

How do MPs in Westminster democracies vote when unconstrained by party discipline?

A comparison of free vote patterns on marriage equality legislation

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Abstract

The UK and Australian literature on free vote patterns highlights that, even under ‘unwhipped’ free vote circumstances, party membership remains the key predictor of MPs’ voting patterns. However, analyses of free votes have focused on single parliaments and as such, it is not clear whether the insights of this literature can be generalised. This article analyses MPs’ voting behaviour, during free voting on landmark legislation, that sought to allow equal marriage rights to same-sex couples in Australia, New Zealand and the UK. The article will address the following questions: Which MPs supported proposals to legalise same-sex marriage? What were the main factors that predicted their voting? Why were the majority of MPs in the UK and New Zealand, but not Australia, willing to support law reform? Whilst voting in the UK and New Zealand followed a strikingly similar pattern, there are key differences in the voting in Australia. This is attributed to two main factors: first, the ‘whipping’ of small ‘l’ liberal Coalition MPs in the Australian House of Representatives who might have otherwise voted in favour of reform; and, second, the different pathways along which the ‘centre-left’ political parties have evolved in New Zealand and Australia, which led to a larger presence of Catholics in the Australian Labor Party than in either the UK or NZ Labour Parties. It is possible to conclude from the analysis more broadly, that although party remains the best predictor of voting patterns across the three Westminster democracies recently, gender has also emerged as an important predictor of voting patterns. This finding is discussed in the final part of the article.

On 17th April 2013, the New Zealand Parliament passed landmark legislation legalising marriages between same-sex couples. The passage of this legislation occurred in a year which to date has been momentous for gay-rights activists. Marriage equality bills have passed not only in New Zealand but also in Uruguay, France and the UK. In addition, questions about equal marriage rights have been raised within other jurisdictions including Australia, where MPs recently defeated a bill despite considerable support amongst the public for a change in the law.¹ In Westminster democracies, the majority of MPs have been allowed to cast a personal ‘free’ or ‘conscience’ vote on the issue. From a Political Science perspective such votes are interesting to analyse because they offer the opportunity to investigate the voting behaviour of MPs, who are usually highly constrained by party discipline.² Moreover, the case of marriage equality legislation is particularly interesting because several votes on the issue occurred within a short space of time in different parliaments, so it is possible to analyse the voting patterns through a comparative lens.

Legislative politics in Westminster-style parliaments are usually characterised by strong political parties, well-disciplined MPs and high levels of intra-party unity (see Kam, 2009). In this light, Richards commented that: *‘the average division list from the House of Commons is not an exciting or revealing document. It will faithfully reflect the size of a Government’s majority’* (1970, p.179). This is even more the case in Australia; where ‘party votes’ have long since been the norm.³ Kam compared backbench dissent in four Westminster parliamentary systems during the post-war period and found that Australian MPs’ were the least likely to rebel against their party (Kam, 2009, p.8).⁴ Nevertheless, UK studies have revealed that even in free vote circumstances political party remains the best predictor of voting patterns and thus, conclude that more holds British political parties together than the whips. However, although free votes occur in parliaments outside the UK the lack of non-UK studies of free vote patterns means that it is unclear whether the findings of the UK literature about the centrality of party membership as a predictor of voting patterns are

¹ See for example the results of opinion polls conducted in Australia on the Australian Marriage Equality website (2013). Public opinion in the UK on the issue is reported in House of Commons Library Research Paper 13/08 by Fairbrain et al. (2013, pp. 17-19).

² Whilst most studies of conscience voting are pro-free voting, at least implicitly, anti-free vote scholars include political scientists like Ryan Walter have challenged the potential of free votes for resolving morality issues (see Walter, 2011).

³ Lowell defines party votes as those in which 90 per cent or more of the members of one party vote one way, facing 90 percent or more of the members of the other principal party (1908, pp. 74-81).

⁴ Kam found that during the period 1950-2004 overall Canadian Progressive Conservative MPs’ were the most rebellious with 15.11 percent of divisions involving dissent; in the UK Conservative MPs’ were most rebellious, dissenting in 9.72 percent of divisions; the figures for Australia were between 1.72 percent for the Coalition in the Senate and 0.03 percent for the ALP in the House of Representatives.

generalisable. Indeed, in light of the studies of rebellion, it is possible to conclude that Australian parties are likely to be most cohesive during free voting, but this remains little understood at present.

In this context, this article analyses MPs' voting patterns on same-sex marriage bills in the Australian, New Zealand and UK parliaments and will address the following questions: Which MPs supported proposals to legalise same-sex marriage? What were the main factors that predicted the voting? Why were the majority of MPs in the UK and New Zealand, but not Australia, willing to support law reform? The article argues that whilst patterns in the voting in the UK and New Zealand were strikingly similar, a different pattern occurred during the voting in Australia. In the UK and New Zealand, political party was the main predictor of voting, but also to a lesser extent religion in the social democratic parties and social ideology and gender played a role in the conservative parties. The difference in voting patterns in Australia was attributed to two main factors: first, the 'whipping' of small 'l' liberal Coalition MPs, who might otherwise have voted in favour of reform. This is significant because the removal of the whip would have most likely produced voting patterns that were much more comparable to the UK and New Zealand. Second, the division in the Australian Labor Party is attributed to the different pathways through which the 'centre-left' social democratic political parties have evolved in Australia, which led to a larger presence of Catholic MPs in the Australian Labor Party than in either the UK or NZ Labour parties. The implication of this is that religious belief or affiliation no longer seems to hold as much sway over MPs in making decisions, even on 'moral' or 'conscience' issues. The example of the persistence of religion in the votes of the ALP Right supports the claim that it is in retreat more broadly in the UK and New Zealand.

