

# Australia Today

News via satellite from the world's foremost newswires



## Marriage changes 'will end in court'



Supporters of same-sex marriages rally in Sydney last Saturday

CANBERRA (AAP) - A prominent human rights lawyer says any change to federal law to allow gay marriage is likely to be challenged in the High Court of Australia. Labor backbencher Stephen Jones will bring a private member's bill to parliament in early 2012 to change the definition of marriage in the Marriage Act.

The move follows the ALP's decision last week to change its platform, to "ensure equal access to marriage under statute for all adult couples irrespective of sex who have a

mutual commitment to a shared life". Jesuit priest and academic Fr Frank Brennan, writing in the online magazine Eureka Street, said he had no doubt there would be a High Court challenge if the bill passed parliament.

"Even if the Australian parliament does legislate to expand the definition of marriage beyond its traditional meaning in the Marriage Act, there will undoubtedly be a constitutional challenge in the High Court given that the parliament does not have the power to expand its legislative competence

beyond the wording of the constitution," Fr Brennan wrote.

Under the constitution, the parliament has the power to "make laws with respect to marriage". In 1991, High Court judge Sir Daryl Dawson said the commonwealth power to legislate with respect to marriage "is predicated upon the existence of marriage as a recognisable (although not immutable) institution".

Justice Dawson warned: "Just how far any attempt to define or redefine, in an abstract way, the rights and obligations of the parties to a marriage may involve a departure from that recognisable institution, and hence travel outside constitutional power, is a question of no small dimension." Fr Brennan said a better approach would be for the states and territories to uniformly legislate for civil unions.

The Queensland parliament passed civil unions legislation last week, following in the footsteps of Victoria, Tasmania and the ACT. The Australia National University's Professor Margaret Thornton said the federal government would have a "good chance" of defending the law change in the High Court.

## Australian sentenced to 500 lashes in Saudi Arabia

SYDNEY (AFP) - An Australian man has been sentenced to 500 lashes and a year in jail by a court in Saudi Arabia after being found guilty of blasphemy, Canberra said on Wednesday.

Reports said Mansor Almaribe, 45, was detained in the city of Medina on November 14 while making the hajj pilgrimage and accused of insulting companions of the prophet Mohammed.

Australia's Department of Foreign Affairs and Trade said he was sentenced on Tuesday and Canberra's ambassador in Saudi Arabia had been

in touch with authorities to plead for leniency.

"The Australian ambassador has been in touch with Saudi authorities after a 45-year-old Australian man was sentenced by a court in Saudi Arabia to one year in jail and 500 lashes," a DFAT spokeswoman said.

A consular official attended the sentencing, where the Shiite Muslim was initially slapped with a two-year jail term that was subsequently reduced, the spokeswoman added.

The Melbourne Age has previously said the father-of-five from

Shepparton in Victoria state, who could not afford a lawyer, suffers from diabetes and heart disease, with grave fears for his health. His eldest son, Jamal, told the newspaper this week that his father had been reading and praying in a group when accosted by religious police and arrested.

Another son, Mohammed, said Wednesday his father would not survive 500 lashes, given his health issues. "Five hundred lashes on his back, and he has back problems. I wouldn't think he'd survive 50," he told ABC radio.

### Today's highlights



### National Accounts

Treasurer Wayne Swan says the latest set of national accounts show that Australia is better placed to face a turbulent global economy than just about any other country.



### Pat Cummins

Teenage pace sensation Pat Cummins will likely miss the bulk of the home Test series against India with a bone stress heel injury, Cricket Australia said on Wednesday.



AUD = USD 1.0267-69



All Ordinaries  
4,351.3 +0.7



CANBERRA  
Min 6°C Max 18°C

### Thieves steal two pythons and a croc

ADELAIDE (AAP) - The criminal underworld is full of snakes - literally - as the black market for reptiles led thieves to slither away with two pythons and a croc in Adelaide. The thieves broke into a reptile store in the suburb of Pooraka, in Adelaide's north, overnight before making away with the trio, police said.

