

ITEM 2. SUPPORT FOR MARRIAGE EQUALITY**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

For over a decade this Council has supported the aspirations of loving same-sex couples to have their commitment to each other recognised and valued.

In 2004, Council introduced the Relationships Declaration Program, based on the former South Sydney Council's Partnership Register, which became a model adopted by other councils in NSW and interstate. Council called for the repeal of legislation which discriminated against same-sex couples, in support of the community's ultimately successful campaign.

In December 2011, Council explicitly endorsed the campaign for marriage equality and called upon the Australian Parliament to amend the Marriage Act to enable same sex couples to marry. Council subsequently reaffirmed its support for marriage equality, most recently in October 2016.

Complementing this support is Council's strong view that legislating for same-sex couples is the responsibility of the Commonwealth Parliament, and it has repeatedly called on the Parliament to act. Council has consistently opposed holding a divisive and costly plebiscite on this issue.

A Bill for a plebiscite on same-sex marriage was defeated in the Senate this year. Rather than allowing Parliament to make a decision, the Government has outsourced it to a \$122 million "postal survey" of dubious constitutional legitimacy. The Treasurer has directed the Australian Bureau of Statistics to conduct the survey without first seeking the authority of Parliament. It will be funded using "the advance to the Minister for Finance" established to be used in circumstances which are urgent and unforeseeable. The usual rules for the conduct of elections, such as provision for scrutineers, will not apply.

The "survey" is now facing two challenges in the High Court, which constitutional experts believe have some chance of success. The High Court has set down 5 and 6 September 2017 as hearing dates, with a decision expected soon after.

If the High Court challenge is not successful, the ABS will begin posting "survey" forms on Tuesday, 12 September 2017 to all persons on the Commonwealth Electoral Roll. People will have until Wednesday, 11 October 2017 to request a form if they have not received one. People will be encouraged to return forms by Friday, 27 October 2017. Tuesday, 7 November 2017 is the final date forms will be accepted.

The ABS will publish the results of the survey on 15 November 2017, showing the number of yes, no and invalid responses by Commonwealth Electoral Division, State or Territory, as well as the overall national result. Participation rates by age and gender will also be available.

It is vital that all Australians participate in the survey, despite its flaws. It is equally vital that the survey result in a resounding "yes" vote.

A “yes” vote is crucial, not just for the many Australians who desire to marry the person they love, and are now prevented from doing so. It will ensure all LGBTI Australians enjoy full equality. We should support them by voting “yes”.

The United Kingdom, New Zealand and many European countries achieved marriage equality via a parliamentary vote, without first resorting to a plebiscite or survey, in some cases while conservative governments were in office. Conservatives who voted against marriage equality now regret doing so.

Actively and visibly supporting a “yes” vote will send a strong message to LGBTI people that they are not alone during this challenging time.

Council has previously unanimously agreed to working with organisations supporting marriage equality in promoting the case for same-sex marriage, including:

- promoting marriage equality through the City’s media outlets and online presence; and
- making the City’s banner poles available, where practicable, for the flying of banners in support of marriage equality.

The City has provided office and shopfront space to Australian Marriage Equality in support of its campaign.

Australian Marriage Equality has now approached the City with additional requests for support. A copy of this letter is at Attachment “A” to this Minute.

I ask Councillors to agree to the additional support set out in this recommendation and support the campaign for marriage equality.

RECOMMENDATION

It is resolved that Council:

- (A) reaffirm its longstanding support for marriage equality;
- (B) note that the Commonwealth government has abrogated its legislative responsibilities by deciding to proceed with a costly and divisive postal survey of Australians’ attitudes to same-sex marriage;
- (C) note, however, that the postal survey is now subject to High Court challenges which constitutional experts believe have some chance of success;
- (D) in the event that one or both High Court challenges succeed, call upon the Australian Parliament to legislate forthwith to amend the *Marriage Act* to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia;
- (E) noting its previous support for the campaign for marriage equality, agree to continue this support by:
 - (i) preparing a mail out to all residents and businesses at a cost of \$32,000 which:
 - (a) sets out Council’s unanimous support for marriage equality;
 - (b) encourages a “yes” vote; and

- (c) provides information about the postal survey, including how to take part and how to obtain a survey form;
 - (ii) providing and flying 164 banners at locations throughout the City of Sydney expressing the City's support for marriage equality and LGBTI people at a total cost of \$16,000 in cash and revenue forgone;
 - (iii) flying the City's 99 Rainbow banners in Oxford Street and other City locations as frequently as is possible until Sunday 12 November 2017;
 - (iv) promoting "Yes" campaign activities through the City of Sydney's communications and media channels;
 - (v) where reasonable and appropriate, inviting representatives of the "Yes" campaign to City of Sydney events to provide information on the campaign and voting; and
 - (vi) requesting the Chief Executive Officer to liaise with LGBTI support services on the need for any additional support and resourcing during the campaign to assist people who might be negatively impacted;
- (F) assist Australian Marriage Equality Ltd in its campaign for a majority "yes" response by:
- (i) providing an Accommodation Grant valued at \$16,000 in revenue foregone for continued use of the Equality Shop at 122 Oxford Street, Darlinghurst until 17 November 2017;
 - (ii) providing an Accommodation Grant valued at up to \$30,000 in revenue foregone for the use of available kiosks located in central Sydney until Friday 10 November 2017; and
 - (iii) where reasonable and available, providing free use of City of Sydney venues and public spaces for community meetings and events, including use of power where applicable; and
- (G) request the Chief Executive Officer to enter into an agreement with Australian Marriage Equality Ltd in order to provide this additional support, such agreement to take into account the possibility that this additional support may not be required if one or both High Court challenges are successful.

COUNCILLOR CLOVER MOORE

Lord Mayor

Attachment A: Letter from Australian Marriage Equality