

Australian
Labor



TRANSCRIPT

THE HON RICHARD MARLES MP SHADOW MINISTER FOR IMMIGRATION AND BORDER PROTECTION MEMBER FOR CORIO

**E&EO TRANSCRIPT
TV INTERVIEW
ABC LATELINE PROGRAM
WEDNESDAY, 22 OCTOBER 2015**

SUBJECT/S: Asylum seekers, ChAFTA, Liberal Government's royal commission

TONY JONES, PRESENTER: The Opposition Immigration spokesman Richard Marles did join us just a short time ago from our Canberra studio.

Richard Marles, thanks for being there.

RICHARD MARLES, SHADOW MINISTER FOR IMMIGRATION AND BORDER PROTECTION: Good evening, Tony.

TONY JONES: Now having sent asylum seekers into offshore detention and put them in the care of a private company and the Nauruan authorities, what duty of care does the Australian Government have for a young woman like Nazanin who is raped and left in a pretty horrific state?

RICHARD MARLES: Well, the first obligation that the Australian Government has is to provide safe, dignified and compassionate refuge to those who are in our care. And I do think that whilst these facilities are in another country, the fact that this is an incident of Australian policy, that these are Australian-funded facilities and indeed for those who are found to be refugees in the Nauruan context and are in the community, they're still in Australian-funded accommodation, in all those circumstances, the primary obligation on the Australian Government is to ensure that people are safe when they're there and that obviously applies to women and ensuring that these kinds of events do not occur.

TONY JONES: Well, does that duty of care extend, for example, to allowing a mother to be brought to Australia to help care for a deeply disturbed daughter who's been raped and is still facing the psychological consequences of that?

RICHARD MARLES: Well look, I don't know first-hand the details of these cases. I'm obviously aware of the reporting of them. But again -

TONY JONES: It's been reported for a while. Have you been asking questions about this? I mean, should you, as Shadow Immigration Minister, be in a position to know that? Have you been asking about it?

RICHARD MARLES: Of course and we have received briefings in relation to a number of cases that have happened on Nauru. Of course some of these things, Tony, go to people's individual medical circumstances and that's not an appropriate thing for me to know. That's a matter for people between themselves and their physicians.

TONY JONES: OK, let's just talk about the particular case because we know that the young woman is in care in Brisbane. Her mother has evidently been forbidden permission to join her, her brother as well, in spite of the fact that doctors told both of them that they would be joining her.

RICHARD MARLES: What is clear is that people who are on Nauru who require medical treatment that can only be provided in Australia ought to have that treatment afforded to them. And that treatment ought to be provided with the appropriate time that is needed in order to do that. Now it's difficult to go into - to answer your question in detail without knowing the precise circumstances of the situation.

TONY JONES: Well the one thing we know absolutely for sure is the mother and the brother have not been able to join this deeply disturbed daughter and sister who's still in care in a Brisbane hospital. Should they be? What's your position?

RICHARD MARLES: Well, obviously that's an impossible question to answer without knowing all the details first-hand and whilst we've seen public reporting on that, that does not mean that I'm across all the detail of that. And part of the -

TONY JONES: OK, what detail would justify, for you, a mother being able to come out and care for a deeply distressed daughter who's been raped and is now in care in another country?

RICHARD MARLES: Well, obviously, you'd need to know the facts of all those circumstances and if you're asking me: can I envisage a circumstance where that may well be something that ought to happen?, the answer is: I can. I don't know whether that's the situation here. But one of the things I would point out, Tony, is that a difficulty in respect of the facilities on Nauru and for that matter Manus is that we don't have transparency. There is no independent oversight such as we've been calling for in respect of these facilities.

TONY JONES: Well the Government actually has threatened criminal charges against detention centre staff who speak to the media, but we have a written statement from one of those staff members, who can't be named, obviously. It's an account of incompetent, insensitive police behaviour towards a rape victim. Are the police on Nauru capable of properly investigating sexual assault?

RICHARD MARLES: Well, the primary obligation that the Australian Government has in my view, in respect of both asylum seekers and those who are found to be refugees, is to ensure that people are safe. It is also the case that where incidents do occur and they're reported to the police, that the police need to investigate these thoroughly and perpetrators need to be brought to justice and we should obviously be working with the Nauruan authorities to try and see that that happens.

TONY JONES: Should there then be an investigation of this matter in which the key staff who are unable to speak publicly because of the law are able to give evidence about what actually happened here?

RICHARD MARLES: Look, that may be the case, but again, very difficult to answer that question in circumstances where we just don't have the transparency and the line of sight that we should have, not just I mean as the Opposition, but just -

TONY JONES: Yes, but if there were an investigation - if there were an investigation in which the people who can't speak were able to speak, there would be some form of transparency, wouldn't there?

RICHARD MARLES: Absolutely and indeed that may well be the case, but -

TONY JONES: So do you want an investigation?

RICHARD MARLES: Well, over and above the existence of an investigation, we just need to have much greater transparency so that we know exactly what is occurring in Nauru so that people can have a sense of confidence about the safety that asylum seekers and refugees have when they are in this - in Nauru, both in the facility and in the community. That is what is required here. And that's what underpins our view in respect of how these facilities should be run. I mean, you know Tony that we do believe that Nauru and Manus, the existence of them plays a very important role in bringing an end to a journey which saw an enormous tragic loss of life.

