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**Labor**



## TRANSCRIPT

**THE HON RICHARD MARLES MP  
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**E&EO TRANSCRIPT  
TV INTERVIEW  
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***SUBJECT/S: Citizenship, National security***

**DAVID SPEERS:** Joining me now is the Shadow Immigration Minister Richard Marles, thanks for your time.

**RICHARD MARLES, SHADOW MINISTER FOR IMMIGRATION AND BORDER PROTECTION:** My pleasure David.

**SPEERS:** So we've got about one hundred Australians fighting with ISIS in the Middle East, we've got about one hundred and fifty or so here supporting them and we're told roughly forty to fifty per cent of those over there are dual citizens, do you agree the Minister should have the power to strip their Australian citizenship?

**MARLES:** There is a long held tenant in Australian law, in immigration law, that if you take up arms against Australia you lose your citizenship that's actually automatic.

**SPEERS:** If you fight with a foreign army.

**MARLES:** So that I think is the point, the law, the way that it is constructed at the moment envisages a traditional state on state conflict where you're fighting with an army against Australia. The idea that we should be updating that principle to take into account phenomenon like ISIS is an idea which we support and so we will be working with the Government in a constructive way to ensure that the legislation reflects that principle, but we also want to make sure that we give it appropriate scrutiny so that there aren't any unintended consequences in this and it doesn't stray off the path.

**SPEERS:** But your inclination is subject to the detail this is a logical extension of what the *Citizenship Act* currently states.

**MARLES:** I think there is, I think there is a logical extension that is appropriate to be legislated or perhaps to put it another way, there is an appropriate updating to be done to take into account the phenomenon like ISIS but it's also important that we do make sure there are no unintended consequences with this, we want to make sure that any legislation doesn't render people stateless, now we've heard the Minister speak about this but it's important that the legislation does that, we also want to make sure the legislation doesn't undermine existing counter terrorism legislation such as the Foreign Fighters Bill, so we would be wanting to be really clear that there are no unintended consequences here and I guess in circumstances where the Cabinet itself was obviously clearly split on, when they looked at the draft legislation, which I assume they got to see, I'd be pretty keen to get a sense of what concerns members of the Cabinet itself had about the Bill as it was being proposed.

**SPEERS:** Well we've got a pretty good understanding about what some Cabinet Ministers were concerned about and one of those concerns I suppose is whose problem do they become? If you strip their Australian citizenship, be it a dual Australian British citizen, dual Australian Iraqi, dual Australian Lebanese citizen, are you making that terrorist someone else's problem?

**MARLES:** And I think that's a really good question and I think it's important that we do get a really clear sense of how this legislation intends to operate and it does operate in a way which actually promotes our national security. I mean, I think it is a pretty obvious point to make that for anyone who wishes to do Australia harm the best place for them is in an Australian jail and that's a point that I made on Sunday which has been reiterated I might say by many Government Ministers since. Obviously the Government is mindful of that idea to stop.

**SPEERS:** Just tease that out because that is a very good point. Is the best place for any Australian terrorist an Australian jail as you say and does that mean stripping their citizenship might not see them in an Australian jail?

**MARLES:** Well, I think that question is the key question and it's wanting to make sure that nothing which is being done here undermines the ability of our national security agencies to do their work and ensure we are kept safe and again, you know I've heard the Minister reiterate exactly that point, so we'll work constructively with the Government on this but we do want to make sure that it works in that way and I think key to that, David, is making sure that we get very clear advice from our national security agencies about how they think this can best work.

**SPEERS:** Let me ask you to give an example if you can about where you would support stripping someone's citizenship, is there a clear cut case?

**MARLES:** Oh well, I think the answer to that question lies in a principle which currently exists in the law I mean if you do take arms against Australia right now in a traditional state on state context your citizenship is striped automatically, we accept that principle and if you can imagine that in a context like a phenomenon like IS well then I do think it is appropriate that the law be updated to take into account that.

**SPEERS:** Sure, but the difference where it's a state on state conflict under the current law you presumably become a citizen of that other state, you can't be a citizen of Islamic State, Daesh. If they're an Iraqi dual citizen, Lebanese, Syrian is that ok?