The two green tree pythons, both four-years-old, are 1.2 metres long, and the two-year-old Johnston's fresh water crocodile is 60cm in length. World Wildlife Fund (WWF) spokesman Glenn Sant said it was likely the reptiles would be exported or sold to collectors. "You can basically assume they will go into the illegal wildlife trade," he told AAP.

## Brown and Katter back anti-CSG activist

BRISBANE (AAP) - Australian Greens leader Bob Brown and maverick independent MP Bob Katter have come together in an unlikely alliance at a southern Queensland court to support an anti-coal seam gas activist. Both leaders were at the Dalby Magistrates Court on Wednesday to support Lock the Gate Alliance president Drew Hutton. Also there were Queensland Greens Senator Larissa Waters and Katter's Australian Party Queensland leader Aidan McLindon.

Mr Hutton was arrested in March after joining a blockade against the construction of a CSG pipeline on Queensland's Western Downs. He was charged under Section 804 of the Petroleum and Gas Act with obstructing a CSG company without reasonable excuse. The section guarantees mining and gas companies access to private land and the offence carries a potential \$50,000 fine.

On the opening day of a two-day hearing, Senator Brown and Mr Katter addressed a rally of about 50 farmers and supporters outside the court. The Greens leader said it was a pivotal case in farming and mining history.

"What's important here is that there are incredibly brave and courageous people who will occasionally, when a cause comes along, make the stand and Drew Hutton's done that, and the farmers of this region are doing that and it's up to us in politics to stand behind them," Senator Brown told reporters in Dalby.

## Fugitive shoots police officer, eludes capture

SYDNEY (AAP) - One of the most wanted men in NSW has shot a police officer and eluded capture once again after a failed attempt to apprehend him over a 2005 murder. A 33-year-old officer attached to the State Protection Group was wounded in the right shoulder about 7am (AEST) on Wednesday at a remote campsite in dense bushland near Nowendoc, east of Tamworth.

Before police spotted bush fugitive Malcolm Naden, an unseen person fired a single gunshot and disappeared from the remote, rugged area. The injured officer was airlifted to John Hunter Hospital. He received treatment and was later released. "I can indicate after speaking to the officer, whilst he was heavily sedated, he was in very good spirits and understood he was very, very fortunate," NSW Police Commissioner Andrew Scipione told reporters in Sydney.

## Greens slam fed govt over whaling comments

ADELAIDE (AAP) - The federal government will be responsible if the Japanese whaling fleet's invasion of the Antarctic whale sanctuary ends in violence, Australian Greens Leader Bob Brown says. Japan's whaling fleet is heading to Antarctica for its annual hunt, which it says is for scientific research, amid international protests.

Environmental activist group Sea Shepherd will sail to the icy Southern Ocean to try to stop them harpooning whales. Sea Shepherd founder Paul Watson says both his group and the Japanese have asked Australia to send a vessel to guard them from each other during what he expects to be intense confrontations.

"That is one of the reasons I asked Australia to send a vessel down to keep the peace, but they refused," Captain Watson told AAP. Environment Minister Tony Burke says Japan has asked for a higher level of protection for their vessels. "We don't buy for one minute this argument that it is somehow scientific whaling,"

## Fr Riley has conflict on pokies: church

CANBERRA (AAP) - The Catholic church and a joint churches anti-gambling taskforce has distanced itself from a priest's decision to take part in a gaming industry campaign against the government's pokies reforms. Youth Off The Streets founder Father Chris Riley appears on a flyer for Clubs Australia that will be distributed in 46 Labor and independent electorates in Victoria, NSW and Queensland.

Fr Riley, whose charity receives two per cent of its donations from registered clubs, believes education and counselling, not legislation, is the better way to help problem gamblers.

Under a deal independent MP Andrew Wilkie struck with federal Labor, poker machine players will be required to preset a limit on how much they plan to gamble on high-stakes poker machines.

Alternatively, high-bet poker machines could be reprogrammed to cap losses at \$120 an hour, rather than \$1200 an hour, and the low-bet machines would not require pre-commitment cards.



A Japanese whaling vessel

Mr Burke said in a statement to AAP on Wednesday.

