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SITTING DAYS—2017

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General
His Excellency General the Hon. Sir Peter Cosgrove AK, MC (Retd)

House of Representatives Office Holders
Speaker—Hon. Anthony David Hawthorn Smith MP
Deputy Speaker—Mr Mark Maclean Coulton MP
Second Deputy Speaker—Mr Robert George Mitchell MP

Members of the Speaker's Panel—
Hon. Sharon Leah Bird MP, Mr Scott Andrew Buchholz MP, Ms Sharon Catherine Claydon MP, Mr Steven Georganas MP, Mr Ian Reginald Goodenough MP, Mr Andrew William Hastie MP, Mr Kevin John Hogan MP, Mr Luke Ronald Howarth MP, Mr Stephen James Irons MP, Ms Melissa Lee Price MP, Ms Maria Vanvakinou MP, Mr Ross Xavier Vasta MP and Mrs Lucy Elizabeth Wicks MP

Leader of the House—Hon. Christopher Pyne MP
Deputy Leader of the House—Hon. Darren Chester MP
Manager of Opposition Business—Hon. Anthony Stephen Burke MP
Deputy Manager of Opposition Business—Hon. Mark Dreyfus QC MP

Party Leaders and Whips
Liberal Party of Australia
Leader—Hon. Malcolm Bligh Turnbull MP
Deputy Leader—Hon. Julie Isabel Bishop MP
Chief Government Whip—Ms Nola Bethwyn Marino MP
Government Whips—Mr Albertus Johannes van Manen MP and Mr Rowan Eric Ramsey MP

The Nationals
Leader of The Nationals in the Parliament—Senator Hon. Nigel Scullion
Chief Whip—Hon. Damian Kevin Drum MP
Deputy Whip—Ms Michelle Leanne Landry MP

Australian Labor Party
Leader—Hon. William Richard Shorten MP
Deputy Leader—Hon. Tanya Joan Plibersek MP
Chief Opposition Whip—Mr Christopher Patrick Hayes MP
Opposition Whips—Ms Joanne Catherine Ryan MP and Mr Graham Douglas Perrett MP

Printed by authority of the House of Representatives
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<tr>
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<td>North Sydney, NSW</td>
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PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party; AUS—Katter’s Australia Party;
IND—Independent; LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; NXT—Nick Xenophon Team

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Clerk of the Senate—R Pye
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
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<tr>
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<td>Senator the Hon. Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for Counter-Terrorism</td>
<td>Hon. Michael Keenan MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon. James McGrath</td>
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<td>Hon. Angus Taylor MP</td>
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<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>Hon. Barnaby Joyce MP</td>
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<tr>
<td>Attorney-General</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<td>Minister for Justice</td>
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<tr>
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<tr>
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<tr>
<td><strong>(Manager of Government Business in the Senate)</strong></td>
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<tr>
<td><strong>Acting Minister for Regional Communications</strong></td>
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<tr>
<td><strong>Minister for Employment</strong></td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>Hon. Christian Porter MP</td>
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<td><strong>Minister for Human Services</strong></td>
<td>Hon. Alan Tudge MP</td>
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<tr>
<td><strong>Assistant Minister for Social Services and Disability Services</strong></td>
<td>Hon. Jane Prentice MP</td>
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<tr>
<td><strong>Assistant Minister for Social Services and Multicultural Affairs</strong></td>
<td>Senator the Hon. Zed Seselja</td>
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<tr>
<td><strong>Minister for Education and Training</strong></td>
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<tr>
<td><strong>Assistant Minister for Vocational Education and Skills</strong></td>
<td>Hon. Karen Andrews MP</td>
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<tr>
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<td>Hon. Josh Frydenberg MP</td>
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<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</td>
<td>Senator Patrick Dodson</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon. Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Preventing Family Violence</td>
<td>Terri Butler MP</td>
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<tr>
<td>Shadow Assistant Minister to the Leader (Tasmania)</td>
<td>Senator Helen Polley</td>
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<tr>
<td><strong>Deputy Leader of the Opposition</strong></td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Shadow Minister for Education and Training</td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Shadow Minister for Women</td>
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<tr>
<td>Shadow Minister for Skills, TAFE and Apprenticehips</td>
<td>Senator the Hon. Doug Cameron</td>
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<tr>
<td>Shadow Assistant Minister for Schools</td>
<td>Andrew Giles MP</td>
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<tr>
<td>Shadow Assistant Minister for Universities</td>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<td>Ed Husic MP</td>
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<tr>
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<tr>
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<tr>
<td>Shadow Minister Assisting for Resources</td>
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Thursday, 7 December 2017

The SPEAKER (Hon. Tony Smith) took the chair at 9:30, made an acknowledgement of country and read prayers.

BILLS

Marriage Amendment (Definition and Religious Freedoms) Bill 2017
Second Reading

Consideration resumed of the motion:
That this bill be now read a second time.
to which the following amendment was moved:
That all words after "That" be omitted with a view to substituting the following words:
"whilst not declining to give the bill a second reading, the House notes that it is vital that individuals and entities are not disadvantaged nor suffer any adverse effects as a result of conscientiously holding a particular view of the nature of marriage"

The SPEAKER (09:31): The original question was that this bill be now read a second time. To this, the honourable member for Warringah has moved as an amendment that certain words after 'that' be omitted with view to substituting other words. If it suits the House, I will state the question in the form 'that the amendment be agreed to'. The question now is that the amendment be agreed to.

Mr ENTSCH (Leichhardt) (09:33): I thank honourable members for their contributions to the second reading debate on the Marriage Amendment (Definition and Religious Freedoms) Bill 2017. I would particularly like to acknowledge at this point the co-signers of the bill who are here. We have Senator Dean Smith, who dealt with this in the other place, and my good friends here: Trent Zimmerman, Tim Wilson and Trevor Evans. Thank you very much indeed for your great friendship and support on this journey.

As colleagues know, the debate on this bill has been a long time coming. I have been delighted to hear 125 second reading speeches, totalling 21 hours and 31.5 minutes, from parliamentary colleagues sharing their own personal stories, as well as the stories of their families, friends and constituents. There have certainly been some highs and there have certainly been some lows. You can't help but be moved by the stories shared by the member for Barton, Linda Burney, and the member for Corangamite, Sarah Henderson, on the loved ones that they have lost. They reminded us about the consequences of nonacceptance and marginalisation; the effect of inequality and discrimination is clearly dire. I was particularly delighted to witness my friend Tim Wilson propose to his long-time partner, and now officially his fiance, Ryan, and I'm glad for Tim's sake that Ryan said yes. I'm hoping for an invitation to his wedding, as well as to many others across Australia—and hopefully some in beautiful Far North Queensland.

As this stage of the debate is drawing to a close, I hope that we appreciate the journey that we in this House have come on, just as we should appreciate how far we've come as a country to get to this point today. I've been heartened to see the wonderful non-partisan cooperation, compassion and respect in this debate. This was parliament at its best, with so many people on their feet; standing up for what they believe is right, and doing so in a dignified and very, very
respective manner. However, there was one contribution—I'm disappointed to see that he's left the chamber—that was the exception, and it deserves special mention. That was the contribution of the member for Kennedy, Bob Katter, who was the last speaker in the second reading debate last night. His pathetic attempts at humour and his insensitivity and grossly misleading comments were devoid of any facts; they were highly offensive, embarrassing and cringe-worthy. They need to be called out for what they are. His speech exemplifies what the LGBTIQ community have had to endure for so long. The member for Kennedy's speech needs to be taken in isolation; it does not represent the views of the parliament. It certainly does not represent the views of an overwhelming majority of Australians.

But it is now our job, as members of parliament, to pass a fair bill that does not extend or create any new discriminations. This bill before us is a product of a government exposure draft and a Senate select committee inquiry. It is a good bill. It is a strong bill that already strikes the right balance between equality and freedom of religion. It is a bill that does not need any amendments, as evidenced by the Senate passing the bill unamended last week. Now there is a second reading amendment, which was moved by the member for Warringah. I've received advice from the Clerk about the effect of the second reading amendment to the bill. The Clerk of the House confirms that if the second reading amendment is carried, it will stop the progress of the bill. If I could, I will just read from the Clerk here:

The reason why progress on the bill is arrested is that, if the amendment is agreed to, the immediate question before the House is 'whilst not deciding to give the bill a second reading … etc'. There is no longer an opportunity for the House to consider the question 'that the bill be now read a second time'- an essential step for the bill to be able to progress to further stages.

In the absence of any action the bill would effectively be dead …

To summarise, the passage of a second reading amendment to a bill is not insignificant. There has only been one instance in the history of the House. Unless some action is taken on the bill its progress would cease at that point. As the revival of the bill may require a suspension of standing orders without notice, this could only be done with an absolute majority.

That is the advice from the Clerk.

It's now our turn to consider and vote upon the changes that have been proposed. I have considered the amendments and do not believe any of these amendments are necessary. The bill does not restrict religious beliefs or inhibit freedom of speech. This bill gives so much and takes from no-one. I have listened to the concerns of people who voted no in the postal survey and to colleagues who openly oppose marriage equality. Any concerns raised in the amendments, notably those that have consistently opposed marriage equality, can be properly considered by the government's thorough inquiry into religious freedom, due to report by next March.

I look forward to the chamber's consideration of amendments, and ask colleagues to remember that Australians have emphatically voted to end discrimination against the LGBTIQ community, and their friends, family and colleagues. I commend the bill in its current form to the House.

The SPEAKER: The original question was that this bill be now read a second time. To this, the honourable member for Warringah has moved as an amendment that all words after 'that' be omitted with a view to substituting other words. The immediate question before the House is that the amendment be agreed to.
Question negatived.
Original question agreed to.
Bill read a second time.

**Consideration in Detail**

Bill—by leave—taken as a whole.

**Mr BANDT** (Melbourne) (09:40): by leave—I move amendments (1) to (12) together:


2. Schedule 1, item 1, page 4 (lines 12 to 14), omit all the words from and including "their religion" to the end of paragraph 2A(b), substitute "their religion or the views of their religious community; and".

3. Schedule 1, page 5 (after line 17), after item 5, insert:

   **5A Section 6**
   Omit "This", substitute "(1) This".

   **5B At the end of section 6**
   Add:

   (2) This Act is not intended to exclude or limit the operation of a State or Territory law dealing with anti-discrimination, to the extent that that law is capable of operating concurrently with this Act.

4. Schedule 1, item 8, page 6 (line 21), omit "(1) The", substitute "The".

5. Schedule 1, item 8, page 7 (lines 1 to 17), omit subsection 39DD(2) (including the subheading).

6. Schedule 1, item 20, page 11 (lines 6 and 7), omit paragraph 47(3) (c).

7. Schedule 1, item 21, page 11 (lines 15 to 17), omit subsection 47A(1), substitute:

   **Refusing to solemnise a marriage on the basis of religious beliefs**

   (1) A religious marriage celebrant may refuse to solemnise a marriage despite anything in this Part if:

   (a) the refusal conforms to the doctrines, tenets or beliefs of the religion of the celebrant's religious body or religious organisation; or

   (b) the refusal is necessary to avoid injury to the religious susceptibilities of adherents of that religion.

8. Schedule 1, item 21, page 11 (line 21) to page 12 (line 11), omit section 47B.

9. Schedule 1, item 48, page 14 (lines 29 and 30), omit paragraph 81(2) (c).

10. Schedule 1, item 63, page 17 (line 10), omit "47(3) (a), (b) or (c)", substitute "47(3) (a) or (b)".

11. Schedule 1, item 63, page 17 (line 18), omit "the circumstances mentioned in subsection 47A(1)", substitute "any of the circumstances mentioned in paragraph 47A(1) (a) or (b)".

12. Schedule 1, item 63, page 17 (line 23), omit "81(2) (a), (b) or (c)", substitute "81(2) (a) or (b)".

The Greens are moving these amendments—and these are the same amendments as were moved in the Senate—to do a number of things. I'll explain shortly and without detaining the House for too long what each of those things does. I want to make the point that of course, whether or not these amendments are successful, this bill will be supported. This is a bill that has been a long time coming and is something the Greens have campaigned for for a very long time.
The amendments that have been moved will do several things. They're important not so much for technical reasons but because the principle of this bill, and the principle of the vote of the people in the postal survey that we didn't want to have but that came back with a resounding yes, was to enshrine equality. It was to enshrine equality in our laws. It was not to further entrench discrimination. And, in our mind, there are a number of items that are in this bill that we do support as a compromise bill but that nonetheless contain elements of that compromise that we are worried might potentially open the door for further discrimination in the future.

The items with respect to civil celebrants would remove the transitional provision that allows civil celebrants who are not ministers of non-recognised religions to become religious marriage celebrants and allows them to then have the ability to refuse to solemnise marriages on the basis of their personal religious beliefs. That is because, in the bill as proposed, the proposed right of refusal for existing celebrants who are laypeople reflects a shift from giving religious organisations exemptions from our antidiscrimination law to giving individuals exemptions based on their personal religious belief.

We do note that the Coalition of Celebrant Associations say that they only expect that a very small number of people might take up that exemption, but we are worried that there is a distressing precedent that is being set by allowing individuals rather than organisations to now start claiming this question of exemption on the basis of personal religious belief. It sends, we think, the wrong message to LGBTI Australians, and we should not be opening the door to allow individuals to start claiming those kinds of exemptions. You only need to think—if you took it out of the LGBTI context and put it into another context—of someone claiming an exemption on the basis of their personal belief around another attribute to see how this could be a potentially worrying move in the future, should it be expanded.

The items regarding personal religious belief fall into the same category, and I move those for the same reasons.

I want to also draw attention to the amendments regarding the title. If I look at the title, I understand, given that it was a compromise bill, why the title of this bill does not reflect the question of equality, but it is disappointing that it doesn't. We're proposing, very simply, a compromise solution that we change it back to 'marriage amendment bill' so that it's not about primarily protecting religious freedoms, which we say don't need to be protected beyond the bills that we've previously introduced in this place because they are already protected in other forms of the law. But we should recognise this for what it is—namely, an amendment to the Marriage Act, and that is its primary purpose.

With regard to the item concerning interaction with state and territory laws, this is important. In the discussions that took place that led to the compromise bill, which I reiterate we support, very real questions were raised about what this bill might do to those protections that exist in state or territory laws where the state and territory laws have gone further—in particular, one may think about Tasmania—in recognising the removal of discrimination, especially with respect to LGBTI communities. When one considers that with the goods and services question, which I will come to next, one understands, I hope, the import of the door that we are potentially opening.

The amendment with respect to goods and services should be removed. There are already exemptions in the Sex Discrimination Act that allow religious organisations the right of
refusal in respect of goods and services. We do not support those exemptions, have
campaigned for some time and will continue to campaign for the removal of those
exemptions. (Time expired)

The SPEAKER: The member for Melbourne has the call.

Mr BANDT: For the benefit of the House, I won't speak for much longer. It is not right
that religious organisations are able to claim exemptions from the Sex Discrimination Act that
other organisations don't enjoy, and we've seen the hardship that that has led to. It has led to
people in many instances losing their jobs and being discriminated against, and we do not
understand why, in 21st century Australia, such exemptions continue to exist. What worries
us about picking up those exemptions and putting them again in the Marriage Act is that it
opens the door, we fear, for, in the future, organisations or commercial entities attached to
organisations that might be one or two steps removed—they might be owned by a church or
by a church-like organisation or associated with a church-like organisation or potentially even
an individual—to say: 'Hang on, there must have been a new and expanded protection for me,
otherwise they wouldn't have put it in the Marriage Act. Let me claim that exemption and
now let me claim the right not to provide a service to you in connection with your marriage.'
That is very concerning because, if you looks at the US, you can see the path the people who
have opposed equal marriage in the first place want to take next—that is, one of litigation—
where they will continue to try and wind back the protections that are enshrined in this bill.
We're very, very concerned that, by putting something in this bill that does not need to be
there, we might open the door for future litigation. I hope I'm wrong. I hope that, when the
courts look at this, they say, 'There's nothing in here that isn't already in existing legislation; it
gives you no new rights.' I accept that that's what the member who is moving the bill will say
is the case—that it's simply a restating. I hope that I'm proved wrong.

I want to place on the record today that these provisions should not be in this bill and it
might be necessary in the future to come back and take them out, if we find that they're being
abused. If we find that they're working against the intent of this bill and being used to
undermine the freedoms and equality that are granted by this bill, then we might need to come
back and remove them. I understand that these amendments may not get up and I understand
that many people will be voting against me on these amendments, not because they
necessarily disagree with the spirit of them but because they're backing in the compromise. I
accept that as a position. It's not the position I take but it's a reasonable position to take. I hope
what flows from that is that, in the future, if we find out that the provisions in the bill are
working against the LGBTI community in a way that we've seen overseas, we can have a
sensible discussion about revisiting it and potentially taking these provisions out of the
legislation. With that, I commend the amendments to the House.

Mr ZIMMERMANN (North Sydney) (09:50): I thank the member for moving these
amendments on behalf of the Australian Greens. I want to indicate that I will be opposing this
amendment, as I will other amendments being considered during the committee stage of this
debate. I want to start by saying that we have a bill that has been endorsed by the Senate. I
think there is a strong desire to have this bill considered and resolved before Christmas. The
last thing I want to see out of this process today is some kind of Mexican stand-off with the
Senate that potentially threatens or delays that.
I wanted to comment on the merits of the amendment that has been moved in two respects. Firstly, the bill that we have, as the honourable member has recognised, is essentially a compromise that was developed through the Senate select committee process. There are matters in that report and in this bill that did involve some give and take by all parties involved in that process. I particularly want to comment in relation to the proposal that the right of individual ministers to refuse to solemnise marriages should be removed from the bill. I want to argue against that on principle.

An important part of our bill is recognising certain aspects of religious freedom, particularly in relation to the solemnisation of marriages. That includes recognising that religious organisations and their practitioners should have the right to act in accordance with the tenets of their faith and with their own individual religious beliefs. This amendment would potentially remove the right of a minister of any faith to exercise their own religious beliefs in relation to marriage. If we accept that principle in relation to marriages conducted according to religious doctrine—there's a right to religious freedom—that has to extend beyond an organisation and to an individual practitioner. It is entirely possible you could have situation where a particular church—the Uniting Church of Australia to name one as an example—changes its position in relation to same-sex marriage and allows ministers to conduct same-sex marriages, but an individual minister does not agree or concur with that view and wants to exercise their own faith.

The second thing I wanted to comment on was in relation to celebrants. This amendment effectively removes the capacity of existing celebrants to exempt themselves in the same way that ministers can. This is one of the areas that was a compromise. I start from the position that celebrants are effectively acting as agents of the Commonwealth and have an obligation to uphold Commonwealth law. In an ideal world, I accept the point the Australian Greens have made. However, what I would say is that, in the spirit of compromise, we created a pathway for existing celebrants to register themselves as religious marriage celebrants and be afforded the same protections as ministers. That is a compromise, but it does reflect the fact that existing celebrants became celebrants when the law was different, whereas under this bill future celebrants will have to uphold the law of the land. For these reasons, I urge the chamber to vote against this amendment.

Mr TIM WILSON (Goldstein) (09:53): Somebody has to do it today, so I might as well get it out of the way: 'It's okay to vote no'. The reality is I cannot support this amendment. I want to associate myself with the remarks of the member for North Sydney, particularly on the basis of his critique of the issue around celebrants. I don't quite agree automatically with the position he has come to, which is that civil celebrants are merely agents of the Commonwealth. There is inherent conflict in people's lives between their private views and their unlimited freedom of conscience and their right to manifest that. We know there's an intersection between people's public duties. I also don't like the idea that somebody of faith could be discriminated against when they are taking a lawful profession simply because of their private faith. As the member for North Sydney has correctly cited, this bill is a compromise of the political situation before us. It is what is necessary to get a bill through the Senate and the House of Representatives and to take the country forward together.

I encourage people to vote against this amendment, and the fact that the Australians Greens, with respect to them, are moving this amendment is a classic reminder of the fact that
this bill is not one that they have authored; they have many criticisms of it. It is something that has come from the parliament and from the Senate, and I encourage people to vote against these amendments.

**Mr ALBANESE** (Grayndler) (09:55): Those great philosophers Mick Jagger and Keith Richards once sang: 'You can't always get you what you want, but you get what you need.' This bill is what people need. They do not need delay or for the bill to be put off or for a series of amendments to be carried by this House that then get referred to the Senate, begin the whole debate all over again and return to this House at some time in the future.

What my community want, as they have clearly indicated, is to get this done. That's what Australians voted for in overwhelming numbers. Is this bill perfect? No. It's a product of a consensus. It is a product of a collective effort by people of goodwill, across the Senate, to ensure that reform can move forward. During the voluntary postal survey, I and other advocates of a vote for yes, in response to the misleading campaigns of those who suggested that this would have all sorts of unknown consequences to the lives of people who won't be impacted by this legislation at all, clearly said: 'There is a bill already. It's a bill in the name of Dean Smith in the Senate.' It's a bill which has received, quite remarkably, unanimous support and consensus in the Senate.

I say to the member for Melbourne that there's a time when you don't think, 'Oh, I can make this improvement here so that it satisfies all of my wants.' This bill is it. This isn't a time for grandstanding. This isn't a time for trying to ensure there's product differentiation. This is a time for national unity. This is a time for support by people of goodwill, across this parliament, and I pay tribute to people on the other side of the chamber—people I don't normally agree with—because it's hard. It's easier if you're in a party looking for purity all of the time on every issue and you say, 'I think maybe there might perhaps be consequences to this, though I don't think they're real,' which is what the member for Melbourne just indicated, and it is what he indicated in his second reading speech. He spoke about these amendments as restating things that are already in the Sex Discrimination Act. He said that this amendment would seek to change the title of the bill. Guess what? Do a survey of Australians and see how many people know the title of any particular bill, and I'd be amazed if you still want to hold up marriage equality in order to make change that is not of substance.

That's a fundamental area of disagreement that I have and why I'm in a major party, the Australian Labor Party. What I do in this place is come in here to make a real difference to real people and to real lives. That is what this legislation will do. That is why all of the amendments to this legislation should be rejected, whether they be the amendments we're considering now or future amendments moved by some of the opponents of marriage equality seeking to make changes which are not necessary. These issues were considered during the Senate processes. We have an outcome—we have an outcome that will produce marriage equality and can do it today. The big campaign of marriage equality was 'let's get this done'. Let's not delay, let's not look for areas of disagreement, because that's simply not productive. I say to the member for Melbourne that I think it's unfortunate that these unnecessary amendments are being moved. I won't be supporting them. I call upon other members of the House not to support them, not to support the other amendments and to get this done today.

**Mr EVANS** (Brisbane) (10:00): I'll be very brief in my comments. It is a good opportunity, after all, to set down a consistent standard upon which to assess amendments that
will be moved through the course of today. And I think it's entirely fair, when I'll be objecting to other ill-considered amendments which I have characterised as symbolic posturing, that I equally object strongly to these amendments. Can I make the very significant point that all of these Greens amendments are contrary to the Senate committee report which the Greens' own representative on that committee agreed to. The member conceded that the Senate committee process involved a compromise. Well, this bill is a compromise. This is the reality that we're dealing with, and most outcomes involve a compromise.

I want to draw out one of the compromises that I think will be a topic of conversation today. It is around the protections for organisations and bodies established for a religious purpose. What the Greens are proposing by way of their amendments is that a church cake stall or a church bookshop would have the same treatment as a commercial business. That proposition does not have broad community support. I have often wondered about the preoccupation on both sides of this debate with these mythical bakers and cake makers. Australia is not America. The search for fictitious homophobic bakers in Australia continues unfulfilled! Let's be honest here. For a case like that to arise in Australia it would require a gay couple who care more about activism than about the success of their own wedding to find a business operator who cares more about religious doctrine then the commercial success of their own small business and for both of them to commit to having a fight. Typical Australians would genuinely question the bona fides of the players in a case like that, and the slim prospect of that occurring doesn't warrant the pages and pages of commentary and debate that have been dedicated to it.

But this Greens amendment would actually significantly increase the prospects of that horror situation arising because we would be widening the net to include bodies who legitimately do put religious doctrine ahead of commercial business success. It would allow somebody genuinely looking for a fight to go knocking on the doors of some churchgoers organising fundraisers or bodies established for religious purposes, not business purposes. That's why I'll be opposing these amendments. It's important that we stay true here today to the compromise, the good balance, struck in this bill. It's a good bill. It's a strong bill. Let's get it done here today without going back to the Senate.

Mr BANDT (Melbourne) (10:03): I want to thank the members of the government for the spirit of their contribution. But I have to respond to the member for Grayndler because, up until this point, we had an understanding that we would move this without tit-for-tat contributions. I will not be lectured on the question of posturing when we're in this position because an amendment was passed to the Marriage Act several years ago that you supported. When we had a situation where we introduced legislation to the parliament to remove discrimination years ago, it wasn't allowed to be voted on. So I'm disappointed that, in my contribution to this debate, no criticism of the opposition was put forward. We're not going to call a division on this. We're going to support this bill going through. I urge the member for Grayndler to pull his head in, because today should not be about making points against each other. Today is a rare opportunity for people across the parties to come together and make sure that love is put first. Let's get back to that and let's get this vote happening.

Question negatived.

Mr SUKKAR (Deakin—Assistant Minister to the Treasurer) (10:04): by leave—I move amendments (1) to (44) as circulated in my name together:
(1) Clause 1, page 1 (lines 14 and 15), omit “Marriage Amendment (Definition and Religious Freedoms) Act 2017”, substitute “Marriage Amendment (Definition and Protection of Freedoms) Act 2017”.

(2) Schedule 1, item 1, page 4 (lines 8 to 10), omit paragraph 2A(a), substitute:

(a) to allow civil celebrants (including traditional marriage celebrants) to solemnise marriage, understood as:

   (i) the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; or

   (ii) the union of 2 people to the exclusion of all others, voluntarily entered into for life; and

(3) Schedule 1, item 1, page 4 (line 11), after "religion", insert "or traditional marriage celebrants".

(4) Schedule 1, item 1, page 4 (line 13), after "own religious", insert "or conscientious".

(5) Schedule 1, item 1, page 4 (line 15), after "religious", insert "and conscientious".

(6) Schedule 1, item 2, page 4 (line 27), omit "religious", substitute "traditional".

(7) Schedule 1, item 3, page 5 (lines 5 and 6), omit the item, substitute:

3 Subsection 5(1) (definition of marriage)

Repeal the definition, substitute:

marriage means:

(a) the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; or

(b) the union of 2 people to the exclusion of all others, voluntarily entered into for life.

(8) Schedule 1, item 5, page 5 (lines 13 to 17), omit the item, substitute:

5 Subsection 5(1)

Insert:

traditional marriage celebrant means a person identified as a traditional marriage celebrant on the register of marriage celebrants under Subdivision D of Division 1 of Part IV.

(9) Schedule 1, page 5 (after line 17), after item 5, insert:

5A After section 5

Insert:

5AD Determining when a belief is held etc.

(1) For the purposes of this Act, a person holds a genuine religious or conscientious belief, or genuinely believes, if the holding of the belief (inclusive of the person's or entity's beliefs as to the actions, refusals, omissions or expressions that are consistent with that belief) is not fictitious, capricious or an artifice.

(3) For the purposes of this Act, if an authorised celebrant holds a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, then in holding, expressing or acting on that belief:

   (a) whether or not another person who is to be married is a man or a woman is to be determined by the authorised celebrant; and

   (b) in determining whether the other person is a man or a woman, if the authorised celebrant reasonably believes and genuinely believes that the current legal status of the other person as a man or a woman is different from the legal status of the other person as a man or a woman at the time of the other person's registration following the other person's birth, the authorised celebrant may disregard the current legal status of the other person's sex or gender, or their gender identity or intersex status.

(10) Schedule 1, item 8, page 5 (line 24), omit "Religious", substitute "Traditional".
(11) Schedule 1, item 8, page 5 (line 25), omit "religious", substitute "traditional".
(12) Schedule 1, item 8, page 5 (line 27), omit "religious", substitute "traditional".
(13) Schedule 1, item 8, page 6 (line 1), omit paragraph (b), substitute:
   (b) either:
      (i) the person is a minister of religion; or
      (ii) the person holds a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.
(14) Schedule 1, item 8, page 6 (line 2), omit "religious", substitute "traditional".
(15) Schedule 1, item 8, page 6 (line 6), omit "religious", substitute "traditional".
(16) Schedule 1, item 8, page 6 (line 9), omit "religious", substitute "traditional".
(17) Schedule 1, item 8, page 6 (line 11), omit "religious", substitute "traditional".
(18) Schedule 1, item 8, page 6 (line 15), omit "religious", substitute "traditional".
(19) Schedule 1, item 8, page 6 (line 16), omit "religious", substitute "traditional".
(20) Schedule 1, item 8, page 6 (line 18) to page 7 (line 17), omit section 39DD.
(21) Schedule 1, item 8, page 7 (line 18), omit "religious", substitute "traditional".
(22) Schedule 1, item 8, page 7 (line 20), omit "religious", substitute "traditional".
(23) Schedule 1, item 8, page 7 (line 23), omit "religious", substitute "traditional".
(24) Schedule 1, item 8, page 7 (lines 26 to 33), omit subsection 39DE(3).
(25) Schedule 1, item 8, page 7 (after line 33), after section 39DE, insert:

39DF Request for identification as a traditional marriage celebrant to be removed

(1) A traditional marriage celebrant may, in writing, give the Registrar of Marriage Celebrants notice that the celebrant no longer wishes to be identified as a traditional marriage celebrant on the register of marriage celebrants.

(2) If a traditional marriage celebrant gives the Registrar of Marriage Celebrants notice in accordance with subsection (1), the Registrar must remove the identification of the celebrant as a traditional marriage celebrant from the register.

(26) Schedule 1, items 9 to 16, page 8 (line 3) to page 9 (line 34), omit the items.
(27) Schedule 1, item 17, page 10 (line 3), omit "religious", substitute "traditional".
(28) Schedule 1, item 17, page 10 (line 5), omit "religious", substitute "traditional".
(29) Schedule 1, page 10 (after line 6), after item 17, insert:

  17B Before subsection 45(1)

   Insert:

   Ministers of religion

  17C Before subsection 45(2)

   Insert:

   Traditional marriage celebrants

(30) Schedule 1, item 18, page 10 (lines 7 and 8), omit the item, substitute:

  18 Subsection 45(2)

   Omit "not being a minister of religion", insert "being a traditional marriage celebrant (other than a minister of religion)".

  18A After subsection 45(2)
Insert:

Other authorised celebrants

(2A) Where a marriage is solemnised by or in the presence of an authorised celebrant, not being a minister of religion or a traditional marriage celebrant, it is sufficient if each of the parties says to the other, in the presence of the authorised celebrant and the witnesses, the words:

"I call upon the persons here present to witness that I, A.B. (or C.D.), take thee, C.D. (or A.B.), to be my lawful wedded wife (or husband or spouse);

or words to that effect.

Certificates of marriage

(31) Schedule 1, item 19, page 10 (lines 9 and 10), omit the item, substitute:

19 Before subsection 46(1)

Insert:

Traditional marriage celebrants

19A Subsection 46(1)

After "denomination", insert "but being a traditional marriage celebrant".

19B After subsection 46(1)

Insert:

Authorised celebrants (other than ministers of religion or traditional marriage celebrants)

(1A) Subject to subsection (2), before a marriage is solemnised by or in the presence of an authorised celebrant, not being a minister of religion of a recognised denomination or a traditional marriage celebrant, the authorised celebrant shall say to the parties, in the presence of the witnesses, the words:

"I am duly authorised by law to solemnise marriages according to law.

Before you are joined in marriage in my presence and in the presence of these witnesses, I am to remind you of the solemn and binding nature of the relationship into which you are now about to enter.

"Marriage, according to law in Australia, is the union of 2 people to the exclusion of all others, voluntarily entered into for life.

or words to that effect.

State and Territory officers

19C Subsection 46(2)

After "subsection (1)", insert "or (1A)".

(32) Schedule 1, item 20, page 10 (line 26), after "religious", insert "or conscientious".

(33) Schedule 1, item 20, page 10 (line 28) to page 11 (line 7), omit subsection 47(3), substitute:

(3) To avoid doubt, a minister of religion may refuse to solemnise a marriage, despite anything in this Part or any law of a State or Territory, if any of the following applies:

(a) the refusal is consistent with the doctrines, tenets or beliefs of the religion of the minister's religious body or religious organisation;

(b) the refusal is made because of the religious susceptibilities of adherents of that religion;

(c) the minister's genuine religious or conscientious beliefs do not allow the minister to solemnise the marriage.

(34) Schedule 1, item 20, page 11 (line 9), omit "This section does not", substitute "Subsections (2) and (3) do not".

(35) Schedule 1, item 21, page 11 (line 13), omit "Religious", substitute "Traditional".

CHAMBER
(36) Schedule 1, item 21, page 11 (lines 15 to 17), omit subsection 47A(1), substitute:

(1) This section applies to a traditional marriage celebrant who is not a minister of religion.

Note: For the refusal by a minister of religion to solemnise a marriage, see section 47.

(1A) Despite anything in this Part or any law of a State or Territory, the celebrant may refuse to solemnise a marriage that is not the union of a man and a woman if:

(a) the celebrant holds a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; and

(b) the holding by the celebrant of that belief does not allow the celebrant to solemnise the marriage.

(37) Schedule 1, item 21, page 11 (line 19), omit "religious", substitute "traditional".

Note: Examples include:

(a) the provision of services by relationship counsellors;

(b) hire of reception halls;

(c) catering for receptions;

(d) the provision of chapels, receptions halls, other like facilities or services by educational institutions to which section 38 of the Sex Discrimination Act 1984 applies.

(39) Schedule 1, item 57, page 15 (lines 23 and 24), omit the item.

(40) Schedule 1, item 63, page 17 (line 11), omit "religious", substitute "traditional".

(41) Schedule 1, item 63, page 17 (line 15), omit "religious", substitute "traditional".

(42) Schedule 1, item 63, page 17 (line 18), omit "(1)", substitute "(1A)".

(43) Schedule 1, item 64, page 18 (line 10), omit "religious", substitute "traditional".

(44) Schedule 1, item 66, page 19 (line 7), omit "religious", substitute "traditional".

The first contribution was not particularly consistent with the spirit of love today, but I will try and be a little more measured in my comments than the previous speakers. These amendments which I am moving essentially do two things: one is symbolic and deals with the definition of 'marriage', and the second is in relation to the religious and conscientious protections provided to celebrants. So one is quite symbolic in nature and one is very practical.

In relation to the first change that I'm proposing, the Marriage Amendment (Definition and Religious Freedoms) Bill 2017—the Smith bill, as I will call it today—redefines marriage to be the union of two people. We believe it unnecessarily distinguishes the definition held to be true by at least five million people. One thing I said in my speech on the second reading was that—to the extent that it's possible for us to simultaneously ensure that the overwhelming will of the Australian people is met by changing the Marriage Act to allow same-sex couples to marry while also respecting the views of a not-insignificant proportion of our country: 40 per cent of Australians or five million people—we should, to the greatest extent possible, seek to do so, because today, even for people such as I who voted no, should be a unifying moment for our country. It should be unifying for 100 per cent of those who voted in the postal survey, not just the 61 per cent who voted yes. So my proposal, as circulated in these amendments, is that we have a definition of marriage that includes 'the union of two people to the exclusion of all others, voluntarily entered into for life, or the union of a man and a woman to the
exclusion of all others, voluntarily entered into for life'. Note that there are two categories there but one definition of marriage, one that appropriately recognises and fulfils our obligation to meet the will of the Australian people in allowing same-sex couples to marry but also ensures that a definition, a belief and an understanding of marriage that has been understood from time immemorial is also contained in that piece of legislation.

As I say, it's extraordinarily important today that we do, to the greatest extent possible, cater for 100 per cent of Australians. That's not going to be possible on every question. On the substantive question as to whether we change the act or not, of course the majority rules, and we must fulfil our obligations to the Australian people. But, where possible, we should be seeking in this House to represent all of our constituents, and that's what this symbolic change to the definition of marriage, in relation to the bill in front of us, does. It ensures that we absolutely fulfil the obligation under the postal survey, but it also recognises that, for those five million Australians who have had an understanding of or a belief—it might be a religious belief—about or a tradition as to marriage, that is also contained in that bill. Where they are not inconsistent, where one doesn't infringe on the other, I think we must do so, and I'd be asking the House to support that change.

The second change in the amendments that I've circulated, essentially, extends the religious and conscientious protections to celebrants. As supported by the February 2017 Senate select committee report on same-sex marriage—which I note was approved by Labor, NXT, Greens and coalition senators—celebrants who are not religious ministers should still be able to refuse to solemnise a marriage, consistent with their religious convictions. This bill does not implement that approach, other than as a transitional measure. I don't think anybody ever envisaged that a celebrant who had a conscientious view on marriage should be forced to conduct a ceremony if that was against their conscientious beliefs. That would also have the perverse impact of saying, 'You're entitled to choose not to solemnise a marriage for a religious belief, but you're not entitled if you have a conscientious belief against conducting that ceremony.' It might seem counterintuitive to many people listening to my contribution, but I don't think we should be saying that only those with religious objections should be entitled to do so. I'd say there are lots of people who would have objections for very secular reasons, which have nothing to do with religion, and they should not be forced to conduct ceremonies. The transitional measures that are currently contained in this bill are hopelessly inadequate in protecting those individuals.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (10:10): Labor will be opposing this amendment. Indeed, we will be opposing the other amendments that will be moved, for the very simple reason that this bill now needs to pass the parliament. It should pass the parliament in an unamended form. It should pass the parliament in the form in which it has come to us from the Senate because, as the member for Grayndler has already made clear, we need to get this done.

This is a bill about marriage equality. It's a bill that allows couples to marry in Australia. It allows for couples who are already married overseas to have legal recognition of their marriages at home. Contrary to the suggestion made by the member for Deakin, this is a bill for 100 per cent of Australians. To be clear about what these particular amendments do, they create a new category, described as traditional marriage, that would single out same-sex couples for discrimination. The reference in these amendments to conscientious belief might
sound innocent enough on its face, but it would be unprecedented and dangerous to allow
discrimination on that basis. It would be a step back from longstanding antidiscrimination
provisions, and that's why Labor is very clear in our opposition to this amendment.

Australians have cast their vote already for true equality for all Australians. They did not
cast their vote for new forms of discrimination to be introduced. The amendments that are put
forward by the member for Deakin contain elements from the unloved and unmourned
Paterson bill in the Senate, which was abandoned. If these amendments were to succeed, they
would create two separate categories of marriage—an entirely retrograde step. They would
create an unnecessary, artificial and unhelpful distinction between man-woman marriage and
marriages between other consenting adults. The consensus report of the Senate select
committee supported amending the bill that was to be introduced, amending the definition of
marriage. This was a unanimous report from the Senate select committee. Paragraph 2.20 of
that Senate committee report says:
The committee supports the use of ‘2 people’ as the appropriate definition to broaden access to marriage
for all Australian adults.
To make it clear, so that there's no confusion about the other aspect of these amendments, the
bill that's before the House does not allow for civil celebrants to refuse to solemnise a
marriage on the basis of their personal beliefs regarding same-sex marriage. What the bill
does allow for is for celebrants to self-nominate as a religious marriage celebrant, if they
wish, where they are a registered marriage celebrant, as for ministers of religion. Again,
the bill is consistent with the Senate select committee's report from February this year, which
reached a historic cross-party consensus on the pathway forward. This amendment goes in the
opposite direction.

As I have said, we are very directly of the view that the introduction of conscientious belief
as a justification for a refusal to perform a marriage ceremony would be a very dangerous
proposition. It is contrary to the entire framework of Australia's existing antidiscrimination
laws. Labor does not support the drastic extension of discrimination to include exemptions on
the basis of conscientious belief. This bill is an opportunity to increase equality across
Australia. It should not be used as an opportunity to increase discrimination.

Mrs ANDREWS (McPherson—Assistant Minister for Vocational Education and Skills)
(10:14): I rise to speak on the Marriage Amendment (Definition and Religious Freedoms)
Bill 2017. There are two indisputable facts that have arisen in the public debate on same-sex
marriage: (1) Australians have voted overwhelmingly to change the definition of marriage to
include same-sex couples; and (2) Australians want to ensure that religious freedoms are
safeguarded. In my view, it's incumbent upon the parliament to reconcile both with this
legislation. And, as the original bill does not provide a number of specific religious safeguards
in relation to the definition of marriage, these amendments are necessary.

A Newspoll in August found that in response to the question 'Do you think parliament
should provide guarantees in law for freedom of conscience, belief and religion if it legislates
for same-sex marriage?' 62 per cent of people said yes; 18 per cent said no; and 20 per cent
were uncommitted. So roughly the same proportion of people support religious protections as
support same-sex marriage. Clearly we have an equal obligation to both groups to reflect their
views, and this can be done. Many people voted yes with the expectation that religious
freedoms would be safeguarded. In my own electorate of McPherson, for example, 60 per
cent of people in the 2016 census actively identified as Christian with only 31 per cent saying they have no religion. My electorate recorded a 65.5 per cent 'yes' vote, higher than the national average. Clearly a great many people who are Christian or who are of other faiths voted yes, and I believe many did so with the expectation that religious freedoms would be safeguarded.

The Leader of the Opposition said in September:
I can give this guarantee to the Australian people: I and Labor not support legislation which impinges upon religious freedom in this country … What I promise Australians is that before the legislation for marriage equality is completed or voted on in parliament, we will make sure that concerns about religious freedom are met with and dealt with and are treated with respect.

The amendments that we are introducing today are about making sure those concerns are met and dealt with. And the Leader of the Opposition needs to honour his word and vote in support of these amendments. If he does not, I challenge the Leader of the Opposition to explain how Labor has taken into consideration the 62 per cent of Australians who want religious freedoms protected.

This bill before the House requires amendments so we can specify religious protections in regard to the definition of marriage while at the same time expanding it. There are a number of aspects identified by human rights lawyers and constitutional lawyers that are absent and should be included in this bill. These include: recognising both traditional marriages and two-person marriages as valid marriages in Australian law under the definition; protections for marriage celebrants with religious and conscientious objections; recognising legitimate beliefs on this issue and freedom of expression; an antidetriment shield provision protecting individuals and organisations with a genuine traditional marriage conviction from being subjected to unfavourable treatment by public authorities because they hold or express or lawfully act on that conviction; and freedom from being required to express, associate with or endorse a statement or opinion about marriage which is inconsistent with a person or organisation's genuine religious or conscientious convictions about marriage. Protections for charities should include non-discrimination in government funding, protection of religious bodies and schools and rights for parents to withdraw children from certain classes if the content conflicts with their religious or conscientious beliefs.

As these amendments clearly demonstrate, we can specify religious protections in regard to the definition of marriage while at the same time expanding it. Amendments to protect religious freedom will not mean a weakening of antidiscrimination laws. It's not about giving people of religion a licence to discriminate. It's about acknowledging and allowing people to maintain sincerely-held religious and conscientious personal views without them being discriminated against for those views. This is the fundamental basis of freedom of thought, religion and speech which we pride ourselves on as a Western democracy. Beliefs in same-sex marriage and traditional marriage, while oppositional in nature, should be able to exist side-by-side.

The Australian community is overwhelmingly loving, tolerant, mature and respectful enough to know that we can accommodate a wide range of views and ideas. We can agree to disagree and not see differences of opinion as some sort of short-coming to be denied and subverted. We can legalise same-sex marriage and at the same time protect the fundamental
rights of those who, for religious reasons, do not personally support it. It will not make any marriage less legal. I commend the amendments to the House.

Mr BANDT (Melbourne) (10:19): The Greens will be opposing these amendments and all of the other amendments that plagiarise from the widely rejected Paterson bill. I won't make further comments on the other amendments, because these comments apply to all of them. These amendments seek to increase discrimination against lesbian, gay, bisexual, transgender, intersex and queer Australians. Now, the far Right conservatives who are promoting these amendments say they're a shield for religious belief, but in fact they're a sword for hatred and bigotry that will be turned against our fellow Australians. The bill contains protections for religious belief. The bill contains them. As you would have heard from the previous debate, we think some of those are turning from protections into something else, and in fact it goes too far. But to suggest that the bill does not contain those protections is simply wrong.

We must remember that the people who are moving these amendments are the people who didn't want marriage equality to happen in the first place. There comes a point where you have to accept the verdict of the people and the verdict of the parliament, which are that equality has won. The people moving these amendments, in continuing to prosecute the fight against marriage equality, run the risk of looking like those World War II soldiers stuck a decade or two later who hadn't realised that the war was actually over. There comes a point where you have to realise that equality has won and it's time to come out of the jungle.

We need to get on with doing what the Australian people want. Australia has voted not for hatred but for love. The Australian people do not want us to insert in this bill potential weapons that can be used against the very people who this bill is trying to support. Now it is time to give up the war against equality. Equality has won. We urge the House to reject these and all of the other amendments so that we can now pass the Senate bill unamended and make equality a reality within a matter of minutes.

Mr ABBOTT (Warringah) (10:22): I will just make a couple of observations following the contribution from the member for Melbourne. It's true that we've just had a plebiscite campaign, and it's true that some of us in this House argued strongly for the 'no' case, but all of us in this House are respecters of the democratic process, and I think it would be wrong to say that there are very many people left in this House who are opponents of same-sex marriage. What there are left in this House—more, I suspect, than the member for Melbourne might think—are people who believe in freedom of conscience, freedom of speech, freedom of religion and parental choice. These amendments are not designed to frustrate this bill. They are not designed to delay this bill. They are designed to improve this bill and to make this bill a unifying occasion—as unifying as it can be under all the circumstances.

Almost eight million Australians voted yes; almost five million Australians voted no. All Australians, whichever way they voted, deserve to have their views respected and, as far as is possible, accommodated in the legislation. I suspect that many of the eight million who voted yes did not want to exclude traditional marriage; they simply wanted to embrace same-sex marriage too. And that's the beauty of the amendment proposed by the member for Deakin: it respects traditional marriage while allowing same-sex marriage to take place. In addition, it is extending to new celebrants the freedom of conscience that is given in the bill to existing celebrants. If it's right for existing celebrants to have this freedom of conscience, surely it's right for new celebrants to have this freedom of conscience as well.
We all want this bill to proceed expeditiously through the House. We all want Australians to feel proud of the parliament this day, but I think we will feel prouder of the parliament this day if the parliament is capable of considering these amendments on their merits rather than coming into this chamber with a preconceived view.

I was delighted in the course of the campaign when both the Prime Minister and the Leader of the Opposition pledged that, before same-sex marriage becomes law, there will be adequate freedoms of conscience, religion and expression in place. That is simply what these amendments seek to do—to make the words of the Prime Minister and the Leader of the Opposition a reality. I commend the amendment to the House.

Mr EVANS (Brisbane) (10:25): I'll be opposing these amendments and I make these remarks on behalf of a number of my coalition colleagues in order that this consideration in detail be as time efficient as possible. There are two main elements to these amendments that I'll touch on. The first relates to the definition of marriage, and the second relates to civil celebrants.

To best understand why these amendments are ill-considered, let's remember how this bill formed its current positions with respect to the definition of both marriage and celebrants. This started as a government bill, an exposure draft prepared by our Attorney-General. It subsequently went through a Senate committee, a comprehensive process where there was extensive consultation with many of Australia's religious organisations and other community leaders and organisations. There were 400 submissions, 40-something witnesses and significant scrutiny by all of those senators, and that consultation led to a unanimous set of findings—that is, unanimous agreement by senators across the political spectrum, including government senators. What is proposed in these amendments goes against the informed and unanimous findings of senators from right across the political spectrum. Given these amendments are essentially the same as those defeated recently in the Senate, they should be rejected again here for similar reasons.

On the detail of these amendments, let me start with civil celebrants. To be clear, the bill in front of us protects civil celebrants. The bill allows existing civil celebrants who have strong religious beliefs against same-sex marriage to identify as religious marriage celebrants, which then gives them the right to refuse to solemnise same-sex weddings. What the amendments propose to do, on the other hand, is create a carve-out that would be ongoing and would allow not just religious objections to same-sex marriage but non-religious objections as well. To be clear, that approach has been strongly rejected by the associations representing civil celebrants. I have taken the time to meet with some of them to confirm this. The civil celebrants associations do not want this. The Senate committee specifically considered this amendment and rejected it too. To quote the committee: 'Consideration should be given to affording a pathway for current'—current—'civil celebrants to elect to transfer to religious marriage celebrants, allowing these celebrants the benefit of the protections afforded to ministers of religion.'

I turn now to the definition of marriage. The bill proposes to amend the definition of marriage from 'a man and a woman' to 'two people'. That's what senators from right across the political spectrum recommended, following their extensive consultation. They said, 'The use of "two people" is the appropriate definition to broaden access to marriage for all Australian adults.' What these amendments propose to do, on the other hand, is create two definitions—
marriage A and marriage B. Marriage A would be the union of 'a man and a woman', and marriage B would be the union of 'two people'.

There's a key question here that a member would need to be able to answer before supporting these amendments: are marriage A and marriage B different or are they the same? Is the distinction legally significant or is it symbolic? I was surprised to hear the first honourable member speaking in favour of these amendments, because his contribution said that the change was 'symbolic'—he used that word—whereas subsequent speakers in favour of the amendments, I think, broadly seemed to say that they aren't symbolic but serious and material amendments.

If there is not a significant difference between proposed marriage A and marriage B, if this is symbolic, then this is a pointless, unnecessary amendment with no legal effect and there's no justification to support it. Pointless regulation is illiberal regulation. This government is philosophically opposed to pointless red tape. Our statute books are not the place for symbolism and gestures. We have Sky News for that. Yet, if there is a significant difference between proposed marriage A and proposed marriage B then I can tell you right now that that is contrary to the equality that the overwhelming majority of Australians just voted for. The people listening to this debate could well be forgiven for thinking that we are going close now to replaying the postal survey campaign with this amendment.

Members supporting these amendments have to decide: Are they merely symbolic? Are we supporting red tape? Or do they create a real legal difference and, in doing so, potentially undermine the overwhelming decision of the Australian people? Either way, the proposed amendments should be rejected. This bill is already a compromise; it strikes the right balance. That's why this bill has the blessing of both religious leaders and gay rights advocates. The proposed amendments do not have that broad support.

Mr TED O'BRIEN (Fairfax) (10:30): I rise to support the amendment put by the member for Deakin. To me, it addresses a deficiency in the bill where there's an embedded assumption that religious beliefs are more important than conscientious beliefs. There's an assumption in the bill that says religion is more important than conscience. That is reflected in clause 47, where more rights or bestowed on a religious celebrant in the future than a civil celebrant, once the grandfathering period is over.

I have a problem with this out of principle, because, in contrast to that assumption, I believe that conscience trumps religion. Conscientious belief trumps religious belief. Indeed, the primacy of conscience is not only fundamental to the philosophy of the party to which I belong, the Liberal Party, but it is also fundamental to Christian theology. I support the wise words of the 19th century theologian, John Henry Newman, who at the time was a cardinal of the Catholic Church. He said, 'I drink to the Pope, but my conscience first.' Based on that principle of conscience being primary, I shall be supporting this amendment as well as other amendments put by some of my colleagues.

Mr LAMING (Bowman) (10:32): I want to add to what I think have been some excellent contributions on this side. You can hear both sides of this important debate happening on this side of the chamber, and I do wish that on the other side there might have been a slightly more detailed look at these very important amendments. It seems that this side of the chamber reflects the diverse views of the nation, and the other side doesn't. Clearly, why this amendment has been put in very good faith by very good people is a concern about the pre-
eminence of one form of marriage. The concern about marriage celebrants is one that deserves to be discussed, but I feel that it is not an amendment that this House should carry.

In the fundamental understandings of what discrimination is, we have two definitions. One simply recognises that a difference is discrimination. But there is also the unjust and prejudicial treatment of a group, and that is also discrimination. We find it very hard, in this place, to create rules that allow the first and prevent the latter. For that reason, we have to be extremely careful to be defining something like marriage in two ways, when this great nation has told us they are prepared to extend the definition and create one form of union between consenting couples. As I said last night, if there are Australian adults out there wishing to marry, we should be allowing them to do it. This is a world lacking love not one with surplus love. It is a world lacking love, and we need to recognise love in all its forms. That has been decided. That debate is over. Now we need to ask ourselves a simpler question: is there any need for legislation to be defining more than one form of marriage? Quite simply, there is not.

I believe there is something unique and special about my marriage, but I believe that everyone would feel the same way about their own marriage—self-evidently. We can hold to those views in a free economy and free democracy without necessarily discriminating in any way that rubs it in the face of others that their marriage is different, because that's fundamentally what you do as soon as you profess your view publicly in a way that ultimately harasses or even humiliates someone else. That's not what 99 per cent of Australians want to do, but the reality is that this debate has energised the one per cent at either end of the extreme to find a way to take this sort of stuff to court, and it's such a shame that we have to consider these kinds of amendments, hanging off what should be a beautiful bill that allows every Australian the chance to marry.

There are important discriminatory issues to be considered, but they should not be hanging off this bill. There is a time to protect charities and a time to protect individuals who are mistreated and harassed by the state for their views, but it's not necessarily in this bill. We shouldn't be using this bill as a stalking horse to advance other quasi-religious concerns when it comes to marriage.

I want to conclude by discussing the many marriage celebrants out there. There are thousands in Queensland—I come from the bible belt of south-east Brisbane—but, of all of those celebrants, I'm yet to meet one who says, 'I have a completely non-religious conviction to traditional marriage.' For goodness sake, you go to a marriage celebrant because you don't want to get married in a church. They are hardly queuing up, for that reason. Those celebrants, if they hold a religious conviction, can go back and connect with their local church. I mean, in my part of the world you can't walk down a street without running into a church. There are plenty of opportunities for that.

Those religious exemptions already exist. I say to a very deep thinking member for Fairfax on this matter: conscience is utterly important, but, in this current world, giving conscience a new non-religious avenue simply allows licence for bigotry. We have existing legislative exemptions. They overwhelmingly cover views around marriage. If you're a celebrant who happens to not have that religious conviction—I'd love to meet that unicorn. If you exist, connect with your local church and you'll be fully covered to continue your work.

Fundamentally, if you are in the business of marrying people, if you are exchanging resources for marrying people, then get over it. Occasionally you might marry a couple that
you don't overly like, but in this world you can't discriminate if you don't like someone. The moment you carve out these marriage celebrant exemptions, it's just like saying the religious exemptions should be expanded to convention facilities and extended to public halls and facilities. It's endless. We have religious convictions; we all understand what they are. They're well supported by both sides of the chamber, and that's where this exemption should stop. For that reason, despite a huge number of my supporters having a different view, I have to vote against this amendment.

An incident having occurred in the gallery—

The DEPUTY SPEAKER (Mr Rob Mitchell): Order! This is a tough one, but please understand we're trying to get through this. I want to make sure that all members here and those in the gallery can hear the procedures, so I ask you to knock it back a little bit to allow the parliament to continue and get this bill through.

Mr CRAIG KELLY (Hughes) (10:38): I'm pleased to rise to speak on the amendments moved by the member for Deakin. I will start by confirming that it's my intention to vote for the bill. My electorate voted 58 per cent yes, and 42 per cent no; therefore, I'll be voting yes to the substantive bill.

However, there are some concerns I have with the bill and there are also some concerns I have with the member for Deakin's amendment. My concerns go to the Attorney-General Department's list and a website that is titled 'Finding a marriage celebrant'. Currently, that lists three separate categories that someone can go to. The first category is 'Commonwealth registered marriage celebrants who perform civil ceremonies'. The second category is 'Commonwealth registered marriage celebrants who perform religious ceremonies for independent religious organisations'. And the third category is a list of 'ministers of religion of recognised denominations who perform religious ceremonies'.

What is proposed under the original bill is that those that come under the second two categories can refuse to solemnise a same-sex marriage. That is what the bill provides for. It also provides for those in the first category, which is Commonwealth-registered marriage celebrants who perform civil ceremonies, to elect to opt out; it will enable them to also refuse to conduct a same-sex wedding. Now, I am concerned that the government would keep any list of people with a minority view, no matter what that may be. We live in a society today where there is increasing intolerance against people with minority opinions. I am sure all those in the public galleries today would oppose that. We want to live in a society where people are able to express their differences, to say they disagree with mainstream opinion and to do so without fear of harassment or threats. What this bill does is create separate categories that would list Commonwealth-registered marriage celebrants who will perform same-sex marriages and those who won't. I do not believe that is the government's responsibility. I believe it would be far better if there were an opt-in process so that those who wish to perform same-sex weddings opt to be on that list. I do not think it is the government's responsibility to hold a separate list of those who don't.

The other concern I have is that there is a 90-day window that enables those on the first list to opt out. One of the most important things when we talk about freedom of religion is the freedom to change one's religion throughout one's life or to change one's religious beliefs over time. This bill only allows a 90-day window for someone to decide to opt out and be on another list. People must have the right in our society to change their religious beliefs over
their life, but that is something that the 90-day window does not allow. I know that these issues are not going to be addressed by this bill or this amendment, but I would encourage the review by the Hon. Philip Ruddock, the former member for Berowra, to seriously consider these issues. We want to make sure that people in this society are not subject to any form of vilification because they hold opposing views to their fellow Australians. My fear is that what is proposed in this bill will create that opportunity for those civil marriage celebrants who have different opinions on same-sex marriage for religious reasons.

I will leave my remarks there. I hope that all members of the House would give consideration in the future to this list. It is not the government's job to have separate lists of people who hold minority opinions on any single subject.

Mr SUKKAR (Deakin—Assistant Minister to the Treasurer) (10:43): I want to address a couple of the points that have been raised. In essence, what we're hearing from those who oppose this amendment is that if you have a conscientious, deeply held view on traditional marriage, you will effectively be unable to continue to be a marriage celebrant. That is what we are hearing. That's anathema to me. That is anathema, I think, to people who hold freedoms—freedom of conscience and freedom of thought—very dear. It also is quite a peculiar argument, as I said, that if you have a deeply held religious view you are entitled to continue to be a marriage celebrant, but if you have a deeply held secular view you are not. This is a distinction this House should not approve.

I also want to directly address a couple of points made by my good friend the member for Brisbane. The International Covenant on Civil and Political Rights, which I think he referred to, says of article 18:

The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18 (1) is far-reaching and profound; it encompasses freedom of thoughts on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others.

Then general comment 22, which specifically addresses his point, provides:

The Committee draws the attention of States parties to the fact that the freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief.

Again, our Senate select committee accepted that we adhere to these beliefs under article 18 and noted:

General Comment 22 makes the specific point that equal protection is afforded to conscience, and as such any attempt to differentiate on the rights of an individual based on conscience vs religion may be contested

So here we have a Senate committee, made up of every major and minor party in this House, which has accepted that article 18 should not allow for an artificial bifurcation between religious beliefs and deeply held conscientious beliefs—and that is exactly what this bill does. If we don't support this amendment, we are saying we don't adhere to article 18, and, more perversely, we are saying that only those who have deeply held religious beliefs will be entitled to continue as civil celebrants, but those who have deeply held secular beliefs are somehow second-class citizens.

Also, just while I'm up, I want to present a supplementary explanatory memorandum, with a statement of compatibility with human rights, if leave is granted.
The DEPUTY SPEAKER (Mr Rob Mitchell): Is there any objection to leave being granted?

Mr Burke: I haven't seen it.

Mr EVANS (Brisbane) (10:46): Briefly, in response to some of the notes made just then in that contribution, I want to draw honourable members' attention to the fact that this idea that we would casually legislate to allow conscience, rather than religious belief, to override antidiscrimination laws is a courageous one that I would suggest requires a lot more thought and consultation than the brief week or so that these amendments have existed. Members should know that doing so, allowing conscience rather than religious belief to override antidiscrimination laws, would exceed the exemptions contained in any federal, state or territory antidiscrimination laws currently across Australia. That's not a trifling thing, Deputy Speaker and honourable members. It's not a mere amendment. This would be a substantial change to the architecture of Australia's antidiscrimination laws, which are currently well balanced. These amendments and this proposal deserve much more careful consideration.

Mr BURKE (Watson—Manager of Opposition Business) (10:48): I don't intend to make a speech in detail on the amendments in any way; I simply want to refer to the issue that was raised by the member for Barker—

The DEPUTY SPEAKER (Mr Rob Mitchell): Deakin.

Mr BURKE: Sorry, Deakin; I apologise for that. Given that it appears to be an explanatory memorandum, we're not going to object to it being tabled, but I do need to flag for people that we are dealing with a conscience vote. The ordinary circumstance of me being able to provide leave on behalf of a whole lot of people, when we've got a 67-page document which I haven't read and none of us have read, is—just to flag for future tablings—a difficult ask. I appreciate that this is the first time I've raised that difficulty for the House. We'll grant leave for this to be tabled, but there are problems with the tabling of documents today in a general sense that I just need people to be aware of. I'm not in a position ordinarily to be able to give leave on behalf of the whole opposition on a conscience vote issue. But for this I can indicate, having checked, that leave is granted.

Mr SUKKAR (Deakin—Assistant Minister to the Treasurer) (10:49): I thank the Manager of Opposition Business for allowing that. We've tabled a document which obviously outlines in detail some of the amendments.

Again in response to my good friend the member for Brisbane: we are specifically, in this case, making a change that is not trifling, in its very intention, and a range of amendments that we'll see today are actually intended to ensure that the perverse outcomes that occur under state antidiscrimination laws—such as the Archbishop of Hobart being dragged in front of an antidiscrimination tribunal for circulating a booklet that just talked about a Catholic teaching of marriage—can't occur. That is precisely what we are seeking to do. These changes, which say that conscientiously held secular beliefs should not be inferior to conscientiously held religious beliefs, are anchored by our obligations under article 18. It has been accepted by this House, by each of the major parties and the minor parties, that you cannot provide primacy to one without the other. This is a very minor amendment.

Can I just in a broader sense say that we're in no way trying to frustrate in essence what the Australian people have said, and that, overwhelmingly, is that they want same-sex couples to
marry. Liberals and Nationals have a conscience vote on this—unlike the Labor Party, who have bound themselves to not supporting any amendments—so we have to defend these fundamental freedoms. To the extent that we can simultaneously ensure we're meeting the requirements of the postal survey and protecting those things we hold dear, we should do so. These changes are anchored in our obligations under article 18, and both sides of the House and the minor parties have agreed that you cannot give primacy to one without the other. It would be a very sad day if this House were now saying that, if you're a civil celebrant with a secular conscientiously held belief in traditional marriage, you're done. I would expect that from the member for Melbourne, and I would expect that from some parts of the Labor Party, but I certainly wouldn't expect that from our side of politics.

Mr TIM WILSON (Goldstein) (10:51): I note the continual reference to international treaties as the basis for arguments. Having served as Australia's Human Rights Commissioner, and not being a big fan of international treaties, I find it odd that those who might ordinarily oppose international treaties raise them as the basis of an argument. It's the sort of thing I would expect from the Marxist member for Melbourne, but less so from those on the Liberal side. But let's keep the spirit right. The key point is that, if we're going to use human rights as the basis of arguments for why different amendments should be included, we should understand the principles that sit at the heart of them. The freedom of conscience is the unlimited right for you to hold an opinion and to think—to be able to hold that view. Once you get into the point of action, it has always been limited by law. Article 18.3 of the International Covenant on Civil and Political Rights— not that I think this should be the basis of law—states:

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Considering that the fundamental issue before us today is the freedom to marry, it is, as far as I'm concerned, a very legitimate restriction.

Mr CHRISTENSEN (Dawson) (10:53): I appreciate the thoughts of the previous speaker, the member for Goldstein, and those who are opposing this, but there is one consideration that I don't know has been taken into account, and that is that there are many churches and other religions which under Commonwealth law do not have status to provide marriage certificates. They are small churches. Some of them are very independent churches, with just a single pastor and his congregation. Often, the ministers of those particular denominations or independent churches go out individually and apply for a civil celebrant's licence because it is an easier thing to do; there is much less red tape than going through the process of getting the Attorney-General to look at covering them as a religious organisation. A lot of them are evangelical churches with strongly held biblical beliefs around marriage. In knocking this amendment down, you're going to be saying to all of those pastors that they can no longer abide by the principles and articles of faith of their religion. They are going to have to give away the right to marry. That is basically what you're saying. Those pastors are no longer going to be able to marry, because in doing so they're going to put themselves and, I guess, their entire congregations at risk of litigation and at risk of being hauled before the Human Rights Commission. I've got to say it's a very dangerous area that we've slid into if that is indeed what this House wants to do. We're effectively then saying that even for a religion,
even for a pastor, there is no out for them unless they’re covered by something that's very difficult to get, and that's the Attorney-General's exemption.