The article is divided into four sections. Section One provides an overview of the literature on parliamentary 'free' or 'conscience' voting and discusses the article's contribution to that literature. Section Two outlines the methodology used in the analysis of the voting patterns. Section Three then presents the quantitative analysis of the voting patterns in each of the three parliaments. Finally, Section Four presents the findings of a comparative analysis of the votes, as well as referring to media reports on the voting, to better understand the voting patterns in relation to the political context in which they took place.

The Literature on Parliamentary Free voting in Westminster-style Parliaments

One of the most controversial aspects of the resolution of ‘morality politics’ issues in Westminster democracies is the ‘free’ or ‘conscience’ vote they often attract in parliament.⁵ The Penguin Macquarie dictionary of Australian politics defines free votes (or conscience votes, as they are better known in Australia) as: *'a rare vote in parliament, in which members are not obliged by the parties to follow a party line, but vote according to their own moral, political, religious, or social beliefs'* (quoted in McKeown and Lundie, 2009). This broad definition is valid for all the parliaments studied here.

Studies of parliamentary free voting have primarily focused on the UK House of Commons and sought to explain MPs’ voting patterns when the ‘whips are off’ (Cowley, 2002; Cowley and Stuart, 2010; Hibbing & Marsh, 1987; Marsh & Read, 1988, p.84-107; Mughan and Scully, 1997; Norton, 1978, 1980; Pattie et al., 1998; Pattie et al.1994; Plumb and Marsh, 2011; 2013; Read et al., 1994; Richards, 1970). Richard’s (1970) findings, plus those of more recent UK studies, in particular Cowley and Stuart (2010) have revealed that party affiliation still explains a large part of MPs voting patterns. So, in reference to case studies of morality issues in the British Parliament, Cowley concluded that free votes: *“are more likely to cut down party lines than across them ...it is rare to find one vote where both of the major parties are significantly split”* (1998, p.188). However, this is not to say that parties are completely cohesive on free votes.

After analysing votes on abortion, homosexuality and the death penalty in the UK Marsh and Read (1988) and Read, Marsh and Richards (1994) observe a distinct difference between the parties on the issues and identify three patterns: first, on all three issues the Conservative Party was split, with one third taking a ‘liberal’ position and two thirds a ‘conservative’ position; second, in contrast, the Labour Party was very cohesive, and liberal, on both capital punishment and, to a lesser extent, homosexuality; and third, on abortion the Labour Party was split, with one third taking a conservative position and two thirds a liberal position.

Read, Marsh and Richards (1994) explain these differences by invoking two key independent variables: social ideology; and religion. First, they establish that there is a clear liberal/conservative ideological split on moral issues. Thus, they show that voting on these

⁵ The term ‘conscience vote’ is more commonly used in Australia to describe ‘unwhipped’ divisions, whilst the term ‘free vote’ is more commonly used in other Westminster Parliaments (McKeown and Lundie, with Woods, 2008, p.173).

three issues is highly correlated and that Conservatives who take a liberal position on one issue are very likely to take a liberal position on the other two. As such, they demonstrate that, while the Conservative Party is generally split on ideological grounds on moral issues, the Labour Party is not. Second, as far as the Labour Party's split on abortion is concerned, they show that it is almost exclusively the Labour Roman Catholics who oppose abortion. This is because Roman Catholics are often anti-death penalty as is the official church position. This makes it a different type of issue to abortion and euthanasia. So to say Catholics would be anti- all three issues is consistent.

More recently, Plumb and Marsh (2010, p. 770) argued for a more nuanced explanation of the divisions within parties, in particular the UK Conservative Party. They argue that divisions have emerged in the Party due to a change in the medical opinion about the viability of the foetus; this has led to a significant group of MPs, who are not opposed to abortion, supporting a reduction in the time limit during voting on amendments to the *Human Fertilisation and Embryology Bill 2008*.

Free votes in the Australian parliaments have received considerably less attention in the literature. Studies focussing on the resolution of 'morality politics' issues in the Australian Federal Parliament, such as abortion, have touched on issues relating to the conscience votes, but their aim was not specifically to analyse voting patterns (for example Gleeson, 2011; McLaren, 2013; Pringle 2007; Pringle, 2008; Sawer, 2012). Australian studies have also focussed on the debate preceding conscience votes on issues including the debate on the medical abortion drug RU486 and the status of the Northern Territory's law on voluntary euthanasia (see for example Broughton and Palmieri, 1999; Maddox, 1999; Pringle 2007; Pringle, 2008). There have been two key studies of free vote patterns in the Australian Commonwealth Parliament (Warhurst, 2008; McKeown and Lundie, 2009). In Australia the findings of the studies of free vote patterns revealed similar voting patterns to those observed in the UK House of Commons. Warhurst (2008) studied three free vote issues that came onto the agenda during the Howard Government: euthanasia; stem cell research; and the status of RU486 the medical abortion pill. Again it was found that party remained a good predictor of voting behaviour and '*that the two coalition parliamentary parties are notably more socially conservative than the Labor Party, and even more so than the Democrats and the Greens*' (Warhurst, 2008, p.595). Here, to some extent gender and religion also played a role in voting behaviour.

