

Senate kills plebiscite, leaving same-sex marriage on indefinite hold

Written by Michelle Grattan, Professorial Fellow, University of Canberra

The Senate has put to the sword the ill-fated plebiscite, killed by a remarkable combination of supporters and opponents of changing the law to allow gay people to marry.

It was defeated on Monday night 33 to 29 with Labor, the Greens, the three-member Nick Xenophon Team and Derryn Hinch voting against it. The government attracted just six of the crossbench – the Four Hansonites (including Rod Culleton whose future has been referred to the High Court), independent Jacqui Lambie and Liberal Democrat David Leyonhjelm.

The decision has left the Coalition essentially without a viable policy, and Labor advocating the question be settled by a parliamentary vote, which the government will hold out against to the last breath of its conservative wing.

The plebiscite was dead once a large portion of the LGBTI community became increasingly militant in fighting the plan. Bill Shorten, who opposed it in the election campaign, was never going to swing his support behind it post-election in defiance of a significant section of those affected.

Their opposition coincided with his political self interest. Shorten would like to be the one to deliver marriage equality.

In Monday's Senate debate several gay senators mounted their arguments against the popular vote.

Western Australian Liberal Dean Smith, who describes himself as a constitutional conservative, broke ranks with his colleagues, opposing parliament outsourcing the decision. "Do we really want to be the first generation of modern parliamentarians who effectively say that we are not capable of resolving difficult issues?" Smith abstained in the vote.

Labor Senate leader Penny Wong, who has two young daughters with her same-sex partner, said "We do not want our families and our children publicly denigrated".

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The question is, what now? The issue will stay on the agenda but how prominently? Who has the more to lose by this impasse between two leaders, Malcolm Turnbull and Bill Shorten, who both personally strongly support same-sex marriage?

Most immediately Turnbull, beleaguered on various fronts, will be thankful not to have to deal with a plebiscite campaign that would highlight the divisions among his own troops.

But there must be a bitter taste too. Same-sex marriage was one of the issues on which in times past he used to differentiate himself from Tony Abbott and conservative Liberals, putting his views strongly and defiantly. Before he shackled himself as he grasped the prime ministership, Turnbull wanted a free vote in parliament.

Turnbull never liked the plebiscite: it was the device of Abbott and the Coalition conservatives to put the issue off until after the election. Polls showed a plebiscite would be passed, but the conservatives hoped that something would turn up. And now it has. They'll almost certainly lose the war eventually but they have what could be a long reprieve.

Attorney-General George Brandis warned, just before the vote: "If this second reading is defeated, the cause of marriage equality will be delayed for years."

Labor can be expected to bring on the issue from time to time, to taunt Turnbull about how quickly the matter could be settled, and to test the discipline in government ranks.

But Turnbull will have to hold the line. If he did a U-turn towards a parliamentary solution, he would be crucified by the conservatives who, as the year draws to a close, must be congratulating themselves about how well they are doing. Via supporting the plebiscite they have managed to hold off same-sex marriage and, on a completely different front, they are pushing Turnbull into a corner on 18C of the Racial Discrimination Act.

The public view is likely to be mixed. Most people think the marriage law should be changed. But many voters will be glad enough not to return to the ballot box in February - so soon after the last visit. More important, that the plebiscite would have cost \$170 million was seen by many

as a scandalous waste of money.

Significant as marriage equality is, for the majority of voters it is a second order issue. Despite Labor's efforts, it is likely to recede into the background for the time being.

Before the next election it will present some challenges for both sides.

Labor, in a decision of its national conference, is committed to switching from a free vote to a binding vote for its MPs after the 2019 election. This might produce a fresh debate at the next party conference, although the move to the binding vote is likely to hold.

The Liberals will have to decide whether to stick with the plebiscite policy, which surely is untenable – unless the government adopts the advice Pauline Hanson gave during Monday's debate, which was to hold it with the election. But that would require getting it through the Senate.

Postscript

Labor has widened its lead over the government to 53-47% on a two-party basis, in Tuesday's Newspoll published by The Australian. A fortnight ago, the ALP's lead was 52-48.

Labor's primary vote is 38%, a rise of one point since the last poll and 3.3 points higher than at the election. The Coalition is on 39% primary vote.

Turnbull's net satisfaction remains at minus 28 points; Shorten's net satisfaction is minus 15 points, also unchanged.

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