I see some members shaking their heads, but it is actual fact; it is true. I know of several pastors in my own electorate that have arrangements like this. They are civil celebrants in their own right. They do not belong to a bigger denomination, and right now, if the House knocks back this amendment, they are going to be forced to perform same-sex marriages or they're going to have to give up that licence. So there's no freedom of religion here for those people. I take the argument—I don't agree with it, but I take it—of the previous speaker, the member for Goldstein, about freedom of religion. Well, I tell you what: if that's freedom of religion, it's not worth the paper it's written on.

If our freedom of religion is simply leaving our faith behind at the church door, the synagogue door or the mosque door and not actually putting it in practice in our own lives—particularly when it comes to ministers of religion and what they have to do in the course of their jobs—then this House is effectively eroding freedom of religion, freedom of faith and freedom to act out in the conscience of your faith. This is even for those civil celebrants who, for whatever reason, decide they're going to be civil celebrants but are Christians. Again, I know people like that in my own electorate. Their freedoms are going to be eroded here.

I would say: think very carefully about what you're going to do. It goes further than what you think. In doing this, you're going to be ensuring that there are a lot of people who would otherwise support this bill that will no longer be able to do so.

**Mr ZIMMERMAN** (North Sydney) (10:57): I want to speak briefly on this, particularly in response to that last contribution. But I will say something up-front, because the assertion was made by the mover that voting against this amendment was voting against freedom of conscience.

There are a number of reasons which lead me to vote against this amendment. First, this amendment basically creates two separate definitions of marriage. When we're talking after a postal survey where so many Australians wanted equality of marriage, I think that to say there are two different types of marriage is fundamentally wrong. Marriage will be marriage under every circumstance under this act and that's how it should be.

Secondly, in relation to celebrants and this whole issue of religious freedoms, I want to make one key point which flows through many of the amendments that are presented today. The right to religious freedom is expressed as absolute, but, in all of these amendments, the right to religious freedom only extends as far as being able to discriminate against same-sex couples wanting to be married. For example, the traditional marriage celebrant proposed by this amendment can't decide that he or she doesn't support interfaith marriages, or can't decide that they want to refuse to marry divorcees. It's only for same-sex couples where the right to religious freedom is extended. I think that is why it's regarded as so discriminatory.

Particularly in relation to the point that the previous speaker made, I want to clarify that section 5(1) of the act as it currently stands allows for the recognition of ministers from small and emerging churches. It allows people who are not ministers of recognised churches to so register. That means that they will be covered and allowed to exercise the rights of ministers.

**The SPEAKER:** The question is that the amendment moved by the member for Deakin be agreed to.
The House divided. [11:03]
(The Speaker—Hon. Tony Smith)

Ayes ................. 43
Noes ................. 97
Majority ............. 54

AYES
Abbott, AJ
Andrews, KJ
Andrews, KL
Buchholz, S
Coulton, M
Drum, DK
Flint, NJ
Goodenough, IR
Hastie, AW
Howarth, LR
Joyce, BT
Kelly, C
Leeber, J
Marano, NB
McVeigh, JJ
Morton, B
O’Dowd, KD
Pitt, KJ
Robert, SR
Taylor, AJ
Van Manen, AJ (teller)
Wallace, AB
Wilson, RJ

NOES
Albanese, AN
Banks, J
Bowen, CE
Brodtmann, G
Burnet, LJ
Butler, TM
Chalmers, JE
Chester, D
Ciobo, SM
Claydon, SC
Conroy, PM
Dick, MD
Elliott, MJ
Entsch, WG
Falinski, J
Fitzgibbon, JA
Freelander, MR
Gee, AR
Giles, AJ
Hammond, TJ
Hayes, CP
Hill, JC

Bandt, AP
Bird, SL
Broadbent, RE
Burke, AS
Butler, MC
Byrne, AM
Champion, ND
Chesters, LM
Clare, JD
Collins, JM
Danby, M
Dreyfus, MA
Ellis, KM
Evans, TM
Feeney, D
Fletcher, PW
Frydenberg, JA
Georganas, S
Gosling, LJ
Hart, RA
Henderson, SM
Hogan, KJ
Mr HASTIE (Canning) (11:14): by leave—I move revised amendments (1) to (11) as circulated in my name together:

(1) Clause 1, page 1 (lines 14 and 15), omit "Marriage Amendment (Definition and Religious Freedoms) Act 2017", substitute "Marriage Amendment (Definition and Protection of Freedoms) Act 2017".

(2) Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1, Parts 1, The day after this Act receives the Royal Assent.

(3) Schedule 1, item 1, page 4 (lines 4 to 16), omit the item, substitute:

1 After section 2

Insert:

2A Objects of this Act

(1) It is an object of this Act to create a legal framework that:

(a) provides that marriage means:

(i) the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; or

(ii) the union of 2 people to the exclusion of all others, voluntarily entered into for life; and
(b) fulfils Australia's international obligations, and addresses matters of international concern, including:

(i) protecting the rights of freedom of thought, conscience, religion, expression and association in relation to the holding, expressing, or acting on, certain beliefs; and

(ii) preventing discrimination against people and entities in relation to holding, expressing, or acting on, certain beliefs; and

(iii) making it unlawful for people or entities to be deprived of benefits, or to be subjected to detriments, obligations or sanctions, for exercising freedom of thought, conscience, religion, expression and association in holding, expressing, or acting on, certain beliefs; and

(c) protects freedoms described in subparagraphs (b) (i), (ii) and (iii); and

(d) eliminates, as far as possible, discrimination against persons or entities on the ground of religious or conscientious belief; and

(e) ensures, as far as practicable, that everyone has the same rights to equality, regardless of religious or conscientious belief, as the rest of the community.

Note: The objects of this Act relate to the marriage power and, to the extent that the objects provide for the protection of freedoms, to the external affairs power.

(2) For the purposes of paragraph (1) (b), Australia's international obligations include obligations under the following:

(a) the International Covenant on Civil and Political Rights done at New York on 16 December 1966 ([1980] ATS 23), including Articles 18, 19 and 22;

(b) the International Convention on the Elimination of All Forms of Racial Discrimination done at New York on 21 December 1965 ([1975] ATS 40), including Article 5;

(c) the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966 ([1976] ATS 5), including Article 13;


(3) In addition, the elimination of intolerance and discrimination on the basis of religion or belief, including as evidenced by the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly of the United Nations on 25 November 1981 (resolution 36/55) is a matter of international concern.

2B Alternative constitutional basis for Part VAA

(1) Without prejudice to its effect apart from this section, Part VAA also has effect as provided by this section.

Corporations power

(2) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision:

(a) confined to a person that is a corporation (within the meaning of paragraph 51(xx) of the Constitution); or

(b) confined to a person:

(i) who is an officer or employee of such a corporation; and

(ii) in connection with the person's duties as an officer or employee that relate to the trading activities of the corporation as a trading corporation or the financial activities of the corporation as a financial corporation (as the case may be).

External affairs power
(3) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision, confined to giving effect to the international obligations and matters of international concern including those mentioned in section 2A.

Trade and commerce power

(4) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision, confined to a person engaging in conduct to the extent to which the conduct takes place in the course of, or in relation to, trade or commerce (within the meaning of paragraph 51(i) of the Constitution).

(5) Subsection (4) does not apply to the extent (if any) that its application would infringe section 92 of the Constitution.

Note: Section 92 of the Constitution requires trade among the States to be absolutely free.

Territories power

(6) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision, confined to a person engaging in conduct to the extent to which the conduct takes place wholly or partly in a Territory.

Telecommunications power

(7) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision, confined to a person engaging in conduct to the extent to which the conduct is engaged in using a postal, telegraphic, telephonic or other like service (within the meaning of paragraph 51(v) of the Constitution).

Banking power

(8) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision, confined to a person engaging in conduct to the extent to which the conduct takes place in the course of, or in relation to, banking (within the meaning of paragraph 51(xiii) of the Constitution).

Insurance power

(9) Part VAA has, by force of this subsection, the effect it would have if its operation were, by express provision, confined to a person engaging in conduct to the extent to which the conduct takes place in the course of, or in relation to, insurance (within the meaning of paragraph 51(xiv) of the Constitution).

(4) Schedule 1, page 5 (after line 4), after item 2, insert:

2A Subsection 5(1)

Insert:

Commonwealth authority means:

(a) a Minister; or

(b) an Agency within the meaning of the Public Service Act 1999; or

(c) a body (whether incorporated or not), or a tribunal, established or appointed for a public purpose by or under a Commonwealth enactment, not being an organisation that is registered under the Fair Work (Registered Organisations) Act 2009 or a branch of such an organisation; or

(d) a body established or appointed by the Governor-General, or by a Minister, otherwise than by or under a Commonwealth enactment; or

(e) a person holding or performing the duties of an office established by or under, or an appointment made under, a Commonwealth enactment, other than a person who, by virtue of holding that office, is the Secretary of a Department; or
(f) a person holding or performing the duties of an appointment, being an appointment made by the Governor-General, or by a Minister, otherwise than under a Commonwealth enactment; or

(g) an incorporated company over which the Commonwealth, or a body or authority referred to in paragraph (a), (b), (c), (d), (e) or (f), is in a position to exercise control;

(h) a federal court; or

(i) the Australian Federal Police; or

(j) a Norfolk Island agency as defined in the Privacy Act 1988.

entity: see section 5AA.

law, unless otherwise stated to the contrary, includes:

(a) a Commonwealth law; and

(b) a law of a State or Territory.

(5) Schedule 1, page 5 (after line 12), after item 4, insert:

4A Subsection 5(1)

Insert:

public authority means:

(a) a Commonwealth authority;

(b) a State or Territory authority;

(c) a local government body established by or under the law of the Commonwealth, a State or Territory;

(d) an officer or employee of any of the authorities mentioned in paragraph (a), (b) or (c), when acting in the capacity of an officer or employee of an authority;

(e) a person or entity whose functions are or include functions of a public nature, when it is exercising those functions on behalf of another public authority (whether under contract or otherwise);

(f) a person or entity declared by the regulations to be a public authority.

Note: A non-government school in educating students may be exercising functions of a public nature but as it is not doing so on behalf of the government it is not a public authority.

relevant belief:

(a) for a person: see subsection 5AC(1); and

(b) for an entity: see subsection 5AC(2).

relevant marriage belief:

(a) for a person: see subsection 5AB(1); and

(b) for an entity: see subsection 5AB(2).

religious body or organisation: an entity is a religious body or organisation if:

(a) the entity is a body established for religious purposes to which section 37 of the Sex Discrimination Act 1984 applies; or

(b) the entity is an educational institution established for religious purposes to which section 38 of the Sex Discrimination Act 1984 applies.

(6) Schedule 1, page 5 (after line 17), after item 5, insert:

5A Subsection 5(1)

Insert:

State or Territory authority means:
(a) a State or Territory Minister; or
(b) a Department of State of a State or Territory; or
(c) a body (whether incorporated or not), or a tribunal, established or appointed for a public purpose by or under a law of a State or Territory, other than an association of employers or employees that is registered or recognised under a law of a State or Territory dealing with the resolution of industrial disputes; or
(d) a body established or appointed, otherwise than by or under a law of a State or Territory, by:
   (i) a Governor of a State; or
   (ii) the Australian Capital Territory Executive; or
   (iii) the Administrator of the Northern Territory; or
   (iv) a State or Territory Minister; or
(e) a person holding or performing the duties of an office established by or under, or an appointment made under, a law of a State or Territory, other than the office of head of a State or Territory Department (however described); or
(f) a person holding or performing the duties of an appointment made, otherwise than under a law of a State or Territory, by:
   (i) a Governor of a State; or
   (ii) the Australian Capital Territory Executive; or
   (iii) the Administrator of the Northern Territory; or
   (iv) a State or Territory Minister; or
(g) an incorporated company over which the State or Territory, or a body or authority referred to in paragraph (a) (b) (c) (d) (e) or (f), is in a position to exercise control; or
(h) a State or Territory court; or
   (i) a State or Territory police force.

5B After section 5
Insert:

5AA Meaning of entity
(1) For the purposes of the Act, an entity means:
(a) an entity (other than an individual) within the meaning of section 184-1 of the A New Tax System (Goods and Services Tax) Act 1999; and
(b) a non-entity joint venture within the meaning of section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999.

Note: The term entity includes body corporates, body politics, partnerships, unincorporated associations or other bodies of persons, trusts and superannuation funds.

(2) For the purposes of subsection (1), an entity is an entity regardless of whether:
(a) the entity is for-profit or not-for-profit; or
(b) the entity is a religious body or organisation; or
(c) the entity operates to make a profit or not.

5AB Meaning of relevant marriage belief
(1) A person holds a relevant marriage belief if the person holds:
(a) a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; or
(b) any one or a combination of genuine religious or conscientious beliefs that are constitutive of, supporting of or a corollary of the belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, which beliefs may include, without limitation, any of the following beliefs:

(i) a marriage that is not a union of a man or a woman is not consistent with the doctrines, tenets, beliefs or teachings of the religion or the conscience of the person;

(ii) the family structure of a man and a woman united in marriage with their children is a fundamental building block of human society, and this family structure has significant advantages for the nurture and raising of children;

(iii) sexual relations should only occur within a marriage, understood as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life;

(iv) the gender difference and complementarity of men and women is an inherent and fundamental feature of human society and is reflected in the gender difference and complementarity of a man and a woman united in marriage;

(v) a fundamental feature of a marriage between a man and a woman is the modelling for children born from, or raised in, that marriage of the gender difference and complementarity of the man and the woman;

but for the avoidance of doubt, does not include the belief mentioned at paragraph 5AC(1) (b).

(2) An entity holds a relevant marriage belief if the entity has adopted:

(a) a belief mentioned in paragraph (1) (a); or

(b) one or more beliefs mentioned in paragraph (1) (b);

as beliefs the entity holds.

5AC Meaning of relevant belief

(1) A person holds a relevant belief if the person holds:

(a) a relevant marriage belief; or

(b) a genuine religious or conscientious belief that:

(i) a same-sex relationship is not consistent with the doctrines, tenets, beliefs or teachings of the religion or the conscience of the person; or

(ii) the normative state of gender is binary and can, in the overwhelming majority of cases, be identified at birth; or

(iii) any one or a combination of genuine religious or conscientious beliefs that are constitutive of, supporting of or a corollary of a belief mentioned in subparagraphs (1) (b) (i) or (1) (b) (ii).

(2) An entity holds a relevant belief if the entity has adopted:

(a) a belief mentioned in paragraph (1) (a); or

(b) one or more beliefs mentioned in paragraph (1) (b);

as beliefs the entity holds.

5AD Determining when a belief is held etc.

(1) For the purposes of this Act, a person or entity holds a genuine belief, or holds a genuine religious or conscientious belief, or genuinely believes, if the holding of the belief (inclusive of the person's or entities beliefs as to the actions, refusals, omissions or expressions that are consistent with, a consequence of, made in connection with, based upon, constitutive of, supporting of, or a corollary of that belief) is not fictitious, capricious or an artifice.
(2) For the purposes of subsections 5AB(2) and 5AC(2), but without limiting those subsections, an entity may state or adopt a belief as a belief the entity holds by:
   (a) including the belief in its governing documents, organising principles, statement of beliefs or statement of values; or
   (b) adopting principles, beliefs or values of another entity which include the belief;
   (c) adopting principles, beliefs or values from a document or source which include the belief; or
   (d) acting consistently with that belief.
    
(3) For the purposes of this Act, if an authorised celebrant, chaplain or an authorised officer holds a relevant marriage belief or a relevant belief, then in holding, expressing or acting on that belief:
   (a) whether or not another person who is to be married is a man or a woman is to be determined by the authorised celebrant, chaplain or authorised officer; and
   (b) in determining whether the other person is a man or a woman, if the authorised celebrant, chaplain or authorised officer reasonably believes and genuinely believes that the current legal status of the other person as a man or a woman is different from the legal status of the other person as a man or a woman at the time of the other person's registration following the other person's birth, the authorised celebrant, chaplain or an authorised officer may disregard the current legal status of the other person's sex or gender, or their gender identity or intersex status.

5C After section 5A
Insert:

5B Act binds Crown
(1) This Act binds the Crown in each of its capacities.
(2) This Act does not make the Crown liable to be prosecuted for an offence.

5D Section 6 (heading)
Repeal the heading, substitute:

5E Section 6
Omit "This Act", substitute "(1) This Act (other than Part VAA)".

5F At the end of section 6
Add:

Part VAA of this Act is intended to "cover the field"

(2) It is the intention of Parliament that, in order to recognise the protections, rights, privileges and entitlements of a person or entity that holds a relevant belief or a relevant marriage belief and to ensure that such protections, rights, privileges and entitlements are recognised equally and without discrimination in all States and Territories, Part VAA operates:
   (a) to cover the field in relation to those protections, rights, privileges and entitlements; and
   (b) to provide a complete, exhaustive and exclusive statement of the law relating to those protections, rights, privileges and entitlements; and
   (c) to exclude and limit the operation of the laws of the States and Territories in relation to those protections, rights, privileges and entitlements.

(3) For the avoidance of doubt, and without limiting subsection (2), if a protection, right, privilege or entitlement granted, or a limitation provided for under Part VAA of this Act, is inconsistent with a
protection, right, privilege or entitlement granted, or a limitation provided for, under a law of a State or Territory, this law shall prevail, and the State or Territory law shall, to the extent of the inconsistency, be invalid.

(4) In addition, proceedings must not be brought against a person, and a person must not be convicted of an offence under a State or Territory law or otherwise be found to have contravened a provision of a State or a Territory law, if:

(a) a law of a State or Territory deals with a matter dealt with by Part VAA of this Act; and

(b) an act or omission by a person that constitutes an offence against, or a contravention of, that law is permitted by Part VAA of this Act.

(8) Schedule 1, page 10 (after line 6), after item 17, insert:

17A At the end of section 43
Add "(subject to Part VAA)".

(9) Schedule 1, page 15 (after line 26), after item 58, insert:

58A After Part VA
Insert:

Part VAA—Freedom of thought, conscience, religion, expression and association in relation to holding certain beliefs
Division 1—Protection of freedoms

88J Freedom to hold or express relevant belief

(1) Subject to subsections (2) and (3), a person or an entity has the right to freedom of thought, conscience, religion or belief in relation to holding or expressing a relevant belief, including the right to have or adopt that belief.

(2) Despite any law, it is lawful for a person or an entity to hold or lawfully express a relevant belief.

(3) A reference in this section to lawful expression of a relevant belief:

(a) does not include expression that would constitute an offence against or a contravention of, a law;

(b) for the avoidance of doubt does include expression that is not an offence against, or a contravention of, a law because of section 88KA.

88JA Freedom to hold, express or act on relevant marriage belief

(1) Subject to subsections (2) and (3), a person or an entity has the right to freedom of thought, conscience, religion or belief in relation to holding, expressing, or acting on, a relevant marriage belief, including:

(a) the right to have or adopt that belief; and

(b) the right to manifest that belief:

(i) individually or in community with others; and

(ii) in public or private; and

(iii) in worship, observance, practice or teaching; and

(iv) in any action or refusal to act.

Note: For the purposes of subparagraph (1) (b) (iv), examples include acting, or refusing to act, in the course of engaging in any of the following for the purposes of preparing for, solemnising or celebrating a marriage:

(a) a for-profit or a not-for-profit business;

(b) duties as an employer or an employee;
(c) activities related to community and public affairs.

(2) Despite any law, it is lawful for a person or an entity to hold or lawfully express a relevant marriage belief and engage in lawful conduct which manifests a relevant marriage belief.

(3) A reference in this section to lawful expression and lawful conduct:
(a) does not include expression or conduct that would constitute an offence against or a contravention of, a law;
(b) for the avoidance of doubt does include expression or conduct that is not an offence against, or a contravention of, a law because of section 88KA.

(4) This section does not imply any limitation on the rights of a person or entity to act on a relevant belief.

88K Protection from unfavourable treatment

(1) Despite any law it is unlawful for a public authority or a relevant person or entity within the meaning of subsection (2) to treat or propose to treat another person or entity unfavourably, or subject or propose to subject the person or entity to any detriment or disadvantage, obligation or sanction, or denial of any benefit, whether directly or indirectly, including, without limitation, in relation to any of the following:

(a) the employment of a person;
(b) the engagement of a contractor or volunteer;
(c) academic, trade or professional qualifications, accreditation or licensing;
(d) accommodation;
(e) education;
(f) the provision of economic benefits, including grants, funding or subsidies;
(g) the supply or acquisition of goods, services or facilities;
(h) the assessment or selection of a person or entity to be a supplier or acquirer of goods or services or facilities;

(i) the administration or enforcement of Commonwealth, State, Territory or local government laws and programs, including the granting of funding under those laws or programs;

because the other person or entity:

(j) holds or expresses a relevant belief other than a relevant marriage belief; or
(k) holds or expresses a relevant marriage belief; or
(l) engages in any lawful act or lawfully refuses or omits to engage in an act because the person or entity genuinely believes that the act or refusal or omission is consistent with a relevant marriage belief; or

(m) has a characteristic that appertains generally to a person or entity described in paragraphs (j), (k) or (l); or

(n) has a characteristic that is generally imputed to a person or entity described in paragraphs (j), (k) or (l); or

(o) associates with a person or entity described in paragraphs (j), (k) or (l) or associates with a group or is a member of a group which is an entity described in paragraphs (j), (k) or (l) or which includes a person or entity described in paragraphs (j), (k) or (l); or

(p) employs or engages as a contractor or volunteer (or has not refused to employ or engage as a contractor or volunteer) a person who is described in paragraphs (j), (k) or (l); or
(q) provides goods, services, funding, subsidies or other economic benefits to a person or entity who is described in paragraphs (j), (k) or (l) (or has not refused to do so); or

(r) acquires goods, services, funding, subsidies or other economic benefits from a person who is described in paragraphs (j), (k) or (l) (or has not refused to do so).

Note: Examples of detrimental action made unlawful by section 88K include the following:

(a) A public authority, such as a government agency, refuses to appoint or hire or promote or dismisses a person, employee or contractor because that person holds or expresses a relevant marriage belief or a relevant belief or is associated with a person or entity which does so.

(b) A public authority, such as a government agency or private sector body exercising professional or trade accreditation functions on behalf of government or under statutory authority refuses to accredit or imposes disadvantageous conditions on an accreditation of a person or entity because the person holds or expresses a relevant marriage belief or a relevant belief or is associated with a person or entity which does so.

(c) A public authority such as a local government or State or Territory or Commonwealth Government department or agency refuses to provide a grant or funding or provides it on disadvantageous conditions because the grant applicant holds or expresses a relevant marriage belief or a relevant belief or is associated with a person or entity which does so.

(d) A government education authority, including a government school, or a private school when acting on the instruction of or in accordance with its funding contract with a government authority, suspends or expels a student or bans or refuses access to facilities or funding to a student club because the student or the student club holds or expresses a relevant marriage belief or a relevant belief or is associated with a person or entity which does so.

(e) A public authority refuses to supply to or acquire from a person or entity goods or services or facilities or discriminates against the person or entity in a tender process because the person or entity holds or expresses a relevant marriage belief or a relevant belief or is associated with a person or entity which does so.

(2) In this section, a **relevant person or entity** means a person or entity which engages in the conduct described in subsection (1) because it is caused or induced to do so by a public authority, including being caused or induced to do so:

(a) by a request, instruction or expectation of a public authority; or

(b) by a condition of a contract or arrangement with a public authority; or

(c) by a condition of direct or indirect funding by a public authority; or

(d) by a condition of a licence or permission granted by a public authority.

(3) It is unlawful for a public authority to cause or induce a relevant person or entity to engage in conduct described in subsection (1), including in the ways described in subsection (2).

(4) A request, instruction, expectation or condition of the following kind is void to the extent that it would cause or induce the person or entity to engage in conduct described in subsection (1):

(a) a request, instruction or expectation of a public authority directed to a person or entity;

(b) a condition of a contract or arrangement between a public authority and a person or entity;

(c) a condition of direct or indirect funding by a public authority to a person or entity;

(d) a condition of a licence or permission granted by a public authority to a person or entity.

(5) The reference in paragraph (1) (l) to engaging in a lawful act or lawfully refusing or omitting to engage in an act:

(a) does not include engaging in an act, refusal or omission that would constitute an offence against, or a contravention of, a law; and
(b) for the avoidance of doubt does include engaging in an act, refusal or omission that is not an
offence against, or a contravention of, a law because of section 88KA.

88KA Protection from certain laws when expressing or acting on a relevant marriage belief or
a relevant belief

Relevant marriage belief
(1) Subject to subsection (10), despite any law, where:
(a) a person or entity holds a relevant marriage belief; and
(b) the person or entity expresses a statement or opinion (in any manner) which the person or entity
genuinely believes is consistent with the relevant marriage belief; and
(c) the expression of the statement or opinion would not be reasonably likely, in all the
circumstances, to threaten or harass another person or group of persons on the basis of the sexual
orientation, gender identity, intersex status, marital or relationship status or the family responsibilities
of the person or persons in the group;
the expression of the statement or opinion does not constitute an offence against or contravention of
a law prohibiting vilification or a law which makes it unlawful to offend, humiliate, intimidate, insult or
ridicule another person.
(2) For the purposes of subsection (1) a statement or opinion may be expressed in any manner
including by acts, words, sounds, images or writing.
(3) Subject to subsection (10), despite any law, where:
(a) a person or entity holds a relevant marriage belief; and
(b) the person or entity engages in conduct, other than an expression mentioned in subsection (1),
which the person or entity genuinely believes is consistent with the relevant marriage belief;
the conduct does not contravene a law of a State or Territory prohibiting discrimination.
(4) For the purposes of subsection (3), conduct includes engaging in an act, or refusing or omitting to
engage in an act.

Relevant belief
(5) Subject to subsection (10), despite any law, where:
(a) a person or entity holds a relevant belief; and
(b) the person or entity expresses a statement or opinion (in any manner) which the person or entity
genuinely believes is consistent with the relevant belief; and
(c) the expression of the statement or opinion would not be reasonably likely, in all the
circumstances, to threaten or harass another person or group of persons on the basis of the sexual
orientation, gender identity, intersex status, marital or relationship status or the family responsibilities
of the person or persons in the group;
the expression of the statement or opinion does not constitute an offence against or contravention of
a law prohibiting vilification or a law which makes it unlawful to offend, humiliate, intimidate, insult or
ridicule another person.
(6) For the purposes of subsection (5) a statement or opinion may be expressed in any manner
including by acts, words, sounds, images or writing.
(7) Subject to subsection (10), despite any law, where:
(a) a person or entity holds a relevant marriage belief; and
(b) the person or entity engages in conduct, other than an expression mentioned in sub-section (1),
which the person or entity genuinely believes is consistent with the relevant marriage belief;
the conduct does not contravene a law of a State or Territory prohibiting discrimination.

(8) For the purposes of subsection (7), conduct includes engaging in an act, or refusing or omitting to engage in an act.

(9) The inclusion of relevant marriage belief within relevant belief at section 5AC does not imply any limitation on the rights of a person or entity to act on a relevant marriage belief.

(10) Nothing in this section prevents a person or entity committing an offence in relation to discrimination or contravening a prohibition on discrimination in the *Sex Discrimination Act 1984* if the person or entity engages in conduct which under that Act is unlawful discrimination against another person.

**88KB Determining what is a public authority**

(1) In determining if a function is of a public nature within the meaning of paragraph (e) of the definition of *public authority* in subsection 5(1) the factors that may be taken into account include:

(a) that the function is conferred on the entity by or under a statutory provision;

(b) that the function is connected to or generally identified with functions of government;

(c) that the function is of a regulatory nature;

(d) that the entity is publicly funded to perform the function.

(2) To avoid doubt:

(a) the factors listed in subsection (1) are not exhaustive of the factors that may be taken into account in determining if a function is of a public nature; and

(b) the fact that one or more of the factors set out in subsection (1) are present in relation to a function does not necessarily result in the function being of a public nature.

(3) For the purposes of paragraph (e) of the definition of *public authority* in section 5(1) an entity may be acting on behalf of the public authority even if there is no agency relationship between the entity and the public authority.

(4) For the purposes of paragraph (e) of the definition of *public authority* in section 5(1) the fact that an entity is publicly funded to perform a function does not necessarily mean that it is exercising that function on behalf of the public authority.

**88L Scope of rights—expressing a relevant marriage belief or a relevant belief**

The right of a person or an entity that holds a relevant marriage belief or a relevant belief to express that belief includes, but is not limited to, the freedom to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other medium.

**88P Requiring a person to express, publish, associate with or support statements or opinions**

(1) Despite any law, it is unlawful for a person or entity to:

(a) require another person or entity to engage in relevant conduct in relation to a statement or opinion; or

(b) treat another person or entity unfavourably because the other person or entity refuses or omits to engage in relevant conduct in relation to a statement or opinion;

    if the other person or entity holds a relevant belief and genuinely believes that the statement or opinion is not consistent with that belief.

(2) In subsection (1) relevant conduct in relation to a statement or opinion means:

(a) expressing, publishing or disseminating the statement or opinion;

(b) producing or distributing a thing which expresses or supports or endorses the statement or opinion;
(c) associating the second person or entity with the statement or opinion; or
(d) endorsing or supporting the statement or opinion.

(3) Despite any law, it is lawful for a person or entity to refuse or fail to comply with a requirement mentioned in subsection (1).

Note: Examples of unlawful conduct under section 88P include any one or more requirements that a printer, signwriter, artisan, film-maker or media business which holds a relevant marriage belief or a relevant belief express a statement or opinion or publish or produce a poster, sign, video or media content which expresses or endorses a statement or opinion that they genuinely believe is not consistent with that belief.

88Q Religious bodies or organisations

(1) Despite any law, a religious body or organisation may engage in a lawful act, or lawfully refuse or omit to engage in an act, if the body or organisation:
   (a) is an entity that holds a relevant marriage belief or a relevant belief; and
   (b) genuinely believes that the act, refusal or omission is consistent with the holding of that belief.

(2) The reference in subsection (1) to engaging in a lawful act or lawfully refusing or omitting to engage in an act:
   (a) does not include engaging in an act, refusal or omission that would constitute an offence against, or a contravention of, a law;
   (b) for the avoidance of doubt does include engaging in an act, refusal or omission that is not an offence against, or a contravention of, a law because of section 88KA.

88R Right not to attend class if material taught is not consistent with a relevant marriage belief or a relevant belief

(1) This section applies to a person who:
   (a) holds a relevant marriage belief or a relevant belief; and
   (b) either:
      (i) is a parent or guardian of a student of an educational institution who has not attained the age of 16; or
      (ii) is a student of an educational institution who has attained the age of 16.

(2) Despite any law, if a person genuinely believes that material taught by the educational institution in a class is not consistent with the relevant marriage belief or relevant belief held by the person, the person may request the principal of the educational institution to:
   (a) if the person is a parent or guardian of a student—release the student from attendance of that class and any subsequent class in which that material is taught (or the relevant parts of those classes); and
   (b) if the person is a student—be released from attendance of that class and any subsequent class (or the relevant parts of those classes) in which that material is taught.

(3) The request must:
   (a) be in writing; and
   (b) be made at least 24 hours before the start of the first class in respect of which the request is made.

(4) The principal must release the student from the class (or the relevant parts of a class), and any subsequent class, if the principal is satisfied that the request has been made by the person on the basis that the person holds a relevant marriage belief or a relevant belief.
(5) Where a student is released from a class (or the relevant parts of a class) the principal must take all reasonable steps to arrange adequate supervision of the student during the period of that release.

(6) Where an educational institution proposes to teach or present material that is likely to be objectionable to a person who holds a relevant marriage belief or a relevant belief, the institution must:
(a) notify the person in writing at least a week in advance of the day of the first relevant class that:
   (i) the class or classes will contain that material; and
   (ii) the student has the right to be released from the class or classes or the relevant part of the classes; and
(b) ensure that the material is taught in a single class or as few classes as is possible.

Division 2—Offences

88S Victimisation

(1) A person commits an offence if the person commits an act of victimisation against another person.

Penalty: 25 penalty units.

(2) For the purposes of subsection (1), a person is taken to have committed an act of victimisation against another person if the person subjects, or threatens to subject, the other person to any detriment on the ground that the other person:
(a) has made, or proposes to make, a complaint under the Australian Human Rights Commission Act 1986; or
(b) has brought, or proposes to bring, proceedings under that Act or under this Part; or
(c) has given, or proposes to give, any information, or has produced, or proposes to produce, any documents to a person exercising or performing any power or function under that Act; or
(d) has attended, or proposes to attend, a conference held under that Act; or
(e) has appeared, or proposes to appear, as a witness in a proceeding under that Act or under this Part; or
(f) has reasonably asserted, or proposes to assert, any rights of the person or of any other person under that Act or under this Part; or
(g) has made an allegation that a person has done an act that is in contravention of or unlawful under a provision of this Part;

or on the ground that the first-mentioned person believes that the other person has done, or proposes to do, an act or thing referred to in any of paragraphs (a) to (g).

(3) It is a defence to a prosecution for an offence under subsection (1) constituted by subjecting, or threatening to subject, a person to a detriment on the ground that the person has made an allegation that another person had done an act that was unlawful by reason of a provision of Division 1 of this Part if it is proved that the allegation was false and was not made in good faith.

Division 3—Remedies

Subdivision A—Civil enforcement

88T Actions for loss or damage

(1) A person:
(a) who suffers loss or damage; or
(b) who is detrimentally affected by the conduct of another person; or
(c) whose rights are interfered with;
because another person contravenes, or was involved in contravening, a provision of Part VAA of this Act may bring an action in a court of competent jurisdiction to recover the amount of any loss or damage arising from the contravention from the other person.

(2) An action mentioned in subsection (1) may be brought by:
   (a) an interested person; or
   (b) a person acting on behalf of an interested person.

(3) An action under subsection (1) may only be begun within 3 years after the day on which the cause of action arose.

(4) This section does not affect any right or liability that a person has under any other law.

(5) For the purposes of this section, a person is involved in a contravention if, and only if, the person has:
   (a) aided, abetted, counselled or procured the contravention; or
   (b) has induced, whether by threats or promises or otherwise, the contravention; or
   (c) has been in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the contravention; or
   (d) has conspired with others to effect the contravention.

88U Injunctions for contravention of this Act

Application for injunctions

(1) If a person has engaged, engages or proposes to engage in conduct consisting of an act or omission that constitutes an offence or other contravention of Part VAA of this Act, either of the following persons may apply to a court of competent jurisdiction for an injunction under subsection (2) or (3):
   (a) an interested person;
   (b) a person acting on behalf of an interested person.

Prohibitory injunctions

(2) If a person has engaged, is engaging or is proposing to engage in conduct constituting an offence or other contravention of Part VAA of this Act, the court may grant an injunction restraining the person from engaging in the conduct. The court may grant the injunction:
   (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
   (b) whether or not the person has previously engaged in conduct of that kind.

Mandatory injunctions

(3) If:
   (a) a person has refused or failed, or is refusing or failing, or is proposing to refuse or fail to do an act; and
   (b) the refusal or failure did, does or would constitute an offence or other contravention of Part VAA of this Act;

the court may grant an injunction requiring the person to do the act. The court may grant the injunction:
   (c) whether or not it appears to the court that the person intends to refuse or fail again, or to continue to refuse or fail, to do the act; and
   (d) whether or not the person has previously refused or failed to do the act.

Interim injunctions
(4) Before deciding an application for an injunction under this section, the court may grant an interim injunction:

(a) restraining a person from engaging in conduct; or
(b) requiring a person to do an act.

Discharging or varying injunctions

(5) On application, the court may discharge or vary an injunction.

No undertakings as to damages if applicant is prescribed person

(6) A person cannot be required, as a condition of granting an interim injunction, to give an undertaking as to damages.

Powers conferred are in addition to other powers of the court

(7) The powers conferred on a court by this section are in addition to (and do not limit) any other powers of the court.

88V Court may make other orders

(1) A court of competent jurisdiction may make any other order (including a declaratory order) it thinks fit if a person or entity contravenes Part VAA of this Act.

(2) The court may make an order under this section only on application by:

(a) an interested person; or
(b) a person acting on behalf of an interested person.

(3) An order under this section may be enforced as if it were a judgment of the Court.

(4) Without limiting the generality of subsection (1), where, in a proceeding instituted under this Part, the Court finds that a person who is a party to the proceeding has suffered, or is likely to suffer, loss or damage by conduct of another person that was engaged in contravention of a provision of Part VAA, the Court may, whether or not it grants an injunction under section 88U or makes an order under section 88T, make such order or orders as it thinks appropriate against the person who engaged in the conduct or a person who was involved in the contravention (including all or any of the orders mentioned in subsection (5) of this section) if the Court considers that the order or orders concerned will compensate the first-mentioned person in whole or in part for the loss or damage or will prevent or reduce the loss or damage.

(5) The orders referred to in subsection (4) are:

(a) an order declaring the whole or any part of a contract made between the person who suffered, or is likely to suffer, the loss or damage and the person who engaged in the conduct or a person who was involved in the contravention constituted by the conduct, or of a collateral arrangement relating to such a contract, to be void and, if the Court thinks fit, to have been void ab initio or at all times on and after such date before the date on which the order is made as is specified in the order;

(b) an order varying such a contract or arrangement in such manner as is specified in the order and, if the Court thinks fit, declaring the contract or arrangement to have had effect as so varied on and after such date before the date on which the order is made as is so specified;

(c) an order refusing to enforce any or all of the provisions of such a contract;

(d) an order directing the person who engaged in the conduct or a person who was involved in the contravention constituted by the conduct to refund money or return property to the person who suffered the loss or damage;

(e) an order directing the person who engaged in the conduct or a person who was involved in the contravention constituted by the conduct to pay to the person who suffered the loss or damage the amount of the loss or damage.
(f) an order directing the person who engaged in the conduct or a person who was involved in the contravention constituted by the conduct, at his or her own expense, to repair, or provide parts for, goods that had been supplied by the person who engaged in the conduct to the person who suffered, or is likely to suffer, the loss or damage; and

(g) an order directing the person who engaged in the conduct or a person who was involved in the contravention constituted by the conduct, at his or her own expense, to supply specified services to the person who suffered, or is likely to suffer, the loss or damage.

Note: Section 88V is based on section 87 of the Competition and Consumer Act 2010.

88VA Contravention of Part VAA

For the avoidance of doubt, conduct which is unlawful under Part VAA constitutes a contravention of Part VAA.

Subdivision B—Jurisdiction of courts

88W Federal Court and Federal Circuit Court have jurisdiction

For the purposes of this Division the Federal Court of Australia and the Federal Circuit Court have jurisdiction to hear and determine matters arising under Part VAA.

(10) Schedule 1, page 16 (after line 8), after Part 1, insert:

Part 1A—Amendment of the Australian Human Rights Commission Act 1986

Australian Human Rights Commission Act 1986

62A Subsection 3(1) (after paragraph (a) of the definition of unlawful discrimination)

Insert:

(ab) Part VAA of the Marriage Act 1961; or

62B Subsection 3(1) (after paragraph (d) of the definition of unlawful discrimination)

Insert:


(11) Schedule 1, item 70, page 20 (after line 13), after subitem (2), insert:

(2A) Part VAA of the amended Act applies according to its terms from its commencement.

These are important amendments because they seek to safeguard sincere Australians and entities that, for either conscientious or religion reasons, hold to a relevant marriage belief and directly associated beliefs on family structure, sexual relations and parenting. The amendments impose limitations on the expression of those marriage beliefs in that they must not constitute hate speech. They must not be harassing or threatening on the basis of sexual orientation, gender identity, intersex status or marital or relationship status. They do not give licence to sexual discrimination. They do not permit a person or entity to discriminate against other Australians, as prohibited under the Sex Discrimination Act 1984.

These amendments, rather, are a shield for people and organisations that hold to a traditional view of marriage. They are not a sword to be wielded in the service of bigotry. I make that very clear; they are a shield, not a sword. These protections are very narrow and tightly focused around marriage. The protections only operate around the question of marriage and directly associated beliefs as per the Marriage Act. They do not open the door, as some members of this House have suggested, to broader religious freedoms which are contrary to Australian values. This will not open the door to sharia law. I note the member for Isaacs is sitting opposite. We worked together closely on the committee for intelligence and security. He of all people knows that I’m not the sort of person who would seek to alloy...
Australian law with sharia law. This amendment is tightly focused on the question of marriage and safeguarding within limits the freedom of Australians and religious organisations who express a conviction in traditional marriage. It's very important that we safeguard those people and organisations now—not in the future, but today.

The member for Deakin’s amendment to include a unifying definition of marriage that recognises the views of Australians who voted in the postal survey has just been voted down. We've effectively extinguished from the Marriage Act the view of marriage held by 4.9 million Australians. Now we must seek to protect their freedom to hold that view. When this bill passes, which it will, the practical effect of the legislation is that the rights of same-sex couples to marry will interact with the rights of those who hold a traditional view of marriage. We need to reconcile those rights in a way that protects all Australians without detriment to anyone acting in good conscience or from religious conviction with respect to marriage.

These amendments introduce part 5AA, which draws its constitutional basis from the external affairs powers under section 51 of the Constitution and the protection of religious and conscientious belief in international human rights law. It protects Australians in the following ways. First, it protects the freedom of Australians to hold or express a belief in traditional marriage without exposure to vexatious litigation under state or territory antivilification law. These protections will prevail against such laws with the Commonwealth providing a universal standard of protection for all Australians with respect to marriage. They will prevent instances like that we saw in Tasmania, where Archbishop Julian Porteous was hauled before the Anti-discrimination Tribunal. They would also protect people like the young Canberra woman who was fired in September for posting on her Facebook page, ‘It's okay to say no.’

Second, the amendments shield people and organisations such as churches, schools and faith based charities from detrimental treatment by government or delegated public authorities for expressing or holding traditional marriage beliefs. They will be able to hold their views without risk of dismissal, defunding, withdrawal of accreditation or any like detrimental action. Third, they protect people or organisations from having to promote or support views contrary to their own beliefs on marriage. They will protect people from coercion against conscience. Finally, and very importantly, they allow parents who hold to a traditional marriage and an associated view to withdraw their children from classes that teach material not consistent with their relevant beliefs. This protection mirrors the law that allows parents to withdraw their children from religious education. It is not novel; it reflects existing statute and case law here in Australia and New Zealand.

I want to come back to where I started. This amendment protects freedom of conscience and freedom of speech but within limitations. It does not licence hate speech or any speech that threatens or harasses those people of sexual orientation or views contrary to traditional marriage. It also provides a shield to organisations and individuals that is only enlivened when they're under attack. It's a good amendment, and I implore my colleagues to back it.

**Ms BUTLER** (Griffith) (11:20): We'll be opposing these amendments. These amendments largely reflect the Paterson amendments that were lost by 44-20 in the Senate when this bill was before the Senate. I seek to oppose the amendments on the basis of three sets of reasons: the first being procedural, the second being principle and the third being the merits.

The procedural reason to oppose the amendments, with the greatest respect to the member for Canning, is that any amendment to this bill will cause a delay because there will then be a
disagreement between the houses, and a delay in the passage of marriage equality will break the nation's heart. We don't know how long that delay would be, but we do know it could go for some time. It is manifestly unfair to ask people to wait longer for marriage equality. People have waited long enough for marriage equality. We should not amend this bill. People like my friend Bernice, who is in her 80s and in hospital very ill, are waiting on the passage of this bill, and there will be many other elderly people who are as well. Let's do what the nation has asked us to do and get this done.

The second set of reasons is principles. Amendments such as these, which are radical departures from the state of the current Australian law, may well be things that we should consider, but they should be considered in a way that is appropriate and in a way that has opportunities for detailed consideration and review. The Ruddock panel that has been established will be the ideal place for these amendments to be considered and discussed in detail. For example, these amendments were not covered in the consensus Senate report that came out of the select committee, which was a cross-party committee, earlier this year. There has been no opportunity for detailed review, detailed submissions or detailed consideration of these specific amendments. As I say, it may well be that collectively we seek to create new rights or change the way that religious protections are established in this country. I look forward to engaging in a constructive manner with the member for Canning and others next year when the Ruddock panel is underway, because I'm certainly in favour of protecting human rights, including the rights to freedom of religion.

The third set of reasons to oppose these amendments is on merit. As I say, it's difficult because these amendments are so radical and do depart from the existing Australian law and we haven't had detailed consideration of them in an orderly fashion. There is an attempt to rush them through the parliament, but let me make some observations having made that caveat. In terms of the freedoms that are sought to be enacted in this bill, we're talking here about new provisions that are unlike, really, anything that we have in Australian law. The freedoms are, as I say, something that should be considered in detail, but we need to also remember that, when we talk about human rights, it is almost always the case that human rights compete with each other and that balances have to be struck. I think most people reading, in particular, proposed section 88J and the related sections would have concerns about whether the correct balance has been struck with them.

The no-detriment provision that's been provided is unorthodox. It provides greater protection than similar provisions in respect of attributes such as sex, race and disability. The language that is used in the no-detriment clause prohibits people being treated unfavourably for the reason set out in the provision, yet for sex, race or disability you have to show that you have been treated less favourably than someone who has doesn't have the relevant attribute. Why have a different test in respect of this particular no-detriment provision? Again, there may be a good case for this, but it's something we should discuss and hear, and at the moment I have very grave concerns about that particular issue. Similarly, there may be a case that all of those no-detriment provisions use the formulation that the member for Canning has proposed and that Senator Paterson had previously proposed.

Finally, on parental rights: this provision seems to be trying to create a solution for a problem that doesn't exist. Parents already choose which schools to send their children to, of course, and they seek to send them to schools that align with their views. The Law Council of
Australia has advised that the bill and the legalisation of marriage equality, of same-sex marriage, do not do anything to change teacher professional development or the learning resources made available to schools, and I note that people have sought— (Time expired)

**The DEPUTY SPEAKER (Ms Bird):** The member for Griffith.

**Ms BUTLER:** Thank you very much. The opponents of marriage equality have sought to conflate the marriage equality debate with Safe Schools. Obviously, people are entitled to debate Safe Schools, but we should not be conflating the two issues, because nothing in the marriage equality legislation that we're being asked to consider today would change teacher development or the learning resources made available to schools. I would note that, as the Law Council of Australia has advised, the Safe Schools resource is a non-compulsory and optional component of national state or territory curricula, and of course independent non-government schools determine which programs they will fund and implement. The marriage equality bill is not a bill that seeks to amend education policy.

On those bases, the amendments ought to be opposed.

**Mrs WICKS (Robertson) (11:26):** I rise to speak in support of the amendments moved by the member for Canning to the Marriage Amendment (Definition and Religious Freedoms) Bill 2017, and I thank the House for the opportunity to do so. Today we will expand on an institution that is a cornerstone of our society, as it has been for centuries, and many of us, including me, will respect and reflect the outcome of the postal survey in the final vote on this legislation today. But I rise to speak because this bill should be one that represents all Australians, regardless of whether they voted yes or no to the question about same-sex marriage, and the only way that we can be certain of this is to support this amendment, which goes to the very core of the importance of freedom of speech, freedom of religion and parental choice.

This amendment aims to protect Australians who hold a sincere and relevant belief in traditional marriage, and, to borrow a phrase from the member for Canning, it is designed to be not a sword but a shield. The proposal protects free speech by allowing individuals to express their genuine belief that marriage is between a man and a woman, as long as the expression does not harass or threaten, as outlined in clauses 88J and 88JA of the member for Canning's amendments. Further, individuals and entities would be protected from detrimental treatment initiated against them by public authorities because of their traditional belief about marriage, as detailed in the antidetriment provisions in clauses 88K, 88KA and 88KB.

Many real-world examples highlight the importance of these sections and the need to protect individuals and entities who express traditional beliefs. In the UK, for example, in the Johns v Derby City Council case, the English High Court upheld the decision of a local council that a Christian couple with traditional views on sexual ethics would not make suitable foster carers because they would not be open to promoting a homosexual lifestyle.

And of course we know all too well of the serious case in Tasmania where a booklet outlining the Catholic position on same-sex marriage, distributed by a Catholic archbishop, was held by the Anti-Discrimination Commissioner to be a possible violation of antivilification legislation. The matter proceeded to a conciliation session, but was, thankfully, abandoned after many months by the complainant.
But what I'm particularly conscious of in this amendment is the need for parents to have a right to withdraw their children from classes where the material taught in the class conflicts with their moral or religious beliefs, as contained in clause 88R of these amendments. This is absolutely vital for two main reasons. Firstly, it highlights that these amendments are not just about religion, clergymen or weddings in churches; they are also about our families, our children, our grandchildren and their freedoms, because, without these amendments, will schools, parents and teachers fear that they cannot express clearly and publicly their relevant marriage belief? Surely they ought to be able to do so, if we truly believe in freedom of expression as a reflection of the International Covenant on Civil and Political Rights. Otherwise, what is there to stop other possible consequences that we have not yet fully worked through as a nation, such as the compulsory adoption of gender neutral theory that we're already seeing outworked in some programs like Safe Schools that we know so many Australians have already raised concerns about? As I said in my earlier speech to this House, we have never yet had an entire generation of children that have grown up without gender as a reference point in their lives. Many people here may be comfortable with that, but many people may not be. And, as such, parents ought to have the freedom and the right to withdraw their children from classes at school because of a relevant marriage belief.

This for me is an important amendment to strengthen parental rights and to ensure they continue to be able to have a say over what their child is taught in class when it relates to their deeply held religious or conscientious belief. By accepting this amendment today, we are finding a way to carefully provide protections for people to articulate their longstanding beliefs on traditional marriage in a non-threatening way and to ensure we don't create a different form of inequality in law by legislating equality for same-sex marriage.

I would add that, if same-sex marriage is about legislating equality and freedom of choice, we need to be able to ensure that those same freedoms are also protected for those who still believe that marriage is between a man and a woman. There are, of course, in this amendment, important provisions that these views must not harass or threaten, and that protections will not be available where the person seeking protection is themselves discriminating. So I commend this amendment to the House and urge other members to carefully consider it in this important time in our nation's history.

**Mr ZIMMERMAN (North Sydney) (11:31):** I rise to oppose this amendment. Can I start by saying I acknowledge the member for Canning's genuine and deeply held views about protecting religious freedom, but I think they're misplaced in this case. I want to start by reiterating points that have been made in this debate already. The bill before the House does not have one word or clause that restricts the religious freedom of Australians in relation to their views on marriage. In fact, the bill is designed to protect those rights in relation to marriage itself. It includes protections for ministers of all faiths, for religious organisations and for existing celebrants. The bill sits alongside existing laws that protect the rights of religious schools to teach as they believe they should, or that make discrimination against employees because of their religious or political views illegal. I draw the House's attention particularly to section 351 of the Fair Work Act.

I come to this debate recognising the fundamental importance of religious freedom and free speech. It is why I support the government's decision to establish the Ruddock review. That review will provide us with a proper opportunity to soberly reflect on the adequacy of current
Australian law. I oppose this amendment for a number of more specific reasons. First, the amendment goes well beyond issues relating to marriage alone. If you need any evidence of that, it is revealed in its explicit reliance on seven constitutional heads of power other than marriage itself, including the corporations power, external affairs, trade and commerce, territories, telecommunications, banking and even the insurance power.

Second, this amendment seeks to fundamentally redefine the role of the Commonwealth in our federation. It will act to extinguish the rights of states to legislate in certain areas, including their own discrimination laws and their current responsibility for public schools in certain areas. That is no small decision. And they are exactly the types of issues that need to be properly considered as part of the Ruddock review.

Third, the amendment radically winds back existing protections for the LGBTI community, in a legally unorthodox and unprecedented way. I do not believe that in a debate that follows Australians voting for greater equality, this parliament should be endorsing legislative changes that reduce that equality for LGBTI citizens. This is at the heart of the problem with what the proponents of this and some of the other amendments are trying to achieve. It is asserted that this is about protecting freedoms. But those freedoms, as the member for Canning himself acknowledged, only extend so far as the right to manifest beliefs relating to the gay and lesbian community and particularly same-sex marriage. They are specific and discriminatory as a result. Nowhere in the amendment are similar protections afforded to Australians who hold beliefs in favour of same-sex marriage. In other words, it offers only one side of protections, and that is wrong.

Finally, I want to touch on the issue of parental rights. This amendment allows parents to withdraw their children from classes where material is being taught or presented that might be contrary to their beliefs on same-sex marriage, sex outside marriage or, more broadly, same-sex relationships. There is a debate to be had about parental rights and there is certainly a debate about whether these provisions which override the states are actually constitutional. Two things need to be clear. First, parental choice is implicit in Australia's system of school education, which allows parents to send, with considerable federal funding support, their children to schools that reflect their values—and this is how it should be. Second, in our public education system, a key principle is the universality of that educational experience. Our states rightly permit parents to decide whether their child will attend religious instruction in a public school. But this amendment goes well beyond that. It will mean parents can withdraw their child from any class—civics, history, literature or science, for example—but only in matters relating to same-sex relations. It is not a broad right for parents.

At the practical level, where a school under this amendment has to give a week's notice in writing to all parents about the teaching or presentation of material that might offend, there is a real issue about whether it is actually workable. I want to give one example. Recently, a local student interviewed me about marriage equality as part of a project which required students of his class to interview a community leader about an issue of their choice. Under this amendment, when that student stood up in the class to present his report, the teacher would have been required to immediately shut him down while the school provided a week's notice to parents on the potential subject matter.
I understand the desire of members of this House to protect freedoms, including those relating to religion, but now we have a process established by the government for that to be properly done. I therefore urge the House to vote against this amendment.

Mr ABBOTT (Warringah) (11:36): The problem that this House is wrestling with today is the absence of detailed consideration of freedom of speech, of conscience and of religion, which both the Prime Minister and the Leader of the Opposition promised would be given to us before this bill was finalised. That is the problem. A promise was made by the leaders of this parliament and the promise has not adequately been delivered upon, and that is why this parliament is now being called upon to deal with this on the run, as it were, because the promises made from the top were not adequately delivered on.

Let me make a couple of observations. I have never before heard members of this House showing such supine respect to another place. Why is it that, simply because something has been passed in the Senate, these are tablets of stone handed down from the mountain top beyond any question or consideration or delay by this House? Please. What would Paul Keating think of the supineness of this House of Representatives in the face of those in the other place across the corridor? We have a problem now, and I would ask those in doubt about this amendment or perhaps inclined to oppose this amendment to consider the actual facts.

The Archbishop of Hobart put out a pamphlet—he did nothing radical; he did nothing out of line. He simply asserted the traditional Christian teaching on marriage and he spent months being officially bullied and officially persecuted before the Tasmanian Anti-Discrimination Tribunal. A Canberra teenager who dared to place on social media her support for traditional marriage was sacked. Parents have been lied to about the content of curriculum their children are exposed to, and now that same curriculum is becoming compulsory in the state of Victoria. We have a problem and we must address it now. We must do what both the Prime Minister and the Leader of the Opposition said would be done but as yet has not been done. If that means a conference between the supporters of the Dean Smith bill and the supporters of the amendments to try to refine the amendments to something more acceptable, let that happen. If it means that things need to go back to the Senate for a couple of hours, let that happen. The last thing we should want to do is to subject Australians to new forms of discrimination in place of old ones that are rightly gone. We do not want to see politically correct discrimination substituted for old traditional discriminations, which this House is rightly rejecting.

And we can't wait for the Ruddock committee to report. If there is a gap in our rights and freedom, if there is a gap in our protections, let it be filled now. Injustices are happening this day; let us deal with them now. Let's not kick it all off into the long grass, which is what I suspect some of the critics of these amendments would like to do.

We need to ask ourselves this fundamental question: do we want today to be a day of unity, or do we want today to be a day of division? I accept that the Australian people have spoken. I accept that as a society we have moved on from the attitudes of previous decades. But we have not moved on, and we should never move on, from the fundamental rights to freedom of conscience, freedom of speech and freedom of religion, and parental choice, and that is all these amendments are seeking to protect.

Mr CIOBO (Moncrieff—Minister for Trade, Tourism and Investment) (11:40): I wanted to save my remarks in this debate for the consideration in detail stage and to make some
specific comments with respect to the amendment that's before the House now. By way of
general comments on the debate, I want to ensure that it gets passage as expeditiously as
possible and so I will make my remarks relatively concise.

This has been, I think, a very important debate. There's no doubt that the Australian people
have had their say. We saw the national result: 61.6 per cent voting yes. In Queensland it was
61.7 per cent, and my own electorate was overrepresented, compared to the national figures,
at 63.8 per cent. I said all along that from my perspective there is absolutely no point in
asking people to have their say if you do not respect the decision that they provide to you. On
that basis, I indicated that I would support the decision of my electorate, and I'll be doing so in
this debate when the bill comes before us—either amended or unamended.

With respect to the same-sex marriage debate, I think that it has actually been a very
constructive process. I know that there have been concerns that people harboured about the
process. I know that people were expressing views that they felt perhaps there was going to be
a poorly chosen phrase and too much robustness in the debate, and that it would not be the
correct way forward. But, fundamentally, I know from having had conversations with a
number of gay friends, including my former chief of staff, that at the end of the process they
felt validated. And I think that's a very big positive.

Having made that remark, I want to touch upon the amendment that's before the chamber
and the amendments that are to come. I do believe, as others have mentioned in this debate,
that there do need to be protections afforded in the legislation. Having these debates now as
part of this process seems to me to be the appropriate course of action. I believe that the
member for Canning's amendments, as well as the amendments that will follow, are all sound
amendments and amendments that will improve the operation of the bill, notwithstanding the
decision that was taken in the Senate and the investigation that the Senate committee
undertook. Fundamentally, there do need to be adequate protections in place to ensure that
those people who hold a different view are not subjected to discrimination,

So I believe that the amendments that are being put now are balanced amendments,
amendments that appropriately safeguard, amendments which provide—again, to borrow the
member for Canning's language—a shield rather than a sword. This is the time to consider
those in detail. I will be supporting the balance of the amendments, but I also will support the
passage of the overall bill. Thank you.

Mr BANDT (Melbourne) (11:43): In previous contributions I've set out my reasons why
we're opposing these amendments, and I won't repeat those. But I do want to respond to one
matter that was raised by the member for Warringah, and that is about lies being told about
what gets taught in schools.

Well, there have been a series of lies told, and they've been lies told about the Safe Schools
program and other forms of education that have made sure that young people at school who
are working out who they are attracted to and what they are as a person get told that they are
loved and that they are respected. We heard some of those lies in the various campaigns of
misinformation. We heard someone get up and say, 'My son was told that he had to wear a
dress at school,' and the principal came out and said, 'That's not right.' I don't understand
what's particularly wrong about a boy at school wanting to wear a dress, and I think Senator
Bernardi found that out, to his chagrin, when he tried to make a point of it and ended up helping the fundraising efforts of a school that was doing exactly that. But, if there is someone at school who wants to do that, they deserve our support and protection.

The people who are moving these amendments talked a fair bit about protection. There is a group of people that I want to protect. I want to make sure that this parliament protects the young boy in a country town who is working out who he's attracted to. I want to make sure that this parliament protects the girl at a high school in Victoria who wants to take her girlfriend to the school formal. What I know, from having spoken directly to some of the people who've been involved, is that programs at school, like Safe Schools, save lives. They save lives. That should be the first priority of anyone in the House. So, if you want to talk about protection, then let's talk about the protection of every young child in Australia who is listening to this debate, or whose parents are listening to this debate and have to intervene and turn down the television at a particular point in time when another bit of hate speech comes on. Let's use this opportunity to send the message to them that they and their families are loved, and that, when it comes to protection, what we will put first is children and families and that we will recognise that, in Australia in the 21st century, love makes a family.

Like it or not—I say to the people who are moving this amendment—a family might not be what you think it is or would like it to be, but there are children growing up in same-sex couples' households right around this country at the moment, and it is a wonderful thing. This parliament should be getting right behind them. If we want to talk about protection, let's protect every young person in this country. I oppose these amendments.
marriage is and what the purpose of marriage is without the fear of being hauled before some tribunal. This is not fanciful, because it has already occurred. It has occurred whilst the meaning and the definition of marriage is that which exists at this point. As many other speakers have said, the Archbishop of Hobart was hauled before a tribunal for simply propounding the millennia-old understanding of marriage by not just Christians but other faiths as well; whilst the existing definition is what it is now, he was hauled before a tribunal.

Mr Stephen Jones: And he won.

Mr ANDREWS: He didn't win. The reality is that the complainant eventually withdrew the complaint—after huge costs were incurred in the process. In evidence to the Human Rights Subcommittee inquiry into freedom of religion in Australia, Professor George Williams pointed out that there is nothing in the Commonwealth laws, nothing in the federal laws of this country, that precludes someone such as Archbishop Porteous from being hauled before the tribunal. And that's the mischief that this particular amendment seeks to address.

The United Nations, in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, set out as a fundamental freedom that of religion, conscience and belief. More than that, the United Nations bodies, and international jurisprudence in this respect, has always maintained that there is no hierarchy of rights—that universal human rights are equal and you can't rank one above the other, and, if necessary, you need to work out how you can respect all human rights, particularly those that are in tension with each other. But the problem here is that Australia, even though it is one of the countries that sought the universal declaration and has ratified the International Covenant on Civil and Political Rights, has effectively incorporated into domestic law article 26, relating to discrimination, but we've not incorporated into the domestic law of Australia article 18—and some other articles for that matter—relating to freedom of religion, conscience and belief.

(Time expired)

The DEPUTY SPEAKER (Ms Bird): The member's time has expired. The member from Menzies may speak in continuation.

Mr ANDREWS: This amendment simply seeks to protect the ability of anybody, after today or after when this legislation receives royal assent, to say respectfully—and not, as the member for Canning pointed out, in any hateful way—that they still believe this is what the meaning of marriage is. That is what is before the House today. Can I make this point to those in the galleries or elsewhere. The day you start to cherrypick which human rights are most important is a dangerous day. That is why the United Nations and others have said that there is no hierarchy of rights. That is why we're saying that, along with the claim being upheld and propounded by so many people that there's a right to marry regardless of what gender a person is, this amendment does not extinguish the right of other Australians to say, 'Nonetheless, I believe this is the definition of marriage from a personal conscientiously or religiously believed point of view.' That is simply what is being asked for here. To not to uphold this is, I think, a dangerous path.

Ms McGOWAN (Indi) (11:54): We're talking about rights and the importance of rights, and we've had a couple of references to people from country towns. I would like to make it really clear to the House that regional Australia voted overwhelmingly in support of amending the Marriage Act. In fact, there are only two electorates that actually voted no in rural and regional Australia. If colleagues want to give special consideration to people and
their needs, I ask that they refer to people in inner Sydney and other cities. Know that in the country areas of Australia we are totally and utterly behind this legislation and we are supporting it.

Mrs SUDMALIS (Gilmore) (11:55): I will be very brief on this. I have not changed my commitment to vote yes on the ultimate putting of this bill before the House. I know that this is very, very important to a huge number of people, including my daughter, who is actually live streaming right now.

There is a reason here to have a bit of an olive branch for the 38 per cent of Australians who voted no. This particular amendment alleviates some of the fears that some of those 38 per cent of people have expressed. Whilst some people don't believe that it's the right thing to do, it is part of the nurturing and healing that we as parliamentarians will need to do after this vote has gone through. Thirty-eight per cent of Australians feel betrayed right now and want to have that fixed, in the same way that most of the audience felt betrayed before the vote. We need to come together and work together, and this amendment addresses a lot of the fears that have come through in emails to me and, undoubtedly, to some of my colleagues. These people need to know that they're protected.

I bring to you a story that may or may not have relevance. If we teach that difference is acceptable, we're pointing out that difference exists, and, in the game of equality, that's not your foundation stone. When one of my children was young she was attending a very Caucasian school, and there were three young girls there from another place. One day, one of those girls was bullied by another child, so the school decided to have an antiracism strategy within their school. My daughter, having never acknowledged that this other girl was different, came home and said, 'Mum, guess what: she's different to me.' In the days of equality, we should not be pointing out difference; we should be working together and saying, 'We are one.' This amendment is trying to address that, so I will be supporting this amendment, but it doesn't change my reflection of the national vote and that of the electorate of Gilmore. I will vote yes to the bill.