**MARLES:** Well good question in the sense of we want to make sure that were not doing anything which limits our, the reach of our law in terms of people who have committed crimes and that's why we would want to make sure that this doesn't run counter in any way to the foreign fighters legislation, important legislation which was moved in a bipartisan way to keep us safe, so we would want answers to that question and I think it does raise the issue of statelessness, and I reiterate, you know I've heard the Minister raise this concern himself so it's good that we are hearing the Minister talk in that way but we want to actually see the legislation, make sure it doesn't have any loopholes in it in that respect.

**SPEERS:** Right, now what about those who are solely Australian citizens or indeed those whose parents may have a foreign nationality that they are able to apply for but haven't yet, these are going to be areas of something further to discussion from the Government, where do you stand on that?

**MARLES:** Again, I think the starting point; perhaps there are two starting points on this - one is obviously the principle which we've articulated about people taking up arms against Australia, but the second is the convention in relation to statelessness, we don't want to see a situation where people are rendered stateless. Now, I reiterate the Government themselves have if you like referenced those two principles as well. We are going to have a good look at what legislation is put forward to make sure that none of those principles are contravened.

**SPEERS:** In any of this, is stripping citizenship going to make Australia safer?

**MARLES:** I think, look I think there are lots of measures which need to, which need to be put in place at this point in time to make Australia safer. We do accept that there is a principle worthy of updating and I think the important point to make in respect of that question is to make sure that aren't any unintended consequences here which do the opposite and so we really want to work with the Government sincerely to make sure that ultimately in a framework of national security that this is legislation which has the effect at the end of the day of making us safer.

**SPEERS:** And how do you judge that? I mean it's a considerable question.

**MARLES:** Well of course but, we've got to go through a methodical, a thorough process, we'll be doing that, I mean the Australian people would expect us to do that as Members of Parliament but I think the point there to make is that you know this was put into the public discourse by the Government more than a year ago, so it's been around as an idea for a long time, the Government has clearly been working on it since then and we obviously going to want to have time here as well so that we can work through this in detail and make sure we get these answers right, because there are lots of difficult questions.

**SPEERS:** There are lots of difficult questions and here's another one Khaled Sharrouf, and now we know this is the poster boy, he has done awful things, beheadings and tweets a lot about what he is doing over there. His wife wants to bring the kids home reportedly, now should they be allowed to come back to Australia?

**MARLES:** Well I think it's difficult to comment on individual cases, I suppose the first point to make there is, you know, is what crimes people may have been engaged in and if people obviously have been engaged in crimes well then they should receive the consequences and the punishment associated with that. But I would make this observation David, when we saw that just appalling image of Khaled Sharrouf's son holding a severed head and I think that boy was seven years old, I mean you're a parent as am I, I have a seven year old son, it is...

**SPEERS:** Gut-wrenching.

**MARLES:** Utterly unimaginable that you could get a child to do that. I can't think of something less that a child would want to do than that, and when I saw that one of the first things that occurred to me was amongst all the victims of what Khaleed Sharrouf has done, his son is one of them, that is an appalling thing to do to your own son and so I guess, I think one of the thoughts that comes to my mind about this is that if that child comes back you know you want to be giving them all the appropriate assessments and care the system could provide.

**SPEERS:** Clearly would need a lot of treatment, your counterpart Peter Dutton I think this morning described it with Kieran Gilbert as savagery what it being done to those kids, but those children even if they are seven years old, ten years old, have done things themselves over there, is that treated as terrorism?

**MARLES:** Well our criminal law looks at age in terms of how criminality is assessed I mean very young children cannot commit a crime under our law.

**SPEERS:** But here's the thing, the court decides that back here but before that happens the Minister would have to decide whether or not to let them in.

**MARLES:** I think the appropriate thing here is that and again this is hard to comment on individual cases, you'd need to be assessing what crimes they may have committed and then have judgements made on that basis, but clearly if people have committed crimes overseas and it is obviously possible to commit a crime under the age of eighteen then they should be receiving the full force of the law, no question about that at all. But I reiterate I think that child is a victim in all of this and that's got to be part of the thinking as well.

**SPEERS:** Richard Marles Shadow Immigration Minister thank you for joining us this afternoon.

**MARLES:** Pleasure David.

**ENDS**