Studies of free voting in New Zealand have focused on the history of the practice and have reported qualitative analyses of the voting patterns (see Lindsay, 2008; Lindsay, 2011). Whilst conscience voting has been discussed in studies of law reform, for example Kypri, Langley and Connor's (2010) study of alcohol law reform, as well as Studlar (2001) and Studlar and Burn's (2013) comparative work on morality policy processes, the quantitative analysis of voting is limited to Plumb's (2013) analysis of intra-party cohesion during free votes. Plumb's (2013) research note contains data comparing levels of intra-party cohesion during 'unwhipped' voting on abortion and reproductive health issues, voluntary euthanasia and same-sex marriage and civil partnerships in four Westminster democracies. Her analysis highlights that political parties across Westminster democracies split in ways which were broadly similar but her explanation does not investigate the factors, such as social ideology and religion, which predicted the voting at the individual level.

In light of the limited attention free voting has received in parliaments outside the UK, this article seeks to extend Plumb's (2013) initial comparative analysis of free vote patterns in two ways. First, undertaking comparative analysis of the specific factors which predict MPs' free vote patterns at the individual level will complement Plumb's analysis enabling a better explanation of the splits that occurred at the party level. To date, no analysis has compared individual level data across the parliaments; so, whilst the UK and Australian literature on free vote patterns highlights that, even under 'unwhipped' free vote circumstances, party membership (alongside social ideology and gender) remain the key predictors of MPs' voting patterns, it is not clear whether the insights of this literature can be generalised. As such, the present study aims to test whether, or not, the patterns observed in the UK and Australian parliaments extend to New Zealand for the issue of marriage equality, as well as identify the impact of local factors on the voting. Second and arguably more importantly, the present study will incorporate data on three key votes have taken place on the issue of marriage equality, including a vote on the issue in Australia, which took place since Plumb's initial analysis was undertaken and so her analysis could not consider. Consequently, the present study intends to add to the literature by examining the more recent votes on the issue, as well as identifying whether factors which predict MPs' individual voting patterns identified in the UK Parliament are replicated in Australia and New Zealand.

Methodology

This analysis focuses on three recent votes on bills to legalise same-sex marriage that took place in the lower houses of the Australian, UK and New Zealand parliaments.⁶ These votes were selected because they offer an opportunity to study MPs' 'unwhipped' voting patterns across Westminster democracies. The three votes to be analysed are particularly suitable, as they took place within eight months of each other, on bills with similar provisions, which sought to give full marriage rights to same-sex couples. All of the MPs in each of the three legislatures were allowed a conscience vote, except Coalition MPs in the Australian House of Representatives, who were 'whipped'.⁷

A data-set was created containing information about MPs' votes and their party affiliation. To allow comparison, the Second Reading votes (the stage at which MPs express their support or opposition to the *principle* of the subject matter of a bill, rather than the bill itself) were used in all three cases. In the cases of the UK and the Australian lower houses, to date, bills have only received a vote at the Second Reading, and, whilst there has been a Third Reading vote in the New Zealand Parliament, the voting almost mirrored the result at the earlier stage.⁸ Information about the votes cast by the MPs was sourced from the division lists, which are reported in *Hansard* and MPs' party affiliation was found online. Analysis of this data provided an overview of voting patterns. In addition, an analysis of the cohesiveness of the political parties was necessary as the votes analysed took place after Plumb's (2013) initial analysis of intra-party cohesion on 'morality politics' issues was undertaken. To measure the level of cohesiveness of political parties on each of these issues, a party unity (IPU) score was calculated for each political party using the Rice Index (Rice, 1928). The IPU scores are calculated by subtracting the minority percentage of votes from the majority percentage of votes and then dividing this figure by 100. A score of 1.0 indicates a totally united party, while a score of 0 indicates that the party is split down the middle.

⁶ Plumb (2013, p. 256) justifies studying the outcomes of this political process across 'most similar' parliaments.

⁷ The whipping of Coalition MPs in the Australian House of Representatives is likely to be an important factor in the outcome of the votes and will be discussed in the main part of the paper.

⁸ The Bill passed its third reading, 77 votes in favour to 44 votes opposed, the same as the Second Reading, although two MPs changed their votes. David Bennett (National, Hamilton East) opposed the first two readings, but voted for the third and final reading and Rino Tirikatene (Labour, Te Tai Tonga) supported the first two readings, but not the final one.

As Plumb (2013, p. 257) notes, '*Although the Rice Index is the most commonly used measure of party unity, it is not uncontroversial*' (see also Depauw and Martin, 2009). The main issue relating to this study, as is the case for Plumb's (2013) research note, is that the Index does not include non-voting or abstention in its calculation, so, parties may appear very cohesive when, in fact, a significant number of members may have abstained or not voted. This was less of a problem in this study, as all MPs were present during the New Zealand vote and only a small minority (about one tenth) of MPs in the UK and Australia, either abstained or did not vote. Nevertheless, the percentage of MPs who did not vote has been included in the tables and will be considered during the analysis of the votes. Finally, to allow comparison of the broad trends in voting on the issue across the parliaments, average IPU scores were calculated for the political parties that share similar ideological commitments, across the three parliaments.