Mr WALLACE (Fisher) (11:58): I'm conflicted here today. This is not an easy debate for many of us. We don't discriminate in this country by virtue of the colour of someone's skin, nor do we discriminate against someone by virtue of their race or their physical or intellectual disability, and nor should we. Nor should we discriminate against someone by virtue of their sexual preference. But discrimination is something that goes both ways. Respect is something that should go both ways. I understand that many members of the LGBTI community feel that they have been discriminated against for many years, I understand that. It is not right that they have been discriminated against for many years not just by the community but by the laws of this country.

In my second reading speech on the Marriage Amendment (Definition and Religious Freedoms) Bill 2017, I gave a very personal story of our family's journey and my own journey to get to the point I've reached on the issue of same-sex marriage. Since I've done so, I've received a lot of support from my colleagues here and my colleagues on the other side of the chamber, and I'm very appreciative of that. I've received a lot of support from friends and family back home. But, unfortunately, I've also received a lot of abuse. Bear in mind I said in my speech in the second reading debate that I supported the right of same-sex couples to marry. I said that I would respect the will of the Australian people who strongly—very
strongly—supported same-sex marriage. I said in my speech that I had changed my mind. Yet, since having delivered my own speech, I was subjected to hate speech and I was subjected to ridicule of my own faith. Respect is a two-way street. It is that ridiculing of my own faith that convinces me that we must have the protections of religious beliefs that are contained in this amendment.

In the lead-up to this debate, I met with a number of delegations in support of same-sex marriage and I met with those that oppose the bill. When I met with a number of religious leaders in my electorate recently, they—rightly, in my view—asked me this question: 'Andrew, if this bill comes in, will we have the right to say from the pulpit on Sunday that in this church we believe that marriage is between a man and a woman to the exclusion of all others for life, without fear that we will be hauled before the courts or a tribunal for discrimination?' They asked me whether their religious schools would have the same right for their teachers to be able to say the same thing. The answer is that currently there are no clear protections for religious leaders that mean they can stand up and preach that from the pulpit or that school religious teachers are able to say the same thing. There are no clear protections for them, and that is why I believe that these amendments should be supported. But that does not mean, and I want to make this very clear, that I do not support the bill in its original form, insofar as people of all sexual preferences should be treated equally in the eyes of the law.

Mr TIM WILSON (Goldstein) (12:03): I don't want to prolong this debate but I do wish to make a point in relation to the strong protections that do sit in our Commonwealth for people to be able to express their view from a position of religion if they're a minister speaking from the pulpit, and it's actually one of the strongest protections that we have for rights. It is in the Australian Constitution, under section 116:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

That is in the Australian Constitution, which overrides the decisions of this parliament.

Mr HASTIE (Canning) (12:03): I'm going to sum up now and I don't want to delay this any longer. I want to restate the purpose of the amendments. They seek to reconcile all Australians who hold a differing view on marriage. We are balancing the right of same-sex couples to marry with those who hold traditional views of marriage, either through conscientious belief or religious conviction. Those rights will begin to interact as soon as the legislation before us enters into law. I think clear boundaries are important. My good colleague the member for North Sydney mentioned that there are no protections for same-sex couples in the marriage bill—the Smith bill. That's true, but that's because the Australian people have voted to legalise same-sex marriage—that is the prevailing view, by 60 per cent. It was a decisive victory and I acknowledge that publicly.

The task, especially in liberal democracies, is always to protect the minority view and uphold the dignity and worth of all Australians. I gather by the thundering silence after my speech and the rapturous applause that the member for Melbourne received that we do have many LGBTIQ Australians in the gallery today. I welcome you here.

Mr Tim Wilson: And in the House.

Mr HASTIE: It's a big day for you—and in House, as the member for Goldstein just said. I acknowledge that many of you have suffered discrimination over the years—bullying and all
sorts of treatment. I know Rodney Croome, Tom Snow and others have fought hard to balance the playing field, and that will be realised today with the passage of this bill, which will surely happen. I want to say that, yes, 38 per cent of Australians voted to retain traditional marriage, but that doesn't mean that their rights should not be protected. It's in that spirit that these amendments are put.

My last point: I have a series of letters which I seek to table. One is from the archbishop of Sydney, Glenn Davies. One is from 38 faith leaders writing to the Prime Minister and the opposition leader. One is from the Presbyterian Church of Australia expressing concern about their schools in the electorates of Wentworth, Reid, New England, Reid, Calare, Cowper, Page, Hunter, Wannon, Kooyong, Chisholm, Aston, La Trobe and Groom. I have a statement from the Association of Heads of Independent Schools of Australia, a letter from Christian Schools Australia, a letter from the Australian Association of Christian Schools and a letter from the Free Reformed School Association in WA, which has schools in Burt, Brand, Canning and Forrest. All of them are concerned about the ability of those schools to teach in accordance with their religious convictions insofar as marriage is concerned. I seek leave to table those letters.

The DEPUTY SPEAKER (Mr Goodenough): Is leave granted?

Mr Giles: No.

Mr Burke: No.

The DEPUTY SPEAKER: Leave is not granted.

Mr Pyne: I was going to say that leave is granted, because, as the Manager of Opposition Business pointed out before, in a conscience vote, he doesn't speak for the entire opposition and I don't speak for the entire government. Therefore, every member of the House is king—or queen, if you like—in questions of whether leave should be granted. In the absence of anybody else granting leave, I was going to say that leave is granted because the letters—unless they're offensive letters, and I don't think the archbishop of Sydney would write an offensive letter—should be able to be tabled.

Mr Burke: I want to make clear—I wasn't going to speak—I'd made the statement earlier that I wasn't able to make a decision on behalf of the whole of the opposition in terms of leave on these issues. I certainly didn't object, but I understand someone did.

Mr HASTIE: Deputyspeaker, I assume that you're passively allowing leave, and therefore I table them.

Honourable members interjecting—

The DEPUTY SPEAKER: Leave is not granted.

The SPEAKER: The question is that the amendments moved by the member for Canning be agreed to.

The House divided. [12:12]

(The Speaker—Hon. Tony Smith)

Ayes .......................55
Noes .......................87
Majority ...................32
AYES

Abbott, AJ
Andrews, KL
Broadbent, RE
Christensen, GR
Coleman, DB
Crewther, CJ
Dutton, PC
Frydenberg, JA
Goodenough, IR
Hastie, AW
Howarth, LR
Irons, SJ
Katter, RC
Kelly, C
Landry, ML
Littleproud, D
McVeigh, JJ
Morton, B
O’Dowd, KD
Porter, CC
Ramsey, RE (teller)
Sudmalis, AE
Taylor, AJ
Tudge, AE
Vasta, RX
Wicks, LE
Wilson, TR
Wyatt, KG

Andrews, KJ
Broad, AJ
Buchholz, S
Ciobo, SM
Coulton, M
Drum, DK
Gillespie, DA
Hartseyker, L
Hawke, AG
Hunt, GA
Joyce, BT
Keenan, M
Laming, A
Leeser, J
McCormack, MF
Morrison, SJ
O’Brien, T
Pasin, A
Price, ML
Robert, SR
Sukkar, MS
Tehan, DT
Van Manen, AJ (teller)
Wallace, AB
Wilson, RJ
Wood, JP

NOES

Albanese, AN
Bandt, AP
Bird, SL
Brodtmann, G
Burney, LJ
Butler, TM
Chalmers, JE
Chester, D
Clare, JD
Collins, JM
Danby, M
Dreyfus, MA
Ellis, KM
Evans, TM
Feeney, D
Fletcher, PW
Gee, AR
Giles, AJ
Hammond, TJ
Hayes, CP
Hill, JC
Husar, E

Aly, A
Banks, J
Bowen, CE
Burke, AS
Butler, MC
Byrne, AM
Champion, ND
Chesters, LM
Claydon, SC
Conroy, PM
Dick, MD
Elliot, MJ
Entsch, WG
Falinski, J
Fitzgibbon, JA
Freelander, MR
Georganas, S
Gosling, LJ
Hart, RA
Henderson, SM
Hogan, KJ
Husie, EN

CHAMBER
Question negatived.

Mr HAWKE (Mitchell—Assistant Minister for Immigration and Border Protection) (12:23): by leave—I move amendments (1) to (13) as circulated in my name together:

(1) Clause 1, page 1 (lines 14 and 15), omit "Marriage Amendment (Definition and Religious Freedoms) Act 2017", substitute "Marriage Amendment (Definition and Protection of Freedoms) Act 2017".

(2) Schedule 1, item 2, page 5 (lines 1 to 4), omit subparagraph (b) (ii) of the definition of authorised celebrant, substitute:

(i) an authorised officer.

(3) Schedule 1, page 5 (after line 4), after item 2, insert:

2A Subsection 5(1)

Insert:

authorised officer means an officer (within the meaning of the Defence Act 1903), other than a chaplain, authorised by the Chief of the Defence Force under section 71A to solemnise marriages under Division 3 of Part V.

(4) Schedule 1, item 4, page 5 (lines 9 to 12), omit all the words from and including "officer", substitute "authorised officer".

(5) Schedule 1, page 5 (after line 17), after item 5, insert:

5A After section 5

Insert:

5AD Determining when a belief is held etc.

(1) For the purposes of this Act, a person holds a genuine religious or conscientious belief, or genuinely believes, if the holding of the belief (inclusive of the person's or entities beliefs as to the
actions, refusals, omissions or expressions that are consistent with that belief) is not fictitious, capricious or an artifice.

(3) For the purposes of this Act, if a chaplain or an authorised officer holds a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, then in holding, expressing or acting on that belief:

(a) whether or not another person who is to be married is a man or a woman is to be determined by the chaplain or authorised officer; and

(b) in determining whether the other person is a man or a woman, if the chaplain or authorised officer reasonably believes and genuinely believes that the current legal status of the other person as a man or a woman is different from the legal status of the other person as a man or a woman at the time of the other person's registration following the other person's birth, the chaplain or authorised officer may disregard the current legal status of the other person's sex or gender, or their gender identity or intersex status.

(6) Schedule 1, item 6, page 5 (lines 18 and 19), omit the item, substitute:

6 Paragraph 21(2) (b)
After "the chaplain", insert "or authorised officer".

(7) Schedule 1, item 22, page 12 (lines 12 and 13), omit the item, substitute:

22 Subsection 71(1)
After "a chaplain", insert "or an authorised officer".

(8) Schedule 1, item 23, page 12 (line 16), omit the heading to section 71A, substitute:

71A Officers authorised to solemnise marriages

(9) Schedule 1, items 24 and 25, page 12 (lines 20 to 25), omit the items, substitute:

24 Paragraphs 72(1) (a) and (b)
After "the chaplain" (wherever occurring), insert "or authorised officer".

25 Subsection 72(2)
After "the chaplain" (wherever occurring), insert "or authorised officer".

(10) Schedule 1, items 27 to 56, page 12 (line 28) to page 15 (line 22), omit the items, substitute:

27 Section 74 (heading)
After "chaplain", insert "or authorised officer".

28 Subsection 74(1)
After "the chaplain", insert "or authorised officer".

29 Subsection 74(3)
After "chaplain", insert "or authorised officer".

30 Section 75 (heading)
After "Chaplain", insert "or authorised officer".

31 Section 75
After "A chaplain", insert "or authorised officer".

32 Section 75
After "the chaplain", insert "or authorised officer".

33 Subsections 76(1), 77(1) and 78(2)
After "chaplain", insert "or authorised officer".
34 Section 79 (heading)
After "Chaplain", insert "or authorised officer".
35 Section 79
After "A chaplain", insert "or authorised officer".
36 Section 79
After "the chaplain", insert "or authorised officer".
37 Subsection 80(1)
After "a chaplain", insert "or authorised officer".
38 Subsection 80(1)
After "the chaplain", insert "or authorised officer".
39 Paragraphs 80(2) (a) and (c)
After "the chaplain", insert "or authorised officer".
40 Subsection 80(4)
After "The chaplain", insert "or authorised officer".
41 Subsections 80(5) and (6)
After "the chaplain", insert "or authorised officer".
42 Subsection 80(8)
After "a chaplain", insert "or authorised officer".
43 Subsection 80(9)
After "the chaplain" (first occurring), insert "or authorised officer".
44 Paragraph 80(9) (b)
After "the chaplain", insert "or authorised officer".
45 Subsection 80(10)
After "a chaplain", insert "or authorised officer".
46 Section 81 (heading)
Repeal the heading, substitute:

81 Power to refuse to solemnise marriage
Chaplain or authorised officer may refuse to solemnise marriage on any grounds
47 Section 81
Omit "A chaplain", insert "(1) A chaplain or authorised officer".
48 Section 81
After "the chaplain" (wherever occurring), insert "or authorised officer".
49 At the end of section 81
Add:

Chaplain may refuse to solemnise marriage on the basis of religious or conscientious beliefs etc.

(2) To avoid doubt, a chaplain may refuse to solemnise a marriage despite anything in this Part or any law of a State or Territory, if any of the following applies:

(a) the refusal is consistent with the doctrines, tenets or beliefs of the religion of the chaplain's religious body or religious organisation;

(b) the refusal is because of the religious susceptibilities of adherents of that religion;
(c) the chaplain's genuine religious or conscientious beliefs do not allow the chaplain to solemnise the marriage.

**Authorised officer may refuse to solemnise marriage on the basis of genuine religious or conscientious belief**

(3) Despite anything in this Part or any law of a State or Territory, an authorised officer may refuse to solemnise a marriage that is not the union of a man and a woman, if:

(a) the officer holds a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; and

(b) the holding by the officer of that belief does not allow the officer to solemnise the marriage.

**Grounds for refusal not limited by this section**

(4) Subsections (2) and (3) do not limit the grounds on which a chaplain or an authorised officer may refuse to solemnise a marriage.

50 **Subsection 83(2)**

After "a chaplain", insert "or authorised officer".

51 **Section 84 (heading)**

After "a chaplain", insert "or authorised officer".

52 **Paragraph 84(1) (a)**

After "a chaplain", insert "or authorised officer".

53 **Paragraphs 84(1) (b) and (c)**

After "the chaplain", insert "or authorised officer".

54 **Subsection 84(1)**

After "the chaplain" (last occurring), insert "or authorised officer".

55 **Paragraph 85(1) (b)**

After "a chaplain", insert "or authorised officer".

56 **Paragraph 85(1) (c)**

After "the chaplain", insert "or authorised officer".

56A **Subsection 85(1)**

After "the chaplain" (last occurring), insert "or authorised officer".

(11) Schedule 1, items 59 and 60, page 16 (lines 1 to 4), omit the items, substitute:

59 **Subsection 99(3)**

After "A chaplain", insert "or authorised officer".

60 **Subsection 116(2)**

Omit "celebrant or chaplain" (wherever occurring), substitute "celebrant, chaplain or authorised officer".

(12) Schedule 1, item 62, page 16 (lines 7 and 8), omit the item, substitute:

69 **Paragraph 119(3) (f)**

After "chaplain", insert "or authorised officer".

(13) Schedule 1, item 63, page 17 (after line 24), after subsection 40(2AB), insert:

(2AC) An authorised officer in the Defence Force may refuse to solemnise a marriage despite anything in Division 1 or 2, as applying by reference to section 5A, 5B, 5C or 6, if the circumstances mentioned in subsection 81(3) of the *Marriage Act 1961* apply.
The amendments here are relatively straightforward. I say to the House that these amendments are examples of ways we can improve this bill in consistent application with the intention of the bill and of the Australian people. This isn't about delay or obfuscation. When you consider the substantive matters that are in this amendment, we are getting directly at the arrangements of the Chief of the Defence Force, the CDF, who we have direct responsibility for in Australia. Given the construction of this bill and the arrangements for civil celebrants, we need to take account of the arrangements for the defence forces—the chaplains and the authorised officers that are appointed by the Chief of the Defence Force.

As the bill currently stands, the CDF can make appointments without taking account of the conscientious objection of the individual that he appoints. This is different, of course, from the case of those who work in a registry office, where that's the purpose they're employed for. In the case of an officer of the defence forces, employed in the Air Force, the Navy or the Army for the primary purpose of conducting military operations, the marrying of service people overseas is a secondary duty, not the primary purpose of their employment. So the operational effect of this amendment would be that the defence chief would need to check that that officer of the defence forces—the Army, the Air Force or the Navy—was happy to conduct same-sex marriage and, in that case, that person would be appointed. This is a preventive measure to prevent discovering, at the time after the appointment of that officer in an overseas deployment, that that serving officer had a conscientious objection—as they have a right to, under article 18. They have a right to freedom of religion and belief. Remember that these officers are appointed by the religious denominations we are talking about—that is, they are religious ministers who are serving as officers of the defence forces who are appointed by the Chief of the Defence Force specifically to serve on operation, and to marry service personnel overseas. It happens.

Here I want to note my colleagues who have been moving these amendments. I note the service of the member for Canning and the member for Fadden, and the Reserve service of the member of New England. I've served in the Reserve forces myself.

This is a practical amendment. It will improve this bill by making sure that it does take account of the genuine conscientious objections of religious officers of the defence forces appointed by the CDF, giving them the ability to highlight that they have an objection prior to their deployment. That makes sense. It has been accepted by the Senate select committee. This is covered in the bill, but it isn't covered sufficiently to the extent that it will avoid a situation where the CDF can appoint an officer of the Army, Navy or Air Force who has this religious objection, in advance, without knowing that this will become a problem. This is a workable amendment.

I say this to the House: it has been my concern from day one of this debate and in the debate on these amendments that we are not having a genuine conscience vote on this bill or these amendments. The attitude of the Labor Party, of the members opposite, in this debate has been to vote en bloc, en masse. So I say to the appointed representative of the Labor Party, whoever it is who has been appointed to do the thinking on this amendment: this is a purely practical arrangement; it is purely to improve the quality of the legislation—even if it does mean an extra hour in the Senate to get their approval to bring it back. It is to prevent a situation where the CDF appoints a minister of religion who is also a serving officer of the
defence forces who has a conscientious objection, only to find that exercised in the field or on deployment. It’s a practical and sensible amendment. It simply makes sense.

Why wouldn’t we have a member of the Labor Party cross the floor at any point on any one of these amendments, including this amendment that has been moved here today, if this was a genuine conscience vote? Why wouldn’t that be the case? So far we have not. I’d say to members opposite: if this is a conscience vote, this is the kind of amendment on which you could easily come and join with individual members over here. I say to my colleagues here: we are having a debate amongst ourselves, and it is a good process. Some of you are looking over here and saying, ‘Isn’t this an interesting debate?’ or joining in, but you’re not joining in the conscience voting process of this parliament. You are not debating the issues and making a case for or against. You’ve appointed a spokesperson to do the thinking for you.

While I violently disagree with some of my colleagues here—I really do—I respect the courage and the strength of the Prime Minister in allowing a genuine conscience vote on this side of the House on these amendments. It takes courage and strength for people to disagree and move on. I disagree with my colleagues, but I respect them. And I respect their courage and strength. I respect the courage and strength of the crossbench. I respect the courage and strength of people who can disagree on these amendments.

The DEPUTY SPEAKER (Mr Goodenough): I call the member for Mitchell.

Mr HAWKE: And I say to the House, again: the purpose of this amendment is a practical purpose. It is to improve the quality of the legislation. It is rare that we get any bill passed without amendment through both chambers of the House. It’s a quality improvement. You can support it. It will send a good signal to our service men and women and to the people who may be married by their officers who are appointed by the CDF. We don’t want them finding out overseas on deployment that a genuine conscientious objection has occurred overseas or someone being ordered into the field where they have a genuine conscientious objection, remembering that they are appointed by the denomination of their religion and remembering that, while it is in the bill, it is not sufficient for them at the time. They could still be appointed by the CDF to do this even though they have that genuine conscientious objection.

So again I say to my colleagues here, on this side of the House: this is a good amendment for you to support. I’ve heard your arguments. I don’t agree with all of them. We have a debate here in this House today genuinely, on this side of the House, between the Liberal Party and the National Party and the crossbench. We’re having a genuine disagreement about some issues. We are seeking greater protections for freedom of thought, freedom of conscience and freedom of religion, in these amendments. This particular amendment is particularly addressed to a matter of Commonwealth responsibility, our serving men and women, the people who are appointed by the commander of the defence forces, the Chief of the Defence Force, and we recommend it strongly to you.

I say to the Labor Party: this is your chance. This is your moment. This is where the Leader of the Opposition could step up and show some leadership. He could actually say to his members: ‘This one is a practical amendment. You are free to cast your vote on this because it will not harm the bill. It will not delay marriage equality in any way, shape or form, and we will improve the legislation. We will have ensured that we have those vital protections for freedom of religion, worship and practice in our serving men and women in the arrangements
that are made for the people that marry them overseas. It's practical. It's sensible. There is no reason not to do this.'

And, to the five million people who voted no, who have concerns for religious freedoms and protections, and for the 45,000 service personnel—and many of them will seek to get married overseas. Indeed, members of the same sex will seek to get married in the defence forces overseas, and nothing in this bill will prevent it. Nothing in this bill will harm it. Nothing in this bill will get in the way. In fact, it will enable it. But, at the same time, we don't want one right overriding another. Let's allow the CDF to consider that matter before he appoints that officer, to ensure this doesn't happen, and put this important and vital protection in the bill at the time we pass this legislation.

Ms BUTLER (Griffith) (12:32): The Senate voted against these same amendments by 44 to 20. It is unfortunately incorrect to predict that, if this amendment were to be passed, it would just mean an extra hour of the Senate's time. There is no way, frankly, that the member can predict that this will take an extra hour of the Senate's time. It is equally possible—in fact, much more likely, given the gap between the yeses and the noes in the Senate when this precise amendment was put before the Senate—that the Senate would refuse this amendment. The consequence of that, of course, would be a stalemate in the disagreement between the houses.

I know we all enjoy each other's company here, but I don't want to spend the next few weeks with the members in this House. I would like, and I'm sure that many other people would like, to get home. But much more important than what I want is what the people of Australia want. They don't want us to continue arguing for several more weeks or potentially longer. They don't want us to continue to fight. They want us to pass marriage equality, and the only way that we can be sure that marriage equality passes today is to pass the bill unamended. We know that these amendments were already debated and ventilated fully in the Senate when the bill was before the Senate recently.

This particular amendment—to go to some of the concerns that have been raised by the honourable member opposite—deals with the question of chaplains and military marriage officers. He seeks to change them to authorised officers rather than the marriage officers foreshadowed in the bill. The purpose of the provision in the bill was that chaplains could retain their religious exemption from having to perform same-sex marriages. The purpose is that chaplains would not be put in a position where they would have to solemnise marriages in a way inconsistent with their religious beliefs.

The consensus cross-party Senate inquiry report stated:

In relation to military chaplains, the committee notes that the proposed amendment would not change the current law. Should a—

parliament consider introducing marriage equality in Australia, the committee suggests that the government consider reintroducing the concept of 'marriage officers' to facilitate the marriage of Australians overseas.

In other words, the point of these officers is to be officers who will undertake secular marriages for same-sex couples in the event that chaplains do not wish to do so on the basis of their religious beliefs. The purpose is to ensure that marriage equality is genuine, including
for people serving in the military, so that they are not denied the rights of civilians because there happens to not be someone who is prepared to officiate their wedding. Why would someone who opposes marriage equality take up the office of marriage officer, knowing it has been created to ensure that same-sex couples can get married? It is beyond belief. This amendment is unnecessary. I understand the intent, but it is unnecessary. It ought not be supported.

The other issue with this amendment is that it seeks to include conscientious belief as well as religious belief. We have already ventilated that argument well and truly. Members are aware of the results of previous divisions in which that was an issue.

I urge the House to reject the amendment, pass the marriage bill and allow us all to continue to move forward.

Mr TIM WILSON (Goldstein) (12:35): I would like to begin by respectfully disassociating myself from the comments made by the previous speaker that things should be done swiftly. I resolutely agree that we should get this done as quickly as possible, but I was elected to parliament to get the best law for this nation. If that takes time, that's also appropriate. In saying that, that's also why I am voting against this amendment.

The previous speaker made the case around the Senate inquiry, so I won't seek to repeat that point, but this amendment is inconsistent with the Senate inquiry and I don't think that it is necessary. Those people serving in these capacities are employees of the state and, as a consequence, I believe they have a responsibility to fulfil their functions as employees of the state. I realise, recognise and respect the fact they may have their own private views, but, as the member before me outlined, ultimately, they wouldn't take up the office if they felt so, appropriately.

When it comes down to it, we have to remember the purpose of having this function in the act. It is for those brave men and women who serve our nation overseas, defend our interests and fight for freedom across the world, to make sure they have the opportunity to marry, regardless of where they're located, and for that to be respected in Australian law. When you think about some of the times that happens, it doesn't always happen in nice circumstances. Sometimes people in the past made the choice to get married to their loved one in the moments before they went off to battle. I know, Deputy Speaker, you will have some appreciation of that in a way that I don't, as I don't have firsthand experience. But I think it is absolutely critical that we recognise that those people who serve our country should be given those full rights and freedoms and shouldn't have to go out and scurry around to try to find somebody who might marry them, whether they happen to be two Defence Force personnel being deployed or one Defence person seeking to marry somebody else under a Defence Force arrangement. In the end, people can do these things and then go off and risk or sacrifice their life.

The idea that we have people who represent our nation—they defend the interests of our nation and are prepared to sacrifice their lives for our nation and for exactly the freedoms we're debating today—who seek to go and marry a person that they love, but are turned around by somebody who simply says, 'I don't want to do that; I'm sorry if it causes you an inconvenience,' to me, is absolutely abhorrent. I understand the concerns some people have on the other side of this debate around this particular amendment, but, when people are going to take these risks, it isn't a gross infringement on people's liberties, particularly when they have
accepted the office of a marriage officer. They should also recognise and respect the risk and the sacrifice of those people in our country who are prepared to make the ultimate sacrifice. It should be put into proportion. So I urge all members to defeat this amendment and to support our troops.

Mr CREWHER (Dunkley) (12:39): I'm very pleased to be seconding these amendments moved by the member for Mitchell today, as well as supporting all of the five protection amendments. I want to quickly note again my reasoning for supporting these amendments. I have my own religious beliefs about what Christian marriage is, but I voted yes in the postal survey as I believe in freedom and equality under the law and in not restricting the definition of marriage, so as to allow for any two consenting adults to marry under state law. I also said publicly I would vote yes on the final bill in accordance with the will of the people. At the same time, I would hope that colleagues supporting allowing any two consenting adults to marry would support the freedom of individuals who hold a genuine belief to express their belief and not be forced to act contrary to that belief. That is why I am backing these amendments today. In essence, my reasoning for taking on both positions is my fundamental belief in freedom.

The current bill allows for the appointment of authorised celebrants by the Chief of Defence Force to conduct weddings if the CDF has a force deployed and if there is member of the Defence Force overseas who is going to get married. That could mean that a Christian or Muslim officer with a belief that marriage is only between a male and a female could be appointed as an authorised celebrant without taking regard of that individual's conscientious objection. Being under instruction, that officer would not be able to oppose an order to take on that position nor, once they were in that position, would they be able to choose not to marry a couple of the same sex, even if that conflicted with their own personal religious convictions.

What these amendments do is recognise an individual's personal beliefs and convictions before the appointment is made. Before the CDF makes the appointment, they should ask whether the officer would be happy to conduct same-sex weddings. If they were happy then the appointment could go ahead. If they weren't then—recognising the individual's right to their beliefs and their religious views—another officer who was happy to solemnise any marriage could be appointed instead. In summary, all these amendments mean is that the Chief of the Defence Force would need to check that the officer was happy to conduct all marriages between two consenting adults, and that person could then be appointed. These amendments simply lay down a competence check. This is in line with international human rights law.

In addition, I would note that this gives the ability of an officer to refuse an appointment by the CDF, if that officer had a conscientious or religious objection, or to consider the willingness of the person to take on that role in the first place. These amendments are consistent with the February 2017 report of the Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill, which noted that celebrants who are not religious ministers should be able to refuse to solemnise a marriage consistent with their religious convictions. If these amendments are not adopted, here is a potential situation: an officer would be forced to take on an appointment as an authorised celebrant
upon being ordered to do so and they would be forced to marry any two consenting adults, against their Christian or Islamic or other religious faith.

Let be me clear, as a person who received bullying at a young age for being gay, even though I'm not gay, and who also received bullying for being a Christian, I do not want to see discrimination against either. A person should not be discriminated against simply because of their sexual preference or perceived sexual preference. At the same time, I don't think we should eliminate one form of discrimination and replace it with a new ability to discriminate against Christians, Muslims or people of other religious faiths, who, I might also note, are likely to be in a minority in Australia soon. That is why I ask colleagues today to support these crucial amendments to allow officers to freely exercise their religious beliefs by preventing an appointment where they would be forced to act against those beliefs.

Mr TEHAN (Wannon—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC, Minister Assisting the Prime Minister for Cyber Security and Minister for Defence Personnel) (12:43): I rise to support the member for Mitchell's amendments. These amendments are only necessary due to the inclusion of the provision that the Chief of Defence Force can authorise ADF officers other than chaplains to solemnise marriages occurring overseas. It is worth noting that the best course of action would've been to not include this provision in the Smith bill, as it is hard to fathom a situation where this course of action would be necessary. However, in recognising that it is included, these amendments are necessary to protect the conscientious rights of all ADF officers.

Mr LAMING (Bowman) (12:44): Mr Deputy Speaker Hastie, you yourself would be fascinated by the sudden outbreak of conscience thinking in the armed forces. As far as I'm concerned, the armed forces are an apparatus of the state. The state has agreed to a broadened definition of marriage. If you're a seconded religious chaplain from the church, the exemption exists for you. But, if you're not, then you're part of the state's apparatus—that is, the armed forces—and you follow a chain of command. This is a matter for the Chief of the Defence Force. If they are marrying, they are receiving a state salary and they adhere to the laws of the land.

I'm not in favour of these exemptions trickling through the armed forces. You would know very well, Mr Deputy Speaker, as I do, that I did not go to Afghanistan with body armour, a pay packet and the will of the Australian people. I went as a volunteer, but I knew when I got there that there's not a lot of conscience thinking when you are serving in the armed forces. If you're a chaplain you have the possibility of religious exemptions, if you are on secondment from a church. If you're taking a state salary, you're representing a nation that allows marriage in all these forms between two adults, and that's what you shall do as part of your service, otherwise you can leave the military.

An incident having occurred in the gallery—

The DEPUTY SPEAKER (Mr Hastie): I remind the gallery that our somewhat half-hearted 'Christmas Grinch' Leader of the House has already stated that applause is not appropriate. I understand that it is a big week for many of you, but I just ask that you refrain from doing so.

And to the previous member, who commented on conscience overseas in operations: I assure you it's at the heart of every decision that ADF members make.
Mr HAWKE (Mitchell—Assistant Minister for Immigration and Border Protection) (12:46): I just want to correct a few things that have been said in this debate—and I do want to take a different step from the tone that was just taken in relation to Defence Force personnel.

We're not talking about the exercise of conscience on operations. Indeed, the serving men and women overseas obey their orders, and they do so, yes, as servants of the government. But military service is unique, and this amendment addresses a unique area of the Defence Force operations. I want to correct the member for Griffith and the member for Bowman about this. It was a recommendation of the Senate select committee. That is why it is in the bill. The amendment that I presented is to improve the nature of the law in the recommendation of the Senate select committee on the issue of chaplains in the Defence Force. We are dealing with that issue in this amendment, so no-one will be talking about issues of conscience amongst our serving personnel. It is specifically about the chaplains in the Defence Force, who, traditionally, have conducted marriages for service personnel overseas.

The reason it is in the bill is that it was part of the Senate select committee's considerations. They considered it. So the member for Griffith is dead wrong about that. It was recommended that it be inserted into the bill. It has been inserted into the bill; it is in the bill. What I am saying in this amendment, and in speaking to the House here, is about a workaround for what normally happens where the CDF appoints a religious officer who is also a serving officer of the Navy, Air Force or Army. What needs to be put into this bill is that we do not want to find out about a conscientious or religious objection overseas in the field. We're requiring the CDF to make that inquiry first, before appointing that officer. It could be the case under this legislation that an officer could be appointed by the CDF without that consideration taking place. It is a protection for the ministers of religion appointed by their denominations.

Let's get back to the core issue here, not the emotion. Let's get back to our reasoning in this debate. The issue is that the denominations of religion appoint these ministers to serve in the Defence Force. They are religious ministers, and it is not the principal purpose of their employment; it is the secondary purpose of their employment. The CDF appoints them to travel overseas. We do not want to find out in the field that one has been appointed to serve on an overseas mission and is required to marry a same-sex couple but they have a conscientious objection. That can happen under this bill. This is pre-emptive, it's practical and it's sensible, and it remains practical and sensible.

This is what the normal procedure of this House is. For those people here in the galleries who are watching a proceeding of parliament for the first time, this is what we do with bills. We improve them. There's no subversion; there are no underhanded tactics. We look at the law, we examine the impact of the bill and we suggest and propose practical amendments. This is one of those. It will improve the legislation and I commend it to the House.

The SPEAKER: The question is that the amendments moved by the member for Mitchell be agreed to.

The House divided. [12:53]

(The Speaker—Hon. Tony Smith)

Ayes ...................... 59
Noes ...................... 87
Thursday, 7 December 2017 HOUSE OF REPRESENTATIVES

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CHAMBER
House of Representatives  Thursday, 7 December 2017

Noes

Hill, JC  Hogan, KJ
Husar, E  Husic, EN
Jones, SP  Keay, JT
Kelly, MJ  Keogh, MJ
Khalil, P  King, CF
King, MMH  Lamb, S
Laming, A  Leigh, AK
Ley, SP  Macklin, JL
Marles, RD  McBride, EM
McGowan, C  Mitchell, BK
Mitchell, RG  Neumann, SK
O'Connor, BPJ  O'Dwyer, KM
O'Neil, CE  O'Toole, C
Owens, JA  Perrett, GD (teller)
Plibersek, TJ  Prentice, J
Pyne, CM  Rishworth, AL
Rowland, MA  Ryan, JC
Sharkie, RCC  Shorten, WR
Snowdon, WE  Stanley, AM
Sudmalis, AE  Swanson, MJ
Templeman, SR  Thistlethwaite, MJ
Van Vakinou, M  Watts, TG
Wilkie, AD  Wilson, JH
Wilson, TR  Zappia, A
Zimmerman, T

Question negatived.

Mr MORRISON (Cook—Treasurer) (13:05): by leave—I move amendments (1) to (3), as circulated in my name, together:

(1) Clause 1, page 1 (lines 14 and 15), omit "Marriage Amendment (Definition and Religious Freedoms) Act 2017", substitute "Marriage Amendment (Definition and Protection of Freedoms) Act 2017".

(2) Schedule 1, page 5 (after line 17), after item 5, insert:

5A After section 5

Insert:

SAA Meaning of entity

(1) For the purposes of the Act, an entity means:

(a) an entity (other than an individual) within the meaning of section 184-1 of the A New Tax System (Goods and Services Tax) Act 1999; and

(b) a non-entity joint venture within the meaning of section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999.

Note: The term entity includes body corporates, body politics, partnerships, unincorporated associations or other bodies of persons, trusts and superannuation funds.

(2) For the purposes of subsection (1), an entity is an entity regardless of whether:

(a) the entity is for-profit or not-for-profit; or

(b) the entity is a religious body or organisation; or
(c) the entity operates to make a profit or not.

5AB Meaning of relevant marriage belief

(1) A person holds a relevant marriage belief if the person holds:

(a) a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; or

(b) any one or a combination of genuine religious or conscientious beliefs that are constitutive of, supporting of or a corollary of the belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, which beliefs may include, without limitation, any of the following beliefs:

(i) a marriage that is not a union of a man or a woman is not consistent with the doctrines, tenets, beliefs or teachings of the religion or the conscience of the person;

(ii) the family structure of a man and a woman united in marriage with their children is a fundamental building block of human society, and this family structure has significant advantages for the nurture and raising of children;

(iii) sexual relations should only occur within a marriage, understood as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life;

(iv) the gender difference and complementarity of men and women is an inherent and fundamental feature of human society and is reflected in the gender difference and complementarity of a man and a woman united in marriage;

(v) a fundamental feature of a marriage between a man and a woman is the modelling for children born from, or raised in, that marriage of the gender difference and complementarity of the man and the woman;

but for the avoidance of doubt, does not include the belief mentioned at paragraph 5AC(1) (b).

(2) An entity holds a relevant marriage belief if the entity has adopted:

(a) a belief mentioned in paragraph (1) (a); or

(b) one or more beliefs mentioned in paragraph (1) (b);

as beliefs the entity holds.

5AC Meaning of relevant belief

(1) A person holds a relevant belief if the person holds:

(a) a relevant marriage belief; or

(b) a genuine religious or conscientious belief that:

(i) a same-sex relationship is not consistent with the doctrines, tenets, beliefs or teachings of the religion or the conscience of the person; or

(ii) the normative state of gender is binary and can, in the overwhelming majority of cases, be identified at birth; or

(iii) any one or a combination of genuine religious or conscientious beliefs that are constitutive of, supporting of or a corollary of a belief mentioned in subparagraphs (1) (b) (i) or (1) (b) (ii).

(2) An entity holds a relevant belief if the entity has adopted:

(a) a belief mentioned in paragraph (1) (a); or

(b) one or more beliefs mentioned in paragraph (1) (b);

as beliefs the entity holds.

5AD Determining when a belief is held etc.
(1) For the purposes of this Act, a person or entity holds a genuine religious or conscientious belief, or genuinely believes, if the holding of the belief (inclusive of the person's or entity's beliefs as to the actions, refusals, omissions or expressions that are consistent with, a consequence of, made in connection with, based upon, constitutive of, supporting of, or a corollary of that belief) is not fictitious, capricious or an artifice.

(2) For the purposes of subsections 5AB(2) and 5AC(2), but without limiting those subsections, an entity may state or adopt a belief as a belief the entity holds by:
   (a) including the belief in its governing documents, organising principles, statement of beliefs or statement of values; or
   (b) adopting principles, beliefs or values of another entity which include the belief;
   (c) adopting principles, beliefs or values from a document or source which include the belief; or
   (d) acting consistently with that belief.

(3) Schedule 1, page 15 (after line 26), after item 58, insert:

58A After Part VA

Insert:

Part VAA—Freedom of thought, conscience, religion, expression and association in relation to holding certain beliefs

88N Non-discrimination in the allocation of funding

(1) Despite any law, it is unlawful for the Commonwealth, a State, a Territory or a government entity to:
   (a) decline to provide funding; or
   (b) impose a condition on funding that is provided;
      that discriminates against a person or an entity because the person or entity:
      (c) holds a relevant belief or a relevant marriage belief; or
      (d) acts, or refuses or omits to do an act, because the person or entity genuinely believes that the
         action, refusal or omission is consistent with the relevant marriage belief or relevant belief; or
      (e) expresses the relevant marriage belief or relevant belief.

Note: For paragraph (1) (a), an example of funding is a grant made by the Minister under Part 1A of
the Act.

(3) In this section:

government entity means:
   (a) a government entity (within the meaning of the A New Tax System (Australian Business Number) Act 1999); or
   (b) an entity established by or under a law of a State or Territory.

88O Charitable status

(1) An entity does not fail to satisfy the requirement in subparagraph (b) (i) of the definition of charity in section 5 of the Charities Act 2013 for the reason that:
   (a) the entity holds, expresses or acts upon a relevant marriage belief or a relevant belief; or
   (b) the entity refuses, or omits, to do an act because the entity genuinely believes that the action,
      refusal or omission is consistent with the relevant marriage belief or relevant belief.

(2) For the purposes of paragraph (c) of the definition of charity in section 5 of the Charities Act 2013, a purpose of an entity is not a disqualifying purpose (within the meaning of section 11 of that Act) for the reason that:
(a) the entity has a purpose of engaging in or promoting, or engages in or promotes, activities that the entity genuinely believes are in connection with, or as a consequence of, the entity holding, expressing or acting upon a relevant belief or a relevant marriage belief; and

(b) if it were not for this Part, the activities may be:

(i) unlawful or contrary to public policy; or

(ii) determined to be unlawful or contrary to public policy.

As I said in my speech on the second reading, the issue of same-sex marriage and it being passed by this chamber is not in question. That matter has been determined by the Australian people. This will be a significant day for many around the country, and it is not the intent of any of the amendments that are moved today to in any way frustrate that process. But what faith based and religious organisations are seeking—I have met with them and I have worked with them over many years and particularly as they have come to consider this significant change that is now taking place—is they will be able to continue to simply do what they have been doing, and the many good works that they do in our community and beyond our shores, without any question or any doubt about their status, in particular their charitable status, or any doubt or question about their ability to receive public funding for the work that they do, or any doubt that could be expressed on that in terms of them continuing to hold a view about marriage in its traditional understanding. They are simply seeking for the status quo for them to be maintained and to have an assurance.

The assurance they're seeking is so they can continue to get on with the wonderful work they do in education, the wonderful work they do in aged care and in respite care and the wonderful work that they do in health care and in disability care. Many religious and faith based organisations in particular, I have no doubt, will be providing a significant role in the delivery of disability care services under the National Disability Insurance Scheme. The assurance they're seeking is so they can continue to do amazing work as part of our overseas aid program. It is so they can do that without any question about their charitable status, their gift deductibility status or the public funding that they may be eligible to apply for under grants so they can continue do that important work. There is the work they do in employment services to get Australians into jobs. They're involved in that work as well.

One of the most important expressions of someone's faith is the practical action they undertake to help others. And, to the extent—and it is a very large extent—that religious and faith based organisations do this work, they do that as an expression of their love and care for others. They should be able to do that regardless of what their view of traditional marriage or same-sex marriage is. That issue should not come into question. This is an issue that has been raised by religious and charitable institutions concerned about the doubt and question that could be placed upon them.

As the member for Canning spoke to this House, he spoke particularly about the impact in the education area, but also he referred to correspondence that he had received—and I have seen the same correspondence—from over 40 different religious organisations and schools and the Maronite bishop who I spoke of in my address on the second reading. I table those documents. I table the correspondence that has been received from those Australians of faith and religious practice. I thank the House for the opportunity to do that.

The questions that arise go to the issue of the public interest test and the conformity with public policy under common law and how that could impact on charitable status. That is
experienced particularly in overseas jurisdictions—like New Zealand, Canada and the United States—where these questions have been raised and can potentially impact here in our own jurisdictions with the passage of these laws.

We have received advice from the charities commission and they have supported the view that the amendments that I'm putting forward here would put beyond doubt this question. Why would we want this question to be in doubt? Putting the question beyond doubt does not take away at all the change that is being voted on here and, I'm quite certain, will be passed here by this parliament. It simply ensures that the great faith works—that the fragrance of faith that is in our community and is serving our community will continue to be able to be experienced by Australians here and by many people around the world as a result of their very great faithful works, which they do in service of their community and in obedience to their faith.

These changes do not threaten same-sex marriage; they don't seek to prevent it and they don't seek to frustrate it. They simply are seeking the status quo of them being able to do what they do without question or threat. I can assure you that as Treasurer in the Turnbull government, and with my colleagues, our government would never seek to deny that public funding or that charitable status. We would never do that and it would certainly never happen on my watch as Treasurer. But I cannot provide that guarantee forever. I can't provide a guarantee about a potential government at either a Commonwealth or state level who may seek to withdraw those rights or to take away that certainty and take away that support and drive people of faith and organisations of faith serving our community from the public square. They are simply today accessing charitable status and gift deductibility status and competition for accessing grants funds, which already exist, so there's no extra cost. It's just allowing these organisations to get on with the job. I commend the amendments to the House.

Mr ENTSCH (Leichhardt) (13:12): These amendments are completely unnecessary. Religious charities, we all agree, provide essential services for our community, and their charitable status will not be affected by their stance on marriage. A charity may advocate on any matter relevant to that charity, and nothing in this bill will change that—in the same way that charities that support marriage equality have not had their charitable status revoked in all the years prior to today.

Importantly, the charities commission and the tax commissioner have both confirmed that this amendment and changes to the Marriage Act will not impact on the charitable status and DGR status. I will make reference to a couple of letters where we sought clarification on this issue. The first one is from the Australian Taxation Commissioner. In his response, he said:

… a religious charity holding or expressing a view of a religious nature (position on marriage) will not have an impact on DGR endorsement.

Similarly, lawful refusal to conduct a marriage ceremony, deliver goods and services or hire facilities in accordance with the Future Marriage Act will be unlikely to impact DGR endorsement. These activities would fall outside the scope of the general DGR categories and would not prevent DGR endorsed religious charities from fulfilling their DGR purposes.

The second one is from the Australian Charities and Not-for-profits Commission, and again we sought clarification from the acting commissioner. The advice we have received says:

'Different religions take different positions on a range of social issues, including marriage. The law of charity does not endorse the beliefs or practices of one religion over another. It
follows that, if a charity with a purpose of advancing religion currently holds and expresses a view or position on marriage that is based on the beliefs, tenets or doctrines of the religion it advances, its status as a charity as defined in the Charities Act will not be negatively affected by reason merely for its continuing to hold and/or express the view following the enactment of the future marriage act.' And they went on because there have been some issues raised in relation to other jurisdictions. The ACNC is aware of those raising concerns about the possible effects of the future Marriage Act and has cited cases in other jurisdictions, including the United States, Canada, the United Kingdom and New Zealand and goes on to state that these cases provide limited guidance or assistance in determining questions on charity status under Australian law.

We thought that last one was a little bit ambiguous and we thought we would seek further clarification, which we did. The clarification that came back said that the ACNC view is that under the current ACNC and Charities Act framework, it is unlikely that a charity for the advancement of religion could lose charitable status by adopting or advocating for the pre-existing definition of marriage—that is, it would be unlikely that a lawfully-held view and an advocacy of that view would be against public policy or public benefit. So clearly the view is there. For the record, I seek leave to take those documents.

Leave granted.

Mr ENTSCH: I thank the House. The Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill inquiry into the George Brandis exposure draft that led to this bill comprehensively considered the issue relating to religious freedoms and didn't find any need for extra protections for charities. The government indicated earlier there will be an inquiry into the broader issue of religious freedoms. That inquiry next year will be undertaken by four very eminent individuals in the Honourable Philip Ruddock, Father Frank Brennan, former Federal Court judge Annabelle Bennett and the President of Australian Human Rights Commission, Rosalind Croucher. If there are any genuine concerns, I can't think of a more qualified panel to fully explore the risks and how best to deal with them. Like I said, I don't think these concerns will be borne out by the evidence, but my colleagues should take comfort in the process and accept that that is an appropriate forum to deal with them.

What we don't need is to rush into these amendments at the eleventh hour when the bill has been out there for consultation for almost four months. (Time expired)

The DEPUTY SPEAKER (Ms Claydon): Do you wish to continue?

Mr ENTSCH: A good reason why we don't want to rush into these is that the provisions around government funding could lead to unintended consequences. These amendments propose that religious organisations should not be at a disadvantage for government funding. However, this interferes with the government's ability to make decisions about which organisations are best able to deliver services, and what would the government do about a contract for LGBTI sexual health services awarded to the Catholic Church? It would be hard to see how this amendment could work in practice. What is clear in these amendments is they are completely unnecessary, they certainly carry risks and they should be opposed.

Ms FLINT (Boothby) (13:18): I rise to support the amendment moved by the Treasurer and note that, as we seek to pass the legislation that aligns the rule of law with the will of the
Australian people as determined by the national plebiscite, I want to note that I will be ensuring the substantive bill passes as per the will of the Australian people and my electorate. We must remember our responsibility to all Australians and pass a bill that is balanced and affords religious protections. To that end, it is our duty to ensure that amendments to the Marriage Act do not occur to the detriment of others. More specifically, it is our duty to ensure that adequate protections are in place to protect the significant work done by faith based charities to ensure that both views of legal marriage are recognised, to ensure adequate rights are in place for military marriage celebrants—as we have heard in previous motions—and to protect freedom of speech for all Australians.

These amendments and specifically this amendment seek to foster freedom in our society, which goes to the foundation of our democracy. Indeed, as I said in my maiden speech, we want people to have the freedom to speak without fear and to defend their ideas and their ideals not with violence or threats or court cases but through robust and respectful debate.

Faith based charities undertake approximately two-thirds of charitable endeavours in vital areas such as health, aged care, foster care and homelessness. It would be irresponsible for the parliament not to provide the protections that will ensure the future of these entities. My colleague has just read from the letter from the ACNC, and I note that they did suggest that 'one way to address the concerns that have been raised may be to provide in the amending legislation that nothing in the legislation adversely affects an entity's charitable status by reason only that the entity holds or expresses a position on marriage after the enactment of the legislation that if held or expressed prior to the enactment of the legislation would not have had such an effect'. That's why we are moving this amendment. We need to protect faith based charities from experiencing detrimental conduct by public authorities by ensuring that governments cannot withdraw funding from an individual or entity solely because that individual or entity holds a traditional view of marriage.

Unfortunately, the international experience shows that, unless religious protections are contained within the legislation, disputes and lengthy and costly litigation is inevitable and, ultimately, it will be the recipients of service provided by these organisations that will suffer. This is a particular concern held by many faith based charities, who, for unique historical reasons in Australia, comprise a significant majority of government funded charitable services providers. Their concern is not unfounded. It is fuelled by consistent calls for the removal of government funding from charities that rely upon religious freedom exemptions in the antidiscrimination laws. The amendments moved by the members for Cook and Mallee will provide much-needed certainty and associational freedom for Australian charities. They'll ensure that existing faith based charitable entities can continue to function effectively without the added risk of losing their means to do so.

We must protect freedom of speech, freedom of religion and freedom of thought. Currently, federal law provides no protections for Australians who support traditional marriage based or their religious or conscientious views. Freedom of speech is an issue that I and many on this side feel strongly about. I emphasise that none of the amendments moved by my colleagues allows, condones or encourages discrimination against same-sex married couples or people of same-sex orientation. Rather, they legislate for a change to the definition of marriage in a manner that provides the legal guarantees that millions of Australians are
asking for. These amendments protect organisations and individuals that support a traditional definition of marriage against discrimination or detrimental conduct respectfully and fairly.

I note that charities in countries similar to Australia have been stripped of their charitable status due to their support for the traditional view of marriage. We don't want to see that happen here. Unless amended, the marriage amendment bill may cause Australian charities to have their status revoked and their funding stripped. This would stop a lot of the good work they do for the people they help and put an unnecessary financial burden on hundreds of thousands of volunteers who give their time freely. That's why we have moved the amendment to provide certainty for faith based charities and the wonderful volunteers who support them and so many Australians.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (13:23): Labor opposes these amendments, which are unrelated to marriage and completely unnecessary. The changes proposed by these amendments are not even being asked for by charitable organisations, which do excellent work and will continue to be able to do so after marriage equality is enacted. Amendment of the Marriage Act will not affect a religious charity's funding. There is no reason why advocacy for a traditional view of marriage which is relevant to a religious charity would affect their funding. There's been quotation by some of the previous speakers from correspondence from the Assistant Charities Commissioner, and the effect of that correspondence is to confirm that this proposed amendment is not necessary. The Taxation Commissioner has also confirmed that this amendment is not necessary, and there has been confirmation of that by Not-For-Profit Law, which provides legal advice to charities.

There's no reason why advocacy for a traditional view of marriage which is relevant to a religious charity would not be for public benefit under Australian law. A charity may advocate on any matter that is relevant to that charity, and a change in the law on the definition of marriage will not change that. The Aid/Watch case, which was a decision of the High Court of Australia, and the Charities Act both protect a charity's right to advocacy as long as it does not take on a party- or candidate-partisan purpose. The exemptions for religious charities from otherwise unlawful discrimination will not change if the definition of marriage changes. There's no reason for religious charities to fear they will be impacted adversely if marriage equality becomes law.

Labor's strong position is that Australians voted to lessen discrimination, not to extend it. We do not object to debates being had about religious freedom, but now is not the time or place. Our priority is achieving marriage equality and we should get on with it.

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (13:25): Madam Deputy Speaker, on indulgence for the benefit of the House, I will just explain the process for the afternoon because we're getting very close to the 90-second statements automatic cut-off and quite a few people travelled here from elsewhere to see the results of this debate on marriage equality.

At 1.30 pm we'll automatically start the 90-second statements suspension of standing orders. That's not because we want to clear the galleries of people who are interested in marriage equality, but there are quite a lot of people who book in for question time, and we don't want there to be a breakout in the gallery as some people are trying to come in and others are wondering why they're being pushed out of their spots. So at 1.30 pm we'll end this
debate. There'll be half an hour of 90-second statements and then question time, and then we'll return to the debate after the MPI this afternoon. That means we'll get back to this debate closer to 4.15 pm or 4.30 pm.

Obviously, we'll have a vote on it this evening, but these are the vagaries of the parliament. I apologise for those people who expected it to be earlier, but we are having a genuine debate.

Mr BURKE (Watson—Manager of Opposition Business) (13:27): Madam Deputy Speaker, on indulgence, I rise about the times that people have been given. The matter of public importance debate that the Leader of the House just referred to is submitted by a member of the opposition each parliamentary day. Today, that's been submitted by me. I have assured the Prime Minister that the speech I was going to deliver had every chance of bringing down the government this afternoon! But if we withdraw the MPI it means we start this debate again at 3.15 pm rather than 4.15 pm. In the spirit of making sure that we get this done, we'll defer the speech to bring down the government until we return in February and at 3.15 pm—after question time—we'll be back on this bill.

Mr ABBOTT (Warringah) (13:27): As the Treasurer said earlier, our society is absolutely unimaginable without the schools, the hospitals, the employment agencies and the drug and alcohol rehabilitation services that the great Christian charities have provided for hundreds and hundreds of years. And it's their faith that drives them. They do it because of their faith motivation, and part of that faith is that marriage is between a man and a woman, preferably for life and, usually, dedicated to kids.

Once same-sex marriage is enshrined in law, on public policy grounds, organisations that don't recognise same-sex marriage could, indeed, be subject to some kind of official sanction. Overseas, this has happened. Catholic adoption agencies have been forced to withdraw their services. Orthodox Jewish schools have had their funding threatened. American Christian colleges have had registration refused to their law graduates because of their teaching on marriage. Don't think that it can't happen in this country; it already has. I recall, as employment minister, back in 2003 finding a Human Rights Commissioner threatening faith based employment agencies because of their own employment practices. If that threat had been acted upon, they would have had to withdraw their services.

So these amendments are important. I stress: they are not against same-sex marriage. They are simply in favour of the rights of religious organisations to keep doing what they have always done in the great interests of the Australian people.

The DEPUTY SPEAKER (Mr Coulton): The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour.
**STATEMENTS BY MEMBERS**

**Mallos, Ms Tessa**

**Murphy, Ms Barbara**

**Dean, Mr Walter James 'Wally'**

**Johnson, Mr John Richard 'Johno', KCSG**

**Hutchins, Mr Stephen Patrick 'Steve'**

**Bellear, Mr Solomon David 'Sol', AM**

**Ms PLIBERSEK** (Sydney—Deputy Leader of the Opposition) (13:30): Before the House rises for the year, I want to acknowledge the passing of some very important members of our community in Sydney and New South Wales. This year we said farewell to two great local Sydney Labor women: Tessa Mallos, East Sydney branch member and tireless campaigner for peace and the Labor movement; and Barbara Murphy, teacher, activist, feminist, unionist and the first woman to serve as an executive member of the Labor Council of New South Wales. We also lost footballer, barber, former alderman of the City of Sydney and South Sydney councils and all-round Labor legend Wally Dean. I also want to acknowledge the loss of two stalwarts from New South Wales: Johno Johnson and former senator Steve Hutchins. The Labor family mourns the passing of our friends and comrades.

Only last month, I was very sad to hear of the passing of Sol Bellear AM, a Bundjalung man from Mullumbimby, who in Redfern in 1977 was pivotal in the formation of the Aboriginal Land Council, dedicating his entire adult life to the fight for Aboriginal land rights and justice.

These people, each one of them, made a huge contribution not just to our Labor family and not just to our local community in Sydney but to the fabric of our nation. Every one of them stood up throughout their lives—their working lives and their lives as political activists—for the rights of all, and they will be sadly missed.

**Millar, Mr Percival Clarence 'Clarrie', AM**

**Mr LLEW O'BRIEN** (Wide Bay) (13:31): I pay tribute to former member for Wide Bay Clarrie Millar, who served the Australian parliament between 1974 and 1990 and passed away on 28 November at the age of 92. Mr Millar served as Deputy Speaker and Chairman of Committees. He was an effective, talented and diligent member of parliament. From humble beginnings, he worked as a postal officer in the Air Force in Darwin during World War II and as a farmer. He was also an accomplished private pilot.

Mr Millar had a genuine interest in people with a natural empathy to represent his constituents. He was renowned for his eloquent, elaborate expressions, his great sense of humour and his quick wit. My staffer, Mary-Anne Boldery, who worked for Clarrie and then Warren Truss, tells me that in the 1980s a constituent who believed they were being spied on by the KGB would often seek Clarrie out. After numerous meetings, Clarrie quipped: 'The KGB are onto us. We can't be seen together anymore!'

Respected by both sides of parliament for his competence and impartiality in the chair, his contribution to debate was wise and well regarded. Mr Millar is sadly missed by his wife,
Dorothy, their children, Bob, David, Wendy, Lisa and Trudi, their families and also his former colleagues and friends.

**Petitions: Bulimba Barracks**

Ms BUTLER (Griffith) (13:33): I present two petitions, one with 948 signatures and one with 21 signatures, regarding the sale of surplus Defence land, formerly the Bulimba Barracks, as endorsed by the Petitions Committee.

*The petition read as follows—*

This petition of certain citizens of Australia draws to the attention of the House: The Abbott Government has proposed the sale of the Bulimba Barracks located in Bulimba, Queensland. The barracks site at Bulimba is 23ha and has, since WWII, been the location of military personnel. Recently the Army's Joint Logistics Unit (JLU) relocated from Bulimba Barracks to Amberley. Bulimba is a desirable area with high property values. We understand that the site will be sold on the open market by the end of 2015.

We therefore ask the House to: allocate 10% of the proceeds from the sale of the Barracks to upgrade local community infrastructure. We believe the Federal Government has an obligation to financially assist with the cost of upgrading local roads and community infrastructure as a result of the Barrack's transition into a residential living area.

from 948 citizens

This petition of certain citizens of Australia draws to the attention of the House: that the Turnbull government plans to dispose of surplus Defence land, formerly the Bulimba Barracks, at Bulimba, on an open market sale for full market value. We are concerned to ensure that the Federal Government not, by the sale, place our community in the position where it must fight over-the-top development applications that are not consistent with the Masterplan we have all worked so hard to achieve.

We therefore ask the House to: ensure that any valuation of the site be undertaken having regard to the Barracks master plan which has been adopted through the Statutory Planning Scheme, and ensure that any sale terms take into account the community's best interests.

from 21 citizens

Petition received.

Ms BUTLER: I've been working hard with Di Farmer, Shayne Sutton and, more recently, Kara Cook to make sure that the interests of our community are not forgotten when Defence disposes of the Bulimba Barracks land. The local community is deeply concerned about the sale of the barracks site, as you can see from the petitions, which oppose over-the-top development applications that are not consistent with the master plan and call for a small part of the sales proceeds to go to defraying infrastructure costs that will necessarily arise if the site is developed.

I call on the House to listen to the wishes of these signatories and members of my community. An obvious thing that we could do—or at least the government could do—would be to reopen negotiations with the state government as the Commonwealth negotiated with the local council in respect of the Milton Barracks. There is no reason why the Commonwealth should not seek to reopen negotiations with the state government, particularly since the state government, unlike in the case of Milton Barracks, was looking to make a market value purchase of the property.
I thank the local community for their work in standing up for the interests of the lifestyle that we all enjoy in that part of my electorate and I look forward to a favourable response from the minister and from the House.

**Flynn Electorate**

Mr O’DOWD (Flynn) (13:34): As 2017 draws to a close, I wish to thank the hardworking, upstanding and reliable people of Flynn and wish them a wonderful Christmas with their loved ones, and a safe and prosperous new year. Throughout the year the people of Flynn have endured floods and severe weather events; however, on an optimistic note, Flynn had strong cattle prices and bumper chickpea crops; and blueberry and macadamia crops were in demand, complemented with the already thriving citrus, sugar cane, cotton and table grapes. Looking back on 2017, I’m proud to say we have achieved a great deal, with many more projects to be delivered in 2018 providing opportunities and hope for a better future for our Flynn families.

This year has seen many achievements—too many to list individually. However, I’d like to mention some of the highlights of our government and how we delivered to the people of Flynn. We made great progress with the Mobile Black Spot Program: 14 new mobile base towers have been erected in the electorate, and six more will become operational in 2018. Road, rail and bridges have been a part of our action. The eight shire councils in Flynn have all benefited from the Bridges Renewal Program and from infrastructure in general for Flynn. There’s $20 million to the Gladstone Philip Street site—(Time expired)

**Petition: Climate Change**

Dr ALY (Cowan) (13:36): I rise to table a petition that has been endorsed by the Petitions Committee.

Leave granted.

The petition read as follows—

This petition of concerned people of the electorate of Cowan, draws to the attention of the House the severe and urgent threat that climate change poses to the health, well-being and security of all people around the world, particularly our poorest and most vulnerable neighbours. We remind the House that Australia's greenhouse emissions are the highest per person among wealthy nations while our emissions reduction targets are among the weakest.

We therefore ask the House to do all in its power to protect communities in Australia and our region from the harmful impacts of climate change - such as more severe heat, extreme and unpredictable weather and rising seas - by: committing to deeper and more urgent reductions of our greenhouse emissions; developing a plan to ensure Australia achieves zero net greenhouse emissions well before 2050, and supporting families and communities affected by the transition towards renewable energy and more sustainable land use; providing additional assistance to help our poorest neighbours adapt to the harmful impacts of climate change.

from 654 citizens.

Petition received.

Dr ALY: This petition is called the 'community climate petition'. It has 654 signatures, and it was coordinated by Micah and TEAR Australia. It is a petition that represents a number of faith-based organisations coming together to help Australian communities speak boldly for better laws and policies to stop damaging our climate. Specifically, the petition asks for a
commitment to deeper and more urgent reductions of our greenhouse emissions, developing a plan to ensure Australia achieves zero net greenhouse emissions before 2050, supporting families and communities affected by the transition towards renewable energy and more sustainable land use, and providing additional assistance to help our poorest neighbours adapt to the harmful impacts of climate change.

I met with Greg Leach, Louise Dillon and Steve McKinnon from TEAR Australia in my office some time ago, and they represented to me as very strong and committed members of their faith communities who believe very strongly that they share a responsibility for their world, to not harm others, to be fair and to care for the vulnerable. The groups that are involved in this climate petition are firsthand witnesses to how the consequences of damage to our climate are already hurting people and other species with which we share the earth. *(Time expired)*

**Gilmore Electorate: Defence Equipment**

**Mrs SUDMALIS** (Gilmore) (13:37): Last Friday I was lucky enough to be the substitute for the Minister for Defence, the Hon. Marise Payne, at a very significant event at HMAS *Albatross*. Two of our very reliable helicopters, called the Squirrel and the Seahawk, were retiring; this was their very last day. We had ceremonial divisions—if people haven't been to a ceremonial division for the Navy, it is absolutely spectacular. On this glorious day of Nowra weather, the white uniforms were shining out there, and the black shiny shoes, and the band was perfectly in time, as was the marching. What they were doing was just awe inspiring.

I was there to celebrate the Squirrel and the Seahawk retiring. The Squirrel was never devised to be the training vessel that it became, nor was it ever meant to go to sea. But Australian ingenuity took it to sea, and very successfully so. Along with the Chief of Navy, Vice-Admiral Tim Barrett; Commander Australian Fleet, Rear Admiral Stuart Mayer; Commander Fleet Air Arm, Commodore Chris Smallhorn; and commanding officer HMAS *Albatross*, Captain Fiona Sneath, I said goodbye to these two most amazing helicopters. We now have the Romeos coming in, whose call sign appears to be 'taipan', so perhaps we will be moving away from Squirrels and Seahawks to something a little bit more stealthy, like the taipan. They are amazing helicopters. We've invested over half a billion dollars into this base with the helicopters, and I was so proud to be there with our personnel.

**Immigration Detention**

**Ms O'NEIL** (Hotham) (13:39): Like many millions of Australians, I have watched the deteriorating situations on Manus and Nauru with shock. I rise to make it absolutely clear that the government's actions do not represent my views and wishes and they do not represent the views and wishes of many of the people I represent.

