Submitted Online to Prime Minister's website

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Dear Prime Minister

We write to you about the as yet unannounced arrangements for the same-sex marriage plebiscite.

Women for an Australian Republic (WfaAR) takes a keen interest in all aspects of constitutional change and polling on national issues as an expression of democracy. Our observation of the proposed marriage plebiscite, the first such vote since 1977, is heightened given that one or more plebiscites are foreshadowed before a final vote in a referendum on the Republic to change the Constitution.

Any arrangements applying to the marriage plebiscite in 2016 or 2017 may set unfortunate or unnecessary precedents for future non-binding votes or national opinion polls. We think it highly likely that there will be more plebiscites as use of technology in democracy increases with a small, portable computer in every hand, pocket or handbag. Thus, some thought should be applied to not only the provisions for the first plebiscite for nearly 40 years but to those that will surely follow.

To date, WfaAR has seen from media reports that both you and the Attorney-General have stated at various times that the marriage plebiscite is likely to run along the lines of a s.128 referendum including compulsory voting, publicly funded YES and NO cases and will require a majority of votes in a majority of States (presumably excluding the Territories as for s.128 referendums).

We are concerned if this the case and cannot see the rationale for applying the strict provisions of a s.128 referendum to a non-binding vote - unless it is being set up to fail.

On the matter of compulsory voting for this plebiscite, WfaAR has no view other than it will provide for the maximum testing of voter views about a subject on a given date. Making voting compulsory for this particular plebiscite will make for considerably less confusion as we have compulsory voting for both federal and state elections and have had for many years.

WfaAR expressed a view to the 2004 Senate Inquiry into the Republic ('The Road to a Republic') that voting in the Republic referendum could be voluntary but that was suggested specifically to address concerns that any future Head of State in a Republic could been seen to have a mandate to pursue personal political views or matters in competition with an elected federal government, something that seems to be of great concern to federal politicians both then and now. (State and Territory voting figures from the 1997 voluntary vote for the representatives at the Constitutional Convention on the Republic showed that voluntary voting would not disadvantage female voters.) However, the issues with compulsory or voluntary voting for the marriage plebiscite are quite distinct because the result will not affect the positions/power of federal politicians or our system of government on the face of

it. Thus, our views on compulsory or voluntary voting for plebiscites vs the Republic referendum are not in conflict and should not be confused. (WfaAR does not see compulsory vs voluntary voting as a "die in a ditch" issue for a Republic referendum in any event.)

Returning to the marriage plebiscite, WfaAR contends that there is no requirement for formal YES and NO cases because all voters have a position on same-sex marriage and/or a plebiscite on marriage and are ready to vote now. We would be particularly concerned if a well-funded NO campaign created a formidable, expansive NO case on essentially a moral issue, where it does not already exist causing the proposition to fail. For a referendum designed to change the Constitution, provide a publicly funded YES and NO cases by all means so that voters can understand the issues for and against. In this case, there are no issues to understand so wasting public money in this way is uncalled for.

We note that referendums are governed by a comprehensive Referendums Machinery law while there is no legislation covering plebiscites. This means that the Government is free to establish this plebiscite vote as simply as possible instead of wasting public money on unnecessary formal YES and NO cases and by rendering a straightforward vote as complicated and uncertain as possible by making voters doubt their own opinions, distracting them by scaring them and muddying the waters to cause confusion.

In other words, it should be kept simple. The recent referendum on whether the UK should remain in the European Union - more similar to a plebiscite in Australia than a s.128 referendum - provides lessons that we should learn from. It was first past the post but with a formal NO case that became not about the proposition but got tangled up in many other issues, not all directly associated with the proposition. The result showed that resentments towards "government" and many other issues were expressed precisely because there was a conduit created for their expression. This is what a well-funded NO case with articulate but not necessarily accurate, correct, or even well-intentioned, proponents can result in, as we also saw in the 1999 referendum.

Elaborating on the theme of simplicity brings us to our final point that for the marriage plebiscite to be successful will require a majority of votes in a majority of States. This is not acceptable. The hurdle is too high for what is essentially an opinion poll where the overall majority view should prevail.

WfaAR provides its views on the arrangements applying to the marriage plebiscite in order to make some external input on how advice about its conduct is presented to Ministers and Cabinet. We emphasise that we consider a non-binding vote to be totally different from a binding s.128 referendum and that the Government should not resort to applying s.128 provisions to plebiscites for its own purposes. In fact, a non-binding vote provides the opportunity for some insightful thinking about how national opinion-polls can be conducted efficiently and quickly using technology to the maximum extent. We assume that this advice is currently being prepared for Cabinet by both your and the Attorney-General's Department.

We conclude with the wry note that a marriage plebiscite is not necessary at all and can be settled by an parliamentary amendment to the Commonwealth Marriage Act. If only the creation of the Republic were as simple. Thus, it is doubly important that any future plebiscites on the Republic are not unnecessarily complicated or compromised by the arrangements for a non-binding vote on the definition of marriage.

We do not require a specific response to this representation, other than an acknowledgement.

Yours sincerely

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Women for an Australian Republic

www.womenrep.org