As mentioned above, one of the limitations of Plumb's (2013) research note is that it does not go beyond an analysis of the level of cohesion of political parties, to examine the individual voting behaviour of MPs and doing so would provide a better explanation of the splits in the political parties that occurred during the voting. This study seeks to overcome this limitation by analysing the effect of individual level variables, including gender, religion and social ideology, in addition to party membership. These key variables have been selected because previous studies have indicated that they are the main predictors of the voting behaviour of MPs. Although previous studies have undertaken multivariate analyses incorporating other variables, such as education, length of service and constituency location, the variables identified above have been consistently most significant in explaining the largest part of the variance in voting patterns (see for example Hibbing & Marsh, 1987; Marsh & Read, 1988, p.84-107; Mughan and Scully, 1997; Pattie et al., 1998; Pattie et al.1994; Read et al., 1994). The effect of party, gender and religion on the voting were measured by incorporating this information into the data-set on MPs voting and creating a series of cross-tabulations. To put the impact of these factors in context, further information on the social composition of political parties in relation to gender and religion is included in the comparative section of the article.

The effect of social ideology on the voting was measured using an index first developed by Read, Marsh and Richards (1994), which tests the extent to which a liberal or conservative vote on one issue is predicted by voting behaviour on two other issues. In this case, the index tested whether MPs' voting patterns on the present, same-sex marriage bills, are predicted by

voting preferences on euthanasia and abortion bills. Indexes were created for MPs in each of the parliaments using the following method. First, MPs who were not present in parliament for all of the three votes were excluded, and then a ‘social ideology’ score for each remaining MP was calculated. The score is calculated by summing two votes on euthanasia and abortion.⁹ This produced a score for each MP that varied from +2 to -2. The social ideology score on the two issues was then used as a predictor of voting on same sex marriage. If MPs voting patterns on same-sex marriage correlate with their voting patterns on the other two issues, it is suggested that ideology is playing a role in shaping MPs’ preferences.

Although the quantitative analysis of the voting patterns will explain part of the variance in the voting patterns, it is expected that some of the variance will remain unexplained (see Marsh and Read, 1988, p.107). An analysis of the political background to, and context of, the votes is particularly important in this study, as it is a comparative study that seeks to examine how different local political contexts might have had an impact. As such, the comparative part of the study contains an analysis of the media reports that appeared at the time of the passage of the bills in each country, to better understand the patterns that emerge in each of the cases.

The Voting Patterns

The following section presents the findings of an analysis of the voting patterns on same-sex marriage bills in the lower houses of the UK, New Zealand and the Australian parliament.

i) Voting in the UK House of Commons

The vote analysed in the UK House of Commons took place on the *Marriage (Same-Sex Couples) Bill*, which sought to allow the marriage of same-sex couples in England and Wales. The Bill was a Government bill and was introduced by Conservative MP Maria Miller, Minister for Women and Equalities, into the House of Commons on 24th January 2013. The Bill passed its Second Reading vote on the evening of the 5th February 2013. The MPs’ voting patterns on the Bill, aggregated by party membership, are shown in Table 1 below.

⁹ The specific votes used will be reported in each of the cases below.

Table 1 MPs' Voting by Party on the *Marriage (Same-Sex Couples) Bill 2013* in the UK House of Commons

	Marriage (Same Sex Couples) Bill 2013			
	lib.	con.	DNV	Unity
Conservative	48% (126)	52% (135)	13% (41)	0.04
Labour	91% (218)	9% (22)	6% (16)	0.82
Lib. Dem.	92% (44)	8% (4)	14% (8)	0.84

DNV: Did not vote

The Table shows that there were some clear patterns in the voting. The first column provides information about MPs who took the liberal position on the issue; that is they voted for the Bill, whilst the next column contains information about MPs who took the conservative position on the issue. Whilst Labour and Liberal Democrat MPs were united in favour of the Bill, Conservative MPs were divided with an IPU score of 0.04, but they marginally opposed the Bill overall. Among the minor political parties and independents, one Independent and all eight of the Democratic Unionist Party MPs opposed the Bill. All three Plaid Cymru MPs, the Green MP, the Alliance MP, the Respect MP and one of the three Social Democratic and Labour Party MPs supported the Bill. Two of the three Social Democratic and Labour Party MPs did not vote, whilst two Scottish National Party and five Sinn Fein MPs did not vote. The largest group of MPs who did not vote was from the Conservative Party (41) and there were also five abstentions, where MPs voted in both lobbies (all Conservative MPs).

The most important aspect of the voting that needs explaining then is the divide in the Conservative Party. Although the vote was officially 'unwhipped', there was strong support for the Bill amongst the Party's front bench members. The Bill sponsor Secretary Maria Miller, was joined in the 'aye' division lobby by the Prime Minister, the Deputy Prime Minister, the Chancellor of the Exchequer, Theresa May, Michael Gove and Eric Pickles, as well as Hugh Robertson, Lynne Featherstone, Helen Grant and Jo Swinson.