Under the Turnbull government, Manus and Nauru have become places of indefinite detention. Refugees and asylum seekers have been held for over four years. They have no idea what the future holds for them. They have been held for too long. These people have been effectively imprisoned for longer than many people are held for serious crimes. We've had four years of chaos, four years of secrecy and four years of failure by the government to resolve this difficult problem. Recently, the government has seemed to want to argue that these people have nothing to do with us. How utterly ridiculous! Whatever your view may be
about refugees, Australia has a clear responsibility to these people; whether it is moral or legal, in my view, is completely irrelevant.

The Prime Minister's and the Minister for Immigration and Border Protection's inability to secure third-country resettlement arrangements is another failure to add to this government's record. It is so disappointing that, when an opportunity to help resolve this problem lands in the government's lap, in New Zealand's offer to resettle eligible refugees, the government then rejects it. I call on the Prime Minister and the Minister for Immigration and Border Protection to show some compassion and humanity. Accept New Zealand's offer and make moves towards getting these people out of Manus and Nauru.

National Agriculture Day

Mr PASIN (Barker) (13:40): The 21st of November was our nation's inaugural National Agriculture Day. Shockingly, a nationwide poll commissioned by the National Farmers' Federation found 83 per cent of Australians would describe their connection with farming as distant or non-existent. The idea behind National Agriculture Day is the chance to reflect on the importance of agriculture to our nation and, quite frankly, to thank our farmers. It is a chance to reconnect all Australians with the story of agriculture.

Nostalgically, we often say that our country once rode on the sheep's back, but the reality is that agriculture still plays a vital role in our economy today. Our farmers help feed us, clothe us and create jobs all along the supply chain. In fact, agriculture employs 1.6 million Australians. Within my electorate of Barker, agriculture is in fact the largest industry. There are 4,500 agribusinesses directly employing 11,250 people in Barker. It is no wonder that the Australian farm income surpassed $60 billion for the first time last year. Agriculture has emerged as the fastest-growing sector and the largest contributor to national growth in the financial year ending 30 June 2017. On average, an Aussie farmer will feed 400 Australians and 600 people around the world. I just wanted to say thank you.

Australia HOPE International

Ms SHARKIE (Mayo) (13:42): Today I'm wearing a set of rainbow coloured beads, and it's an apt day for it. This necklace is actually because of the bead ladies of the refugee camp called Nakivale in Uganda. They are made of old paper calendars. I purchased these from the Australia HOPE International Jambo Sana African card and gift shop in Nairne in my electorate. They cost me $20, which I mention because $19 of this money went back to the Congolese and Rwandan women who made them. Ninety-five per cent of all profits from the handmade arts and crafts go back to these women, and it allows them to create a business with their jewellery and send their children to school.

This women's group is one of many projects coordinated by Australia HOPE International and their partner organisations in Uganda. All of this was started 17 years ago by Bill and Norma Osborne of Nairne, who went on a mission trip to Uganda and returned determined to make a difference. Bill and Norma, with their team, are living examples of the words spoken by scientist Margaret Mead: 'Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.'

Waggrakine Volunteer Bushfire Brigade

Ms PRICE (Durack) (13:43): On 29 November I had the pleasure of visiting the Waggrakine Volunteer Bushfire Brigade cadet unit on their training night and watching them
in action. I was proud to sponsor the Waggrakine cadet unit on their recent attendance at the Australian Fire Cadet Championships. Lauren, Cory, Jai, Ewan, Max and their captain, Sheridan, travelled from Geraldton in the mid-west of Western Australia to Sydney and then up to Myuna Bay to compete, travelling further than any other team in Australia. They took home the Dave Templeman award for their effort, which recognises a team who have demonstrated through action and attitude the qualities which best represent the championships. To that fabulous team, I say: you should be immensely proud of this achievement.

Volunteer firefighters are an integral and largely underappreciated facet of life outside of the inner city. I was thrilled to see these young boys and girls, some as young as 12, carrying out the drills and learning the skills that could potentially save lives and property. I would like to conclude by thanking Darren and Lisa Cole and Jack Milby, who went across with the cadets, and Mark Teale, who, as captain of the Waggrakine brigade, assists with their training. Without your help, Mark, none of this would be possible.

While I'm on my feet, I would like to wish everyone in Durack a very merry Christmas and a very safe and prosperous new year. Hopefully they all get home safe off the roads.

Royal Commission into Institutional Responses to Child Sexual Abuse

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (13:45): On 15 December, when the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse is published, it will represent for many a victory over the evil monsters who destroyed so many young lives and went unpunished. But, for many, it will also be a reminder of unbearable and unresolved pain.

For those of us whose lives have been untouched by child sexual abuse, the impact is hard to fathom. And of course a report won't fix it. But former Prime Minister Julia Gillard and former Attorney-General Nicola Roxon wanted to establish this royal commission because of the need for survivors to receive some kind of answer to the question: 'How could this happen?' I hope that next week's report goes some way towards answering that question for those for whom it is so important.

The report represents a momentous effort by the royal commission and staff, including the Hon. Justice McClellan, the Hon. Justice Coate and their four fellow commissioners. They've handled more than 40,000 calls, held more than 8,000 private sessions and referred more than 2½ thousand cases to the police.

I would like to thank my colleague the member for Jagajaga, who has been a tireless advocate for survivors from the very beginning. The production of this report next week is a testament to her hard work.

The recommendations in this report must not go unheeded. It is up to us now to make the difference the survivors need.

Whyalla

Mr RAMSEY (Grey—Government Whip) (13:46): As Christmas nears, it gives me great joy to be delivering good tidings to Whyalla. In fact, we have announced a 14,000-tonne rail order for the Inland Rail, for Parkes to Narromine—something I am sure you're very pleased about, Mr Deputy Speaker Coulton. The order will be worth around $20 million and it'll be coming from Liberty OneSteel in Whyalla.
This is further proof that the government investment in infrastructure is flowing right down the chain and supporting jobs back in my electorate. In fact, the total amount of steel rail needed for the Inland Rail will be 262,000 tonnes, and I look forward to that project continuing to place those orders in Whyalla. This will also give extra life to the ARTC flash-butt-welding facility in Port Augusta, where these rails are welded into the lengths in which they are needed for the job at hand.

It was also a great pleasure to catch up with Sanjeev Gupta, the man who is now seen, I guess, as the godfather of Whyalla. I managed to march with Sanjeev and his family in the Whyalla Christmas pageant a couple of weeks ago. Marching with him sort of reminded me of where Michael Jackson used to come from—the people were clapping and cheering as he went down the street.

This has really given a great new sense of purpose and confidence to the city. It's taken a while to crank up, but it's all good news. The Commonwealth government stands ready with Liberty OneSteel to make sure that we build a great future there.

Kingsford Smith Electorate: Randwick Botany Little Athletics Club

Mr THISTLETHWAITE (Kingsford Smith) (13:48): I wish to congratulate the Randwick Botany Little Athletics Club, which celebrated its 50th anniversary this season. As it was the first Little Athletics club formed in Australia, the Randwick Botany Little Athletics Centre was given the honour of wearing the No. 1 on its competition shirts, and that number remains to this day. The driving force behind the formation of the club was Mr CD Hensley, or 'Chic', as he was known, and the club's athletics field at Pagewood is named in his honour.

Randwick Botany continues to be a strong club, with an average of 500 children signing up each season. Some notable names that have raced around the local track in the blue and yellow include Mike Whitney, the Australian cricketer; former Australian netball captain Sue Kenny; Natalie and Jane Saville, who both were state and national champions; as well as Rabbitohs Craig Wing, Beau Champion and John Sutton. More recently, they've had Selma Kajan and Jessica Thornton, who represented Australia at the 2016 Olympics.

Then of course there are Tony and Judy Vecellio. They've been involved with the club for 40 years, Tony as the club president for the last 35 years. Rain, hail or shine, Tony never misses a training session or a Saturday at the track. Through their dedication to the club and their active coaching and support, many thousands of kids have come through the Randwick-Botany Harriers. So thanks to Judy and Tony and all concerned with Randwick Botany Little Athletics Club. Congratulations on your 50th anniversary.

Fadden Electorate: Northern Gold Coast Volunteer Awards

Mr ROBERT (Fadden) (13:49): I'm delighted to inform the House that recently I was honoured to recognise 72 outstanding volunteers in the Gold Coast as part of the annual Northern Gold Coast Volunteer Awards. It was a tremendous day of recognition and celebration of service to others. All 72 award winners represented a diverse cross-section of age, gender and background. The diverse mix also shows that no group or community has the monopoly on service to others; it is so extensive as to include everyone. All award winners were nominated by their peers in their local community. The many people who nominated someone to be recognised were, like me, inspired by the dedication and commitment shown by those who received an award. Their selfless actions are carried out with no expectation of
praise and no expectation of payment or reward, and in doing so they inspire countless others in the community.

There were too many award winners to be able to publicly list them today, but I'd like to give special mention to the Volunteer of the Year for Northern Gold Coast, the organisation The Mooring. Congratulations to that team. It's a not-for-profit service that comes out of the Southport Church of Christ and has been in operation for two to three years. They offer care and compassion to the family of patients in the intensive care unit at the Gold Coast University Hospital. I'd like to commend to the House the outstanding service of the team at The Mooring, acknowledge the work they do and thank the Pastor Steve Peach for all the leadership there. On behalf of the community, I'd like to say thank you to the award recipients this year. Your service is acknowledged.

**Turnbull Government**

Mr KEOGH (Burt) (13:51): I want to take this opportunity today to recount some of the most unbelievable things that our taxpayer dollars are funding under this government. If, like me, you are a keen viewer of sport you will remember the massive ad campaign that the government ran during this year's AFL and NRL grand finals. The ad promoting the government's plan for energy policy in Australia cost the Australian electorate $760,000. This is a disgusting waste of money when you consider that the ad ran all over Western Australia, a state that isn't even impacted by the government's energy plan.

Let's not even get started on the waste of money that this government's same-sex marriage postal survey was. But perhaps my favourite example of stupid government spending is one that came from a constituent. Brett called my office to advise that he had accrued a 20c credit on his child support account that could not be refunded because it was such a small amount of money. He understood that he would probably never see his 20c again but he became incensed when he received a 50c letter in his mailbox a month later as a statement. His daughter turned 18 a decade ago and, since then, he has received that letter every month at a total cost of $82 since. For the same price, the government could have paid Brett back 410 times. For useless advertising campaigns, for a $120 million non-binding, non-compulsory postal survey, Australians have become increasingly frustrated by this government's waste.

**Forde Electorate: Little Scientists House**

Mr VAN MANEN (Forde—Government Whip) (13:52): Today I'd like to pass on my sincere congratulations to Bethania Early Education Centre in my electorate of Forde for recently being awarded an accreditation as a Little Scientist House. Little Scientist is a federally funded professional development program for early-childhood educators which offers training in the delivery of a variety of hands-on STEM subjects, and these workshops are for the children aged three to six years old. The concepts are simple, and the programs are fun based, but that does not take away from the significant achievement it is to be recognised officially as a Little Scientist House.

In fact, I had the pleasure of meeting Little Scientist program quality coordinator Hayley Bates during the certification ceremony last week. Ms Bates is a self-proclaimed hard marker who actually rejects almost 50 per cent of the childcare centre applications for the program. Indeed, it's only those centres that truly display a passion and a commitment to educating our very youngest in science and mathematics that pass her quality assurance test. The Little
Scientist program is a great program, and last week I had the pleasure of taking part in some of the experiments with the kids, which was always great fun. I would like to congratulate, again, Bethania Early Education Centre and also the Woodlands Early Education Centre, who also received the same certification.

Royal Commission into Institutional Responses to Child Sexual Abuse

Ms MACKLIN (Jagajaga) (13:54): On 15 December, the Royal Commission into Institutional Responses to Child Sexual Abuse will deliver its final report. The royal commission, established by the former Gillard Labor government in 2013, has sought to shine a light on past abuses, acknowledge the suffering endured by survivors and seek justice for those people—and it has. I want to thank the courageous men and women who have come forward to give evidence. We honour the survivors, their families and advocates, without whom there would have been no royal commission—people like Leonie Sheedy, Caroline Carroll, Pamella Vernon and the late Anthony Foster, just to name a few. I thank the royal commissioners and all the staff who have supported survivors in telling their accounts of abuse over four years of hearings. For many years, survivors were not believed. So I want to say directly to survivors today: I believe you. We believe you. Everyone in the parliament believes you. The task for us now is to deliver a fair dinkum redress scheme for survivors, to deliver justice and to make sure that we change the laws to stop this form of abuse ever happening again.

North Sydney Electorate: Schools

Mr ZIMMERMAN (North Sydney) (13:55): This time of year is a special one for our schools as they celebrate their achievements and also those of their school students. One of the sad parts about being here this week is that so many of us are missing the school assemblies and presentation days which are such an important part of the life of our community. However, I've had the opportunity to attend a number of those presentation days, and I particularly want to thank the students of St Michael's primary for the friendship bracelet which they gave me last week and which I promised to wear in parliament this week to celebrate cultural diversity. I also want to acknowledge the considerable talents of our school students which are evident in all that they do.

Like many of my colleagues, one of the highlights of the year for me is running a school students Christmas card competition. As always, I was swamped by hundreds and hundreds of entries from many of the 40 schools in my electorate. I particularly want to thank the students who won: Heidi Edmunds from year 6 at St Philip Neri School at Northbridge, who won first place; Yuzi Han from year 5 at Chatswood Public School, who came in second; and Aurelia Ruberto, who is in year 2 at Northbridge Public School, who came in third. I know it's a highlight for those receiving my Christmas card to see these wonderful paintings and drawings that the students have done. I congratulate them.

I also congratulate everyone in year 6 who is graduating this year. It is an extraordinary experience to see their trepidation and excitement as they think about their next step, into secondary school. I know that, with the fine education in my electorate, they will do well.

Royal Commission into Institutional Responses to Child Sexual Abuse

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (13:57): For over four years, the Royal Commission into Institutional Responses to Child Sexual Abuse has borne witness
to harrowing tales of abuse, the betrayal of sacred trust, and the violation of the most innocent and vulnerable amongst us. Australians have shuddered at the revealed evil of the perpetrators and marvelled at the courage of survivors. Brave souls have revealed a hidden shame to our national consciousness and, hopefully, begun a process of healing. Next week, the royal commission will hand down its final report and also submit a message to Australia—a collection of more than 1,000 personal stories for the National Library.

I want to pay tribute to Prime Minister Gillard for establishing this commission, and I want to thank all of the staff who have contributed to its important work. But, most of all, I want to say to the survivors: we believe you and we’ve learned the truth you told. I recognise that our systems and our nation have failed you in the past, but let me say that, as long as there is a Labor Party, Australia will not fail you now. Our parliament needs to rise to this moment. We must find it in ourselves to deliver redress and healing. Let this be our priority in 2018.

Dastyari, Senator Sam

Mr TED O’BRIEN (Fairfax) (13:58): I have spent much of my working life in greater China, and so, when I first heard about Senator Dastyari’s treasonous behaviour, my first thought was: how would China—

Honourable members interjecting—

The SPEAKER: The member for Fairfax will resume his seat. Members on both sides will cease interjecting. This has been a very robust debate with respect to Senator Dastyari, but the member for Fairfax used a word that is utterly unparliamentary. It hasn’t been used to date, and he needs to withdraw it.

Mr TED O’BRIEN: I withdraw it.

The SPEAKER: The member for Fairfax may proceed.

Mr TED O’BRIEN: What came to my mind was: how would China deal with one of its senior officials who was not only on the take from a foreign agent but was also providing antisurveillance information and then fronted foreign media holding a view with respect to the South China Sea that was contrary to the view of both the government and the Communist Party? It doesn’t matter what country it is; any senior official who undermines the interests of the nation that they represent is not worthy of office, and the Leader of the Opposition should have the courage to remove the senator from this parliament. (Time expired)

The SPEAKER: In accordance with standing order 43, the time for members’ statements has concluded.

QUESTIONS WITHOUT NOTICE

Question Time

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:00): My question is to the Prime Minister. As the Prime Minister is aware, debate on the marriage equality legislation is taking longer than expected, with worthwhile contributions from all. That’s why, a short time ago, I contacted the Prime Minister to make the unusual offer to defer question time today so that we could pass marriage equality as a matter of urgency. Will the Prime Minister join with Labor to get this done as soon as possible?
Mr TURNBULL (Wentworth—Prime Minister) (14:01): This must be the first time the leader of an opposition has asked that question time be abandoned. It must be the first time. I wonder why!

Ms Husar interjecting—

Mr TURNBULL: I'll say this: in the course of this week, many hours have been taken up with Labor Party motions about citizenship and penalty rates, matters that could properly have been dealt with after marriage had been dealt with, but, no—

Ms Husar interjecting—

The SPEAKER: The member for Lindsay has been warned.

Mr TURNBULL: the Labor Party rushed their motion in in the hope that they would get it voted on before the member for New England made his return. That bit of fancy footwork slipped up. The government is accountable in question time and, indeed, so is the opposition, so we will all be accountable in question time today, as we are every day that parliament sits. I will say this to the Leader of the Opposition: I'll ask that further questions be placed on the notice paper at 3 pm, which is when the broadcast finishes.

Economy

Mrs SUDMALIS (Gilmore) (14:02): My question is to the Prime Minister. Will the Prime Minister update the House on the investments the government is making to ease congestion, support businesses and create jobs in Bennelong and across Australia? Are there any threats to this investment and can the Prime Minister describe them?

Mr TURNBULL (Wentworth—Prime Minister) (14:02): I thank the honourable member for her question. As she knows, like all members on this side know, competitive businesses are the foundation of a strong economy, and a strong economy means more jobs. We're seeing our policies pay dividends, with strong jobs growth, nearly a thousand jobs a day, over the last year—a thousand jobs a day for Australians, 85 per cent of them full-time. We want to go further. We want more jobs, more Australian jobs and better paid jobs. It's why we're backing business. It's why we're cutting taxes, ensuring that energy is affordable and reliable and expanding access for Australian exporters to the big markets of Asia.

The overwhelming majority of Australians—about 86 per cent, in fact—are employed by private business. That's why we're supporting those private businesses—the overwhelming majority of them Australian family owned businesses—with policies that help them compete. It's why we're cutting taxes for 17,500 small and medium businesses in Bennelong and 3.2 million across the nation. It's why we're cutting the cost of energy and ensuring it's reliable for businesses and families. It's why we're investing a record amount on vital infrastructure, including in Bennelong. Projects like the Macquarie Park transport interchange in Bennelong are creating more jobs and more efficient transport systems. This is a $100 million investment with the New South Wales government that will ensure faster and smoother transitions for the more than 20,000 commuters who travel through the Macquarie Park precinct every day. It will deliver better public transport, improve local traffic flow, reduce congestion and provide better access to Macquarie University and Macquarie Centre.

This is the direct result of John Alexander's tireless advocacy for the people of Bennelong. No-one has campaigned more ferociously for better transport services for their community than John Alexander. His interest in and his passion for urbanism and planning and city
development are well understood by all of us here, as they are by the people of Bennelong, and his advocacy is having results.

Compare that to the track record of Labor's candidate. When she was the Premier, she signed off on more than 100,000 new apartments in Bennelong without the infrastructure necessary to reduce the congestion. She cancelled the Sydney Metro project, wasting half a billion dollars of taxpayers' money. In other words, she helped create the problem—the demand for infrastructure—and then cancelled the infrastructure. Gladys Berejiklian and my government, backed by the formidable advocacy of John Alexander, are setting this to right and reducing congestion in Bennelong.

Royal Commission into Institutional Responses to Child Sexual Abuse

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:05): My question is to the Prime Minister. Next week the Royal Commission into Institutional Responses to Child Sexual Abuse hands down its final report. Will the Prime Minister join me to acknowledge the survivors of child sexual abuse for their courage in giving evidence and thank the royal commissioners and their staff for their efforts to expose responses on child sexual abuse, and, in the nation's parliament, will he join with me in committing to ensuring survivors get the justice and the real redress they deserve?

Mr TURNBULL (Wentworth—Prime Minister) (14:06): I thank the honourable member for his question. We thank and we honour the courage of the survivors who bravely told their stories to the royal commission. We thank the royal commissioners and their staff for the long hours and the very hard hours—the very emotionally draining hours—that they have spent listening to those stories and comforting the survivors. We honour them and we believe them. That is the most important thing you can say.

I remember, years ago, when Prime Minister Rudd and I made a statement of apology to the survivors of institutional care—'the forgotten Australians', as they are often described. The words they wanted to hear most of all, after lifetimes of being ignored and neglected and pushed away, were that they were believed and that the charities and churches and governments that had done them so much wrong were going to be held to account. Justice, honesty, transparency: that's what the royal commission has been delivering. I want to thank the commissioners and I want to thank, above all, the survivors. We believe you. We love you. We will stand with you.

Economy

Mr FALINSKI (Mackellar) (14:08): My question is to the Treasurer. Will the Treasurer update the House on the strong business investment figures revealed in yesterday's national accounts? Can the Treasurer please tell the House what the government is doing to support continuing investment in Australia's economy? Is he aware of any alternative approaches?

Mr MORRISON (Cook—Treasurer) (14:08): I thank the member for Mackellar, who's a keen questioner on economic matters in this place, for his question again today on the issue of private investment. In the national accounts figures, new private business investment was up 7½ per cent in the September quarter through the year. That is a turnaround from just two years ago, where it was going backwards by 11 per cent. The turnaround investment that has been taking place under the Turnbull government has been incredibly important in driving the
many other numbers that we're seeing coming through, demonstrating the better days ahead being revealed to us as the months and weeks pass.

As the Prime Minister said, under the Turnbull government this year, around 1,000 jobs are being created every single day—1,000 jobs. At times, particularly in the September quarter, it was even greater than 1,000 jobs every single day. Some 850,000 jobs, in the revised figures released today, have been created since the coalition was first elected back in 2013—more than half a million of those in just the last two years.

There have now been 13 consecutive positive monthly trade balances. That is the first time that has happened in 44 years. This is a strong trade performance that is being driven by an economy that's getting out there and winning business around the world. It is supported by our trade agreements and, particularly, supported by our backing them in on their investment plans. Growth accelerated to 2.8 per cent in the September quarter, up from 1.9 per cent.

One of the things we have been doing, amongst many, is backing in small businesses by ensuring that they can keep more of what they earn by having them pay lower taxes. We have already legislated in this place for a reduction in corporate tax for businesses with up to $50 million in turnover, and our plan is to ensure that we do not strand the rest of business across Australia on a high-tax island. That is what the Labor Party would like to see, because they continue to frustrate these measures.

Yesterday the member for McMahon was appointed the shadow minister for small business. It may have gone unnoticed. What the new shadow minister for small business should do before the by-election in which John Alexander should be returned to this place is tell those 17½ thousand businesses in Bennelong—in addition to telling the 15,811 small businesses in his own electorate—why he is going to strip their legislative tax cuts away. He's got $25 billion tucked under the bench over there for money he's already spent, and that's why he is going to strip their tax cuts away, and he needs to be honest with them before this by-election. If he's not going to fess up to that, then he has to fess up to a $25 billion black hole in his ruinous budget from opposition.

Prime Minister

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:11): My question is to the Prime Minister. This year the Prime Minister has lost three ministers, lost multiple votes in parliament, cancelled parliament, announced a tax hike for seven million Australians, cut penalty rates for 700,000 workers, ruled out a banking commission and then announced it, and made two million premises wait longer for the NBN. Given the Prime Minister has spent 2017 hostage to his backbench and to events, why should Australians believe 2018 will be any better?

Mr TURNBULL (Wentworth—Prime Minister) (14:12): Turning to 2018, Australians are hoping that they will not have to wait to 2018 for the Leader of the Opposition to acknowledge that Senator Dastyari has no place in this parliament. We've been having a debate about citizenship and allegiance. We have a senator in our parliament who has been asking questions, on order, for a foreign government.

The SPEAKER: The Manager of Opposition Business, on a point of order.
Mr Burke: Almost everything is relevant to this particular question. The Prime Minister has gone to possibly the only issue that is not relevant to this question, and I ask that you draw him back to it.

The SPEAKER: I almost agree with the Manager of Opposition Business! But I do need to say that the question was cast very wide, and perhaps if it didn't have the bit about looking forward to 2018 he'd have a better chance. The Prime Minister's completely in order.

Mr Turnbull: It says a lot about the Leader of the Opposition and his colleagues that they think that Senator Dastyari's position is humorous. We have a Labor senator who has been working on behalf of a foreign government, who has been reading talking points about important matters of national security on behalf of a foreign government, who has been taking money from foreign nationals closely linked to that foreign government, and what did he get? Oh, sort of a rap over the knuckle with a wet lettuce. Now we find him in a position where he is giving countersurveillance advice to a Chinese national, Mr Huang, who he believes may be under surveillance by ASIO. Of course, the matters relating to Mr Huang are obviously matters that the Leader of the Opposition is familiar with. It is said Senator Dastyari was advised through a back channel by the Leader of the Opposition. It would be good to hear Senator Dastyari and the Leader of the Opposition tell us some more about that. Senator Dastyari went to the premises, the home, of Mr Huang, and he told him that he may be under surveillance by ASIO and how to avoid that surveillance. In other words, he was actively working against our Security Intelligence Organisation, whose job it is to keep us safe, and Labor thinks that's all a bit of a joke. Well, Australians believe national security is the primary obligation not just of the government but of every member of this House and our Senate. Senator Dastyari failed. He failed the loyalty test. He failed the allegiance test because he did not put Australia's interests first. Senator Dastyari should go, and every day he stays there is an indictment on the character of the Leader of the Opposition.

Honourable members interjecting—

The SPEAKER: Members on both sides!

Mr Albanese interjecting—

The SPEAKER: The member for Grayndler will cease interjecting.

Mr Morrison interjecting—

The SPEAKER: As will the Treasurer.

Pensions and Benefits

Mr Wilkie (Denison) (14:16): My question is to the Prime Minister. Prime Minister, a backbencher gets a quarter of a million dollars in wages, superannuation and vehicle allowance. Big business is still being promised a tax cut, and now you're promising income tax cuts. But at the same time people relying on government pensions and payments are struggling terribly. For example, it's not unusual for a single age pensioner to go without meals and medicines in order to pay their rent. Indeed, according to a recent survey, 61 per cent of pensioners go without necessities, including fresh food. Prime Minister, do you really think this is okay, and when will you start talking about increasing government pensions and payments to sensible levels?
Mr TURNBULL (Wentworth—Prime Minister) (14:16): I thank the honourable member for his question. We all know that there are many Australians, not just in Denison but across the nation, that are doing it tough. We know how hard it can be for many of our pensioners and for those who rely on the social welfare safety net. In the 2017 budget, the honourable member will recall, we introduced a one-off energy assistance payment for around 3.8 million Australians. That payment of $75 for singles and $62.50 for each eligible member of a couple was automatically paid to most eligible recipients at the end of the last financial year.

My government appreciates the important economic and social contribution senior Australians make to our economy and have made to building our great nation. The age pension is the single largest area of government welfare expenditure, as it should be. We are a prosperous nation, and we're proud and able to support senior Australians in retirement. Through our targeted welfare system, we provide an important safety net for 2½ million age pensioners, which is 65 per cent of the Australian pension-age population.

On 20 September this year, pensions automatically increased by $6.10 a fortnight for singles and $9.20 a fortnight for couples combined. Since the coalition was elected in 2013, pensions have increased by $86 a fortnight for singles and $129.60 a fortnight for couples. As the honourable member knows, age pensioners have access to additional assistance from a range of other benefits such as concessional pharmaceuticals, a lower Medicare safety net, and rent assistance if they rent privately. As a result of rebalancing the age pension assets test from January this year, around 165,200 pensioners are receiving an average of $25—

The SPEAKER: The member for Denison on a point of order.

Mr Wilkie: Speaker, on relevance, the question is looking to the future, not to the past.

The SPEAKER: The member for Denison will resume his seat. The question had a whole range of elements to it. The Prime Minister's been on the policy topic from his first word. He's completely being relevant to the question.

Mr TURNBULL: As I was saying, from January this year, around 165,200 pensioners are receiving an average $25 more a fortnight as part of the government's plans for fairer access to a more sustainable pension. Indeed, in the honourable member's electorate, 648 pensioners received an increase to their pension. As a result of our changes, more than 90 per cent of pensioners either are better off or have had no change to their position.

The pensioner concession card was reinstated on 9 October to approximately 92,300 pensioners whose entitlements ceased on 1 January due to the rebalancing of the assets test measure and that included 453 pensioners in Denison. We're committed to ensuring our social welfare safety net supports those most in need. I want to state again our respect and our thanks to all our senior Australians who have built our great nation and to whom we owe so much.

DISTINGUISHED VISITORS

The SPEAKER (14:20): I welcome to the gallery this afternoon the former member for Lindsay, Fiona Scott. I also, on behalf of all members, welcome the winners of the House of Representatives My First Speech competition who are here with us today.

Honourable members: Hear, hear!
QUESTIONS WITHOUT NOTICE

Trade

Mr ZIMMERMAN (North Sydney) (14:20): My question is to the Minister for Foreign Affairs. Will the minister update the House on how the government's economic diplomacy agenda is benefitting Australian businesses, including those in the electorate of Bennelong?

Ms JULIE BISHOP (Curtin—Minister for Foreign Affairs) (14:21): I thank the member for North Sydney for his question. Last week the coalition government released a foreign policy white paper which set out our international engagement based on our values and interests and priorities over the next decade. At the heart of the foreign policy white paper is our commitment to strengthening prosperity and security including by remaining an open export oriented market economy trading our goods and services around the world, underpinned by a network of free-trade agreements. In fact, these agreements have been highly beneficial to Australian businesses across our country, including in the electorate of Bennelong, driving job opportunities and growing businesses. For example, Cochlear, the renowned medical device company based in Bennelong and employing thousands of Australians, has now sold over 25,000 hearing devices into China. Our free-trade agreement with China is giving Australian businesses a competitive advantage over others by reducing tariffs.

But, in contrast, the Labor Party joined a shameful campaign led by the unions against the China-Australia Free Trade Agreement. It was so shameful that former Labor President Warren Mundine described this campaign as 'bigoted'. But we now find that Kristina Keneally, the candidate Labor has hand-picked for Bennelong, joined that disgraceful campaign against the China-Australia Free Trade Agreement. Writing in The Guardian, she said, 'Labor should not shirk from its fight on the China-Australia Free Trade Agreement.' Well, I can tell the House that John Alexander supports a China-Australia Free Trade Agreement because it means more jobs and opportunities for the people of Bennelong.

Kristina Keneally was hand-picked by Eddie Obeid and Joe Tripodi to lead Labor in New South Wales and she led one of the most corrupt and incompetent governments in New South Wales history. Kristina Keneally has now been hand-picked by the Leader of the Opposition to bring that same New South Wales Labor culture to Bennelong. The people of Bennelong deserve better than Kristina Keneally, and John Alexander will bring to the people of Bennelong job opportunities and opportunities to grow the businesses that employ the people of Bennelong. John Alexander is the trusted voice. He is the positive advocate for the people of Bennelong. I say to the people of Bennelong: vote for John Alexander. You can trust him.

Broadband

Ms ROWLAND (Greenway) (14:24): My question is to the Prime Minister. I refer to the former Prime Minister, the member for Warringah, and his letter to Australia the day after the 2013 election. He wrote:

I want our NBN rolled out within three years and Malcolm Turnbull is the right person to make this happen.

More than four years later, can the Prime Minister confirm he has failed to deliver on the government's promise?
Mr Turnbull (Wentworth—Prime Minister) (14:24): That is a not entirely unfamiliar question and the answer will be even more familiar, so I'll be brief. As of the last weekly report, the NBN Co has 6,518,096 premises ready to connect and 3,282,093 active paying customers. There were just under 80,000 premises added to the network in the last week. This rollout is proceeding at an extraordinary and unprecedented pace.

The honourable member knows very well that we inherited a train wreck created by her predecessor, Senator Conroy. We put in a thorough strategic audit shortly after the election in 2013. We changed the board. We put in new management. Since that new management has been in place, all of their corporate plan objectives have been met. They're on track to get the project completed, as they said they would, by 2020.

The honourable member has raised in the past issues around hybrid fibre coaxial, which represents a little bit over five per cent of the network. That deployment is being slowed for six months to ensure customer experience is improved, but the company assures us the project will still be completed in time as forecast.

Agriculture Industry

Mr Coulton (Parkes—Deputy Speaker) (14:26): My question is to the Deputy Prime Minister and the Minister for Agriculture and Water Resources. Will the Deputy Prime Minister outline how the coalition government is securing the future of agricultural production across the nation, including in my electorate of Parkes? Is he aware of any threats to the ongoing viability of hardworking Australian businesses and families?

Mr Joyce (New England—Deputy Prime Minister, Minister for Agriculture and Water Resources and Minister for Resources and Northern Australia) (14:26): I thank the honourable member for his question and note the incredible success that such things as the agricultural white paper have had and note all the construction of new grain storage facilities happening through his electorate. As he's always said, the 'new shiny sheds' are going up because we on the coalition side believe in people preparing for drought. We also believe in the Inland Rail. We've put money on the table for the Inland Rail, one of the greatest pieces of infrastructure in our nation, showing a real difference in vision between ourselves and Labor and the Greens, who have really no vision for inland Australia. You could see that in the recent New England election where the Leader of the Opposition never even bothered turning up—not that he should have, because he's not very popular up there.

It's also incredibly important that we stand behind such things as the export of our products and our free trade agreements with especially the Chinese market. Of course, the Labor Party has a great knowledge of the Chinese market, probably none better than Senator Sam Dastyari. He has a spectacular knowledge of the Chinese market. In fact, one could say that he's very valuable in the information that he can deliver! In fact, talking about threats, I think one of the greatest threats is a nation that doesn't protect its security. One of the greatest threats to people protecting their security is when a member of the opposition decides to try to deliver the secrets of our nation to another nation. What's actually disgusting is when—and the Leader of the Opposition can have look at this—

Opposition members interjecting—

Mr Joyce: He's turning his back. He's always turning his back on the Australian people who—
The SPEAKER: The Deputy Prime Minister will resume his seat. Members will cease interjecting. Manager of Opposition Business, on a point of order?

Mr Burke: Mr Speaker, I will just refer you to page 517 of Practice. I know you're familiar with the ruling of Speaker Aston that's referred to there when dealing with certain allegations generally of this particular nature, and I ask that it be withdrawn.

Mr Joyce: What allegations?

The SPEAKER: The Deputy Prime Minister will cease interjecting. I thank the Manager of Opposition Business for his question. Obviously I have been listening very closely, and I have been reflecting on past debates. There is a fine line in all of this. Without seeking to make an example of anyone, the member for Fairfax crossed it just before question time with the use of a specific term. I'm listening very carefully to the Deputy Prime Minister. I don't think he's crossed the line yet and I don't want him to, but I just urge him to be familiar with reflections on members.

Mr JOYCE: I might also note that probably one of the greatest threats to regional Australia would be a Labor government. One of the greatest prospects of that is if we don't get the proper vote in Bennelong. If we don't get the votes to support John Alexander, what we are going to get is the Labor Party's policy on dams, taking money away from dams. We are going to get the Labor Party's policy on the Inland Rail. They don't believe in the Inland Rail—

The SPEAKER: The Deputy Prime Minister will resume his seat. The Manager of Opposition Business on a point of order, I predict.

Mr Burke: Yes, it's on a point of order. I'm not sure how you can be directly relevant to a question about agriculture when you're talking about Bennelong—there's limited farmland.

Government members interjecting—

The SPEAKER: The Manager of Opposition Business will resume his seat. Members on my right will cease interjecting. I'm prepared to give the Deputy Prime Minister—

Mr McCormack: The people of Bennelong eat food. Farmers produce food. The people of Bennelong need farmers.

The SPEAKER: The Minister for Small Business is warned. The Deputy Prime Minister has the call.

Mr JOYCE: As we know, it is Labor Party policies which are the greatest threat, and we have to understand that one of the greatest things the Australian people can do with any government is to trust them. And, unfortunately, we can't trust the opposition, which allows the member for Batman to vote when he actually shouldn't be here and which allows Senator Gallagher to vote when she shouldn't actually be here. We've got the member for Longman up there—the member for Longman is still a British citizen.

Remember that the Leader of the Opposition has got his back turned to you in Bennelong. He's got his back turned to you, because he doesn't believe you. He's a very untrustworthy, shifty character—this man with his back turned to you. It is absolutely important that we don't get the same party that gave us Tripodi, that gave us Macdonald, that gave us Dastyari, and that is now about to give us Keneally in the seat of Bennelong. We know the Australian
people can send the Labor Party a message and keep you there—oh, here he is! (Time expired)

Broadband

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:31): My question is to the Prime Minister. The Prime Minister promised every Australian would have access to internet speeds of between 25 and 100 megabits per second by the end of 2016. It's now the end of 2017 and two million Australian households have been told to wait even longer. Why has the Prime Minister failed to deliver the NBN, like he promised?

Mr TURNBULL (Wentworth—Prime Minister) (14:32): That goal of having everybody—

Opposition members interjecting—

Mr TURNBULL: The policy document was very clear. It said our goal, our objective, was to get everyone to have access to 25 megabits per second by 2016. We did not say that we would complete the NBN by 2016. In fact, the policy document forecast a completion date by 2019. It will be completed, so the company says, the following year. However, after we came into government, we obviously had the first time to see what had happened at the NBN, the first time to examine the circumstances, and we conducted a strategic audit, the results of which were published at the end of 2013. Armed with that information, it was clear that our objectives could not be achieved, and we said so, and we said why. The company was set on a new, more practical, businesslike course. It is getting on with the job, and it will have about three-quarters of Australian premises covered by June next year. It will be completed, as I said earlier, according to the company's forecasts, by 2020. We inherited a colossal wreck from the Labor Party—hopelessly mismanaged. What we have done is made the best with that. There's a lot of money that has been wasted by Labor that we cannot recover, but we're getting on and completing the project.

National Security

Mr PASIN (Barker) (14:33): My question is to the Minister for Defence Industry representing the Minister for Defence. Will the minister outline to the House why it is important to exercise good judgement on matters of national security? Minister, what are the risks associated with alternative approaches?

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (14:33): I thank the member for Barker for his question. I know that he recognises the seriousness of national security, of foreign affairs and of defence, and how, to be serious about national security and foreign affairs and defence, you have to have a consistent approach to it. That applies not only to the government but also to the alternative government. Countries around the world are looking to Australia to see what our policies are on national security, that they have been consistently applied and that they remain regular into the future.

So the problem for the Leader of the Opposition is that he cannot have any credibility on national security so long as Senator Dastyari sits in the caucus of the Labor Party, because what Senator Dastyari does by sitting in the caucus is remind countries around the world that Labor has not had a consistent, reliable approach to national security. The problem for the Leader of the Opposition is that he can't act against Senator Dastyari, because he's hopelessly compromised by the role that Senator Dastyari played in the Leader of the Opposition's
election as leader of the Labor Party. The questions around that ballot—around the missing 50 ballot papers that went to Senator Dastyari's office—have never been resolved. That is at the heart of the weakness, the illegitimacy, of the leadership of the Labor Party.

But Senator Dastyari is just symptomatic of a wider New South Wales Labor disease. Senator Dastyari chose the Leader of the Opposition to be the leader of the Labor Party, and so the Leader of the Opposition owes Senator Dastyari in just the same way as Eddie Obeid and Joe Tripodi chose Kristina Keneally to be the Premier of New South Wales. She was their hand-picked choice, and she's now the hand-picked choice of the Leader of the Opposition in Bennelong.

We can't allow New South Wales disease to come to Canberra from the Labor Party in the state parliament of New South Wales. We don't need to import to Canberra that New South Wales Labor Party disease that Kristina Keneally represents—the train of events that led to her being the Premier, with Eddie Obeid and Joe Tripodi choosing her to do that, and now being the hand-picked candidate for Bennelong. Until the Leader of the Opposition is prepared to act against Senator Dastyari he has no credibility, because if he won't stand up to Senator Dastyari how do we know that he'll stand up for Australia's best interests when he's put under pressure if he ever becomes the Prime Minister of Australia?

Broadband

**Ms CLAYDON** (Newcastle) (14:36): My question is to the Prime Minister. Family Support Newcastle provides support to children and women facing domestic violence. The organisation has been trying to switch to the NBN since May, often losing services for days and, indeed, weeks at a time. Doesn't Family Support Newcastle deserve something more than the Prime Minister's second-rate NBN?

**Mr FLETCHER** (Bradfield—Minister for Urban Infrastructure) (14:37): I do thank the member for her question. If Labor were still in government now, anybody who thinks that the NBN would have been delivered in accordance with the sorts of promises that were being made by Kevin Rudd and Julia Gillard would be deeply, deeply naive—deeply, deeply naive.

Mr Speaker, let me just remind you of some of the things that were going on when Labor left office. We had a situation where the NBN defined premises as being passed where cable had been laid in the street. We had the situation where NBN were continually changing the goalposts in terms of the definition of when premises had been passed. What you have seen under this government is a commitment to delivery and to getting the rollout done: 6½ million premises around the country are now able to connect.

It's also very interesting to go back and look at what's called service class 0, which are premises contained in areas planned to be serviced by fibre but not yet serviceable. In the last few years of Labor, those numbers went up and up and up. In 2013, 31 per cent of premises were at service class 0 because Labor were desperate to get whatever they could to be able to deliver a rollout and to try to cover up the fact that the numbers they were producing were simply hopeless.

Their plan said that by mid-June 2011 they would pass 223,000 premises. They passed 10,575 premises. By mid-2012 they said they would pass 496,000. They passed fewer than 100,000. By mid-2013 they said they would pass 1.7 million and they passed fewer than 300,000.
The SPEAKER: The Minister for Urban Infrastructure will just resume his seat for a second. The member for Newcastle, a point of order?

Ms Claydon: Yes, a point of order around relevance. The question was specifically around the lack of services to Family Support Newcastle, and I'd ask you to bring the minister back to the question.

The SPEAKER: The minister has the call. The minister is on the policy topic of the National Broadband Network.

Mr Fletcher: One of the reasons you know Labor would never have delivered on their sweeping claims is the consistent record of misleading commentary from the shadow minister and from the Leader of the Opposition. But hold on: after two terms of a Labor government and $6 billion in expenditure of taxpayers' money, fewer than three per cent of Australian households were connected, so how could you be so sure you were on track, when you have that slow pace of advancement? When the shadow minister was asked about it by Emma Alberici on ABC television in October, her answer was, 'This was a rollout that was not only complex but was in fact nation-building.' That didn't convince Emma Alberici, because it wasn't an answer. The shadow minister claimed that somehow they were addressing the digital divide, and the reality was that Labor could not deliver the NBN. Labor's NBN delivery record was hopeless. We are getting on with rolling out the NBN.

Border Security

Mr Howarth (Petrie) (14:41): My question is to the Minister for Immigration and Border Protection. Will the minister please update the House on the benefits of a strong and consistent approach to border protection policy? Is the minister aware of any risks that would weaken Australia's borders?

Mr Dutton (Dickson—Minister for Immigration and Border Protection) (14:41): I thank the member for Petrie for his question. He's a tireless worker on the Redcliffe Peninsula in working with the police and all the agencies there to keep his local constituents safe, and he's a very strong supporter of border protection policies which have seen this government secure our borders and keep our community safer than it otherwise would have been.

The last time the Labor government changed the policies which have stopped the boats was back in 2007, under Kevin Rudd—when the Leader of the Opposition was a key member and a key confidante of then Prime Minister Rudd, it's easy to note, and I think important to note. When Mr Howard left office four people were, tragically, in detention. None of them were children. But the fact is that Labor dismantled the Howard government policies and 50,000 people came on 800 boats. We have got out of detention the 8,000 children whom Labor put into detention. We've closed the 17 detention centres that Labor opened. We've not had a death at sea, whereas Labor had 1,200 deaths at sea. So why would the Labor Party now be proposing to dismantle our policies which have secured our borders? This is an important question to ask, and it's clear that the members of the left wing of the Labor Party have completely monstered the Leader of the Opposition. The fact is that the Labor Party is in the process of dismantling their policy, which they have claimed up until this stage would be the same as our policy.

For example, Kristina Keneally wants to come into this place as one of the lead advocates to undo our border protection policies. She needs to be called out, because I believe that the
people of Bennelong support the government's policies, which have secured our borders and stopped the deaths at sea, and I think they strongly support our policies. But have a look at what Kristina Keneally had to say in 2012, when 17,000 people arrived on boats. Kristina Keneally tweeted, 'Australia is big enough and generous enough for onshore processing and for increasing its intake of refugees.' She went on to say, 'But the number of boat arrivals in Australia actually just fluctuates with worldwide trends.' That is a dangerous point of view. It was dangerous in 2012 and it's dangerous now, because the people smugglers are biting at the bit to get back into business. Anyone who thinks people smugglers have gone away—that somehow the boats have stopped permanently—has no understanding of the basics of the threat we are facing. The reality is that Kristina Keneally was the choice of Eddie Obeid and Joe Tripodi for premier in New South Wales. She's the opposition leader's pick for Bennelong. She's a great friend of Sam Dastyari, who shouldn't be in this parliament—

**The SPEAKER:** The minister will refer to members by their correct titles.

**Mr DUTTON:** Senator—double agent Sam Dastyari—

**The SPEAKER:** No, the minister will withdraw.

**Mr DUTTON:** I withdraw. I don't want to comment on his part-time occupation!

*Honourable members interjecting—

**The SPEAKER:** The minister's time has concluded.

**Mr Shorten:** He's got to withdraw unconditionally.

**The SPEAKER:** He withdrew. The Manager of Opposition Business on a point of order?

**Mr Burke:** Sorry, I'd only just been advised as to what was said. When a withdrawal is given, it can't be conditional and can't have additional words added to it.

**The SPEAKER:** It wasn't conditional. I was listening.

**Mr Shorten:** No, he said 'part-time occupation'.

**Mr Burke:** He then referred to it as a part-time occupation. That cannot be considered a proper withdrawal.

**The SPEAKER:** I didn't hear that. I asked the minister to withdraw. This is what—

*Ms Julie Bishop interjecting—

**The SPEAKER:** It might help if the foreign minister ceased interjecting. This is the problem when unparliamentary terms are used: the reaction makes what's said next difficult to hear. I asked for him to withdraw; he withdrew immediately. I say to the minister: withdrawals need to be unconditional. But I can't judge on what was said afterwards, I'm sorry, because I didn't hear, as a result of the interjections.

**Broadband**

**Ms PLIBERSEK** (Sydney—Deputy Leader of the Opposition) (14:45): My question is to the Prime Minister. The Prime Minister promised every Australian would have access to the NBN by 2016. He also promised he would deliver it for $29½ billion. When will every Australian have access to the NBN, like the Prime Minister promised, and what will it cost?

**Mr TURNBULL** (Wentworth—Prime Minister) (14:46): The Labor Party keeps wanting to verbal me on this. Let me read to you what was said in our policy document:
Our goal is for every household and business to have access to broadband with a download data rate of between 25 and 100 megabits per second by late 2016. The timetable for the completion of the NBN in our policy was stated, at page 7, I recall, as 2019, so the proposition that it was our policy and our promise to complete the NBN by 2016 is simply not consistent with the policy document that we produced. Honourable members know that, and they also know that, when we got into government, we discovered the full extent of the train wreck Labor had created, and we have been sorting it out. I'll ask the minister to add to his earlier answer about the electorate of Newcastle.

Mr FLETCHER (Bradfield—Minister for Urban Infrastructure) (14:47): I thank the Prime Minister for the opportunity to add further to the answer I gave earlier about services in the electorate of Newcastle. It's relevant to the broad question of the NBN around Australia, because the member earlier asked very passionately about broadband services in Newcastle.

Mr Bowen interjecting—

The SPEAKER: The member for McMahon won't seek to have a discussion across the chamber.

Mr FLETCHER: It would be interesting to know, wouldn't it, how many services were active in the electorate of Newcastle when Labor left office in 2013. What was that number? Was it a thousand?

Government members interjecting—

Mr FLETCHER: No. Was it a hundred?

Government members interjecting—

Mr FLETCHER: No. Was it 10? No, it was actually six. There were six services in operation in the electorate of Newcastle when this hopeless rabble left office. And they presume to lecture us about NBN delivery. They made broad, big, sweeping promises—but there were six people in the electorate of Newcastle able to get a service on 9 September 2013. I'll tell you something else: not one of them was on fixed broadband; it was all satellite. Six people! And this mob thinks that the Australian people are going to be sufficiently credulous as to trust them to deliver an NBN rollout. You must think they are complete mugs. I'll tell you what: the Australian people are not complete mugs. They know your track record was hopeless. You promised and promised, and what you delivered was absolutely pathetic. You left a shambolic mess, and we are getting on with fixing it up. That is why there are 6½ million premises able to connect. Another thing you don't understand is that we're determined to deliver customer service of a good, acceptable level, and that is why, if there are issues, as there are in HFC, we are responsibly getting on with fixing them up—total anathema to Labor's spin culture, but that is our approach. We are about delivery. (Time expired)

Welfare Reform

Mr LEESER (Berowra) (14:49): My question is to the Minister for Social Services: Will the minister update the House on the government's success in moving people from welfare to work, especially in my home state of New South Wales and the neighbouring electorate of Bennelong? Is the minister aware of any alternative approaches?

Mr PORTER (Pearce—Minister for Social Services) (14:49): I thank the member for his question. As the Treasurer noted this week, Australia now has the lowest proportion of
working-age people dependent on welfare of any time in the last 25 years. Over the six years of the previous Labor government, they increased by 250,000 the number of people under 65 who are dependent on income support. Since we were first elected, our government has decreased by 140,000 the number of people of working age who are dependent on welfare.

I’m asked about alternatives. Bennelong provides a marvellous example of alternatives. Under the Rudd-Gillard Labor governments the number of people in Bennelong on the major unemployment benefits increased by 21 per cent. That is, under members opposite, an extra 1,189 people went on to unemployment benefits. Under Labor, the number of people in Bennelong on Newstart or youth allowance nearly doubled—a 98 per cent increase. Under the coalition, the number of people in Bennelong on the main, working-age welfare payments has decreased by 12 per cent. That is, hundreds of Australians in Bennelong are now no longer dependent on welfare. There has been an 11 per cent decrease in Newstart and youth allowance and a 27 per cent decrease in the number of parents on parenting payment.

And how have we achieved these astonishing results across Australia and in Bennelong? We cannot find a better endorsement of how we have done it, how to create more opportunities for more Australians, than how the Leader of the Opposition described it. He said: ‘Reducing the corporate tax rate is an investment in the Australian people, including people who might be on welfare. We need to create employment, not greater welfare dependency.’ Well done, Leader of the Opposition! While it’s hard to find a better description of the marvellous success of the coalition in Australia and Bennelong, it’s not impossible. We found this gem from the member for Jagajaga: ‘The best way to keep people out of poverty is to keep them in jobs. Joblessness is the fastest way into poverty, and getting a decent job is the fastest way out of poverty.’ And do you know who has proved that to be true? This government has proved that to be true. I will finish with the member for Jagajaga again. She said, ‘Hopefully, future Labor governments will need to better target spending, to eliminate waste, to fund necessary social investment.’ Well, don’t bother, member for Jagajaga—we have already done it!

**Broadband**

Mr ALBANESE (Grayndler) (14:52): My question is to the Prime Minister. The member for Warringah once famously ordered the now Prime Minister to demolish the NBN. Given that the Prime Minister's second-rate NBN is plagued by cost blowouts and problems with speed and reliability and is subject to a record number of complaints from Australians, can the Prime Minister now proudly declare to the member for Warringah 'mission accomplished'?

Mr FLETCHER (Bradfield—Minister for Urban Infrastructure) (14:53): It is worth reminding the House that carriage of the NBN in the disastrous final days of the Rudd government, the downfall phase of the Rudd government, briefly passed from 'the land of Conrovia' to 'the land of Albonia'. The record that the shadow minister has to offer when it comes to NBN is atrocious. It is a very clear comparison. We're delivering, we're getting on with the job, we're on track to getting this done by 2020. This lot has a hopeless record. You can't believe them. You can't trust them.

Mr Albanese: Mr Speaker, I seek leave to table a document headed 'Tony Abbott wanted the NBN destroyed and the coalition might now pay for the debacle'.

Leave not granted.
Qualifications of Members

Mr CRAIG KELLY (Hughes) (14:54): My question is to the Prime Minister. Prime Minister, why is it important to be satisfied that every member of the House has been legitimately elected?

Mr TURNBULL (Wentworth—Prime Minister) (14:54): I thank the honourable member for his question. The citizenship issue has been a very challenging one for members of the House and of the Senate, and I want to say, Mr Speaker, that it has been especially challenging for many members and senators who, like more than half of Australians, have a parent born overseas, or, indeed, were born overseas themselves. This has gone, in many ways, to the very heart of people's identity. I want to say to honourable members that we understand the High Court's decision. It was a disappointment to us. It was a very harsh, literal reading of the section. But that was the High Court's ruling, and we must comply with it. I would say that I know I speak for all members—and, if I may be audacious, all senators—in saying we are all committed to building and maintaining the strongest, most successful multicultural society in the world, and that is our home, Australia.

The Senate, on 6 December, on the motion of Senator Wong, referred Senator Katy Gallagher to the High Court to determine her eligibility, on the basis that the renunciation of her British citizenship was registered after the date of her nomination—that is to say, she was a UK citizen at the time of her nomination. The circumstances regarding her citizenship status are identical to those declared by the member for Braddon and the member for Fremantle. In the member for Braddon's case, her UK citizenship came to an end on 11 July 2016, after the dates of both her nomination and the election itself; in the member for Fremantle's case, his citizenship of the UK came to an end on either 24 or 29 June 2016, both dates after the nomination.

However, the Leader of the Opposition has to take responsibility now for the member for Longman, who remains a UK citizen. She is a UK citizen today. In her declaration to the citizenship record the member for Longman stated she is not a citizen of any country other than Australia. But the legal opinion attached to her declaration states she is a British citizen—paragraph 4. Her declaration makes it clear that her attempts to renounce her British citizenship were unsuccessful, and so she is in the same position as Senator Malcolm Roberts. She has declared she's a UK citizen. She should not be sitting in the parliament. (Time expired)

The SPEAKER: The Prime Minister.

Mr Turnbull: I ask that further questions be placed on the Notice Paper.

DELEGATION REPORTS

Australian Parliamentary Delegation to the European Parliament and Estonia

The SPEAKER (14:58): Members will notice on the blue that I have a delegation report to table, and I have a tabling speech here with me, with respect to a parliamentary delegation that I led to the European Parliament and Estonia from 3 to 9 October 2017. If there's no objection, I think it would be preferable for me to table not just the report but also my tabling statement.
COMMITTEES
Government Response

The SPEAKER (14:58): For the information of honourable members, I present a schedule of the status of government responses to committee reports as at 7 December 2017. Copies of the schedule have been made available to honourable members and will be incorporated in Hansard.

The schedule read as follows—

SPEAKER'S SCHEDULE OF THE STATUS OF GOVERNMENT RESPONSES TO COMMITTEE REPORTS
(as at 7 December 2017)

The Speaker's schedule of the status of government responses to committee reports is presented at six monthly intervals, usually in the last sitting weeks of the winter and spring sittings. This schedule presents a list of committee reports that contain recommendations requiring a government response. The last schedule was presented in the House on 22 June 2017. After a government response is received by the committee it is tabled once on the schedule and then it is removed.

Government responses to House committee reports are required within a six month period from the presentation of the report in the House (as per the resolution adopted by the House, 29 September 2010). Government responses to Senate committee reports are required within three months of a report being tabled. All Joint Committees adhere to Senate Standing Orders and therefore government responses are required within three months of tabling a report.

This schedule does not list reports that do not require a government response. In the past, the practice was to include all reports tabled in the House in the Speaker's schedule. However, the intent of this schedule is to provide an update to the House on the status of government responses to committee reports.

This schedule does not include advisory reports on bills introduced into the House of Representatives unless the reports make recommendations that are wider than the provision of the bill and would therefore be the subject of a government response. The Government's response to bill inquiry reports is apparent in the resumption of consideration of the relevant legislation by the House. Also not included are reports from the Parliamentary Standing Committee on Public Works, the House of Representatives Committee of Privileges and Members' Interests, and the Publications Committee (other than reports on inquiries). Government responses to reports of the Public Works Committee are usually reflected in motions for the approval of works after the relevant report has been presented and considered. The Parliamentary Joint Committee on Human Rights' regular scrutiny reports on the human rights compatibility of bills and legislative instruments are not listed, as the timeframe for a response is specified in correspondence to the relevant minister.

Reports of the Joint Committee of Public Accounts and Audit primarily make administrative recommendations but may make policy recommendations. A government response is required in respect of such policy recommendations made by the committee. Responses to administrative recommendations are made in the form of an Executive Minute provided to, and subsequently tabled by, the committee. Agencies responding to administrative recommendations are required to provide an Executive Minute within six months of the tabling of a report. Executive Minutes are included in this schedule.

Because of this practice has arisen from a Senate resolution of 14 March 1973, in which the Senate declared its opinion that the government should provide a response to committee reports within three months of tabling. Successive governments have affirmed their commitment to providing such responses.

The table below provides a summary of received and outstanding government responses spanning the last four parliaments.
Table of responses received and outstanding (as of 7 December 2017)

<table>
<thead>
<tr>
<th>Parliament</th>
<th>Waiting response (six month period expired)</th>
<th>Awaiting response (six month period not expired)</th>
<th>Response received (six month period expired)</th>
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<thead>
<tr>
<th>Description of Report</th>
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<th>Date of Government Response</th>
<th>Government Responded in Period Specified</th>
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<td>Aboriginal and Torres Strait Islander Affairs (House, Standing)</td>
<td>Everybody's Business: Remote Aboriginal and Torres Strait Islander Community Stores</td>
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<tr>
<td></td>
<td>Sport: More than just a game— Contribution of sport to Indigenous wellbeing and mentoring</td>
<td>24-06-13</td>
<td>07-12-17</td>
</tr>
<tr>
<td>Agriculture and Industry (House, Standing)</td>
<td>Smart farming—Inquiry into agricultural innovation</td>
<td>04-05-16</td>
<td>No response to date</td>
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<tr>
<td>Agriculture and Water Resources (House, Standing)</td>
<td>Safe keeping: Inquiry into the biosecurity of Australian honey bees</td>
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<tr>
<td>Australia Fund Establishment (Joint, Select)</td>
<td>Joint Select Committee on the Australia Fund Establishment: Report 2015</td>
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<tr>
<td>Australian Commission for Law Enforcement Integrity (Joint, Statutory)</td>
<td>Integrity of overseas Commonwealth law enforcement operations</td>
<td>24-06-13</td>
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<td>Inquiry into the jurisdiction of the Australian Commission for Law</td>
<td>5-05-16</td>
<td>No response to date</td>
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<td>Enquiry into broadcasting, online content and live production to rural and regional Australia</td>
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<td>Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (Joint, Select)</td>
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<td>Corporations and Financial Services (Joint, Statutory)</td>
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<td>Economics (House, Standing)</td>
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<td>Education and Employment (House, Standing)</td>
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<td>Electoral Matters (Joint, Standing)</td>
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<th>Enquiry into proposals to lift the professional, ethical and education standards in the financial services industry</th>
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<td>Inquiry into the impairment of customer loans</td>
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<tr>
<td>Report on the 2015-16 Annual Reports of bodies established under the ASIC Act</td>
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<td>Whistleblower Protections: Report on the inquiry into Whistleblower protections in the corporate, public and not-for-profit sectors</td>
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<th>Enquiry into broadcasting reform proposals</th>
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<td>Communications and the Arts (House, Standing)</td>
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<td>Environment and Energy (House, Standing)</td>
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<th>Report on the inquiry into tax deductibility</th>
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<tr>
<td>21-04-17 No response to date No</td>
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<tr>
<td>15-06-17 No response to date Time has not expired</td>
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<tr>
<th>Report on the inquiry into the conduct of the 2013 federal election: An assessment of electronic voting</th>
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<tr>
<td>20-11-14 No response to date No</td>
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<th>Report on the inquiry into tax deductibility</th>
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<tr>
<td>19-06-17 No response to date Time has not expired</td>
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options

The 2013 Federal Election: Report on the conduct of the 2013 election and matters related thereto 15-04-15 No response to date No

The 2016 Federal Election: interim report on the authorisation of voter communication 09-12-16 No response to date No

Second interim report on the inquiry into the conduct of the 2016 federal election: Foreign donations 10-03-17 No response to date No

Third interim report on the inquiry into the conduct of the 2016 federal election: AEC modernisation 21-06-17 No response to date Time has not expired

Environment (House, Standing)

Streamlining environmental legislation: Inquiry into streamlining environmental regulation, ‘green tape’, and one stop shops 23-02-15 No response to date No

Inquiry into the Register of Environmental Organisations 04-05-16 No response to date No

Environment and Energy (House, Standing)

Living with fruit bats: Inquiry into flying-fox management in the eastern states 27-02-17 No response to date No

Foreign Affairs, Defence and Trade (Joint, Standing)

Australia's trade and investment relationships with countries of the Middle East 04-05-16 No response to date No

Modern slavery and global supply chains – interim report 17-08-17 No response to date Time has not expired

Government Procurement (Joint, Select)

Buying into our future: Review of amendments to the Commonwealth procurement rules 29-06-17 14-11-17 Yes

Health, Aged Care and Sport (House, Standing)

Still waiting to be heard… Inquiry into the Hearing Health and Wellbeing of Australia 13-09-17 No response to date Time has not expired

Health (House, Standing)

Inquiry into Chronic Disease Prevention and Management in Primary Health 05-05-16 No response to date No
### Care

**Health and Ageing (House, Standing)**

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<tr>
<th>Inquiry</th>
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<tr>
<td>Lost in the labyrinth: Report on the inquiry into registration processes and support for overseas trained doctors</td>
<td>19-03-12</td>
<td>No response to date</td>
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<td>Diseases have no borders: Report on the inquiry into health issues across international borders</td>
<td>20-03-13</td>
<td>No response to date</td>
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<td>Bridging the dental gap: Report on the inquiry into adult dental services</td>
<td>17-06-13</td>
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<td>Thinking ahead: Report on the inquiry into dementia—early diagnosis and intervention</td>
<td>24-06-13</td>
<td>5-12-17</td>
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**Human Rights (Joint, Statutory)**

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<td>2016 Review of Stronger Futures measures (Final Report)</td>
<td>16-03-16</td>
<td>No response to date</td>
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<tr>
<td>Freedom of speech in Australia: Inquiry into the operation of Part IIA of the Racial Discrimination Act 1975 (Cth) and related procedures under the Australian Human Rights Commission Act 1986 (Cth)</td>
<td>28-02-17</td>
<td>No response to date</td>
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### Indigenous Affairs (House, Standing)

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<th>Inquiry</th>
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<th>Response</th>
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<tr>
<td>Interim report: First steps for improving educational opportunities for Aboriginal and Torres Strait Islander students</td>
<td>04-05-16</td>
<td>No response to date</td>
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### Infrastructure and Communications (House, Standing)

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<tr>
<td>At what cost? IT pricing and the Australia tax</td>
<td>29-07-13</td>
<td>No response to date</td>
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### Industry, Innovation, Science & Resources (House, Standing)

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<tr>
<td>Social issues relating to land-based automated vehicles in Australia</td>
<td>11-09-17</td>
<td>No response to date</td>
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### Infrastructure, Transport and Cities (House, Standing)

<table>
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<th>Inquiry</th>
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<tr>
<td>Smart ICT: Report on the inquiry into the role of smart ICT in the design and planning of infrastructure</td>
<td>15-03-16</td>
<td>No response to date</td>
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<td>Start Date</td>
<td>End Date</td>
<td>Response Status</td>
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<td>Harnessing Value, Delivering Infrastructure</td>
<td>06-12-16</td>
<td>No response to date</td>
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<tr>
<td><strong>Intelligence and Security (Joint, Statutory)</strong></td>
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<tr>
<td>Review of Administration and Expenditure: Australian Intelligence Agencies</td>
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<td><strong>Law Enforcement (Joint, Statutory)</strong></td>
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<td>Inquiry into financial related crime</td>
<td>07-09-15</td>
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<td>Examination of the Australian Federal Police Annual Report 2014-15</td>
<td>25-05-17</td>
<td>16-10-17</td>
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<td><strong>Migration (Joint, Standing)</strong></td>
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<td>Immigration detention in Australia: A new beginning: Criteria for release from immigration detention—First report of the inquiry into immigration detention in Australia</td>
<td>01-12-08</td>
<td>No response to date</td>
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<td>Immigration detention in Australia: Community-based alternatives to detention—Second report of the inquiry into immigration detention in Australia</td>
<td>25-05-09</td>
<td>No response to date</td>
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<td>Immigration detention in Australia: Facilities, services and transparency—Third report of the inquiry into immigration detention in Australia</td>
<td>18-08-09</td>
<td>No response to date</td>
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<td>Inquiry into migration and multiculturalism in Australia</td>
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<tr>
<td><strong>National Broadband Network (Joint, Standing)</strong></td>
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<tr>
<td>The rollout of the National Broadband Network (tabled out of session)</td>
<td>29-09-17</td>
<td>No response to date</td>
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<tr>
<td><strong>National Capital and External Territories (Joint, Standing)</strong></td>
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<tr>
<td>Etched in stone? Inquiry into the administration of the National Memorials Ordinance 1928</td>
<td>23-11-11</td>
<td>No response to date</td>
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<tr>
<td>The strategic importance of Australia's Indian Ocean Territories</td>
<td>11-09-17</td>
<td>No response to date</td>
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<tr>
<td><strong>National Disability Insurance Scheme (Joint, Standing)</strong></td>
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<tr>
<td>Accommodation for people with</td>
<td>05-05-16</td>
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<tr>
<td>Provision of hearing services under the National Disability Insurance Scheme</td>
<td>14-09-17</td>
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<tr>
<td>General issues around the implementation and performance of the NDIS</td>
<td>07-09-17</td>
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<tr>
<td>The provision of services under the NDIS for people with psychosocial disabilities related to a mental health condition</td>
<td>15-08-17</td>
<td>No response to date</td>
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<tr>
<td><strong>Northern Australia (Joint, Select)</strong></td>
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<td>Pivot North: Inquiry into the development of Northern Australia, Final report</td>
<td>04-09-14</td>
<td>Interim response 04-12-145</td>
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<td>Final response 04-12-17</td>
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<tr>
<td>Role of the Federation Chamber: Celebrating 20 years of operation</td>
<td>22-06-15</td>
<td>No response to date</td>
<td>No</td>
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<tr>
<td>Consideration in detail of the main appropriation bill</td>
<td>29-02-16</td>
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<td>No</td>
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<td>Maintenance of the standing orders</td>
<td>02-05-16</td>
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<td><strong>Public Accounts and Audit (Joint, Statutory)</strong></td>
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<td>Report 460: Public Sector Governance – Inquiry based on Auditor-General's report 29 (2015-16)</td>
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<td>No</td>
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<td>Report 462: Commonwealth Infrastructure Spending – Inquiry based on Auditor-General's reports 14 (2015-16) and 38 (2016-17)</td>
<td>21-06-17</td>
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<td>Report 468: Defence Major Projects Report (2015-16)</td>
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<tr>
<td>FASD: The Hidden Harm—Inquiry into the prevention, diagnosis and management of Fetal Alcohol Spectrum Disorders</td>
<td>29-11-12</td>
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<tr>
<td>2015 Annual Report of the ATO (First Report)</td>
<td>05-05-16 25-10-17</td>
<td>No response to date</td>
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<td>2015-16 Annual Report of the Australian Taxation Office</td>
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<td>Report 165: Trans-Pacific Partnership Agreement</td>
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<td>Report 169: Future Submarine Program - France; Classified Information Exchange - France</td>
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<td>Report 171: International Trade in Endangered Species - Amendments; Women in Combat Duties - Reservation Withdrawal; Generation IV Nuclear Energy - Accession</td>
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### Notes

1 The date of tabling is the date the report was presented to the House of Representatives or to the Speaker, whichever is earlier. In the case of joint committees, the date shown is the date of first presentation to either the House or the Senate or to the President or Speaker (if presented earlier out of session). Reports published when the House (or Houses) are not sitting are tabled at a later date.
Documents are tabled in accordance with the list circulated to honourable members earlier today. Full details of the documents will be recorded in the Votes and Proceedings.

