But that was 2013, not now. Just three years later, the opposition leader has done a 180-degree turn on all points. He now wants only politicians, not the people, to have a say on this issue. The expenditure he favoured three years ago is now apparently too high a price. And in just three years the Australian people have gone from being capable of having this debate to now apparently being incapable. Work that out! None of this whole performance from the opposition leader stacks up. It is just posturing. It is posturing from an opposition leader who has adopted a strategy of hyperpartisanship in the hope it will serve his personal political ambition.

In addition to his 2013 support for a plebiscite as an appropriate way of dealing with this issue, the opposition leader has shown even more recent support for the concept of plebiscites as a valid tool for governments. In this year's election, he pledged \$20 million for plebiscites in New South Wales on the issue of forced local government amalgamations—a state government issue, no less. So he had no concerns about the necessity for or cost of plebiscites then.

As for the potential divisiveness of the debate, on this the opposition leader has been an utter disgrace. He has been baiting those who would oppose same-sex marriage. He has been inciting the very form of debate—the nasty form of debate—that he claims he wishes to prevent. His language has been some of the worst that has been used on either side in this debate. He has referred to deaths. He has called people homophobes. He has said people will crawl out from under rocks on this issue. If you wanted to inflame a debate and turn it from as civil an affair as possible into one that is ugly and divisive—whether it is a plebiscite or a vote in the House—then you would talk just as the opposition leader has been talking.

Compare his language to the civil language of our Prime Minister. Or, better still, compare the opposition leader's language with the language previously used by other senior Labor Party people. When this issue was previously discussed in this chamber, the member for Grayndler, the people's choice as Labor leader, said:

... those of us who are arguing for inclusion need to be inclusive in the way we conduct ourselves in this debate.

... ..

We need to be disciplined ... about the language and about the way in which the debate is conducted.

Former Prime Minister Kevin Rudd changed his view from being opposed to being supportive of same-sex marriage after he had voted against it in 2012, and he was indirectly quoted as saying that if the coalition did not follow Labor to allow a conscience vote, then a national vote should be fairly considered. Senator Wong, in 2010, said:

On the issue of marriage I think the reality is there is a cultural, religious, historical view around that which we have to respect.

And, as earlier indicated, the current leader of the Labor Party, in the lead-up to the 2013 election, said he was 'completely relaxed' about a plebiscite.

All of those comments were respectful. They all intrinsically acknowledged the sensitivity of the issue. They were the comments, you would think, of mature, sensible people. So, what happened? Why has there been the 180 degree turn? Why has there been the turn on the member for Grayndler's inclusiveness, on the former Prime Minister's proposal for a principled compromise, on Senator Wong's position encouraging respect and on the current opposition leader's former advocacy of the very substance of the government's bill? Labor used to be sensible on this matter. It understood that it was a potential powder keg if not properly, carefully and inclusively handled. This is, after all—as they no doubt know—a fundamental shift in how one of the oldest and most fundamental institutions in our society is defined and recognized. Inevitably, people have strongly held views on both sides of the debate.

Some say that Labor's U-turn happened during the Irish referendum last year where there was considerable controversy. At times, it seemed it was anything but a civil debate in Ireland, yet Labor is wrong to conclude it was the form of the discussion—that it was the process of a referendum—that was the problem. The opposition leader, and now Labor more generally, has concluded that if the issue was just left to politicians the nastiness in the debate would simply disappear. That is garbage. It is absolute nonsense, and even a quick review of the history proves it so.

The French government took responsibility for the decision to legislate same-sex marriage in 2013. In Paris, and in Lyon especially, in association with that move, there were massive anti-gay-marriage demonstrations. In May 2013 an estimated 400,000 people demonstrated in Paris. Tear gas was used to control protesting crowds. Demonstrations have continued since, and where you see such civil unrest it is because the issue has not been resolved socially. Even Nicolas Sarkozy has said that if he is elected president next year he may reverse the law.

That is France. Now, let us take Spain, where politicians took the decision to legalize same-sex marriage in June 2005. A crowd estimated at 166,000 people demonstrated in Madrid. There were many divisive rallies. There was debate, as there is now in France, about whether an incoming government might revoke the law. A court decision in favour of same-sex marriage has defused that possibility in Spain, at least for the time being, but controversy remains. The issue is not socially resolved or settled in Spain, anymore than it is in France, despite those countries adopting a process the Labor Party now favours.

In Italy, there were big anti-gay-marriage protests earlier this year after the government declared it would legislate in favour of gay marriage. Pope Francis was involved in the debate after he said that the traditional family was 'the family God wants'. In a country where over 80 per cent of the people identify as Catholics, that was a powerful intervention. In Mexico, last month, there were major demonstrations across the country opposing the President's intention to unilaterally legalise gay marriage.

Clearly and obviously, plebiscites are not the fuse for divisiveness in debates over same-sex marriage. Divisiveness can occur whether the decision is built around a plebiscite, around political activism or around a vote in the House. But the core observation has to be that severe divisiveness is not inevitable. In some nation states where this issue has been decided by politicians there has, indeed, been minimal social interruption and minimal negativity in the debate. That is especially true across the Scandinavian countries, which were among the earliest to act on the issue. In Britain the debate was long, very detailed and hard fought. But, for the most part, it was civil. Nevertheless, it is obvious, even from a cursory look at the history of this issue around the world, that leaving it to the politicians is no guarantee whatsoever that such a course will automatically calm emotions and ensure a civil debate. The best protection, in that regard, is political leadership which bipartisanly promotes a civil debate—as occurred in Britain and in Scandinavia. Labor has shown that, since 2013 at least, it has lost sight of that fundamental truth. Labor has virtually made sure that there will be disruption by maintaining their current woeful, divisive and ugly rhetoric.

There are other relevant dangers that Labor has not considered. In the likes of France and Spain, where the decision was dealt with by politicians rather than the people, there has been the risk of potential revocation of the laws. That is not an outcome that is even vaguely considered in Ireland, where 62 per cent of the people who voted in the referendum voted in favour of same sex marriage. No future government, in a popularly elected democracy like Ireland, like Australia, is going to even consider repeal of a law that has been endorsed by a majority of electors in a plebiscite.

Labor advocates for gay marriage frequently point to opinion polls arguing that the vast majority of Australians support the change they seek. Labor may well be right in this regard. Why then, if they are confident about Australians voting in favour, would they stand in the way of allowing Australians to have that vote? It defies logic. It just does not make sense because, if they are right, then a plebiscite in Australia is likely to succeed even more strongly than it did in Ireland—especially when you consider that Australia, unlike Ireland—has a system of compulsory voting. In France, and in Spain, resistance remains. The issue has not been settled—and there must therefore remain a sense of unease in the gay communities in those countries. The level of acceptance they crave has not been delivered and doubts remain about what might happen in the future. Labor needs to consider this.

If Labor wants to deliver a clear resolution, one way or another, to the Australian community—and especially to the gay community—then it should once again do a 180-degree turn and support the government's bill. While the future is uncertain, there is one thing we can all be sure of—we can be sure that the date of 11 February 2017 will arrive. Indeed, it is now only four months away. And when that day comes those who had hoped for clear skies, those who had hoped that on 11 February next year this issue would be resolved and the skies would be clear—whether clear with the colour of rainbows or not but clear nevertheless—will be let down. If the opposition continues to take this stance, then they will be denying the Australian people the right to vote. Instead, they will back themselves and politicians ahead of the people and the Australian public, and in particular the gay community, will know that they have been denied the opportunity by an opposition leader who might like to ride the high horse but that horse's name is 'Hypocrisy'.