

Gay Plebiscites: Australia's Crisis on Same-Sex Marriage

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What a fabulous mess. And a churning one it is for the Australian government, now mired in yet another farce of weak leadership and bullying factions. A mess for those who feel that this issue need never have gotten this far. A mess for others who just wish to be left alone with their decisions. Such is the nature of the same-sex marriage debate down under.

While other countries have been going along their merry way, through parliament or through the ballot box, to legalise gay marriage, Australia remains suspended. In Germany, the Bundestag finally agreed to pass a four-year-old bill legalising same-sex marriage. Earlier this year, Finland and Slovenia joined the growing ranks. The politicians in Canberra, however, continue to limp.

The Liberal party room antics have managed to stir the political spectrum with vigour. A handful of MPs from the government side began issuing threats: take the vote to Parliament, or we will force the issue. (The opposition Labor Party has threatened, at points, to do so, though this would necessitate a suspension of standing orders.)



Former Prime Minister Tony Abbott (Source: Wikimedia Commons)

Former Prime Minister Tony Abbott, ever sniping against the man who ousted him, suggests

that the Turnbull government is no longer in control of much. With authoritarian tenacity, he insists that “Coalition MPs are honour-bound to oppose same-sex marriage in the absence of a plebiscite.”[1]

Another former Australian prime minister and verbal knuckle duster Paul Keating was venomous as ever on the Liberal Party wobbling:

“I didn’t want to vote for gay marriage – the plebiscite made me do it!’ Is that what this is all about?”[2]

On Monday, the wobblers and the firmly rooted within the party gathered to deliberate the issue. Potential renegades who threatened to take the matter to the floor of parliament and make the issue of same-sex marriage Parliament’s business failed to change the party’s course.

The cabinet wished to push for another vote in parliament to have a plebiscite, another tactic that is bound to fail given the composition of the Senate. No matter, claims Finance Minister Matthias Cormann, whose determination remains a testament to hope over experience.

“Our preference is to give the Australian people a say through a compulsory attendance plebiscite.”[3]

This is the stance favoured by the hardliners who remain committed to delaying what can only be the inevitable. For them, resolving the same-sex marriage debate through Parliament in the absence of a plebiscite would break an electoral promise.

Another alternative was also put on the table: a non-binding postal vote, and even more strikingly for Australian polls, a non-compulsory one, that would bypass any Senate opposition. For MP Craig Kelly, this was, by far and away, the “second-best option”.

Advocates for gay marriage see a plebiscite as a muddling, disgruntling affair. It will agitate the prejudiced, stimulate the bigots, and tease the tax payer’s purse strings. And for what? Those against same-sex marriage are not necessarily going to vote for a change in the Marriage Act, given their burning consciousness. In short, all pantomime and show.



Alex Greenwich (Source: [Heaps Gay](#))

The Australian Marriage Equality group was none too impressed by the proposal. Alex Greenwich, the group’s co-chair, deemed the postal plebiscite “a bloody stupid idea that will weaken Parliament because it basically says people are not prepared to do their job.”[4]

Greenwich and his colleagues are also finding a legal route to frustrate the government proposals. They may well have good reason in succeeding, given a lack of authority to expend funds on such a venture. Bypassing the senate, whose authority would be needed to finalise such supply, would be distinctly prohibited.

Today host Karl Stefanovic, who makes a habit of disturbing the airwaves with headlines,

told the political classes in Canberra to pull their proverbial fingers out “and get on with it”.

“Why do we elect officials if not to make decisions that reflect our beliefs?”

The default of Australian democracy is parliamentary paternalism. Much red-faced consternation tends to take place about the supposed effectiveness of a system that remains a constitutional monarchy, overseen by the unelected official in Canberra known as the governor general.

Nonetheless, the Australian High Court, in 2013, made it clear that marriage as termed in the Australian Constitution refers to a consensual, enduring union between *natural* persons entailing mutual rights and obligations, terminable in accordance with prescribed formalities.[5] In less than gentle fashion, the judges also preferred the matter to be resolved through Parliament.

The plebiscite, in short, will be mere pageantry. Parliament will ultimately decide the matter irrespective of the outcome. The actual decision on whether Australia decides, kicking and waddling, to change an old law will still resolve itself by personal prejudice. The window dressing approach will be to term this a matter of conscience.

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Notes

[1] http://www.huffingtonpost.com.au/2017/08/06/tony-abbott-the-man-who-broke-many-promises-says-dont-break-p_a_23067978/

[2] <https://twitter.com/PmPaulKeating/status/894431743708512257>

[3] <http://www.abc.net.au/news/2017-08-08/same-sex-marriage-plebiscite-attempt-expected-to-be-blocked/8783204>

[4] <http://www.abc.net.au/news/2017-08-07/live-liberals-reach-decision-on-same-sex-marriage/8781894>

[5] <http://www.hcourt.gov.au/assets/publications/judgment-summaries/2013/hca55-2013-12-12.pdf>

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