Business

Suspension of Standing and Sessional Orders

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (14:59): I move:

That standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business) be suspended for the sitting on Thursday, 7 December 2017. In so doing, I'll explain that, while I think that the marriage equality private members' bill and all of its amendments will be dealt with well before five o'clock, we also have a couple of messages from the Senate to deal with and the introduction of some national security bills. I don't think that will keep us here well into the night—it might keep us here into the early evening—but we need to move these motions to ensure that we can deal with those this afternoon and this evening and not have to sit tomorrow.

Question agreed to.

Leave of Absence

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (15:00): I move:
That leave of absence be given to every member of the House of Representatives from the
determination of this sitting of the House to the date of its next sitting.
Question agreed to.

PERSONAL EXPLANATIONS

The SPEAKER (15:00): The Leader of the Opposition has indicated he has a personal
explanation. Does the Leader of the Opposition claim to have been misrepresented?

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (15:00): Absolutely.

The SPEAKER: The Leader of the Opposition may proceed.

Mr SHORTEN: In question time today, the Prime Minister made the claim that I'd
divulged classified information. This is an incredibly serious and blatantly irresponsible
assertion to make. It is blatantly untrue. I'm sure the Prime Minister knows that too. I have
been, and continue to be, in regular contact with our security agencies. I treat the briefings
that they provide to me seriously and with complete confidentiality. Senator Dastyari has
made it publicly clear he has never had access to any classified information.

MATTERS OF PUBLIC IMPORTANCE

The SPEAKER (15:01): The honourable Manager of Opposition Business has advised
that he has withdrawn the matter of public importance which was submitted for discussion
today.

BILLs

Marriage Amendment (Definition and Religious Freedoms) Bill 2017
Consideration in Detail

Consideration resumed.

The SPEAKER: The question before the House is that amendments (1) to (3) moved by
the Treasurer be agreed to.

Mr ANDREWS (Menzies) (15:02): In seeking to refute the need for this amendment to
protect the religious freedom of charitable organisations in Australia, moved by the Treasurer,
the member for Leichhardt, and indeed the member for Isaacs, relied on advice from the
charities commission and from the Australian Taxation Office. The problem with that advice
is it's very selective. If you go to the letter from the charities commission, the question
concerned whether a religious charity that currently holds or expresses a view or position on
marriage would be able to continue to do so without any negative impacts on its charitable
status. And in answering that question, in the letter which has been tabled by the honourable
member for Leichhardt, the acting charities commissioner said, 'I assume that "religious
charity" means a charity with a purpose of advancing religion.'

Now it's understandable that, not being a lawyer, the member for Leichhardt may not
comprehend that there are a lot of purposes that constitute a charity, but it's beyond belief that
my learned friend the member for Isaacs could repeat that situation. If one goes to 12(1) of the
Charities Act, there are about 12 different purposes that constitute a 'charitable purpose', of
which one of them is:

(d) the purpose of advancing religion …
And that was what the advice went to. However, let me give some examples of others under 12(1):

(a) the purpose of advancing health;
(b) the purpose of advancing education;
(c) the purpose of advancing social or public welfare …

When one thinks about the major religious charitable organisations that operate in Australia, most of them that come to mind, like the CatholicCares, the Anglicares, the BaptistCares et cetera et cetera, are there not under purpose (d) of advancing religion but under purposes (a), (b) and (c) of advancing health, education or social or public welfare. So the advice that my friend the member for Leichhardt provides to the chamber is advice that doesn't relate to what most of the charities we're talking about actually do and the basis upon which their charitable purpose is stated and therefore doesn't go to the very issue of the amendments that have been moved by the honourable Treasurer.

But, more than that—and the honourable member for Leichhardt didn't quote this—in the penultimate paragraph of the advice which has been tabled, the Acting Commissioner of the Australian Charities and Not-for-profits Commission says: One way to address the concerns that have been raised may be to provide in the amending legislation that nothing in the legislation adversely affects an entity's charitable status by reason only that the entity holds or expresses a position on marriage after the enactment of the legislation that it held or expressed prior to the enactment of legislation that would not have had such an effect.' In other words, the advice provided is selective and doesn't go to the actual activities of most of the religious charities in Australia.

Secondly, the acting commissioner says, as a matter of making sure that there's no adverse consequence, to enact some amendments to the legislation, which is precisely the amendment before the House at the present time. Why is this important? It's important because of those other provisions under which most of the charities actually operate in Australia. If you then go to the way in which that has been interpreted by courts of law, because this is a provision or provisions that replicate charities law worldwide, then you find, in a number of jurisdictions which rely on the same common-law basis as do the provisions in the Charities Act in Australia, that this is actually a problem. Look at the position in relation to what happened in New Zealand. On 21 August 2017, the New Zealand Charities Registration Board deregistered Family First New Zealand, a body advocating for the traditional understanding of marriage, on the basis that it 'has a purpose to promote its views about marriage'— (Time expired)

The DEPUTY SPEAKER (Mr Goodenough): I call the member for Menzies.

Mr ANDREWS: On 21 August 2017, the New Zealand Charities Registration Board deregistered a charity, Family First New Zealand, a body advocating for the traditional understanding of marriage, on the basis that it 'has a purpose to promote its views about marriage and the traditional family that cannot be determined to be in the public benefit in a way previously accepted as charitable'. That will be the precise situation that charities in Australia will find themselves in if this amendment is not passed by this House and indeed by the parliament. We are threatening the very basis of those charities being able to operate for the good, the welfare, of millions of Australians, regardless of their religious background or not, by not passing this amendment.
A similar position was indicated in the United States. Some may say that the United States has a different legal system, but the United States charities law in this regard is based on English charities law, exactly the same as Australian charity law is. Indeed, no less a person than the Chief Justice of the United States, Justice Roberts, indicated that a similar situation would prevail in that country if this were passed in that form.

So the confidence being asked of us by the member for Leichhardt and the member for Isaacs is not borne out. It's not borne out by the law. It's not borne out by the experience which has occurred other jurisdictions that rely on the same common-law position as we do in Australia, and it's not borne out by the charities themselves. As Senator Fawcett pointed out in the Senate, there are many charities who are very concerned about this very provision. I've had charities come to me who are concerned about this provision, and I know from speaking to colleagues about this that many charities have spoken to them as well.

What we're doing, if we fail to pass this particular amendment moved by the Treasurer, is placing in danger the ongoing work of hundreds of charities throughout Australia, some of most well-known household names as far as the charity sector in this country is concerned. This does not stop for a moment the passage of the bill in terms of allowing same-sex marriage or marriage between any two people to occur in Australia. What the amendment does is protect the age-old position so far as charities are concerned. Simply to rely on one part of the charities law—namely, the advancement of religious purposes—and willy-nilly ignore the advancement of health, education, and social welfare would be a reprehensible step by this chamber to take in this regard. I ask all colleagues—colleagues who will see the passage of this bill and the passage into law of same-sex marriage in Australia—to at least look at what's being done here.

We've got a situation in the Labor Party where the idea of a conscience vote has been totally thrown out the window. The idea that every member of the Labor Party in both the Senate and the House will virtually vote the same way on everything is beyond belief. I ask my colleagues on this side and I ask the crossbenchers to look at what the adverse impact of this would be so far as charities in Australia are concerned. It's absolutely clear that what was put to the chamber earlier does not cover the whole situation. We have some responsibility, surely, to the charities of Australia and the millions of Australians who are served by those charities, to ensure that their status is not adversely affected by the passage of this legislation. Therefore, I urge colleagues to look at this carefully. Do not just have some knee jerk emotive reaction and say you can't have any amendments. Look at the reality of what this will mean so far as charities and millions of Australians are concerned and support this amendment.

Mr EVANS (Brisbane) (15:11): I'll be very brief in responding to one or two matters that were raised just then. I will be opposing these amendments, but I will start by acknowledging the genuinely held and professed concerns expressed just then by the member for Menzies, as well as those members moving these amendments: the member for Cook and the member for Boothby, who I have a lot of respect for, and, before that, many other members—the members for Deakin, McPherson, Dunkley, Warringah and others.

On this matter we disagree, respectfully, about the exact line where a compromise is to be struck. I remain forever grateful, as it seems most members on this side of the House do, for belonging to the great Liberal Party, which allows for a difference of opinion, allows for
debates and conscience votes, and may, in fact, be the only party these days capable of bringing a majority of mainstream Australians along for the journey together into future.

The matter that I wanted to draw out in response to some of the concerns just raised was pointed to by the member for Menzies. It is a particular sentence in the letter of the acting charities commissioner, suggesting that it required this amendment to be moved to resolve any concerns. The member for Leichhardt did table that document, but I understand he also tabled some additional emails and some correspondence between a senator and the acting charities commissioner. I'm willing to be corrected on that, and I'll read it into the record in a moment, just in case. What the acting charities commissioner said in an email dated 24 November 2017 was very relevant and interesting on this point, so I'll put it on the record now:

The commission view is that under the current ACNC and Charities Act framework, it is unlikely—unlikely—that a charity for the advancement of religion could lose charitable status by adopting and advocating for the pre-existing definition of marriage. That is, it would be unlikely—unlikely—that a lawfully held view and advocacy of that view could be against public policy or public benefit. However, given the doubts and concerns that have been raised arising from comments in other jurisdictions — particularly New Zealand and UK, a legislative provision confirming the intention of Parliament that the charity status of such an entity should not change by reason of the new definition, would put the matter beyond doubt.

I trust this clarifies but I would be happy to discuss further if required.

In short, not legally necessary but could remove any legal debate.

I'll repeat that final sentence for the benefit of honourable members: 'In short, not legally necessary but could remove any legal debate.' So this is not legally necessary according to the charities commissioner and therefore I and others remain unconvinced of the need for these amendments.

The Ruddock review will provide an opportunity to revisit this and some of the broader concerns on non-religious matters that were raised very legitimately by the member for Menzies just then and that do fall outside of the remit of the Marriage Act, which we're proposing to amend here today. If the Ruddock review engages in comprehensive consultation and recommends changes to laws such as these—and presumably it would then recommend that more than just views on marriage be protected—then I and others in this place would find that very persuasive and convincing.

Mr RAMSEY (Grey—Government Whip) (15:15): I rise to speak in support of these amendments. Of the five amendments put forward, this one is the most palatable to all. I actually find it quite difficult to believe that this chamber would not overwhelmingly adopt these amendments, which have no reflection at all upon the Marriage Act but ensure the institutions and bodies which we rely on to create the Australia in which we live. It is all very well for others to say that they are adequately covered by the protections within Australian legislation and the Constitution. One person took the funding mechanism to the High Court and it was overturned. It fundamentally changed the way in which the federal
government was able to fund many organisations within Australia. I don't think we should take the risk with this.

I concur with the member for Menzies' comments when he said, 'I find it hard to believe that there is no-one that normally sits on the other side of this chamber that can support these very mild and well-constructed amendments.' I would've been able to name at least four and maybe half a dozen who I know have had serious reservations about the Marriage Act within itself. I would have thought that, had they been given a free vote, they would have come across the chamber at least on this occasion and backed these particular amendments.

I have been most particularly concerned about this debate on the proposal of marriage equality for a long time. I have had much representation to my office and myself, particularly from independent and religious schools. I find it difficult to believe that there will not be a challenge to the way in which they are funded. If they are not prepared to teach the tenet that same-sex marriage—marriage between two individuals, if you like, as opposed to between a man and a woman—is an equal and viable opportunity for their students, if it is not taught on exactly the same basis, then I think their funding will be attacked.

Given that those tenets go exactly to many of the core reasons for their existence—their dedication to their religion—this is a gross infringement on those rights. It runs the risk of deconstructing the fabric of the society in which we live. I may be completely wrong about it, but why would we take the risk? I predict that if we do not put these amendments into this act today we will be revisiting this space within a medium length of time. I think within 12 months there will be a challenge not, I must say, from the LGBTQ support network—those who are desiring change to the Marriage Act—but from a subversive element elsewhere in our community. They will use that legislation to undermine those institutions. I don't think we should take the risk. Absolutely I think we should not take the risk. Of all the amendments, this is the one that I think is most important and offers the greatest benefit to Australia. Without it, we run the risk of the most damage.

I respectfully ask all those who have genuine concerns within their hearts about what the change in the Marriage Act might do to the Commonwealth's relationship to charities, to schools and to the aged-care sector—and to other governments as well—to really examine within their hearts whether they think they're doing the right thing if they knock back these amendments.

Mr MORRISON (Cook—Treasurer) (15:20): In concluding the debate on this matter, unless there are other members who wish to speak on it, I thank members for their contributions in this debate. I particularly thank those who have spoken in support of what I believe are very important amendments to protect religious freedoms in this country and, more importantly, the wonderful work of faith that they do in our community, not just here in Australia but all around the world.

Just to pick up on a couple of points in summary, I refer members under the explanatory memorandum on the original bill to paragraphs 177 to 179. I think that addresses many of the questions that have been raised. I don't want to delay the House by revisiting those debates.

I also commend the member for Menzies for the way he quite ably set out the issues, I think, with the failure of the advice that those who are opposing these amendments are relying
on to provide that level of protection. I think he's adequately covered that and I don't intend to repeat it. I thank him for putting it forward so strongly.

There was also a statement made in the debate that apparently no-one asked for this protection. Well, that's just palpably false. Not only was evidence heard in the Senate committees about this matter, specifically asking for this; I also tabled in the course of this debate letters representing many different religious organisations and schools that have actually set out to ask for this. In particular, there is one that I didn't mention but which I will mention now because this has been raised. On 23 November I met with the Maronite Bishop of Australia and a number of other of the Eastern Orthodox bishops. He put to me what their proposed amendments were to the Smith bill.

He said that this position was held by the following: the Maronite Bishop of Australia; the Chaldean Catholic Eparchy of Saint Thomas the Apostle in Australia; the Metropolitan and Archbishop of the Syriac Orthodox Church; the Bishop of the Coptic Orthodox Church of Sydney and its affiliated region in Singapore; the Primate of the Armenian Apostolic Church of Australia and New Zealand; the Patriarchal Vicar of the Armenian Catholic Church in Australia; the Syriac Catholic Church; the Imam Masjid Arrahman at Kingsgrove; the Australian representative of the Mufti of Lebanon; and the Imam of the Lakemba Mosque. In their proposed amendments they asked for protection for charities who endorse beliefs that may not accord to the ramifications of the marriage definition and that there be no discrimination in government funding, either expressly or implied, with respect to organisations and religions that do not emphatically, or, for that matter, even tacitly, endorse what is being proposed in terms of same-sex marriage.

There is a clear demand for this. I fear what other members have said—that we will have to revisit this issue once the injury has happened. We could take steps now to prevent that injury and we could ensure that protections are in place to be absolutely assured on this issue. I, like other members of the government, am disappointed that the Labor Party have decided not to have a fair dinkum conscience vote on these amendments at all. In doing so, by opposing these amendments, I think they're letting people down in their communities who are depending on them to stand up for faith and religion and for the work of religion and faith in their communities.

The SPEAKER: The question is that the amendments moved by the Treasurer be agreed to.

[The House divided, [15:28]
(The Speaker—Hon. Tony Smith)

Ayes......................59
Noes......................82
Majority.............23

AYES
Abbott, AJ
Andrews, KL
Buchholz, S
Christensen, GR
Coleman, DB
Crewther, CJ

Andrews, KJ
Broad, AJ
Chester, D
Ciobo, SM
Coulton, M
Dutton, PC

CHAMBER
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Mr BROAD (Mallee) (15:34): by leave—I move amendments (1), (3), (5) and (6) together as circulated in my name. I might inform the House I'm doing my amendments in two sections. The first reason is, knowing that the Manager of the Opposition Business was going to give a speech that was going to bring down the parliament, I thought it was in our best interest to delay things a little bit longer and ensure we are in government a little bit longer. The second is because the two parts of my original amendments have two different distinct meanings and tackle two distinctly different things. If I can put this in a term, I would call this the Castle amendment, for those who have seen the movie.

Essentially, what you do in your own home is your own business and how you interpret your own beliefs in your own home is your own business. This, of course, broadens this principle across to a religious organisation that has facilities. What they do in their own facilities is their own business, and their beliefs should not be interpreted by a judge but should be consistent with the values they hold dear. I suppose you could put that in The Castle language as 'the vibe'. It's the vibe.

Essentially this amendment should ultimately, if it is lost here, be referred across to the Ruddock inquiry for consideration. This is borne out of the example of the Christian youth camp that had a belief structure. People had donated with their own money to build some facilities, and when those facilities were being sought to be used by people whose beliefs were contrary to that belief structure, the court took an onus of trying to interpret what that belief structure should be. I think people, if they think of the Australian way of doing things, hold very true to what is your own business is your own business and, if you paid for it, you should have the final say.

I notice in the Dean Smith bill that we're debating here, he draws on this principle very truly when it comes to the actual facilities for the marriage ceremony. This amendment seeks to broaden that when we think about the facilities a church or religious organisation might own. Recently a facility I know of, a church, was inquired upon by the Victorian education department in order to host an event. What the department failed to tell that church was the event it was wanting to host was the training for the local community for the Safe Schools...
program. This was in a town where there are many, many places where the department could have chosen to hold that event. It was, frankly, an affront to that church to have not been informed that the training for a state based education program was going to take place in the church facility without them knowing. It put the church in a very difficult situation. Do they refuse? Do they refuse and say, 'This is actually contrary to our beliefs.'? What we're saying in this amendment here is it gives some comfort. It also ensures that they don't have to have it defined in their belief but is actually reflective of their beliefs and values. I don't know what the church decided in the end, whether they chose to go forward and let the Victorian education department use their facilities. But I think there would be many Australians who would say that the approach by the Victorian education department was unreasonable, and that the church should have a right to be able to say, 'Look, frankly, can't you hold that event somewhere else,' without running the risk of having litigious encounters. So that is why I support this amendment.

Honourable members interjecting—

If you can think about it, the values we hold dear, as Australians, are that you should be able to hold your values; you should be able to determine what happens in your own asset. This broadens across to churches, to campsites and to religious organisations that have been established with their own money to do what they want, and they have the right to hold that value. That is not offensive, I think, and is a freedom that Australians should uphold.

The DEPUTY SPEAKER (Mr Coulton): Order! To members that are in the chamber and guests in the gallery, could you keep your conversations down. This is an important discussion. Everyone needs to hear what's being said.

Mr JOYCE (New England—Deputy Prime Minister, Minister for Agriculture and Water Resources and Minister for Resources and Northern Australia) (15:39): Mr Deputy Speaker, I would like to thank you for the opportunity to make what I think will be a brief contribution to this debate. It's pertinent that I do it on this amendment. Being a long-time member of St Vincent de Paul, I think it's imperative that we enshrine their capacity to also adhere to their faith. It's very important because no-one would argue with St Vincent de Paul's right to help those who are most in need, from Matthew Talbot Hostel to Night Patrol. It does, obviously, draw on people predominantly of the Catholic faith, and these people should be allowed to continue on with their charitable work unimpeded by what might be tangential effects of this legislation.

I think it's also important to put on the record—I think it's cowardice not to—that I've said from the start that I would accept the view of the Australian people. I would never vote against the view of the Australian people. I do support the current definition of marriage as it stands. I am concerned in this debate that we should have a sense of the result of the plebiscite, in which roughly 60 per cent of people said yes—congratulations, that's a win—but 40 per cent of people said no. There should also be acknowledgement that absolute victory is absolute tyranny if you don't take into account some of the views of those who disagree. I know that, had the vote had been the other way around, that would be exactly the same argument used.

I don't come to this without a view of people in same-sex relationships. Warren Entsch noted before that it was a lonely old fight to try and get people equal access, especially through the dissolutions of superannuation and property rights. I actually supported those
people in those relationships having equal rights and access. I don't come to this debate pretending to be any form of saint, but I do believe in the current definition of marriage, which has stood the test of time. Half of them fail; I acknowledge that—obviously, I acknowledge that I'm currently separated, so that's on the record. People should respect the views and the relationships of people's parents or grandparents. It is a special relationship between a man and a woman, predominantly for the purpose of bringing children into the world—if you are so lucky, noting that many people aren't.

As we go through this process and what I believe are conscience issues, I am somewhat perplexed that on none of these amendments have we had any support from any members of the Labor Party. I think if they were truly allowed to exercise their conscience there would be an occasion from time to time when there would be Labor Party members who no doubt have the same views as those who have occupied this side of the chamber on the amendments put forward, noting full well that we absolutely respect people's right to occupy that side of the chamber on the issues they find incredibly close and important to themselves. One of the reasons I say this is that on a debate where things had a 60-40 split, the probability that every person in the Labor Party would occupy that side of the bench on every issue is about three in a billion. So I just don't concur with the argument that this is something that people have done of their own free will. I think that there's a form of coercion in this.

That is unfortunate, to be honest, considering that after this part of the debate this piece of legislation will go through—as it should; that's the will of the Australian people—because on some of the issues there should have been more grace put into acknowledging those who have different views and who have rightly raised concerns with us. This issue of St Vincent de Paul is not a red herring. It's an issue that has been brought up in New Zealand; people have been taken to task in St Vincent de Paul in New Zealand. So on this issue if on no other, on behalf of the organisation that I love and cherish and for which I have worked for so long, I'd like to see this supported.

**Mr ENTSCH** (Leichhardt) (15:45): On this amendment, I just want to indicate I'll certainly be opposing it. This is an amendment that will radically wind back our discrimination protection—an amendment that directly targets LGBTI people. So let me be clear: the majority of Australians voted yes on same-sex couples being treated fairly and equally across every state and territory. Australians have said that they want same-sex couples to have the same dignity and respect.

This bill has already passed in the Senate. It comes from a cross-party committee process that considered these questions in detail. It will allow all loving couples to finally tie the knot. The bill already protects the rights of ministers of religion, religious marriage celebrants and religious bodies to refuse services to LGBTI people. This is consistent with what our laws already say. Churches and religious groups already can hire and fire employees, refuse service to gay people and teach their religious doctrine. This bill does not change that.

But this amendment to the bill will radically change the religious exemptions test in our discrimination laws. Australians voted yes to remove discrimination against the LGBTI community, not to introduce new forms of discrimination. Our discrimination laws have set the standards for acceptable behaviour. Australians don't want our nation taken back many years by entrenching mistreatment and discrimination against same-sex couples because they get married.
We have an eminent panel of religious belief experts who will look at the religious freedoms in a meticulous and comprehensive way. They certainly can do that, I think, and that is the right forum to deal with changes to other laws.

This bill should deal only with the Marriage Act. This amendment would dramatically wind back these important protections that protect our friends and family and neighbours from noncompliance and marginalisation. It lowers the test for discrimination. But what does this mean in practice? It means that, after same-sex couples get married, they will be less free from discrimination. I certainly oppose it. Thank you very much indeed.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (15:47): Labor opposes this first part of the amendments, which, to make it clear, is an amendment to the Sex Discrimination Act. It would radically unwind discrimination provisions through changing legal tests in unprecedented and legally unorthodox ways. Our discrimination laws set the standard for acceptable behaviour in Australia, and Australians do not want to wind the clock back 30 years. That is not what Australians have just voted for. The existing test in the Sex Discrimination Act is largely replicated in state and territory discrimination laws, which would mean that, if the first part of these amendments were to pass, Commonwealth law would be radically out of step with Australian law in the rest of the country. It would be legally unorthodox and extremely broad.

These amendments would dramatically lower the threshold for discrimination. The amendment appears to incorrectly import a concept from a Canadian Supreme Court case, Syndicat Northcrest and Amselem, out of context, to dramatically lower the bar for the definition of 'belief', amending the test from acts or practices in 'conformity' with religious belief to being 'consistent with religious belief', and from being 'in order to avoid injury to' religious susceptibilities to 'because of' religious susceptibilities. That is what it would do. That would lower the threshold for when a religious body can rely on an exemption in discrimination protections, altering the way in which incorporation of religious doctrine is assessed by the courts. The other thing that this amendment would do is to extend the types of organisations which are defined as a body established for religious purposes.

I do need to clear up one thing. It's been suggested that St Vincent de Paul supports this amendment. That is simply not correct. The amendment is inconsistent with the Senate report. The Senate committee emphasised that a marriage equality bill should be consistent with existing antidiscrimination laws. To deal with something that the member for New England has suggested: this debate has thus far been conducted without any partisan rancour. Labor aims to continue to debate this bill without partisan rancour. The note that was introduced to the debate just a moment ago by the member for New England should be discarded.

The amendment is unrelated to marriage. The bill before the House—and I have said this already in the debate—changes the law relating to marriage. That's all it does. It has within it religious protections. I want to refer to what the Prime Minister said at a press conference on 17 November. He said: 'Senator Smith's bill does include important protections for churches and for ministers of religion. It doesn't impose any restrictions on religious practice or religious speech or preaching or anything of that kind.' I agree with that and Labor agrees with that. And the Prime Minister said this: 'Freedom of religion is a critically important right of all Australians. It is part of us. It is recognised in the Constitution. So the protection of freedom of civil rights and freedom of religion in particular is one that's very important. But I
have to say I do not see it as being threatened or impinged in any way by the Smith bill.' He's right about that too. Labor agrees with that, and that's the way in which this bill should be approached.

Finally, this amendment singles out LGBTIQ Australians. It's an amendment that would override state and territory laws in relation to LGBTIQ people in a way which cannot be justified, and Labor will not be supporting the first part of the amendment.

Mr CHRISTENSEN (Dawson) (15:52): So much for the conscience vote! We were told there was going to be a conscience vote on this, but what we've heard repeatedly at the dispatch box from the member for Isaacs and the member for Griffith is 'we will', 'Labor will'. We know that there are people on their backbench who have the same concerns about religious liberty that we do over here. But they are not letting them have a conscience vote. That says a lot about Labor. The amendments that have been put forward by the member for Mallee go very much to the heart of religious liberty, which we have seen voted down again and again today in this House. And we've had cheers from the gallery—cheering for the erosion of religious liberty! There they go, cheering again. When I'm specifically saying 'eroding religious liberty', they support that. That is the voice of tolerance today! I am absolutely disgusted that we are going down this track.

These amendments, which no doubt are going to be opposed like every other thing today, are about ensuring that a church hall, a church property or a church service, or a business run by a church—it may be selling flowers for weddings that might be held in that church—is going to be protected from activists trying to take some sort of stand, which we know they will do because they have done it in the past. They have done it before and they will do it again—and there will be no protections for those churches. The member for Griffith and the member for Isaacs issued a statement in the press saying they were opposed to the draft exposure bill that Senator Brandis, the Attorney-General, put out on the question of same-sex marriage. In that draft exposure bill there were protections for churches, church-run halls, church-run schools, church-run businesses, church-run services and all the rest of it. There was quite comprehensive coverage for churches.

What we're talking about here is a similar sort of thing—protecting churches, church-run businesses and church-run services from activists who are going to want to litigate. There will be no protection for a commercially run church hall from being used for either a same-sex wedding ceremony or reception. There will be no protection for a church-run florist business who sells flowers in the foyer of a church as a side business to make income for the church when someone goes in to purchase those flowers. Those protections are not going to be there. There is laughter and tittering about that up in the galleries and down here. But, mark my words, something is going to happen—and, when it happens, people on this side of the chamber will be saying, 'We told you so!'

Mr KATTER (Kennedy) (15:55): I never bought into this debate throughout it all because I thought it was totally irrelevant. If you live together, you are married automatically. The courts have decided that. Whether you're man and man, or man and woman, whether you like it or not, you're married in a legal sense. If there's going to be no change, then why this great hullabaloo, with $122 million and the whole time of the Parliament of Australia spent on this issue? If you want to see the judgement of the people, you should've been at the ballot boxes, where I was, during the Queensland elections. Both parties' votes are down in the low 30s.
They are reaching the lowest levels ever recorded by either party in their history. Congratulations! Keep going in the direction you're going. We spent the year on this, which makes no difference, as far as I can see, to anything, but when I came down here, every single proposal for protection of religious freedoms has been voted down today. If the local association of LGTBs, or whatever the hell the words are, want to hire a church hall—no, I seriously have no idea what it is, and I'm not going to spend any time finding out either, because you'll probably have changed it between now and then.

I have throughout my life seen the rule of the mob and the intimidation of people, and I hope that my children and grandchildren can stand up to the mob and are not intimidated by them. When I was at university, we had to stand up to the mob that were running around waving Mao Zedong little red books. I had to ask some of my colleagues from university days—some of them were called then 'extreme lefties'; I think I might have been one of them, I don't know—'Did we really run around with Mao Zedong little red books?' It turns out that he's arguably the greatest monster in human history. He's responsible for 48 million deaths. You can get the pictures from the university demonstrations in my day—the rule of the mob, the rule of young people who are very good and positively minded, but they're young. I could quote Locke, I could quote de Tocqueville, but I'll choose to quote John Stuart Mill's *On Liberty*: 'Democracy does not deliver justice, democracy does not deliver fairness, democracy does not deliver protection to minority groups; democracy gives the majority the power, and that may well be tyranny.' In fact de Tocqueville, who's the greatest commentator on democracy, wrote a book on tyranny. That was the name of the book, and it was a book on democracy.

The thing that got me about this is: why do people in a relationship want to call it marriage? I refuse to use the word 'g-a-y'. I did very well, if I say so myself, in English, at school and thereafter, and I got a very high mark. There was a wonderful poem by Alexander Pope, and in it there is a wonderful line:

Belinda smiled, and all the world was gay.

I had to look it up in the dictionary: 'gay' means beautiful, happy, light, attractive, ethereal. I wouldn't—

*An incident having occurred in the gallery—*

**Mr KATTER:** Mr Speaker, can you shut them up, please? This is the Parliament of Australia. It's not a happy clappers meeting here.

**The DEPUTY SPEAKER (Mr Vasta):** Order! The member will be—

**Mr KATTER:** These people—all these people up here who are clapping—they go around calling themselves beautiful, happy, light, attractive and ethereal, and they're proud of it. You know, I would be embarrassed if I went around calling myself all these great adjectives, thinking I'm a really wonderful person. What's in a name? *(Time expired)*

*An incident having occurred in the gallery—*

**The DEPUTY SPEAKER:** Order! I ask the members of the audience to please refrain from clapping and making any noise while the debate is going on. I ask you very quietly and politely to do so. I give the call to the member for Kennedy

**Mr KATTER:** What I was saying was: why do they use that name? 'Because it's a lovely name. We think we'll call ourselves a lovely name.' They take the most beautiful word in the
English language and take it for themselves. I think you've got a damned hide to be perfectly honest with you. I think you've got a damned hide and an inflated opinion of yourself, as well. And the rest of the world would agree with what I have just said.

Why is there this big thing about marriage? Whether you want it or whether you don't, you're already legally married if you're living together. That's the law in Australia. So why did we turn the whole Parliament of Australia upside down for 12 months? Because they want to take our name, the name we give to a man and a wife coming together to protect the future generations with children, for themselves. They took the world 'gay' off us, and now they're taking the world 'marriage' off us. And when we ask for religious freedoms in this place from a bunch of bludgerigars over here, who have no conscience at all except for the endorsement of the Labor Party as their conscience and their compass, not one of them stood up for religious freedom in this place. That is a message that I will remind voters about at the next election, because there's still a damn lot of people in this country that do believe that we should love our neighbour—the Christian principle. There are still people in this country that believe that and believe they have the right to have a moral opinion. Obviously, these people here, attempting to intimidate the parliament, don't believe we should have that right. I have seen you before, because you were out there running around with your Mao Zedong books, back in the sixties. I've seen you before! So try your intimidation on, and enjoy yourself down here, but I'll see you back in the land of the people, and you won't be quite so popular there, I can tell you.

Mr BANDT (Melbourne) (16:03): I won't be supporting these amendments. The Greens won't be supporting these amendments. I have set out the reasons why and, can I just say, I can't wait until my beautiful, happy, light and ethereal friends have exactly the same rights as I do. If the member for Kennedy and anyone else wants to know why we're having this debate, it is because for a very, very long time our law has entrenched discrimination. And I am so, so happy that we are standing on the precipice of removing it.

I just want to reassure the member for Kennedy: when we legalise equal marriage in this country, it won't be compulsory, Bob. What it will mean is that everyone in this country enjoys the same rights as the person who lives next door to them, the person that they work with and the person in their family. That is going to be a wonderful moment, and no amount of contributions or bigotry or hatred is going to take that away from us in a very, very short period of time.

On these amendments, can I say, we didn't have to have and we shouldn't have had the plebiscite, but when we did, Australian people voted very, very clearly to remove discrimination from our laws. What these amendments will do is increase discrimination in our laws, and for that very simple reason alone they cannot be supported. Let's get on with making equality a reality.

Mr KATTER (Kennedy) (16:04): We made a decision in the last state election in Queensland not to run in all seats, because we had very limited resources. We could only run in a very small number of seats. If we had attempted to spread those resources out, we wouldn't have got many votes. I may have seen a thousand advertisements for the 'yes' vote and the only advertisement I saw for the 'no' vote was on television. The only ones I saw for us was where we got boards and painted them with paintbrushes because that's all the money we had. And it would be rather interesting to find out where the tens of millions of dollars that
was spent on the 'yes' campaign came from. I'm rather curious about that and we will be having a close look at that. But it's quite clear that we had no money to spend at all.

So if you've got a massive campaign—I won't say brainwashing—to get people to believe in your point of view and there's no campaign from the other side whatsoever then it's not surprising that you win the vote. And I might add the honourable member from Melbourne, with whom I agree on many things, just forgot to mention the fact that you are legally married in the sense that the legal concept of marriage, if you live together, is imposed upon you. When I was asked to vote in the very first referendum I voted in, I was lied to by the government, and it's very ironic that in the last effective referendum I voted in I was lied to again. They said they want equality. Well, they have got equality now. It is imposed upon you whether you like it or whether you don't by the laws of this country. So what was it all about? It was just about a name. That's all it was about.

Mr BROAD (Mallee) (16:07): I thank the people who have offered insightful and interesting debate, entertaining debate some of it, on this amendment. I note with interest the talk about young girls and their being happy and excited and everything. I want to give an example. I have an eight-year-old daughter. She is learning to play the electric guitar. She is not very good at playing the electric guitar. But I'm happy to send her to your house to set up in your lounge room so she can play her electric guitar really, really loud. And bless her, she wants to go on The Voice; she thinks she can sing. I love her but she can't sing. You say, 'Where is he going on this?' Right? She has to have the right. It is her right to play that guitar anywhere she wants, in your house as loud as she wants. You say, 'Hold on a minute here, no, it's my house. My house. I might tell her to turn it down. I might tell her after 10 minutes of playing that she needs to be quiet.' Why? Because it's your house. You have the right.

Our religious organisations have built campsites. They have built church facilities and they have done it with their money. It is their right to determine what goes on in their facilities. It doesn't matter if you want to set up your electric guitar in their facilities and play it as loud as you can. It doesn't matter. It is contrary to everything that Australians stand for. The castle is a home. It is not up to the High Court, it is not up to judges to determine what you believe. It is not up to the judges to determine what goes on in your home. How dare you think it's discrimination to say that it is up to churches, and you're going deny them the right to use their facilities how they see fit. That is freedom we're talking about there. That is the freedom to express yourself in what you want to spend your money on and what you want to build your assets on, and you want to have the final say in what goes on in those assets.

Do not think you achieve freedom by giving rights to others and taking away the rights of someone else—or else we will call this the 'electric guitar amendment', where you'll let me send my daughter over because, while I love her to bits, she can't play guitar. She'll come to your place, set up in your lounge room and play in your lounge room for as long and as hard and as loud as she wants to, and you can't do anything about it. Do you call that freedom? Is that what we want? Is that what this legislation is about? This legislation should be about uniting Australians to say they can do what they want in their own home. They can marry who they want, but don't take away other people's freedoms at the same time. Don't take away churches' freedom to decide what happens to their assets. You wouldn't give that freedom in your own home; don't take it away from the churches and religious organisations of Australia.
The **SPEAKER**: The question is that the amendments moved by the member for Mallee be agreed to.

The House divided. [16:15]

(The Speaker—Hon. Tony Smith)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
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<td>86</td>
<td>34</td>
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**AYES**

Abbott, AJ  
Andrews, KL  
Buchholz, S  
Christensen, GR  
Coleman, DB  
Crewther, CJ  
Flint, NJ  
Gillespie, DA  
Hartseyker, L  
Hawke, AG  
Hunt, GA  
Joyce, BT  
Keenan, M  
Landry, ML  
Leeser, J  
McCormack, MF  
Morrison, SJ  
O’Brien, T  
Pasin, A  
Porter, CC  
Ramsey, RE (teller)  
Sudmalis, AE  
Taylor, AJ  
Van Manen, AJ (teller)  
Wicks, LE  
Wood, JP

**NOES**

Albanese, AN  
Bandt, AP  
Bird, SL  
Broadbent, RE  
Burke, AS  
Butler, MC  
Byrne, AM  
Champion, ND  
Clare, JD  
Collins, JM  
Danby, M  
Dreyfus, MA  
Elliot, MJ  
Entsch, WG  
Feeney, D

Aly, A  
Banks, J  
Bowen, CE  
Brodman, G  
Burney, LJ  
Butler, TM  
Chalmers, JE  
Chesters, LM  
Claydon, SC  
Conroy, PM  
Dick, MD  
Drum, DK  
Ellis, KM  
Evans, TM  
Fitzgibbon, JA
Question negatived.

The SPEAKER (16:15): (In division) If it suits the House, I'll make a few remarks while the division is being counted. To members in the public gallery and the Speaker's gallery, noise from the galleries is disorderly, but you will have noticed that at the end of certain divisions today I've been very tolerant, given the historic nature of the legislation before the House. It's very important that members of parliament here in the House of Representatives are able to make their contributions without noise or interjections coming from the public gallery. Every member has that right on behalf of their electorates. So I would ask people who are in the gallery to refrain.

Mr BROAD (Mallee) (16:20): by leave—I move amendments (2), (7), (8) and (9), as circulated in my name, together:

(2) Clause 2, page 2 (table item 5), omit "Part 5", substitute "Parts 4A, 4B, 4C and 5".

(7) Schedule 1, page 19 (after line 13), after Part 4, insert:

Part 4A—Amendment of the Charities Act 2013

Charities Act 2013

68A After subsection 12(3)

Insert:

CHAMBER
(4) For the purposes of this section, disregard the fact that an entity is, or has been, a body established for religious purposes within the meaning of section 37 of the *Sex Discrimination Act 1984*.

Note 1: For example, a body that has a purpose of advancing social or public welfare may be registered under subparagraph (1) (c) regardless of whether it is a body established to advance religion under section 37 of the *Sex Discrimination Act 1984*. It may be both a body that has a purpose of advancing social or public welfare and a body established for religious purposes under section 37 of the *Sex Discrimination Act 1984*, but for the purposes of paragraph (1) (c) regard is not had to its status under section 37 of the *Sex Discrimination Act 1984*.

Note 2: For example, a body that has a purpose of advancing religion may be registered under paragraph (1) (d) regardless of whether it is a body established to advance religion under section 37 of the *Sex Discrimination Act 1984*. It may be both a body that has a purpose of advancing religion under paragraph (1) (d) and a body established for religious purposes under section 37 of the *Sex Discrimination Act 1984*, but for the purposes of paragraph (1) (d) regard is not had to its status under section 37 of the *Sex Discrimination Act 1984*.

(8) Schedule 1, page 19 (after proposed Part 4A), insert:

**Part 4B—Amendment of the Income Tax Assessment Act 1997**

*Income Tax Assessment Act 1997*

68B After subsection 30-320

Insert:

**30-325 Bodies established for religious purposes**

A fund, authority or institution does not fail to satisfy the requirements for endorsement under Division 30 of this Act for the reason that the fund, authority or institution is, or has been, a body established for religious purposes within the meaning of section 37 of the *Sex Discrimination Act 1984*.

(9) Schedule 1, page 19 (after proposed Part 4B), insert:

**Part 4C—Amendment of the Fringe Benefits Tax Assessment Act 1986**

*Fringe Benefits Tax Assessment Act 1986*

68C After subsection 123C(2)

Insert:

(3) An entity does not fail to satisfy the requirements for endorsement in subsection (2) for the reason that the entity is, or has been, a body established for religious purposes within the meaning of section 37 of the *Sex Discrimination Act 1984*.

68D After subsection 123D(2)

Insert:

(3) An entity does not fail to satisfy the requirements for endorsement in subsection (2) for the reason that the entity is, or has been, a body established for religious purposes within the meaning of section 37 of the *Sex Discrimination Act 1984*.

I promise not to mention electric guitars in my speech! Faith based organisations are organisations that come from people who have a deep conviction and intend to live out their conviction in a practical way. I share the story, which actually started off some of the faith based organisations, of a woman who had been judged significantly, so significantly that she was about to be executed. A guy intervened.

She was about to get stoned for an action that she had taken, because she was caught in the act of adultery. He stood between her and the crowd. He looked at the crowd. He hopped down on the ground, and he wrote something on the ground. He picked up a stone, and he
said, 'He who is without sin, throw the first stone.' The older people left first, then the younger people left, then there was no-one there. And he said: 'No-one's here to throw a stone. No-one judges you. Well, I don't judge you either.'

You wonder why I tell that story. I want to tell you why. It is because people who are motivated by their faith get involved in action. Faith based organisations are not judging organisations. They are in fact the spearhead of good. In 1967, when they had a referendum to give rights to the Indigenous population, what did the government do after that? They set aside reserves on the outskirts of towns so that, when the station people, the Indigenous people, had to move off, because they were now due for the minimum wage, and move into the outskirts of town, they had somewhere to go. That was the government's response. I'll tell you a little bit about my parents' response, motivated by faith. They lived in a tin shed and worked with the Aboriginal community to make sure people's livelihoods were looked after.

Faith based organisations are always the cutting edge, ahead of government, to deliver social services.

An honourable member: Abolishing slavery.

Mr BROAD: They abolish slavery. You know, David Livingstone opened up Africa. All we ask is that faith based organisations have the right to decide who is in the management and employment of those faith based organisations—the right to reflect those views. On tax law: the faith based charities should be exempt under antidiscrimination law, and it shouldn't impact their tax endorsements.

The freedoms that faith based organisations have provided for the world have been significant. Most of our aid organisations have been faith based organisations. It is imperative that those faith based organisations have the right to decide who they employ. The freedoms of faith based organisations to determine that those who seek to do their work hold similar values are important in a plural and tolerant society. What we do not want to see is people who attempt to litigate against faith based organisations on the grounds that they feel discriminated against. This amendment simply seeks to broaden the act that allows faith based schools and faith based churches to determine that the people who are in their employment are consistent with their beliefs. It attempts to broaden that to faith based organisations. Any attempt to diminish the rights of faith based organisations ultimately diminishes society.

I haven't seen too many people from the LGBTI community—and this is a challenge for the LGBTI community—become great social advocates like I have seen religious organisations and religious people be. The people who come into my office and complain about Australia's treatment of refugees are motivated by their Christian faith. That's what I want to say: we must look after people of faith and uphold them. Those faith based organisations should have those laws broadened across to them and that's why this amendment should be supported in this chamber. Thank you.

Mr ENTSCH (Leichhardt) (16:25): I'll keep this very, very brief. These amendments are totally unnecessary. This is a marriage bill; this is not the time to be changing the Charities Act, the Income Tax Assessment Act or the Fringe Benefits Tax Assessment Act.

Religious charities provide essential services for our community—there's no question about that. And we should recognise their fantastic charitable work. Their charitable status will not be affected by their stance on marriage, in the same way that charities that support marriage
equality haven't had their charitable status revoked. The charities commissioner and the tax commissioner both confirmed there's no need for this amendment, so now is not the time to rewrite other laws which have nothing to do with marriage. This bill already strikes the right balance. The Senate voted for it and so should we. Australians have waited long enough for marriage equality. We can deliver it today. Let's get it done!

Mr HOWARTH (Petrie) (16:26): I rise to support the member for Mallee's amendments. I very much agree with what he had to say. Recently, a tribunal held that a large Australian faith based charity, St Vincent De Paul, could not require their president to also be of the same faith or be expected to act consistently with the charity's beliefs. This amendment to the marriage amendment bill will clarify that and, as has always been the intention of the law, faith based charities are to be recognised as religious bodies.

When I spoke on the same-sex marriage debate the other day I thanked the member for Leichhardt for his contribution to it, but on this issue I do disagree with him. Ultimately, this law and this bill will affect charitable status. Many of those organisations believe in the traditional view of marriage, that marriage is between a man and a woman. The concern is that, if those religious organisations continue to believe that in the future, what will happen to their charitable status? What will happen to those organisations? If we fast forward 10 years to 2028, what will happen to those people then?

Speakers opposite, including the member for Isaacs and so forth, have said, 'Oh, well, we don't need to talk about it here; we don't need to worry about it.' They say that the reason for not debating these bills is because it will delay the passage of same-sex marriage. But the fact is that the Labor Party are not standing up for religious freedoms in this country. The Labor Party are not standing up for individuals and Christian based organisations and charities in this party. In fact, to every person listening to this broadcast: you need to know that the Labor Party have not given their members a free vote. They talk about coming into this place and talk about a free vote, but they have not given their members a free vote.

People in my electorate—Jason from Clontarf—are concerned that this bill leaves churches, charities and individuals open to a wide range of political and anti-discrimination attack. Jason, I hear you. Mr Young from Bald Hills urged me to fight for additional protections for charities. Well, the Labor Party is not fighting for you. They are not. They come into this place and they say that there's been a free vote. They've been delaying this bill for the last 18 months by not honouring the coalition's strong commitment to having a plebiscite. They voted against it, and they continue to do so.

For every religious person, the 70 per cent of people who in the census said that they have a religion, the Labor Party is not fighting for them today. The Labor Party will not stand and be counted. For those electorates like Blaxland, where 73 per cent voted no, the Labor Party won't even give the member for Blaxland a say on issues like this. The member for Watson and the member for McMahon, who voted against same-sex marriage just four or five years ago, do not get a conscience vote on these amendments, nor does the member for Fowler or the member for Calwell. The Labor Party says, 'No, you don't have a right to a conscience vote on these amendments.'

For all Australians listening, the fact is that same-sex marriage can be delivered and will be delivered today, but it could have been delivered with sensible amendments in place. The Labor Party are running scared. They ran scared of the Australian people by not allowing a
conscience vote straight up, and now they won't even give their own members sensible amendments in relation to this. It's not good enough. The Labor Party are weak. I will be proud to support these amendments.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (16:31): The second part of this amendment would amend the Charities Act, the Income Tax Assessment Act and the Fringe Benefits Tax Assessment Act unnecessarily. Labor opposes this second part of the amendment, but not because of any lack of support for religious charities in Australia. Of course religious charities provide essential and valuable services for the Australian community, but their charitable status will not be changed due to their stance on marriage. Both the charities commissioner and the tax commissioner have confirmed that this amendment to those three acts is unnecessary.

The bolstering of the ability of religious bodies that is defined in the Sex Discrimination Act to satisfy tests for charitable fringe benefits and deductible gift recipient status is completely unnecessary and of uncertain legal effect. I will say this too: these amendments incorrectly and unhelpfully imply that there is somehow a threat posed to religious organisations in these respects by reason of the amendments to the Marriage Act. This set of amendments stems from a baseless concern. The tax commissioner, Chris Jordan, has confirmed that an organisation's position on marriage equality will have no impact on tax deductible status. I want to make it clear: there is no reason for religious charities to fear they will be impacted adversely if marriage equality becomes law.

The member for Mallee has repackaged parts of the abandoned Paterson bill on this issue. He is drumming up baseless fears in this debate, and so are other speakers, and unnecessarily scaring people with a religious objection to marriage equality. I will say it again: Labor supports religious freedoms. Labor has no problem with a debate on how to protect religious freedoms, but this is not the right time or place. The Prime Minister has set up a process for the new year, creating a panel led by Philip Ruddock. He will be assisted by eminent Australian lawyer Ros Croucher, President of the Australian Human Rights Commission, Annabelle Bennett, a former Federal Court judge, and Father Frank Brennan. They will be discussing and considering and reporting on these matters in detail, and that is the right place and the right time for having this debate. The government MPs who are proposing and supporting this second part of the amendments could do a great deal better in respecting their Prime Minister's own process. Labor will be opposing this second part of the amendments.

The SPEAKER: The question is that the amendments moved by the member for Mallee be agreed to.

The House divided. [16:38]

(The Speaker—Hon. Tony Smith)

Ayes .....................60
Noes ......................85
Majority .................25

AYES

Abbott, AJ
Andrews, KL
Broad, AJ
Chester, D

Andrews, KJ
Bishop, JI
Buchholz, S
Christensen, GR
AYES

Ciobo, SM
Coulton, M
Dutton, PC
Flint, NJ
Gee, AR
Goodenough, IR
Hastie, AW
Hogan, KJ
Hunt, GA
Joyce, BT
Keenan, M
Laming, A
Laundy, C
Littleproud, D
McCormack, MF
Morrison, SJ
O’Brien, T
Pasin, A
Porter, CC
Ramsey, RE (teller)
Sudmalis, AE
Taylor, AJ
Tudge, AE
Van Manen, AJ (teller)
Wicks, LE
Wood, JP

COLEMAN, DB
Crewther, CJ
Fletcher, PW
Frydenberg, JA
Gillespie, DA
Hartsayker, L
Hawke, AG
Howarth, LR
Irons, SJ
Katter, RC
Kelly, C
Landry, ML
Leeser, J
Marino, NB
McVeigh, JJ
Morton, B
O’Dowd, KD
Pitt, KJ
Price, ML
Robert, SR
Sukkar, MS
Tehan, DT
Turnbull, MB
Vasta, RX
Wilson, RJ
Wyatt, KG

NOES

Albanese, AN
Bandt, AP
Bird, SL
Broadbent, RE
Burke, AS
Butler, MC
Byrne, AM
Champion, ND
Clare, JD
Collins, JM
Danby, M
Dreyfus, MA
Elliot, MJ
Entsch, WG
Falinski, J
Fitzgibbon, JA
Georganas, S
Gosling, LJ
Hart, RA
Henderson, SM
Husar, E
Jones, SP
Kelly, MJ
Khalil, P

Aly, A
Banks, J
Bowen, CE
Brodtmann, G
Burney, LJ
Butler, TM
Chalmers, JE
Chesters, LM
Claydon, SC
Conroy, PM
Dick, MD
Drum, DK
Ellis, KM
Evans, TM
Feeney, D
Freelander, MR
Giles, AJ
Hammond, TJ
Hayes, CP
Hill, JC
Husic, EN
Keay, JT
Keogh, MJ
King, CF
Ms HENDERSON (Corangamite) (16:44): by leave—I move amendments (1) and (2), as circulated in my name, together:

(1) Page 3 (after line 11), after clause 3, insert:

4 Protection of religious freedom

Nothing in this Act limits or derogates from the right of any person, in a lawful manner, to manifest his or her religion or belief in worship, observance, practice and teaching.

(2) Schedule 1, item 20, page 10 (line 11) to page 11 (line 10), omit the item, substitute:

20 Section 47

Repeal the section, substitute:

47 Ministers of religion and marriage celebrants may refuse to solemnise marriages

Ministers of religion

(1) A minister of religion may refuse to solemnise a marriage despite anything in this Part.

(2) In particular, nothing in this Part prevents a minister of religion from:

(a) making it a condition of solemnising a marriage that:

(i) notice of the intended marriage is given to the minister earlier than this Act requires; or

(ii) additional requirements to those provided by this Act are complied with; and

(b) refusing to solemnise the marriage if the condition is not observed.

(3) A minister of religion may refuse to solemnise a marriage despite anything in this Part, if any of the following applies:

(a) the refusal conforms to the doctrines, tenets or beliefs of the religion of the minister's religious body or religious organisation;

(b) the refusal is necessary to avoid injury to the religious susceptibilities of adherents of that religion;
(c) the minister's religious beliefs do not allow the minister to solemnise the marriage.

Marriage celebrants

(4) A marriage celebrant may refuse to solemnise a marriage, despite anything in this Part, if the marriage celebrant's religious or conscientious beliefs do not allow the marriage celebrant to solemnise the marriage.

Grounds for refusal not limited by this section

(5) This section does not limit the grounds on which a minister of religion or a marriage celebrant may refuse to solemnise a marriage.

Today we will be voting on a bill to allow same-sex couples to marry. This is a historic day for the Australian parliament and our nation. As I made clear in my second reading speech last night, freedom of speech and freedom of religion are fundamental freedoms in a representative democracy such as ours. I have long supported the right of gay and lesbian couples to marry, but throughout this debate I've worked hard to ensure that the views of every person I represent in Corangamite are acknowledged and respected. As I said last night, I believe charities must be protected, marriage celebrants must be free to marry whom they choose and freedoms of speech and religion must be protected. I am concerned that the Marriage Amendment (Definition and Religious Freedoms) Bill 2017 does not provide adequate protections.

I wish to place on record that I support the principles which underpinned a number of the other amendments before the House today—such that we would all be free to hold, express or teach views supporting traditional marriage without fear of recrimination in any form—but I was concerned about their scope. In spite of some concerns that I had that these amendments might be beyond power, I supported the Treasurer's amendments relating to faith based charities. The amendments I have moved demonstrate that I have stayed true to the commitment I gave to my constituents that I will support a bill to change the Marriage Act with strong religious protections.

The first amendment I have moved ensures the protection of religious freedom. It provides that nothing in this act limits or derogates from the right of any person, in a lawful manner, to manifest his or her religion or belief in worship, observance, practice and teaching. This amendment is intended to make it clear that religious freedom is protected using language based on paragraph 1 of article 18 of the International Covenant on Civil and Political Rights. It emphasises that nothing in the Marriage Amendment (Definition and Religious Freedoms) Bill 2017 will in any way prevent or limit the rights of people to practice their faith, to preach their faith or to teach the doctrines, tenets, beliefs and observances which underpin their faith.

All Australians are free to choose their religion and to express and practice their religion and believes without intimidation or interference as long as those practices are within the framework of Australian law. If Labor members support religious freedoms, Labor members should vote for these amendments. But, as we have heard in this debate, Labor members have not been granted a genuine free vote.

The second amendment I have moved enables marriage celebrants other than ministers of religion to refuse to solemnise marriages on the basis of the celebrants' religious or conscientious beliefs. This amendment would provide further support to the religious freedoms of secular celebrants whose religious beliefs and practices preclude solemnising same-sex marriage. It would also afford protection to those celebrants who have a
conscientious objection to marriages which are not traditional marriages between a man and a woman. In other words, it would protect celebrants whose personal, philosophical or cultural beliefs about marriage are not founded in a religious teaching or viewpoint. Such celebrants could decline to marry a couple without rendering themselves vulnerable to complaints brought under antidiscrimination legislation.

It is the case that the Senate has considered these amendments and that these amendments were rejected, but that is no reason for members in this place to vote against them. I'm also unpersuaded by the argument that amending the bill would delay the carriage of this bill. We have to get this bill right. That is a fundamental obligation on all of us as legislators, and that is why amending the bill in the manner I have proposed is important and necessary. I commend these amendments to the House.

Mr ABBOTT (Warringah) (16:49): I'm very happy to support the amendment that's been moved by the member for Corangamite—very happy indeed. I thank her and congratulate her for bringing an amendment in such clear terms to the House.

Perhaps for the benefit of everyone in this chamber, including in the galleries, I might read the relevant protection of religious freedom very slowly, because what this amendment proposes is that nothing in this act should limit or derogate from the right of any person to manifest in a lawful manner his or her religion or belief in worship, observance, practice and teaching.

I put it to everyone in this chamber this evening: is there anyone at all here who does not believe in the right of people to manifest their religion or belief in worship, observance, practice and teaching? And if, as I am confident, every single person in this wonderful parliament tonight believes that it's right that people should have this fundamental protection, well, what possible objection could there be to including this in the bill before us? We have heard today contributor after contributor to these debates say that nothing in this bill will impinge on freedom of religion. Well, supporting this amendment is an opportunity to demonstrate absolute fair dinkumness when it comes to those statements. It's an opportunity to show that all the things that we've said—all the people who've objected to earlier amendments and everything they said about their desire not to impinge in any way on faith, on freedom, on religion—are fair dinkum.

Yes, it's true that if we pass this amendment that the bill, as amended, would then have to go back to the Senate, and there may be an hour or so of toing and froing before it came back. And I know there are many people in the galleries this evening who are yearning for the completion of this debate, but I am quite confident that you would enjoy the hospitality of this House. We could provide some hospitality here in this House. There are many members who would be only too happy to open the bar for you, and then we could all come back and do this, but do it in the right way—in a way that doesn't just respect the eight million people who voted yes but respects the anxieties, the concerns and the beliefs of the five million people who voted no. Then we would truly have a wonderfully unifying moment for our whole country.

Mr ZIMMERMAN (North Sydney) (16:53): I should start by acknowledging the member for Warringah's kind offer to pay for the entire celebration party tonight! That might be worth the extra hour delay!
This is similar in some respects to amendments that we've considered earlier during today's proceedings. I particularly wanted to focus on one aspect, and that's extending a conscientious objection to all celebrants. This is a principle that I understand opinions are legitimately divided on, but it's not one that I concur with. As I said earlier today, the role of the celebrant is to be an agent of the Commonwealth and the Commonwealth's laws. They are not ministers of religion. I note, for example, that these amendments don't seek to extend the same protections to, say, state registrars at births, deaths and marriages, who also conduct marriages under the law.

So, we do have a divide, quite sensibly, between those that are conducting marriages under religious rites, and those that are conducting marriages under the law. That's why I don't support extending any exemptions to celebrants, other than those already contained in this bill, and that's why I won't be supporting it.

This is the last occasion on which I intend to rise during the course of this week's long debate. Before I sit down, I did want to say a few other things. Firstly, I want to sincerely thank all my parliamentary colleagues on both sides of the chamber for what I think has been an outstanding debate. But I also wanted to acknowledge those in this corner who have worked so hard on this issue for such a long time. Of course, I refer to the member for Brisbane, Trevor Evans, and the member for Goldstein—Tim Wilson-Bolger!—and the member for Leichhardt, who is temporarily absent, so I'll say while he's absent that earlier today we had a photo of all the LGBTI members of the parliament, and everyone said, 'Where's Warren?' We had to remind ourselves that he's not actually gay! But I think we can make him an honorary gay. His leadership has been outstanding. I also want to again thank, in front of this gallery, those in the Equality Campaign, led so ably by Alex Greenwich, Tom Snow, Janine Middleton—who I saw up there before looking very Mosman!—Tiernan Brady and of course the incredible Anna Brown and that whole team that did so much.

Two years ago this week the voters of North Sydney sent to this chamber the first openly gay member of the House of Representatives. At the time, I was the first openly gay member—though I suspect that I probably wasn't the first gay in the village over the parliament's 116 years! But, nonetheless, I raise that because, in the lead-up to that election, many people wondered whether the community, in a lower house election, would embrace an openly gay candidate. And, of course, they did, because, as they should have, they judged me on my merits.

Two years later, people wondered whether Australians would embrace the relationships of their fellow gay and lesbian sisters and brothers, and, of course, we know they did, so resoundingly. What they said was that they understood that a same-sex relationship was no less committed, no less loving, no less difficult, no less beautiful and wonderful than any other relationship. Today we fulfil the wishes of the Australian people, and, in so doing, we leave this parliament making Australia, I think, a far better place.

During the course of campaigns there are often slogans—often some great slogans. Who will forget 'Jobs and growth', which was a great slogan! But I want to conclude by saying that there are three words this year that have touched the hearts and minds of all Australians: 'Love is love'. And, as we celebrate the Christmas spirit, I'm sure that's something that we can all agree on.
Mr BANDT (Melbourne) (16:57): The Greens will not be supporting these amendments. I didn't think it was possible that I was going to learn new things during the course of the debate that I hadn't heard before. But when the conservative forces who've opposed marriage equality said that we now need to enshrine international human rights law in our domestic law, I must say it slightly took me aback.

It is worth looking closely at these amendments, because whilst, on the one hand, they purport to enshrine certain rights that exist internationally, what they do not do is go on to the next part of the section that is quoted, and that is excerpted and lifted out of the international covenants and put in these amendments, because the next part of the section says:

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

So what is crystal clear from the jurisprudence that the conservatives are seeking to draw on in moving these amendments is that the right of religious freedom does not trump the rights that other people enjoy, and, in fact, to the extent that it does, it can be restricted. So, if you're going to move an amendment that only includes the first part without the second part, what you're in fact saying is that the freedoms and equality that will be enshrined in this bill are able to be trumped by other protections, and that is not what people voted for.