"You don't travel from one side of the globe to the other to harpoon whales and chop them up in the name of science. "There is no way that we could countenance something like that ... we have no plans to send a vessel down."

Mr Burke told ABC radio some people believed sending an Australian vessel could escalate "activities". Senator Brown says Mr Burke would share the Gillard government's responsibility if a confrontation between the groups ended in violence.

## Bright sparks receive awards from Prime Minister

CANBERRA (AAP) - The best and brightest students from Australia and Asia will undertake academic and cultural exchanges as part of the Prime Minister's Australia Asia Awards. Prime Minister Julia Gillard congratulated recipients of the awards in Canberra on Wednesday.

The awards provide 40 scholarships annually to 20 Australian undergraduates and 20 postgraduates. In addition, 20 scholarships are awarded to the top international Endeavour postgraduate award scholars from Asia each year.

Ms Gillard said the awards were offered to the best scholars, researchers and emerging leaders from Australia and participating economies in the Asian region, and recognised that the recipients were future leaders.

Australian recipients this year represent institutions from six states and territories. They are undertaking study or research in a diverse range of fields including the creative arts, biomedical engineering, psychology and marketing.

"These high-achieving students have the opportunity to immerse themselves in the academic and social cultures of other countries by undertaking international study and work experience," Ms Gillard said.

## WORLD NEWS

**RUSSIA:** Russia's opposition on Wednesday promised new rallies contesting the results of elections won by Vladimir Putin's party, despite the arrests of hundreds in a police crackdown on a Moscow protest. Riot police in helmets roughly dragged over 550 protesters into detention vans on Tuesday evening in central Moscow, in the second protest in as many days organised via the Internet to protest Sunday's parliamentary polls.

**SYRIA:** The United States and France sent their ambassadors back to Syria to champion protesters, demanding that the regime protect the envoys who had been pulled out due to safety fears. US Ambassador Robert Ford and French Ambassador Eric Chevallier had faced harassment and threats as they shone a light on President Bashar al-Assad's nine-month crackdown, in which more than 4,000 people are said to have died.

**CHINA:** Chinese police have busted two huge child trafficking rings that spanned 10 provinces, arresting more than 600 suspects and rescuing 178 children, the government said on Wednesday. The public security ministry said in a statement that police in the southwestern province of Sichuan had chanced on clues that a child trafficking gang was operating there when dealing with a traffic accident in May.

**DR CONGO:** Troops in Kinshasa were on standby on Wednesday as the DR Congo faced up to two more days of tense waiting for the full results of an election that has raised fears of a fresh explosion of violence. President Joseph Kabila, in power since 2001, looked on track for another five-year term in the single-round race, leading top rival Etienne Tshisekedi 49 to 33 percent in results announced on Tuesday and based on 89 percent of polling centres.

**PAKISTAN:** Pakistan's embattled President Asif Ali Zardari will remain in hospital in Dubai until further notice after suffering a minor heart attack and undergoing an operation, officials said on Wednesday. The unpopular 56-year-old head of state flew to the United Arab Emirates on Tuesday after falling ill in the midst of a major scandal over alleged attempts by a close aide to seek US help to limit the power of Pakistan's military.

## FINANCE

### Swan: Australia better placed than most

CANBERRA (AAP) - Treasurer Wayne Swan says the latest set of national accounts show that Australia is better placed to face a turbulent global economy than just about any other country. But the opposition can't understand how the treasurer has managed to drive the budget deeper into the red when the economy is so strong.

The national accounts released on Wednesday showed the economy grew

by 1.0 per cent in the September quarter, the second consecutive quarter of solid growth, and rebounding from the impact of the natural disasters at the start of the year. "Today's figures are an exceptional outcome, particularly at a time when most economies are struggling to grow at all and are suffering mass unemployment," Mr Swan told reporters in Canberra.

### Most profitable banks stay mum

CANBERRA (AAP) - Politicians, business and consumer groups are exasperated that the nation's major banks have yet to respond to the Reserve Bank of Australia's (RBA) latest cut in the official cash rate. The central bank cut the cash rate on Tuesday for the second month in a row. The decision, which followed the RBA's final board meeting of the year, took place against the backdrop of a worrying global economy.

