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MEMBER FOR CORIO**

**E&EO TRANSCRIPT
DOORSTOP
PARLIAMENT HOUSE, CANBERRA
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SUBJECT/S: CITIZENSHIP, KHALED SHARROUF'S FAMILY

RICHARD MARLES, SHADOW MINISTER FOR IMMIGRATION AND BORDER PROTECTION: After months of division on the part of the Government, after cabinet leaks, cabinet splits, proposals from the Government about stopping citizenship from sole Australian nationals. We now see that this debate has ended up where it began. And this is a position which from the outset Labor has supported. Labor has been very clear about supporting the principle of a sensible update of the *Citizenship Act* to take into account the phenomenon of an entity like ISIS. We have in our law right now for people who take up arms against Australia, lose their citizenship, we support the updating of that and we do so on the basis that it doesn't render people stateless and that would appear to be what is going to be introduced into the parliament today by the Government.

Now we obviously want to see what legislation actually appears later this morning, but I can say that Labor will be working in a bipartisan way, in a constructive way with the Government to affect a sensible update to the *Citizenship Act* which is what should have been happening from the outset.

JOURNALIST: So without seeing the legislation, if the legislation does say what has been announced, Labor will support it?

MARLES: Well we obviously need to see the detail of it, there isn't a blank cheque and no Australian would expect us to give that without actually seeing the legislation. But it would appear that what the Government is now proposing is a sensible update of the *Citizenship Act*, to take into account principles which are already in the law, and to do that on the basis of not rendering anyone stateless and that's what we've been saying from the outset and that is very much a principle that we would support, but we will work constructively with the Government on this, we look forward to this going to the Joint Parliamentary Committee on Intelligence and Security so they can work through the issues on this and frankly this is what should have happened from the outset, this kind of extraordinary political debate that has divided the Government over the last

month has not been edifying. We have been wanting to work in a sensible way with the Government, we look forward to doing that from today.

JOURNALIST: Well the Government has flagged possibly making these laws retrospective, the current legislation isn't, and Tony Abbott said in the committee stage he would like that to be discussed. Would Labor entertain that idea?

MARLES: Look, on that question, on the question of retrospectivity I actually agree with Dan Tehan the chair of that Joint Committee of Intelligence and Security. Dan has made the point in the media this morning that retrospectivity is not something which we normally support in parliaments, but it is a question that needs to be examined carefully by the committee and that's where we think this question should be examined and we will have a look at it then.

JOURNALIST: (inaudible)

MARLES: We want to work through this issue and it's not an idea that we would normally support and I note that Greg Craven's in the media today saying it is not an idea that conservative Governments normally support, but we'll look at what the proposal actually contains today and the appropriate place for this to now go is the committee and we'll work through that issue on the committee.

JOURNALIST: These laws, Section 35C has actually never been tested, it's never been used in its current form now it's being updated so there's actually no guarantee that this will stack up constitutionally, it could still be challenged by the High Court?

MARLES: Well I think you raise an important question Laura and that is the constitutionality of these proposals. It's really important that whatever legislation is proposed today ultimately is constitutional there is no point in the Parliament passing a set of laws which ultimately get struck down by the High Court. I think it's critical that the Opposition is given all the legal advice that the Government has the benefit of seeing, I think it's actually important that that legal advice be shown to the joint committee so they can review it as well because it is essential that whatever legislation we pass in respect to citizenship today is legislation which can stack up in the High Court.

JOURNALIST: So there is no ministerial discretion here but who actually makes the decision about citizenship, I know it's an automatic thing, but is it down to the department, is it down to ASIS, who makes the decision?

MARLES: I think that's another good question Laura, the way the law operates at the moment is that it is automatic; if you take up arms against Australia you lose your citizenship by virtue of taking arms up against Australia and as I understand what is being discussed at the moment it is that principle which would be embodied in the law. How you put the detail around that is something that we would need to carefully examine, the role of the courts, the role of the minister in doing all of that all a really good questions and we want to examine them in detail and again that's the kind of constructive bipartisan conversation

that we want to have with the Government to make sure we get the detail on this question right.

JOURNALIST: What should happen to Tara Nettleton and her children, should she have to face some kind of punishment should we try and rehabilitate them, what are your thoughts?

MARLES: I suppose the first point is people who go off to support ISIS to work with them to give that organisation comfort and indeed to take up arms on behalf of that organisation should face the full consequences of those actions and they should face the consequences of those actions under Australian law. So I think the first point in relation to Tara Nettleton is whatever her future holds it ought to be about facing the consequences of her actions and that is absolutely critical and they should be examined in a lot of detail. As for the children, well to be honest I do feel sorry for the children I think of all the victims of Khaled Sharrouf's actions I think his children are right up there. I as a father myself of a now eight year old cannot fathom what Khaled Sharrouf made his child do, it is just an appalling thing for a father to do to a child and, so you know, I think they are victims in all of this as well and they should be treated as such.

JOURNALIST: Peter Dutton says Tara Nettleton should be making representations to the AFP and that's how she will get home do you understand or do you know whether that's happening, have you sought any advice from the Government?

MARLES: Look I haven't had a briefing on that and I don't know whether that has happened or not but I actually think what the Minister has said makes sense. Tara Nettleton probably should be making contact with the AFP if that's what she wants to do, but I'll be really clear Tara Nettleton is an adult, she made this decision of her own motivation and her own conscience and she should be facing the full force of the law.

JOURNALIST: Richard, just on how these laws will apply here, do you think they will be more effective for those supporting terrorism here at home or is this mainly for overseas because we are only talking about perhaps 90 so it may not even be used, but do you think here it will be effective?

MARLES: Again I think these are questions that we need to talk through with the Government, talk through at the level of the committee, I can imagine a scenario where these laws might apply in relation to people who are here and it's obviously possible, for a whole lot of actions to take up arms on behalf of causes elsewhere which harm Australia and I think we do need to look at the detail on that so I think it is possible that the laws could apply in that circumstance but again these are questions that we want to work through in detail with the Government to make sure we get this right in updating the *Citizenship Act* to take account of modern circumstances.

JOURNALIST: With Tara, obviously because the laws especially at the moment aren't retrospective that would mean she is allowed back into the country?

MARLES: Well look, I think, I'm not absolutely certain it is, but I think Tara Nettleton actually is an Australian citizen so I'm not sure how the laws would apply to her but in any event, the bottom line here is Tara Nettleton should face the full force of the law, she is an adult, she willingly and knowingly made the decision that she did to leave this country and give support to an entity which is an appalling entity and which absolutely is acting against the interests of Australia and seeks to harm our nation and our way of life and I think the important point to make in relation to her is that before anything else Tara Nettleton ought to face the full force of the law.

JOURNALIST: But could be rehabilitated in Australia, do you think it is possible?

MARLES: Look, if we are talking about children, I'll just repeat what I said before, I think amongst all of Khaled Sharrouf victims, his children are right up there and what has happened to them and what they have been exposed to and what one imagines they have been asked to do appals me, so I do feel sorry for those children and they should be treated in the appropriate way given what they have been exposed to and the kind of abuse that they have faced.

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