On the second part of these amendments: these amendments give individuals new rights to discriminate against others on the basis of their sexuality—and it's not just simply linked to their religious beliefs or religious organisations; it's linked to their so-called conscientious belief. If one thinks about that even for a moment, what that will allow one to say is: 'I want to opt out of our country's sex discrimination laws because I have a conscientious belief against them.' And you shouldn't be able to just opt out of sex discrimination laws because you don't believe in them.

The Human Rights Law Centre said during the course of considering these amendments:

The idea that a personal moral view could be used to treat someone unfairly because of a particular attribute strikes at the very heart of the rationale for our discrimination laws to begin with, which is all about ensuring equal treatment regardless of particular personal attributes. Introducing a justification for discrimination on the basis of a personal moral view is giving a blank cheque to discriminate.

That is not what Australia voted for and it is not what the bill is meant to be about. These amendments should be opposed.

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (17:00): I rise to speak against the amendment moved by the member for Corangamite. I do so not because I don't want to delay the bill and see it go back to the Senate. I'm perfectly relaxed about the prospect of the Senate reconsidering the bill and the amendments that the House of Representatives passes. I agree with the member for Warringah that we never wait on the Senate—the Senate doesn't direct what the House of Representatives does. I oppose the amendment because I think it's based on a false premise. I again quote the member for Warringah, who read the first section that seeks to be changed, which is: 'Nothing in this act limits or derogates from the right of any person in a lawful manner to manifest his or her religion or belief in worship, observance, practice and teaching.' The amendment seek to introduce that into the act. But it seeks to introduce an amendment into the act for something the act doesn't do in the first place—the act doesn't derogate the rights of freedom of religion.
in this country—so it is based on a false premise. This amendment is designed to ensure that religious freedom is not inhibited or limited by the introduction of marriage equality.

My contention in the speech on the second reading and my contention this afternoon is that there has never been a reason to believe that marriage equality somehow inhibits the religious freedoms of ministers of religion or of institutions. And that is specifically provided for in section 116 of the Constitution, which provides for the separation of church and state, and in the actual bill that came to us from the Senate and that we are debating. Introduced by the member for Leichhardt, the sections that seek to introduce new sections to the Marriage Act 1961—sections 47, 47A, 47B and 71A—put it beyond any doubt at all that ministers of religion, Defence chaplains, religious celebrants, institutions, churches, will not be required to allow marriage equality in their institutions or to marry people of the same sex. As a legislative traditionalist, I don't believe that we should introduce unnecessary amendments into a bill to correct an injury that does not exist. Legislation should be passed by the House of Representatives that corrects an injury or a failing that we believe needs to be corrected and it should not include superfluous amendments that do nothing other than apparently correct something which, in my view, is a myth. This bill does protect religious freedom. It doesn't require anyone in Australia to act against their religious principles. Therefore, I do not support the amendment.

Mr KATTER (Kennedy) (17:03): We have seen proposal after proposal after proposal here to protect religious freedom and every single one of them has been rejected. If you are objectively assessing what is going on here, you must view with a grave degree of suspicion the fact that every single attempt to protect religious freedom has been rejected. I don't apologise to anyone for using the word 'mob', because I have seen it throughout my lifetime: once you get a stampede on, it's a brave man that stands in front of it.

Honourable members interjecting—

Mr KATTER: I'm not being allowed to speak either, Mr Speaker—apparently that's inappropriate for anyone from our side! There is a consistent pattern of behaviour; even the most harmless of resolutions proposed is now being rejected. Please excuse me, because we Christians are a little paranoid. We have a history of being picked on in a very big way, and we get a little bit paranoid, so please excuse me for being a little bit paranoid and extremely worried today. When I went along and addressed the thousand people, the little lady, who I don't think has ever been in public life, said, 'I don't want my son wearing a dress.' What mobilised her was the simple exercise of a right to say—

Mr Tim Wilson: I have a kilt.

Mr Stephen Jones: I have a dressing gown.

Mr KATTER: I'll take the interjections. I don't know where they're coming from, but they're saying, 'Men wear dresses all the time.' You must live in a different world than I live in, I can assure you.

An honourable member: They're called priests!

Mr KATTER: They are told that they have to go to school dressed up as a girl. A priest is not dressed up as a girl; he wears a surplice and soutane, and he's dressed up as a priest to identify him as a priest. So don't insult my intelligence and the intelligence of anyone here today by making such a stupid statement. I repeat for the third time: every single effort to
Mr CRAIG KELLY (Hughes) (17:06): Very shortly we'll be finally voting on the Marriage Amendment (Definition and Religious Freedoms) Bill 2017. As I indicated previously, I'll be voting for that bill in line with my electorate. However, before we do that, I would ask my colleagues, the members of the opposition and the crossbenchers to give one final consideration to this amendment moved by the member for Corangamite, which I support. Firstly, of the two schedules of the amendment, the first schedule is protections of religious freedom. As the member for Corangamite reminded us, this is in line with the Universal Declaration of Human Rights. It says:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

To not support this amendment is to say that you do not support section 18 of the Universal Declaration of Human Rights.

The second schedule of the amendment goes to ministers of religion and marriage celebrants. Again, I would like every member of parliament to think very carefully about what it means if this amendment is opposed. The Australian government Attorney-General's Department has a website which is titled 'Find a marriage celebrant'. On that it lists different categories of marriage celebrants. It lists the category:

Ministers of religion of recognised denominations who perform religious ceremonies.

They will be exempt from the provisions. They will have the freedom to solemnise a same-sex marriage or not. There is another category:

Commonwealth-registered marriage celebrants who perform religious ceremonies for independent religious organisations.

Under the final bill they will also have the right to decide whether to solemnise a same-sex marriage or not to. There is also a third category:

Commonwealth-registered marriage celebrants who perform civil ceremonies.

What is proposed under the bill is that those that are listed as civil marriage celebrants will have the ability to, within 90 days, effectively opt in or opt out—however you want to describe it—to put themselves on a separate list where they will give themselves the right to either perform or not perform a same-sex wedding.

I have a fundamental concern that a government website will have two categories of people. It will have one category that will support same-sex marriage and one category that will not. I do not believe that this is the responsibility of government. There should be no distinction on a government website as to whether someone supports same-sex marriage or doesn't support it. For those civil celebrants that wish to do a same-sex wedding, there are other methods. They could take out an advertisement on the front page of The Sydney Morning Herald. I'm sure that after the final bill is passed their services will be in great demand. But it should not be a government website that lists two different categories of marriage celebrants: those that will perform same-sex marriages and those that won't. There are several reasons why that should not be done, but one of the most important reasons is that protect religious freedom has been denigrated today. I would like to ask the Christians in Australia to remember that not one single time did this parliament protect them today—not once.
for marriage celebrants on both sides, no matter where they want to stand or whichever list they go on, they should be free from harassment and they should be free from intimidation. Unfortunately, there is nothing in the bill that gives those protections.

Finally, there is also the 90-day section that only allows a civil celebrant 90 days to go on that list. After those 90 days, that section is forever closed. As the Universal Declaration of Human Rights states, an important freedom of religion— *(Time expired)*

Mr STEPHEN JONES (Whitlam) *(17:11)*: It's so good to see the galleries of this parliament so filled with people who have come to Canberra to witness a historic event. When I look up, I see men and women of all ages, of all colours and of all faiths who have come to witness our great democracy. I've got to say, you've seen a pretty amazing debate. It's been always passionate and sometimes a little bit oddball. Sometimes you've heard some things that I know I found offensive or certainly weird. But I also know that throughout the course of your lives, either you or your children have heard things which are much more offensive. As a result of what we are going to do today, this will change, because the force of this law is not just what it is going to permit but it is what it says about us as a nation.

The SPEAKER: I just ask the member for Whitlam—I hesitate to interrupt, but we've had the second reading. It's important he addresses the question before the chair, which is on the amendments moved by the member for Corangamite, in fairness to all other members who have spoken in the debate.

Mr STEPHEN JONES: Thank you, Mr Speaker. In relation to the amendment that goes to civil celebrants, I simply want to make this point: when you act as a civil celebrant, you're performing a civil ceremony, not a religious ceremony, and you are exercising a function under our law. It should be that the people who are exercising the function under our law are equally bound by it. There should be no basis in relation to civil celebrants which permits discrimination.

All of the amendments that are raised in the name of religious freedoms go to a single point: that we should be making a distinction under this law to protect religious rights and freedoms. Every member on this side of the House supports religious freedom in this country—every single member. I know that every single member that is going to vote in favour of this legislation supports religious freedoms. But under our law it has never been unlimited. So perhaps it might be better for those who are advocating these changes and these amendments to go away and reflect upon their own religious beliefs, because these, of course, have changed over time as well, and reflected the changes in views in society. I argue that, instead of accepting these amendments, that would be a better course.

If these amendments are rejected and the substantive motion gets up, there are many people who are going to look back upon it and say that this course of action was inevitable. We know that that is not the case. In 2012, when I first moved a marriage amendment bill to the same effect, there were only 42 people who voted in favour of it. I have a hunch that, when the vote is recorded when this bill passes through, it could well be passed on the voices, and there will be a hell of a lot more than 42 people. People have changed their minds. Parliamentarians have changed their minds, and that is a good thing. It says a lot about what we have become as a country.
Mr TIM WILSON (Goldstein) (17:15): I rise to say that I cannot support this amendment, very much in the spirit of the remarks that have already been made by the Leader of the House. I was elected as a Liberal and there is no day, frankly, that I am prouder to be a Liberal and a member of the Turnbull coalition government than this day. As a Liberal, I was elected to defend the freedom of this parliament and to make decisions in the national interest. I have always opposed and always will oppose any effort to entrench international treaties into domestic law which undermine our national sovereignty. My opposition to this amendment should not be misinterpreted as being opposed to its spirit or its objective—or many of the remarks that other people have made—as one of the strongest and proudest defenders of religious liberty in this parliament. But I cannot support the introduction of an amendment that refers directly to the International Covenant on Civil and Political Rights in the same language, because it would allow our courts to undermine our freedom by, ultimately, using foreign jurisdical law as the basis for their interpretations.

We are a liberal democracy, and the choice that has always confronted this nation is: are we a social democracy or a liberal one? Social democracies legislate what people can do. Liberal democracies remove the barriers for people to exercise their freedom. That is what we are doing in this House today. We are removing the barrier and the boundaries which stop people from enabling themselves to get married.

In closing, this will be the last time I make a contribution to this debate as well. I extend, just as the member for North Sydney has, my thanks to Trevor Evans, the member for Brisbane, Warren Entsch, the member for Leichhardt, and Trent Zimmerman, the member for North Sydney, for their leadership in this debate, as well as Senator Dean Smith in the other place. I also want to put on the formal record my thanks to the Prime Minister, Malcolm Turnbull. This will be a marker in your legacy, Prime Minister, and you deserve every bit of credit for its success.

The final thing I want to say in this debate is to inform the House that I will be dedicating my vote, in the final vote, to the Goldstein family the Greenes of Hampton. The Greene family have been at the front of this debate at every step of the way, and I acknowledge their incredible work. Proud parents Russell and Roxy, with their son and daughter, Steven and Angie, got together to support their son Brent. They have put themselves at the fore of this debate, because they're united by their love, their family and their commitment. So I dedicate my final vote to them, and I want to say thank you for your leadership in my community and across the nation.

Ms PLIBERSEK (Sydney—Deputy Leader of the Opposition) (17:18): I rise to oppose both parts of the amendment proposed by the member for Corangamite. Laozi said: 'Being deeply loved by someone gives you strength, while loving someone deeply gives you courage.' Those in the galleries today have shown both strength and courage in their long fight to see this legislation passed. It would be shameful for this parliament to delay this legislation any further. This amendment, and all of the amendments today, should not be supported because, as the Leader of the House said, 'They are completely unnecessary,' and also because this delay is completely unnecessary.

Today, by the end of the day, will be a day that we look back on and it will be one of those days that you remember. You'll remember exactly where you were when this legislation passed and exactly what you were doing when this legislation passed. We should not be
dragging out this debate with unnecessary amendments, pushing this legislation into tonight or tomorrow or delaying it for as long as it can be delayed.

I could not be more delighted that, after so many long years, we are almost there. This is almost done. By the end of today, Australia will be a better, kinder and fairer place for all of us. I want to pay tribute to those pioneers who have been fighting for this day for so many years and so many decades, and that is the reason that I cannot support this amendment—not either part of this amendment. I know that this has been an enormously difficult campaign for our LGBTIQ families, having to defend yourselves and defend the people you love from all sorts of nonsense—and you've heard plenty of it today in the discussion of some of these amendments.

The SPEAKER: No, these two amendments!

Ms PLIBERSEK: These two amendments in particular. But soon love will prevail, and it will be your victory, and I hope you will enjoy it.

Mr CRAIG KELLY (Hughes) (17:20): I will not be long, I just want to conclude on the final point that I made because it is a most important point. The fundamental principle of this country, with our religious freedoms, is the ability to change one's religion if one so seeks. But what this bill does is provide a 90-day window for someone who is a civil marriage celebrant to decide where they will sit—whether they will solemnise same-sex marriage or they will not. They have 90 days to exercise their religious freedoms, and then after that they cannot change their position. That is something I cannot support. And I would encourage again my colleagues to give this amendment one final thought about whether they can support it. It will not frustrate the bill. The final bill will go through, but this will at least give marriage celebrants some form of protection.

Finally, I am completely against the principle that we as a government will hold a list that divides marriage celebrants into some that support same-sex marriage and some that don't. I believe that fundamental principle is against the entire bill for what all those in the gallery here are to support. With that, I commend the amendment to the House.

Mr WILKIE (Denison) (17:22): I cannot support this amendment and, indeed, I haven't supported any of the earlier amendments, because during the postal survey the overwhelming majority of Australians voted to end the discrimination. They did not vote to create discrimination, and that would be the effect of this amendment. That's why this amendment cannot be supported. Isn't it time to stop the discrimination and to stop the hurt? Haven't members of the LGBTIQ community been hurt enough for so long—those that have been vilified and abused and hated and assualted and even murdered, and those who have been forced to take their own life? Surely it is time to end the discrimination. That's why this amendment cannot be supported. I say to the opponents of same-sex marriage: you've had your day. It is now time—it's beyond time—for the members of the LGBTI community, many of whom are people of faith themselves, many of whom, as people of faith along with everyone else of faith, will continue to enjoy freedom of religion. But surely it's time to give the LGBTI community freedom from religion. I will not support this amendment. The protections in the current bill are satisfactory. I think we should just do this thing. In closing, can I say something I said the other day in my speech on the second reading: our laws don't just tell us how to act; they also reflect how we think as a country, so let's start thinking better.
Mr ANDREWS (Menzies) (17:24): I rise to support the amendments moved by the honourable member for Corangamite, and I do on this basis: if, as we are being assured collectively by the Labor Party and by others in this place, there are no adverse consequences of making this change to the legislation—and it's been the assertion that has been put repeatedly during the long hours of this debate today that there are no adverse consequences—then they should support clause 1 of the amendments from the member for Corangamite. There are no explanatory memoranda and there's no reference to international instruments, so this can be read and interpreted simply on the basis of the words that appear in the amendment itself:

Nothing in this Act limits or derogates from the right of any person, in a lawful manner, to manifest his or her religion or belief in worship, observance, practice and teaching.

If there are no adverse consequences, as we are repeatedly assured, then surely that provision can be supported. Otherwise, the words that we hear, contrary to the fact of how people vote, are basically worthless and meaningless so far as this debate is concerned.

Earlier in the debate, we had assertions about the protection of organisations that are advancing religious causes, and yet the point put—that many of these religious organisations operate under other clauses within the Charities Act for other charitable purposes; namely, advancing health, education and social welfare—has not been answered in this debate. So the suggestion that is made that there are no adverse consequences of these changes is simply wrong. It is a bland assertion that has no basis to it, and if there was some basis for answering that, it would have been properly answered. We are asked instead to trust in a process that will occur next year, a process, as far as I'm aware, for which there is not even terms of reference at this particular point of time. In other words, there are no adverse consequences but, if there should happen to be so, well, trust in a process that might come along next year.

I think there's been a major mistake, if I may say so, on the part of the Labor Party. Effectively, failing to allow a conscience vote—and we all know members on the other side who have grave reservations about this; I'm not going to name them but we all know who they are—will, in the eyes of many Australians, actually reduce the legitimacy of this outcome, and that is something which I don't think is very desirable.

But I finish on the point that if the negative consequences that many people have warned about, who genuinely are concerned about them, come to pass, then I hope that those who have asserted boldly and blandly here that there are no such negative consequences will at least have the grace and humility to accept that they were wrong.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (17:27): This last set of amendments seeks to achieve two ends. First, the amendment inserts what is claimed to be a protection of religious freedoms and, second, the amendment would extend the right to refuse to solemnise marriages to all civil celebrants. The Senate voted against these amendments by a substantial majority, 36 to 27 and 38 to 25, respectively. Passing these amendments here, members need to know, would create a substantial disagreement with the Senate.

Labor opposes both of these amendments, and I'll briefly explain why. As to the first, which said to be a protection of religious freedom, this is an attempt to enshrine article 18.1 of the International Covenant on Civil and Political Rights into Australian law with a declaratory amendment, and it is a radical proposal. It has potentially far-reaching and uncertain legal
effects. The Attorney-General has claimed that such a declaration would not have legal effect, which does beg the question, why do it then? But Senator Brandis's legal advice is not something I or, I suspect, anyone else is comfortable relying on. The High Court's decision on the citizenship case just a few weeks ago in which all seven judges comprehensively blew the government's legal position out of the water is only the most recent example. Contrary to the claims made by the Attorney-General and other speakers, legal experts have said that this amendment could have far-reaching implications. It's a legal wildcard that the member for Corangamite is trying to insert into a carefully drafted bill. It's a wildcard that was not recommended in the unanimous consensus report of the cross-party Senate committee on which the bill is based.

The amendment proposes cherrypicking of a single right from a far more expansive human rights treaty without thought for the imbalances that this could create with respect to the other fundamental rights enshrined in the ICCPR. For example, why single out article 18(1) but not article 18(3), which states:

> Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

And in this context, article 26 of the ICCPR is also of significance. It commences:

> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

The Australian people in every state and territory have just resoundingly voted to remove discrimination, not to increase it. I'm going to read again what the Prime Minister said of this bill on 17 November at a press conference:

> … the Bill … does include important protections for churches and for ministers of religion. It doesn't impose any restrictions on religious practice or religious speech or preaching or anything of that kind. Freedom of religion is a critically important right of all Australians, it is part of us. It is recognised in the Constitution. So, the protection of freedom of civil rights and freedom of religion in particular is one that is very important. But I have to say I do not see it as being threatened or impinged in any way by the Smith Bill.

I agree with the Prime Minister and Labor agrees with the Prime Minister. And I have to say that we in Labor are more than happy to discuss the better integration of international human rights obligations into Australian law. But the complex issues that are raised by this amendment need to be carefully considered by the religious freedoms inquiry that the Prime Minister has established for this very purpose. And the work of that inquiry should not be preempted by this rushed amendment.

On the other part of the amendment, the bill already permits ministers of religion and a new category of religious marriage celebrants from being required to solemnise same-sex marriage if it offends their religious beliefs. Labor has accepted this as a reasonable protection of religious freedoms. But the amendments here would extend the right to refuse to solemnise a marriage to civil celebrants, and Labor opposes this amendment. It was expressly rejected by the Senate committee, it undermines the purpose of the new category of religious marriage celebrants who may refuse to solemnise same-sex marriages where it offends their religious beliefs and it undermines the fundamental principle that civil celebrants, as secular representatives of the state, should be bound by antidiscrimination legislation. (Time expired)
Ms HENDERSON (Corangamite) (17:32): Before I sum up, I seek leave to put the question on the two amendments separately.

The SPEAKER: The member for Corangamite is requesting that the amendments be put separately. The amendments are in the possession of the House together and so in order for them to be separated now, the member for Corangamite will need to seek leave for that to occur. Is the member for Corangamite seeking leave?

Ms HENDERSON: Yes.

The SPEAKER: Is leave granted?

Leave not granted.

Ms HENDERSON: In summing up the first amendment, I want to reiterate and emphasise that nothing in this bill before the House in any way prevents or limits the rights of people to practice their faith, to preach their faith or to teach the doctrines, tenets, beliefs and observances which underpin their faith. I reject the arguments against this amendment and I say to the member for Sturt, respectfully, that he is not correct. Legislation frequently includes provisions which clarify the operation, breadth and scope of such legislation. As legislators, we must ensure that acts of parliament are interpreted as intended. That is why this amendment is important. And to the member for Goldstein and other members: there's absolutely no reference to any international treaty. It should be read on the face of the amendment.

In relation to the second amendment, this enables marriage celebrants other than ministers of religion to refuse to solemnise marriages on the basis of the celebrant's religious or conscientious beliefs. The bill before the House does not currently provide for these rights. It is right and proper that a celebrant who holds religious or conscientious beliefs should not be compelled to conduct a marriage or otherwise face recriminations, legal action or worse as a result of not complying with the Sex Discrimination Act. It is important to make the point—I make this point strongly—that the Sex Discrimination Act does not apply to anything done by a person in direct compliance with the Marriage Act. Already members opposite have agreed that there should be a proper exemption in relation to the Sex Discrimination Act in the bill before the House. I certainly am proposing this should be extended.

In conclusion, I'm very proud today to stand on this side of the House with each of my Liberal and National colleagues who are exercising a genuine free vote. I respect each person's right to vote in accordance with their conscience. It is absolutely disappointing that Labor members opposite have not been granted a free vote. A free vote on the original bill and not on any of the amendments is no free vote at all. Members know it. In fact, if a member were to cross the floor, it is likely that he or she could be expelled from the Labor Party, because that's how the Labor Party works. So today I am particularly proud to stand here as a Liberal to put these amendments to the House. I commend these amendments to the House.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (17:36): I want to be clear: Labor has accepted the need to protect religious freedoms. There is protection of religious freedoms in the bill in the form in which it has come to this House from the Senate. The Prime Minister has described the bill as having adequate religious freedoms, which is why it is a great curiosity that the Prime Minister has said that he proposes to vote for this...
unnecessary, ill-thought-through amendment. We will not be extending exemptions from antidiscrimination legislation to secular officers appointed by the state. This is something that civil celebrants have not themselves sought. There is already in the bill the creation of a new category of religious marriage celebrants, and that is an acceptable compromise. Labor opposes both parts of this last amendment. Let's get this done.

The SPEAKER: The question is that the amendments moved by the member for Corangamite be agreed to.

The House divided. [17:42]

(The Speaker—Hon. Tony Smith)

Ayes .......................... 63
Noes .......................... 79
Majority ...................... 16

AYES
Abbott, AJ  Andrews, KJ
Andrews, KL  Bishop, JI
Broad, AJ  Broadbent, RE
Buchholz, S  Chester, D
Christensen, GR  Ciobo, SM
Coleman, DB  Coulton, M
Crewther, CJ  Drum, DK
Dutton, PC  Fletcher, PW
Flint, NJ  Frydenberg, JA
Gee, AR  Gillespie, DA
Goodenough, IR  Hartley, L
Hastie, AW  Hawke, AG
Henderson, SM  Hogan, KJ
Hunt, GA  Irons, SJ
Joyce, BT  Katter, RC
Keenan, M  Kelly, C
Landry, ML  Laundy, C
Lee, J  Littleproud, D
Marino, NB  McCormack, MF
McVeigh, JJ  Morrison, SJ
Morton, B  O’Brien, T
O’Dowd, KD  O’Dwyer, KM
Pasin, A  Pitt, KJ
Porter, CC  Price, ML
Ramsey, RE (teller)  Roberts, SR
Sudmalis, AE  Sukkar, MS
Taylor, AJ  Tehan, DT
Tudge, AE  Turnbull, MB
Van Manen, AJ (teller)  Vasta, RX
Wallace, AB  Wicks, LE
Wilson, RJ  Wood, JP
Wyatt, KG

NOES
Albanese, AN  Aly, A
Bandt, AP  Banks, J
Thursday, 7 December 2017 HOUSE OF REPRESENTATIVES

NOES

Bird, SL
Brodtmann, G
Burney, LJ
Butler, TM
Chalmers, JE
Chesters, LM
Claydon, SC
Conroy, PM
Dick, MD
Elliot, MJ
Entsch, WG
Feeney, D
Freelander, MR
Giles, AJ
Hammond, TJ
Hayes, CP
Husar, E
Jones, SP
Kelly, MJ
Khilil, P
King, MMH
Laming, A
Ley, SP
Marles, RD
McGowan, C
Mitchell, RG
O'Neil, CE
Owens, JA
Plibersek, TJ
Pyne, CM
Rowland, MA
Sharkie, RCC
Snowdon, WE
Swanson, MJ
Thistlethwaite, MJ
Watts, TG
Wilson, JH
Zimmerman, T

Bowen, CE
Burke, AS
Butler, MC
Byrne, AM
Champion, ND
Clare, JD
Collins, JM
Danby, M
Dreyfus, MA
Ellis, KM
Evans, TM
Fitzgibbon, JA
Georganas, S
Gosling, LJ
Hart, RA
Hill, JC
Husic, EN
Keay, JT
Keogh, MJ
King, CF
Lamb, S
Leigh, AK
Macklin, JL
McBrick, EM
Mitchell, BK
Neumann, SK
Perrett, GD (teller)
Prentice, J
Rishworth, AL
Ryan, JC (teller)
Shorten, WR
Stanley, AM
Vanvakinou, M
Wilkie, AD
Zappia, A

Question negatived.
Bill agreed to.

Third Reading

An incident having occurred in the gallery—
Honourable members interjecting—

The SPEAKER (17:48): Order! Order! We still have the third reading. We're not at the conclusion of the debate.

An incident having occurred in the gallery—

The SPEAKER: Members in the public gallery, we are not at the conclusion of the debate. The Prime Minister has the call.
Mr TURNBULL (Wentworth—Prime Minister) (17:48): Mr Speaker, I ask leave of the House to move the third reading immediately.

Leave granted.

Mr TURNBULL: What a day. What a day for love, for equality, for respect. Australia has done it. Every Australian had their say and they said, 'It's fair. Get on with it,' and the parliament has got on with it and we have voted today for equality, for love. It's time for more marriages, more commitment, more love, more respect. We respect every Australian who has voted, those who voted yes and those who voted no. This belongs to us all. This is Australia: fair, diverse, loving and filled with respect. For every one of us, this is a great day. It belongs to every Australian. The 45th Parliament is doing its job—delivering and getting on with it. It's fair. We've done the work and we've done it together. Let's do it. Let's finalise this bill right now.

The SPEAKER: Before I call the Leader of the Opposition, I need the Prime Minister to formally move that the bill be read a third time.

Mr TURNBULL: I move:

That this bill be now read a third time.

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (17:50): Australia, we are going to make marriage equality a reality in minutes. The Australia of tomorrow begins with what we do today. At long last, LGBTIQ Australians will be equal under the law. Our law will speak for a modern Australia, inclusive and fair. Those of us in parliament, who are privileged to serve, understand that we do so with humility, the humility to recognise that the passage of this law does not, in essence, belong to us, but the credit for the passage of this law belongs to all Australians.

I say to those who voted no: I recognise that now is the time for healing, to put this debate behind us. And when this law is passed, we should declare that we are no longer a nation of people who voted no or people who voted yes—we are simply Australians, one and all. I say to LGBTIQ Australians in particular: you have given us a gift. When this parliament passes the marriage equality law, it will not be a gift from us to LGBTIQ Australians. Equality is never a gift to be given. Equality is an inalienable birthright of every Australian, and this equality is long overdue. The gift that LGBTIQ Australians have given all of us is that when we are a nation that includes all of our people and values all relationships and all families then we are a better nation altogether.

So as it is written that 'there is a time for everything, and a season for every activity under the heavens', it is now a time to heal, a time to build, a time to laugh, a time to embrace, a time to love and now, at last, a time for marriage equality.

Mr BANDT (Melbourne) (17:52): What a big day for love, because, despite the years of bigotry and hate, and despite the years of violence, lies, ignorance and fear, love has won and it's time to pop the bubbly. I'm going to keep this short and sweet, because it's time to let the bells ring and let the people sing, because love has won.

The SPEAKER: The question is that the bill be read a third time.

A division having been called and the bells being rung—
The Speaker: For the members in the public gallery, I just say: at the end of this division, there's still one procedure that needs to happen. I say to members as well: when the doors are locked and I have read the result of the division, we do need to hear from the clerk to finalise the bill. The clerk does get the last word.

The bells having rung—

The Speaker: As there are fewer than five members on the side for the noes in this division, I declare the question resolved in the affirmative in accordance with standing order 127. The names of the members in the minority will be recorded in the Votes and Proceedings.

Question agreed to, Mr Broadbent, Mr Katter, Mr Littleproud and Mr Pitt voting no.

Bill read a third time.

Parliamentary Representation

Qualifications of Members

An incident having occurred in the gallery—

The Speaker (18:03): We've got some other business to do. For the information of members, I present a copy of my letter and attachments to the Principal Registrar, High Court of Australia, dated 7 December 2017, relating to the reference to the Court of Disputed Returns of the qualification of the member for Batman, Mr David Feeney.

Bills

National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017

First Reading

Bill and explanatory memorandum presented by Mr Turnbull.

Bill read a first time.

Second Reading

Mr Turnbull (Wentworth—Prime Minister) (18:04): I move:

That this bill be now read a second time.

Today I'm introducing legislation to counter the threat of foreign states exerting improper influence over our system of government and our political landscape.

When I initiated a report into this in August last year, through my department, the Australian Security Intelligence Organisation had made significant investigative breakthroughs and delivered a series of very grave warnings.

But our agencies lacked the legislative tools they needed to act. And it's fair to say that our system as a whole had not grasped the nature and the magnitude of the threat.

The findings of the report are necessarily classified.

But I can say the reasons for initiating this work were justified and the outcomes have galvanised us to take action.

Our Principles
The policy outcomes—including the legislation I am introducing—will all be shaped by the following principles.

First, we are focused on the activities of foreign states and their agents in Australia and not the loyalties of Australians who happen to be from a foreign country. There is no place for racism or xenophobia in our country. Our diaspora communities are part of the solution, not the problem. To think otherwise would be not only wrong and divisive but also folly—in a nation where most of us come from migrant families and one in four of us was born overseas.

Second, interference is unacceptable from any country whether you might think of it as friend, foe or ally. Nations and their representatives will be judged by their behaviour in Australia, not who they are.

Third, we will not tolerate foreign influence activities that are in any way covert, coercive or corrupt. That is the line that separates legitimate influence from unacceptable interference.

We are not concerned with 'soft power', as the term is properly understood, as an attractive force. If another nation has cultural or economic gravitational pull then it suggests they are doing something right and we would all benefit from being involved.

We will always assert our national interests, and we expect other countries to do the same.

But we do insist that all players engage openly and within the rules.

Finally, and most importantly, our rejection of covert, coercive or corrupting behaviour leads naturally to a counter-foreign-interference strategy that is built upon the four pillars of sunlight, enforcement, deterrence and capability.

What does this mean?

This means that if you are acting to further the interests of a foreign state in ways that are clandestine or deceptive then we will shine light upon your actions and, where necessary, we will shut you down.

It means that if you use inducements or threats to manipulate a political process or public debate then we will unleash the full force of powerful new laws and defend our values and democratic institutions.

And it means that foreign actors who would do us harm are now on notice: we will not tolerate covert, coercive or corrupting behaviour in our country.

**Protecting our Democracy**

Media reports have suggested that the Chinese Communist Party has been working to covertly interfere with our media, our universities and even the decisions of elected representatives right here in this building.

We take these reports very seriously.

Our relationship with China is far too important to put at risk by failing to clearly set the terms of healthy and sustainable engagement. Modern China was founded by the statement that Chinese people have stood up. And today, and every day, the Australian people stand up and assert their sovereignty in our nation, with our parliament and with our laws.

Anyone who has glanced at the international media over the course of this year will see that questions of foreign interference are not all about China—far, far from it. Globally, Russia has been wreaking havoc across the democratic world.
There are credible reports that Russia was actively undermining the integrity of the Brexit referendum, this year's presidential elections in France and last year's presidential election in the United States.

And other nations are reportedly conducting interference operations outside their borders, including Iran and North Korea.

In some cases, authoritarian states have been literally manufacturing public opinion in order to hijack political discourse and tilt the decision-making landscape to their advantage.

These are their aims but it is up to us to determine whether they are successful.

And now these methodologies have been turbocharged by cyber.

The very technology that was designed to bring us together, the internet, is being used as an instrument of division.

Russian agents seeking to sow discord in the United States reached 126 million users on Facebook, published more than 131,000 messages on Twitter and uploaded over 1,000 videos to YouTube, according to the belated admissions from those platforms.

We are witnessing the mass production, the democratisation if you like, of disinformation.

George Orwell portrayed a post-truth dystopia, where, 'The past was erased, the erasure was forgotten, the lie became the truth.'

His dark prophecy is not our present reality but nor is it entirely fantasy.

Listen to the recently retired US Director of National Intelligence, James Clapper, in his testimony to the US Congress in May:

If there has ever been a clarion call for vigilance and action against a threat to the very foundation of our democratic political system, this episode is it.

This is not just a call for action in the US. It is a clarion call to open societies everywhere.

We must ensure Australian democracy is resilient to all threats, from any country, now and in the future.

**Australian Resilience**

We in Australia have good reason to be optimistic.

We have a strong economy, labour market and welfare system.

We have strong borders which support the most successful multicultural society in the world.

Our institutions are robust, including the rule of law and vibrant independent media.

Our system of compulsory voting ensures that mainstream political parties must compete for the middle not the poles.

We are as well placed as any democratic nation to face the global threat of foreign interference—but it would be reckless to assume we are immune.

I quote from ASIO's most recent annual report:

The harm caused by hostile intelligence activity can undermine Australia’s national security and sovereignty. It can damage Australia’s international reputation and degrade our diplomatic and trade relations … inflict economic damage, degrade or compromise nationally vital assets and critical infrastructure, and threaten the safety of Australians.
So when the Director-General of ASIO, Duncan Lewis, says the threat from espionage and foreign interference is 'unprecedented' then we know that we must act.

The Director-General is telling us that the threat we face today is greater than when Soviet agents penetrated the federal government during World War II and the early years of the Cold War.

**The Legislation**

The legislation I am introducing today is designed to reinforce the strengths of our open democratic system while shoring up its vulnerabilities.

I mentioned earlier that our Counter Foreign Interference Strategy has four pillars: sunlight, enforcement, deterrence and capability.

Of these, sunlight is at the very centre.

To ensure activities are exposed to sunlight, following an extensive review by the Attorney-General, we are introducing a new Foreign Influence Transparency Scheme.

The principle is quite straightforward.

If a person or entity engages with the Australian political landscape on behalf of a foreign state or principal then they must register accordingly.

This will give the Australian public and decision-makers proper visibility when foreign states or individuals may be seeking to influence Australia's political processes and public debates.

The link could be a financial relationship or some other form of arrangement.

Registration requirements are carefully structured so that the closer you get to the heart of Australian politics, the more likely it is that you must register.

Being registered under the scheme should not be seen as any kind of taint. And certainly not as a crime.

To the contrary it is applying the basic principles of disclosure to allow the public and policymakers to assess any underlying agenda.

But if you fail to disclose your ties to a foreign principal then you could be liable for a criminal offence.

This is not about shutting down legitimate debate, but rather enabling it.

**Interference, espionage and sabotage**

Sunlight is the most reliable disinfectant but it will not be sufficient on its own.

We are also introducing, for the first time, offences for acts of foreign interference. Addressing a clear gap, we will criminalise covert, deceptive and threatening actions by persons acting on behalf of, or in collaboration with, a foreign principal aiming to influence Australia's political processes or prejudice our national security.

Acts of foreign interference are often intertwined with espionage.

But our espionage laws are so unwieldy they have not supported a single conviction in decades, even as the threat reaches unprecedented levels.

So we will also introduce a range of carefully structured espionage offences as well as new provisions for secrecy, sabotage and treason.
Any one of these three pieces of legislation—the foreign donations legislation, which Senator Cormann will introduce into the Senate, transparency, and interference-related criminal offences, would mark an enormous improvement in our ability to counter foreign interference.

Together, they add up to the most important overhaul of our counterintelligence legislative framework since the 1970s.

They should be seen as interlocking components. All are important and none will fully succeed without the others.

Finally, we need a central hub to not only enforce the law but do so in a way that maximises deterrence.

This is where our new Home Affairs portfolio will come in.

There is no national security threat outside war time that demands an integrated all-of-government capability like this one.

By enacting this legislation, and building the capability to properly use it, we are sending an unmistakable signal:

We will not allow foreign states to use our freedoms to erode freedom; our open democracy to subvert democracy; our laws to undermine the rule of law.

**Conclusion**

The purpose of our counter-foreign interference strategy is not to close our borders to people, capital and ideas but the very opposite.

We are dealing surgically with the risks so that we can sustain the enormous benefits that flow from our openness to the world.

I give personal thanks to my Attorney-General, Senator George Brandis, who has applied his Queen's Counsel's mind methodically and creatively to tailor our legislative framework.

Our vibrant civil society will soon be reinforced by a groundbreaking transparency regime and our enforcement agencies will soon have the legislative tools they need.

These new laws will help the Leader of the Opposition manage any issues inside his party, I should note.

I must also thank Duncan Lewis and his investigators at ASIO.

The breakthroughs you have achieved are as important as any your organisation has made in 60 years.

Our job is far from finished. To the contrary we have arrived at the beginning of a long program of strengthening our democratic resilience.

I am filled with optimism about our nation's future—the most successful multicultural society in the world—not just being resilient to challenges, but thriving on the opportunities they present.

We are open. We are optimistic. But we are not naive. This legislation will ensure we continue to be secure and free.

And I commend it to the House.

Debate adjourned.
Foreign Influence Transparency Scheme Bill 2017

First Reading

Bill and explanatory memorandum presented by Mr Turnbull.

Bill read a first time.

Second Reading

Mr Turnbull (Wentworth—Prime Minister) (18:18): I move:

That this bill be now read a second time.

In introducing the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017, I have spoken of the serious threat posed to Australia and our interests by covert foreign interference and espionage.

The Foreign Influence Transparency Scheme Bill will establish the Foreign Influence Transparency Scheme. The scheme introduces registration obligations for persons or entities who have arrangements with, or undertake certain activities on behalf of, foreign principals. It is intended to provide transparency for the Australian government and the Australian public about the forms and sources of foreign influence in Australia.

I commend this bill to the House.

Debate adjourned.

Foreign Influence Transparency Scheme (Charges Imposition) Bill 2017

First Reading

Bill and explanatory memorandum presented by Mr Turnbull.

Bill read a first time.

Second Reading

Mr Turnbull (Wentworth—Prime Minister) (18:19): I move:

That this bill be now read a second time.

The Foreign Influence Transparency Scheme (Charges Imposition) Bill 2017 provides legislative authority for the government to impose charges on people under the Foreign Influence Transparency Scheme (the scheme).

Under the scheme, a person will be required to pay a charge if they make an application for registration or renew their registration.

Separate legislation is required for the Foreign Influence Transparency Scheme charges under section 55 of the Constitution, as the charges will be established through a cost recovery levy.

This bill provides that the amount of the charges is to be prescribed by the regulations. The charges will partially cost-recover the scheme. This will enable government to effectively and efficiently administer the scheme and ensure it meets its transparency objectives.

The scheme has the objective of providing transparency around the forms and sources of foreign influence in Australian political and governmental processes. It is important that compliance with the scheme be encouraged to ensure it can meet this objective. The charges will be set accordingly.
The imposition of charges under the Foreign Influence Transparency Scheme (Charges Imposition) Bill 2017 is consistent with the Australian Government Cost Recovery Guidelines.

A cost recovery impact statement will be made publicly available before any charging activity is undertaken by the scheme.

Conclusion

This is an essential measure to provide transparency for the Australian government and the Australian people about the forms and sources of foreign influence in Australia.

It is appropriate for the costs of administering the scheme to be partially cost recovered. The bill provides the legislative authority for this charging regime.

I commend the bill to the House.

Debate adjourned.

Home Affairs and Integrity Agencies Legislation Amendment Bill 2017

First Reading

Bill and explanatory memorandum presented by Mr Turnbull.

Bill read a first time.

Second Reading

Mr TURNBULL (Wentworth—Prime Minister) (18:22): I move:

That this bill be now read a second time.

Today I am introducing legislation to establish a Home Affairs portfolio which will bring together Australia's security, law enforcement, criminal intelligence and emergency management functions under the direction of one senior minister.

A new Department of Home Affairs will be responsible for setting strategies and coordinating policies on counterterrorism and violent extremism, counter foreign interference, serious and organised crime, cybersecurity, border security, immigration and social cohesion.

The portfolio will include the Department of Immigration and Border Protection as well as the Australian Federal Police, AUSTRAC and the Australian Criminal Intelligence Commission.

ASIO will be included within the portfolio after the passage of this legislation in the new year.

Each of the intelligence and law enforcement agencies will retain their full statutory independence. This structure is modelled loosely on the arrangements in the United Kingdom and, of course, their Home Office.

At the same time, we are strengthening our intelligence architecture by creating an Office of National Intelligence in my portfolio and empowering it with a leadership role in our intelligence community.

Modelled loosely on its US counterpart, the ONI will not only provide analysis and assessments but also advise on priorities, improve coordination and raise performance accountability across the community.

CHAMBER
Together, these initiatives represent the most far-reaching reorganisation of our national security architecture since the Hope royal commissions of the late seventies and early eighties.

**Why now?**

To those who argue that the system is not broken, I can reassure you that you are absolutely right.

We have been incredibly well served by our intelligence, security, and law enforcement agencies.

There has not been a single point of crisis that has led politicians to scramble in hasty reaction.

But that is precisely the point.

We are not going to sit here avoiding improvements that could be made and waiting for a crisis that exposes the need for them.

If I could quote a former head of ASIO, Paul O’Sullivan, speaking immediately after the announcement of my decision to establish a Home Affairs portfolio, he said, 'Improvements should be made before something is broken.'

Or to quote his successor, and also former head of ASIS, David Irvine, 'Too often, governments are only stirred to improve national security or law enforcement capabilities after some catastrophic failure.'

These reforms are driven by the reality that the threat environment we face is rapidly changing and, it has to be said, worsening.

The fact is we are being tested, stretched. States are adapting. Terrorists are adapting. Serious and organised crime gangs are adapting. And so must we.

New threats are emerging which did not exist when the security architecture was designed in the 1970s. Others have evolved to be barely recognisable from what we knew back then. Much of this evolution has been enabled by technology.

The reforms that we are introducing today mean that our national security system will be stronger, more resilient and more responsive.

**Freedom**

Importantly, at the same time that we are strengthening our security arrangements, we are also strengthening integrity and oversight.

In his enhanced role as first law officer and minister for integrity—that will not be his title, but that is essentially a good description of the role—the Attorney-General will assume responsibility for the Inspector-General of Intelligence and Security, the Independent National Security Legislation Monitor and the Commonwealth Ombudsman.

And the Attorney will continue to sign off on all ASIO warrants.

There are some who believe security and freedom to be binary opposites, as if there exists a universe in which you could have one without the other.

To the contrary, I am sure that all honourable members agree that these dual objectives can be—in fact must be—mutually reinforcing.
'Freedom,' said the philosopher Karl Popper, 'defeats itself if it is unlimited.'

**Terrorism**

Terrorists, hostile intelligence agencies, people smugglers and criminal syndicates—from drug peddlers to pedophile rings—are all probing for our vulnerabilities, online and off.

**Border security**

We have seen extraordinary progress in our efforts on border security. There has not been a single people-smuggling boat reach our shores in over 1,200 days. No deaths at sea, no illegal people smuggling trade, no kids in detention.

Compare this achievement with the frayed social cohesion that you see elsewhere in the world when nations lose control of their borders and fail to invest, as we do, in the integration of migrants who arrive.

Tragically, in our own country, a collapse of border security emboldened 50,000 individuals to entrust their lives to people smugglers. This resulted in over 1,200 deaths at sea.

We cannot afford to let this happen again. We will not let it happen again.

At the same time, we have been able to increase our humanitarian program as well as resettle 12,000 refugees from the Syrian conflict.

This would not have been possible without our strong border management policies and high levels of public confidence in our well-managed migration system.

When we look around the world—with its broken borders and 65 million displaced people—we see that this is no time for complacency. People smugglers are constantly testing our resolve. I want to pay credit to the work of the Department of Immigration and Border Protection, the work of Operation Sovereign Borders and the work of Border Force, and the leadership that has been shown by the minister and, of course, by his predecessor, now Treasurer.

**Foreign Interference and Espionage**

We start from a stronger foundation than most other countries. Australia's strengths are freedom, diversity and security.

These attributes are not mutually exclusive; rather they are mutually reinforcing.

Security is a prerequisite to the trust and confidence that allows a diverse and free society to flourish.

The far-reaching reforms I'm introducing today align with our vision for how we will engage with the world—from the foreign policy white paper to the defence white paper to the Cyber Security Strategy.

Our reforms will strengthen the Australian Cyber Security Centre's role as the backbone of our enhanced cybersecurity capabilities. The operational experts in the ACSC will work closely with the policymakers in Home Affairs.

And the transformation of the Australian Signals Directorate into a statutory authority within the Defence portfolio enhances our international leverage.

Today's reforms will enhance the benefits of the nine tranches of national security legislation the coalition has taken through parliament since August 2014.
From combating foreign fighters and preventing terror attacks at home, to the telecommunications sector security reforms and establishing the Critical Infrastructure Centre—the establishment of the Home Affairs portfolio will provide a lasting foundation to make best use of these reforms and safeguard Australian lives and interests.

Key aspects of the Home Affairs and Integrity Agencies Amendment Bill.

The three broad changes I'm introducing today to our national security agencies and arrangements are the most far reaching in our history.

First, the creation of a Home Affairs portfolio brings together our law enforcement, counterterrorism, counter-foreign-interference, border security, transport security, intelligence and cybersecurity capabilities.

For the first time we will have a single Minister for Home Affairs providing the government with comprehensive, integrated advice about the threats we face and how we should respond.

Second, the overhaul of our intelligence architecture will add new capability, coordination and accountability. The new Office of National Intelligence will provide strategic leadership and enhanced enterprise management.

Third, the Attorney-General will enhance his role as first law officer. He will retain responsibility for the administration of the criminal justice system, including formal international crime cooperation mechanisms, while taking on a suite of new oversight responsibilities with our intelligence community.

The Attorney-General will be, as I noted earlier, the Minister for Integrity, in line with the United States and UK models. We must ensure Australians have confidence in the scrutiny and oversight of our intelligence agencies.

Security and integrity go hand in hand, each enables the other.

Conclusion

The question is not what freedoms must we forgo to ensure security but what security is required to enable our freedom.

Security is a precondition for the trust and confidence that allows a diverse and free society to flourish.

This Home Affairs and Integrity Agencies Legislation Amendment Bill will build our resilience, reinforce the integrity of our systems and prevent malicious actors from taking advantage of our freedom.

A decade ago it was all about counterterrorism, still a very, very pressing threat, as we know. But adversaries, threats and technology have proliferated and evolved.

North Korea is a pressing threat to peace at this minute but it cannot distract us from the need to combat Islamist terrorism, or foreign interference in our political system, or criminal syndicates looking to smuggle drugs, people, weapons or run paedophile rings all aided by the internet.

These are all critical priorities. They all must be our focus.
The new arrangements will help us integrate all our efforts to counter these threats, growing threats, and prioritise and reprioritise as necessary for optimal results and without unnecessary duplication.

This is how we will keep Australia safe, keep families safe, keep our interests secure.
This is the pathway to ensure our great nation retains its freedom, security and diversity.
I commend the bill to the House.
Debate adjourned.

COMMITTEES
Public Works Committee
Approval of Work

Mr McCormack (Riverina—Minister for Small Business) (18:33): I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Airservices Australia new aviation infrastructure and fire station works at Brisbane Airport to support the new parallel runway.

Question agreed to.

Reference

Mr McCormack (Riverina—Minister for Small Business) (18:34): I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Engine Test Cell 1 Upgrade, RAAF Base Amberley, Queensland.

Question agreed to.

Reference

Mr McCormack (Riverina—Minister for Small Business) (18:35): I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Joint Health Command Garrison Health Facilities upgrade project.

Question agreed to.

Reference

Mr McCormack (Riverina—Minister for Small Business) (18:36): I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Joint Project 157—Replacement aviation refuelling vehicles infrastructure project.

Question agreed to.

Reference

Mr McCormack (Riverina—Minister for Small Business) (18:36): I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Maritime Operational Support Capability facilities project.

Question agreed to.
Mr Speaker has received advice from the Chief Opposition Whip nominating members to be members of certain committees.

That:
(1) Ms M. M. H. King be discharged from the House of Representatives Standing Committee on Economics and that, in her place, Mr J. H. Wilson be appointed a member of the committee; and
(2) Ms Claydon and Mr Dick be appointed members of the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Question agreed to.

BILLS

Treasury Laws Amendment (Putting Consumers First—Establishment of the Australian Financial Complaints Authority) Bill 2017

First Reading

Bill received from the Senate and read a first time.

Ordered that the second reading be made an order of the day for the next sitting day.

Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures No. 1) Bill 2017

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate's amendments—
(1) Page 2 (after line 11), after clause 3, insert:

4 Review of operation of amendments

(1) The Minister must cause an independent review of the operation of the amendments made by this Act.

(2) The review must:

(a) start as soon as practicable after 18 months after Royal Assent; and
(b) be completed within 6 months.

(3) The Minister must cause a written report about the review to be prepared.

(4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.

(5) The report is not a legislative instrument.

(2) Schedule 1, item 1, page 5 (after line 7), after subsection 138-10(2), insert:
(2A) If the Commissioner determines that you have suffered a financial hardship, you are taken to have satisfied paragraph (2) (a).

(2B) The regulations may specify the circumstances in which the Commissioner is to determine that a person has suffered a financial hardship for the purposes of subsection (2A).

(3) Schedule 1, item 1, page 5 (lines 16 to 19), omit section 138-15, substitute:

138-15 Review
If you are dissatisfied with:
(a) a *first home super saver determination in relation to you; or
(b) a decision the Commissioner makes not to make a determination under subsection 138-10(2A);
you may object against the determination, or the decision, as the case requires, in the manner set out in Part IVC.

Mr McCORMACK (Riverina—Minister for Small Business) (18:40): I move:
That the amendments be agreed to.
Question agreed to.

COMMITTEES
Economics Committee

Report

Mr COLEMAN (Banks) (18:40): On behalf of the Standing Committee on Economics I present the following reports, together with the minutes of proceedings: Review of the four major banks: Third report, incorporating a dissenting report; and Review of the Australian Securities and Investments Commission annual report 2016.

Reports made parliamentary papers in accordance with standing order 39(e).

Mr COLEMAN: by leave—Since the House of Representatives Standing Committee on Economics commenced its inquiry into Australia's four major banks in October 2016, we have held three major rounds of hearings. Of course, our April report contained 10 recommendations, nine of which were adopted by the government in the May budget in relation to consumer complaints, the Banking Executive Accountability Regime, new powers to the ACCC in relation to interest rates, establishing an open data regime to increase competition in the sector and also improving regulatory requirements to make it easier for banks to get off the ground, because at the moment it's very, very difficult.

In October of this year, the banks appeared before the committee in the third round of public hearings. One of the critical issues which forms the basis of recommendation 1 of this report concerns so-called tap-and-go payments. What happens at the moment is, if a consumer has a debit card that also has credit functionality—an EFTPOS and visa functionality, known as a debit card—and presents that in a payWave or tap-and-go function, that the banks route that payment through the credit network. What that means is that merchants pay higher fees than they would if it went through the EFTPOS network. Ultimately, the merchant may pass on those fees to customers. Those fees are estimated at hundreds of millions of dollars.

The committee is strongly of the view that the banks should be required to give merchants the choice about whether those payments are routed through the EFTPOS network or through the international credit scheme network. This is a very, very important point. The Retailers Association estimates this issue costs merchants $290 million per year and, of course, that...
money has to come from somewhere, and that somewhere ultimately is customers. So it's very, very important that the government adopts recommendation 1 of this report, which is that, if the banks don't voluntarily provide this choice to merchants by 1 April 2018, the Payments System Board should take regulatory action to require it to happen. This issue should have been addressed earlier. It certainly should be addressed by no later than April of this year. It is good that the ANZ has committed to do this in the public hearings. The other three banks need to follow up on that and implement this immediately.

I won't detain the House, but I would note that another important issue raised in the hearings was the imposition of increased interest rates on borrowers in interest-only loans. The banks argued that this occurred in response to regulatory requirements of APRA. The ACCC, using its new powers following on from the recommendation of this committee, is now investigating that issue to determine whether the banks' public statements about these interest rate rises were, in fact, accurate or misleading and deceptive. It's a very important issue and it's very important that the ACCC conducts very granular analysis. What that means is that the ACCC needs to really understand the mechanics of the financial modelling and financial estimates of the banks. It needs to take that very granular and very detailed information and compare it to the public statements of the banks. And the ACCC, using the horsepower which, no doubt, it possesses, needs to determine whether or not what the banks have done was misleading and deceptive, and the committee certainly awaits that report with interest. Of course, the issues related to the Commonwealth Bank and the AUSTRAC allegations against it are very serious and formed an important part of the inquiry, and the report contains a recommendation in relation to that matter as well.

We table the committee's report in relation to the recent ASIC hearings. We discussed a number of matters related to the banking sector such as the Financial Complaints Authority, the Banking Executive Accountability Regime and other matters. The report goes through these issues in some detail. On behalf of the committee, I thank the chairman of ASIC, Mr Greg Medcraft. It was his last appearance before the committee at the hearing on 14 September. The committee thanks Mr Medcraft for his service to the nation in his capacity as chairman of ASIC and we wish Mr Medcraft every success in the future. I commend both of these reports to the House.

Mr THISTLETHWAITE (Kingsford Smith) (18:46): by leave—I join with the member for Banks in congratulating and thanking Mr Medcraft for his service as the chairman of ASIC over many years and as the chief regulator of practices within the banking industry. In respect of the ASIC report, the hearing focused on competition in the banking sector and the reason for recent interest rate increases. Members of the committee probed ASIC regarding the changes to prudential rules that APRA recently introduced and the fact that many of the banks, in the wake of that, had pushed up their interest rates when APRA had given evidence previously that there was no reason for that to occur. And important discussions continued around the failures of financial advisers and investigations into the bank bill swap rate scandal.

I took the opportunity to question ASIC regarding regulatory guidance 97, which addresses how super funds and other financial products disclose their fees and costs. It's due to come into effect at the end of this month and RG 97 is not a level playing field, in effect, in that it exempts the bank super fund platforms. In essence, ASIC wanted to make sure that the fees
and costs of interposed entities were consistently reported across managed funds and the super sector. However, in practice, super fund platforms were exempted and additional fees and costs from the interposed vehicles associated with platforms are exempted. Since the platform will only include fees and costs of the platform, and the investor will have to get the fees and costs of their various investments made through a platform from another source, this means that bank owned super investment platforms are going to look artificially cheaper. There are a lot of investments that are subject to platform exemption and estimates are that up to $500 billion in assets are managed under platforms. Mr Kell admitted and told the committee that RG 97 had been a point of contention. There had been numerous articles in the media but, nonetheless, ASIC was working to ensure that there weren't any differences and that the platforms acted equally.

In respect of the banking inquiry, this was the third round of hearings with the bank CEOs appearing before the economics committee. It possibly could be the last, given that the Turnbull government has agreed to a royal commission. For 600 days the Prime Minister and representatives of the government ignored the pleas of victims, ignored the pleas of whistleblowers and ignored people who had been calling for a banking royal commission—indeed, many of the Liberal and National Party MPs. The call for a royal commission originally came from a Senate inquiry into wealth management scandals at the Commonwealth Bank, and it was Labor and National Party MPs that recommended a royal commission to government. The government ignored that recommendation for 600 days. Then, of course, the bank executives wrote to the government, and the government rolled over and have given us a royal commission.

Labor members of the committee made a number of recommendations in a dissenting report in respect of the banks. The government should appoint more commissioners to deal with the royal commission workload. They've only got a year to deal with this and they're going to have to take a heck of a lot of evidence on all of the scandals that have occurred in wealth management and insurance and on the AUSTRAC issues and other areas of banking, so they need to appoint more commissioners. The government should extend the terms of reference for the royal commission to include matters that look at the treatment of victims, in particular, but also at the culture of banks, executive remuneration, consultation with victims groups, protection for whistleblowers, regulation and oversight, the conduct of liquidators where they relate to the financial services sector and what's going on internationally and whether or not regulation is adequate. Once again, I thank the members of the committee and the secretariat and those that were involved in these hearings.

**Mr COLEMAN (Banks) (18:50):** I move:

That the House take note of the *Review of the four major banks: Third report.*

**The DEPUTY SPEAKER:** The debate is adjourned. The resumption of the debate will be made an order of the day for the next day of sitting.

**Reference to Federation Chamber**

**Mr COLEMAN (Banks) (18:50):** I move:

That the order of the day be referred to the Federation Chamber for debate.

Question agreed to.
Social Policy and Legal Affairs Committee

Report

Ms HENDERSON (Corangamite) (18:50): On behalf of the Standing Committee on Social Policy and Legal Affairs, I present the committee's report, incorporating dissenting comments, entitled *A better family law system to support and protect those affected by family violence: Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence*, together with the minutes of proceedings.

Report made a parliamentary paper in accordance with standing order 39(e)

Ms HENDERSON: by leave—I rise today to present the Standing Committee on Social Policy and Legal Affairs' report of its inquiry into a better family law system to support and protect those affected by family violence. I thank the Attorney-General for this reference.

The committee adopted this inquiry in March this year and spent a number of months gathering evidence. We received 126 submissions and held 10 hearings across Canberra, Melbourne, Sydney and Alice Springs. We have heard from multiple organisations, advocacy groups, governmental departments and thousands of individuals—many harrowing personal accounts of experiences with family violence and the family law system.

In every suburb, in every town and in every city, family violence is a scourge across Australia. It affects families and individuals in horrendous and insidious ways. Leaving a violent relationship is an overwhelmingly difficult process which may involve significant risk to those affected including children, financial pressures, relocation and emotional turmoil. Some people, of course, are unable to leave a violent relationship and that can lead to tragic consequences.

Whether it be in relation to parenting orders, property division or the protection and safety of children, many people affected by family violence turn to or are required to enter the family law system. However, rather than providing safety and resolution to these families, the journey through the family law system can be a very difficult one and result in increased risk, trauma, prohibitive costs, a lack of justice and unacceptable delays in resolving the issues in dispute. Abuse of the legal system, itself, can also be used to inflict family violence.

Our report builds on much good work of other inquiries and calls for swift and, in some cases, urgent improvements to the family law system.

The system is failing people. Our report reflects our particular concerns about the safety of children. The family law system must ensure that urgent cases and families at greatest risk are case managed appropriately. To do this, it is critical that the existence of family violence is determined as early as possible in proceedings, before key decisions affecting family members are made. There must be a single point of entry into the federal family courts so that applications can be triaged and appropriately case managed to their timely resolution.

The committee received much evidence that the presumption of equal shared parental responsibility is being improperly applied, leading to unjust outcomes and compromising the safety of children. We have recommended its removal. This must be considered in tandem with the need to determine family violence allegations early in the best interests of the child. Not only is this critical to delivering justice and safety to those impacted by family violence,
it is also vital for those against whom false or spurious allegations of family violence are made.

Access to justice must be improved. We have also recommended:

- legally assisted mediation for families impacted by family violence rather than allowing them to fall through the cracks;
- a trial in one or more state courts so that all family violence matters including under federal law can be heard in the one court;
- additional resources to tackle the backlog of cases;
- a proper voice for children; and
- as endorsed by Bravehearts, expert panels to hear from and support children who've been abused.

The committee is greatly encouraged by the Attorney-General's reference to the Australian Law Reform Commission to review the family law system. Broader reform is absolutely necessary.

Our recommendations endorse a number of reforms already announced by our government—prohibiting cross-examination by perpetrators of family violence, and better support for self-represented litigants are just some examples.

Reform is also required in property matters—family violence should be expressly recognised as a factor, and small claims should be resolved quickly and fairly.

This inquiry has provided the committee with raw insight into the distress, grief and extreme difficulties faced by families affected by family violence who, unwittingly or otherwise, become embroiled in the family law system.

Thank you—a sincere thankyou—to the many witnesses and more than 5,000 people who completed our questionnaire, telling their story, often an immensely difficult task. Your stories have been powerful, your voices have made a difference and they have been heard.

I commend the report to the House.

Ms CLAYDON (Newcastle) (18:57): by leave—I thank the chair for allowing me the opportunity to make some additional comments at the end of what has been a pretty remarkable day in the Australian parliament. I do want to begin with a few thankyou's. I note that many members of the secretariat are here in the chamber tonight, including Peggy, Lauren and Sophie, I think. I give a huge thankyou to the entire team of the secretariat. I know that this report wasn't always easy. It was challenging in terms of the content, the issues that we were dealing with and the many issues that had to be thrashed out amongst the committee members. It is terrific that we have been able to arrive at a report that does flag a lot of very important changes to the area of family law, particularly when it comes to the sorts of ways in which we might better support families experiencing family violence.

One of the recommendations I want to very briefly touch on is around the recommendation to remove the presumption of equal shared parenting responsibility. This is quite a big departure from our existing family law but one that we, as committee members, gave a lot of very serious thought and consideration to. Evidence came before us that really highlighted the fact that there were great inadequacies in the way in which the current presumption of equal
shared parenting was operating. Despite the fact that there were exemptions available to families experiencing violence, those exemptions were very rarely exercised, and indeed there was substantial evidence to suggest that the presumption was, in fact, contributing to a number of inappropriate and sometimes damaging post-separation parental arrangements. When we were considering, as the committee should do, that it is the interests of the child that should be first and foremost in our considerations and should be the primary presumption, then this presumption of equal shared parenting responsibility really was not living up to expectation. It is a recommendation that I expect might trigger some debate—indeed, that's a good thing—but there are plenty of reasons, as the committee makes clear, as to why that presumption now should be removed.

I would just like to spend the remaining few minutes that I have on some of the points that we still have some differentiation on in terms of the Labor members' view of the report. We've not had a dissenting report, but we have accompanied the report with some additional comments. I'm just going to deal with three issues very quickly. One is to really highlight the issue around resourcing. Time and time again, we took evidence that would suggest that many of the difficulties that families were experiencing when they sought to get resolutions of their family disputes in the court systems were due to an underresourcing of the family law system. We heard of delays of two years and more in some cases. Let's face it: by the time you end up in a Family Court situation, you are usually at the end of your tether. You've exhausted most, if not all, of your options. People are experiencing significant trauma in their life by the time they're at that point, so delays of two years or more are intolerable and sometimes are putting families at increased risk in not having their disputes heard in a timely manner.

In addition to the resourcing issues, there were concerns around ongoing delays in the replacement of judges, whether those judges were retiring or being moved on—really needing to deal with those delays. Getting judges replaced in a more timely manner is going to be critical in order not to continue to add to the already significant backlog of casework that our Family Court and Federal Circuit Court are dealing with. The family law system and the support services around it just need to be properly resourced so that there is timely and effective access for families that require these services. Indeed, lives often depend on them.

The other area I would like to very quickly touch on is just as important. Family law reform is a critical journey for this nation. The Labor members certainly note the Attorney-General's recent instructions commissioning the Australian Law Reform Commission to do a review of the Family Law Act. We think that, given that that review is over a two-year period, that will be a very thorough review of the Family Law Act. We were concerned about some possible pre-empting of those findings here, so we haven't given unqualified support to the reforms suggested in some parts of the report, preferring instead to ensure that the ALRC review is able to run its full course and that those changes or any reform proposals put on the table have been thoroughly considered before being implemented.

The final thing that I would like to end on here is an issue that I know has certainly concerned the Labor members, and that is the inability of the committee to talk face to face with and take evidence directly from the heads of the Family Court and the Federal Circuit Court.