Yet none of the big four banks - ANZ, Commonwealth Bank of Australia, National Australia Bank or

Westpac - has so far flagged a response. Treasurer Wayne Swan said bank customers would be "rightly very angry" if their lending institution did not pass on the official rate cut in full.

"[The banks] have record profitability. Their return on equity is like no other anywhere in the world," Mr Swan told reporters in Canberra on Wednesday. He said his government had put in place a set of arrangements to increase competition that allowed customers to "walk down the road and get a better deal".

### Shares add 0.7% on GDP

SYDNEY (AAP) - Australian shares added 0.7 per cent as hopes for a new debt deal in Europe and forecast-beating economic growth data for the September quarter boosted investor appetite. Europe's touted new debt plan, due to be presented at this week's leaders' summit, would reportedly almost double the size of the region's fund for indebted nations and include increased backing from the International Money Fund.

The news helped markets shrug off a warning from ratings agency Standard&Poor's that 15 eurozone nations - including economic powerhouse Germany - could face a credit ratings downgrade if they fail to reach an agreement.

On Wednesday, the benchmark S&P/ASX200 index had come off earlier highs but closed up 30.5 points, or 0.7 per cent, at 4,292.5, while the broader All Ordinaries index rose 29.7 points, also 0.7 per cent, to 4,351.3.

On the ASX 24, the December share price index futures contract was up 33 points at 4,301, with 29,139 contracts traded. Telecoms and healthcare stocks stood out on the day, with the sectors both rising a little more than one per cent. Telstra finished up four cent, or 1.3 per cent, at \$3.25. Mr Esho said the company remained an attractive investment as the telecoms giant is maintaining its dividend, despite difficult market conditions.

## AUSTRALIAN STOCK EXCHANGE

Top ten by value at Wednesday's close			
BHPBilton	330,435,380	37.02	+0.310
Newcrest	204,828,522	33.18	-0.810
CBA	203,636,598	50.17	+0.470
ANZ Bank	165,446,343	21.24	+0.250
WestpacBk	136,594,975	21.61	+0.150
Rio Tinto	135,861,385	66.25	+0.700
NAB	110,872,447	24.40	+0.120
Wesfarmers	87,662,167	32.00	-0.200
TelstraCp	80,786,550	3.25	+0.040
Iluka Res	74,593,260	15.79	+0.880

## CLOSING WORLD STOCK INDEXES

		Dec 07	Dec 06
Hong Kong	H-S	19,240.58	18942.23
Singapore	STI	2782.55	2749.24
Sydney	All Ord	4351.26	4321.60
Tokyo	Nikkei	8722.17	8575.16
		Dec 06	Dec 05
Amsterdam	AEX	304.80	305.10
Brussels	Bel-25	2086.05	2117.39
Frankfurt	DAX	6028.82	6106.09
London	FT-100	5568.72	5567.96
Mexico	IPC	37071.17	37103.17
Milan	MIB	15848.21	15926.47
Paris	CAC-40	3179.63	3201.28
Toronto	TSX	12081.25	12119.33
Zurich	SMI	5767.93	5739.86

## CURRENCY RATES

Snapshot at 1700		
	Dec 7	Dec 6
AUD/USD	1.0267-69	1.0180-82
AUD/JPY	79.81-84	79.14-16
AUD/EUR	0.7652-57	0.7611-16
AUD/NZD	1.3149-56	1.3116-22
AUD/GBP	0.6576-81	0.6513-17
EUR/USD	1.3415-17	1.3373-74
USD/JPY	77.73-74	77.73-75
EUR/JPY	104.28-30	103.95-97

## PEOPLE

### Winehouse album set for Brit number one

LONDON (AFP) - A posthumous album by British singer Amy Winehouse had sold almost 70,000 copies one day after it went on sale and was on course to reach number one, the Official Charts Company said on Tuesday. "Lioness: Hidden Treasures" was put together following the 27-year-old's death in July and features unreleased tracks, alternate versions of existing classics as well as a couple of brand new compositions by Winehouse.