Table 2 below shows MPs' voting patterns on the Bill, aggregated by Party and gender of the MPs. The Table shows that MPs' gender had an effect on the voting in the Conservative Party, with women MPs more likely to vote liberally, in favour of allowing same-sex couples to marry. Overall, gender had a significant impact on whether an MP supported the Bill, with 86 per cent of women MPs compared to 66 per cent of men MPs voting for the Bill.

However, the most influential factor which had an impact on voting in the Conservative Party, was social ideology. Table 3 below shows the social ideology index scores.

Table 2 MPs Voting by Party and Gender on the *Marriage (Same Sex Couples) Bill 2013* in the UK House of Commons

	Marriage (Same Sex Couples) Bill 2013					
	Men		Women		DNV/Abstained	
	lib.	con.	lib.	con.	Men	Women
Conservative	46% (103)	54% (121)	62% (23)	38% (14)	71% (29)	29% (12)
Labour	87% (138)	13% (20)	98% (80)	2% (2)	75% (12)	25% (4)
Liberal Democrat	93% (40)	7% (3)	80% (4)	20% (1)	88% (7)	12% (1)
Total	66% (281)	34% (144)	86% (107)	14% (17)	74% (48)	26% (17)

DNV: Did not vote

Table 3 Social Ideology Index Scores UK

	Ideology	very cons. (-2)	conservative (-1)	ambiguous (0)	liberal (+1)	very liberal (+2)
Conservative	lib	7%	35%	40%	15%	3%
	DNV	33%	25%	42%	-	-
	con	27%	29%	37%	7%	-
Labour	lib	-	2%	3%	12%	83%
	DNV	-	17%	-	17%	83%
	con	19%	19%	12%	12%	38%
Liberal Democrats	lib	4%	11%	74%	11%	-
	DNV	-	33%	33%	34%	-
	con	34%	66%	-	-	-

The Table shows the extent to which MPs' votes on the *Marriage (Same-Sex Couples) Bill* is predicted by their voting on two other 'morality' issues: euthanasia and abortion.¹⁰ The

¹⁰ The euthanasia/abortion score was used as a predictor for of voting on same-sex marriage. The euthanasia vote used in the index was the vote on the *Mental Capacity Bill* (New Clause 2 – Excluded decisions) with took

results show that social ideology was a very good predictor for Conservative MPs who took the ‘conservative’ position on same-sex marriage. Nearly 60 per cent of Conservative MPs who took the conservative position on this issue, took the conservative position on at least one of the other two issues.

Social ideology also had an impact in the Labour Party, with 83 percent of MPs who voted for same sex marriage, voting liberally on the other two issues. In addition, to social ideology, religion played a role in the voting in the Labour party, with fifteen of the 22 MPs who voted against the Bill being practicing Roman Catholics. However, overall most Catholic MPs in the House of Commons actually voted *for* the Bill. A post on CatholicCulture.org writes that 47 favored the Government’s proposal, and only 28 opposed it, whilst seven Catholic legislators did not register a vote. Amongst Catholics in the Labour Party, the vote was a solid 32-15 majority for same-sex marriage. In contrast, Catholics in the Conservative Party voted narrowly in favour 12-11, while Liberal Democrats were evenly split, 2-2. One Catholic in the SDLP party voted for the government’s proposal (CatholicCulture.org). Indeed, this puts the 'unity' of religious groups in context and indicates that voting behaviour of Catholic MPs over time may be changing as the church fragments.

ii) Voting in the New Zealand House of Representatives

The vote analysed in the New Zealand House of Representatives was *the Marriage (Definition of Marriage) Amendment Bill 2013*. The Bill was a Private Members Bill, introduced by Labour Party MP, Louisa Wall (Manurewa). Wall announced that she would introduce a bill on 14th May 2012 and her Bill was drawn out of the ballot on 26th July 2012. The Second Reading vote took place on 13th March 2013, the Bill passed into law on 17th April 2013 and same-sex marriage will become legal in New Zealand on 19th August 2013. Table 4 shows MPs’ voting patterns on the Bill aggregated by party membership.

place on 14th December 2004 and the *Human Fertilisation and Embryology Bill* (change abortion limit from 24 Weeks to 16 weeks), which took place on 20th May 2008.

Table 4 MPs' Voting by Party on the *Marriage (Definition of Marriage) Amendment Bill* 2013 in the New Zealand House of Representatives

	Marriage (Definition of Marriage) Amendment Bill 2013			
Party	lib.	con.	DNV	Unity
National	44% (26)	56% (33)	-	0.12
Labour	91% (31)	9% (3)	-	0.82

DNV: Did not vote

The first column of the Table shows MPs who voted liberally on the Bill, that is for the definition of marriage to be amended and the second column shows MPs who took the alternative position. Mirroring the UK vote, the NZ Labour Party was strongly united in favour of the Bill, with only three MPs opposed. The National Party was split, but not as divided as the UK Conservative Party, with a unity score of 0.22. There was support for the Bill amongst the minor political parties, including the 14 Green MPs and three Maori Party MPs, as well as MPs from the Mana, United Future and the ACT Party who each hold one seat. The seven NZ First and the Independent MP, Brendan Horan voted against the Bill. All MPs voted, there were no abstentions and the National Party Prime Minister, John Key supported the Bill. Once again, then, it is clear that the split in the 'centre-right' National Party needs to be explained.