It would be fair to say that there is a very significant difference of opinion when it comes to this matter. Really, it is vital that committees in this parliament are able to freely hear and
take evidence from all of the key stakeholders in any inquiry. For the Social Policy and Legal Affairs Committee, which I’ve sat on in the last term of parliament and in this one, being able to talk directly to those judges has been absolutely critical to the findings of our reports. I know that there was advice received from the Attorney-General that suggested this was no longer possible, but I would like to put on record that this approach really does represent a very drastic and, in my view, detrimental departure from a time-honoured and longstanding effective practice of this parliament.

I would request—and, indeed, I have put this in the report on behalf of Labor members—that the committee and the Attorney-General give very serious reconsideration to their position on this issue. The notion that heads of jurisdiction would not be able to come to talk to parliamentary committees and give key evidence in inquiries is really worrying. There was very clear evidence in the correspondence that came to the committee subsequently that both of those judges were very keen to engage with us. But the advice from the Attorney-General had made it such that they weren't able to do so. So I would ask that the Attorney-General reflect on that and give some serious reconsideration to his position there.

Having said that, I do wish to thank the chair and, indeed, all committee members, for the incredibly hard work that was put into making this report. But the huge thanks, of course, go to all of the people who made submissions and gave evidence. As the chair's comments made clear, that evidence is given at a time when people are under great stress and anxiety, and so it was especially appreciated. We know that sometimes having to relive these stories is no easy task. So, thank you again. I hope this report goes some way towards meeting the expectations and hopes of those people using our family law court systems.

Ms Henderson (Corangamite) (19:07): Very briefly, I also would like to acknowledge and thank the deputy chair and the wonderful secretariat—Emily, Lauren and Peggy—who have worked so hard and done an incredible job to bring us what we both believe is a very significant report and which we hope will lead to very significant reform for families who have suffered family violence. I move:

That the House take note of the report.

The Deputy Speaker (Mr Coulton): The debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

Reference to Federation Chamber

Ms Henderson (Corangamite) (19:08): I move:

That the order of the day be referred to the Federation Chamber for debate.

Question agreed to.

Communications and the Arts Committee

Report

Mr Howarth (Petrie) (19:08): On behalf of the Standing Committee on Communications and the Arts, I present the committee’s report, incorporating a dissenting report, on the inquiry into the Australian film and television industry, together with the minutes of proceedings.

Report made a parliamentary paper in accordance with standing order 39(e).
Mr HOWARTH: by leave—I’ll be as brief as possible; I know the hour. The Australian film and television industry plays an important role in telling the stories that help to foster our cultural identity and also makes a significant economic contribution to the nation. There are however significant technological changes and other issues impacting on its future growth and sustainability.

On-demand platforms such as Amazon and Netflix have transformed the way Australians access their screen content. Cinema and television are no longer as dominant due to this audience disruption although they remain an important part of this industry.

This inquiry was a timely examination of the policy settings that underpin our domestic screen industry, including tax incentives and Australian content quotas. Direct funding by Screen Australia, international co-production treaties, and the Foreign Actor Certification Scheme were also reviewed.

The committee has made 13 recommendations to government to help secure the future growth and sustainability of the Australian screen industry. Those recommendations include:

- a single harmonised producer offset of 30 per cent for all Australian screen productions, which is a 50 per cent increase in the current rebate for television programs and non-cinematic features; an increase in the location offset from 16.5 per cent to 30 per cent to ensure Australia can effectively compete for large-scale international productions;
- a requirement for subscription-on-demand companies such as Netflix to invest 10 per cent of their revenue earned in Australia on new Australian content;
- a 50 per cent reduction in the overall children's Australian content quota for commercial broadcasters, but a requirement for this to be filled principally with live action drama; the replacement of the hours based quotas for new children's content with a contestable fund to ensure the future production of high-quality Australian drama for children;
- a children's Australian content quota for the ABC and a requirement that SBS show a minimum of 50 per cent Australian content across all of its channels;
- a requirement that 10 per cent of Screen Australia's funding be earmarked for productions filmed in regional areas outside of Sydney and Melbourne; and removal of the unnecessary red-tape obligation to consult the Media, Entertainment and Arts Alliance before permitting a foreign actor to work in Australia. It was complete red tape in relation to that.

I want to thank the whole industry for their contribution—in particular, Screen Producers Australia and Screen Australia—and everyone who made submissions to the inquiry. There were some confidential submissions. I really appreciate everything that you did. I also want to thank the committee secretariat—Stephen Boyd, Kilian Perrem and Emma Banyer—as well as my own staff member Sue Quinn. I also want to thank the opposition members. We worked very closely as a committee—the member for Corangamite was also on my committee. We came up with the topic and worked as closely as possible on a bipartisan issue. It is a little bit disappointing that there is a dissenting report. On this side of the House we made some changes and some recommendations that may not necessarily even be popular with government but we felt were in the best interests to grow the industry. I think on the other side they squibbed it a bit. But I did enjoy working with the deputy chair and the other two members on the committee.

I move:

That the House take note of the report.
The DEPUTY SPEAKER: The debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

Reference to Federation Chamber

Mr HOWARTH (Petrie) (19:13): I move:

That the order of the day be referred to the Federation Chamber for debate.

Question agreed to.

Public Accounts and Audit Committee

Report


Report made a parliamentary paper in accordance with standing order 39(e).

Mr HILL: by leave—I notice the subtle gesticulations from the Christmas Grinch over there, the Leader of the House, to make this a short speech and I have crossed out most of the recommendations. But there is a reason that duty calls and we have to do this now: an important statutory review of the PGPA Act is underway and this report needs to be made available to them. The report sets out the findings of the committee's inquiries based on the following audit reports: No 58, Implementation of the annual performance statement requirements; No. 6, Corporate planning in the Australian public sector; and No. 31, Administration of Higher Education Loan Program debt and repayments. I'll just touch on a couple of the recommendations. As for the rest, those avid readers with a sleeping disorder can read them at home at any time. But there is one report in particular that I think is very important, and potentially transformative, that we want to draw the public's attention to. The Commonwealth Performance Framework generally requires Commonwealth entities to produce corporate plans, portfolio budget statements, annual reports and annual performance statements. Improving this framework to ensure a line of sight between the use of public resources and the outcomes achieved by Commonwealth entities has been a long-term focus for many years of the committee.

And the important recommendation that I want to draw the House's attention to is to build on the momentum and the implementation of the overall Commonwealth Performance Framework. The committee has recommended an important change to the PGPA Act be made by the government, and that is that the act would be amended to enable mandatory annual audits of the performance statements by the Auditor-General. Mandatory audits may not sound exciting, but they're very important because, as the House would know, the Commonwealth has great confidence in the financial statement auditing of public entities because the Auditor-General must audit all of the performance information sitting behind financial statements. But that's not the case in relation to non-financial performance reporting. And so what this change means is that over the next few years as it is introduced—if the government accepts the recommendation—then the parliament and the public will be able to have far greater confidence in the veracity and robustness of the non-financial performance reporting.
Moving towards a mandatory system similar to financial auditing will take some time to enable entities to build the capability and also to establish effective processes. The committee seeks to establish the framework now to enable this transition to commence, and we will consult, of course, with entities on the timing of rollout. In the meantime the Auditor-General—the ANAO—should continue to build its audit methodology so that it's positioned to audit annual performance statements in a similar way as occurs with regard to financial statements. In plain English, what that means is all of the outputs of agencies—this parliament can have proper confidence in the data which underpins them.

I’ve skipped out most of the recommendations. As I said, you could read it at home. But the other important thing that I would just draw the House's attention to is we've also suggested that the government amend the PGPA rule and guidance so that entities' audit committees also should have capability around non-financial performance auditing.

One other thing: in its report the committee also concluded that the Department of Education and Training could improve its performance reporting for the Higher Education Loan Program, and the committee endorsed the ANAO finding that the department and the Australian tax office should broaden the range of program information reported publicly, making a recommendation on this matter.

So I extend my thanks to all members of the committee for their deliberations during this inquiry. I commend the report to the House, and I wish you all merry Christmas. I move:

That the House take note of the report.

The DEPUTY SPEAKER: The debate is adjourned. The resumption of the debate will be made an order for the next day of sitting.

Reference to Federation Chamber

Mr HILL (Bruce) (19:17): For the sake of clarity, I advise that I'm not going to move that the order be referred to the Federation Chamber. There is no need for further debate on this report.

Report

Mr HILL (Bruce) (19:18): by leave—I present executive minutes on reports 461, 462 and 463 of the Joint Committee of Public Accounts and Audit.

Foreign Affairs, Defence and Trade Joint Committee

Report

Mr CREWThER (Dunkley) (19:18): On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the committee's report, incorporating additional comments from the Australian Greens, entitled Hidden in plain sight: an inquiry into establishing a modern slavery act in Australia.

Report made a parliamentary paper in accordance with standing order 39(e).

Mr CREWThER: by leave—As chair of the foreign affairs and trade subcommittee, it is my pleasure to table the committee's final report for the inquiry into establishing a modern slavery act in Australia. I am honoured to propose that we seek a referral for this inquiry to the subcommittee, in October last year, with the strong support of the foreign minister. The inquiry was then referred to the committee from the Attorney-General in February 2017.
This inquiry examined best practice in fighting modern slavery both in Australia and globally. In doing so, we examine the UK’s Modern Slavery Act 2015 to assess its effectiveness as well as measures adopted in various countries such as the US, France and the Netherlands, and how these could be improved. Slavery and exploitation continue to be scourges globally. Modern slavery is an umbrella concept covering a number of different forms of exploitation such as forced labour, debt bondage, child labour, human trafficking and forced marriage. There are currently more than 40 million estimated victims of modern slavery globally, including 4,300 in Australia. These crimes are already illegal under Australian law. They are covered by sections 270 and 271 of the Criminal Code. Furthermore, the Australian government maintains an ongoing commitment to stopping slavery in Australia and globally, through both the National Action Plan to Combat Human Trafficking and Slavery and the Bali Process.

Nevertheless, modern slavery remains notoriously difficult to stop. It is a hidden crime which can be inadvertently supported by the community.

Our inquiry has been widely welcomed by business, civil society and the wider community. The subcommittee received over 220 submissions and undertook 10 public hearings in four cities. We heard how the government and business can best tackle the problem of slavery, both in Australia and globally, and we listened to the plights of some of the most vulnerable.

The stories received by the subcommittee have stunned many people. We heard from Sinet Chan, a young Cambodian woman who was sent to an orphanage at the age of nine, but who was exploited by its directors. We heard about Mohammed Rowi, a Malaysian man who was given no payment for work in northern Victoria. I was also shocked by the story of a woman who was forced to live in the wall cavity of a brothel in my own electorate of Dunkley. These stories are a microcosm of the experiences suffered by victims globally, and unfortunately reflect the abuse and suffering wrought by the worst of humanity.

Despite these horrors, the subcommittee also received information about the work people are doing to try and stamp out modern slavery and to assist victims. We heard from groups committed to stopping human trafficking into orphanages in South-East Asia and around the world. We listened to some of the biggest companies in Australia and around the world, who are determined to stop forced labour being part of their supply chains. We spoke to faith representatives, who continue to show compassion and understanding for those most vulnerable.

Together these accounts and efforts bring modern slavery out of the shadows. Victims are in our own backyards, whether it be in Seaford, Parramatta or Cairns. It may be in the global supply chains of the goods we purchase, with victims providing labour to help to manufacture, for example, the shirt you wear or the fish you eat.

This creates two problems. The first and most concerning is that Australian shoppers could inadvertently support modern slavery. One part of a shirt may have been manufactured using forced labour; however, because it is only an element of the end product it may not be found out. Secondly, a competitive disadvantage is often created for businesses doing the right thing. For example, Haigh's Chocolates have made efforts to eliminate the risk of modern slavery in their supply chains; however, Haigh's can lose out in the market to those who do not have the same attentiveness to the risk of modern slavery and who can therefore outprice
them. The same applies to the horticultural industry, where producers can be outpriced by, and can't compete with, local or international goods where there is exploitation and modern slavery.

As such, the report recommends the establishment of a modern slavery act in Australia, with mandatory supply chain reporting for entities with a revenue above $50 million, as well as a central repository of statements. Furthermore, by creating an optional reporting opt-in for entities below the $50 million threshold, we can incentivise smaller businesses.

The committee also recommends establishing an independent antislavery commissioner. This role, created in the UK, sees the appointed person as an independent adviser and point of contact and reviewer for businesses, civil society and government in combating modern slavery. We were fortunate to host the UK commissioner, Mr Kevin Hyland, and learn how his role has impacted the fight against modern slavery in the UK. The committee and I have recommended that this role be replicated as a linchpin for the fight against modern slavery here.

Further, I note the problems of orphanage tourism and trafficking which were brought to the attention of the committee throughout this inquiry, and in particular the work of Senator Linda Reynolds on this issue. Many Australians, out of the kindness of their hearts, contribute money and time to assist in children in need. However, the subcommittee also heard significant evidence there are many unscrupulous orphanages ruthlessly exploiting children for profit. The committee believes the government should continue to encourage the charity of Australians while still ensuring their generosity reaches its target, and thus recommends a register of approved overseas residential care institutions, thus limiting donations and support for unregistered orphanages, as well as a national advertising campaign.

The inquiry also heard about labour exploitation, particularly in the horticultural sector with migrants and backpackers. This is something I personally know about, having grown up in the country and having lived in Mildura, in north-west Victoria, for a couple of years, knowing many of these issues firsthand. One example is Moe Tureaga, a Fijian migrant who gave evidence of being unpaid in his farm work for two years.

As a result, the committee recommends changes to Australia's visa system to eliminate and reduce tied visas that often lead to exploitation and modern slavery. We also recommend introducing a uniform national labour hire licensing scheme. In addition, the committee recommends a national compensation scheme for victims of modern slavery.

This landmark report does not come together without the hard work of many. I would like to thank all submitters, witnesses and interested parties who contributed to the inquiry. Furthermore, I would also like to thank the committee's secretariat, in particular Josh Forkett, who has done an incredible job, as well as Jason, Dorota, Natasha, plus Jason from Hansard. Furthermore, I would like to thank full committee chair Senator David Fawcett, subcommittee deputy chair Senator Alex Gallacher and all members and senators of the subcommittee for their work. The fact that support has been bipartisan is a strong indicator of the support to tackle this issue.

Further, I'd lastly like to thank the Attorney-General and the Minister for Justice, who authorised this inquiry and also took the initiative, upon the release of our interim report, to gain approval through cabinet and the party room to then announce that the Australian
government would legislate on modern slavery with respect to supply chain reporting, and 
open a public consultation process on this.

Finally, I'd like to particularly thank Zac Smith, from my office, who is here today, who 
helped me continuously on the inquiry and the support of my office team, as well as the pro 
bono support from Abi from Norton Rose Fulbright. I would also like to thank my better half, 
Grace, for her continuous support and patience throughout this inquiry.

The support of those directly interested, as well as the broader community, will help bring 
modern slavery into the light.

I move:
That the House take note of the report.

The SPEAKER: The debate is adjourned. The resumption of the debate will be made an 
order of the day for the next sitting.

Reference to Federation Chamber

Mr CREWTHER (Dunkley) (19:26): I move:
That the order of the day be referred to the Federation Chamber for debate.
Question agreed to.

National Disability Insurance Scheme

Report

Mr ANDREWS (Menzies) (19:26): On behalf of the Joint Standing Committee on the 
National Disability Insurance Scheme, I present the committee's report entitled Provision of 
services under the NDIS Early Childhood Early Intervention Approach.

Report made a parliamentary paper in accordance with standing order 39(e).

Mr ANDREWS: by leave—By 2019-20, it's expected that 47,000 of the 460,000 total 
NDIS participants with approved plans will be children aged between nought and six. The 
NDIA estimates that a further 59,000 children aged between nought and six may identify as 
having a developmental delay or disability but are not expected to need individualised funded 
supports.

The ECEI, Early Childhood Early Intervention, approach is designed to individually 
determine and facilitate the most appropriate support pathway for each child aged nought to 
six years with a disability or developmental delay, regardless of diagnosis, and their family.

The approach is intended to uphold the eligibility criteria of the NDIS, while helping to 
ensure that less severe cases are supported outside the scheme.

The committee recognises that the ECEI approach is in its infancy, however, it's concerned 
that the current access arrangements are potentially advantaging families who can afford to 
source expensive assessments and reports to expedite their child's access to the scheme.

Improvements to the ECEI

The committee acknowledges the efforts being made by the National Disability Insurance 
Agency to continually improve the operation and access to the ECEI pathway. However, the 
committee understands concerns regarding the eligibility criteria, and is of the view that 
unclear eligibility criteria increase risk of misinterpretation and conflicted understanding. The
repeated confusion over whether one or more than one area of developmental delay determines access to the ECEI pathway illustrates that more work is required to clearly announce which children will be eligible for support. Publication of clearer guidance around all aspects of entry to the pathway would assist all stakeholders.

The NDIA has recently made significant improvements to the participant pathway, however the committee remains troubled by reports that planners have poor understanding of the needs of children that they are developing plans for. Planners should, at the least, have awareness of recommended intervention guidelines and therapies for the major disability cohorts, and demonstrate sensitivity in their communication with families.

Assessment tools

The committee is also concerned by reports that the PEDI-CAT tool is unsuited to assessing the functional capacity of children with a developmental delay, including those with autism spectrum disorder (ASD), yet it is being used by the agency and its partners to inform access and funding decisions and track children's developmental progress. The potential inaccuracy of the PEDI-CAT in determining a child's functional needs leads to broader concerns about whether the number of children with developmental delay accessing the NDIS and the level of the delay is correct.

The committee is concerned that some families have had to fully or partially fund assessment and diagnosis reports to ensure their child could access ECEI services and have adequately funded plans. As discussed in chapter 2 of the report, which has been tabled, there should be no need for families to provide these costly assessment and diagnosis reports at the time of lodging the access request for ECEI services with the NDIA or during the planning process.

As already indicated, the committee is concerned with the numerous reports of significantly underfunded plans for ECEI participants. The committee noted the funding shortfalls and inconsistencies in plans appear to particularly affect children with ASD and those with hearing impairments. The report explores evidence in relation to recurring funding shortfalls and plans with children with ASD. It appears that the level of funding granted in many plans does not meet participant needs and does not align with recommended evidence based practice guidelines. This is resulting in those children not accessing the right level of support and therapies to achieve optimal outcomes.

Alarmingly, the committee heard that NDIS funding levels are often lower than previous national funding models such as helping children with autism. It is concerning that some participants and their families are potentially worse off than under previous funding models. With almost 40 per cent of NDIS participants aged zero to six years having ASD as their primary disability, it is of paramount importance that the agency urgently addresses the issue of scope and level of funding in plans for children with this disability.

The committee also believes that approval of funding for assistive technology should be systematically and consistently based on the participant's individual needs to achieve optimal outcomes. The funding decision should not be based on minimising costs. As a result, the committee is concerned that some submitters suggested that participants were given inappropriate assistive technology equipment to reduce costs. The committee believes that access to supports for families and carers should be integral to the ECEI approach. The
committee agrees that, to date, the role of siblings of children with disability has been overlooked within the framework of the NDIS and the early intervention approach. The committee believes the agency should consider the development of sibling-specific supports and how these could be integrated into the early intervention approach. Development of tailored programs should be considered and delivered through the ILCs.

The committee is concerned with widespread reports of delays in accessing and receiving services for ECEI participants with a plan. This can significantly impact on the successive therapies and the ability of participants to achieve optimal outcomes. Where delays can be attributed to staffing pressures in the agency, the committee is of the view that this needs to be urgently addressed by the NDIA.

The committee understands there can be significant additional costs to deliver services in rural and remote areas, including costs associated with travel. It noted that the new NDIA price guide introduced on 1 July this year incorporates a series of changes, including an increased price loading to apply for delivery of supporting to participants in remote and very remote parts of Australia. However, it appears that the issue of travel costs remains a significant cause of concern for many service providers.

The committee acknowledges the agency has made efforts to publish a range of early intervention related material on its website. However, it agrees with submitters that the quality of information currently available for families and carers could be and indeed should be improved. The agency should ensure that information on the website is logically presented. All information should be clearly dated, indicate if it has been superseded and identify related historical information. Information relevant to the early intervention approach should consolidate information from multiple sources and remove redundant and contradictory information.

The committee is also of the view that ECEI partners do not currently have the capacity or funding to conduct essential outreach and support services for vulnerable cohorts. The committee agrees with the Productivity Commission that adequately resourcing the information linkages and capacity building, ILC, is critical to ensure people with disability are connected with appropriate services.

The committee also is troubled by reports that there are Aboriginal and Torres Strait Islander families unable to use allocated funding because they are unsure how to access services. The committee considers that resources should be developed in co-design with people with disability, Aboriginal and Torres Strait Islander populations, and CALD communities to assist them to understand the scheme, and how to use their funds to access services.

The work undertaken by the agency in developing an Aboriginal and Torres Strait Islander engagement strategy is a positive step. However, it is imperative that the NDIA develop a specific strategy to ensure that culturally appropriate early-intervention services are delivered for this community by specialised staff.

Conclusion

In conclusion, the committee received a wealth of information and evidence throughout the inquiry and thanks all those submitters and witnesses who participated. As a result, the committee has made 20 recommendations, which aim to strengthen the effectiveness of the
scheme and ensure that children can be appropriately supported and reach their full potential. I thank all members of the committee for their cooperative approach to this important social and economic issue for the nation, and I'd particularly like to thank the secretariat for their ongoing work on the NDIS inquiries.

Ms MACKLIN (Jagajaga) (19:36): by leave—On this great day for equality, I'm very pleased to speak on this report that is about making sure that the National Disability Insurance Scheme delivers its primary purpose for people and, in this case, for small children with disability so that they can live a life that will give them every opportunity to be everything they want to be. All of us in this place want to make sure that the supports through the National Disability Insurance Scheme are delivered as early as possible to children with disability and developmental delay. This inquiry went to that purpose.

I endorse the remarks made by the member for Menzies, the chair of the committee, and I thank him and all the other members of the committee for the work that they've done and, of course, I thank all the people who made submissions and came to the hearings. The report makes a lot of important recommendations, which I won't go through at this late hour. The member for Menzies has done that, and I endorse his remarks. There were many concerns raised by parents and professionals—people like speech therapists and occupational therapists—about delay. Delay in access to services and early intervention is very serious for children with disability. It can mean the difference in a small child being able to deal with and overcome their disabilities or not. If they have to wait, as they are, for access to get into the National Disability Insurance Scheme, they're waiting for their plans to be finalised and they're then waiting for reviews to be done. As many of the submitters indicated, there is a lack of staff in the National Disability Insurance Agency, and many of the submitters highlighted that this is the result of the cap on staffing imposed by the government.

As the member for Menzies has said, there are many recommendations in the report. I commend them to the government and to the National Disability Insurance Agency. For the sake of the small children in Australia who are born with or develop a disability or early developmental delay, it is very, very important that these recommendations are implemented.

Mr ANDREWS (Menzies) (19:39): I move:

That the House take note of the report.

The SPEAKER: The debate is adjourned and the resumption of the debate will be made an order of the day for the next day of sitting.

Reference to Federation Chamber

Mr ANDREWS (Menzies) (19:39): I move:

That the order of the day be referred to the Federation Chamber for debate.

And may I wish everybody a Merry Christmas.

The SPEAKER: The question is that the order of the day be referred to the Federation Chamber for debate. I don't think we need a motion on your last point, thank you, Member for Menzies!

Question agreed to.

Mr SNOWDON: by leave—It is often said that there is no greater constitutional responsibility for any federal government and elected federal representatives than the defence and security of our nation and of our people.

The Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade is seeking to engage more strategically over the longer term to provide more effective parliamentary oversight and engagement in Defence policy implementation.

The review activities of the subcommittee have been realigned to the Defence annual report reporting cycle and the subcommittee is taking a more focused approach to analysis and testing of reported reform progress.

The Defence subcommittee's examination of strategic reforms reported in this annual report review has provided encouraging evidence of positive reform progress being made on the first principles review implementation.

The subcommittee notes that these reforms are a long-term multigovernmental journey.

It is the subcommittee's view that the parliament, through the Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, can, and should, provide greater oversight of and support for long-term reforms.

This review of the Defence annual report 2015-16 is the first undertaken by the Defence Subcommittee of the 45th Parliament.

In line with the committee's intent to provide more effective parliamentary oversight and support, the review focuses on six key themes:

- Operations,
- Implementation of strategic programs,
- Service overviews,
- Integrated investment,
- Personnel matters, and
- Other matters.

First and foremost, the subcommittee recognises the dedication and commitment of the service men and women of the Australian Defence Force and their Australian Public Service counterparts who support them.

The subcommittee commends them on the outstanding service they provide to our nation.

The subcommittee also acknowledges that members of the ADF are supported by a network of families, friends and loved ones and that their support should also be acknowledged.
As well as taking a keen and ongoing interest in the reform program, the subcommittee is also taking a keen interest in the Defence re-equipment program.

The subcommittee supports the re-equipment program and supports a comprehensive approach to long-term certainty in Defence capability delivery and organisational reform.

The subcommittee also acknowledges the efficiencies and benefits gained through the establishment of the Australian Defence headquarters and the allocation of joint capability authority responsibilities to the Vice Chief of the Defence Force.

The subcommittee is deeply appreciative and expresses its gratitude and respect for the service given by all of Australia's veterans and notes the challenges that many of them, and their family and friends, face as a consequence of their service.

I would like, on behalf of the committee, to take this opportunity to assure veterans and their families that the Defence subcommittee is also taking an ongoing interest in the services provided to veterans and the effectiveness of the support to members of the ADF who transition to life outside the ADF.

In this report, the subcommittee has made a series of recommendations on immediate and longer term reforms and has also identified issues that it will continue to monitor closely in 2018.

Finally, I'd like to acknowledge the chair, Senator Reynolds, and the committee members for their hard work, and, most importantly, the committee secretariat. And finally, I particularly thank Colonel Colin Blyth, who was promoted only this week, I think, for his wonderful service as the Defence adviser to the committee. I wish him well as he moves onto another job.

I commend the report the House.

DELEGATION REPORTS

Australian Parliamentary Delegation to the 137 Inter-Parliamentary Union Assembly

Mr JOSH WILSON (Fremantle) (19:44): I present the report of the Australian Parliamentary Delegation to the 137th Assembly of the Inter-Parliamentary Union that was held in St Petersburg, within the Russian Federation, from 14 to 18 October 2017. I ask leave of the House to make a short statement in connection with the report.

Leave granted.

Mr JOSH WILSON: The 137th assembly of the IPU was an important gathering of parliamentarians from countries around the world, and at an important time. We considered emergency motions in relation to the humanitarian crisis in Myanmar and the aggressive nuclear-testing actions of North Korea.

In attending, it was a privilege to be there with members from the other place: the leader of the delegation, Senator Ian Macdonald, and also Senator Chris Ketter. Australia's participation in the IPU is very well regarded. You yourself, Mr Speaker, and your interest in and commitment to the IPU were mentioned on a number of occasions, as was, of course, the involvement of the former President of the Senate, Senator Parry. I was very fortunate to participate in some work done by the standing Committee on Sustainable Development,
Finance and Trade, which picked up on work previously done by the member for Forrest, and she was acknowledged for the contributions that she had made.

It was an important gathering of the IPU, to which Australia's commitment is of long standing and is widely respected. It was a privilege for me to go as a member of that delegation, and I look forward to going again in March, to Geneva, if that's how it turns out.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Reference

The SPEAKER (19:46): I have received a message from the Senate transmitting a resolution agreed to by the Senate relating to the reference of a matter to the Joint Standing Committee on Foreign Affairs, Defence and Trade concerning the Commonwealth government's management of per- and polyfluoroalkyl substances.

The message read as follows—

That the following matter be referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade for inquiry and report by 20 June 2018:

The Commonwealth Government's management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases, with particular reference to:

(a) the extent of contamination in and around Defence bases, including water, soil, other natural assets and built structures;

(b) the response of, and coordination between, agencies of the Commonwealth Government, including, but not limited to, the Department of Prime Minister and Cabinet, the Department of Health, the Department of the Environment and Energy, the Department of Defence and the Australian Defence Force;

(c) communication and coordination with state and territory governments, local councils, affected local communities and businesses, and other interested stakeholders;

(d) the adequacy of health advice and testing of current and former defence and civilian personnel and members of the public exposed in and around Defence bases identified as potentially affected by contamination;

(e) the adequacy of Commonwealth and state and territory government environmental and human health standards and legislation, and any other relevant legislation;

(f) remediation works at the bases; and

(g) what consideration has been given to understanding and addressing any financial impact to affected businesses and individuals.

Electoral Matters Committee

Appointment

The SPEAKER (19:46): I have received a message from the Senate relating to the resolution of the Senate amending the resolution of appointment of the Joint Standing Committee on Electoral Matters.

The message read as follows—

That the resolution of appointment of the Joint Standing Committee on Electoral Matters be amended to provide for participating membership, as follows:

After paragraph (3A), insert:
(3B) for the purposes of the inquiry into matters relating to section 44 of the Constitution only, participating members may be appointed to the committee on the nomination in the House of Representatives, of the Government or Opposition Whips or any minority group or independent Member, and, in the Senate, of the Leader of the Government or Opposition, or any minority group or independent Senator, and such participating member:

(a) shall be taken to be a member of the committee for the purposes of forming a quorum; and

(b) may participate in hearings of evidence and deliberations of the committee and have all rights of a committee member, except that a participating member may not vote on any question before the committee.

The Senate requests the concurrence of the House in this resolution.

Ordered that the message be considered immediately.

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (19:47): I move:

That the resolution of the Senate be agreed to.

Question agreed to.

National Broadband Network Committee

Membership

The SPEAKER (19:47): I have received a message from the Senate informing the House that Senator Hanson-Young, as a member, and Senator Steele-John, as a participating member, have been discharged from the Joint Standing Committee on the National Broadband Network and that Senator Steele-John, as a member, and Senator Hanson-Young, as a participating member, have been appointed members of the committee.

ADJOURNMENT

Valedictory

Mr PYNE (Sturt—Leader of the House and Minister for Defence Industry) (19:47): I move:

That the House do now adjourn.

In doing so, can I wish everybody a very happy Christmas and a peaceful Christmas this year and a very relaxing summer after what's been another exciting and gruelling year in 2017 but a very successful one, of course, for the government, and particularly today—a very historic one to end on for all sides of the House.

I would like to thank very briefly all those people who make the parliament work as well as it does, from the clerks right through to the attendants and the Comcar drivers. I won't go through the list of all the various people who help us, across the Table Office, the drafters and others, because it's too long and I think people have had quite enough today. But suffice it to say that we do appreciate very much the staff of the parliament, who make us look as good as they possibly can, which is not easy, and make sure that our democracy functions extremely well on behalf of the people of Australia.

I'd also like to thank my counterpart, the Manager of Opposition Business, who's also spent most of the day here in the House ensuring that the debate on marriage equality ran smoothly, and for his general pleasant demeanour, which makes my job a lot easier as Leader of the
House. On that note, I wish everyone a Merry Christmas, and I'm sure he'll want to make a couple of quick comments as well.

Valedictory

Mr BURKE (Watson—Manager of Opposition Business) (19:49): Mr Speaker, I join with the comments made by the Leader of the House in thanking you in your role and also thanking the clerks, the attendants—all the people who make this building work—our own staff, who work extraordinary hours, and the people who do all the different logistics around the building and make sure that we get to and from all the things that we have to be able to reach to do our jobs properly.

May I also, in acknowledging this, simply join in extending the best wishes for Christmas to each and every member. I thank the Leader of the House for the fact that we have a continuing agreement that we will never, never say anything untrue to each other—which also involves us often going for periods of time without talking to each other! Shortly before the week of parliament was cancelled, there was a message I'd been waiting to have returned for quite some time. But the agreement that we will always be honest and straight with each other has always been followed, and I respect that and I think that helps build the sort of trust that's allowed us to get through a week like this, where almost every member of parliament wanted to make speeches, many wanted to make multiple speeches, and yet we got through without gagging the debate. That wouldn't have been possible without that cooperation.

I know lots of people at different times of the year talk about different festivals and observe them, and, in my part of Sydney, I work on the basis that, in a multicultural country, everybody celebrates everything. So, when we're coming up to feasts like this that are important to me, I—in that exact same spirit as people who would wish me a happy Eid or a happy Hanukkah or a happy Deepavali—wish everybody all the peace and joy of Christmas.

It is, for everyone, a joyous time of the year, but often it's a hard time of year for people as well. It's a time when it really comes home who might not be at the table for a lot of families as well. So, for each and every one, I wish them a peaceful and safe time, with all the joy of Christmas.

The SPEAKER: I thank the Leader of the House. I thank the Manager of Opposition Business. And to all members: I wish you a safe and happy Christmas and look forward to seeing you early next year. On that note, the House stands adjourned.

House adjourned at 19:51

NOTICES

The following notices were given:

Mr Wilkie to move:

That this House:

(1) acknowledges the need to boost the Age Pension as the current payment rates are inadequate;
(2) further acknowledges that the single rate of Age Pension is particularly inadequate as single people often have to deal with the entirety of household expenses, which are rapidly becoming more and more unaffordable;
(3) notes that:
(a) according to recent research by the Australian Council of Social Service, and the Social Policy Research Centre, 13.9 per cent of Age Pension recipients are living below the poverty line; and
(b) according to a recent poll by the Sunday Tasmanian, 74 per cent of Tasmanian pensioners run out of money each fortnight and 61 per cent go without necessities including fresh food; and
(4) calls on the Government to immediately increase the Age Pension rate and specifically address the unique challenges faced by single pensioners.
Ms COLLINS (Franklin) (10:00): I would like to update the House on a number of important issues relating to mental health and ageing, part of my shadow portfolios. Firstly, I would like to talk about the suicide prevention trial site in my home state of Tasmania. Labor welcomes the trial sites, because we did have the same election policy prior to the last election. Sadly, Tasmania was the only state that didn't record a decrease in suicides in the latest ABS statistics on cause of death, and this is of great concern to me and my Tasmanian Labor colleagues.

I was very pleased to hold a roundtable on this matter with my colleague the member for Bass in August this year. It was a great opportunity to listen to the views of the mental health stakeholders about how we could work together as a community to reduce these heartbreaking rates of suicide. I was also very pleased to welcome Primary Health Tasmania's announcement regarding the population groups and the target locations that would be the focus of this trial site in Tasmania—that is, men aged 40 to 64, and men and women over the age of 65. The trial site is currently scheduled to run until 30 June 2019.

I would like to take this opportunity to acknowledge the excellent work the PHNs and the steering committee are undertaking. However, Tasmania is one of 12 suicide prevention trial sites that are now 18 months into a three-year trial, and I'm concerned there won't be enough time for on-ground activities and to learn the difference being made from these on-ground activities. I think it will impact the evaluation. I understand that the member for Bass has written to the minister, as I have previously, to consider extending these trial sites, because we seriously do not believe 18 months of on-ground activities is going to be enough to look at that work and see if it is making a difference and to do a proper evaluation.

I also want to talk a bit about ageing. I have been holding forums and expos around the country and visiting many electorates. It was a real pleasure to have an expo on ageing in my electorate of Franklin in Seniors Week in October. The feedback I hear from older Australians and their carers and loved ones is that Labor's Living Longer Living Better reforms have worked—people are staying at home longer—but that has put stress on the home care packages and on the system. A lot of issues have arisen from the current government's cuts to aged care and residential care. It was revealed in supplementary estimates in October that the government was yet to respond to a majority of inquiries, reviews, reports, studies and strategies in the aged-care portfolio. I call on the government to respond to and act on these really important reports, because we need more aged-care reform and we need it now. Older Australians cannot wait.

Mr DUTTON (Dickson—Minister for Immigration and Border Protection) (10:03): I rise to make a few comments on a wonderful life led by Clarrie Millar. Clarrie was known to many in this parliament and was an icon within the Wide Bay region. He was the member for...
Wide Bay between 1974 and 1990. Sadly, he passed away not long ago, but he left behind a wonderful legacy, not only in terms of his contribution to the local area—and he is fondly remembered by Warren Truss, who was his successor; I will come to some of Warren's words in a moment—but also his wonderful contribution by way of his work as a father and husband and as somebody who did an enormous amount to build up his kids, as any father would want. It turns out that he has created a wonderful family in Wendy, Robert—or Bob—David, Lisa and Trudi. Lisa is Lisa Millar, who is a well-known, world-famous correspondent for the ABC, and Bob Millar is a personal friend of mine and a former councillor on the Moreton Bay Regional Council, so I've heard a lot of stories about Clarrie, particularly from Bob, who was very proud of his father's service. Incidentally, Bob worked for 16 years on the council—the same period that Clarrie served in parliament.

Given the short time that I have, some of the words that I wanted recorded in *Hansard* come from Lisa herself, from a wonderful article she posted online:

I'd like to share with you the more personal side of Dad—and why he, and my mother Dorothy, deserve credit for the journalist I am today.

Dad was the self-appointed president of the Lisa Millar cheer squad.

Did he laugh that my first byline in The Gympie Times in 1988 was about a head-lice infestation in schools? No. He was so proud.

I never had to ring Dad to give him a heads-up about a piece in the paper or a story on the TV news.

He would've already carefully cut it out of the paper, or sat in front of the TV with his finger on the VHS record button — always "just" missing the start, blaming the ridiculous "hurdy-gurdy" technology he was forced to deal with.

Clarrie was an incredible influence on his daughter and can claim credit for the great success that she is today.

It is similar with the other children. I will speak for a moment about Bob. Bob is a person who inherited his father's sense of community service, and he served our community very proudly for a long period of time. I last saw Clarrie on Australia Day 2016. Bob is involved in the local Rotary club and presides over the citizenship ceremony there. It was a wonderful occasion to spend a few moments with the family. I acknowledge the sad passing and send my respects to Dorothy, to all of the children and to the extended Millar family.

**Migration**

**Immigration Detention**

Mr GEORGANAS (Hindmarsh) (10:06): I rise to speak about an issue that I'm strongly and deeply passionate about—as you are, Madam Deputy Speaker Vamvakinou—and that is our country's proud history of immigration. This also includes refugees trying to make a better life for themselves by escaping from horrendous situations and dreadful wars that have devastated countries. We know there are well over six million people living in Australia today who were born overseas—let alone the people who have one or both parents born overseas. That is a massive group of people and a massive part of the population of Australia. Many families have a history—or mine and yours, Deputy Speaker, and many others in this place—which involves migration and, sometimes, forced migration. People have come to Australia as asylum seekers who had no choice but to escape a nation where they were terrified for their own lives and their children's and family's lives.
This brings me to an issue which is very sad in our history. The first asylum seekers arrived in Nauru on 15 September 2012, over five years ago, and in Papua New Guinea on 21 November 2012—some 600 refugees in the care, supposedly, of the Australian government, trapped in a facility without running water, with makeshift beds, poor sanitary conditions and a government here in Australia saying, 'It's got nothing to do with us.' This is an inhumane government. These asylum seekers were torn away from their countries and their families and friends because of the situations I outlined earlier. They were stopped from entering Australia and locked up with absolutely no end date. In other words, they were put into prison. Imagine if we did this during World War I, World War II, the Korean War or Vietnam—the list goes on. People were escaping those wars, including the large Jewish community in Australia. But this is not a true liberal government, in the sense of the former Menzies or Fraser governments. They looked at human issues that affected people and took pride in the way they delivered policies in this country.

Australia has been enhanced by our migration policies and our refugee policies over many years. These people have brought in new ideas and better education institutions. We have better food; they've improved our food. We also have better art, language and creativity as a direct result of immigration. Abandoning refugees in the care of this government is criminal. This is an outrage and it must stop. We are spending millions of dollars to keep innovation, culture and diversity out of this country. I am sick to my stomach about this issue.

Western Australia: South West Football League

Ms MARINO (Forrest—Chief Government Whip) (10:09): I rise to speak about the 2017 South West Football League season. This year was historic, with the league being the first in regional WA to have a fully aligned women's competition. Congratulations to president Barry Tate and general manager John Vidos for your strong leadership. Every young woman who played created history. The Bunbury Football Club created history as well, by winning the inaugural women's premiership, defeating the Harvey Bulls Football Club by three points in a nailbiter. The Bulls were leading when the Bulldogs' Lilly Taylor kicked the winning goal with just minutes to go. Bulldogs workhorse Karen Cowley was named Player of the Match, following a standout season. Their key forward, Trisha Lake, had a brilliant year, winning the inaugural fairest and best medal—a sensational achievement. Lake won the medal ahead of South Bunbury's Katie Grieve, who's been drafted by Carlton—congratulations, Katie!—and ahead of Karen Cowley and Harvey's Larissa Versaci, who also had great seasons.

Kai Luzi led the way for the Bulldogs, who won the colts premiership by 27 points over Harvey Brunswick Leschenault. In the reserves, South Bunbury ended HBL's 39-game winning streak, winning by two goals. Tigers forward Kale Francis was best on ground, kicking three goals. The Bunbury Football Club had a great premiership day, defeating HBL in the league. Full forward Matt Martin kicked four majors, and the Bulldogs won their eighth premiership. Aiden Clarke won the Pike medal, being best on ground.

Congratulations to the premiership coaches across the four grades: Trisha Lake, Troy Hollands, Kane Westbrook and Jamie Nani. They've each developed their teams this year and etched their names in history. I congratulate them. I also take the opportunity to thank and congratulate Glenn Omodei, WA Football Commission's south-west regional development manager, who ensures the game continues to grow through the region from the grassroots
level up. And a special mention to Kevin Nettleton, who has the record for the most games umpired as a field umpire: 698 games. That's a fantastic achievement.

Country and community football is really critical. I know in my small community of Harvey how important the AFL football club is. Often these clubs are the glue that holds communities together. There are so many volunteers, right through from Auskick with the little kids to the seniors in the league and the wonderful pathway it offers our people through to the AFL level. It offers opportunities for social interaction, with great role models and strong leadership. They're great clubs. I congratulate them on their season.

Cambodia

Mr BUTLER (Port Adelaide) (10:12): I again rise to express my very deep concern at the abuse of civil and political rights in Cambodia by the Hun Sen regime. Since the 2013 election, there has been a concerted campaign by the regime to crush civil society and press freedom and to neutralise its political opposition, the Cambodia National Rescue Party, the CNRP. The closure of The Cambodia Daily and Radio Free Asia is just one example of the oppression of a free press. The assassination of Mr Kem Ley is an example of the campaign against peaceful civil opposition.

At a political level, the regime's behaviour has become very serious. After the longstanding opposition leader, Mr Sam Rainsy, was forced to step down earlier this year, his replacement, Mr Kem Sokha, was arrested on trumped-up treason charges in September, based on an entirely unremarkable speech that he gave here in Australia several years ago. And last month the regime smashed any pretence that there could be free and fair elections by dissolving the CNRP and banning its parliamentarians and officials from political activity for five years. Hun Sen has offered those MPs a reprieve if they cross over to his party, the CPP. All of this takes place against a backdrop of increasingly violent intimidation by the regime. This week the ABC here in Australia reported that Cambodia's military chief has promised to 'smash the teeth of anyone not supporting the Hun Sen regime'. Hun Sen himself is reported as saying, during the mid-year local elections, that killing 200 people would be worth the price in order to stay in power.

The large Cambodian Australian community here in Australia is obviously distressed by this turn of events. A large number of Cambodian Australians came to parliament this week to support the CNRP's deputy leader, Mrs Mu Sochua, in her campaign to rally support around the world for free and fair elections. The EU and the US, among others, are considering concrete action to pressure Hun Sen to reverse course, and I have written to Australia's foreign minister, Ms Julie Bishop, asking her what concrete actions our country is considering to support democracy in Cambodia.

A strong response from our government is especially important given the images in October of Australia's ambassador to Cambodia sharing champagne with Mr Hun Sen's foreign minister to celebrate the upgrading of our relations. But it's also important given the proud history of the role Australia played, led by Gareth Evans, in helping to forge the Paris peace accords 26 years ago. We must remember that those accords also promised civil and political freedoms for the Cambodian people through free and fair elections. The first step must be the immediate release of Mr Kem Sokhar. It's time Australia took action to support democracy in Cambodia. (Time expired)
Dunkley Electorate: Infrastructure

Mr CREWTHER (Dunkley) (10:15): Many of my colleagues will be familiar with the extraordinary number of works that the government is undertaking in Dunkley, and I want to note the progress that has been made on several key projects. Recently, I joined the new Mornington Peninsula Shire mayor, Councillor Bryan Payne, David Morris, the member for Mornington, Mr Brett Bell, the Principal of Mount Eliza Primary, and shire officials to officially mark the start of construction of the Canadian Bay Road car park. Traffic around Mount Eliza Primary, on the corner of Canadian Bay Road and Nepean Highway, has reached a critical point. These works will improve traffic management, reduce parking constraints in the area and, in particular, improve child safety, so I'm thrilled to see that the project's finally underway.

In nearby Mornington, works on Civic Reserve have reached the community consultation stage. The development plans include an athletics track for Mornington Little Athletics and new soccer pitches, to the value of $3 million in total, which will cater for a number of local users, including the Mount Martha Soccer Club, who currently train in the electorate of my neighbour, Minister Hunt. These facilities are sorely needed by all stakeholders, and I am proud to be an advocate for our local sports clubs. The Minister for Health and Minister for Sport, in my neighbouring electorate, has been a tremendous force, in both of his capacities, in attracting such funding for the Mornington Peninsula.

Heading north to Peninsula campus of Monash University, I recently opened the new Peninsula Hockey Centre, to which there was a $100,000 federal contribution. The facilities will host about 34,000 players and spectators over a year. The new hockey pitches will further build the reputation the Mornington Peninsula is acquiring as a sporting heavyweight, home to world-class facilities and teams of winners, including the Frankston Stingrays women's hockey team, who won their game the night I visited and have taught me a thing or two about the game.

Lastly, I was delighted to inspect the status of the multisports pavilion, female-friendly change rooms and the forthcoming construction of the hurdles shed in Ballam Park in Frankston. These facilities will cater for the Karingal Bulls Football Netball Club; Ballam Park Cricket Club; Frankston Athletic Club; and Frankston Little Athletics Centre. These clubs, through this contribution to the value of $300,000, will help drive women's participation in sport.

Overall, the Turnbull coalition government has contributed over $6.5 million in my electorate of Dunkley to the construction and improvement of sporting facilities. I am proud that we will soon have facilities that match the quality of our local sporting organisations and that will drive local youth engagement in sport and grow women's sport.

Australian Constitution

Mr THISTLETHWAITE (Kingsford Smith) (10:18): I am very proud to represent a strong Aboriginal community around La Perouse in Sydney's south. The ancestors of the La Perouse Aboriginal community have cared for and nurtured the lands and waters around Botany Bay—or Kamay, as it's known in local Aboriginal language—for tens of thousands of years. These were the first Aboriginal people to encounter the English and the French when they came into Botany Bay over 200 years ago. This is the home of the Bidjigal people, who
have a proud heritage, a proud culture and a proud language. It is home to the La Perouse Panthers and to the Ellas, both the brothers and Marcia, who represented Australia in their respective sports. It is the home of many of the world's best shell artists and boomerang makers, and other artistic performers.

But many of the people of this community, and indeed many Aboriginal Australians, are disappointed with the Turnbull government. They were disappointed with the Turnbull government because of the cuts to Aboriginal services—the $500 million that was cut in the 2014 budget—but, more recently, they've been disappointed with this government for the disrespect and the contempt shown to Australia's Aboriginal people by the PM and the government in the way that they announced they were abandoning Constitutional recognition and rejecting the Uluru Statement from the Heart. The fact it was leaked from cabinet that the government was rejecting this statement and the aspirations of the Australian people has left a very bitter taste in the mouths of many Aboriginal Australians. Since then we've heard nothing from the government about this process of Indigenous recognition.

On 14 February this year, Australia's Aboriginal and Torres Strait Islander people delivered the Redfern Statement to the Prime Minister and the opposition leader, right here in this parliament, requesting a new relationship with government in this country. The theme that stayed with me and that was reiterated in all of those speeches that day was 'do things with us, not to us'. These words were so powerful that the Prime Minister repeated them in his statement to the parliament on closing the gap. The manner in which this government has rejected the Uluru Statement from the Heart and Indigenous recognition recognises that nothing has changed, that the Prime Minister's words were hollow and that the government continues to do things to the Aboriginal people, not with them. I say to Australia's Aboriginal community: my Labor colleagues and I have not abandoned you. Since that time, there have been no statements in this parliament in respect of the Uluru Statement from the Heart and its recognition. I say to the La Perouse Aboriginal community: we respect your heritage, your culture and your position in Australian culture. We will work with you to ensure that you have a voice that is recognised in Australian politics.

Parkes Electorate

Mr COULTON (Parkes—Deputy Speaker) (10:21): Last week, it was 10 years since I was elected to this place as the member for Parkes in the Australian parliament. Ten years ago was the Kevin 07 Ruddslide election with 42 new members—34 new members of the Labor Party, seven new members of the Liberal Party and me from the National Party. A few of us are still here, but time hasn't been kind to some of the others.

It's very hard to reflect on 10 years in three minutes. It's been an enormous privilege to connect with communities in what is now 400,000 square kilometres—half of New South Wales. Some of the programs that we've got underway include the Dubbo cancer centre, so that people in western New South Wales will be able to have the treatment they need in their own area; a gate abattoir at Bourke that will provide not only industry but also employment for the people of Bourke; the Inland Rail—the 'Steel Mississippi' of eastern Australia—that will not only link Melbourne and Brisbane but also bring prosperity to the people of western New South Wales; and updating the Dubbo airport for the Royal Flying Doctor Service.

In reference to the previous speaker, the member for Kingsford Smith, and the work we do to help our Aboriginal constituents, I represent more Aboriginal people in here than I do
farmers. After the Northern Territory, I represent more Aboriginal people than anyone else. This year, 60 Aboriginal students did their HSC at Dubbo College Senior Campus and 14 at Moree, and boys were completing their education at Coonamble, Bourke, Brewarrina and Broken Hill and going into employment. Boys from Coonamble are working in construction on the WestConnex in Sydney—a real turnaround. Allowing and encouraging people from an early age to stay at school and making sure there is meaningful employment for them is important.

In the last 18 months, I've represented the city of Broken Hill and the communities of the far west like Tibooburra, White Cliffs, Wilcannia and Menindee. It has been a great privilege. We have been putting money into the Moree Lifestyle Academy so that we can connect with families at an early age, so that those children are encouraged from conception right through to adulthood. In my local area, the Warialda bypass is under construction. The fact is, we can deliver things and make a difference to our own community. There are far too many things to mention. You should measure your success not on things delivered but on the opportunities you provide for those that you represent. It has been a great privilege. They're wonderful people in my electorate and I look forward to representing them for years to come.

**The DEPUTY SPEAKER (Ms Vamvakinou):** I take the opportunity to congratulate the member for Parkes on his 10 years and wish him probably another great 10 years ahead!

**White Ribbon Australia**

**Mr HAYES (Fowler—Chief Opposition Whip) (10:24):** As a White Ribbon Ambassador, I regularly take part in various events promoting the end of violence by males against women, particularly in the lead up to 25 November each year. This is the day declared by the United Nations as the International Day for the Elimination of Violence against Women. The day before, 24 November, I took part in the Cabramatta White Ribbon March, an event which is held annually in my community. The event was hosted by the local police and Fairfield City Council and attracted over 1,500 people. It's always inspiring to see a community coming together, and in this case pledging their support against domestic violence and raising awareness. It is a longstanding issue, a very complex issue, but it faces all our communities, and here's a community trying to do something about it in a practical way. In any event, the White Ribbon Day March also helps transform public awareness in this respect, and I hope it gives victims of domestic violence the courage and support to report the crime.

I was particularly moved to see students from Lansvale Public School, Canley Vale Public School, Cabramatta Public School and Cabramatta High School all getting on board to show their support to the cause and utilising art, poetry and songs to reflect on the ramifications of domestic violence in our community. The performances were heartfelt and reinforced that domestic violence is not a quick fix but rather one that requires a holistic community approach.

There are a number of organisations in my community that do a fantastic job in not only spreading the message but also helping women who are subject to domestic violence. I particularly acknowledge Karen Willis from Rape and Domestic Violence Services Australia, as well as Maree Mullins from Bonnie Support Services. These organisations do everything from providing crisis accommodation and counselling to giving the necessary support for these women to be able to stand up and face the courts. I particularly thank Detective Chief Inspector Darren Newman for the White Ribbon Campaign. I've known him for a long while.
He leads a team of very dedicated people in the Cabramatta Local Area Command, absolutely dedicated in what he does in respect of domestic violence. It makes you proud to think that our cops put enormous effort into this. I know domestic violence is more than 50 per cent of their work. As a White Ribbon Day Ambassador, I urge all men to take the oath:

... never to commit, excuse or remain silent about violence against women.

Take the oath and live by that pledge. We must break this cycle. It's not just about communities; this is about our families.

**Bank Electorate: A Day for Shay**

**ClubsNSW**

**St. Joseph's Riverwood Sports Club**

Mr COLEMAN (Banks) (10:27): On 14 November I attended A Day for Shay at Panania North Public School. In March this year Shayanne Ashcroft, a student at Panania North Public School, tragically lost her life to type 1 diabetes. Demonstrating extraordinary strength and stoicism, her family have established an annual charity day in her honour, with two main objectives: firstly, to assist and support parents and visitors who make use of the ICU hostel at the Sydney's Children's Hospital; and secondly, to create awareness and educate children and parents of schools on diabetes and its symptoms. The day involved children from the school wearing purple and donating an item that will be used to stock and replenish the cupboards at the ICU hostel, and also the opening of the outdoor library in Shay's honour in the grounds of Panania North Public School. I acknowledge Louise Anthony and all of Shay's family for their incredible efforts after suffering through such an extraordinarily tragic year. I also acknowledge the principal of Panania North Public School, Samantha Loveridge, for her ongoing leadership.

On 14 November I attended the Clubs New South Wales southern region meeting at Masos in my electorate. Scores of clubs from around southern Sydney were represented, and there was a very interesting discussion about the role of clubs in our community and how much clubs put back by supporting our local sporting teams, charitable endeavours and so on. It was great to see my friend Ian Manley, the president of Masos, there hosting so many people from all around Sydney, and also Michael Free, who is both the president of Club Rivers, one of the largest clubs in the Banks electorate, and also president of the southern districts region of ClubsNSW. Our local clubs contribute a great deal in supporting grassroots activity and I certainly thank them for that contribution.

On 19 September, I attended the St Joseph's Riverwood Sports Club presentation. The club participates in a wide range of sports, including cricket, netball, tee-ball, Oztag and touch football. I was able to present the Banks Outstanding Sporting Achievement Awards to Christian Callen, for cricket, to George Khoury, for Oztag, to Madison Jarvis, for netball, and to Isabella Bottaro, for tee-ball. It was great to be able to provide those certificates on the day. I would like to congratulate the players, coaches and managers on a very successful year—in particular club president Matt Carr, who has been involved for many years in St Joseph's Riverwood. It is a very tight-knit and close group of people who are involved in the St Joseph's Riverwood Sports Club and I thank them for their contribution to our community.

The DEPUTY SPEAKER (Ms Vamvakinou): If no member present objects, constituency statements will continue for a total of 60 minutes.
Ms RYAN (Lalor—Opposition Whip) (10:30): The parliamentary sitting year will finish this week and I wanted to take a moment to reflect on the year for the electorate of Lalor, on our fabulous community, where we proved again that informed and active people, when they band together as a community, can have an impact on policy and decision-making. I reflect on the high number of community members applying for women's city council committee positions, another example that demonstrates how active and engaged our community is at this time. I see it in school visits. I see it with young people in the electorate who want to engage around civics and citizenship, who want to talk about history, who want to talk about what we do in Canberra and who want to have their voices heard up here.

It's also reflected in the number of people who interact with my office, the thousands of people who contact us either for support or just to engage in the political narrative of the day. It was reflected in our high responsiveness to the Stronger Communities grants process and the way our community and sporting groups engaged in that process. It is reflected in the number of people who responded to help celebrate volunteers in our community. We really are becoming a community that knows not just how to look after one another but how to advocate for one another and how to ensure that their voices are heard by decision-makers.

I want to thank my staff, particularly, for their hard work in helping to make that happen. They have worked incredibly hard across the year. I want to thank Vicki Fitzgerald, John Ballestrino, Tatiana Astudillo, Jasvinder Sidhu, Ashleigh Penhall, Faysal Farah, Peggy Deng, Deb Wu, Elizabeth Vu and Cameron Nash. In particular, I want to thank a young man called Josh Rose, who will be leaving my office at the end of this week to take up a new position and new opportunities. I wish him well. I know how much he will be missed in the office. I know the impact he has had in the community. He's a home-grown boy who has worked very hard, as have all of the people who have connected in my office across this last 12 months—all locals, all working hard for locals, all working hard for me to help us deliver.

I'd finish by thanking all those who work at Parliament House who look after us when we're here in Canberra, who work so hard to support our work. Those at home don't know the employees up here, but I want to share this with you; there's another group of people who work incredibly hard to represent you by supporting all of us up here. Thank you, Deputy Speaker, and Merry Christmas.

Mr COLEMAN (Banks) (10:33): On 6 November, I attended the Hurstville Rotary Club annual TAFE Awards night. I have to say that this is one of my favourite functions of the year. It is a really interesting and quite moving event, because Hurstville Rotary puts on awards for TAFE students in our local area, many of whom have encountered difficulties in their lives—they may have been out of the workforce for a long period of time or suffered from long periods of unemployment. Hurstville Rotary, with the great assistance of St George TAFE, through Vicky Mazzeo, the faculty director, acknowledges in quite a formal
presentation the efforts of these TAFE students. It's a fantastic night and it is a great testament to Hurstville Rotary. I'd like to thank my friends from Hurstville Rotary, including Val Colyer, Jan Gartrell, Barry Dunn, Dorothy Dixon, Bernie Dolan, Kevin Smith and Marion Smith. Hurstville Rotary Club is one of the backbones of our community, and the TAFE awards night was a special night.

On 30 October I attended a meeting of the Hurstville South Public School P&C. It was good to catch up with the P&C and the principal, and talk about issues affecting the school community. There is an unusual road layout near Hurstville South Public School, around Albert Street, Druery Lane and Days Avenue, and there are some safety issues for the kids exiting at the back of the school and navigating that narrow series of roads to get through Bell Park. I'd like to see Georges River Council take action on this issue, and there are a number of options in terms of pedestrian crossings, better signage and improved visibility, with mirrors and so on, but action does need to be taken. It's an important issue. I want to thank P&C president Brenton Hamdorf, secretary Alan Foster and of course the principal, Michelle Shelton, for all their fantastic work.

On 29 October I had the pleasure of visiting the Penshurst RSL Junior Rugby League Football Club for their annual presentation day. It was good to go down to Evatt Park in beautiful Lugarno where the club plays, and talk about the need for a shade structure adjacent to the existing clubhouse. This is an important issue and it is something I envisage I will be working on further with the club and the Georges River Council. It is the largest junior Rugby League club in our area. I do want to thank the Penshurst RSL president, John Hoban, for his ongoing support of the Rugby League club, and of course the president of the league club, Graham Chong-Sun, for all of his work. There are several hundred players at Penshurst junior Rugby League club, and it a great institution in our community. I look forward to continuing to work with the club.

Banking and Financial Services
Digital Economy

Mr HUSIC (Chifley) (10:36): For more than 30 years, Shalvey Pharmacy has been part of the Chifley community, providing a friendly familiar face and reliable pharmaceutical services to so many in our community. They've also acted as an agent of the Commonwealth Bank of Australia, helping locals with banking needs. Sadly, the Commonwealth Bank services associated with this agency were shut on 5 December, meaning local residents, many elderly or disabled, who don't have access to transport won't be able to deposit or withdraw funds at a close, convenient location. At a recent mobile office I held in Shalvey I met with many constituents who were concerned about this removal of services by the Commonwealth Bank.

When the pharmacy found out about the issue, they suggested a Commonwealth Bank ATM inside the pharmacy to assist locals. Unfortunately, that request was denied. If another, unaffiliated ATM was to be installed, a $2 fee would be whacked on top of those services, putting yet another burden on people on very low incomes. The pharmacy started a petition and got over 300 people in just three days to support it. The owners, Moenis and Nermin Toma, have offered to scrap their commission and still offer the service at no cost just to ensure it stays in the community. I've been in contact with the CBA, hoping that they could fix this—still no answer. And these banks wonder why so many people have been clamouring.
for a royal commission, when they make decisions that hurt people, particularly in low-
socioeconomic areas. The CBA have to get their act together and put in an agency to help
those residents. And, if they don't, another bank should, to ensure that the needs of people in
my area are met.

I also wanted to talk about another issue in relation to the broader economy and the growth
of firms, particularly smart start-up firms in our area. There have been two great reports
released in the last few weeks. One, Startup Muster 2017, which had over 2,000
respondents—the largest success it has had in responses; it's the fourth time it's been run—
shows that business-to-business work is growing and a lot of the start-ups are using other
businesses in Australia, providing more spin-offs, but that skills are an issue still, diversity in
start-ups is an issue and capital is still an issue.

The other report that was released was the Crossroads 2017 report by StartupAUS, which
echoed the remarks about skills and talked about visas in particular. We have a skills shortage
of 100,000 people in the ICT sector. We need more talent. The government, amazingly,
changed the 457 system without consulting the tech sector, and they're screaming about this.
Most of their other initiatives are tanking—the angel investor initiative is hardly being used,
their entrepreneur visa is hardly being used, and people are still crying out for support. The
government needs to get its act together.

National Archives of Australia

Mrs PRENTICE (Ryan—Assistant Minister for Social Services and Disability Services)
(10:39): It is with great pleasure that this year I place again on record my appreciation to the
collegation and the House of Representatives for giving me the privilege of serving as their
representative on the National Archives of Australia Advisory Council. My continued tenure
on the council allows me to pursue my contribution in ensuring the essential records of
government are secure and remain accessible for future generations.

The National Archives of Australia can be best described as the memory of our nation. In
this era of fake news, it has never been so important to preserve and collect government
records which reflect our Australian history and our identity. With a collection tracing the
events and decisions that have shaped the nation and the lives of Australians, the Archives
also play a key role in helping to ensure the Australian government and its departments are
effective and accountable to the people. I congratulate Mr David Fricker on another
successful year as Director-General of the Archives. David has provided leadership and
direction to ensure that the National Archives of Australia remain successful in their vital
operations. In fact, it was only on Tuesday this week that I was pleased to attend the Archives'
release of the 1994 and 1995 cabinet documents, with special guest the Hon. Kim Beazley.

This past year has been significant for Archives, with the official opening of the National
Archives Preservation Facility. This will provide storage for approximately 25 per cent of the
extensive collection. Housing more than 104 kilometres of paper records and more than nine
kilometres of audiovisual records, the facility ensures the preservation of irreplaceable
collections. Fifteen million records were successfully relocated to the facility.

The Archives continue to remain in significant standing in the international community.
Reaching agreement with the National Archives of Japan, we returned many thousands of
company trading records that were seized during World War II—3,300 boxes of documents,
created by Japanese companies in Australia between 1899 and 1941, that provide an insight into the personal and business lives of Japanese living in Australia at the time. This is the largest donation of its kind accepted by the National Archives of Japan, a symbol of the valued and ongoing friendship and collaboration between our two countries.

Efforts to grow public interaction with the collection will continue, with significant enhancements to the Archives' web presence along with programs and services that are increasingly delivered online. The ever-important digitisation of archival records continues to be an ongoing challenge. I sincerely thank all those involved in the National Archives of Australia and particularly acknowledge the contribution made by the members of the advisory council, chaired by Dr Denver Beanland. The National Archives of Australia is of paramount importance in ensuring Australia's history is retained for future generations.

**Bass Electorate: Stronger Communities Program**

Mr HART (Bass) (10:43): Over the past few months, I've been able to work closely with many of the not-for-profit organisations and community groups that work within my community in Bass. Under the Stronger Communities Program, Bass, like every electorate, will benefit from $150,000 worth of funding both to help deliver social benefits and to improve community participation. Working with these groups to identify potential projects has emphasised to me yet again the enormous potential of our northern Tasmanian community and the fantastic work that is already occurring.

For example, I visited Flinders Island and met with Peter and other committee members from the Furneaux Islands Community Shed. The shed is a true community hub, contributing to interconnectivity, which is vitally important given the small population and remote nature of the island. Six thousand dollars of funding from the Stronger Communities Program will buy a new wood thicknesser for the shed, providing for more short course programs to be delivered to community members and adding many positive flow-on benefits.