The 12-song album "is on course to be this week's number one on the Official Album Chart," the company said. It said almost 70,000 copies had been sold, and Winehouse's record company confirmed that it was currently the top-selling album in Britain.

## SPORT

### Cummins likely to miss most of India Test series

HOBART (AFP) - Teenage pace sensation Pat Cummins will likely miss the bulk of the home Test series against India with a bone stress heel injury, Cricket Australia said on Wednesday. The 18-year-old fast bowler suffered the injury during his man-of-the-match debut in last month's second Johannesburg Test against South Africa.

It was initially thought to be bruising but new scans have revealed a bone stress problem and Cummins is unlikely to bowl again until early to mid-January, CA said. India begin their four Test series against Australia at the Melbourne Cricket Ground on Boxing Day with further Tests in Sydney, Perth and Adelaide throughout January.

"By the end of last week it was apparent to all of us managing him that

he was progressing slower than expected for a soft tissue injury of the heel," Australian team physiotherapist Alex Kountouris said on Wednesday. "As such we arranged for him to see a foot specialist and had further scans that have identified a bone component to his injury that was not evident on the original scans.

"We now believe that Patrick has a bone stress injury as well as the fat pad injury (soft tissue injury)." Kountouris said Cummins was not likely to resume bowling until after the opening two Tests against India. The third Test against India is in Perth from January 13-17 and the fourth and final Test at Adelaide Oval from January 24-28. Cummins still has his sights on playing some role in the Test series.

He told reporters he did not have a date for his return to cricket but he aimed to play in the subsequent Twenty20 series against India and tri-nation one-day series also involving Sri Lanka, and possibly even some Test cricket. "Hopefully the one-day series and the Twenty20," he said. "Maybe I'll even be back in the Test."

The teenager played down concern about the more serious diagnosis and was planning to rest until the Christmas period, when he will again test out his heel. "It will only make a few weeks' difference," he said.

"We thought there might have been something more to it because it took a bit longer to heal. Obviously, it's disappointing but hopefully it doesn't make too much of difference."

## Thurston eyes move to No.6

SYDNEY (AAP) - Indigenous All Stars skipper Johnathan Thurston wants Darren Lockyer's vacant representative No.6 jumper - with next year's season-opener the first step in what he hopes is a permanent move to five-eighth.

Thurston - last month crowned the best player in the game - is keen to walk away from the halfback position he has dominated the past few seasons. He claims Lockyer's retirement following last month's victorious Four Nations triumph presents the perfect opportunity to make the shift - as he looks to fill Lockyer's boots for both Queensland and Australia.

And he doesn't want to stop there - saying he has already spoken to North Queensland coach Neil Henry about making the move for the Cowboys as well. "I've made no secret that I want to play six - I'm very familiar with that role, I played it all through my juniors, I moved to the Bulldogs as a six, I made my debut there, the Cowboys recruited me as a six," Thurston said.

## Perth to host Aust's richest golf event

SYDNEY (AAP) - Perth will have Australia's richest golf tournament when it stages the inaugural \$US2 million Perth International Championship next year. Backed by the WA Government under a three-year agreement, the tournament is to be co-sanctioned by the European and Australasian tours and played at Lake Karrinyup Country Club from October 18-21.

The event puts Perth back on the international golf map, following on from the Heineken Classic, Johnnie Walker Classic and Lexus Cup staged in recent years. Owned and promoted by international sports management company, IMG, the Perth International should draw a strong field of overseas stars to battle the Australians through its connection with the European tour.

PGA Tour of Australasia chief executive Brian Thorburn welcomed the event as another boost for Australian golf after a big season highlighted by the Presidents Cup.

## Ponting has no regrets over cricket captaincy



*Ponting led Australia in 77 Tests*

HOBART (AFP) - Ricky Ponting said on Wednesday he has no regrets about quitting the Australian captaincy and welcomes having fewer responsibilities ahead of this week's second Test against New Zealand. Ponting led Australia in 77 Tests before he stood down as Test and one-day skipper after the World Cup earlier this year, making way for deputy Michael Clarke to take charge.

