

Daniel Lehrer

26 August 2015

Dear Inquiry Members

Re: Inquiry: The matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia

I find the both notions; of a plebiscite or referendum on the matter of marriage in Australia to be highly inappropriate for reasons I outlined below:

1. We don't need a referendum or a plebiscite to allow marriage equality as parliament already has the power.
2. A parliament and government are elected to make decisions on behalf of their constituents and the country as a whole – to do what is right. To delegate this decision to a 'popular vote' would be an abrogation of their responsibility.
3. Why choose this issue for a 'popular vote'? There are many other issues about which opinion is divided; some that involve sending Australians to war and possible death, but we do not ask for a popular vote before the government makes the decision. To suggest a popular vote on the matter of marriage in Australia adds no value as it does not answer the basic question: "Is it the right thing to do?" It would be an expensive cynical stunt.
4. Whether it be a plebiscite or referendum, both are inappropriate. Only the level of contemptuous desperation in predetermining the result could be measured by the choice; achieving majority opinion for change through a referendum being more difficult.
5. Given parliament already has the power to change the definition of marriage – as it has already done – what legal value would a plebiscite or referendum, on the matter of marriage in Australia have? Would its results be binding on the government of the day? If so, for how long? I believe the answer is no... it would simply be an very expensive opinion poll.
6. On matters of human rights such as the matter of marriage in Australia, it is fundamentally wrong to value public opinion over the rights of the individual. I am sure there are many issues about which public opinion either lags decision making or in some cases is contrary to it. But government has a responsibility to do what is *right*, not only what is popular. A popular change is merely a bonus. When the US Supreme Court decision that deemed anti-miscegenation laws unconstitutional was announced in 1967, popular opinion of Americans was that the decision was wrong. But from a human rights perspective it clearly was not. A popular vote would not have yielded this important advance for human rights.

There is no good that can come from a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia.

Yours Sincerely

Daniel Lehrer
