

## **Same-sex marriage: people have done what our parliament could not**

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Voters have delivered a powerful verdict on marriage equality that should shame more than a few politicians over the years of delay on the path towards change.

It's about time. Confronted with a parliament that failed time and again to decide the matter, voters delivered a clear majority in favour of dismantling the discrimination built into the Marriage Act.

There have been many missed opportunities for this social change but the biggest was five years ago, when Labor frontbencher Stephen Jones lost his attempt to legislate same-sex marriage by 42 to 93 votes in the House of Representatives. "I think at some future time, parliament will catch up with community opinion," Labor's Anthony Albanese said at the time. It is astonishing that it has taken so long for politicians to wake up to the changing world around them.

It will take even longer for the Coalition to live down the big miscalculation of 2012: the refusal to allow a conscience vote. Liberals and Nationals MPs, sitting in parliament as supposed champions of free speech and individual liberty, denied colleagues a free vote. That shameful decision forced some of the leading advocates for marriage equality to vote No.

One of them was Warren Entsch, one of the key figures in this year's push for reform. Another was Malcolm Turnbull, who has found a way to settle this divisive question despite all the obstacles his Liberal and Nationals colleagues put in his way.

Conservative unions, such as the Shoppies, also may want to own up to strongarming Labor MPs into voting No five years ago. Who can forget Julia Gillard voting No when she had the greatest ability to enact change? Kevin Rudd and Wayne Swan joined her.

Bill Shorten was on the right side of history in 2012. While he argued that the community was not ready to change the Marriage Act in 2010, he voted for the change two years later, alongside Albanese and Tanya Plibersek but before other frontbenchers came to the same conclusion.

The point is not to list heroes and villains. It is to highlight the way the tortured path to change was made worse by the brutalities within the major parties. Loyal to her party, Penny Wong had to agree with Labor's rejection of same-sex marriage in 2010. Her victory is all the greater now. Simon Birmingham risked a rebuke from his leader by calling marriage equality "inevitable" and revealing he would support it. Birmingham, Turnbull and Kelly O'Dwyer were the first voices on the frontbench calling for change.

The leaders who are rightly lionised are those who not only fight for their party but know when to refuse to buckle to their own side. Liberals such as Dean Smith, Trevor Evans, Tim Wilson and Trent Zimmerman have had to get change done the hard way.

Past blunders echo down the years. Tony Abbott rejected a conscience vote in 2012 rather than embracing John Howard's practice of using free votes as a pressure valve to resolve Coalition differences on issues such as abortion and euthanasia. Without a pressure valve, the Coalition kept coming back to the same argument. The marathon partyroom meeting in August 2015, when Abbott announced a plebiscite that nobody had voted for, heightened the tensions that drove Abbott out of power four weeks later.

What foolish, destructive leadership. The Coalition ripped itself apart because social conservatives could not abide giving fellow Liberals a free vote. And for what? To delay marriage equality by two years and four months.

The same dysfunction weakens the Coalition to this day. The public debate during the postal vote saw most sides settle on Smith's private senator's bill as the likely starting point for debate in parliament. Only on Monday did those who want greater safeguards for religious freedom finally reveal their hand, in a bill led by Victorian Liberal senator James Paterson.

It looked like more of a show of resolve for the base than a genuine attempt to win votes on the floor of the Senate. Paterson, who supports marriage equality but also wants to preserve freedom of speech, notified the Prime Minister's staff on Sunday.

Turnbull got to speak to Paterson in Canberra only on Wednesday and the bill was shelved later the same day. In a humiliation for the conservative agitators,

Finance Minister Mathias Cormann named the Smith bill rather than the Paterson bill as the starting point for the debate in parliament.

It matters enormously that Labor has settled its divisions when the Coalition still struggles to do so. Shorten has formed a group that can meet to decide how the party responds to amendments or procedural votes in the marriage debate. Nobody in the caucus is taking their leader by surprise with a new bill. Consider that next time someone argues Labor is unfit for government.

The conservative rump is looking increasingly marginal to the final outcome, a fact amply illustrated when Kevin Andrews agreed with the proposition that a Jewish baker could deny a Muslim couple a cake. "I don't have a problem with that, I don't have a problem at all," he told Sky News on Wednesday. The demand for religious freedom was suddenly taking Australia back to a dark sectarian past. This group will not have the numbers to get significant changes to Smith's bill.

One last point: the opponents of marriage equality have not thrown Turnbull off balance with their push to change the reforms. One of the conservatives says it would be "insanity" to undermine the Prime Minister and try to replace him. History shows that toppling a leader will not help a divided partyroom.

In fact, the "people's vote" is a significant win for Turnbull. He promised to settle the marriage question by Christmas and now looks like doing so. If only it had been possible five years earlier.