Ponting, who turns 37 this month, has continued as a batsman in the Test team and is lining up for his seventh and possibly final Test at Hobart's Bellerive Oval where he began his first-class career with Tasmania in 1992.

It is rare for former Australian captains to continue playing on under a

new leader and Ponting was asked at a press conference whether he had adjusted to his new role. "It's a lot of fun actually not being the captain," Ponting laughed. "Am I adjusting? Just the same way I was before when I was captain. I just want to be the best member of the team that I can possibly be.

"And that's by trying to do the best I can by scoring runs and trying to offer advice and help young guys along the way and be there as an extra pair of eyes or ears for the captain if he needs me as well." Ponting, lining up for his 158th Test match, said he felt more relaxed without the added responsibilities associated with being team captain.

## McDonald bowls Victoria to win over Qld

MELBOURNE (AAP) - Defending one-day champions Victoria claimed their third consecutive win to keep their title hopes alive following a 12-run victory over Queensland. Victoria won the toss and were held to a modest total of 237 in 48.4 overs at the MCG on Wednesday, but their bowlers knocked over the Bulls for just 225 in reply from 48.1 overs.

Bushrangers medium-pacer Andrew McDonald claimed a career-best 5-38 off 9.1 overs in a match-winning display. The result puts Victoria third on 13 points, trailing only Queensland (17) and Tasmania (18). James Hopes (4-64 off 13 overs) and Alister McDermott (4-30 off 10.4) had led the way for the Bulls in the field.

## SA dig deep in Shield

PERTH (AAP) - Joe Mennie's seven-wicket haul and Callum Ferguson's unbeaten century on Wednesday gave South Australia some hope of avoiding Sheffield Shield outright defeat against Western Australia.

The Redbacks recovered from a disastrous start to the match to sit at 2-206 in their second innings at stumps on day three at the WACA Ground. SA still trail the Warriors by 69 - with the home side bowled out for 368 earlier on Wednesday in reply to the Redbacks' miserable first innings total of 93 - but have a chance to deny WA their outright victory, thanks in part to the rain which saw play abandoned on Tuesday.

Ferguson finished the day with 113 as he combined with Michael Klingler (80 not out) to post an unbeaten 195-run partnership to help the visitors recover from massive trouble at 2-11.

## WEATHER

Observations at 1635 on Wednesday

	Max	Min
MELBOURNE	26	13
SYDNEY	19	12
ADELAIDE	30	17
BRISBANE	24	17
TOWNSVILLE	30	25
CAIRNS	31	25
CANBERRA AP	18	6
HOBART	19	12
DARWIN	34	28
ALICE SPRINGS	34	15
PERTH AP	23	17
BROOME	33	27

## Hewitt, Tomic poised for Davis Cup tie

MELBOURNE (AAP) - Lleyton Hewitt and Bernard Tomic are again set to lead Australia into battle next year in a Davis Cup zonal rematch against China in Geelong. The Asia/Oceania Group II match will be played on grass at the Geelong Lawn Tennis Club from February 10-12.

Davis Cup captain Pat Rafter said the Australians were keen to meet the Chinese again after a close qualifying win in Beijing earlier this year. "Our planning has already started for this tie and we are hellbent on playing well and winning," Rafter said.

"The boys really enjoy playing on grass and are keen to get on the local courts as early as we can. "We always get great support when we go to regional centres and we will be keen to give the people of Geelong a good look at some top-class Davis Cup tennis."

## Burrow wants Triple Crown of surfing

SYDNEY (AAP) - Taj Burrow is expecting things to get scary at the Pipeline Masters with a monster swell on its way to Hawaii's north shore for the world surfing tour finale which begins on Friday. The Masters is also the final leg and jewel in Hawaii's Triple Crown which Burrow has a great chance of winning.

Forecasters are predicting waves to reach around the 20-foot mark at the infamous reef break for day one of the contest. "It looks like the surf is only going to get better, so I'm getting excited," world No.5 Burrow said.

"I've been surfing out there a lot, but it's mainly only been rippable little turns, so I'm looking forward to getting some barrels. Big Pipe is pretty intimidating, it's scary for sure, but it's awesome at the same time."