As such, Table 5 below shows MPs' voting patterns on the Bill, aggregated by Party and gender of the MPs. Once again, gender had an above average impact on the voting, including in the National Party where 73 per cent of women MPs voted liberally to support the Bill. No woman MP in the NZ Labour Party opposed the Bill. However, social ideology was also a strong predictor of voting behaviour. Table 6 below shows the social ideology index scores.

Table 5 MPs' Voting by Party and Gender on the *Marriage (Definition of Marriage) Amendment Bill 2013* in the New Zealand House of Representatives

Marriage (Definition of Marriage) Amendment Bill 2013				
	Men		Women	
	lib.	con.	lib.	con.
National	34% (15)	66% (29)	73% (11)	27% (4)
Labour	86% (18)	14% (3)	100% (13)	0% (0)
Total	51% (33)	49% (32)	86% (24)	14% (4)

Table 6 Social Ideology Index Scores New Zealand

	Ideology	very cons. (-2)	conservative (-1)	ambiguous (0)	liberal (+1)	very liberal (+2)
National	lib	-	25%	25%	25%	25%
	con	57%	-	26%	-	17%
Labour	lib	-	28%	36%	18%	18%
	con	-	-	100%	-	-

As was the case in the UK vote, the Table 6 shows that MPs' votes on the *Marriage (Definition of Marriage) Amendment Bill 2013* are predicted by their voting on two other 'morality' issues: euthanasia and abortion.¹¹ The Table shows that voting behaviour on the other two issues was a particularly strong predictor of voting behaviour for MPs in the NZ National Party. In both cases, over 50 per cent of the MPs took the same position on same-sex marriage, as they did on other 'morality' politics issues. Although there is not as much variance to explain in terms of variation in the ALP, with only three MPs opposed to the Bill and two of these have a religious background.¹²

¹¹ The euthanasia/abortion score was used as a predictor for of voting on same-sex marriage. The euthanasia vote used in the index was the First Reading vote on the *Death With Dignity Bill* which took place on 30th July 2003 and the motion to appoint Dr Ate Moala (anti-abortion doctor) to the Abortion Supervisory Committee, which took place on 7th April 2011.

¹² Damien O'Connor is Roman Catholic and Su'a William Sio belongs to the Church of Jesus Christ of Latter-day Saints, but he also attributes his position to supporting that of New Zealand's Pacific Islander communities (see Weekes, 2012).

iii) *Voting in the Australian House of Representatives*

The vote analysed in the House of Representatives was the vote on the *Marriage Amendment Bill*, which took place on 19th September 2012. The Bill was a Private Members' Bill introduced by ALP MP Stephen Jones, which sought to legalise same-sex marriage. An important feature of this vote is that, although ALP MPs were allowed a free vote, Coalition MPs were 'whipped', that is, subject to party discipline. Coalition MPs were compelled to vote against the Bill, which played a large role in its defeat. The MPs' voting patterns on the Bill, aggregated by party membership, are shown in Table 7 below.

Table 7 MPs' Voting by Party on the *Marriage Amendment Bill 2012* in the Australian House of Representatives

Party	Marriage Amendment Bill 2012			
	Lib.	cons	DNV	Unity
Coalition	-	100% (68)	4% (3)	1
Australian Labor	58% (38)	42% (27)	8% (6)	0.16

DNV: Did not vote

The first column shows MPs who took the liberal position, that is, they voted for the Bill and the next column shows MP who took the conservative position on the issue. The Table reflects the fact that the Coalition MPs were 'whipped', but also reveals an interesting pattern in the ALP. Unlike in the UK and New Zealand, the Party was divided and a large number (42 per cent) of Australian Labor MPs *opposed* the Bill.¹³ Clearly, then, the most important aspect of the voting to explain here is the voting in the ALP.

Table 8 below shows MPs' voting patterns on the Bill, aggregated by Party and gender of the MPs. The Table shows that women MPs in the ALP were more likely to take the minority position, that is, to support same-sex marriage. Social ideology was also a good predictor of voting behaviour, as shown in table nine below.

¹³ Greens MP Adam Bandt and Independents Craig Thompson, Andrew Wilkie and Rob Oakeshott supported the Bill. Independent MPs Tony Windsor and Bob Katter opposed the Bill and former LNP Peter Slipper did not vote.

Table 8 MPs Voting by Party and Gender on the *Marriage Amendment Bill 2012* in the Australian House of Representatives

	Marriage Amendment Bill 2012					
	Men		Women		DNV/Abstained	
	lib.	con.	lib.	con.	Men	Women
Coalition	0% (0)	100% (55)	0% (0)	100% (13)	67% (2)	33% (1)
Australian Labor	52% (21)	48% (19)	74% (17)	26% (6)	100% (6)	0% (0)
Total	22% (21)	78% (74)	48% (17)	52% (19)	89% (8)	11% (1)

DNV: Did not vote

Table 9 Social Ideology Index Scores Australia

	Ideology	very cons. (-2)	conservative (-1)	ambiguous (0)	liberal (+1)	very liberal (+2)
Coalition	con	45%	5%	40%	5%	5%
Australian Labor	lib	-	-	25%	-	75%
	DNV	-	-	50%	-	50%
	con	-	-	75%	25%	-

Table 9 indicates that ALP MPs who took the liberal position on same-sex marriage were likely to take the liberal position on the status of the medical abortion drug RU686 and the Northern Territory's law on voluntary euthanasia. In contrast, ALP and Coalition MPs, whose score was ambiguous on the other two issues, generally supported the transfer of responsibility for RU486 to the TGA but supported the overturning of the Northern Territory's euthanasia law.

