



Written by [Dave Bohon](#) on December 16, 2013

High Court Shoots Down Same-Sex Marriage in Australia

Australia's High Court has struck down a law legalizing same-sex marriage in the Australian Capital Territory (ACT), meaning that more than two dozen homosexual couples will likely have their same-sex marriages annulled. The country's federal government had challenged the month-old law in the territory, which houses the seat of Australia's government in the national capital of Canberra. The territory has its own internal regional government, but does not have full legislative independence like other states in Australia.



The High Court, analogous to the U.S. Supreme Court, [ruled December 12](#) that the territory's Marriage Equality Act, passed in October, conflicted with the nation's 1961 Federal Marriage Act, amended in 2004 to define marriage as only between a man and a woman. "The Marriage Act does not now provide for the formation or recognition of marriage between same sex couples," the High Court said in a summary of its ruling. "The Marriage Act provides that a marriage can be solemnized in Australia only between a man and a woman and that a union solemnized in a foreign country between a same sex couple must not be recognized as a marriage in Australia. That Act is a comprehensive and exhaustive statement of the law of marriage."

The court had held that "the object of the ACT Act is to provide for marriage equality for same sex couples and not for some form of legally recognized relationship which is relevantly different from the relationship of marriage which federal law provides for and recognizes. Accordingly, the ACT Act cannot operate concurrently with the federal Act."

In its ruling, the high court emphasized that only the federal parliament had the authority under Australia's constitution to pass a law legalizing homosexual marriage.

The decision means that the more than two dozen homosexual couples who had married in Canberra after the measure went into effect earlier in December will find their nuptials annulled. "This is devastating for those couples who married this week and for their families," said Rodney Croome of the homosexual activist group Australian Marriage Equality. He vowed, however, that the ruling represented "just a temporary defeat."

In a statement from the group, Croome twisted the defeat for same-sex marriage into a victory for gays and lesbians, declaring that it forced the Australian people to see what "is really at the core of this issue ... that marriage equality is not about protest or politics or even about laws in the constitution, ultimately. Marriage equality is about love, commitment, family, and fairness."

Pro-family groups in Australia praised the ruling, saying it confirmed what a majority of Australians believe, that only marriage between a man and a woman is legitimate. "It's important for marriage laws to continue to be administered federally," said Lyle Shelton of the [Australian Christian Lobby](#). "This is why the Marriage Act was passed in 1961 to have uniform marriage laws." He added that "marriage



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between a man and a woman is good for society and beneficial for governments to uphold in legislation. It's about providing a future for the next generation where they can be raised by their biological parents, wherever possible."

Shelton noted that the effort on the part of homosexuals to redefine marriage in Australia "has been given a fair go for the past three years with nine parliamentary attempts to change it. Like the republican debate, the public and parliamentarians have had plenty of time to evaluate it and it is now time to move on."

Similarly, David Phillips of [Family Voice Australia](#) called the ruling "common sense," telling [LifeSiteNews.com](#) that "it is good to have judicial confirmation of what most Australians already knew — that any state or territory laws for so-called same-sex 'marriage' would be unconstitutional. Debates in state parliaments on this issue have been a waste of time."

While Australia's parliament has the power to legalize same-sex marriage, Phillips expressed his hope that the nation's MPs would follow natural law and the will of the people. "Calling a same-sex union 'marriage' would normalize the deliberate, artificial creation of children who would grow up without one of their biological parents," he said.

He noted that most of the homosexual parenting studies played up in the Australian media "are seriously flawed, using volunteer parents who report on the progress of their own children. The only methodologically sound research shows that children are safest by far when raised by both their biological married parents."

Added Phillips: "I hope that federal MPs will continue to recognize that marriage between a man and a woman has been recognized by governments and given status for one reason — that it provides the safest environment to raise the next generation, our nation's future."

Australian Prime Minister Tony Abbott has firmly opposed legalizing same-sex marriage, and in 2012 his governing coalition blocked two federal measures that would have allowed the legal recognition of homosexual partnerships. By contrast, in April neighboring New Zealand legalized same-sex marriage, the first nation in the Asia-Pacific region to do so.

As reported by [The New American](#), the high court ruling in Australia came one day after India's Supreme Court struck down a 2009 lower court ruling that had decriminalized homosexuality.



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