[POLITICAL PACKAGE]

TONY JONES: Richard Marles, welcome back.

RICHARD MARLES: Thanks, Tony.

TONY JONES: Has Labor, as Prime Minister Turnbull puts it, now cut itself off from the slipstream of the CMFEU on the China free trade agreement?

RICHARD MARLES: Well obviously I don't accept the Prime Minister's characterisation in the first place. A China free trade agreement is a critical part of Australia's economic strategy going forward. It's why when we were in government, we were busily seeking to negotiate the China free trade agreement, and indeed, myself as Trade Minister went to Beijing to negotiate this agreement. What it offers for our country in terms of being able to engage with the growing Asian middle class, a significant proportion of which are in China, is an enormous benefit to our economy and we'll see a significant number of jobs created.

Now, having said all of that, the agreement which the Government originally struck with China is not the agreement that we would've struck. There was a legitimate concern amongst many, and that included some in the union movement, that the labour mobility clause was open for abuse. The negotiated outcome that you've seen put into the Parliament today, the work that's been done by Penny Wong, the leadership which has been shown by Bill Shorten, has put in significant safeguards for Australian jobs in relation to this and we'd obviously commend the Government for participating in those negotiations and has dramatically improved the agreement which now finds itself in front of the Parliament.

TONY JONES: OK. So should the CMFEU and the ETU now abandon their campaign against ChAFTA which the Government describes as racist?

RICHARD MARLES: Well look, I'm not about to tell the ETU or the CMFEU how to conduct their business.

TONY JONES: Because they are telling you how to conduct your business.

RICHARD MARLES: Yeah. Well - and the nature of being in Parliament as a representative is that people in our society get to express their views to us, but I'm not about to tell the CMFEU or the ETU what to do and I understand why they would be seeking to put forward their members' interests in the way in which they do. We obviously need to be walking down a path which takes into account the national interest and that absolutely involves the safeguarding of Australian jobs, which is why we did negotiate these package of changes, which is as significant a group of changes as you have seen to a free trade agreement in this country pushed by an opposition put in place by the Parliament.

TONY JONES: Alright. They're not actually a change to the agreement, they're a change to the Migration Act.

RICHARD MARLES: Well what they are - well, to be clear about that, you're right, they're not a change to the agreement, but they're absolutely a change to the way in which Australia engages with this agreement.

TONY JONES: OK.

RICHARD MARLES: They will change the way in which this agreement is applied in Australia.

TONY JONES: Well, the ETU says there are still big loopholes in the deal that you've agreed to. More broadly, the ACTU says there are still problems with 457 visas. Are there exemptions on labour market testing on any of those 457 agreements?

RICHARD MARLES: Well, my understanding is that in some respects there are, but again, the package that has been put forward by Penny Wong sees labour market testing put in place where there are labour agreements. That is a significant safeguard. We do have concerns about the way in which temporary work

arrangements are applying to people in Australia. It's why, as Bill Shorten said today in the Parliament, both myself and the shadow Minister for Employment Brendan O'Connor will be working on a package to look at ways in which a future Labor government would deal with the question of temporary work in Australia, including those on 457 visas.

TONY JONES: But you didn't think it was necessary to put a line in the sand when you were negotiating this deal because the - these unions, in particular the ETU, are saying you've left big loopholes. The ACTU seems to be echoing that. Are you expecting some kind of backlash from the union movement?

RICHARD MARLES: Well, we expect the union movement, and I'm sure they will, to advocate forcefully on behalf of their membership and we'd expect nothing less.

TONY JONES: On the politics of this, the bipartisanship that's now being shown towards the Turnbull Government may well extend to Scott Morrison's proposed changes on family payments. If this continues and Malcolm Turnbull occupies completely the centre ground of politics, what's there going to be left for Labor to campaign on?

RICHARD MARLES: Well, there are a lot of leaps that you've made there in terms of the way things may play out in the future. What we're going to do, Tony, is very simple. We will be looking at developing policy in a way which, frankly, we haven't seen an opposition do in many, many years, what we promised to do this time last year. Developing them from Labor Party values and seeking to put them forward in the national interest. And where that lands us is where that lands us and we think we've got a very good story to tell.

TONY JONES: Final question: how difficult will it be to present yourself as the alternative government if Bill Shorten's leadership is seriously compromised by adverse findings against him and the evidence that he gave under oath at the trade union royal commission?

RICHARD MARLES: Tony, we are talking about a royal commission whose purpose was understood by you and everyone in the gallery, everyone across this country, from the moment it was set up, which was as a target aimed at Bill Shorten. You know, the imprudent actions of the Royal Commissioner himself have borne that out entirely. This is a politically-motivated exercise and that is the starting point by which all of us ought to consider its outcomes.

TONY JONES: Richard Marles, we'll have to leave you there. Thanks very much for coming in to join us tonight.

RICHARD MARLES: Thank you, Tony.

ENDS