There is evidence that other factors relating to the heritage of MPs, as well as the religious composition of their constituencies, could have played an important role during the voting in the Australian House of Representatives. First, over half of the ALP MPs who voted against the Bill are Roman Catholic or have Irish or heritage background from countries other than England, including Greece, Italy and Lebanon.¹⁴ These MPs may have opposed the Bill for

¹⁴ Information about MPs heritage and religion was not as easy to source for Australian MPs as it was for the UK. As such, information was gathered through the Internet on MPs websites. However, this limitation in the data is acknowledged here.

religious reasons. In addition, seven MPs who represent constituencies that are present in the top ten ALP constituencies ranked by proportion of persons of Catholic religion in the 2006 Census, opposed the Bill (see Nelson, 2010, p.33). This could have played a role in the voting however, for two of the seven MPs including, Julia Gillard (Lalor, Vic.) and Chris Bowen (McMahon, NSW) it is known that their personal views as atheists, played a bigger role in their opposition to the Bill (see for example Johnston, 2012). In contrast, the MPs who supported the Bill had English heritage and attended public or non-religiously affiliated schools.

Comparing the Voting Patterns

The first part of this article reveals an interesting pattern to the voting: the majority of MPs in the UK and New Zealand, but not Australia, were willing to support law reform. The overall patterns of the voting are shown in Table 10 below.

Table 10 Comparison of Overall Voting on Same-Sex Marriage Bills in Australia, New Zealand and the UK Lower Houses

	liberal vote	conservative vote	DNV/Abstain
Australia	30% (42)	70% (98)	7% (10)
New Zealand	64% (77)	36% (44)	-
United Kingdom	70% (395)	30% (170)	12% (81)

The voting patterns in the first two countries, the UK and New Zealand, were very similar. In the first two cases, the votes analysed confirm Plumb’s (2013, p. 263) finding that: ‘*groups of political parties with broadly similar ideological commitments across ...Westminster-style parliaments display similar levels of intra-party cohesion in free votes*’. In this case, the ‘centre-left’ parties were united in support of law reform, with an average IPU score of 0.83. In addition, the ‘centre-right’ parties also divided in a similar way, with approximately a half to one third of the parties taking the ‘socially liberal’ position. In the UK and New Zealand parliaments, in the context of minority government, the support of the ‘socially liberal’ MPs in the ‘centre-right’ parties combined with strong support in the ‘centre-left’ parties, was crucial to the successful passage of the bills.

However, the third case, the voting in the Australian House of Representatives, reveals a different pattern and highlights the importance of a consideration of local factors. Here, two features of the voting are most important in explaining the failure of marriage equality legislation. First, in the Australian vote, as ‘socially-liberal’ Coalition MPs were ‘whipped’

and thus unable to take the liberal position. However, if Coalition MPs were not whipped there are reports that they might have divided in a way similar to those in the UK and New Zealand (see Ireland, 2013).¹⁵ Second, the Australian Labor Party was divided with an IPU score of only 0.16 in contrast to 0.82 in both the UK and New Zealand. In Australia, there were some key differences in terms of the politics of the issue in the ALP as compared to in the UK and the NZ Labour Parties. First, the prime minister at the time of the vote, Julia Gillard did not support law reform on the issue (see for example Johnston, 2012).¹⁶ This could have sent cues to others in the Party to follow suit.

Second, for historical reasons, there is a larger Catholic influence in the ALP than in their NZ counterpart (see Hogan, 1997; 1993).¹⁷ This relates to the dynamics of how the parties have evolved over the Twentieth Century, in each of the countries and might explain why the broad pattern of voting on the issue in New Zealand reflects the UK voting, but the Australian voting does not. As Warhurst (2006, 62) writes:

In discussions of the religious component of twentieth century Australian politics most attention has been given ...to the link between denominations and parties in voting and representation, Catholics with Labor and Protestants with the Coalition, as well as the denominational character of the Labor Party Split of the 1950s that produced the Democratic Labor Party.

So, the larger presence of Roman Catholics in the ALP than its UK or New Zealand counterpart, could have affected the outcome of the votes, as Brett writes: ‘It has long been recognised that the foundation of the Australian party system had a religious dimension, with an affinity between the main Australian nonlabour parties and Protestantism and between the Labor Party and Roman Catholicism’ (quoted in Warhurst, 2006, 62).

¹⁵ Ireland (2013) reports that several ‘socially liberal’ Liberal MPs are quietly lobbying to change the party’s position on same-sex marriage to ensure a conscience vote on the issue, but are not pushing for a result before September’s federal election.

¹⁶ There has been broad coverage of Julia Gillard’s opposition to law reform on the issue, for example, Johnston (2012). Her broad view against marriage equality is informed by her beliefs as an atheist, but also possibly because of her position as a feminist, whereby she is against marriage in general for both heterosexual and homosexual couples. Johnston (2012) reports her comments saying that ‘she “of all people” knows you can have a loving relationship without a wedding certificate’.