I've also worked with the Launceston PCYC, hearing about their targeted youth programs aimed at providing early intervention for young people who are at risk of entering the youth justice system or at other risk of disadvantage. Operation Resilience is one such program, a drop-in functional style fitness program that allows for ninja style strength training and includes elements of martial arts and parkour. The Stronger Communities Program is funding much-needed equipment and infrastructure for this and other PCYC programs. The rationale behind Op Res is that physical activity reduces stress, anxiety and depression. By encouraging young people to exercise and by embedding this into youth support services, PCYC can positively impact on young people's lives. I would like to acknowledge the Launceston PCYC club manager, Kath Hawkins, for her enthusiasm, dedication and unwavering commitment to the club and to improving the outcomes for young people in northern Tasmania.

Another organisation is Interweave Arts. This is a local not-for-profit organisation that was also successful in its application for funding under the program. This community arts organisation offers ongoing creative arts programs to youth and people with a disability, with the aim of contributing to a more creative and inclusive community. Kim and the team at Interweave will create and establish a mini arts trial through Launceston's Inveresk Precinct, which will depict the local community's innovative and creative format. This is especially important in these exciting times with the expansion onto the site of the University of Tasmania.
So far, 17 fantastic projects in my electorate have been approved for funding under Stronger Communities. The impact of these not-for-profit organisations on local communities cannot be understated, and I eagerly look forward to all of these projects getting underway in the new year.

Hinkler Electorate: Welfare Reform

Mr Pitt (Hinkler—Assistant Minister for Trade, Tourism and Investment) (10:46): I'm on my feet today to thank those emergency service workers—people who are working in hospitals and people who are out there working at Hervey Bay, Childers and Bundaberg—those frontline service providers, the volunteers, the charity groups, the concerned parents and grandparents for their courage to come to my office and speak in confidence about their support for the cashless welfare card in the electorate of Hinkler. They have absolutely come to us in numbers. In fact, the consultation conducted by my office alone indicated 74 per cent support. The Department of Social Services has conducted over 110 sets of consultations. That's not 110 individuals; that is 110 sets, groups. They are the business community, individuals, small groups, people in emergency services—the ones who are out there actually doing the work.

We find ourselves in a difficult position, given the Labor Party's announcement in recent days that they will not be supporting the rollout of the card in the Hinkler electorate. Can I say to them that I'm not sure how much more consultation will be necessary. I am just not sure how much more is required. The committee, who put their report into the Senate last night, support the bill—one recommendation. They support the bill and it should be passed. So my message to those in the Senate, those on the crossbench, those individuals who will be considering this policy is: if necessary, come up and talk to these people, because we are here to talk about them. This is about the children of my electorate and the people who have challenges. This is a policy which has worked. You've supported it in other regions, and I'm asking you to consider it, because, quite simply, it is necessary.

It is a very tough policy. I've acknowledged that many times. But the people who come into my office, who have been through the consultation process, have said to us over and over and over that they support it. In fact, there was a great surprise to me in one area: the number of children who are not being supported as they should be. We continue to hear stories about their money being lost on the pokies, on other forms of gambling, on alcohol and on drugs. Along with this, we get $1 million of additional assistance to ensure that we can address those challenges. These are challenging policies to implement. It will take time, but the Department of Social Services continues the rollout.

So I'm saying to those in my electorate who support this policy that we have not given up. We will continue to do the work, because it is necessary. We even have the former federal Labor member, Brian Courtice, on the record saying that he supports this policy, because he knows what goes on. So I would say to all of those at the schools—the high school teachers, the principals—and to the concerned parents that I have spoken to and to those grandparents: we will continue to do the work to roll out the card, because it will work. I absolutely acknowledge again just how tough it is, but it is a reality of the situation we find ourselves in, and we must address it and address it now.
Mr NEUMANN (Blair) (10:49): On 11 November 2018 we will remember 100 years since the armistice, which brought an end to the hostilities and senseless deaths of World War I. It will be commemorated in my electorate of Blair among the many community groups, schools and RSL branches. These groups and others are eligible for the Armistice Centenary Grants Program. It is a one-off grant to groups who will deliver projects and undertake activities in commemoration of the centenary of armistice. The successful recipients of the grants will demonstrate a commitment to honouring Australia's wartime history through public ceremonies, the restoration of public honour rolls and plaques as well as community events and educational programs with a focus on military heritage and involvement.

If the Amberley RAAF base is the heart of the Defence community in my electorate, the local RSLs are the backbone. One of the RSLs honouring the centenary of armistice in November next year will be Toogoolawah sub-branch, which was recently awarded just over $40,000 under the Veterans and Community Grants program. This funding will allow this important veterans organisation to upgrade its kitchen facilities and continue to offer the services it does to returned service men and women in the Somerset Region. The group's president, Doug Cook, is one of the many hardworking community volunteers in Blair who commit their lives and time to supporting veterans and their families. Ex-service personnel face difficulties returning to civilian life, whether it's because of mental and physical health issues, the lack of job opportunities or otherwise. It's important to help them as a community—to get behind them to make sure they know they're valuable members of our local community.

Just yesterday, I spoke in this chamber about the Blair Disability Links expo I hosted last Friday. I want to thank the many service providers who came. In particular, I want to mention the Ipswich and District Veterans' Support Group. This community organisation is made up of 10 ex-service groups across Ipswich and the Somerset region who provide pensions and advocacy services to the local veteran community.

I was pleased earlier in the week to notify John Robinson, the vice-president of the Kilcoy RSL sub-branch, to congratulate the sub-branch on their success in obtaining funding for a display of memorabilia honouring Australia's light horsemen, as many of those men came from the Somerset region—the boys from the Brisbane valley. They are honoured with photographs on the walls of the Toogoolawah sub-branch's hall but they will also be honoured at the Kilcoy sub-branch's hall.

I've appointed a local armistice centenary grants committee. I want to thank the chair, Vivienne Stanbury, and the deputy chair, Brian Hall, as well as Michael Chapman, Heather Danier and John Robinson, representing the West Moreton RSL region, the nashos—the national servicemen—Ipswich RSL, Legacy and Kilcoy RSL respectively. I encourage all eligible not-for-profit organisations, schools and RSLs to contact my office if they want to make an application.

Mr HOGAN (Page) (10:52): I'd like to congratulate all the winners from the recent Clarence Valley Sports Awards. The Daily Examiner hosted this year's awards, with the late Max Godbee being honoured with his addition to the Clarence Valley Sporting Wall of Fame.
His fellow lifesaver Jim Dougherty was also an addition to the prestigious wall. Congratulations to the other athletes who won awards, including the sports person of the year Celia Sulloherm, the junior male sports person of the year Keaton Stutt and the junior female sports person of the year Kalani Ives. The sports masters award went to Laurelea Moss, the people's choice award to Georgia Breward and the coach of the year award to Scott Smith. The team of the year was the Grafton Ghosts 1st Grade, who were undefeated in 2017, and they are captain-coached by Danny Wicks. The club of the year was the Lower Clarence Rowing Club. The Ernie Muller Award went to Rob Sutherland, the Max Godbee Award went to Cheryl Kinnane and contributor of the year went to Brad Ellis. The contributing photographer of the year was Gary Nichols. The nominator/nominee awards went to Tracey Moran and Anastasia Blanch, and Taya Wear and Stacey Brown. Congratulations to all this year's winners.

Three surfers recently travelled to Taiwan to compete in the Taiwan Open World Longboard Championships. Harley Ingleby from Emerald Beach, Jared Neal from Sapphire Beach and Jack Entwistle all travelled to Jizun Harbour in Taiwan to compete in the championship, which was the last longboard event for 2017. Jared and Jack ended up drawing each other in round 2, and Harley was able to make it through to the semifinal, eventually being defeated by the event champion. With the championships now behind them, Jack and Jared share 22nd place on the world rankings, with Harley finishing the year in fifth place. I congratulate all three for competing on the world stage and wish them every success next year.

I'd like to congratulate the Clunes Auto Centre, which recently celebrated its 70th birthday. It has been operated by the one family. The business was originally owned by Col and Val Johnston and is now owned and operated their son Garry and his wife, Trish. For many years, the Johnston family has provided motoring and mechanical services to the surrounding areas of Clunes. Garry, at 21, began his apprenticeship as a partner in the family business and expanded it to become a used car dealership. They are very much into vintage cars and have done a lot of work in that area, and they have been great community representatives. My in-laws have lived in Clunes for almost that whole time, and they have always respected the Johnston family. I wish them well.

City of Greater Geelong Council

Mr MARLES (Corio) (10:55): On 4 November, the local election results came through in Geelong and 10 days later, on 13 November, Geelong elected its new mayor, Bruce Harwood. With both events, we now have in place a city council, which we've not had for some time. This is a really fantastic phenomenon and event for Geelong. We even saw it in this building over the last few days, as Peter Murrhythm, the deputy mayor, came and represented the City of Greater Geelong at the annual Fed Cats dinner, the parliamentary highlight of the year.

Bruce Harwood is our new mayor. Bruce is a fantastic civic representative. He is not aligned with any political party. It does turn out that Bruce is the father-in-law of Patrick Dangerfield, but, while Danger can lay claim to a lot of things in Geelong, in this case it is all about Bruce. Bruce served as our mayor from 2006 to 2008 and he was acting mayor in 2013. He is the person with the most experience on our city council right now, and he is absolutely the right man for the job of leading Geelong at this moment in time on its city council.
Those elected are a nice combination of old and new. Anthony Akin, who is a ward councillor in the Windermere ward, has had a 16-year break in his time on council. He was last there in 2001. He's actually a former deputy mayor. He brings an enormous amount of experience. Then there is somebody like Kylie Grzybek on the council. She is bringing a whole new level of energy. I picked those two names, but they are very good examples of the kind of energy that we've got across the council more generally.

The opportunity for cooperation that this presents between all tiers of government to work to make our city better is fantastic. Last week I was with Kylie and Anthony looking at a feasibility study for a new walking track along the Rollerama creek, which would connect Corio with its bay. It's an example of the kind of work that we can do, and I think it has to be said that through a period of administrators, and prior to that a very unsettling period of local governance in Geelong, that kind of cooperation has not been possible. So it's fantastic to see it now.

A new structure has been put in place for this council, and I think it has every opportunity of working. If I'd offer one point, I think that with larger wards there is going to be a need to make sure that those regional townships—like Anakie, Lara, Leopold, Clifton Springs, Drysdale, Portarlington and St Leonards—feel a connection with a particular individual councillor in the new council structure. Sometimes that will happen naturally—Kylie Grzybek, for example, lives in Lara—but that might need to be thought through for some of those other areas. I offer that as a thought, and I do so in a context where the level of goodwill towards this council is unprecedented in terms of anything I have seen in local government, and that's great.

Digital Economy

Mr HUSIC (Chifley) (10:58): I want to highlight the growth of our digital economy and highlight its importance to the broader economy's future success. In particular, early-stage innovators and start-ups provide huge job-creating potential for our economy. They support other businesses, increasing the level of business activity and work that can be done by others, and they also deliver smarter, more innovative ways of working that improve other businesses too.

In the last few weeks, I've been concerned by the findings of three important reports. The first one was Startup muster, which is organised by Monica Wulff. She does a tremendous amount of work and congratulates to her. This is the fourth time the Startup muster report has been handed down, with over 2,000 participants.

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A division having been called in the House of Representatives—

Sitting suspended from 10:59 to 11:18

Mr HUSIC: If you are a believer in the need for the nation to become a smarter one for the long-term success of the economy and for jobs, you'll be concerned by three reports that came out in the last few weeks. The first is Startup muster. This is the fourth time the report's been done, and it had the biggest ever response rate. It is run by Mon Wulff and did a terrific job, but the report showed that there are big concerns around skills and the lack of talent that exists here and the fact that there's not enough capital to allow these firms to survive.

Those types of concerns are echoed by the release of the 2017 Crossroads report by StartupAus. Congratulations to Alex McCauley for that report, which also highlighted (1) that...
skills are a big issue for the sector; (2) that internet speeds are way behind where they should be; (3) that, on capital, they question the effects of the tax incentives, saying that angel investment had fallen 50 per cent since the last year, and (4) that their big concern was that there's been a drop-off of focus by the federal government on this space.

It's been two years since the government released the National Innovation and Science Agenda. We were told that this would be the first of many but, rather than being NISA 1.0, it looks like it's NISA one point only, and people are genuinely concerned about where things are going. These are the things that need to be addressed urgently by the government. First, they need to release information about how effective the angel investment tax arrangements have been and what the problem is in the take-up. Second, they need to get their act together on things like equity crowdfunding. They brought in a regime which we criticised earlier in the year because it was about a headline and not substance, and now, because they removed one week of parliamentary sittings, we haven't been able to get those reforms through when access to capital is a big issue. Third, they need to talk to the tech sector about the damaging changes that have been made to the 457 system, which are throttling the ability of start-ups and early-stage innovators to get talent. There is a lot of work to be done. We cannot afford a lack of focus. *(Time expired)*

**The DEPUTY SPEAKER (Mr S Georganas):** The time for members' constituency statements has concluded.

**STATEMENTS ON INDULGENCE**

Holt, Hon. Harold Edward, CH

Consideration resumed.

**Mr HUNT** (Flinders—Minister for Health and Minister for Sport) (11:20): Before I begin the acknowledgement of Harold Holt, on a personal note I want to acknowledge the previous speaker, the member for Chifley, for his very wise, generous and humane comments in relation to my great friend the member for Kooyong, acknowledging the history that the member for Kooyong's family has faced. I thought it was a sensible and important intervention which brought needed calm to this citizenship debate and dealt with issues relating to the Holocaust in the way they should always have been addressed.

In relation to the great Harold Holt, the 17th Prime Minister of Australia and one of the most humane and effective members of this parliament that we have seen in the period since Federation, it's an honour to speak on behalf of myself, on behalf of my family and on behalf of the people of Flinders. Harold Holt's work was in Canberra and his seat was in Higgins, but his heart was on the peninsula. His family's home, his getaway, was in Portsea, and that was the scene of many of his warmest family moments. The Speaker yesterday gave a very moving tribute and talked about the words of Tony Eggleton and how Tony Eggleton reflected on Harold Holt's love of the Mornington Peninsula. It's a love shared by many, and even to this day many of those on the peninsula remember him, honour him and mourn him.

I really want to make three brief acknowledgements about his social contribution, about his economic contribution and about the 50th anniversary celebration of his life—a commemoration of his passing but a celebration of his life, which will be this Sunday morning at Point Nepean. Much has been written about Harold Holt in terms of his passing,
but his work as a minister and as Prime Minister was of great social moment. In a way, there's a tremendous synergy with today's events in this House.

Firstly, he was an enormous contributor to the rights of children and of parents. The child endowment was paid for the first time on his watch, to the mother, and that was a decision which was taken whilst he was the Minister for Labour and National Service. This was a breakthrough for children and for women. Equally, he was responsible for appointing the first woman to administer a government department, Dame Annabelle Rankin as the Minister for Housing from Australia Day 1966 going forward. That was Harold Holt's appointment.

Then, perhaps most significantly, he was, as much as any person in Australia's history, the architect of the end of the White Australia policy. In particular, he ended the dictation test, a test that was able to be used selectively and was a stain on Australia's history—let there be no doubt about that—and used selectively to exclude from this country those whom officials at any time or place thought didn't make it on grounds of race, religion, ethnicity or culture, or simply did not conform to a certain idea. As the minister for immigration he oversaw the intake of 900,000 immigrants. This was a period that changed the face of Australia and outlined the contemporary multi-ethnic, multi-faith, multicultural Australia in a way more pronounced than in any other period in Australia's history. He was a great believer in this process of ending the White Australia policy, in bringing Indigenous Australia into the fold and out of the shadows. So, again, it was on his watch, at his urging and with his leadership that the referendum for full recognition of Indigenous Australians was carried with the highest 'yes' vote of any referendum in Australia's history. That is a social legacy of which to be proud. It has helped shape the great contemporary Australian nation.

But Harold Holt was also an extraordinary economic minister. Whilst he was responsible for tremendous fiscal management and economic growth, there were two actions in particular that shaped the contemporary Australian economic landscape. Firstly, he was the minister responsible for the establishment of the Reserve Bank, an august body that has created much of the stability in Australia's monetary and currency systems that have together helped underpin our capacity to be the only nation in the developed world with 27 years of consistent economic growth. Secondly, he oversaw the case for and transition to decimal currency. This has been a very important part of our ability to trade, our ability to be independent and our ability to engage with the world. Many people have prospered as a result of the economic reforms he led.

This Sunday at Point Nepean on the Mornington Peninsula I will be privileged to attend and play a small role in the commemoration of his passing 50 years ago and in the celebration of his great life and service to this nation. I honour his family. To Sam and all of those other members of the Holt family who will be there on Sunday: you should be proud of your father. We are proud of his work. I'm especially proud that he was a great leader of the Liberal Party of Australia and a great exemplar of all its values. We wish you the best and we hope that on this day, which is a bittersweet day, you can reflect with pride, love and a sense of warmth on the best of lives.

Mr FRYDENBERG (Kooyong—Minister for the Environment and Energy) (11:28): It is my great pleasure to follow speeches by the Prime Minister, the member for Higgins and the member for Flinders honouring the legacy, the achievements and the man: Harold Holt. On my desk in Melbourne sits a wonderful framed photo of the then Treasurer, Harold Holt, and
the President of the United States, John F. Kennedy, deep in conversation, on the sofa of the Oval Office. In black and white and showing an ashtray by the side of the President, it's a timeless picture that I was so generously given by Mr Sam Holt. Sam and his family have been good friends and have continued the Liberal tradition exemplified by Sam's father.

We in the Liberal Party are sometimes too reluctant to champion our achievements and our proud history. On the occasion of the 50th anniversary of the disappearance of Australia's 17th Prime Minister, Harold Holt, it's timely to remember Holt's outstanding record and his significant contribution to our country. Appointed to the ministry in 1939—at that point the youngest ever to hold such a role—he held a number of portfolios, including Science and Industry, Immigration, and Treasury. It would take him 30 years in the parliament, 10 of which he spent as Menzies' deputy, before he rose to the prime ministership on Australia Day 1966. It was on his watch in 1967 that the historic referendum which would see Aboriginal people counted for the first time in the national census was carried with an unprecedented majority. So too during his time, in 1966, Australia moved to a decimal currency, leaving behind the pounds, the shillings and the pence.

Holt introduced universal child endowment, the first Commonwealth payment to be paid directly to mothers, which in turn led to our family payments system. He also continued Menzies' legacy, cementing Australia's place in Asia and welcoming migrants from near and far. He helped dismantle the White Australia policy, and migrants came in record numbers from non-European countries, including Vietnam. He was a constant traveller to the region, visiting Bangkok, Kuala Lumpur, Singapore, Saigon and a number of other places. He was fiercely anti-communist. As the British pulled out of Malaya, he strengthened Australia's relationship with the US President LBJ, epitomised by the slogan 'All the way with LBJ'.

But it was Holt's decency, his values and his outlook for which he will be most remembered. Indeed, in his first policy speech as Prime Minister, in 1966, he made a defining statement about the Liberal Party's philosophy and his personal views:

We Australians regard our personal freedom, liberty, and opportunities for enterprise as essential to our way of life. Yet these things are under constant challenge, chiefly by those, whether at home or abroad, who believe in an all-powerful state. Our political creed places the highest value upon human personality; to encourage it, not to suppress; to strengthen it, not to weaken.

In that stanza, Holt summed up what we in the Liberal Party believe in: personal freedom; the role of the individual; a small, not a big, state; and, of course, liberty and opportunities to be the best that we can be. He went on to say:

The socialist basis of the Labor Party is reactionary, its doctrines are musty and its vision blurred by lingering bitterness from battles of the past.

Holt, like Menzies, understood that politics was a battle of ideas, not a clash of warring personalities. He was 59, and he had spent 32 years in the parliament, when he was taken from us way too early.

I finish where I began. There on my desk is a picture of Holt and Kennedy—two towering political figures from their generation, two bold people who had a vision for their country, and two men who were taken from their families and from their nation too early. But, in saying so, Harold Holt left a profound legacy of achievement and one which we in the Liberal Party and his family, and indeed the whole country, can be proud of.
Mr BYRNE (Holt) (11:35): For 18 years I have been representing a seat that is named after Prime Minister Holt. I was very generously invited by the Speaker to a luncheon held in his offices yesterday afternoon with Holt family members and the Hon. Peter Costello and his former press secretary Tony Eggleton. Unfortunately, I couldn't make it. I passed on my regards and condolences to them when I saw them on the floor of the chamber yesterday. I specifically wanted to mark the 50th anniversary of the loss of Prime Minister Holt, particularly given, as I said, I hold the seat named after him in this place today. This will be my last opportunity to do so in this manner before parliament rises.

Cheviot Beach is a very interesting place. I did reflect on the passing of Prime Minister Holt some number of years ago and decided to take the walk—it is in a national park—from Point Nepean around Portsea to the actual beach itself. Even on a calm day, you can see that it is a challenging place in which to swim, even for an experienced swimmer. On the day that I was there observing the place where the Prime Minister was taken, I found it to be a forbidding and challenging place in many ways; there was a lot of tumult and roiling of the water. When you read the Victoria Police and Federal Police report on the disappearance of Prime Minister Holt—which is challenging reading for anybody—you can see how dangerous the place was. It was like an encapsulation of the tumult of the times.

The other day I read a very good article by Tony Wright from The Age. When people reflect on the Prime Minister, they see that it was such a turbulent time. Some would say the period of time that we are in at present is turbulent. But that time was particularly turbulent in Australia, with the cultural eddies and flows that occurred as a consequence of the Vietnam War and the increasing public opposition to that war. There were so many societal and social changes that were occurring that Prime Minister Holt was part of. To some extent, the transition from former Prime Minister Menzies to Prime Minister Holt marked an epoch of change in Australia's political and cultural history, very much leading, I think, to the elevation of Prime Minister Whitlam in 1972, after narrowly failing to win the 1969 election. If anybody opened the door for someone like Gough Whitlam, it was Prime Minister Holt.

When you read details of his political history, you see that he was a very young man when he entered politics. From reading biographies of, for example, Paul Keating, you see how young men were treated. In 1935, to be 27 when you were elected to parliament was phenomenally young. Twenty-seven is not so young to come into this place these days, but in those days, when the average age could well have been late 40s or early 50s, he was a very young man. He was obviously a man of great talent. To be promoted to the cabinet in 1939 on the doorstep of the Second World War at age 30 says a lot about his capabilities. He was elected deputy leader in 1956, and after the '58 election he replaced Arthur Fadden as Treasurer.

The contribution that he made has significance for the constituency of Holt. According to the National Archives, when he was Minister for Immigration, between 1949 and 1956, he expanded the postwar immigration scheme and relaxed the White Australia policy for the first time. Forty-two per cent of people in my constituency speak a language other than English. I wonder what Harold Holt, if he were alive today, would make of that in a seat named after him, given he'd done so much in his work as Minister for Immigration, and as Prime Minister, to make something like that possible. We in Victoria often take for granted the magnificent multicultural fabric that makes up Melbourne and Victoria. I suspect that had Prime Minister
Holt been alive today he would have had great satisfaction in seeing an outer suburban area, not far away from the Mornington Peninsula, with such incredible diversity and cultures from all over the world living in harmony.

The other thing I would refer to in particular is his role as Treasurer, when he oversaw the creation of decimal currency and the Australian dollar. I recall that that met with some resistance, particularly from Prime Minister Menzies, who wanted to call it the 'royal'. As I said, he was such a pivotal figure in moving away from the Menzies era to a more progressive, open and enlightened Australia, part of that arc of trajectory in Australian political history from the Menzies era to the era of Gough and the substantial and profound social changes that happened. As I was saying, the gradual dismantling of the White Australia policy culminated in the 1967 referendum, so that the Commonwealth parliament was empowered to legislate for Indigenous people for the first time.

Others have spoken about the involvement in the Vietnam War. I would just note that these times were troublesome for Australian policymakers, who were reflecting on challenges in Asia and how they might impact on Australia. I would note, in relation to some of the comments that have been made about Prime Minister Holt, that it would have been a challenging set of circumstances for any Prime Minister at that period of time, with the pressures that he would have faced in making decisions about Australia's role in the war in Vietnam. I make no comment about that.

It is a great tragedy that Harold Holt was lost at such a young age—59. I'm 55 at the moment, so he was only four years older than I am. We lost someone who was effectively still in the prime of his life and still had a great contribution to make to public life. To his family, particularly those who were here yesterday—his son Sam and Sam's wife, Xenia, and his son Robert—to Tony Eggleton and in particular to Peter Costello, who was a friend of the family, I pass on my condolences and reassure them that on the anniversary of the passing of Prime Minister Holt we will certainly be making sure that the constituency remembers the person and the contribution he made to the seat that's named after him.

The DEPUTY SPEAKER (Mr S Georganas): There being no further statements, I call on the member for Mackellar to move that the Federation Chamber adjourn.

ADJOURNMENT

Mr FALINSKI (Mackellar) (11:43): I move:
That the Federation Chamber do now adjourn.

Regional Investment Corporation

Mr FITZGIBBON (Hunter) (11:43): I rise to express my disappointment with the government's behaviour in the Senate. As we speak, the government leadership in the Senate is tearing up the rule book on longstanding pairing arrangements. It is a long held bipartisan view that voting in the Senate should reflect the will of the Senate, and that each state is entitled to have the 12 votes in the Senate that it's entitled to and in a way which reflects recent elections. The government is at the moment walking away from those principles. This is deeply distressing to me. As a member of this parliament for some 22 years, and as a former Chief Government Whip, I understand the importance of adhering to these longstanding principles and how important they are to the effective operation of the
Westminster model. They are not principles that either major party should walk away from lightly.

But there's another reason I'm very concerned about the Mexican stand-off now playing out in the Senate. The reason is a boondoggle known as the Regional Investment Corporation: a very bad proposed law, a very badly constructed piece of legislation. It is a bad idea, and one which is no more than a pork-barrelling exercise in a town where the Nationals recently suffered a major defeat in a state by-election.

The opposition is opposed to this shocking waste of taxpayers' money. I am sure we will be unsuccessful in defeating the bill, but along the way we have at least been trying to improve the bill, to improve transparency, to improve accountability and to improve the governance arrangements within the bill or, more importantly, the lack thereof. Our amendments in large part reflect the recommendations of the Senate Standing Committee for the Scrutiny of Bills, which gave one of most damning reports on a bill that I have seen in my 22 years in this place.

Most of those amendments were defeated in the Senate, unfortunately, but each of them was defeated by the barest of margins. Indeed, one of them was lost on a tie vote. When those votes were taken—there were more yesterday; one of which we won, by the way, I'm happy to say—Jacqui Lambie was voting in the Senate. At that time the opposition, the Labor Party, was granting pairs to both Senators Canavan and Nash. If we had not done so those amendments would be part of the ongoing debate as we speak. But of course we did allow those senators to be paired in adherence to those longstanding principles. We cost ourselves the opportunity to win those very important amendments. But now with Jacqui Lambie not in this place, they are denying her a pair. They are, by the way, providing a pair to the Nick Xenophon party—another minor party. So the pairing arrangements seem to still be in place for everyone but the Jacqui Lambie Network. I ask the parliament: what is the difference?

I heard Senator Cormann say in the Senate yesterday: 'We don't know what Jacqui Lambie would be thinking about this bill. We don't know what she would do in the context of the debate if she were here.' Well, I thought that was not that bad a point, and he made it notwithstanding that, in her last speech, she made it very, very clear that her party would be voting against this bill. So, I rang Jacqui Lambie yesterday. In addition to reinforcing her view on the phone, she decided that she needed to send me a text. I will quote it verbatim: 'As the leader of the Jacqui Lambie Network, I want to make it clear we do not support the RIC in its current form.' I say to the government in the Senate: 'Don't push us. Don't walk away from the pairing arrangements. We will stand our ground and the pairing arrangements will be dead.' My advice to government members in the Senate is to defer the consideration on the Regional Investment Corporation bill until next year so we can all take a chill, discuss the bill and further reflect on pairing arrangements. I say to Mathias Cormann and others in the Senate: 'We are very serious about this. We will not wear this. We will not allow it. Have a think. Defer this bill.'

**Beenleigh 150th Anniversary**

Mr VAN MANEN (Forde—Government Whip) (11:48): This morning I have the great pleasure of passing on some birthday greetings to one of my dear, dear friends, who has recently turned 150. I wish to shout out a 'happy birthday' to the township of Beenleigh in my electorate of Forde. As is fitting for a 150th celebration, Beenleigh's birthday party stretched
over the whole weekend at the beginning of November. Families from across the region converged on the town to celebrate a rich history of farming, development and culture. Many of those who joined the celebration came from families who have long called the region home and who have helped build it into the thriving community it is today.

On Saturday, a community fair entertained young and old alike, and on Sunday my wife, Judi, and I and many others attended a special church service to mark the anniversary. The service was officiated by Reverend Lu Senituli, a true champion of our community to whom I want to give special thanks today. At the service, an address on the history of our area was given by Mrs Leanne Collins of the Beenleigh Region Uniting Church. I would like to share some of that story, as Mrs Collins told it:

'The European settlement of Beenleigh evolved from a single sugar plantation, known by the same name, and dates back to the 1860s. The small farms that emerged here were amongst vast cotton and sugar plantations where German migrants were prominent among the early settlers.

'With the increase of white settlement came the growth of traditional services for the region. There were hotels that doubled as a mail drop off point and butcher; a general store; Police Station; court house; and school—all established within the first 10 years of the first plantation. The Dramatic Society, cricket club, and Show Society soon followed, with the first Beenleigh Show held in 1872.

'Disastrous floods in 1887 changed the local and founding sugar industry and resulted in slowing the growth of the town considerably. Beenleigh remained resilient and viable with the opening of the Ambulance Station in 1919 and a rural school in 1925.

'During World War II, the showgrounds were used as an army camp training school for officers returning from the Middle East and the stables that were established on the site for their horses remain there today.

'The township continued to grow and the need for access to surrounding areas came with it. Bridges replaced ferries, and the use of motor vehicles overtook the use of trains. Post-war saw many travellers use Beenleigh as a rest stop on their way to the south coast but progress again changed Beenleigh with a bypass bringing a decline in the town.

'By the 1960s, the high school and pool were built, and the start of a new tourism industry began with the opening of Bullens African Safari at Stapylton, Yatala. The continuing transition and adaptation to changes are still fundamental and deep-rooted characteristics of both the descendants of the European settlers still living here today and of those more recently that have established themselves a home within Beenleigh.'

The history that Mrs Collins shared is both informative and instructive. It is that she understands that only by looking back to where we have come from can we move toward to a better future. Her address was complemented by that of Reverend Peter Palmer, who reflected on the area's Indigenous history:

'The region between the Logan and Tweed Rivers is known to the local Yugambeh Aborigines as Dugulumba. With the arrival of European settlers to the Logan district in the early 1840s and the need to occupy the fertile land for farming, conflict arose as the Yugambeh Aborigines resisted the loss of their traditional land and country. In response to this resistance, it was the Native Mounted Police that were deployed to the district, and others
like it across the country to use indiscriminate force. By 1861 it is reported that the Logan River Aboriginals were forced from their land, driving them onto Stradbroke and Moreton Islands, or south to Northern New South Wales.'

These many stories reflect a rich and varied history. Congratulations to our whole community. (Time expired)

Parramatta Electorate: Multicultural Mawlid Concert

Parramatta Female Factory

Ms OWENS (Parramatta) (11:53): I want to talk about three great events in my electorate of Parramatta. Earlier this week the Darulfatwa Islamic High Council of Australia and the Islamic Charity Projects Association held their eighth annual Multicultural Mawlid concert. Because of the pressures of parliament I was unable to attend this year, but I have gone to Mawlid concerts in the past years and they have always been incredible events. Western Sydney is home to so many languages and cultures and the Mawlid concert brings so many of them together. The concert is first and foremost to commemorate the birth of the Prophet Muhammad, but is also a great day out for families in the larger community. The event also marked the opening of the International Islamic Peace Conference, which is taking place in Sydney this year.

This year the concert was actually a musical play, with more than 170 actors and performers from Australia, Lebanon, Sudan, Iraq, Turkey, Malaysia, Indonesia, the Uyghur community, Pakistan, Bosnia, West Africa, Palestine, Syria, KSA and America—it sounds like my local suburb. The Islamic Charity Projects Association chanting band also performed. For those of you who haven't heard it, it is really worth hearing. The huge audience from right across Australia watched this performance, along with over 100 international academic and religious leaders. Congratulations to both Darulfatwa and the Islamic Charity Projects Association on such a successful event. Events such as the Mawlid concert are a great reminder of the riches of Western Sydney, and I look forward to joining them next year—fingers crossed that parliament doesn't sit at the same time.

Our community recently received great news concerning the Parramatta Female Factory, one of our greatest heritage assets. After years of campaigning by the local community, the Parramatta Female Factory was finally placed on the National Heritage List last month. I have spoken in this place many times about why the factory is so special, and I thank the Australian Heritage Council for recognising the inherent value of this site.

I'd also like to thank a whole lot of people who have looked after this site and argued for it and protected it for so long: Bonney Djuric and Jacinta Tobin from Parragirls and the Parramatta Female Factory Precinct Memory Project; Suzette Meade and all the members of the North Parramatta Residents Action Group; Gay Hendricksson, June Bullivant, Ronda Gaffey and all of the people who volunteer for the Parramatta Female Factory Friends; and, of course, the National Trust. It's a time to celebrate this achievement but also to recognise that the fight is not yet over.

The Parramatta Female Factory deserves and needs to be World Heritage listed. The national heritage listing provides protection for part of the site, but the New South Wales state government and UrbanGrowth, its development arm, are intent on developing thousands of
units up against the walls of the factory. To join the campaign, I urge people to sign the Parramatta Female Factory Friends petition calling for World Heritage listing so that the community and future generations can enjoy this fantastic piece of history right in the heart of Parramatta. The oldest female convict factory, a Greenway building, right in the heart of Parramatta deserves World Heritage listing.

Earlier this month, I visited our wonderful Granville Boys High School for White Ribbon Day. It is on 25 November, the United Nations International Day for the Elimination of Violence Against Women. There were a number of events in the electorate of Parramatta, many of which were led by our young men and women. Thank you especially to Granville Boys High School for inviting me to be part of the very special assembly and morning tea. Granville Boys High School is an official White Ribbon School, after taking part in the Breaking the Silence Schools Program in 2016. Breaking the Silence supports schools to implement programs that stop violence against women, and educate and empower young men to create cultures of respect and equality in all areas of their lives. Through changes to the curriculum, educational programs, increased interaction with the community, and the actions of their staff, the young men at the school are part of the solution rather than part of the problem.

Thanks go to Angela Barker for her powerful address as a survivor of domestic violence, and thanks go to the wonderful principal, Linda O’Brien; Jessica Cashman; and the rest of the teachers for creating a safe and challenging space for our fabulous young men at Granville Boys. They make me hopeful about our future—and, as principal Linda O’Brien knows, I just love the boys at Granville Boys; they make me smile. Walking through Parramatta, there were white ribbons tied on to the gates of schools and office buildings. I am incredibly proud of the young men and women who have embraced this cause.

Illicit Drugs

Mr IRONS (Swan) (11:58): Ice is a problem that is not only in Australia but all across the world. But now Perth has become the ice capital of Australia, and today I want to talk about the effects it is having on our community, and maybe something we can do about it. Our police forces, our health forces and our judiciary are working as hard as they can to sort this problem out, but it needs more than they can do—and they are all doing a fantastic job. I’d like to talk a little bit about a gentleman who lost his son to a drug tablet, and also about an education program that’s being run in the US which has had magnificent success. It is something I’m looking at trying to implement in my electorate of Swan, and, hopefully, it can steamroll from there.

I’d like to mention Rod Bridge, who has taken action to educate schoolchildren and educate the whole community about the issues around his son. At age 16 his son, Preston Bridge, passed away when he jumped from a balcony at Scarborough after taking a single $2 synthetic LSD tab. Preston made one bad choice while celebrating after his end-of-school-year ball. The tab he took was supplied to him by a school friend. It had been purchased from the website Silk Road and was posted direct to a mail address in Australia.

The legacy of Preston and his family now is to educate others about the dangers of synthetic drugs and the so-called research chemicals. Synthetic drugs are those that are made to mimic illicit, unlawful drugs at a fraction of the price. The producers say they are manufactured for the purpose of medical research, but there is no evidence of them being used
for medical research anywhere in the world. There are psychoactive or hallucinogenic party drugs worth millions of dollars coming into Australia on a daily basis. Unlike with pharmaceutical drugs, no measurements are used during manufacture, making the finished product different in quality every time they are made. Online ordering and rapid delivery by door-to-door couriers currently make purchasing too accessible. With limited detection methods, the amount coming into Australia is on the increase. The scourge is already having unprecedented effects on individuals in our community and, as I said, Perth has become the ice capital of Australia. An education program on the negative effects that substance abuse, particularly of synthetic psychoactive substances, has on people and society needs to be made available to these people to make them aware of what's going on.

I mentioned a program being run in the US, and I'll briefly touch on that. I will read from the paper 'Thomas and Stacey Siebel Foundation and the Meth Project', from the Stanford Graduate School of Business:

On a beautiful sunny day in November, with a hint of snow on the ground, Tom Siebel, founder of Siebel Systems, was bird hunting in Montana where he has resided part-time for over 40 years. While out in the fields, Siebel and his friend John Stevens, a sheriff in Cascade County, discussed how methamphetamine ("meth"), a highly potent and addictive synthetic stimulant, had become a significant problem for law enforcement in the state. Siebel’s friend told him that the county's 17 sheriffs spent nearly all of their time busting meth labs. In 2005, Montana was ranked number five in the country for meth abuse and half of the children in the state placed in foster care were removed from their homes for reasons related to meth. Montana was not alone, however; at the national level, the meth problem was also severe. Meth had become the leading drug threat to the United States, according to the U.S. Department of Justice’s National Drug Intelligence Center (NDIC).

At lunch with his friend later that day, Siebel recalled: "For some reason, I just asked him, 'John, how do you make this meth?' He told me that you go to the hardware store, buy a gallon of Coleman lantern fuel, then you go to Walmart and buy a bunch of Sudafed tablets, then you put the Coleman lantern fuel in a pot, grind up the Sudafed tablets, and you put that in the pot. You then take some red road flares out of the back of your pickup truck, take the insides of that and put it in the pot. Then you go to the garage and get some acetone and put about a quarter-cup of that in. Then you go under the sink and put some Drano in the pot, take lithium out of the rechargeable batteries from your Sony camera, put that in the pot, and then you mix that and boil it and what's left is a white powder and that is methamphetamine." Siebel said Stevens' description of how meth was manufactured affected him at a visceral level, and the challenge facing law enforcement in dealing with meth got his attention. Thus in 2005, he and the Siebel Foundation team—including Executive Director Nitsa Zuppas—established the Meth Project to address the problem.

I'm running out of time, but I know there are no other coalition speakers after me, so I'll be back in five minutes to finish the story.

Australian Greens

Mr CONROY (Shortland) (12:03): Last Saturday marks the eighth anniversary of the Greens political party voting down the Carbon Pollution Reduction Scheme in the Senate, a criminal act against this planet. I don't exaggerate. That was a crime committed against the planet that demonstrated the hypocrisy of that political party, because they put their sordid political interests ahead of the needs of the environment. I might say they are opportunists of the highest order. They put their political interests ahead of the needs of the environment, a cause that they were supposedly founded to protect.
Let me go through it. They opposed the CPRS because, supposedly, it wasn't environmentally strong enough. They decided they needed to hold out for something more pure that somehow would protect the environment more.

What rubbish! How can I say that with such certainty? Because within two years they supported an emissions trading scheme, through the Clean Energy Future package, that was much browner, had greater protections for industry, provided twice the amount of money for legacy coal-fired generation—$7 billion versus $3 billion—provided an additional $300 million for the steel industry, granted 94½ per cent free permits to emissions-intensive trade exposed industries, locked in a default emissions reduction target of minus five per cent and was nowhere near as broad in its application of a carbon price to the transport sector. If this was about policy purity, why could they support, two years later, a scheme much browner than the scheme they voted down? It was because they wanted the 2010 election to be fought on climate change. They knew, if they kept the issue in the headlines, it would maximise their vote. It was an act of pure political cynicism by Bob Brown and Christine Milne, and they should be condemned by history for putting their political interests ahead of the needs of the environment.

We've seen lots of rubbish in rebuttal to my media release outlining this issue. The worst example, the most ahistorical one, was that it didn't matter if they voted no, because it wouldn't have passed the Senate anyway. What rubbish! They can't even read Hansard. If they'd revisited the Hansard from that vote, they would've realised that two Liberal senators, Senator Judith Troeth from Victoria—a much respected departed colleague—and Senator Boyce from Queensland, voted yes for the CPRS. The five Greens Senate votes were the swing votes. If they'd voted yes, it would've passed 38 to 36, and we would've had a soft introduction of a $10 carbon price. After a year it would've moved to the international carbon price, which would've been globally competitive. The world wouldn't have ended. Whyalla would still have existed. The sun would still have shone. People would've realised that they could live with a carbon price. We would've made the necessary transition and taken advantage of the opportunities for a low-carbon future.

Instead, the Greens set in train a series of events that directly led to the hung parliament, then to the ridiculous and disgraceful scare campaign by Tony Abbott that led to the election of Tony Abbott, the member for Warringah, in 2013, which led to the current four years of dysfunction and chaos that we've seen with this government. That all came from that single cynical action of voting down the CPRS. The Greens committed a crime against the planet. They have on their hands the blood of the planet, something they were founded to protect. It shows yet again that they are as cynical, desperate and opportunistic as any other political party in this country, and what makes it worse is that they're hypocrites. They claim to be above the hurly-burly, the knife fight that is politics. They claim to be pure, holier than thou, but they are just as cynical as the worst Sussex Street operator, just as bad as the spivs in the WA Liberal Party, just as cynical as Graham Richardson, and they will be condemned in history because they've put back the cause of climate change in this country by at least 10 years and opened up the door to Tony Abbott. I stand to condemn them. I stand to say: as long as I'm in this place I will never let them live down the fact that they put their political interests ahead of the planet. Shame, Greens, shame!

A division having been called in the House of Representatives—
Queensland: Infrastructure

Mr ALBANESE (Grayndler) (12:26): A key issue in the recent Queensland state election was the future of the Cross River Rail project. The Labor team of Annastacia Palaszczuk, re-elected as Premier, promised to build Cross River Rail. Jackie Trad, the re-elected Deputy Premier, as the infrastructure minister, promised to build it. The coalition opposed it. Labor won a decisive victory, picking up seats, particularly in South-East Queensland. What the Cross River Rail project will do by providing a second river crossing is expand the capacity of the entire rail network, not just in Brisbane, but for the Sunshine Coast and the Gold Coast. This is a project that was approved by Infrastructure Australia in 2012. It was the No. 1 project on the Infrastructure Australia priority list. So we put funding in the budget for it in 2013. Indeed, we had an agreement with the Newman government and with Scott Emerson as their transport minister to fund it: $715 million from both levels of government and an availability payment model to ensure financing for a project that would create thousands of jobs in construction, lift productivity and address the issue of urban congestion. We know that urban congestion cost the Australian economy $16.5 billion in 2015 alone. That's why this project should be funded. The agreement with Campbell Newman's government was based upon that mixture of grants as well as innovative funding mechanisms like value capture for the new stations around Woolloongabba and along the route.

Tony Abbott, when he became the Prime Minister, scrapped that arrangement—he came to office saying that he would withdraw all funding from any public transport project that wasn't under construction. He said in 2009 in his book Battlelines that this was an ideological position. He said:

Mostly, there just aren't enough people wanting to go from a particular place to a particular destination at a particular time to justify any vehicle larger than a car, and cars need roads.

That was the philosophy outlined in Tony Abbott's book Battlelines. He became Prime Minister and he put that philosophy into action. He had no understanding of cities and that the need to move vast numbers of people can only be done through public transport. There is of course a role for roads. That's why we funded the Ipswich Motorway and that's why we funded upgrades to the Gateway Motorway and other road projects in Brisbane and South-East Queensland, such as the Pacific Motorway.

But Cross River Rail is the game changer. With the change in prime ministership, we now have a Prime Minister who likes taking selfies on trains; he just won't fund them. He should fund this project because it has been voted for by the people of Queensland over and over again. Indeed, the former Minister for Transport and Main Roads, Scott Emerson, who I sat down and negotiated the arrangements with, lost his seat in parliament. He was one of the people who fell over due to their failure in the Queensland election. I'm conscious of the fact that Tim Nicholls, the extraordinary leader of the LNP in Queensland, this numpty, won't even concede defeat even though it is very clear that he has lost the election and that the Palaszczuk government has been re-elected. Queenslanders got it right on Cross River Rail. It's now time for the Commonwealth government to come to the party and to help fund this project and to do what the current Prime Minister says he supports—engage in cities policy, engage in urban policy, support public transport and fund the Cross River Rail project.
Queensland State Election

Mr BUCHHOLZ (Wright) (12:31): In the recent state election, there were some heartfelt battles in my electorate. I want to acknowledge some of the incredible work that was done by some of our local LNP candidates and acknowledge some of the outgoing members. Ian Rickuss, a tireless warrior for the LNP in the Lockyer Valley, announced his retirement some 12 months ago. As a result of that, the seat was contested by the deputy mayor over there in the Lockyer Valley, a bloke named Jim McDonald, a local senior sergeant of police. The seat was heavily contested by One Nation. It was expected to go to One Nation, but the incredible tenacity of the LNP team over there meant they hung onto that seat. I want to acknowledge Jim, the campaign team and those people who worked on the ground for the incredible work they did in that space. My heartfelt congratulations go to all of that team.

In the middle of my electorate and totally encompassed is the seat of Scenic Rim, held by Jon Krause. John also held onto that seat. He did an incredible job. He had an amazing campaign team around him. All strength to his arm. Over on our Gold Coast side, in the seat of Mudgeeera—10,000 electors are part of that electorate in the federal electorate of Wright—is Ros Bates. She is just a cracker. She's the shadow opposition minister for domestic violence and does an amazing job moving around the state of Queensland, espousing the party's positions on domestic violence. One of the people who were not successful was Sid Cramp, the member for Gaven. Three thousand of his electors fall into my electorate. Sid worked tirelessly through the campaign. I don't know if he's conceded yet but, unfortunately, it doesn't look like we're going to get that seat.

I also want to acknowledge the volunteers within the party and how fortunate we as an organisation are to have those volunteer man-hours. It was an arduous campaign because we had to take up the fight on many fronts. We had to take the fight up to Labor. We had to take the fight up to the Greens. We had to take the fight up to GetUp! We had to take the fight up to the CFMEU and the other unions. Arduous battles were had. We also had to fight a new foe in One Nation. So we had very few allies out there and it was just so comforting that, with everything that was thrown at these members, the LNP were still victorious through the bulk of my electorate.

The electors of Wright, with their state voice, know how important jobs are in this country. The Turnbull-Joyce government is putting no less than 1,000 jobs a day into the economy. No less than 355,000 jobs were created this year—that's nearly 1,000 jobs a day—85 per cent of which are full-time jobs going to small business. Why is small business employing people? Because we've got the tax policy settings right. Our instant tax write-off and our appetite for a decreasing company tax rate are creating the engine room that is driving the economy.

The largest contributor to GDP in my electorate is agriculture. Our free trade agreements are providing new opportunities, new frontiers, new trading opportunities for businesses in the agricultural sector as they look to enhance and increase their international opportunities. You have two duopolies like the two major retailers screwing you down on price, and you now have the choice to go overseas with your product and sometimes get a 50 to 60 per cent better price. The free trade agreements have assisted. Our local communities are strong only if we have a strong agricultural sector. If we have a strong agricultural sector, we have strong communities, we have money flowing through our businesses, and we have fewer people looking for employment. I want to offer my congratulations to all those who were victorious.
New South Wales Government

Ms HUSA (Lindsay) (12:36): I rise to place on record how out of touch this government is, not only the government here in Canberra but also the New South Wales state government, which is about to knock down two perfectly good stadiums, one which was only built recently. The government is about to spend $2.5 billion on stadiums that do not require knocking down and rebuilding, and it is being done at the expense of so many other infrastructure projects in my community, in particular.

They're knocking down and rebuilding these stadiums, but we're happy to offer some suggestions on some of the alternatives that they might like to spend their $2.5 billion on. For example, we could build four regional hospitals. I know, Deputy Speaker, that in your part of the world that might make sense. We could build 139 primary schools, especially when we look at the growth in our country and how many more kids will need to go to school. There is also the secondary school dilemma we currently have in my electorate of Lindsay. That would be 62.5 high schools. And what about the Nepean Hospital—I have to get up in here week in and week out and tell everybody that it is still the most-under-pressure hospital in New South Wales. But we don't have a billion dollars coming to it, like the other four major hospitals in the community. We only have $550 million. It won't even bring us up to the standard that we needed yesterday, let alone what we'll need in five years' time.

So, we see $2.5 billion being spent to knock down and rebuild two perfectly good stadiums. You've got to give the Liberals in New South Wales credit for their stupidity on this, because the public are not a bunch of mugs. They understand and they know when money is being wasted and when it is being flaunted. And it is not their money to waste; it is taxpayers' money. The taxpayers demand better and have asked for better. They've signed a petition that already has over 150,000 signatures, and that number was reached in under 24 hours. Congratulations to Peter FitzSimons for organising it.

We also have a brand new toll on a road that was previously tolled. We removed the toll road, they then extended it and now we have a brand new toll, which will cost people in my electorate $2,500 per year more, simply just to get to and from work every day. That is completely unacceptable and incredibly out of touch. But it is something we see over and over again from this government.

The changes we now see to the train timetables look to me like a slow passage to privatisation of the trains, when the government will turn around and say 'It's not our business to run these trains.' It will add about 15 minutes each way to the journey of commuters in my electorate, 83 per cent of whom have to travel for over an hour each day to get to and from work. We also have the proposal to build the world's largest incinerator, which is quite a backwards way of dealing with waste, but we won't labour too much on that point. It's going to be 800 metres from homes, and dumped on the doorstep of a local school, without any adequate environmental protections. I think it would be humorous to refer to 'adequate protections', because I'm not sure the government knows that such things exist for such a large project.

Let's talk about the 24-hour airport that has been dumped on my doorstep. We are being told that we are going to get all of the jobs for the local people. It has no infrastructure to go with it. When we ask about the details, about the transparency, it is, unsurprisingly, lacking. The Minister for Infrastructure and Transport has invited me to a briefing today at almost five
o'clock, when we should be leaving here instead of sitting down to deal with this. He has knocked back my request on two occasions to be appointed to the committee that is considering this, even though that airport falls within my electorate. He's on the board for the Mascot Airport, and that is not even in his electorate, along with 10 other MPs.

We also haven't forgotten the promises that those opposite made at the last election to reduce power bills by $550 per year. In my community, where temperatures during summer hit peak, that would make a massive, massive difference. They haven't forgotten that promise that was made and that has been broken. Not only has the promise been broken; it's been substituted not with $550 but with $150, which is about 50c per week—which won't make a difference when they're paying additional tolls. Since 2013, the annual bill in my electorate has risen by close to $1,000, yet those opposite continue with their cuts—cuts to schools, cuts to TAFE, cuts to our local university. We want better schools, better results and better support, and those opposite are out of touch.

Melbourne Electorate: Multiculturalism

Eritrea

Nuclear Weapons

Mr BANDT (Melbourne) (12:41): There's no place for racism in our community. Melbourne, and my local neighbourhood of Flemington, is a place where we stand together proud of our diverse and multicultural community. A visit to Flemington and Kensington last night by an American Far Right neofascist brought Australian Far Right groups into our community as well. I want to congratulate those who responded with peaceful protest and with a strong message of antiracism and support for multiculturalism. Unfortunately, it seems that provocations by the racist Right led to some violence.

I'm also very concerned about reports about the police response, not only against antiracist protests but particularly against many residents of the Debney's Park community who were not involved in the protest. In particular, reports of police chasing residents and the indiscriminate use of capsicum spray well into the night on the public housing estate are very disturbing. I've written to the chief commissioner to request an investigation and a briefing.

To members of the Flemington community who experienced violence and intimidation from racist groups or the police, I want to send a message of solidarity. I will work with people in the community to respond to these attacks and I will stand up for you.

I want to express my solidarity with the members of the Eritrean community in Melbourne. I would like to express my support for the work you have done in raising awareness about Eritrea and the human rights abuses happening there. I understand that so many of Australia's Eritrean community are unable to return to their country of origin for fear of persecution. I'm very happy that you have been able to call Australia home, but I also understand the importance to many people of remaining connected with their countries of origin and families abroad, which is why it was shocking and sad to hear stories of family members of people from Melbourne being captured while trying to flee the oppression of the Isaias regime. I know that, in many cases, people from your community had to pay ransom to the government to release your parents whenever some of your family members evaded the indefinite military service by taking the dangerous journey by foot to Sudan and Ethiopia. I was astounded to learn about how Eritreans have been the victims of so many global and regional calamities,
from the refugee crises in Europe and the Mediterranean to the refugee kidnappings and organ harvesting in Egypt and even the slavery in Libya.

On 5 November, the community demonstrated to amplify the voices of those continuously silenced in Eritrea. I want to tell the community and the House that so far you have been successful in doing so. Because of the community's work, more Australians are learning about one of the world's youngest countries and the trials and tribulations of its people all over the world. I'm listening and I'm willing to work with you to create the change that you envision for your community so that all around the world people can enjoy the rights and freedoms that we take for granted here in Australia.

I also stand in parliament today to congratulate the International Campaign to Abolish Nuclear Weapons. ICAN representatives, including a survivor of the Hiroshima bombing, will soon be in Oslo to receive the Nobel Peace Prize, awarded for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its groundbreaking efforts to achieve a treaty based prohibition of such weapons. ICAN is a global coalition active in 100 countries, but it opened its first office in Carlton in my electorate of Melbourne in 2006. I'm so proud to know that an organisation dedicated to the abolition of nuclear weapons was launched in my electorate. I congratulate all of my constituents and others around the world who've worked so hard and who richly deserve this recognition. The abolition of nuclear weapons is an urgent humanitarian necessity. Generations of people around the world have lived with the threat of catastrophic nuclear war. ICAN has led the way towards the international Treaty on the Prohibition of Nuclear Weapons, which was adopted with the support of 122 nations in July this year. Unfortunately and shamefully, Australia was not one of them. Disgracefully, our Prime Minister has not even congratulated ICAN on its achievement in winning the Nobel Peace Prize. Australia must not stand on the wrong side of history. In congratulating ICAN today in parliament on its achievement in winning the Nobel Peace Prize, I call on the Australian government to sign the Treaty on the Prohibition of Nuclear Weapons.

**Illicit Drugs**

Mr IRONS (Swan) (12:46): I am in continuation with regard to the anti-methamphetamine education program I was talking about before. I described how this education program had been introduced in Montana, which had been ranked the fifth-worst state in the whole of the USA.

In September 2005, the Meth Project launched an aggressive public education campaign of saturation-level advertising. After two years of the Project, teen meth use had declined 45 percent, adult meth use declined 72 percent, and Montana went from ranking fifth in the nation for meth abuse to number 39. The campaign continued and by 2009, teen meth use in Montana had declined by more than 63 percent, and meth-related crimes had decreased by 62 percent.

Other states also got on board. Part of the program was engaging the community and getting the whole community involved to assist the police and the services that were fighting against meth. Teens committed to the Montana Meth Project, and that commitment has remained steady over many years. In 2009:

The state of Montana had pledged $500,000 over a two-year period for the Montana Meth Project, but teens wanted elected officials to double that amount to $1 million. The teens put together a petition and gathered 55,000 signatures over a six-month period. Then, in the largest teen demonstration in
Montana's history, more than 2,300 youths came from across the state to march to the steps of the state capitol in Helena, escorted by a Blackhawk helicopter, recovering meth addicts, local Native American tribes, teachers, parents, and volunteers of all ages.

This is an example of a program I am going to try to roll out in my electorate by engaging the community to assist. It's about education and about parents having that discussion with their children, telling them what methamphetamines are made of and convincing them why they should never, ever take even one tablet. I applaud Rod Bridge and David Hobbs for the work they're doing in educating schoolchildren throughout the state of Western Australia. I implore my constituents in Swan to go to my website, steveirons.com.au, and register their interest in getting involved in a community program against methamphetamines in Western Australia and in Swan.

Mr Deputy Speaker, I also to take this opportunity to wish you, your family and all my colleagues a very merry Christmas. Every year I try to get a speaking spot on the last sitting day of the year. To all my colleagues on the opposition benches, merry Christmas, and we look forward to seeing you all back here. I hope you enjoy the time you have with your families, who well deserve you back at their homes, and the same to my colleagues. The year is finishing on a high note for many people. Hopefully, we'll see the result of that this afternoon in the chamber. I also take this time to thank my staff, who have supported me so strongly over the last year; my wife, who is here; and my nephew, Dejaun Ferriere, who attended parliament for the first time today.

Question agreed to.

Federation Chamber adjourned at 12:49
QUESTIONS IN WRITING

Australian Tax Office
(Question No. 804)

Dr Leigh asked the Minister for Revenue and Financial Services, in writing, on 4 September 2017:

(1) Did an outbound mail outage occur at the Australian Taxation Office (ATO) in August 2017; if so:
   (a) for what length of time, and
   (b) has the Government sought or received correspondence from the ATO on this incident and its impact, if so, can it be provided.

(2) What is the average number of outgoing correspondence (letters) per week at the ATO, and what is the addressee breakdown by:
   (a) tax agents,
   (b) tax payers, and
   (c) other.

Ms O'Dwyer: The answer to the honourable member's question is as follows:

(1) An issue was experienced with the system that stores copies of ATO documents, this impacted some outbound mail items. The issue did not impact the availability of any external facing ATO systems, nor the ATO's ability to send and receive activity statements, income tax returns, electronic payments or refunds.

   (a) 13-17 August.

   (b) A briefing was provided to the Minister for Revenue and Financial Services' Office.

(2) The average per week is 1.9 million items of correspondence. Only a proportion of these were impacted by the outbound mail issue.

   (a)-(c) Based on correspondence issued in 2016-17 approximately 75-80 per cent of letters went to an agent, with the balance going to the client (taxpayer). Other recipients are not recorded.

Weather
(Question No. 818)

Ms Sharkie asked the Minister for the Environment and Energy, in writing, on 13 September 2017:

(1) Does the Government project increases in severity and frequency of coastal storms in Australia, and (a) what is the summary of those projections, and (b) what are the projections for South Australia.

(2) In the wake of Cyclones Debbie and Yasi in northern Queensland, Cyclone Pam in the Pacific, and Hurricanes Harvey and Irma in the United States, how well prepared is Australia for future coastal storms and cyclones.

(3) Has the Government issued an official response to the communique of the 2017 Australian Coastal
Councils Conference, and if not, why not.

(4) Does the Government have plans to develop an intergovernmental agreement on coastal zones, if so, what are those plans, and if not, why not.

Mr Frydenberg: The answer to the honourable member's question is as follows:

1 (a). Advice from the Bureau of Meteorology is that there is a relatively moderate degree of scientific certainty that coastal storms in Australia will become less frequent but increase in severity.

1 (b). Advice from the Bureau of Meteorology is that there is a relatively high degree of scientific certainty that coastal storms in South Australia will become less frequent but with the impacts of storms being more severe due to higher sea levels and increased rainfall.

2. Under Australia's constitutional arrangements, state and territory governments have primary responsibility for the protection of life, property and the environment, including preparing for and responding to coastal storms and cyclones. The Australian Government supports state initiatives by coordinating national efforts in building resilience through research, provision of information, and resilience policies and programs.

The Australian Government provides underpinning research and information, primarily through CSIRO and the Bureau of Meteorology, to ensure that others within society can make informed decisions and adjust their behaviour in response to climate risks. The Bureau of Meteorology provides warning and information services about coastal storms and tropical cyclones. The Bureau's website provides a preparation and safety checklist that individuals can use to prepare themselves before storms or cyclones.

Through Australian Government funding, the National Climate Change Adaptation Research Facility has developed CoastAdapt – an online tool enabling access to the best available science and advice on coastal climate risks and regional sea-level rise projections. This tool supports adaptation to coastal climate change and sea-level rise and includes information about adapting to future coastal storms and cyclones. The CoastAdapt tool is available at: https://coastadapt.com.au/

In line with the National Strategy for Disaster Resilience, the Attorney General's Department, through Emergency Management Australia, manages programs that support Australia's resilience building. The Australian Government also collaborates with state and territory governments to fund priority disaster resilience initiatives through the National Partnership Agreement on Natural Disaster Resilience.

3. No. As outlined above, coastal management is primarily a state and territory responsibility.

4. No plans are currently in place for the Commonwealth to develop intergovernmental agreements on coastal zones and, as outlined above, coastal management is primarily a state and territory responsibility.

**Australian Tax Office**

(Question No. 819)

Ms Sharkie asked the Minister for Revenue and Financial Services, in writing, on 13 September 2017 -

(1) What is the current full-time equivalent (FTE) staff resourcing for the Superannuation branch of the Australian Tax Office (ATO).

(2) How many FTE staff are currently allocated to recovering unpaid Superannuation Guarantee Charge (SGC).

(3) What is the expenditure allocated by the ATO to recovering unpaid SGC.

(4) Has she considered conducting a moratorium for employers with unpaid SGC to provide them the opportunity to ’come clean and make good', and
(a) if not, why not,
(b) if so,
(i) what models for a moratorium has she considered, and
(ii) is she considering the introduction of a moratorium before the end of the current financial year.
(5) Has she reviewed how the fines and interest charges associated with unpaid SGC incentivise or deter the payment of superannuation to employees by employers, and
(a) if so, what were the conclusions of that review,
(b) if not, will she be conducting such a review, and
(i) if so, when,
(ii) if not, why not.

Ms O'Dwyer: The answer to the honourable member's question is as follows:
(1) The current full-time equivalent (FTE) staff resourcing for the Superannuation branch of the Australian Tax Office (ATO) is 753.39.
(2) The ATO currently have 375.5 FTE staff allocated to recovering unpaid SGC.
(3) The expenditure allocated by the ATO to recovering unpaid SGC is $39.092m.
(4) The Government is committed to giving all Australians confidence that the superannuation system is working in their best interests. The Government has announced a package of reforms to safeguard and modernise the Superannuation Guarantee system to ensure employers can't hide from their legal duties.
(5) In December 2016, I established a Cross-Agency Working Group (the 'Working Group') - comprising officials from the ATO, the Treasury, the Department of Employment, the Australian Securities and Investments Commission and the Australian Prudential Regulation Authority - to report on the operation, administration and extent of non-compliance in the superannuation guarantee system in Australia. The Working Group's Superannuation Guarantee Non-compliance Report 'the Report', was published on 14 July 2017.

The Report considered the Superannuation Guarantee (SG) Charge penalty framework and its impact on employers voluntarily correcting SG non-compliance.


Indigenous Protected Area

(Question No. 826)

Ms Sharkie asked the Minister for the Environment and Energy, in writing, on 14 September 2017:

In respect of the Indigenous Protected Area (IPA) network which represents 44.6 per cent of Australia's National Reserve System and for which funding is due to expire in June 2018:
(1) Will the Government be extending the funding contracts of the IPA network to June 2023 in line with the National Landcare Program under which IPAs have been funded?
(2) When will he:
(a) announce the future of IPAs, and
(b) deliver contract extensions to the organisations managing IPAs.

Mr Frydenberg: The answer to the honourable member's question is as follows:
(1) In the 2017 Budget, the Government committed more than $1 billion for phase two of the National Landcare Program. This includes $15 million of new funding for IPAs, in addition to an investment of $93 million for the ongoing support of existing IPAs, including those in active consultation, to June
2023. All IPA funding agreements are due to end on 30 June 2018. Contract extensions will be negotiated for existing IPAs, subject to organisations meeting programme performance requirements.

(2) (a) Future funding for IPAs was announced on 27 September 2017. The Government will provide $15 million of new funding for IPAs, in addition to an investment of $93 million for the ongoing support of existing IPAs. The Department of Environment and Energy is working through how the $15 million will be delivered and will be in a position to advise once a final decision has been made.

(b) The Government is working to determine the processes for extending funding agreements for existing IPAs. The Government expects this will be finalised shortly, to allow contract negotiations to commence early in 2018.