¹⁷ More broadly, census figures show that Roman Catholics constitute a much higher percentage of the Australian population, than in the UK or New Zealand. Census and survey data shows that 25.3 per cent of the Australian population were Catholic, but only 12.6 per cent of the New Zealand and 9.1 per cent of the UK population in 2010 (excluding Northern Ireland) are Catholic (Australian Bureau of Statistics, 2012; Statistics New Zealand; 2011; British Attitudes Survey, 2010).

One other interesting aspect of the voting across the three countries is that, in all three Parliaments, there was a gendered dimension to the voting. Table 11 below illustrates the present gender composition of the three lower houses after the most recent elections.

Table 11 Composition of the UK House of Commons and the Australian and the New Zealand House of Representative by Gender

Australian House of Representatives						
	ALP			Liberal		
	Women	Total	%	Women	Total	%
21/08/2010	23	72	31.9	13	60	21.7
UK House of Commons						
	Labour			Conservative		
	Women	Total	%	Women	Total	%
6/05/2010	81	258	31.4	49	306	16
New Zealand House of Representatives (overall)						
	Men	Women	% Women			
26/11/2011	82	39	32.2			

Sources: McCann and Wilson, 2012; House of Commons Factsheet; Inter-Parliamentary Union

Women MPs from both the ‘centre-right’ and ‘centre-left’ parties frequently took the liberal position on the issue more often than their male colleagues. For example, the average percentage of women MPs taking the liberal position in the ‘centre-left’ parties across the three parliaments was 91 per cent and 45 per cent for the ‘centre-right’ parties. The same figures for their male colleagues are 75 per cent and 27 per cent, respectively. This finding suggests that, the gendered pattern observed by Cowley and Stuart (2010) during voting on abortion, extends beyond that issue, to same-sex marriage and beyond the UK House of Commons.¹⁸

Conclusion

This article analysed the factors that predicted MPs’ voting behaviour during free voting on landmark legislation that sought to allow equal marriage rights to same-sex couples in

¹⁸ In their study of voting on amendments tabled as part of the Human Fertilisation and Embryology Bill 2008 to reduce the time limit on abortions, Cowley and Stuart observed that:

‘In a parliamentary system in which the ties of party normally swamp any other differences, the issue of abortion has been one of the few to produce a gendered dimension in Commons voting, with women MPs, all other things being equal, being less likely to support reductions in the availability of abortion’ (2010, p. 178).

Australia, New Zealand and UK. The main finding of the article is that, whilst patterns in the voting in the UK and New Zealand were strikingly similar, a different pattern occurred during the voting in Australia. In the UK and New Zealand, political party was the main predictor of voting, but also to a lesser extent religion in the social democratic parties and social ideology and gender played a role in the conservative parties. The difference in voting patterns in Australia was attributed to two main factors: first, the ‘whipping’ of small ‘l’ liberal Coalition MPs, who might otherwise have voted in favour of reform. This is significant because the removal of the whip would have most likely produced voting patterns that were much more comparable to the UK and New Zealand. Second, the division in the Australian Labor Party was attributed to the different pathways through which the ‘centre-left’ social democratic political parties have evolved in Australia, which led to a larger presence of Catholic MPs in the Australian Labor Party than in either the UK or NZ Labour parties. The implication of this is that religious belief or affiliation no longer seems to hold much sway over MPs in making decisions, even on ‘moral’ or ‘conscience’ issues. The example of the persistence of religion in the votes of the ALP Right (or some sections of it) merely supports the claim that it is in retreat more broadly in the UK and New Zealand.

Finally, the clear gendered pattern to the voting was discussed. In particular, across the parliaments, women MPs in the ‘centre-right’ parties were almost twice as likely to take the liberal position on the issue, as their male colleagues. This suggests that gendered patterns observed in studies of voting on abortion, which is traditionally thought of as a ‘women’s issue’, are generalisable beyond that issue. Further research examining whether this pattern holds for other ‘morality politics’ issues that are not traditionally considered to be ‘women’s issues’, such as voluntary euthanasia and embryology, would be fruitful. In addition, relating the findings of a gender analysis of free voting to public opinion figures on the issues, might allow a contribution to the literature on substantive representation. Specific questions that might focus future research are: Do women legislators substantively represent women on ‘morality politics’ issues and what makes this possible? Importantly, however, both the patterns noted in relation to the division in the ALP and the gendered patterns of voting are significant in relation to the broader literature on free vote patterns as they challenge the centrality of party membership to explanations of voting patterns which are prominent in the UK based studies.

Although the marriage equality bill was defeated in the Australian Parliament, recent events suggest that the issue is far from being resolved. In October 2013 a bill on Marriage equality

passed at the Australian state and territorial level in the Australian Capital Territory Legislative Assembly, however, in December 2013 the Australian High Court unanimously ruled that the ACT's laws were inconsistent with the Federal Marriage Act, and were therefore unconstitutional (Byrne, 2013). This suggests that if another vote takes place in which Coalition MPs are 'unwhipped', although unlikely, further research on this issue would be fruitful. This would allow further insight into the behaviour of Coalition MPs and also a comparison of voting across several issues, which would reveal whether MPs' preferences remain the same across different issues.

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